

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 265
Thursday, July 20, 1978, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Jolly (in 1:40 p.m.)
Lewis
Purser, Chairman
Smith
Walden

STAFF PRESENT

Edwards
Gardner
Howell, Mrs.
Jones

OTHERS PRESENT

Bates, Building
Inspector's Office
Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, July 19, 1978, at 10:40 a.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of SMITH, the Board (4-0) approved the Minutes of May 25, 1978 (No. 261), and June 1, 1978 (No. 262).

UNFINISHED BUSINESS:

10020

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1208 - Multifamily Dwelling and Similar Uses) to permit townhouse use in OL District; and a Variance (Section 640 - Special Exception Uses in Office Districts, Requirements - Under the Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 10' in an OL District located at the SW corner of 17th Street and Cheyenne Avenue.

Presentation:

John Boyd, attorney for the applicant, advised the Board that Mr. Crews was requesting a variation of the OM zoning requirement to allow him to develop an eight-unit townhouse, each unit containing 1,360 square feet of floor space. He further stated there would be parking space available for 16 cars and the access to this parking would be through the alley.

Protestants:

Attorney Rick Loewenherz, 1723 South Carson Avenue, stated he lives in the same block as the applicant and was appearing before the Board as a citizen and also representing Mrs. Maxine Holleman, who owns a very large three-story home in the area. Mr. Loewenherz advised the Board that he and Mrs. Holleman had no objections to

10020 (continued)

the change in use; however, their request was to keep the setback lines and to keep the density to a reasonable degree so that the character of the neighborhood isn't changed considerably.

Mr. Loewenherz stated he had been informed by the City Engineering Department that all alleys run one way, toward the direction of the downtown area. Therefore, all access would be from the opposite end of the alley and would place considerable traffic between the other single-family dwellings to arrive at Mr. Crew's property.

Attorney Michael Freeman, 1701 South Carson Avenue, spoke as a citizen and also as a representative of Mrs. Holleman and Mr. & Mrs. Collins who reside at 1709 South Carson Avenue. His personal objection was that development of this property will increase the traffic load next to this property. He expressed concern that the townhouses would diminish the property values and make the area more dense. In response to Mr. Walden's question, he stated that the setback on all property in the area is 25 feet.

Board Action:

On MOTION of SMITH, the Board (5-0), Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to grant approval of an Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1208 - Multifamily Dwelling and Similar Uses) to permit townhouse use in an OL District; and a Variance (Section 640 - Special Exception Uses in Office Districts, Requirements - Under the Provisions of Section 1670) of the setback requirements on a corner lot from 25' to 10' in an OL District located at the SW corner of 17th Street and Cheyenne Avenue, subject to the plot plan and building plans submitted (Exhibit "A-1"), including trees, and shrubbery as indicated on the plans on the following described tract:

Lots 1, 2, and 3, Block 11, Stonebraker Heights Addition to the City of Tulsa, Oklahoma.

10021

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District located at 12850 East 116th Street North.

Presentation:

Mrs. Wallace Blackwell, RR #3, Box 655, stated they did not realize they had to place the mobile home on at least a 5-acre tract until the home was delivered. At that time they talked with their neighbors and found they had no objections. Mrs. Blackwell advised the Board the trailer would be a home for her daughter and son-in-law while they were students at the University of Tulsa. Her daughter also plans to earn tuition expenses by training horses on the parent's property. The value of the mobile home is in excess of \$20,000 and

10021 (continued)

Mrs. Blackwell said she didn't feel that it would detract from the neighborhood in any way. Mrs. Blackwell submitted letters of approval from the four neighbors and also pictures of the mobile home, her home and other homes in the neighborhood (Exhibit "B-1") and a sketch showing the location of her home and the mobile home in relation to the neighbors.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0-1) with Lewis, Purser, Smith, and Walden voting "aye"; no "nays"; and Jolly "abstaining"; to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home for a period of four years on the following described tract:

The North 420' of the West 285' of the East 705' of the NE/4, NE/4 of Section 8, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

10024

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 15' located north and east of 68th East Avenue and 101st Street.

Presentation:

E. O. Sumner, representing the applicant, stated that the addition was named Sheridan Hills South (Exhibit "C-1") and the 15' had been approved by TMAPC, subject to the Board's approval of the variance. He gave as reasons for the variance, larger houses on the corner lots and a more flexible use of locating the house on the lot.

Protests: None.

Board Action:

On MOTION of SMITH the Board (5-0) with Jolly, Lewis, Purser, Smith, Walden, voting "aye"; no "nays"; no "abstentions"; to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 15' per plat submitted, subject to the houses facing the 25' building setback line, on the following described tract:

Lots 19 and 20, Block 3; Lots 1 and 18, Block 4; Lots 1 and 18, Block 5; Lots 13 and 14, Block 6; and Lots 13 and 14, Block 7; All in Sheridan Hills South Addition to the City of Tulsa, Okla.

NEW APPLICATIONS:

10044

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a flower shop in an RS-1 District located at 3533 South 65th West Avenue.

Presentation:

Mrs. Cochran advised she would like to open a small flower shop and have business enough to be able to make a living by it. She presented pictures of the area (Exhibit "D-1") and advised the Board that at one time a greenhouse and flower shop was located on this property and exhibited a letter of verification (Exhibit "D-2").

This would be strictly retail business and she would pick up the plants as opposed to deliveries to the house. She further submitted a sketch (Exhibit "D-3") showing a 20' x 24' block she planned to add 6' from the house and connected to the house by a breezeway. The addition would be white with black shutters, with a picture window (not a display window), and would look like a part of her home. She felt the parking was ample since there is a half-circle drive which would accommodate 8-10 cars at one time. Mrs. Cochran submitted a letter (Exhibit "D-4") from several neighbors stating they had no objections to the flower shop. In answer to Chairman Purser's question, she stated that there would be nothing stored outside and all delivery boxes would be broken down and picked up by her regular garbage collectors.

Protests: None.

Board Action:

On MOTION of JOLLY the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a flower shop in an RS-1 District as presented on the following described tract:

Lot 9, Block 2, Berryhill Acres Addition to the City of Tulsa, Oklahoma.

10048

Action Requested:

Variance (Section 620.2 (d) 1 - Accessory Uses Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) to permit one business identification sign and two auxiliary informational signs in form of raised non-illuminating letters having an aggregate square footage of 108 square feet on a building zoned OM located at 2843 East 51st Street.

Presentation:

Mr. William Kellough, representing Harry Dickerson of Wichita, Kansas, stated his client was seeking a variance to permit one business sign

10048 (continued)

and two informational signs for the Bryant Institute which will be located in the Fountain Plaza Building and submitted a sketch (Exhibit "E-1") of the sign. A question was raised concerning the amount of parking for the school. Mr. Kellough provided the Board with pictures of the area (Exhibit "E-2"), but was unable to inform the Board as to whether the off-street parking would be adequate for the school.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to continue application 10048 to August 3, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order to resolve the parking question.

10049

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect four duplexes in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 85' to 68' from the center-line of Union Avenue; and a Variance (Section 440 (3) a & c - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the frontage Requirements from 75' to 60' for a duplex; and a request for a variance of the square footage requirements of 9,000 square feet to 8,958 square feet for a duplex.

Presentation:

Mr. Guy Hall, 2427 West 45th Court, advised the Board he plans to build four duplexes on this property per sketch plans (Exhibits "F-1" and "F-2"). He stated a need for good rentals on the west side of the City and felt this would be the most innocuous use of the land in consideration of the neighborhood. In answer to Chairman Purser's question, he said the outside of the duplexes would be a combination of either brick or rock and frame and he submitted a typical elevation and floor plan (Exhibit "F-3"). He also submitted pictures of the lot (Exhibit "F-4") which depicted the density of the trees and growth in the area.

Protests:

Mr. William Finley, 4645 South Vancouver, presented a petition with 26 signatures (Exhibit "F-5") opposing the case on two issues: (1) changing the land use from single-family to duplex and (2) the variance on the 10,000 square feet required for a duplex. He expressed his concern for traffic congestion in the area due to the shortage of parking space.

Mrs. Mildred Chaney, 4619 South Vancouver, supported Mr. Finley's statements and further stated she felt the area would be fine for single-family homes, but would be too congested if duplexes were built.

10049 (continued)

Board Action:

On MOTION of JOLLY, the Board (5-0) with Jolly, Lewis Purser, Smith, Walden voting "aye"; no "nays"; no "abstentions"; to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect four duplexes in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 85' to 68' from the center-line of Union Avenue; and a Variance (Section 440 (3) a & c - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 75' to 60' for a duplex; and a request for a variance of the square footage requirements of 9,000 square feet to 8,958 square feet for a duplex as presented, and per plot plans submitted (Exhibit "F-6"), on the following described tract:

The South 120' of Lot 2; and the South 120' of Lot 9, Block 1, Greenfield Acres Addition to the City of Tulsa, Oklahoma.

10050

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 15' located SE of 111th Street and Union Avenue.

Presentation:

Jack Spradling, the applicant, stated he was requesting a reduction in the setback lines on the ends of the blocks from 30' to 15'. He told the Board the reason for not requesting setback reductions on corner lots in the NW area was that the adjacent lots had 30' front yards and a reduced side setback would cause houses to project in front of these structures.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 15' per plat submitted (Exhibit "G-1"), on the following described tract:

Lot 25, Block 2; Lots 1, 19, 20, 36, 37 and 46, Block 3; Lot 12, Block 4; Lots 1 and 4, Block 5; Lots 1, 6, 7 and 13, Block 6; Lot 11, Block 7; Lots 1, 11, 12 and 22, Block 8; Lots 1, 11, 12 and 22, Block 9; Lots 1, 11, 12 and 22, Block 10; Lots 1 and 16, Block 11; All in Jenks Meadows Addition to the City of Tulsa, Tulsa County, Oklahoma.

10051

Action Requested:

Exception (Section 1680 (g) - Special Exception - Off-Street Parking) for permission to establish off-street parking in an RM-1 District to be used in conjunction with an office building on adjoining property; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements between a CS and RM-1 District where the purpose of the screening cannot be achieved, located at 3436 East 31st Street.

Presentation:

Mr. Brad Jones, 3323 East 31st Street, speaking in behalf of the present owner of the property, Mrs. Fern Watters; and Bert Tyler, Ken McGranahan, and Arch Booth, principal owners of the Gordon Tyler Insurance Company, told the Board his clients were interested in placing an office building on this property and presented an ownership map (Exhibit "H-1"). He stated that the proposed office building would be on the front 162.5 feet and 132.5 feet at the back would be used for parking. Mr. Jones informed the Board that this same type of request was made by a restaurant earlier in the year and was granted, subject to compliance with concerns of property owners in the area. The property owners had been contacted concerning this application and stated they would have no objections if screening was provided where the lot abuts residential property and that any lighting used in the parking be installed so that it does not shine into the residential areas. A letter to this effect was presented (Exhibit "H-2").

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to approve an Exception (Section 1680 (g) - Special Exception - Off-Street Parking) for permission to establish off-street parking in an RM-1 District to be used in conjunction with an office building on adjoining property; and an Exception (Section 250.3 (d) Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements between a CS and RM-1 District where the purpose of the screening cannot be achieved, with the stipulation that the applicant also sign the City's tie-contract, tying the the parking facility to the office use only, on the following described tract:

The West Half of Lot 1, Albert Pike Second Addition, LESS and EXCEPT the North 162.5' thereof, to the City of Tulsa, Oklahoma.

10052

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) for permission to operate a machine shop in a CH District at 1916 North Sheridan Road.

7.20.78:265(7)

10052 (continued)

Presentation:

Mr. Moskowitz advised the Board that he needed more flexible use of his property and that the existing building, which would be used as a machine shop, would meet all the codes. He stated that all work would be done inside the building and there was ample room near the building for parking. The applicant had talked with Crane Carrier, across the street, and the company expressed no objections to the machine shop.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) as presented, for permission to operate a machine shop in a CH District on the following described tract:

The North 61' of Lot 1, EXCEPT the East 5' thereof; and All of Lots 3, 4 and 5, All in Block 1, Houston Addition to the City of Tulsa, Oklahoma.

10055

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate an electronic lab in a residence located at 8569 East 31st Place.

Presentation:

Paul McTighe informed the Board that his client, Mr. Elmore, had resided at 8569 East 31st Place the past 19 years and during that time had used one room of the home for a hobby room or an electronics-type lab. Pictures of the room and an Electronics Systems Report (Exhibits "I-1" and I-2") were presented, and Mr. McTighe noted that most of the equipment in the pictures was ham radio equipment which was not a part of the business. Mr. Elmore's business is primarily by referral with an average of 2-3 customers per day and his large driveway could accommodate as many as nine vehicles at one time. Only members of his immediate family are involved in the business. In response to complaints of TV interference, Mr. McTighe noted that everything in the shop is on dummy load and would not emit any transmission signal. Mr. McTighe pointed out that there was an antique shop in the neighborhood at the the present time and there has been an Art Gallery in the past.

Protestant's Comments:

Robert Body, 8546 East 31st Place, presented a petition with 90 signatures of residents of the area (Exhibit "I-3") who feel the granting of this application will commence a complete change in the original plan and character of the neighborhood. He noted that the traffic in the neighborhood is very heavy and the street was not designed to handle curb parking.

Marilyn Tapper, 8564 East 31st Place, stated she has been friends with the Elmores for 18 years, but that she did not want to have any business in the area near her home.

Another neighbor of the Elmores, Billie Gariepy, 8576 East 31st Street, related recent TV problems and stated her repair man told her someone in the neighborhood was using high power equipment. She also felt that having a business in the neighborhood would devalue the properties.

Lola Toller, 8552 East 31st Place, reinforced the statements made by other protestants, that she would like to preserve the characteristics of the residential neighborhood.

Alden Coon, 8565 East 32nd Street, advised the Board he was experiencing TV interference and also expressed his desire to preserve the character of the neighborhood.

Zella Statton, 8552 East 31st Place, expressed fear for widows living in the neighborhood and the added traffic this would bring to the area. She stated that she was aware of the antique shop, but it had been operated very quietly and was not a threat to the neighborhood.

Mrs. Stewart Cremer, 8575 East 31st Place, advised the Board the antique shop had been there long before the area was in the City limits, so it was under the grandfather clause. Mr. McTighe then made the point that Mr. Elmore first started using his property in 1959, therefore, he felt it should also be under the grandfather clause.

Mrs. Cremer stated she was the one who did have an art gallery in her home, however, it has been closed for 3 1/2 years. She informed the Board she held two art shows since then, but both were outside of the area; she also has had two appointments since June, but didn't feel this would be under the same consideration. The protestant went on to say she understood Mr. Elmore was a very good repairman and would have a good business in another location and would like to encourage him to do that.

Interested Parties:

Ed Cumming, 3624 South 86th East Avenue, informed the Board that he not only was a neighbor of Mr. Elmore, but as a "ham" operator was also a neighbor on the airways. He expressed confidence that Mr. Elmore was not operating high power equipment, and in his opinion, the radio operation was within the law; however, Mr. Cumming stated he would not like to see the area turn into a business zone.

Mr. Robert Herndon, 1017 West Newton, reaffirmed Mr. Cumming's statement that Mr. Elmore would not work on equipment that is overpowered. He also stated that it was very difficult to find anyone who offered competent work at a reasonable price such as Mr. Elmore did.

10055 (continued)

Board Action:

On MOTION of JOLLY, the Board (4-0-1) with Jolly, Lewis, Purser, Smith voting "aye"; no "nays"; Walden "abstaining") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate an electronic lab in a residence on the following described tract:

Lot 27, Block 2, Longview Acres Addition to the City of Tulsa, Oklahoma.

Following the vote of denial, Mr. Jolly stated he has always been a proponent of home occupations as long as the follow the rules, however, he felt this hobby has grown into a successful business and is now larger than should be allowed in a home.

10056

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 10' on the east at the NW corner of 50th Place and 103rd East Avenue.

Presentation:

Mr. Paul Suttel, 5652 South 84th East Avenue, advised the Board that he was requesting a variance of the east building setback at this location for the purpose of constructing a building for a roofing company. He informed them that the lots are small 25' lots and due to the price of the surrounding lots he was able to acquire only 2 lots. He further stated the land east of this lot is in a floodplain and there can be no other construction to the east.

Interested Parties:

Two interested parties were present and expressed some concern; however, it was determined their property would not be affected by this variance since their property was at least a block away.

Board Action:

On MOTION of LEWIS, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 10' from the east property line, as presented, on the following described tract:

Lots 18 and 19, Block 48, Alsuma Addition to the City of Tulsa, Oklahoma.

10057

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) for permission to operate a sheet metal shop in a CH District located west of the SW corner of Admiral Boulevard and Lewis Avenue.

Presentation:

Mike Young, 701 Philtower Building, representing Mr. Hubbel, stated the applicant has agreed to lease the property to be used as a light machine shop if an exception is granted. Mr. Young asked for a continuance of this case (10057) since not all interested parties were present.

Protestant:

A telegram of protest was entered into the record from Ethel Schonwald, 2742 Northeast 3rd Street, Pompano Beach, Florida (Exhibit "J-1").

Board Action:

On MOTION of SMITH, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to continue application of 10057 to August 3, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa, Oklahoma.

10058

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling - Under the Provisions of 1670-Variations) for permission to maintain a duplex in an RS-2 District at 1382 East 66th Place.

Presentation:

Mr. Hiram Winders, 2447 East 26th Place, presented pictures of the area (Exhibit "K-1") and told the Board he had a sales contract for an existing duplex structure. Mr. Winders presented a packet of information (Exhibit "K-2") verifying the fact the property had been a duplex a number of years although the property is zoned RS-2. He noted that the zoning in the surrounding area was all multifamily, except for the subject property and a few adjoining lots.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling - Under the Provisions of Section 1670 - Variations) for permission to maintain a duplex in an RS-2 District on the following described tract:

Lot 11, Block 2, Dell Rose Place Addition to the City of Tulsa, Oklahoma.

7.20.78:265(11)

10059

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agricultural Districts - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District which is southeast of 39th Street North and Yale Avenue.

Presentation:

Vicky Nation, 9810 East 21st Street, advised the Board she would like to locate a mobile home on five acres of her property. She stated there was a mobile home park 1 1/4 mile away, 3 mobile homes on a 2 1/2-acre tract 3/4 mile from the area and another small mobile home just to the north. There is no flood problem in the area. Ms. Nation said she would plan to live in the mobile home for two years at which time her house will be finished.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to approve an Exception (Section 310 - Principal Uses Permitted in the Agricultural Districts - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District for a period of three (3) years on the following described tract:

S/2, SW/4, NW/4, SW/4 of Section 15, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

10060

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) for permission to maintain a mobile home in an RS-1 District at 4850 West 28th Street.

Presentation: The applicant was not present.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to continue application #10060 until August 3, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10061

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit the construction and operation of a care or nursing home in an AG District.

7.20.78:265(12)

Presentation:

William B. Jones, attorney for the applicant, advised the Board that this application was presented two years ago and was approved subject to the submission of the site plan and an approved drainage plan. However, the plans now are to build farther from Memorial which will ensure the safety of the residents and will eliminate any grading and drainage problems. The applicant plans to leave the land in its natural state and eliminate the need to build over the storm sewer.

There are two stub streets abutting the property and Mr. Gardner advised that the applicant would be required to do something about the streets if he were subdividing the land. Alternatives to the street problem which was discussed, included the applicant providing a turn-around cul-de-sac, connecting the two streets, and looping the waterline between the two streets which if tied together would give a restricted waterline easement.

Protests: None.

Interested Party:

Bill Rutherford, 7777 S. Memorial Drive, presented pictures of the property he and his brother own south of the proposal and stated they were interested in how the land would be developed. He was concerned with the wooded areas and was assured the trees, as many as possible, would be used in the landscaping, and would be designed to drain toward the north and the detention facility. He also was advised the facility would be open only to elderly private patients and the plans for the future included building homes on the front of the property for spouse's of patients.

Board Action:

On MOTION of JOLLY, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit the construction and operation of a care or nursing home in an AG District, subject to the Concept Plan submitted (Exhibit "L-1") and that the applicant provide detailed plans for Board review prior to issuance of any building permits and subject to the City Engineer approving the drainage plans for the total of the property. Nothing in this motion would prohibit the applicant from coming back to the Board to develop the west half of the property on the following described tract:

N/2, NW/4, SW/4 of Section 12, Township 18 North, Range 13 East, Tulsa County, Oklahoma, LESS the north 207' of the west 412' thereof.

10071

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 20' to 17' at 6738 South 67th East Avenue.

Presentation:

Mr. James Rhodes, 11851 East 52nd Place, representing the applicant, advised the Board, Dr. Baldwin would like to stay in his present home, but needed additional space since his mother-in-law would be living with his family. The additional space is needed at the back of the house in order to provide a stairway for access to the upstairs rooms. Mr. Rhodes stated that the applicant had not talked with the neighbors concerning this.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) with Jolly, Lewis, Purser, Smith and Walden voting "aye"; no "nays"; no "abstentions"; to grant a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 20' to 17' per plot plan (Exhibit "M-1"), on the following described tract:

Lot 11, Block 11, Park Plaza South Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Alan Jackere, Legal Department, informed the Board that the Courts upheld the Board of Adjustment's denial of the application for a lot width variance on the property located just to the east of Peoria Avenue and 61st Street (BOA No. 9943).

Dortha Bates, as a point of information, informed the Board that the applicant at 4562 East 38th Place (of case No. 9869) removed the storage building which was in violation of the side yard setback within 30 days, as required by the Board. However, he rebuilt a similar structure which is also in violation of the side yard setback.

The Board instructed her to issue a notice of cease and desist.

Dortha Bates, Building Inspector's Office, informed the Board that she had received a complaint at 3342 East 41st Street, where the board had recently approved a home occupation for Palmer Instruments. She said that the applicant has had a sign on the property advertising the business which is not permitted, and that he is beginning to install a parking lot in the front yard. A parking lot does not require a building permit; however, the sign could be removed. She advised she would like some direction from the Board.

Mr. Gardner volunteered the TMAPC Staff to write a letter to the applicant, concerning the presentation and representations made to the Board of Adjustment, with a copy to Bill Jones, his attorney.

7.20.78:265(14)

Other Business: (continued)

On MOTION of SMITH, the Board declared Kathy Purser the Chairman by acclamation.

There being no further business, the Chair declared the meeting adjourned at 5:35 p.m.

Date Approved Sept. 7, 1978

Kathy Purser
Chairman