

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 266
Thursday, August 3, 1978, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Jolly Purser, Chairman Smith (in 1:42 p.m.) Walden	Lewis	Chisum Edwards Gardner Jones (out at 4:20 p.m.)	Jackere, Legal Department Bates, Building Insp. Office

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, August 2, 1978, at 10:35 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.

UNFINISHED BUSINESS:

9511

Action Requested:

This application was approved for the erection of three duplexes, subject to a plot plan in June, 1977. The applicant changed the plans approved by the Board and is requesting approval of the modified plans.

Presentation:

Donald Detrick, 1300 National Bank of Tulsa Building, represented the applicant. He advised the Board that the original application was presented June 2, 1977, and at that time the Board approved a Special Exception, Variance; and 18' frontage requirement to allow for duplex development on the property. The applicant is now seeking approval of some changes to the plan as submitted to the Board. The original application was to construct three one-story duplexes of 40% brick and 60% wood with the front duplex to be facing north. The proposed changes, to make the development more compatible with the existing development, are as follows: (Exhibits "A-1, Plot Plan" and "A-2, Elevation Plan")

1. The front duplex to face east rather than north;
2. the two rear duplexes be constructed as two-story structures rather than one-story structures; and
3. the two rear duplexes be constructed of masonite wood paneling rather than 40% brick.

Mr. Detrick briefly summarized the first change, showing how the change in the original plans would make the development more compatible to existing developments. Some changes summarized included the more attractive design of the duplex; the size of the duplex being slightly smaller in size, allowing more yard area making the development have a more open appearance; by changing the setback lines they would line up better with existing developments; continuing continuity and unity of the neighborhood by the direction that the duplexes face; conserving large trees in the area, benefiting both pieces of property; and the precedent being set by duplex dwellings in the area facing the same direction as the proposed duplexes.

The second proposed change was also summarized to include that there are other structures in the area of two-story construction and will be compatible with surrounding structures and provide a better buffer with surrounding apartments and single-family dwellings; by building two-story structures, the total square footage will be 2000 square feet as originally proposed, however the ground floor construction will be 1200 square feet allowing more yard space to create the open development look.

The third proposed change was summarized and reasons for the changes included the allowing of a more gradual blend of construction design from the apartment to the duplex buffer zone into the single-family development; because of contemporary design, a masonry stone was requested in place of brick and a number of the houses in the neighborhood are constructed of stone.

His request was summarized in that they wish to build three quality structures that will be compatible to existing development; the front units facing east, single-story, 2708 square feet, 40% masonry and 60% wood, three bedroom, two baths and a fireplace. The rear duplexes would be two-story, masonite hardboard, two bedrooms, two baths and a fireplace, as per the plot plan submitted.

Protestants: None present.

Bob Gardner, TMAPC Staff, advised the Board that when the original application was filed, one letter was received regarding the quality of the structures and the Staff felt that the proposed structures are quality commensurate with the area.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden voting "aye"; Lewis "absent") accepting the changes to the plan as presented and per plot plan submitted, on the following described tract:

The East 25' of the North 145' of Lot 31, AND the North 145' of Lot 32, Southlawn Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Action Requested:

Variance (Section 620.2 (d) - 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:

The Chairman stated this application was continued from the July 20 meeting due to the parking situation at the subject location.

Mr. William Kellough, applicant, 300 Petroleum Club Building, was present. He advised the Board that since the last meeting he has consulted with the zoning division of the Building Inspector's Office and a decision was made that the proposed business school would fall under Use Unit 11 rather than Use Unit 15, and found that a variance was obtained several years ago, allowing 26 parking spaces. He further advised the Board that a survey had been made of the property, depicting 40 spaces for parking at their location and of plans being made to contact K-Mart and Jamils to perhaps enter into negotiations with them to use parking during the day time hours on a rental basis. He then briefly reviewed the application for the Board members, requesting the right to put up raised letters on the building to identify the school.

Mrs. Bates, Building Inspector's Office, advised the Board that 48 spaces for parking are required and 40 are provided by the applicant at this time.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Variance (Section 620.2 (d) - 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 as presented, on the following described tract:

The South 215' of Lot 17, Block 3, Villa Grove Subdivision 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 SW of Admiral Boulevard and Lewis Avenue.

Presentation:

Mike Yant, 701 Philtower Building, representing Houston Hubbell, was present and asked Mr. Jim Howard of 623 West 1st Street to advise the Board of the type of shop that is proposed.

Mr. Howard stated that the proposed use is for a light fabrication shop, a small job shop, using light gage material, not more than 1/16" thick and small portable equipment. He briefly described the types of businesses in the area; a hardware store, a welding shop and a carburetor shop. He stated the building is 8000 square feet, their business to be located in the east-half, housing 4000 square feet of floor space. At the present time the other side of the building is vacant.

Chairman Purser expressed concern that since the other side is vacant at the present time and most of the businesses in the area are retail, would this type of shop as proposed be compatible with other retail businesses.

Mrs. Bates, Building Inspector's Office, advised the Board that the occupancy certificate shows 2800 square feet rather than 4000 square feet. Mr. Howard stated that 1200 square feet is designated as office space.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "nay"; Lewis "absent") denied the application.

West Half of Lots 1 and 2, Block 22, Gillette Hall Addition to the City of Tulsa, Oklahoma.

10060

Action Requested:

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

Presentation:

Charles Coleman, applicant, was present requesting permission to leave the mobile home on this property for another year. He explained that he had been out of town on July 20 and had misinformed his son the time of the meeting, therefore no one was present and the Board continued action on the application to this meeting. He explained that his son and family lived in the mobile home and for financial reasons, could not afford to build a home at this time.

10060 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the 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 for a period of one year with removal bond on the following described tract:

Part of the N/2 of the N/2 of the SW/4 of the SW/4 of Section 16, Township 19 North, Range 12 East, Tulsa County, Oklahoma; described as beginning at a point 450' East and 25' South of the NW corner; thence East 200'; thence South 305'; thence West 200'; thence South 305' to the point of beginning.

NEW APPLICATIONS:

10054

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) from a decision of the Building Inspector to stop, correct, and remove a horticultural nursery in an RM-1 District; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection, Utility Facilities and Temporary Open Air Uses) for permission to operate a horticultural nursery in an RM-1 District, located at 6521 East 10th Street.

Presentation:

Mr. Philip Haney, 1717 South Cheyenne Avenue, represented the owner of the nursery, Mr. Frank Leighty, doing business as Leighty Landscaping Service. He stated the purpose of this application is to determine the future of his client's operation upon the premises described. He asked the Board to consider a continuance if it can be determined that protestants, represented by counsel, are present at this hearing. He stated that they first learned of protest to this application on August 2, 1978 since there had been no attempt on the protestants part to communicate with the applicant or himself. He then asked the Board to determine if there are protestants present and if they are represented by counsel, if so, to continue the application to the August 17 meeting. It was determined that protestants were present, but not represented by counsel, therefore, Mr. Haney withdrew his request for continuance.

He then proceeded with his presentation by stating that Mr. Leighty purchased the property in May of 1977 to operate a nursery and had been assured by the realtor that storage of inventory was permitted in this land use area. He stated that the land prior to Mr. Leighty's purchase was held for investment, was vacant and grown up with weeds. Since the purchase, Mr. Leighty has cleared the land of weeds and began his business. There are no retail sales on this property, simply the storage of inventory items and equipment necessary to operate his business. There is very little traffic on the property because Mr. Leighty goes to his customers homes to perform his service. Mr. Haney

presented photos (Exhibit "B-1") of the property indicating the variety of shrubbery and inventory stored on the property, as well as the condition of the lots surrounding the property.

Mr. Haney then stated that the origin of the complaint was the City-County Health Department because of the weeds on the premises. The City-County Health Department then notified the Protective Inspections Department and after examination of the property, stated that a business was being operated in an RM-1 District. The applicant since that time had graded and leveled the ground as well as cleaning the premises to alleviate the weed condition that existed.

Mr. Frank Leighty, 4927 East 38th Place, appeared before the Board. He explained the nature of his business and that the property is used for storing inventory and supplies and is his intention to maintain the property and operate his business without problems to the neighborhood. He also stated his plans to build a security fence and screening back-drop that would deter traffic to the north and provide greater security to the homes in the area.

Protests:

Mr. Tom Wright, 6530 East 9th Street, a resident north of the property, asked permission to see the pictures turned in as Exhibits and then testified that these pictures were accurate. He advised the Board that he had talked with Mr. Leighty and he had agreed to provide popular trees on the north side of the property to screen the view from the resident's backyard. He expressed his concern about the possibility of spraying the trees maintained on the property. He further stated that he was willing to give the applicant a chance to improve the property by planting the trees and building a fence as he had promised, perhaps a temporary approval of six months, if the Board desired to do so.

The Chairman requested that the Minutes reflect that other protestants were present but did not speak.

Glenda Stalder, 6520 East 9th Street, a resident of the area spoke for Bob and Helen Secory, residents that are on vacation and that sent a letter of protest to the Commission. The Chairman acknowledged the fact that the letter had been received (Exhibit "B-3") along with a letter from the District 5 Planning District (Exhibit "B-2"). Mrs. Secory stated that she would prefer a security fence rather than shrubbery.

Mr. Haney stated their willingness to enter into an agreement or arrangement with the Board if they granted this exception in that it would be peculiar and particular to the applicant and not with the land, and that in the event that the applicant leaves the premises or ceases this type of use, that the zoning conditions will revert to RM-1. He stated that he did not know of the contents of the letters of protest so the Chairman allowed him to read the letters of protest.

10054 (continued)

Bob Gardner, TMAPC Staff, gave the definition of a horticulture nursery as described in Use Unit 4 as the storage and growing of plants. He referenced the interpretation by the Legal Department in regards to a landscape contractor, not merely the growing and storage of plants, such as the storage of equipment, etc., and in the past the Board has not permitted retail sales on the land designated as a horticultural nursery. A short discussion followed regarding the difference in a landscape contractor and a horticultural nursery.

Ms. Stalder spoke to the Board again stating that a portable building was on the premises for two months and had been told by employees that this would be a permanent storage shed.

The Board asked what type of equipment was being stored on the property and was informed that there was a hydromulch machine, dump truck, winch truck, trailer and pick-ups at various times.

Lee Thurman, 6535 East 10th, owner of the lot to the east was present and stated that the property before being purchased by Mr. Leighty was grown up in weeds and several fires occurred on this property. It was his opinion that the present owners had improved the property.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") upheld the decision of the Building Inspector, and denied the request for an exception, on the following described property:

Lots 16, 17, 18 and 19, Block 28, Sheridan Hills Addition
to the City of Tulsa, Oklahoma.

10062

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts Section 440 (6) - Mobile Homes) request for permission to locate a mobile home in an RS-3 District located at 6111 West 60th Street.

Presentation:

Everette Smith, applicant, was present and stated that the lot was given to him by his grandmother. The lot previously had a cafe on it which had been torn down and it was his intent to place a mobile home on the lot for the purpose of being close to his grandmother to care for her. He also stated that there were other mobile homes within a couple of blocks of this lot.

Angeline Coward, the grandmother, was also present requesting permission to locate the mobile home on the lot.

Protests: None.

10062 (continued)

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis Absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to locate a mobile home in an RS-3 District for a period of one year, with removal bond required on the following described tract:

Lot 6, Block 2, New Taneha Addition, Tulsa County, Oklahoma.

10063

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) for permission to permit Southwestern Bell Telephone Company to expand the present exchange building with related off-street parking on the southwest corner of 36th Street and Lewis Place; and for permission to establish off-street parking on the northeast corner of 36th Place and Lewis Avenue; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for permission to build across lot lines located southeast of 36th Street and Lewis Avenue.

Presentation:

Mr. Charles Gotwalls, 2410 First National Bank Building, attorney for Southwestern Bell Telephone Company, was present and stated that the Telephone Company under the State Statutes is not required to appear before the Board on this exception, but wanted the Board to be aware of the construction proposed for this area. The construction will take place on the property adjacent to the present exchange building with only two residences remaining on that particular block. (The Plot Plan (Exhibit "C-1") was submitted to the Board.) He briefly described the type of structure that is proposed as being a on-story structure extension to the east, on 36th Street, and will be without windows on the south and east. The only windows on the extended portion will be on the 36th Street side. The building on the south will not be expanded. Parking is planned on the property that has been acquired and will be screened on the south as has been done in the past. The existing building will be removed and the contractor has been instructed to preserve all trees and vegetation as possible. He further stated there are only two entry-ways to the property. Ben Ball, architect for Southwestern Bell, was present and placed an architectural drawing of the proposed facility on the wall for the Board's review.

Mr. Jolly stated that the plot plan submitted is "Preliminary - Not for Construction" and asked if the plans are firm enough at the present to abide by the plot plan and was assured by Mr. Gotwalls that the layout was firm, the only area that is not firm is the trees may not all be left, but they are hoping to retain as many of the trees as possible.

Protests:

C. J. Hazelton, 3637 South Lewis Avenue, a resident south of the subject property, stated that he has no objection to the proposed facility at the present time, but is concerned about what the Telephone Company will build later since they had stated that they are coming before the Board only as a courtesy. His concerns were that they would later build a multi-story complex since they were not under the restrictions of building codes, etc.

Mr. Jolly advised Mr. Hazelton that when the Telephone Company comes before the Board and submits the plot plans, at that time the Board can hold them to the type of building described in the plans. He further assured Mr. Hazelton that each time additional construction is proposed, a hearing must be held and he will be given an opportunity to come before the Board, should he desire to protest the proposed construction.

Dick Zabbits, 2448 East 36th Street, a resident east of the property, was present and requested that a stipulation be in the proposal that the fence on the east (Lewis Place) for screening be solid and that the retaining wall be repaired. He further stated that when the houses were removed in the past, there was a considerable length of time that passed before the area was paved causing a great deal of dust in the area and requested that the property be paved as soon as possible after the houses are removed.

Mr. O. W. Inhofe, 2425 East 36th Place, the next door resident to the applicant was present, stating that five years ago the Telephone Company came in and purchased the property, tore down the homes and trees, constructed parking areas, installed a black fence and brought with them the noise of people and cars. Because of these changes in the neighborhood, he felt that the Telephone Company is a detriment to the neighborhood. He further stated that there were only two other homes in the block at the present time and before long he will be surrounded by the Telephone Company. He did compliment the Telephone Company on the planting of trees and shrubbery and keeping the ground in good order.

Mr. Gotwalls appeared again in response to the protestants. He presented three photographs to the Board of the present building looking in a southwesterly direction, showing the type of fence that was constructed and referenced. He stated that they were in agreement to construct the opaque screening, solid if requested, and repair the retaining walls on the east side. He also assured them that the paving would be done, as soon as conceivably possible, during the construction process.

Mr. Ball stated that the fence would be made solid during the construction process for security purposes. He stated that it was the interpretation of the Board's intent, when the fence was a matter of concern five years ago, that the fence be a visual screen, not a solid wall; however if the Board desired a solid wall, they would be glad to comply. He also stated that the plans are to remove the parking platform that has been used for parking by employees that was referenced earlier which would alleviate the employees cutting through to the building.

10063 (continued)

Board Action:

On MOTION of JOLLY, the Board 3-0-1 (Jolly, Purser, Walden "aye"; Smith "abstaining"; Lewis "absent") to approve the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) for permission to permit Southwestern Bell Telephone Company to expand the present exchange building with related off-street parking on the southwest corner of 36th Street and Lewis Place; and for permission to establish off-street parking on the northeast corner of 36th Place and Lewis Avenue; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for permission to build across lot lines located southeast of 36th Street and Lewis Avenue, as per plot plan submitted with the understanding that the applicant will close the fence on the east side prior to construction, recognizing again the applicant's intent to follow as closely as possible the plan and with the understanding the landscape maintenance be the same as other facilities in the community on the following described tract:

Lots 1, 2 and 5, Block 3, Oak View First Addition to the City of Tulsa, Oklahoma.

10064

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to maintain a mobile home in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variance) to maintain a mobile home in an RS-3 District for a period of more than one year at a time located at 3657 South Quanah Avenue.

Presentation:

Because the applicant was not present, Bob Gardner, TMAPC Staff, informed the Board that the request was being made because the applicant had insufficient funds to obtain other housing and that the Board had approved this exception each year since 1974.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") voted to approve the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to maintain a mobile home in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variances) to maintain a mobile home in an RS-3 District for a period of more than one year at a time, only for the lifetime of the applicant, Helen McLaughlin, on the following described tract:

Lot 19, Block 7, Hardesty Addition to the City of Tulsa, Okla.

10065

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) for permission to maintain a mobile home in an RS-3 District located at 1914 East Marshall Place.

Presentation:

Tom Quen, 4670 South Rockford Avenue, representing the applicant, Jan Whorton, was present requesting the approval of the exception for an additional year. He explained that the property was purchased in an unattractive neighborhood and before the purchase, the applicant surveyed the neighbors and found there was no opposition to placing a mobile home on the property. He further advised the Board that a home had been on the property prior to the mobile home and the home had burned and weeds had grown up around the property. The neighbors felt they would rather have a mobile home in the area that was well-kept than a fire hazard as had been in the past.

Protests: None

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved an Exception (Section 310 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) for permission to maintain a mobile home in an RS-3 District for a period of one year, removal bond required, on the following described tract:

Lot 10, Block 4, Berry-Hart Addition to the City of Tulsa, Okla.

10066

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for the front setback requirements from 35' to 32' located at 12136 East 126th Street.

Presentation:

Anthony Portuese, 8214 South Marion Avenue, applicant, was present and requested a variance of the front setback from 35' to 32' in order to save trees in the area. He also stated the rear half is unsuitable to build on because of the creek on the property, and that the surrounding homes also had variances. He presented a sketch showing the tree locations (Exhibit "D-1").

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for the front setback requirement from 35' to 32' on the following described property:

Lot 6, Block 4, Willow Springs Estates Addition to the
County of Tulsa, Oklahoma.

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10068 (continued)

along the major street (101st Street). He explained that the 15-feet on the interior corner lots, when a side yard, would not present a problem.

Protests: None.

Board Action:

Smith made a MOTION to approve the variance as requested. Motion died for lack of a second.

On MOTION of JOLLY, the Board 3-1 (Jolly, Purser and Walden "aye"; Smith "nay"; Lewis "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on the interior corner lots from 25' to 15' as indicated on the plat; and a variance to permit a 25-foot setback on the lots adjacent to 101st Street on the following described tract:

Sun Meadow V Addition to the City of Tulsa, Tulsa County, Oklahoma.

10069

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the building lines in RS-2 and RS-3 Districts, as per plot plan, located at Atlanta Place and 55th Place.

Presentation:

Billy Knowles, applicant, of Fells, Brusso, Bruton and Knowles, 6311 East Techmseh, was present and submitted a plat (Exhibit "F-1") for the Board's review. He explained to the Board that there is an existing house on the proposed lot (Lot 1) which comes to within 11 feet of the edge of the right-of-way for Atlanta Place. The applicant requested that the building setbacks be 20 feet in lieu of 25 feet in the RS-3 District and 20 feet in lieu of the 30 feet in the RS-2 District. The reason for the request was explained that if the applicant had a deeper setback in these areas, they would loose the use of Lots 3 and 4. Along the existing house, an 11-foot building line is requested in the RS-3 area, the building setback along Atlanta Place would remain the same as the surrounding lots. By the granting of the setback variance, he stated the trees could remain on the lots and allow them more room to build on the seven lots as proposed.

Bob Gardner, TMAPC Staff, stated that the Staff did not have any problems with this request as it was on an interior street, not a major street. He explained that due to the shape of the tract, the variances are being requested.

Protests:

Patricia Finley, 5531 South Birmingham, was present and questioned the fact that the zoning had not been approved on the property and that this plot plan was not the same as presented to TMAPC and that will be going before the City Commission next week. She stated that the zoning request was for RD on part of the tract and RM for the other part.

10067

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts) for permission to permit the following type commercial uses in an IL District; (Section 1212 - Eating Places Other Than Drive-Ins; Section 1213 - Convenience Goods and Services; and Section 1215 - Other Trades and Services) located at 7024 East 41st Street.

Presentation:

The applicant was not present and the Board was advised by Bob Gardner, TMAPC Staff member, that they could either pass this item and wait for the applicant to be present, or could approve the exception since there were other commercial lots in this area. They briefly discussed the types of businesses in the area at the present time and it was determined that this type of business would not be detrimental to the other businesses in the area.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith, and Walden "aye"; Lewis "absent") to approve the Exception (Section 910 - Principal Uses Permitted in the Industrial Districts) for permission to permit the following type commercial uses in an IL District; (Section 1212 - Eating Places Other Than Drive-Ins; Section 1213 - Convenience Goods and Services; and Section 1215 - Other Trades and Services) located on the following described tract:

Lot 3, Block 1, East 41st Industrial Park Addition to the City of Tulsa, Oklahoma.

10068

Requested Action:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements on corner lots from 25' to 15'; and request for a variance of the setbacks from 85' to 70' from the center-line of 101st Street located NW of 101st Street and Sheridan Road.

Presentation:

Billy Knowles, applicant, of Fells, Brusso, Bruton and Knowles, 6311 East Tecumseh, was present and advised the Board that during the review of the final plat, they had requested a 15' building setback because of the hardship that would be created on the side lots. The Staff at the time of the approval of the final plat, saw no objections to the setback and as recommended by the Staff are now requesting the approval by the Board. A Subdivision Plat (Exhibit "E-1") was presented to the Board and the lots in question were marked on the plat. He explained to the Board that these lots are duplex lots and in order to build duplexes of comparable size of the other dwellings in the area, the setbacks are requested.

Bob Gardner, TMAPC Staff, stated that the concerns of the Staff are not on the interior corner lots, but on the lots adjacent to the major street. He stated that the minimum rear yard for an RD District is 20 feet and since there will be rear yards on the abutting duplexes maintaining 20 feet, he felt there should be at least a 20-foot setback maintained

8.3.78:266(12)

10069 (continued)

Bob Gardner, TMAPC Staff, stated that the protestant was correct and advised the Board that it has been some time since the application was heard before the Planning Commission and did not know why the applicant had not brought this application before the City Commission.

A brief Discussion followed concerning the present RS-2 zoning and the fact that the Board could approve the variance, subject to Commission approval. It was determined that the application was not properly before the Board.

The applicant was not aware that the zoning had not been approved by the City Commission because he was not the applicant on the zoning request, and was advised that he would have to request this to be on the agenda of the City Commission.

Board Action:

On MOTION of SMITH, the Board, 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") continued the application to the August 17 meeting to accommodate the applicant, advising the applicant that if the proper paperwork had not been completed on Case No. 10069 at that time, the application would be denied.

10070

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins; Section 1213 - Convenience Goods and Services; and Section 1214 - Shopping Goods and Services) for permission to operate a shopping center that would allow Use Units 12, 13 and 14 in an IL District, located NE of Pine Street and Yale Avenue.

Presentation:

Billy Knowles, applicant, Fells, Brusso, Bruton and Knowles, 6311 East Tecumseh, was present and requested permission to operate a shopping center at this location. He explained that the Board in June of 1976 had granted permission to operate a shopping center, however, construction could not be started at that time. An architectural drawing was submitted (Exhibit "G-1") showing the proposed construction stating that no changes have been made to the application in the two-year period.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins; Section 1213 - Convenience Goods and Services; and Section 1214 - Shopping Goods and Services) for permission to operate a shopping center that would allow Use Units 12, 13 and 14 uses in an IL District located on the following described tract:

A portion of the S/2 of the SW/4 of Section 27, Township 20 North, Range 13 East of the Indian Base and Meridian, in the City and County of Tulsa, Oklahoma, more particularly described as follows:

10070 (continued)

Beginning at the SW corner of said S/2 of the SW/4; thence due East along the South Boundary thereof, a distance of 960.60' to a point; thence due North a distance of 1,006.85' to a point in the Southerly right-of-way line of the St. Louis & San Francisco main-line right-of-way; thence South 84°-34'-20" West a distance of 965.64' to a point in the West section line of said Section 27; thence South 0°-02'-40" East along the West Section line a distance of 915.51' to the point of beginning; containing 21.205 acres, more or less.

10072

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) Mobile Homes) for permission to maintain a mobile home in an RS-3 District; and a
Variance (Section 440(6) a - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit a mobile home for more than one year located at 713 North Toledo Avenue.

Presentation:

Mrs. Orvan Schuldt, applicant, was present on behalf of her husband and requested the Board to approve the application for the mobile home to remain on the property and to request the Board to approve the variance for more than one year if at all possible.

Bob Gardner, TMAPC Staff, advised the Board that this location was a cemetery and the applicant and his wife lived on the property as caretakers and felt the application should be approved for more than one year under the circumstances.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith, and Walden "aye"; Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-3 District; and a Variance (Section 440 (6) a - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit the mobile home for more than one year, recognizing that this is not the normal land use in this type of area and since we do not have the evidence presented today that would normally be presented on a Principal Use variance, but do recognize the need for this type of facility on this property and has been there since 1971, on the following described tract:

The NW/4, SW/4, SE/4 of Section 33, Township 20 North, Range 12 East, Tulsa County, Oklahoma.

10073

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 4' located at 1359 East 26th Street.

Presentation:

Michael Crow, 2831 East 10th Street was present, representing the applicant Gus Ventura. He submitted a plot plan (Exhibit "H-1"), and advised the Board that the applicant has built a swimming pool in the rear yard and now wishes to put a building over the pool and heat it and attach it to an existing structure that is 4' from the property line.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith, and Walden "aye"; Lewis "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 4', as per plot plan submitted, on the following described tract:

Lot 26, Block 2, Travis Heights Addition to the City of Tulsa, Oklahoma.

The Board took a ten minute recess at 4:08 p.m., reconvening at 4:18 p.m.

10074

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and related activities, located SE of 14th Street and 131st East Avenue.

Presentation:

Bill Ely, pastor of the Church, P. O. Box 161, Tulsa, was present and advised the Board that the congregation has been renting a facility to hold their services and are desirous of purchasing this land and building a church facility on it. He stated that the purchase of the property was contingent upon the Board's action on this application. He submitted a concept plan of the proposed facility for the Board's review (Exhibit "I-1"). He advised the Board that the congregation is comprised of approximately 100 people.

The Board questioned him about proposed parking and he advised the Board that he had been informed that they would have to provide one parking space for every 40 square feet of space and intend to provide that parking space. He advised the Board that construction is planned to commence in about one year.

Protests:

Mrs. Cecil Allen, 1437 South 131st Street, a resident south of the proposed site was present expressing concerns about the lots in the

10074 (continued)

area being low. She advised the Board that there is limestone on the top of the property and water is not absorbed into the ground, causing the water to stand a great deal of the time. She also expressed concern about the possibility of the church not being aware that the residents in this area are on a 2" waterline, put in by a private party and the possibility of having to blast to construct the facility. She also stated there are no sewers in this area. Because of these concerns, she opposed the church being placed in this area.

Cecil Allen, 1437 South 131st Street, a resident south of the proposed site was present expressing concern about the possibility of the church having to use a septic tank, and the fact that he was not aware of whether the church realized they would have to get the septic tank installation approved and should do this before they purchase the property. He further stated that he was not particularly opposed to the church being in the neighborhood, just concerned that they were not aware of all the facts of the property and what would have to be done before construction could begin.

Rev. Ely appeared before the Board again and talked of the possibility of the church tying onto the sewer line in the area servicing the apartments and assured the Board they wanted to follow all the rules and regulations. The Board suggested some departments within the City he should contact to get more information from before the church purchased the property.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") continued the application to the August 17 meeting to allow the applicant time to study the application and obtain more information on rules and regulations the church would be required to follow before purchasing the property.

10075

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District located south and east of 57th West Avenue and 3rd Street.

Presentation:

The applicant was not present but the Board determined the mobile home would not be a detriment to the neighborhood.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District for a period of one year, removal bond required on the following described tract:

8.3.78:266(17)

10075 (continued)

Beginning at the SW corner of Lot 3, Block 2, Mayfair Third Addition; thence South 236'; thence East 56.25'; thence North 255.26'; thence Southwesterly 60' to the point of beginning in Section 5, Township 19 North, Range 12 East, Tulsa County, Okla.

10076

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and related activities, located at 4301 South 45th West Avenue.

Presentation:

Rev. C. W. Smith, 4227 South 27th West Avenue, pastor of the Church was present advising the Board of their request to build a separate building for a fellowship hall and related Sunday School activities and additional parking. The application is being brought to the Board at the present time because of the Zoning Code requiring Board of Adjustment approval for any expansion of existing facilities, however, the church has been on the site for some time. A Plot Plan was submitted of the proposed facilities (Exhibit "J-1").

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and related activities as per revised plot plan submitted, on the following described tract:

Beginning at the SW corner of Lot 14, Bridges Park Second Addition; thence North 306'; thence East 211.8'; thence South 306'; thence West 211.8' to the point of beginning, Tulsa County, Oklahoma.

10077

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a barber school in a CS District located at 1938 South Garnett Road.

Presentation:

Cal Drosselmeyer, 2247 North Harvard Avenue, applicant representing Tulsa Barber School was present requesting permission to operate a barber school at this location. He advised the Board that the school would be open Tuesday - Saturday, 9:00 a.m. - 5:30 p.m.; would enroll approximately twenty students at a time and would have 50 - 200 customers per day. The school would be housed in the Cherokee Shopping Center. He submitted a location map (Exhibit "K-1") of the proposed facility.

Protests:

Gomer Evans, 2406 4th National Bank Building, representing a group of barbers in the community and shopping center tenants opposed to the application, was present and stated that there were ten other barber shops and several beauty shops within one-mile which included fifty chairs and 26 barbers. He also expressed concern regarding the parking at this location. He stated there were three parking spaces directly in front of the location and requested that this application be denied referencing that there is not adequate parking in this area for a barber school as well as this is direct competition with the surrounding barber and beauty shops. He submitted a Protest Petition (Exhibit "K-2") signed by the other residents of the shopping center and surrounding barbers opposing the application based upon the lack of adequate parking and there is no need for another such facility, penalizing the present businesses in the area.

Mr. Drosselmeyer spoke to the Board in response to the former statements advising the Board that Mr. Evans had not stated correct facts referencing the fact that they only intend to put in 32 chairs, not 40 and that the parking lot at the center is for 250 cars. He also stated that he had received permission from the shopping center owner to place this facility in the center.

Mike Barnett, one of the owners of Cherokee Barber Shop, a few doors down from the proposed facility was present and stated that the applicant will be subleasing the facility from TG & Y who has the original lease, not the shopping center owner. He stated that he had discussed this matter with the shopping center owner and the school does not have the favorable consent of the shopping center as previously stated. He also referenced the parking situation in that the 250 car-parking mentioned by the applicant is for all stores in the center which has six large retail shops at the present time.

Board Action:

On MOTION of SMITH, the Board 3-1 (Purser, Smith and Walden "aye"; Jolly "nay"; Lewis "absent") denied the application for an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a barber school in a CS District, on the following described tract:

Lot 1, Block 1, Cherokee Center Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect a duplex in an RS-3 District located at 1329 East 37th Street.

Presentation:

William Grimm, applicant, 1600 Philtower Building, was present, requesting approval of this application in order to maintain a duplex structure in a residential RS-3 District. He submitted a plot plan (Exhibit "L-1") for the Board's review. He advised that there are two other duplexes within four blocks of the subject tract and immediately across the street is the KTEW office complex and parking.

10078 (continued)

Directly across the street the owners have received approval to operate a religious book store. He stated that there is a precedent in the area with numerous rental properties and single-family dwellings. He briefly described the proposed structure as being a duplex, with approximately 3,600 square feet in the total structure, with 2-car garage for each side. The duplexes will be built primarily of brick or stone with wood veneer. They will be 2-bedroom, 2-bath with kitchen and dining facilities. He advised the Board that he had canvassed the area and received four letters from residents that are not in opposition to the application and presented them to the Board (Exhibit "L-2"), receiving none in opposition to the application. The Chairman indicated one letter has been received from Roger Williams (Exhibit "L-3") opposing the application and was presented for the Board's review.

Protests:

Gomaz McClendon, 5435 South Marion Avenue, representing Roger Williams, 1317 East 37th Street, was present and expressed Mr. Williams' concern regarding parking and congestion in the area.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect a duplex in an RS-3 District, with the stipulation that the application come back with elevations prior to obtaining a building permit on the following described tract:

Lot 4, Block 1, Lee Dell Addition to the City of Tulsa, Oklahoma.

10079

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1202 - Area-Wide Special Exception Uses - Airports) to use property for airport use located SW of 74th East Avenue and 34th Street North.

Presentation:

Carl Cannizzaro, Engineer for the Tulsa Airport Authority was present, and posted the Master Plan and the aerial photo of the area for the Board and citizens to review. He briefly reviewed the history of the project. The Authority previously appeared before the Board requesting an exception and at that time the Board decided to allow the construction of fixed base operator hangers in this vicinity. At that time the Board according to the City Attorney's opinion, decided this was not an exception but a rezoning. Therefore, the Authority made application for rezoning and in May of 1970 the rezoning was approved for the construction of the hangers. Under that approval they waived the requirement of a plat, but did require that a screening fence be built along the north edge of where the hangers were to be built. They are now asking for an exception as required for aviation purposes on the three lots along the apron. He stated the closest residence from the north edge is 450' - 500'. He summarized their request as

approval of the exception to construct these hangers, as was in the zoning case, and agreed to construct a screening fence along the north of this area. He explained that the application approved in 1970, was for almost the entire northwest section of the Airport. At this time, because they have excuted a lease for the construction of hangers on these lots, they are coming in for this particular section.

Bob Gardner, TMAPC Staff, explained that prior to 1970 Airports were permitted by right in an industrial district, however, when the new Code was approved a special exception is now required.

Protests:

Sybil Holt, 7334 East 34th Street North, a resident adjacent to the Airport, directly behind where the hangers are proposed, was present. She advised the Board that she has been in contact with the person that will operate the hangers and told of his plans to operate an airport engine shop, planning to run a day and night crew and stated that he has already ordered the materials for the construction. She pleaded with the Board not to approve the application, citing problems of noise, dust and unsanitary conditions caused by the work in the area. She stated that the Jack Goodwin family, residents next door to her, is also in opposition to the project. She stated that according to law, the Airport is required to put up a buffer wall and stated they are now talking about a fence. The residents in the area asked for a buffer wall to be installed for the protection of the residents in the area from the noise and other hazardous conditions.

Mrs. Stover, 7101 East 36th Street North, a resident of the area was present, and stated that the residents in the area have worked on the Vision 2000 Plan to keep the area just as is until the Airport can buy the property. She felt that it was unfair after spending thousands of dollars to do the Vision 2000 Plan, that the residents have to continually take off work to attend each meeting in connection with the property in an attempt to try and preserve favorable living conditions in the area. She asked the Board what type of environmental study had been done for this area that would allow such activity as this.

Mrs. Albert Korman, 3402 North 74th East Avenue, a resident of the area was present, attempting to find out what type of screening fence is being proposed. She stated that without a buffer wall, the conditions will become unbearable and realized in the Master Plan that the Airport will buy this property, yet hasn't been given any idea when the property will be purchased, and in the meantime, they are having to live with these conditions.

Gerald Seecrest, 7707 East 34th Street North, a resident of the area was present and asked if legal counsel for the City is present. The Board advised him there was not. He asked if anyone present had knowledge of the current Environmental Impact Study. He understood there was not to be any type of construction on the north side of the Airport because of the noise level that now exists. He also referenced the rumors of the Airport purchasing the property, however feels the property should be purchased prior to the construction of the various facilities.

The TMAPC Staff advised the Board they had no knowledge of the Environmental Impact Study.

Mr. Cannizzaro spoke in an attempt to clear-up some questions raised by the protestant's statements. He stated that the Authority had executed the lease and had simply overlooked the process of coming to the Board prior to that action. He advised the Board that the lessee, under his own risk, had cleared the site prior to the Board's action this date. He stated that the Airport, at its own expense, had installed the water and sewer lines in the area and are presently furnishing the other utilities to the area. The repair of the streets are done by the Airport because the City doesn't maintain the streets well. The Airport will repair roads when the damage has been caused by the Airport vehicles with their own funds and available equipment. As to the screening fence, he stated that the plans are for an aluminum type screen fence (a chain link fence with the aluminum strips). As far as a buffer wall, he stated no court case or law requires a buffer or noise preventive wall. He advised the Board that they have applied to the Federal Aviation Administration for \$18 million to purchase the property in this area, however, as of this date, the application has not been approved. He assured the residents that it was decided to purchase all the property at one time in an effort to keep the value of the property up rather than buying it a piece at a time. He further assured them that negotiations would begin when the money was available. At the time of purchase, the Airport would follow the laws regarding the purchase of homes and relocation costs.

He referenced the Environmental Impact Study, a part of the Master Plan, and stated that it addresses each of the problems and nothing under the Plan was denied by the Environmental Impact Statement, resulting in no adverse impact according to the Plan. The Chairman asked if it referenced the purchase of the homes prior to the development of this section of the Airport. He stated it set forth a schedule in blocks of five-years. This development and purchase of houses is within the first five-years of the Plan and the Plan was written as if it would start in 1975, but because the Statement took nearly two-and one-half years, the Plan actually doesn't start until 1978.

The Board also questioned the applicant on whether the homes could be purchased with the money that is being used to develop this area, and he stated that the Airport has no funds tied up in the development as the hangers are being built by a private individual, and that the money used to purchase the land is FAA funds (Airport match).

Mrs. Stover, 7101 East 36th Street North, spoke again and stated that this was a private business coming in and had nothing to do with the Airport expansion project, stating that the Airport was doing this for the money and if they were so "money-hungry", they could buy the houses from those that are wanting to get out of the area.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1202 - Area-Wide Special Exception Uses - Airports) to use property for airport use based on the fact

10079 (continued)

that the only item before the Board in this application was if the application is the proper use of the land, on the following described tract:

Lot 1: North FBO Area - A tract of land in Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma, described as follows:

Starting in the NW corner of said Section 23; thence Easterly along the North line thereof, a distance of 2781.85'; thence Southerly a distance of 1353.62'; thence South 3° -04'-28" West a distance of 318.15' to a point which is the point of beginning of said tract; thence South 52° -30'-55" East a distance of 48.72'; thence South 37° -29'-05" East a distance of 345.00'; thence North 55° -30'-55" West a distance of 230.57'; thence North 03° -04'-28" East a distance of 181.85'; thence South 86° -55'-32" East a distance of 345.00' to the point of beginning all of which contains 1.83 acres;
AND

Lot 2: North FBO Area - Starting in the NW corner of said Section 23; thence Easterly along the North line thereof, a distance of 278.85'; thence Southerly a distance of 1353.62'; thence South 03° -04'-28" West a distance of 158.15' to a point which is the point of beginning of said tract; thence South 03° -04'-28" West a distance of 160.00'; thence North 86° -55'-32" West a distance of 345.00'; thence North 03° -04'-28" East a distance of 160.00'; thence South 86° -55'-32" East a distance of 345.00' to the point of beginning all of which contains 1.27 acres;
AND

Lot 3: North FBO Area - Starting in the NW corner of said Section 23; thence Easterly along the North line thereof, a distance of 2781.85'; thence Southerly a distance of 1353.62' to a point which is the point of beginning of said tract; thence South 03° -04'-28" West a distance of 158.15'; thence North 86° -55'-32" West a distance of 345.00'; thence North 03° -04'-28" East a distance of 158.15'; thence South 86° -55'-32" East a distance of 345.00' to the point of beginning all of which contains 1.25 acres.

The Board did request the Airport to contact the Contractor and provide sanitary facilities for the workmen on the project.

10080

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to allow operation of a foster home in an OL District located at 2126 East 15th Street.

Presentation:

Robert Martin, 410 Beacon Building, a member of the Youth Services Board of Director, was present and spoke to the Board. He presented some photographs (Exhibit "M-1") of the property on East 15th Street and an aerial photo of the area (Exhibit "M-2"). He advised the Board that Youth Services has purchased this property for their Shelter program (present facility at 713 South Rockford Avenue). The proposed lot is 85' x 235' with a house and garage on the lot. They are requesting an exception for their use only. He estimated only two cars would be on the property at any one time, two staff members are on duty at all times, and a maximum of twelve children housed at the Shelter with the average age being 15. At this time he asked Mr. Myers to come forward and briefly describe the nature of the Shelter.

Lawrence Myers, 315 South 25th West Avenue, Director of the Juvenile Bureau and a member of the Board of Directors of Youth Services of Tulsa was present and briefly gave the definitions of the type of children that would be placed at this facility according to the juvenile codes and summarized how this type of facility originated.

He explained that the children at this facility are classified as "child in need of supervision" or "status offender", or the "non-criminal child". He also explained the laws governing what could happen to this type of child as not being allowed to be placed in a detention facility prior to the Court hearing, and must be placed in shelter or foster care or released to the custody of their parents. They are only placed in detention when ordered by the Court for the safety of the child or community; explaining this is why the Shelter program was created.

He stated the reason for the application is that the present facility is not adequate and the new facility will adequately serve the needs of the Shelter. The new facility having 3,840 square feet with a basement, attic and two stories. The facility has been examined by the necessary regulatory agencies and can safely house twelve youngsters. He stated that this is the maximum and will not be increased. Should the need increase, a new facility will have to be purchased. He explained that the Staff works twenty-four hours a day, all shifts are awake. During the school year, those enrolled in school will be attending school, therefore the number housed during the day will be decreased. He estimated the facility to house 300 youngsters in the Shelter during the year with the average population to be nine children. He stated the main source of receiving the children is the District Court and presented a letter from Judge Jennings of the District Court (Exhibit "M-8") explaining the type of children placed in the Shelter, endorsing the Shelter and stating it is not a threat to the community.

Mr. Myers stated that the parents are encouraged to visit the children and are allowed to take them to church on Sundays, being supervised 24-hours a day, with regular hours set. Any child breaking the rules will be dismissed from the Shelter and would either go to their own home or the Juvenile Detention Center.

Bill Wiseman, 2528 East 57th Street, a former member of the Board of Directors of Youth Services of Tulsa, speaking on behalf of the legislature, was present and briefly expressed his feelings for the need of this type of facility. He stated that the Shelter is operated for the State of Oklahoma, the Department of Public Welfare. He talked of the Shelter program as being one of the preventive measures of crime in the future. He advised the Board that they will hear from residents of the neighborhood against the Shelter, but asked them to remember the great need for this type of facility to benefit the community as a preventive measure.

Mr. Martin spoke to the Board again and stated that several other members of the Board are present, but did not feel they should take any more time and would be available for questions. Mr. Walden asked Mr. Martin why this particular facility was selected and he explained that the Selection Committee chose it for the central location, a better facility than the present one, on a busy street, and in a business district.

Protests:

Neal Bogan, 201 West 5th Street, attorney, representing a group of residents and homeowners in the area bounded by 15th Street, 21st Street, Utica Avenue and Lewis Avenue, was present, submitting their opposition to the application. He submitted a Protest Petition (Exhibit "M-3") with 133 signatures of residents in the area. He asked all those in the audience opposing the application to stand and the majority of those present were in opposition to this particular application.

He first explained that none of the opponents to the application are opposed to the function of the Shelter program and what Youth Services of Tulsa is doing for the community, but are opposed to the facility being located in this particular location. He explained why he felt the application was improper. The application is for a foster home, explaining that this is not the type of facility being proposed. He explained that during meetings between Youth Services of Tulsa and the neighborhood they were advised that the average age of the children was 15 years of age and the Staff supervising them sometimes were barely over 18 years of age themselves, questioning that this was a "family-type" atmosphere. Based on these facts, he stated that this application was improper and not the type of application to come before this Board according to the Zoning Code. He then submitted that the qualifications of granting a special exception are not met.

He read and submitted to the Board a Shelter Philosophy (Exhibit "M-7") for the Board's review stating the eligibility of a child to be housed at the Shelter. He then submitted a pamphlet printed by Youth Services of Tulsa (Exhibit "M-4"), referencing the crisis situations that can occur, day or night, and that some of the cases do end up in Court, stating that this is not the type of facility they want in their neighborhood and would be compatible to other business and retail establishments in the area.

He summarized some of the concerns of the residents as (1) stated 300 youngsters are estimated to be through the home within the next four months; (2) placed in cooperation with their families, their families will be in and out; and (3) the children will come and go day and night, causing increased traffic flow, increased disturbances day and night and some of the children may cause damage to the area.

He briefly described the area where the Shelter is being proposed as in the corner of 15th Street and Yorktown Place, an area of many mansions and well-preserved single-family homes, an older neighborhood that is being preserved by the neighborhood by making a reinvestment in the neighborhood and thousands of dollars have been spent in the renovation of these homes. They even organized a garage sale in the area and used the proceeds for flowers on the median to beautify the area. He stated that this is in the Barnard School District, a neighborhood that young couples are moving into and raising their families.

He submitted Assessors Statements regarding square footage at the present location being 3,279 square feet (Exhibit "M-5") and the proposed location at 2,658 square feet (Exhibit "M-6"), referencing the fact that it was their understanding that the reason for their move was additional space, but by the Assessors Statements, the new facility has less space.

He summarized his presentation by stating the representatives of Youth Services of Tulsa have made the commitment to purchase the property, believing that their proposed use is in compliance with the zoning of the property. He can sympathize with them that they may have gone ahead without proper legal advice, however that does not affect the application before this Board, and that is, is this the proper facility to be placed in this neighborhood. They do not believe that it is, further if this Board is willing to accept this fact, we have just developed the easiest way to get around the Zoning Ordinances.

He also stated that District 6 was not notified and Mr. Paddock is opposed to this application and had asked him to make that statement on behalf of Mr. Paddock. The Chairman stated that the letter had been received from District 6 (Exhibit "M-10").

Mrs. Eunice Moze, 1532 South Gillette, a resident in the area for almost forty years was present and briefly described the area in question and how a facility like this allowed in the area will not allow the area to develop into the type of area the residents dream of as their home and community. She advised the Board that by allowing just one exception here and there, the community would be changed. She told of all the work that the residents are doing themselves to try and help their community.

She advised the Board that they have created the Barnard Neighborhood Association and will take an active part in the development of their community and requested the Board to deny this application. In closing, she stated that a man needs roots and when he walks down his street it's got to be his street and this is their feeling.

Sherry White, 1518 South Gillette, a resident of the area was present and expressed concern for the facility to be in the neighborhood based upon what representatives of Youth Services have told the residents in meetings. She stated that they had advised the residents that 1,500 children would pass through this facility in a period of one-year of which 8%, or 120, will have criminal records before the age of eighteen. They said that the people had nothing to fear, but at the same time assured them if they did have damage to the property, they will assist them in recovering their loss and that parents sign agreements to take responsibility for the damages, making it clear that damages may occur. She felt Youth Services is making promises that are impossible to keep. She also stated concerns, as Mr. Bogan, regarding increased traffic, noise and confusion, therefore opposing the placement of the Shelter at this location.

Mr. Ed Brett, 1557 South Yorktown Place, a resident of the area was present as a member of the Seven Acres Homeowners Association, bounded by 15th Street, 17th Street, and solely Yorktown Place, created as a vehicle for raising funds for the improvement of the median of Yorktown Place and since that time, has created the Barnard Homeowners Association. He advised the Board of a questionnaire circulated within the area and presented the questionnaire and results of the questionnaire (Exhibit "M-9"). He provided the Board with pictures of homes in the area that had been renovated and advised the Board that this is an energetic area and they are willing to expend their money to protect their investments. He also presented pictures of the Shelter's present facilities showing damage to the property. Because of this, they are opposed to a facility of this type in their neighborhood that they have worked hard for to preserve, feeling this is detrimental to their area.

Pete Smith, 1554 South Yorktown Place, representing the Barnard Neighborhood Association was present, requesting the Board to deny the application for the Shelter facility. He strongly reiterated the concerns of the other residents, feeling that this facility is not compatible to the neighborhood at this location and the residents are willing to do something about it.

Gary Watts, 1564 South Gillette, a resident in the area stated that he plans to remodel his home and is interested in the quality of the neighborhood, but feels that the Shelter will strengthen the City and thereby strengthen the neighborhood. He is not opposed to the application, urging the Board to approve the application for Youth Services of Tulsa.

Don Austin, 1568 South Yorktown Place, a resident in the area stated his profession as District Court Clerk and briefly advised the Board of the crime in the Tulsa area and stated that the representatives of the Juvenile Bureau had lied to the Board regarding the types of children and their activities placed in the facility, opposing this facility in the neighborhood.

Pam Newman, 1521 South Yorktown, a resident of the area stated she was not opposed to the facility being placed in the neighborhood, stating the entire neighborhood is not opposed to the facility, and urged the Board to approve this application.

Marion Clote, 2126 East 17th Street, a resident of the area stated that the residents are aware that the facility is a much needed facility, but does not feel it should be in this neighborhood. He expressed fear for his children playing in the neighborhood with a facility such as this.

Harry Stege, Chief of Police and a member of the Board of Directors for Youth Services of Tulsa, spoke to the Board wanting to clear the misunderstanding that the Police Department makes referrals to the Shelter, stating they are taken directly to the Court. Any type of criminal child would be referred to the proper holding facility, not to the Shelter. He strongly supported the program of Youth Services of Tulsa, and briefly described his opinion of the type of children that are housed at the Shelter. He stated the School System also refers children to the Shelter and Dr. Zenke is on the Board of Directors for Youth Services of Tulsa and supports their program. He ended his presentation by stating he felt this was a proper use for this area.

Ed Brett, 1557 South Yorktown Place, spoke to the Board again, wanting to ask Chief Stege what a child had to do to obtain a Probation Officer.

Chief Stege stated that the Corrections Department is not under his jurisdiction and could not answer that question.

Mr. Brett stated that he had toured the present facilities and had asked the Staff member on duty what happens when a child is uncontrollable and he was advised that their Probation Officer was contacted. He felt this statement was self-explanatory to the Board regarding his concerns.

Larry Meyers, Youth Services of Tulsa, concluded their presentation by responding to the concerns. He briefly reviewed how children are referred to Youth Services and the definition of non-criminal children. He reiterated that the figures quoted are for the fiscal year, not calendar year. He also mentioned the other services offered by Youth Services of Tulsa through counseling service in the home and schools. Not all services are handled through the Shelter program and felt that this was being confused as to the number of children that would actually be at this particular facility. He also stated that there are a minimum of two paid staff members and only the Staff members have cars, not the children. He also stated that the Shelter's license is for twelve children, so that would be the maximum number at any one time. He stated they utilize volunteers in addition to, not in place of the paid staff. He stated that the protestants are not being accurate in describing the "typical" child housed at the facility. He briefly stated that the Staff members are of all ages and races, some being students, working on under graduate work and of the training that the Staff members obtain, stating they are very qualified to do the job.

Mr. Martin stated that the facility was purchased because it is on a busy street, in the middle of business, close to interstates and expressways and a heavily trafficked area. He felt there would not be a lot of traffic or noise added by the facility and felt that with the present zoning, this would be a proper exception.

10080 (continued)

Mr. Bogan also appeared trying to clarify some statements. In summary, he stated the key issue is if this is a proper case for special exception and is this a foster home, stating it is not proper.

Board Action:

On MOTION of WALDEN, the Board 3-1 (Purser, Smith, Walden "aye"; Jolly "nay"; Lewis "absent") denied the Exception (Section 610 - Principal Uses Permitted in Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) on the basis that it is a needed facility, but is not in the proper location, on the following described tract:

The West 30' of Lot 2; and the East 50' of Lot 3, Block 1, Maywood Addition to the City of Tulsa, Oklahoma.

The Chairman took a ten minute recess at 7:20 and reconvened at 7:30 p.m.

10081

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) for permission to locate a mobile home in an RM-2 District, located at 5329 West 11th Street.

Presentation:

James P. Miller, 796 Walnut Creek Drive, applicant, was present requesting approval of placing a mobile home on this lot stating there were two mobile homes in the area at the present time. They plan to build within a year or two, but for financial reasons they are not able to at the present time.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) to locate a mobile home in an RM-2 District, on the following described tract:

The West 78.77' of the South 180' of Lot 8, Block 8, Vern Subdivision to the City of Tulsa, Oklahoma.

10082

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for hospital use (out patient clinic) located on the SE corner of Queen Street and Sheridan Road.

10082 (continued)

Presentation:

Mr. James Todd, Site Director, for the Tulsa Comprehensive Health Service, Inc., was present and briefly described the proposed facility. He submitted a plot plan (Exhibit "N-1") for the Board's review, briefly describing the facility as an out patient clinic operating from 8:30 to 4:30, with 11,000 square feet, meeting all the 1978 Codes. The facility will house six doctors and 3 dentists. They plan to come back and completely rezone the property at a later date.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) as per plot plan submitted, to use property for hospital use (out patient clinic) on the following described tract:

Reserve "B", Spartan Court Addition to the City of Tulsa, Okla.

10083

The Chairman advised the Board that a letter from the applicant (Exhibit "O-1") had been received requesting the application be continued to the August 17 meeting.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the request to continue this application to the August 17 meeting.

10084

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) for permission to split three tracts with frontages with less than 300' and areas with less than 2.5 acres located SW of 119th Street and South Maybelle Avenue.

Presentation:

The applicant was not present. Bob Gardner, TMAPC Staff, stated the Board could approve the request, subject to Planning Commission approval without the applicant being present.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) subject to Planning Commission approval, to split three tracts with frontages with less than 300' and areas with less than 2.5 acres located on the following described tract:

10084 (continued)

TRACT A: A tract of ground situated in the SE/4 of the SW/4 of Section 35, Township 18 North, Range 12 East of the IBM, Tulsa County, Oklahoma, and being more particularly described as follows, to-wit:

Beginning at a point 753.08' North and 136.08' West of the SE corner of the SE/4 of the SW/4 of Section 35; thence North $89^{\circ}-58'-13''$ West a distance of 197.9'; thence North $0^{\circ}-0'-58''$ West a distance of 204.16' to a point on the South line of the existing County roadway; thence South $89^{\circ}-58'-13''$ East a distance of 194.51'; thence South $0^{\circ}-57'-57.21''$ East a distance of 204.06' to the point of beginning, containing in all 0.919 acres; AND

TRACT B: Beginning at a point 520.11' North and 132.22' West of the SE corner of the SE/4 of the SW/4 of Section 35; thence North $89^{\circ}-58'-13''$ East a distance of 311.76'; thence North $0^{\circ}-0'-58''$ West a distance of 122.0'; thence South $89^{\circ}-58'-13''$ East a distance of 110.0'; thence North $0^{\circ}-0'-58''$ West a distance of 110.84'; thence South $89^{\circ}-58'-13''$ East a distance of 197.9' to a point on the Westerly property line of Maybelle Avenue; thence South $0^{\circ}-57'-57.21''$ East along the Westerly property line of Maybelle Avenue a distance of 233.0' to the point of beginning, containing in all 1.376 acres; AND

TRACT C: Beginning at a point 342.14' North and 129.27' West of the SE corner of the SW/4 of Section 35; thence North $89^{\circ}-58'-13''$ West a distance of 314.71'; thence North $0^{\circ}-0'-58''$ West a distance of 178.0'; thence South $89^{\circ}-58'-13''$ East a distance of 311.76' to a point on the Westerly property line of Maybelle Avenue; thence South along said Westerly property line of Maybelle Avenue a distance of 178.0' to the point of beginning, containing in all 1.28 acres, with all 3 tracts being in the SE/4, SW/4 of Section 35, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Okla.

10085

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1215 - Other Trades and Services) for permission to use property for other trades and services (Use Unit 15) located SW of 129th East Ave., and the Broken Arrow Expressway.

Presentation:

The applicant was not present. Bob Gardner, TMAPC Staff, explained that the property is zoned commercial, however, it is surrounded by industrial tracts. He further explained that the Staff had recommended the industrial zoning in the first place, and this use would be allowed in an industrial area. He felt the exception was proper and followed the plan.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Exception (Section 710 - Principal Uses

10085 (continued)

Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to use property for other trades and services (Use Unit 15) on the following described tract:

The North 509.81' of Lot 2, Block 4, Metro Park Addition,
Tulsa County, Oklahoma.

10086

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for a variance of the rear yard requirements from 25' to 5'; and request for a variance of the 5,000 square-foot minimum of livability space at 3316 South Birmingham Avenue.

Presentation:

Roy Comer, 1730 South Norfolk Avenue, applicant, was present. He stated that he is the contractor adding a utility room to the present structure. He advised the Board that they are requesting a variance of the rear yard requirement to 5' which is the same as the existing building, and are not extending the new room any closer to the property line than the present building. He submitted a plot plan (Exhibit "P-1") for the Board's review.

Mr. H. A. Maher, owner, was also present requesting the application be approved.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 5'; and a variance of the 5,000 square foot minimum of livability space, as per plot plan submitted on the following described tract:

Lot 1, Block 2, Timberland Addition to the City of Tulsa, Okla.

10087

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church use and related activities located at 6727 South Sheridan Road.

Presentation:

The applicant was not present. Bob Gardner, TMAPC Staff, explained that a plot plan had been submitted (Exhibit "Q-1") and felt this was a proper exception.

Protests: None.

10087 (continued)

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) as per plot plan submitted, to use property for church use and related activities provided the applicant be required to bring back the detailed plans prior to issuance of a building permit, on the following described tract:

Lot 14, Block 12, Park Plaza South Addition to the City of Tulsa, Oklahoma.

10088

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for a variance of the side yard requirements from 25' to 17' located NE of 45th Street and Detroit Avenue.

Presentation:

The Board was advised that the applicant, Mr. Eichhorn, had been present, but had to leave since this item was so late on the agenda. A plot plan (Exhibit "R-1") was submitted. Bob Gardner, TMAPC Staff, explained that the application is a request to build within 17' of the property line (side yard) and that the structure immediately to the south has the same setback as requested.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances), as per plot plan submitted, of the side yard requirements from 25' to 17' on the following described tract:

The South 83' of the West 72.55' of Lot 4, Block 5, Demorest Addition to the City of Tulsa; together with the West 67.55' of the 25' wide vacated 45th Street being contiguous to the South of said Lot 4, Block 5, the West line of said vacated 45th Street, being 5' East of the SW corner of said Lot 4, Block 5, Demorest Addition, to the City of Tulsa, Oklahoma.

10089

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses - Governmental Services) for permission to operate a street maintenance facility which will include an office for City employees, equipment storage and servicing, and storage of street maintenance material, located North and East of 36th Street North and Harvard Avenue.

Presentation:

Mr. Jolly stated that he understood there was a request for continuance of this case and prior to the City Engineering Department starting their presentation, that if there is a request, that it be heard at this time.

Protestant's Comments:

Mr. Don McCorkle, attorney, representing a group of citizens in the area immediately adjacent to the subject property, stated that he had been contacted this date to represent them and had not had an opportunity to prepare a presentation protesting this application. He requested a continuance to the August 17 meeting to give them adequate time to bring information to the Board for consideration. He stated that this was a residential development and they would bring back economic and development factors, relating to the Comprehensive Plan that are relevant to the decision of the Board.

Jim Carpenter, City Engineering Department, stated that the Engineering Department did not object to the continuance.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the continuance of this application to August 17 meeting because the applicant did not object.

OTHER BUSINESS:

The Building Inspector requested an interpretation of what classification is needed for outdoor storage of oil field equipment and pipe.

The Board reviewed a Memorandum from Charles Banks, Chief of Protective Inspections, requesting that the Board review the proposed construction of the following school expansion projects.

Tom Kelleher appeared on behalf of the Tulsa Public Schools, Independent School District #1, in reference to the Public Schools that have been in existence for several years, but were not approved by the Board of Adjustment.

He stated that several schools were built prior to 1970 and prior to that time the Board of Adjustment did not require detailed plot plans. He requested that the Board review three specific school expansion projects and that they find that the proposed expansions are accessory uses and incidental to the principal school use.

1st Project Presentation: The first project is a proposed industrial arts (shop) building to be constructed at Nathan Hale High School. He presented a plot plan stating that the new building was to be constructed internal to the school complex and not in close proximity to any neighboring houses.

Protests: None.

Board Action: On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the construction as per plot plan submitted.

Other Business: (continued)

2nd Project Presentation: The second project is a proposed classroom addition to be constructed at Washington High School. He presented a plot plan stating that the new building was to be constructed internal to the school complex and not in close proximity to any neighboring houses.

Protests: None.

Board Action: On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the construction as per plot plan submitted.

3rd Project Presentation: The third project is a proposed construction of rest-rooms at McClain High School, adjacent to the football stadium. He presented a plot plan stating that the new building was to be constructed internal to the school complex and not in close proximity to any neighboring houses.

Protests: None.

Board Action: On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the construction as per plot plan submitted.

The Chair adjourned the meeting at 8:07 p.m.

Date Approved

Oct 5, 1978

Kathryn Purser
Chairman