

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 267
Thursday, August 17, 1978, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Jolly
Lewis (in at
1:44 p.m. and
out at 6:35 p.m.)
Purser, Chairman
Smith

STAFF PRESENT

Alberty
Darling (out at
4:15 p.m.)
Edwards
Howell,
Jones

OTHERS PRESENT

Jackere, Legal Dept.
Bates, Building
Insp. Office

The notices of said meeting were posted in the Office of the City Auditor, 9th floor, Room 919, City Hall, Tulsa, on August 16, 1978, at 11:05 a.m., as well as in the Reception Area of the TMAPC Offices, 3rd floor, City Hall.

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

MINUTES:

On MOTION of JOLLY, the Board 3-0 (Jolly, Purser, Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") approved the Minutes of June 15, 1978 (No. 263).

UNFINISHED BUSINESS:

10069

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the building lines in an RS-2 and RS-3 District as per plot plan.

Presentation:

The applicant was not present.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 3-0 (with Jolly, Purser, Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue application #10069 until September 7, 1978, 1:30 p.m. Langenheim Auditorium, City Hall, Tulsa Civic Center.

10074

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, southeast of 14th Street and 131st East Ave.

Presentation:

Rev. Billy A. Ely, P. O. Box 161, pastor of the New Day Tabernacle, Inc., thanked the Board for their thoroughness and suggestion that he check with the Health Department and Sewer Department. In so doing they found the property was totally unsuited for a church. The Sewer Department informed them they were 1,000 feet from the point where they could connect with the nearest sewer line. The Health Department informed Rev. Ely that the property was too dry at this time to be able to check the percolation and it would probably be October before they could make the test; however, most of the property in the area had failed the test. Rev. Ely informed the Board that due to the contract he would need a definite decision from them at this time.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser, Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) on the following described tract:

The W/2 of Lots 7 and 8, Block 11, Romoland Addition to the City of Tulsa, Oklahoma.

10083

Action Requested:

Variance (Section 1211.4 - Off-Street Parking and Loading Requirements- Under the Provisions of Section 1670 - Variances) of the off-street parking requirements in an OM District located at the NE corner of 66th Street and Yale Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, attorney for the applicant, submitted a plot plan (Exhibit "A-1") for the proposed site of the American Bank. The plans have been before the Board before, but have now been changed to a four-story building with 48,000 sq. ft. The previous action permitted a 60,000 sq. ft. building with 180 parking spaces and the proposal now is for a 48,000 sq. ft. building with 100 parking spaces. Mr. Johnsen stated that the Zoning Code required 120 spaces for the 48,000 sq. ft. building and therefore, his client is asking for a variance of the 20 parking spaces. He further stated that within the overall complex there is enough parking to meet the Zoning Code and it seemed preferable to his client, since the additional parking spaces are not needed, to include more landscaping on the site for beautification. Should it become necessary, there is space available just north of the proposed building for 30 more parking spaces.

8.17.78:267(2)

Protests: None

Board Action:

On MOTION of JOLLY, the Board voted 3-0-1 (with Jolly, Lewis, Purser voting "aye"; no "nays"; Smith "abstaining") to grant a Variance (Section 1211.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) to allow 100 parking spaces per plot plan submitted, on the following described tract:

A part of Lot 1, Block 1, of the recorded plat of the William K. Warren Medical Research Center, Inc. to the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit:

Beginning at the SW corner of Lot 1, Block 1, of the William K. Warren Medical Research Center, Inc., said point being 60' East of the center-line of South Yale Avenue and 30' North of the center-line of East 66th Street South; thence South $89^{\circ}-57'-30''$ East a distance of 60.10'; thence along a curve to the left, with a central angle of $13^{\circ}-21'-50''$ and a radius of 396.79' a distance of 92.55'; thence North $76^{\circ}-41'-06''$ East a distance of 77.96'; thence along a curve to the right, with a central angle of $12^{\circ}-45'-22''$ and a radius of 519.04', a distance of 115.56'; thence North $0^{\circ}-08'-39''$ West a distance of 196.57'; thence North $60^{\circ}-08'-39''$ West a distance of 27.71'; thence North $0^{\circ}-08'-39''$ West a distance of 96.00'; thence North $60^{\circ}-08'-39''$ West a distance of 111.87'; thence South $89^{\circ}-51'-21''$ West a distance of 190.00'; thence North $60^{\circ}-08'-39''$ West a distance of 36.24' to a point on the West line of Lot 1, Block 1 of said recorded plat; thence South $00^{\circ}-08'-39''$ East along the West line of Lot 1 a distance of 422.12' to the point of beginning, and containing 126,065 square feet, or 2.894 acres, more or less.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses - Governmental Services) 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:

James Carpenter, Streets Maintenance Engineer for the City of Tulsa, presented a plot plan (Exhibit "B-1") and stated the Maintenance Department would like to amend the application to include only those areas where there will be activity as they are reducing the dimensions of the tract accordingly. He stated the land was purchased in 1972 for future use as a street maintenance and refuse facility and other related facilities. The plan is to construct a facility to serve as administrative offices and minor service shop for approximately 30 employees of the street division. The employees normal work week is Monday through Friday from 7:30 a.m. to 4:00 p.m., and most of the equipment will be out of the yard by 8:00 a.m., and returned

by 3:45 p.m. The equipment will enter and exit by way of an asphalt surface drive off of Harvard. The eastern portion of the tract will be used for storage of rock, gravel, etc. materials in bulk quantities, with the maximum height being 15-20 feet, but no asphalt will be mixed at the yard. The northern portion of the use area will contain the detention facility. Mr. Carpenter advised the Board that the employees have not had a decent place to work and were looking forward to this new facility. He also listed approximately 35 vehicles that would be kept on the lot and stated that the type of maintenance work that would be done on the premises would be similar to that done by homeowners in their driveways, i.e., oil change, anti-freeze, tire repair, lubrication and minor motor tune-ups. The structure will be masonry with a brick veneer and would be considered quite attractive. Mr. Carpenter said the screening plan for the east side of the property includes tall trees, such as poplars, and shorter trees to reduce the noise and catch any debris that might blow.

Protestant's Comments:

Don McCorkle, 3107 East Seminole Street, stated that he was Chairman of the District 16 Planning Team at the time of developing the Comprehensive Plan for this area. At that time the Team decided to preserve the large amount of vacant land through the Plan, which was near one of the largest Municipal Parks in the United States, for neighborhood supportive facilities or residential uses. The Planning Team was aware of the City-owned land in the area and there was an agreement at that time to move the refuse garage to another location. Mr. McCorkle stated that there are many places in the district where the proposed garage would be a compatible land use and would not be inconsistent with the Plan. He also stated that the amended application with proposed screening would not make any difference because it would not change the fact that it will be a maintenance facility which is an incompatible use with residential areas.

Alyce Marea Alexander, 3624 North Harvard, advised the Board that she felt the granting of this application would; (1) create a situation which will increase the danger and congestion of travel in the area, (2) be injurious to the neighborhood and detrimental to the public welfare, and (3) act to damage the value of the building by discouraging the developing trend of residential growth in the area. Mrs. Alexander presented petitions (Exhibits "B-2" and "B-3") signed by residents in the area and the particular community. She also exhibited a copy of her remarks (Exhibit "B-4").

Samuel L. McGowan, a resident of Tulsa since 1919, gave a brief history of Tulsa, and said that this was the fourth appearance he has made before the Board of Adjustment and he felt that we do have fair officials in the City of Tulsa. He asked the Board to help preserve and maintain the area that people had worked so hard to develop and help to continue to improve the area.

Naomi Claybon, 3747 East 36th Street North, noted that Tulsa has not had open housing very long and this was the only place they could build and be proud of their home. She stated they want to preserve what they have built and keep the value of their property. She cited

a business at the northwest corner of Knoxville Avenue and 36th Street North, which they were assured would not be enlarged; but it has continued to grow. A screening fence had been assured the residents; but it has not been erected. In light of this she expressed doubts that the screening fence proposed by this application would materialize.

Dr. Ira Trail, 3631 North Louisville Avenue, told the Board members that she is probably the only person living in the neighborhood who bought a house rather than build one and she did so because of the apparent stability of the neighborhood. She said it is a beautiful neighborhood, one which Tulsa could be proud of. She suggested that rather than build garages for trucks in residential areas, the City Planners should help the residents to further develop and protect the area. Dr. Trail noted that the NW campus for Tulsa Junior College is being built nearby and housing will be needed in the area for employees and students. She also felt the Board members would agree that a beautiful route to the Tulsa Zoo, the Mohawk Park and the Airport would further the positive growth of the City.

Earl White, 3685 North Louisville Avenue, representing his mother and brother, stated that they were the pioneer family in the neighborhood, moving there 25 years ago. He asked for the Board's help in maintaining the established residential community.

R. Cannon Chapman, 3605 North Louisville Avenue, said he felt each member of the Board had a commitment to give assistance to residents who desire to build a community which will be an asset to the nation. He expressed great pride in their neighborhood and in the City of Tulsa.

Luther H. Gray, 3635 North Knoxville Avenue, advised he would be within 300' of the area and he questioned who would take care of the leaves from the screening trees and who would trim them and maintain them.

Lloyd Williams, Jr., 3646 North New Haven Avenue, a spokesman for the group, stated that the property owners were offering to purchase the land in question from the City and help the City find a different location for the garage. Mr. Williams presented pictures of the homes in the area and the surrounding lots.

Henry A. Lewis, 3635 North Louisville Avenue, exhibited a copy of the agreement between District 16 and the City Commission (Exhibit "B-5") which was adopted as presented.

Donnie Cannon, 3605 North Louisville Avenue, pointed out the distance that many in the neighborhood travel to their work. She asked the Board not to let this facility come into her neighborhood.

Interested Parties:

Russ Roach, 320 East 3rd Street, advised that in North Tulsa there are a considerable number of dumps, salvage yards and very old industrial developments which presents a considerable problem in attempting to maintain residential stability or to encourage new residential

growth. He spoke of Mohawk Park as one of the bright spots in North Tulsa and of this residential area as one of the few areas promoting high value residences.

Mrs. Fred Loving, 432 South 51st West Avenue, member of the Sales Tax Advisory Board, stated the Board's position on this at the time they recommended funds for the purchase of the land, was that the City of Tulsa needed a major program for street maintenance. Studies pointed out the loss in travel time for employees. She further stated that at the time of the purchase it was mostly surrounded by vacant land and was an honest effort on the part of the Board to provide the City with better service.

Board Member Lewis stated that he felt the Board had received a very thorough presentation by all parties involved. He further stated that there was no doubt of the sincerity of the City in trying to make a facility compatible with the residential area; however, he was concerned with the language in the District Plan.

Board Action:

On MOTION of LEWIS, the Board voted 2-2 (with Lewis and Purser voting "aye"; Jolly and Smith voting "nay"; no "abstentions") to deny application #10089.

Mr. Jolly stated that since the property is zoned commercial, it could be used for this purpose with the proper controls and with the type of facility that was proposed it would not necessarily be a detriment to the neighborhood because of the adjacent area that's available to protect the residential area from the facility.

Mr. Jackere, of the Legal Department, advised that the Comprehensive Plan was something to be considered as a factor in the deliberation. Also, the Board must decide if the application is in harmony with the intent of the Zoning Code or whether it would be injurious to the neighbors or to the public welfare.

Board Member Lewis expressed concern for the "fragile type" neighborhood which is attempting to improve and grow with many strikes against it. He suggested that this just might be one strike too many.

Chairman Purser stated she felt it was a City problem instead of a neighborhood problem.

The MOTION by JOLLY was to approve the exception with the following conditions: Proper screening and protection on the east which could be restricted from further development; addition of decorative berms on the east of the development with trees and shrubbery as high as the protective fence; lighting which is directed inward; the stockpiles under cover as much as possible and never piled higher than the protective fence and that access to the eastern part be provided through the north-half of the area under application so it would be possible, at some later time, for the City to develop a mini park or for some other use for the citizens with access available to Harvard; as per plot plan and renderings submitted.

10089 (continued)

Adrian Smith stated he could second the motion if it was amended to read: No earthen materials be stockpiled at this location.

The MOTION and AMENDMENT, the Board voting 2-2 (with Jolly and Smith voting "aye"; Lewis and Purser voting "nay"; no "abstentions") failed to approve an 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 on the following described tract:

The West 755' of the South 600' of the North 900' of the SW/4, SW/4, Section 16, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

10090

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670 - Variances) for permission to locate a wedding chapel, reception facilities and bridal shop in an RS-3 District; and a Variance (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a 4' x 8' sign, 6' high; and a 6' x 24' sign on the building located at 1310 West 49th Street.

Presentation:

Betty Gibbs, 4511 South 28th West Avenue, advised the Board that she had operated this business for three years from her residence with no complaints, but at this time finds it is no longer feasible to continue operating her business out of her home. The subject property is church property, New Testament Assembly, and would be used for bridal consultation, sales of goods and services for the wedding, office and work areas to prepare flowers and dresses. The hours would be 10:00 a.m. to 8:00 p.m., on Tuesdays only and the hours for the other days will be 10:00 a.m. to 6:00 p.m. for the business part of the building. The Church facility will be used as the wedding chapel and reception facility and a maximum of three services will be held per day, with most of the services on Saturdays. There will be a 9:30 closing on the building and grounds. The property will park approximately 40 cars with ample space to increase the number without on-street parking. Mrs. Gibbs stated the exterior of both buildings would be renovated using cedar siding, stained blue and trimmed in white. The large sign would be letters affixed to the building and the only free-standing sign would be just slightly larger than the sign which is now there.

Protestant's Comments:

Norma Kirksey, 1305 West 49th, stated that since Mrs. Gibbs spoke with her last January, apartments have been built in the area which has caused overloading of the streets. Also, she noted that the neighbors were proud of their homes and did not want large signs in the area.

Mrs. C. H. Henry, 1315 W. 49th, who lives just across from the property in question, told the Board that the streets were narrow and there is no place to walk at this time. She said she objected to the added traffic and noise the business would bring to the neighborhood.

Delmar Bercher, 1410 W. 49th, advised that he was opposed because of the noise, added trash thrown around, and the sign. He stated there was congestion in the area due to the apartments and the streets being narrow and somewhat dangerous.

Board Member Jolly asked the applicant to explain her hardship involving this property, and why she wouldn't locate on a commercial property. Mrs. Gibbs responded that she preferred to remain on the west side of Tulsa and in checking with the shopping centers in the area found them to be very limited as to what she could do. She said her primary hardship was that she must do this now and had spent a year trying to accomplish the goal. The only shopping center space available at the present time is in the New Town West shopping center, but the amount of rent required was prohibitive.

Board Action:

On MOTION of JOLLY, the Board voted 4-0 (with Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670 - Variances) for permission to locate a wedding chapel, reception facilities and bridal shop in an RS-3 District; and a Variance (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a 4' x 8' sign, 6' high and a 6' x 24' sign on the building on the following described tract:

Lot 1, Block 6, Suburban Highlands Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710-Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) for permission to operate an automobile tune-up, overhaul and repair service in a CS District located at 5492 North Peoria Avenue.

Presentation:

Richard Liggins, 3710 North Hartford Street, told the Board that when he purchased the building he intended to remodel it and make a 2 or 3 stall garage, then he found it was improperly zoned and he needed a different zoning to accommodate his business. The building is run-down and would need renovation. The building is a 60' x 40' concrete

10091 (continued)

with a wooden floor which the applicant has had removed and has also removed the building on the rear. The applicant stated that the area was surrounded by commercial buildings and he would assure the Board that he would keep his business as neat and clean as possible. Mr. Liggins stated he had a full-time job and this would be just part-time. He said that he rotates days on his regular job and would be willing to keep his hours at the shop from 7:00 a.m. to 7:00 p.m.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0 (with Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate an automobile tune-up, overhaul and repair service in a CS District as presented on the following tract:

The South 99' of the North 240' of the NE/4, NE/4, NE/4 of Section 12, Township 20 North, Range 12 East, Tulsa County, Oklahoma.

10092

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split southwest of 28th Street and 65th West Avenue.

Presentation:

Mr. Jones advised that the Planning Commission had approved the lot-split on August 16, 1978, subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (with Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split on the following described tract:

All of Southeast Quarter (SE/4) Southeast Quarter (SE/4) of Section 18, Township 19 North, Range 12 East, Tulsa County, Oklahoma, EXCEPT the North 435.6' of the East 275' thereof.

10093

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home beauty shop in an RS-3 District located at 4747 East 89th Street.

Presentation:

Bob Jeffreys, representing Carol White, stated that the applicant simply wanted to put a beauty shop in her garage.

Mr. Lewis stated he would be very reluctant to consider a home occupation without the person involved being present.

Board Action:

On MOTION of LEIWS, the Board voted 4-0 (with Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to continue Application No. 10093 to September 7, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10094

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 northwest of 50th Place North and Peoria Avenue.

Presentation:

Richard Sims, 1902 East 73rd Street, Apartment G, representing the Bible Way Church of Christ and Reverend Wesley Gamble, advised that they would like to build a church on the vacant lot for which they have an agreement to purchase. The present plans include building the Sanctuary in the spring of 1979 and an educational building to be built at a later date.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (with Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to grant an 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, subject to the applicant returning to the Board with a plot plan showing parking and elevations of the proposed building on the following described tract:

Beginning 200' West of the NE corner of the NE/4, NE/4, SE/4; thence South 306.5'; thence West 140'; thence North 306.5'; thence East 140' to the point of beginning in Section 12, Township 20 North, Range 12 East, Tulsa County, Oklahoma.

10095

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-1 District at 4916 West 28th Street.

Presentation:

Mary Patton, 4916 West 28th Street, stated that she would like to maintain her mobile home on her daughter and son-in-law's lot where she has resided the past year.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0 (with Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to maintain a mobile home in an RS-1 District for one year, removal bond required, on the following tract:

A tract of land beginning 100' East from the NW corner of the NE/4, SE/4, SE/4 of Section 17, Township 19 North, Range 12 East, Tulsa County, Oklahoma; thence East 100'; thence South 200'; thence West 100'; thence North 200' to the point of beginning.

10096

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home beauty shop in an RS-3 District located at 521 North 42nd West Avenue.

Presentation:

The applicant, Janice Clemens, 521 North 42nd West Avenue, told the Board that she didn't realize that she needed approval for her shop which has been open two days. She stated that she would not have a sign outside, there would not be a parking problem, and then presented letters (Exhibit "C-1") from neighbors stating they had no objections to her operating a home beauty shop and traffic was not a problem. She stated the salon contains one chair and two dryers located in the garage, and the hours of operation will be from approximately 9:00 a.m. to 5:00 p.m., 4 1/2 days per week. Mrs. Clemens exhibited a map (Exhibit "C-2") of the area including 38 lots in the 300 square feet and a petition (Exhibit "C-3") signed by 28 of these owners who do not feel the salon will destroy the neighborhood and have no complaints concerning it. She also exhibited a letter (Exhibit "C-4") from a renter of a property owner who advised they had no objections to the salon. Pictures (Exhibit "C-5") of the area were presented to show that the shop does not destroy the appearance of the neighborhood. Mrs. Clemens advised that she needed to be at home to care for her two small children.

Protestant's Comments:

Kenneth Bode, 518 North 43rd East Avenue, presented a petition (Ex. "C-6") of homeowners in the area that are opposed to the salon. Mr. Bode stated that it was his understanding that the applicant was renting the

10096 (continued)

property and perhaps didn't know of the covenants, however, he felt it was in violation of the covenants of the neighborhood and it was his concern that one thing would lead to another and there would be more commercial use of the properties.

Mrs. Kenneth Bode, 518 North 43rd East Avenue, reiterated he husband's statement concerning what this would lead to in the neighborhood. She stated that she felt very strongly about keeping the neighborhood a "family neighborhood" and did not want to let businesses come in.

Interested Party:

Linda Bunch, 4303 West Edison, sister of the applicant, stated that her sister did rent the house from her father.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (with Jolly, Lewis, Purser, and Smith voting "aye"; no "nays"; no "abstentions") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-3 District with hours to be 9:00 a.m. to 5:00 p.m. weekdays and 9:00 a.m. to 12:00 noon on Saturdays on the following described tract:

Lot 11, Block 1, Edison Road Addition to the City of Tulsa, Okla.

10097

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 30' to 25' in an RS-2 District located at 17th Street and 84th East Avenue.

Presentation:

Robert Herald, 4922 South Newport Avenue, presented a copy of the plat (Exhibit "D-1") and stated that an additional 5' was needed on the four corner lots to allow a 50-foot building area. He stated they plan to build homes in the \$50,000 - \$60,000 price range.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0 (with Jolly, Lewis, Purser, and Smith 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 the corner lots from 30' to 25' on the following described tract:

Lots 1 and 8, Block 1; and Lots 1 and 8, Block 2; Tracy-Herald Addition to the City of Tulsa, Oklahoma.

10098

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the frontage and square footage requirements; and request for a side yard setback from 5' to 0'.

Presentation:

Jack C. Cox, 324 Main Mall, Suite 200, presented a plot plan (Exhibit "E-1") and stated that the variance was needed to permit the division of the existing duplexes, creating new lot lines at the common wall of the duplexes for individual ownership.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (with Jolly, Lewis, Purser and Smith 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 frontage and square footage requirements; and the side yard setback from 5' to 0', per plot plan, on the following described tract:

Lots 1, 2, 3 and 4, Block 1, Del Prado Addition to the City of Tulsa, Oklahoma.

10099

Action Requested:

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 at 5335 West 1st Street.

Presentation:

The applicant, Sandra Starr, 5335 West 1st Street, advised that she wanted to move a mobile home onto the back of her property which would provide a home for her mother-in-law who is suffering from rheumatoid arthritis and needs help. Mrs. Starr exhibited a plot plan (Exhibit "F-1") of her lot stating most of the mobile home would be blocked from the neighbor's view by a 6' stockade fence around the property. Mrs. Starr stated they were on City sewer and the mobile home would have its own sewer hook-up.

Protestant:

Adeline Burgess, 5699 West 3rd Street, advised that the Housing Code for Mayfair Addition calls for one-family dwellings and she would like to adhere to that Code. She said she felt that trailer homes in the area detracted from the appearance of the neighborhood.

Interested Parties:

Mrs. Fred Loving, 432 South 61st West Avenue, speaking as a member of the District 10 Planning Team, explained that she was extremely familiar with the easements and there was a perpetual and permanent easement, involving almost one-half of the lot, which prohibits the placement of

any structure on it. She informed Mrs. Starr that the records were available at the Court House if she wanted to confirm the fact. Mrs. Loving further stated that she would like to see the area have a chance to rebuild, but didn't think this would be possible if too many mobile homes were brought in.

Mrs. Ray Starr, mother-in-law of the applicant, said she didn't know why people would object to a trailer house when there was a board fence which obstructed the view. She further stated that she was sick much of the time and needed to be close to someone who could help her. She advised the Board of several other trailer homes in the area.

Board Action:

On MOTION of JOLLY, the Board voted 4-0 (with Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) Mobile Homes) to locate a mobile home in an RS-3 District on the following described tract:

Lot 10, Block 1, Mayfair Second Addition to the City of Tulsa, Oklahoma.

10100

Action Requested:

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 located at 5154 West Cameron Avenue.

Presentation:

Mrs. Robert Horne, 5154 West Cameron Avenue, told the Board she has four children and needs a large home. However, she and her husband found they could not afford to build a house large enough so they have decided to buy a double wide mobile home and place it on their lot which is 100' wide and 150' in depth. Mrs. Horne advised that they would remove the wheels and put the mobile home on a permanent foundation.

Protests: None.

Interested Party:

Mrs. Fred Loving, 432 South 61st West Avenue, speaking as a member of the District 10 Planning Team, stated she would like to see the area have a chance to rebuild, but didn't think this would be possible if too many mobile homes were brought in.

Board Action:

On MOTION of JOLLY, the Board voted 3-0-1 (with Jolly, Purser and Smith voting "aye"; no "nays"; Lewis "abstaining") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year, removal bond required, on the following described tract:

10100 (continued)

A part of the SE/4 of the NE/4 of Section 5, Township 19 North, Range 12 East, described as follows: Beginning at a point 575' South and 50' East of the NW corner of the SE/4 of the NE/4 of said Section 5; thence East 100'; thence South 150'; thence West 100'; thence North 150' to the point of beginning, all in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

10101

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home barber shop in an RS-3 District at 1535 South 145th East Avenue.

Presentation:

Applicant Max Carver, 1535 South 145th East Avenue, advised the Board that he has been in the barbering business for 12 years and has a private clientele built up and would work on an appointment basis only. His hours of operation would be 8:00 a.m. to 6:00 p.m., Tuesday thru Saturday. He stated he would probably have just one customer at a time, so the parking is ample.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) in accordance with all the rules of the home occupation as presented and limited to this property only on the following described tract:

The S/2, NW/4. NW/4, SW/4 of Section 10, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

10102

Action Requested:

Appeal (Section 1450 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to permit a billboard sign in an RS-3 District; and a Variance Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit the erection of an outdoor advertising sign on a wedged shape tract of land in an RS-3 District located NE of Memorial and Broken Arrow Expressway.

Presentation:

Tom Tannehill, attorney representing Don Jernigan, presented a statement (Exhibit "G-1") of specific hardship evidenced by the property and its situation to the physical facts and photographs of the area. He explained the hardship was that the size of the lot precludes its use for anything other than something like a sign. The sign would be 14' x 48' and 50' from the ground. Mr. Tannehill said the owner of the shopping center, Ron McDaniel, had agreed to allow them access to the property through the use of an easement or as an alternative, to tie the properties together with a lot-split and give a ground lease.

10102 (continued)

Mrs. Purser advised that she had received a call from Mr. McDaniel saying he was concerned about the size of the sign and the fact that his shopping center had small signs. Attorney Tannehill said Mr. McDaniel had indicated to him that he did not want a sign to be put in there unless he was going to get some benefit from the sign.

Don Jernigan, owner, stated he had talked with Mr. McDaniel who was concerned about why Mr. Jernigan's sign was so large and also what reason there might be that he couldn't tie the lot-split into his property and then build a sign that way. He further stated that Ron McDaniel would buy one side of the sign if it was approved by the Board.

Protestant's Comments:

Vern Adams, 3766 32nd East Avenue, stated that he lived south of the property and would like to know where the sign would be located and if it would be of the billboard type. He said he would not like to walk out of his house and look at the back of a large sign. Mr. Tannehill informed him that the sign would be identical to the picture (Exhibit "G-2") previously presented to the Board.

Don Jernigan told the Board that the trees in the area would block the view of the sign from Mr. Adams' yard and the lighting will be of a new design, that will be directed on the sign and will turn off at midnight.

Vern Adams then stated that he would be able to see the sign despite the trees, but if it is a good looking sign and is kept to the west of the property he would not object providing the Board gave their approval.

Alan Jackere, Legal Department, as a point of information, said that if the Board approves the sign and states where it should be located, he would suggest that the applicant clarify the location by submitting a plot plan which would conform to the Board's restrictions.

Board Action:

On MOTION of JOLLY, the Board voted 4-0 (with Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to deny the Appeal (Section 1450 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to permit a billboard sign in an RS-3 District and to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670-Variations) to permit the erection of an outdoor advertising sign on a wedged shape tract of land in an RS-3 District, subject to the applicant providing the Board with his detailed engineering on the sign showing specific dimensions of the sign, the exact location; with the sign being placed as far to the west and north of the subject property as possible, and if required, the applicant secure from the property owner to the north, the shopping center, air rights on the following described tract:

Lot 2, Block 1, Memorial Plaza Addition; and a tract of land described as beginning at the NW corner of Lot 1, Block 4; Memorial Estates Addition to the City of Tulsa, Oklahoma;

10102 (continued)

thence East 155.4'; thence South to the South line of Lot 1, Block 4, Memorial Estates; thence Southwesterly to the SW corner of Lot 1, Block 4, Memorial Estates; thence NW along the right-of-way line of Broken Arrow Expressway a distance of 190' to the point of beginning.

10103

Action Requested:

Appeal (Section 1650 - Appeal from the Building Inspector) for a decision of the Building Inspector for refusing to issue a zoning clearance permit for a nonconforming resale shop and storage building in an RM-2 District at 1510 East 2nd Street.

Presentation:

Mrs. Joyce Nipper, 827 North Norfolk Avenue, informed the Board that she wished to continue using the property as it has been used in the past as residential rental units in the triplex at 1506, 1508 and 1508½ East 2nd Street and a retail outlet with additional storage at 1510 and 1510½ East 2nd Street. Mrs. Nipper exhibited notarized statements and xeroxed copies of pages in the business directory section of the Tulsa City Directory (Exhibit "H-1") to support the contention that the building at 1510 East 2nd Street started as a grocery store in 1918 and has been used as a retail sales outlet since then. She also presented a plot plan and pictures (Exhibit "H-2") of the building in question. The applicant said she was unable to substantiate what the building was used for from 1941 to 1947.

Board Action:

On MOTION of JOLLY, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Application No. 10103 until September 7, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, instructing the Staff to readvertise the Case to allow for action by the Board to determine a nonconforming use.

10104

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts Section 1215 - Other Trades and Services - Under the Provisions of Section 1670 - Variances) to permit a vocational trade school in a vacant school building, in an RM-1 District located at 507 East Easton Street.

Presentation:

Bill Green, 314 West 2nd Street, representing Tulsa Technical College, stated that the hardship in this case was that the lease on the building which the College currently occupies will be expiring on September 7, 1978 and will not be renewed. The Tulsa School District No. 1 has approved the sale of the Charles Johnson School to Tulsa Technical College with the agreement that closing procedures can begin on September 1, 1978. Mr. Green presented a fact sheet and aerial photo (Exhibit "I-1") and informed the Board that there would be approximately 400 off-street parking spaces. He further stated that the site is a part of the proposed

Urban Renewal Project Area and exhibited a letter (Exhibit "I-2") from the Tulsa Urban Renewal Authority stating the proposal of the Tulsa Technical College was acceptable to their plan.

Jack King, 2608 East 14th Place, Vice President of College Administration, told the Board there were 226 students currently enrolled in the College and the long-range growth plan was for expanding to 500 students.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1670 - Variances) to permit a vocational trade school in a vacant school building, in an RM-1 District as requested, with the stipulation that the applicant return to the Board with a rendering or elevations showing the cosmetic changes he plans to make to the building to upgrade the property located on the following described tract:

Lots 1 and 2, Block 16, North Tulsa Addition; Lots 6 and 7, Block 3, Mountain View Addition; and Lots 13 and 14, Block 4, North Side Addition; and the vacated Haskell and Frankfort; All to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Action Requested:

Request for clarification of Minutes on Case No. 9737.

Mr. Tom Tannehill, representing Never Fail Builders, was present and explained to the Board that they had understood they were given approval of their Concept Plan at the December 15, 1977 meeting of the Board. When building permits were requested, the Building Inspector refused the permits based upon their interpretation that the Board's action was for townhouses and permits were requested for single-family and duplex units. He presented the Concept Plan (Exhibit "J-1") showing that single-family and duplexes were on the Plan along with the townhouses, and they felt that the Board had approved their request per the concept presented. He requested that the Board clarify for the record, their action of December 15, 1977.

Wayne Alberty, TMAPC Staff member, explained that the problem had arisen over the definition of a "townhouse", based upon the action of the Board. The Board's action was approval to erect "townhouses" in an OM District, per Concept Plan. The Concept Plan had shown duplexes, single-family and townhouses. The problem was that the definition of townhouse was one thing to the Staff and Building Inspector and apparently another thing to the applicant. Also the Staff questioned if the Zoning Code gave the Board authority to grant a single-family use or duplex use in an OM District. He added, however, that the question before the Board was did they intend to grant the applicant permission to build single-family and duplexes, as well as townhouses, as a special exception.

Other Business: (continued)

After considerable discussion by the Board as to the intent of the original motion, on the Motion of Jolly, the Board 3-0-0 (Jolly, Smith and Purser) clarified their original motion on Case No. 9737 to be approval of single-family, duplexes or townhouses on Lots 2 through 10, Block 2, Nob Hill Addition to the City of Tulsa, Oklahoma.

There being no further business, the Chair declared the meeting adjourned at 7:25 p.m.

Date Approved Oct 5, 1978

Cathryn J. Purser
Chairman