

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 268  
Thursday, September 7, 1978, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT

Jolly  
Lewis (out at  
4:15 p.m.)  
Purser  
Smith

STAFF PRESENT

Gardner  
Howell  
Jones

OTHERS PRESENT

Bates, Building  
Insp. Office  
Jackere, Legal  
Department

The notices of said meeting and agenda were posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, September 6, 1978, at 10:17 a.m., as well as in the Reception Area of the TMAPC Office, 3rd Floor, City Hall.

The Chairman called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of JOLLY, the Board 4-0 (Jolly, Lewis, Smith and Purser voting "aye"; no "nays"; no "abstentions") approved the Minutes of July 20, 1978, (No. 265).

UNFINISHED BUSINESS:

10078

Action Requested:

This application was approved August 3, 1978, to erect a duplex in an RS-3 District, with the stipulation that the application come back with elevation plans prior to obtaining a building permit.

Presentation:

Bill Grimm, the applicant, 1600 Philtower Building, advised the Board that this variance at 37th Street and Peoria Avenue had been approved August 3, 1978, and he was now returning for their approval of the elevation plans.

Mr. Smith questioned the exterior siding in the plans. He stated the plans appeared to be for stucco siding rather than brick or stone which was represented to the Board.

Board Action:

On MOTION of SMITH, the Board voted 3-0-1 (with Jolly, Purser and Smith voting "aye"; no "nays"; Lewis "abstaining") for the plans to be brought back to the Board when they reflect what had been represented at the August 3, 1978 meeting.

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 Districts as per plot plan, located at Atlanta Place and 55th Place.

Presentation:

The applicant requested a continuance until September 21, 1978, when the plans would be completed.

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 continue application #10069 until September 21, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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 at 4747 East 89th Street.

Presentation:

Carol White, 4747 East 89th Street, informed the Board that she has been operating a beauty shop from her home for several weeks. She stated she was divorced with two small children and felt this was the best way to take care of her family and continue her work. She has three stations, four dryers and bathroom facilities. She added that no one else would be employed there and she would not display a sign. Her double driveway would be adequate for parking of patrons. Ms. White exhibited a petition with signatures of the immediate neighbors stating they had no objections to her beauty shop.

Protestant:

Linda Crutchfield, 8728 South Winston Avenue, advised the Board that she lived in the neighborhood and was concerned about the traffic this would generate. She described the area as being very quiet, an ideal place to raise children. She stated the beauty shop was not in an attached garage, but in a portable building, 12' x 24', which had been moved to the home.

Mr. Gardner stated that according to the Ordinance, a home occupation should be located within the enclosed principal building or customary accessory building which is already on the property.

10093 (continued)

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 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 on the following described tract:

Lot 5, Block 1, Wigwam Hills Addition, Tulsa County, Oklahoma.

10103

Action Requested:

Appeal (Section 1650 - Appeal From the Building Inspector) from a decision of the Building Inspector for refusing to issue a zoning clearance permit for commercial activities. Also request that a determination be made that this is a nonconforming use.

Presentation:

Joyce Nipper, 827 North Norfolk Avenue, advised the Board that there has been a store building at this location since 1918 until the present. The building has been used as a retail outlet since that time.

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 determine that the existing use is a nonconforming use and may continue as a commercial business, on the following described tract:

Lot 11, and the West 1' of Lot 10; and the South 22' of the West 1' of the East 49' of Lot 10; all in Block 4, Midway Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

10105

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 at 816 South 64th West Ave.

Presentation:

Reverend P. H. Wootten, 816 South 64th West Avenue, advised that his trailer home is setting on the lot of the church which he is pastoring and he was asking permission to maintain this home for another year.

10105 (continued)

Protestant:

Mrs. Fred Loving, 432 South 51st West Avenue, advised the Board that there were getting to be too many mobile homes in the area and questioned why people do not use the mobile home parks that are available.

Board Action:

On MOTION of JOLLY, the Board voted 4-0 (with 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 (6) - 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 15, Block 2, Trimble Addition to the City of Tulsa, Oklahoma.

10106

Action Requested:

Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Under the Provisions of Section 1670 - Variances) for permission to locate a mobile home in an IM District located at 14 North 31st West Avenue.

Presentation:

Della Womack, RR #1, Box 770, Collinsville, Oklahoma, stated there was a mobile home on this lot for eight years and then was moved off. The lot is fenced and Mrs. Womack would like to move another mobile home on the lot for rental purposes.

Mr. Gardner advised that this area contains mixed types of residential and commercial uses and is an area in transition. The area is zoned IM for industrial redevelopment.

Protestant:

Mrs. Fred Loving, 432 South 51st West Avenue, stated this property was in District 10 and when the Planning Team made their detailed plan for this District, it was the assumption that the area would eventually be industrial. Mrs. Loving felt that until it was industrial, the people who owned homes in the area were entitled to some protection from declining value because of mobile homes in the area.

Interested Party:

Bill Morgan, 3111 West Admiral, advised that he owned a machine shop about 30' from the property. He also stated that he planned to construct a large building on the property this fall and that he was running a 10-horse motor which is noisy in connection with his business. He wanted the applicant to be aware of these facts.

10106 (continued)

Board Action:

On MOTION of JOLLY, the Board voted 3-1-0 (Jolly, Lewis, Purser voting "aye"; Smith "nay"; no "abstentions") to deny a Variance (Section 910 - Principal Uses Permitted in the Industrial Districts- Under the Provisions of Section 1670 - Variances) for permission to locate a mobile home in an IM District on the following described tract:

Lot 10, Block 2, Towerview Addition to the City of Tulsa, Okla.

10107

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on the north and east from 75' to 0'; and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) for a modification of the screening requirements where the purpose of the screening cannot be achieved at 1225 North Mingo Road.

Presentation:

Leo Harris, 5316 East 29th Street, advised that he presently owns a lot at 1225 North Mingo Road and has 40 boat stalls on the south side of the property which adjoins an industrial area. Mr. Harris stated he was seeking a variance to build an additional 29 stalls on the north side of the property which adjoins residential zoned property in the floodplain area which has been built-up by the City.

John Taylor owns the lots adjoining, on which there are 30 boat stalls. Mr. Taylor plans to build storage buildings on one lot next spring. Mr. Harris pointed out that he and Mr. Taylor own the only boat storage areas in the City of Tulsa at this time. A boat stall is 10' x 24' and rents for \$17 per month. These stalls are built specifically for boats and renters are advised of this.

Bob Gardner, TMAPC Staff, advised that the Comprehensive Plan designates this area as a Special District, Industrial.

Board Action:

On MOTION of JOLLY, the Board voted 4-0 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to grant a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on the north and east from 75' to 0'; and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) for a modification of the screening requirements where the purpose of the screening cannot be achieved, subject to the approval of the City Engineer as to drainage, on the following described tract:

Lot 4, Edmunds Subdivision to the City of Tulsa, Oklahoma.

10108

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the 750 square foot maximum to allow an accessory building of 1,008 square feet at 1336 South 87th East Avenue.

Presentation:

The applicant, Jack Slankard, 1336 South 87th East Avenue, submitted a plot plan (Exhibit "A-1") and stated that his application was to build a larger garage and workshop than is acceptable for a back yard. This workshop would be strictly for his hobbies and to accommodate his wood tools, etc. The addition would include three garage doors and would have plywood siding which eventually will be rocked to match the home.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (Jolly, Lewis, Purser, Smith voting "aye"; no "nays"; no "abstentions") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the 750 square foot maximum to allow an accessory building of 1,008 square feet per plot plan and building plans submitted, on the following described tract:

The South 100' of the North 200' of Lot 12, Block 7, Forrest Acres Addition to the City of Tulsa, Oklahoma.

10109

Action Requested:

Appeal (Section 1650 - Appeals From the Building Inspector) from a decision of the Building Inspector for refusing to allow a health club-massage parlor in an OL District and an RS-3 District; and a Variance (Section 610 - Principal Uses Permitted in the Office Districts - Under the Provisions of Section 1670 - Variances) to allow a health club-massage parlor in an OL District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) for same as above, located at 104 South 92nd East Avenue.

Presentation:

Teri Holt, 748 South 123rd East Avenue, stated this building was used as doctor offices and then as the Esquire Health Club the past three years. The Health Club had not been licensed since the City did not have a way of licensing a corporation. Mrs. Holt advised that she was licensed and had been an employee of the Esquire Health Club. The Health Club facilities include a whirlpool, steam cabinet, sauna room, three massage rooms and one room with exercise tables. The hours of operation would be 10:00 a.m. to 8:00 p.m., Monday through Friday and 10:00 a.m. to 6:00 p.m. on Saturdays. The applicant advised the Board there would be no significant change, other than installing the exercise tables, from the way in which the Club has operated the past three years. She told the Board that she had spent \$1,500 on redecorating before learning that it was improperly zoned.

9.7.78:268(6)

Protestants:

Bill McClure, Bartlesville, stated that he owned property just around the corner from the building in question. He was concerned about possible decline in property values in the area.

Joan Lacey, 9213 East 2nd Street, advised that she lived at this address for 22 years and the property occupied by the Health Club was the office used to sell the houses in the addition. Those purchasing these houses were informed the "office" would become a residential home when the addition was completed. Mrs. Lacey said she didn't feel the house was large enough to accommodate what the applicant was proposing.

Dortha Bates, Building Inspector's Office, advised that she had no record of a building permit or interior remodel permit for the past 10 years, plumbing permits since 1975, and no Certificate of Occupancy for the Health Club.

Board Action:

On MOTION of JOLLY, the Board voted 4-0 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to uphold the Appeal (Section 1650 - Appeals From the Building Inspector) from a decision of the Building Inspector for refusing to allow a health club-massage parlor in an OL and RS-3 District; and to deny a Variance (Section 610 - Principal Uses Permitted in the Office Districts- Under the Provisions of Section 1670 - Variances) to allow a health club-massage parlor in an OL District; and to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) for same as above, on the following described tract:

Lots 1 and 2, Block 6, Meadowwood Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate an office and mailing service for juggling equipment in an RS-3 District at 2462 South 107th East Avenue.

Presentation:

David Tull, 2462 South 107th East Avenue, advised that he was a representative of Juggling Institute of America, a non-profit organization whose sole purpose is to teach juggling in schools through the physical education classes. As a related interest, he would like to inventory juggling equipment in the garage and mail equipment to his customers. Mr. Tull stated this business would be handled entirely through the mail, there would be no advertising other than by direct mail, there was ample space in his garage to handle this equipment and the hardship would be servicing a market that does not exist at the present time. He also added that this would not affect the traffic on his street in any way since it would be handled by mail only.

10110 (continued)

Protestants:

Renee Lou Dotson, 2455 South 107th East Avenue, presented a petition of 77 property owners in the area who objected to this application because it would allow an office in a totally residential area, would possibly reduce the value of their property; and a possibility of increased traffic in an area where traffic is already extremely heavy. Mrs. Dotson expressed concern that if the exception was granted, he would be free to change the direction of the business, which in turn might generate more traffic.

Phyllis Henderson, 2458 South 107th East Avenue, expressed the same concerns as Mrs. Dotson, and stated she was especially concerned about traffic since she had two small children.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (with 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) for permission to operate an office and mailing service for juggling equipment as presented, no sales on premises in an RS-3 District, to run with the present applicant only, on the following described tract:

Lot 16, Block 12, Magic Circle Third Addition to the City of Tulsa, Oklahoma.

10111

Action Requested:

Variance (Section 240 (e) - Permitted Yard Obstructions) for permission to erect a garage 1,080 square feet in size, in an RS-1 District (Ordinance permits 750 square feet), located at 1723 South 147th West Ave.

Presentation:

Mrs. Ed Harris, 1723 South 147th West Avenue, submitted a sketch plan (Exhibit "B-1") of the garage which she and her husband plan to build. The garage would have the same roof line and shingles as the house, white masonite siding and would be compatible with the neighborhood. Mrs. Harris had talked with the neighbors and they had no objections. The garage would be used to store the boat, motorcycles, camper, etc.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (with Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to approve a Variance (Section 240 (e) - Permitted Yard Obstructions) for permission to erect a garage 1,080 square feet in size in an RS-1 District, (Ordinance permits 750 sq. ft.) as per drawing submitted, on the following described tract:

Lot 4, Block 2, Riverside West Addition to the City of Tulsa, Oklahoma.



Action Requested:

Appeal (Section 1650 - Appeals From The Building Inspector) from a decision of the Building Inspector to cease and desist a marble manufacturing business in an AG District; and a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1670) to permit the operation of a marble business in an AG District southeast of 101st Street and 177th East Ave.

Presentation:

Gary Underwood, 6363 East 31st Street, representing Bob Frieze, advised the Board that his client has been in business since 1965 which is before the zoning jurisdiction was in effect and exhibited several affidavits (Exhibit "C-1") attesting to this fact. Mr. Underwood stated this business is in a barn back of where Mr. Frieze lives, there are no signs, makes no noise and there is no smell. The applicant is now retired and using this as an "income hobby." Mr. Underwood stated that Bob Frieze had agreed to teach Mr. Inman the business in a three month period.

Mr. Bob Frieze, 1116 Maple Leaf, Apartment A, Broken Arrow, stated that he manufactured marble that is used in new homes. He described the process he uses to manufacture the marble.

Protestants:

J. W. Fulps, 10207 South Lynn Lane Road, Broken Arrow, stated that his property adjoins Mr. Frieze's property and he has lived there 20 years. It was his understanding that the applicant had sold all or part of the business to Mr. Inman. Mrs. Inman had informed Mr. Fulps that they had purchased the business with the understanding that the property was zoned properly. The protestant submitted a petition with names of 10 neighbors (Exhibit "C-2") who are opposed to the business.

Wanda Fulps, 10207 South Lynn Lane Road, Broken Arrow, advised that the Health Department had been to the property on two occasions to question the burning and debris. Mrs. Fulps stated the marble did have a bad odor, and there was a lot of debris around the barn.

Mrs. Gerald Bowden, RR #2, Broken Arrow, stated she was not protesting Mr. Frieze's personal hobby of manufacturing sinks, but she did protest the increase in traffic. She said the applicant uses the road that goes to her house and one other property behind them to reach the barn. The only other access to the property has been denied.

In answer to the Board's questions, Mr. Frieze stated the barn is 25' x 40' and the application covers 7½ acres. Bob Gardner stated the applicant would have to have 32,670 square foot of building area to use 10% of the 7½ acres. The applicant stated the chemicals used to harden the material in the marble are flamable, but they are not explosive or will not flash.

10112 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; no "abstentions") to deny a Variance (Section 310 - Principal Uses Permitted in the Agriculture District- Under the Provisions of Section 1670) to permit the operation of a marble business in an AG District; and

on MOTION of LEWIS, the Board voted 3-1 (with Jolly, Lewis, Smith voting "aye"; Purser "nay"; no "abstentions") to continue an Appeal (Section 1650 - Appeals From The Building Inspector) from a decision of the Building Inspector to cease and desist a marble manufacturing business in an AG District until September 21, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10113

Action Requested:

Variance ( Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances) for permission to locate a mobile home in a CS District for a caretaker and watchman at 3820 West Edison Street.

Presentation:

Alfred Duyer, RR #1, Box 68, Cleveland, Oklahoma, stated he felt a need to move the trailer near his tavern because of recent break ins. Mr. Duyer advised he had received permission from the Health Department to maintain his mobile home on the lot.

Protestants:

John Boyd, 800 Petroleum Building, presented a petition (Exhibit "D-1") with signatures of 15 property owners who are opposed to the mobile home. These protestant's were opposed to the following: too close to school crossing, devaluation of property in the area, home is located less than 25' from front property line, property not on sewer, the lot is zoned for business and this could be harmful in the future to school children. Pictures (Exhibit "D-2") were exhibited showing the area, the school crossing and the mobile home.

Mrs. Fred Loving, 432 South 51st West Avenue, stated she was speaking in behalf of Mr. Ed Crowley, who lives at 3820 West Edison Street and was called out of town. Most of the homeowners in the area did not like having the tavern in the area and they questioned the justification for placing the mobile home on the lot.

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 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances) for permission to locate a mobile home in a CS District for a caretaker and/or watchman on the following described tract:

Lots 15 & 16, Block 2, Coopers Subdivision to the City of Tulsa, Oklahoma.

(LEWIS out at 4:30 p.m.)

10114

Action Requested:

Exception (Section 250.3 - Modification of Screening Requirements) for permission to remove the screening where the purpose of the screening cannot be achieved at 11348 East Pine Street.

Presentation:

Herman Moon, 9232 East Admiral Place, representing the Time Mark Corporation, advised the Corporation is in the process of constructing a building on East Pine Street directly across the street from the OTASCO warehouse. The building permit requires a 6' screening on the south property line and on the first 300' from Pine Street on the west property line. The owners concern is that there are trees that they do not want to remove in building the screening fence. Mr. Moon presented pictures (Exhibit "E-1" and Exhibit "E-2") showing the area and the trees which they hope to retain. The Corporation manufactures electronic controls and is a relatively quiet operation.

Adrian Smith stated that approximately one year ago he had done some work for the Time Mark Corporation and therefore would have abstained; however three votes are required to decide the matter.

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 grant an Exception (Section 250.3 (d) - Modification of the Screening Requirements) for permission to remove the screening where the purpose of the screening cannot be achieved on the following described tract:

Lot 1, Block 1, Time Mark Addition to the City of Tulsa, Oklahoma.

10115

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 RM-2 District at 6143 West 10th Street.

Presentation:

David A. Kasper, 6143 West 10th Street, advised the Board that he had been living in the trailer home until the land was paid for, at which time he planned to begin construction of his permanent residence. The land will be paid for this year and Mr. Kasper said he was making preparations to build his home. He stated that he planned to begin building the first of the year and hopefully not have need to return to the Board again next year.

Protestant:

Mrs. Fred Loving, 432 South 51st West Avenue, speaking for the neighbors of Mr. Kasper, stated she thought they would withdraw their protest if the applicant planned to remove the mobile home soon.

Mrs. Loving expressed appreciation for the time the Board spent on serving on the Board without pay or compensation of any kind.

10115 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") 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 RM-2 District for one year, removal bond required, on the following described tract:

The South 155' of Lot 8, Block 6, Lawnwood Addition to the City of Tulsa, Oklahoma.

10116

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for permission to extend a carport into the setback area from 25' to 2' at 14179 East 26th Street.

Presentation:

C. M. Beaver, 14179 East 26th Street, submitted a plot plan (Exhibit "F-1"), a site plan (Exhibit "F-2") and an elevation plan (Exhibit "F-3") and stated there is an existing drive on the 26th Street side of the house which he would like to cover. The addition would be made from the same material as the house, shake shingles, and would look like a part of the house.

A petition (Exhibit "F-4") containing signatures of three neighbors of Mr. Beaver, stated they would not protest the structure if it was built to blend in with and enhance the aesthetics of the neighborhood.

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 grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for permission to extend a carport into the setback area from 25' to 2' per plot plan and drawings submitted on the following described tract:

Lot 22, Block 10, Eastland Acres Addition to the City of Tulsa, Oklahoma.

10117

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a ceramic and porcelain shop in an RS-3 District.

Presentation:

John Prine, 4314 South Owasso, presented petitions (Exhibit "G-1") containing 34 signatures of neighbors attesting that they had no objections to the operation of a ceramic and porcelain shop in his home. He stated there would be some retail sales, some advertising, no signs or outside displays and the hours would be 10:00 a.m. to 5:00 p.m.

10117 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a ceramic and porcelain shop as presented, in an RS-3 District, to run with this owner only, on the following described tract:

Lot 8, Block 3, Pasadena Addition to the City of Tulsa, Oklahoma.

10118

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances of the setback requirements from 25' to 8' for a carport at 4114 East 21st Place.

Presentation:

Diana Henderson. 4009 South Ironwood, Broken Arrow, stated that she had a contract on the house at 4114 East 21st Place which has a small, single car garage. Ms. Henderson stated she has a van, with a side lift for her wheelchair, which does not fit into the garage. She exhibited a sketch (Exhibit "H-1") of the carport she planned to build and a plot plan (Exhibit "H-2"). Ms. Henderson presented a petition (Exhibit "H-3") signed by four neighbors who were not in opposition with the carport.

Stanley Henderson, father of the applicant, advised that one of the statements in the legal notice was that the setback would be decreased to 8' and actually the size of the carport would still be 29' from the present curb and 12' from the easement, if the easement is centered on the street.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 8' for a carport, per plot plan submitted, on the following described tract:

Lot 3, Block 2, Mayo Meadow Addition to the City of Tulsa, Oklahoma.

10119

Action Requested:

Variance (Section 250.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) from 750 square feet to 850 square feet to permit the erection of an accessory building at 2833 East Tecumseh Avenue.

Presentation:

Gordon Casey, 2833 East Tecumseh Avenue, presented a plot plan (Exhibit "I-1") and pictures of the lot (Exhibit "I-2"). He stated that he was requesting a variance to move a building on the back of the lot to store two antique cars and to accommodate his pickup.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) from 750 square feet to 850 square feet to permit the erection of an accessory building, per plot plan submitted, on the following described tract:

The West 84' of Lot 1, Block 17, Martin Second Addition to the City of Tulsa, Oklahoma.

10120

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 18' to permit the erection of a front porch at 4018 West 42nd Place.

Presentation:

Dorothy Robinson, 4018 West 42nd Place, advised that her house faces north and has a small porch. Mrs. Robinson presented a plot plan (Exhibit "J-1") for a large porch, with a shingled roof, which would offer more protection from the weather. She stated the porch would look like a part of the home.

Protests: None.

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 grant a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 18' to permit the erection of a front porch, per plot plan submitted, on the following described tract:

Lot 5, Block 3, Park Grove Addition to the City of Tulsa, Oklahoma.

10121

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split at 11212 East 95th Street North.

Presentation:

Mr. Jones stated the Planning Commission will hear the lot-split on October 4, 1978.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") 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 (L-14442), subject to Planning Commission (TMAPC) approval on the following described tract:

The N/2 of the NE/4 of the NE/4 of Section 19, Township 21 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Okla.

10122

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot-split at 4360 West 26th Street.

Presentation:

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

Board Action:

On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot-split (L-14403) on the following described tract:

The E/2 of the NE/4 of the SW/4 and the E/2 of the W/2 of the NE/4 of the SW/4 of Section 16, Township 19 North, Range 12 East, containing 30 acres, more or less, Tulsa County, Okla.

10123

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 30' to 25' in an RS-2 District at 1850 East 32nd Street.

10123 (continued)

Presentation:

Edward Mondor, 1950 East 32nd Street, partner of the applicant Mr. Bowen, stated they were requesting a variance to improve the looks of the residence. He presented building plans (Exhibit "K-1") and a plot plan (Exhibit "K-2") and advised they planned to add a facade on the front, which would be a walkway from the garage, to provide more porch area. Mr. Mondor stated it would be impossible to move the house back 5' since the lot is wide but not deep enough.

Protestant:

Ben McGill, Eagleton, Eagleton & Ownes, Inc., presented a protest petition (Exhibit "K-3") of 14 neighbors. He advised that the protestants were concerned with the integrity of the neighborhood, of maintaining the property values in the area, and appearance of the neighborhood.

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 grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 30' to 25' in an RS-2 District, per plans submitted, on the following described tract:

Lot 7, Block 5, Bren Rose Addition to the City of Tulsa, Okla.

10124

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a children's nursery in an RS-3 District at 2138 East 48th Street North.

Presentation:

Juanita Mansker, 764 East Virgin Street, stated this application by the Tulsa County Head Start Program, was for an exception in the zoning of William Penn Elementary School and Monroe Junior High. Ms. Mansker advised that most of the 55 children already enrolled are from this area and are now being bussed or transported by parents to the 1800 block of North Boston where the program is housed in a church basement. She stated they were funded by HEW as a Head Start package to serve 260 children in Tulsa. The traffic will not increase measurably since most of the parents already have older children attending Penn School and two busses will be used to transport children from the access area to the prefab building. The play area will be a fenced area to the back of the building.

Interested Party:

Ray Perkins of District 25, stated he was in favor of the Head Start Program; however, he felt the legal description should be changed to read "Head Start Program" instead of the words "children's nursery."



10124 (continued)

Protests: None.

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 approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate the Head Start Program as presented in an RS-3 District, to run with this applicant (Head Start Program) only, on the following described tract:

Lots 13, 14, 15 and 16, Block 1; and Lots 1, 2, and 3, Block 2, all in North Highland Addition to the City of Tulsa, Oklahoma.

10125

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 80' to permit the erection of a canopy in front of the building; and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) for a modification of the screening requirements on the east 80' of the south property line where the purpose of the screening cannot be achieved southwest of 73rd Street and Lewis Avenue.

Presentation:

Paul H. Zieginfuss, 2241 East Skelly Drive, advised the building was a clinic, setback 100' from the center-line of Lewis, and he would like to provide a canopy out 20' to the driveway in front of the building as protection for patients of the clinic. He presented a plot plan (Exhibit "L-1"). Mr. Zieginfuss also stated he was asking the Board to waive 80' of screening fence on the south, because it does not serve any purpose and would look better without it since the area is landscaped. He advised that Mr. Hardesty owned the apartments on the south and was in agreement with waiving the screening requirement.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser, and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 80' to permit the erection of a canopy in front of the building; and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) for a modification of the screening requirements on the east 80' of the south property line where the purpose of the screening cannot be achieved, as per plot plan submitted, on the following described tract:

Lot 1, Block 9, Kensington Addition to the City of Tulsa, Okla.

10126

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-1 District to permit a lot-split north and east of 36th Street and Lewis Avenue.

Presentation:

Mr. Jones stated all information was in the file and the application had been approved September 6, 1978, by the Planning Commission (TMAPC) subject to Board of Adjustment approval.

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 approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-1 District to permit a lot-split (L-14449) on the following described tract:

All of Lot 9, and the North 67' of Lot 8, Block 4, Oakview Estates Addition to the City of Tulsa, Oklahoma.

10127

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to operate a car wash in a CS District at 4759 South Union Avenue.

Presentation:

Carroll Smith, 4759 South Union Avenue, stated he was asking for an exception in order to build a self service car wash at this location. There would be a full-time attendant on duty 8:00 a.m. to 5:00 p.m.; an automatic timer would turn the lights off at midnight each night. Mr. Smith exhibited a plot plan (Exhibit "M-1") and stated there was an existing building on the property which he plans to use as a quick trip type store. He assured there would be a screening fence on the north and east of the property.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to operate a car wash in a CS District, per plans submitted, on the following described tract:

The North 150' of the South 300' of Lot 3, Block 3, Suburban Highlands Addition to the City of Tulsa, Oklahoma.

10128

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split at 14326 West 17th Street.

Presentation:

Mr. Jones advised the Planning Commission (TMAPC) had approved the lot-split September 6, 1978, subject to the approval of the Board of Adjustment.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split (L-14446) on the following described tract:

Beginning at a point 1,126.51' North and 618.83' East of the SW corner of Section 9, Township 19 North, Range 11 East; thence North 154.5'; East 707.67'; South 154.5' and West 707.67' to the point of beginning; less the North 25' for road right-of-way.

10129

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1270 - Duplex Dwelling) for permission to maintain a duplex in an RS-3 District at 2416 East Newton Street.

Presentation:

Eula Harrel, 3314 South Memorial, an agent for Good Neighbor Real Estate Company, stated she represented both the seller and the buyer. The duplex in question has been in existence since approximately 1940; it was discovered in a recent sale, that it was not approved for duplex.

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 approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1270 - Duplex Dwelling) for permission to maintain a duplex in an RS-3 District on the following described tract:

Lot 15, Block 2, Sequoyah Place Addition to the City of Tulsa, Oklahoma.

10130

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church use and related activities at 254 North Memorial Drive.

10130 (continued)

Presentation:

Pastor Billy Ely, P. O. Box 161, stated the New Day Tabernacle had purchased this property, by contract, dependent upon the decision by the Board of Adjustment. Pastor Ely presented a plot plan (Exhibit "N-1") and advised there were originally two houses on the property which have been moved off. The plan was a rough sketch and there would be final plans to present at a later time.

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 approve an Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church use and related activities on the following described tract, as presented:

The North 132' of the NE/4, SE/4, SE/4, of Section 35, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

10135

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 44' from the center-line of 31st Street to permit a pole sign at 6135 East 31st Street.

Presentation:

Jenks Adair, 1783 South Canton, representing Butler & Associates Realtors, presented sketches (Exhibit "O-1") of the proposed sign. He stated they were asking for the setback because there were two signs that are of the same setback that is requested. The sign would set within the parking lot, approximately 4' behind the curb line and is well within the parking lot.

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 approve a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 44' from the center-line of 31st Street to permit a pole sign, per plan submitted, removal contract required, on the following described tract:

Part of the SE/4, SE/4 of Section 15, Township 19 North, Range 13 East, Tulsa County, Oklahoma; more particularly described as follows: Beginning at a point 688.5' West and 50' North of the SE corner of the SE/4 of Section 15; thence North 265'; thence West 245'; thence South 265'; thence due East 245' to the point of beginning.

OTHER BUSINESS:

Tie Contract - Case No. 9861

Mr. Jones stated the Legal Department had approved the Contract and all that was needed was the Chairman's signature.

Correction of Minutes in Case No. 9999.

In the absence of objections, the Chair directed the Minutes of Case No. 9999 be amended to include the proper legal descriptions.

Case No. 9688:

Mr. Gardner advised that the matter in question involves a house located on the corner lot which was granted a variance of the rear yard setback. A complaint letter was received from the owner to the west, saying they had requested to build their house closer to the street in order to line up with the existing house on the east, but they were denied, and therefore thought the Board would be consistent and deny his neighbor's request.

Mr. Jolly suggested the Staff write to the couple and advise them that it is impossible to reopen the Case and explain the facts concerning the case.

There being no further business, the Chair adjourned the meeting at 5:55 p.m.

Date Approved Oct 5, 1978

  
Chairman