

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 270
Thursday, October 5, 1978, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Lewis
Purser, Chairman
Smith

STAFF PRESENT

Edwards
Gardner
Howell
Jones

OTHERS PRESENT

Bates, Building
Inspector's Off.
Jackere, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, October 4, 1978, at 8:30 a.m., as well as in the Reception Area of the TMAPC Offices.

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

MINUTES:

On MOTION of SMITH, the Board 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") approved the Minutes of August 3, 1978 (No. 266) and August 17, 1978 (No. 267).

UNFINISHED BUSINESS:

10149

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a mobile home to be used as an office for Memorial Park Cemetery at 5111 South Memorial Road.

Presentation:

The applicant, Patrick O'Connor, 1000 Thompson Building, stated he had understood the hearing date to be October 5, 1978, therefore had not attended the September 21, 1978 meeting, causing the case to be continued to this date. He advised that the Memorial Park Cemetery has a temporary mobile home which is being used as office space. The mobile home is located at the rear of the existing office building, is attached to the building, is not visible from the front of the building. There is no hardship to neighboring owners. Mr. O'Connor stated that the utilization of the trailer was essential to the Cemetery's operation, filling a need for additional office space.

Alan Jackere, Legal Department, advised there were two problems: 1) the case, although continued did not appear on the agenda for this date, and 2) there is a City ordinance other than the Zoning Code dealing with nonresidential use of mobile homes. He stated the variance requested is because of the type of construction used

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for an office, i.e., mobile home. An office use for a cemetery is considered a permitted accessory use. A mobile home used as an office does not meet the building codes except as a 10-year temporary use during construction. He advised the applicant that the Building Inspector has jurisdiction in the matter and any appeal is through the City Commission, not the Board of Adjustment.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") voted to return the filing fee (\$50.00) to the applicant, Patrick O'Connor and found they had no jurisdiction in the matter; it would need to come before the Building Inspector.

10137

Action Requested:

Exception (Section 710 - Principal Uses Permitted in the Industrial Districts - Section 1213 - Convenience Goods and Services) to operate a grocery store in an IL District at the NE corner of 49th Street and Memorial Drive.

Presentation:

Jim Muehlhausen, 6660 South Lewis Avenue, Suite 101, business associate of the applicant, stated he was returning to the Board to show the colors and exterior building materials to be used on the store. Mr. Muehlhausen presented a brick and portion of the roof to demonstrate the materials and colors to be used. He also presented a rendering of the proposed building (Exhibit "A-1"). The applicant stated these were standard colors and were necessary.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to accept the rendering and the exhibits for Case No. 10137.

NEW APPLICATIONS:

10143

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split south and east of 17th Street and Memorial Drive.

Presentation:

Robert Harold, 4922 South Newport Avenue, stated his property was close to some property which has just been rezoned RS-2 and directly across the street from the YWCA softball fields. He stated his

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plans were to split the area into 1/2-acre lots and build two single-family dwellings on the land. The Planning Commission approved this application October 4, 1978.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "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 to permit a lot-split on the following described property:

The West 172.5' of the East 622.5' of the N/2 of Block 8, O'Connor Park, to the City of Tulsa, Oklahoma.

10145

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an RS-1 District to permit a lot-split at 1240 South 83rd East Avenue.

Presentation:

The applicant was not present and Mr. Jones advised the Planning Commission would hear this case on October 19, 1978.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "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 and area requirements in an RS-1 District to permit a lot-split, subject to Planning Commission approval on the following described property:

Lot 13, Block 3, Forest Acres, an addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

10148

Mr. Jones advised he had received a letter (Exhibit "C-1") requesting this application be continued to October 19, 1978, since the applicant will be in Air National Guard training in Arizona until that date.

On MOTION of LEWIS, the Board 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") voted to continue 10148 to October 19, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10150

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to locate a muffler shop in a CS District at 4802 East 31st St.

Presentation:

The applicant, J. A. Looney, 2508 East 20th Street, stated that this property has been operated as a Texaco service station since 1958. Mr. Looney presented a plot plan (Exhibit "D-1") and advised that OTASCO would operate a muffler shop on this location. He stated there would be a new bright yellow marquee on the front and a storage building back of the station. The existing building is of red brick. The applicant stated that all work would be done inside the building.

The Staff advised that the applicant needs additional actions by the Board which he did not know about at the time he filed the application. The applicant is requesting the Board act on the exception today and continue the variance portion of the application to October 19, 1978, so it can be advertised properly.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to locate a muffler shop in a CS District, subject to the following conditions: 1) All work being conducted inside the bays, 2) no outside storage of materials, and 3) a continuance of the case for further action at the the October 19, 1978 meeting, on the following described tract:

Lot 1, Block 1, Conway Park Addition to the City of Tulsa, Oklahoma.

10152

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five-acre minimum for a mobile home in an AG District, located SW of 101st Street and 177th East Avenue.

Presentation:

Cecil Hamilton, 202 East College Avenue, Broken Arrow, Oklahoma, stated the mobile home was located on his father's land, 6 1/2 acres; he wanted permission to leave the home in place until his father retires in approximately five to ten years. Mr. Hamilton advised there were

10152 (continued)

single-family homes, but no mobile homes in the immediate area. The property is located in the Broken Arrow City Limits and his property was deannexed from Broken Arrow because of the trailer. He stated it would be very difficult to move his mobile home on the lot since he would have to remove the septic tank, plumbing and electrical wiring.

Protestant:

Millard Burgess, 5847 South 67th East Avenue, presented pictures (Exhibit "E-1") of the trailer home, and advised that he represented the property owner to the immediate west of the property, Dr. Gerda M. Kennedy. He exhibited a letter (Exhibit "E-2") from Dr. Kennedy and stated she had not been contacted concerning the mobile home. Mr. Burgess advised there are two other frame buildings on the lot and a wooded section at the rear of the lot. Dr. Kennedy was also concerned with a sewage unit that was installed on the property.

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to deny an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five-acre minimum for a mobile home in an AG District, on the following described tract:

The North 330' of the West 132' of the NE/4, NE/4, NE/4 of Section 26, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

10153

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to operate a car care center in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 60' from the center-line of Utica Avenue.

Presentation:

Bill Oden, 2210 East 66th Place, representing his father, presented a plat survey (Exhibit "F-1") and stated that the lot is only 110' deep which does not leave enough room to expand the existing building. With the variance, the building would not set any closer to the street than other buildings in the area. A car care center would be operated on the property for automotive service repair. There would be no outside storage of materials, but cars would be washed outside. The construction of the building would be brick and metal. The 10 bays are to run east and west with doors on both sides of the building. Hours would be 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 2:00 p.m. Saturdays. Mr. Oden stated the

10153 (continued)

work would include general automotive work, brakes, tuneups, but will not include glass work, painting, or body work.

Protestants:

C. L. Clark, member of the District 6 Planning Team, stated he felt the proposal was different than what was presented to the Planning Team. He expressed concern with the visibility of the intersection of Utica and 15th Street if a waiver of the setback was approved.

Arlin Webster, close friend of the property owner to the east of the proposed building site, pointed out that Utica is the main thoroughfare between Hillcrest and St. Johns Hospitals which should be taken into consideration when waiving setbacks. He stated that Mrs. Blazenby has no objection to the business as long as they hold the noise level down, but would like to be included in any future plans for the property. She had not been notified by the owners before this time. He further stated that if a curb was provided to prevent the runoff from the property it would satisfy Mrs. Blazenby.

Eunice Blazenby, property owner to the east, stated the owners wash cars in front and the water runs down her driveway and sidewalk and makes a mess in front of her property. They steam clean the motors and there is a certain amount of oil mixed with the water. Mrs. Blazenby also stated the applicants had cut some of her trees down which were intermingled with the fence.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") voted to continue Case No. 10153 to October 19, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order for the applicant to furnish a more detailed plot plan and provision for taking care of the drainage problem.

10154

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) for permission to locate a mobile home in an RS-1 District at 8133 West 61st Street.

Presentation:

Travis Wilcher, 8133 West 61st Street, stated he wanted to move a mobile home on the 5 acres which belongs to his wife's parents. He advised that he was attending college now and would finish in a year then would like to build a home on this property. There are other mobile homes in the area.

Protests: None.

10154 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209-Mobile Homes) for permission to locate a mobile home in an RS-1 District for a period of one year, removal bond required, on the following described tract:

The W/2, SE/4, SE/4, SE/4 of Section 36, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

10156

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1680 (g) - Special Exceptions) for permission to establish off-street parking to be used in conjunction with a Quik Trip Store on adjoining property on the SW corner of Admiral Court and Delaware Avenue.

Presentation:

Al Howerton, 11624 South 5th Street, Jenks, Oklahoma, a Division Manager with Quik Trip presented a site plan (Exhibit "G-1") stating he wanted to buy the property behind the Quik Trip store, leave the existing house on the property, remove a small garage apartment for parking space to allow people coming north on Delaware to drive past the median and be able to get back to the store. The existing driveway would be closed. This would correct an existing dangerous situation. Mr. Howerton exhibited a letter (Exhibit "G-2") from Oklahoma Natural Gas Company giving permission to move the gas pumping meter to the edge of the parking area. A picture and description (Exhibit "G-3") of the lighting to be used in the area were presented. Quik Trip leases the building they occupy with a lease to 1993 and plan to purchase the lot in question from Mr. Pool.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1680 (g)-Special Exceptions) to establish off-street parking to be used in conjunction with a Quik Trip store on adjoining property as submitted, per plot plan, with the one existing drive on Delaware Avenue to be closed on the following described tract:

Lot 1, Ozarka Place Addition to the City of Tulsa, Oklahoma.

10157

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 85' from the center-line of Sheridan Road located NW of 61st Street and Sheridan Road.

10157 (continued)

Presentation:

Dave Bagley, Attorney for the Fourth National Bank, 20th Floor, Fourth National Bank Building, presented a plot plan (Exhibit "H-1") and stated they wanted to place a small Teller Anytime in the Park Plaza Shopping Center at 61st and Sheridan. He stated that the proposed site for the facility would be within 85' of South Sheridan, creating a need for a variance. The building would be 18' square with no free standing signs involved. All tenants in the shopping center have indicated they approve of the facility.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith, "aye"; no "nays"; Jolly "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 85' from the center-line of Sheridan Road, per plot plan submitted, on the following described tract:

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

10158

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 sq. ft. to 2,000 sq. ft. in an RS-1 District at 17384 East 13th Street.

Presentation:

The applicant, Ray Crawford, 17384 East 13th Street, presented a drawing (Exhibit "I-1") and advised that he wanted to build a garage behind his existing house. He said he did not have a garage at this time and needed the building to house four race cars. Mr. Crawford stated there would not be any additional noise in the neighborhood and he did not plan to work on other peoples cars in the garage. He plans to brick the garage to match his house when he can afford to do so. The garage would be a 40' by 50' steel building.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to grant a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 sq. ft. to 2,000 sq. ft. in an RS-1 District, per plot plan submitted, for a 40' x 50' building to be bricked within three years, and with the condition that, at no time will the building be used for commercial purposes of any type, on the following described tract:

10158 (continued)

Lot 4, Block 7, Lynn Lane Estates Addition to the City
of Tulsa, Oklahoma.

10162

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses) for permission to implement a hospital-based emergency helicopter transport service for Saint Francis Hospital at 6161 South Yale Avenue.

Presentation:

Kenneth Hagger, Assistant Administrator of Saint Francis Hospital, stated they were seeking approval for a helipad to be located near the entrance of the Trauma/Emergency Center on a paved parking lot. He presented an aerial photo (Exhibit "J-1") of the area. The Helicopter will accommodate two patients, physician, flight nurse and the pilot. He further stated that the helicopter will be acquired by a lease arrangement with Western Helicopters, Incorporated and the craft will be maintained and fueled at another location in Tulsa.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") voted to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses) for permission to implement a hospital-based emergency helicopter transport service for Saint Francis Hospital, per location and information submitted, on the following described tract:

A tract of land located in the NW/4 of Section 3, Township 18 North, Range 13 East, Tulsa County, Oklahoma, being more particularly described as follows:

Commencing at the northwest corner of said Section 3; thence due East along the north line thereof a distance of 300'; thence South $0^{\circ}-08'-38''$ East parallel to the West line thereof a distance of 350' to the point of beginning; thence due East a distance of 1,020.52' to a point on the West line of Warrenton Addition, according to the recorded plat thereof, said point being 100' South of the northwest corner of said Warrenton Addition; thence continuing due East a distance of 42'; thence South $0^{\circ}-07'-32''$ East and parallel to said West line of Warrenton Addition a distance of 1,207.89'; thence North $89^{\circ}-57'-12''$ West a distance of 42' to a point on the boundary line common to said Warrenton Addition and East line of Warren Professional Center Addition, according to the recorded plat thereof, said point being 60' South of the Northeast corner of said Warren Professional Center Addition; thence continuing North $89^{\circ}-57'-12''$ West and parallel to the North line of said Warren Professional Center Addition a distance of 460.60'; thence North $0^{\circ}-02'-48''$ East a distance of 60' to said North

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line; thence North 89°-57'-12" West along said North line of Warren Professional Center Addition a distance of 559.73' to a point; said point being 300' Easterly from the West line of said Section 3; thence North 0°-08'-39" West and parallel to the West line of said Section 3 a distance of 1,147.06' to the point of beginning, containing 28.67 acres, more or less.

10163

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services) for permission to have furniture sales in an IL District; and a Variance (Section 1214.4 - Shopping Goods and Services - Parking Requirements - Under the Provisions of Section 1670 - Variances) of the parking requirements for furniture sales at 4328 South Mingo Road.

Presentation:

Donald Walker, partner in the ownership of the building, presented a plot plan (Exhibit "K-1") and stated that the building was a multi-tenant building. A furniture company has leased 11,500 sq. ft. of space with 2,000 sq. ft. to be used for retail customers. The balance of the space is used for warehousing and storage. Mr. Walker advised that the parking space is adequate for the 2,000 sq. ft. designated for retail customers.

The Board determined that the variance was not necessary since only 2,000 sq. ft. of space was designated for retail customers and the balance was for storage.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to approve the Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services) for permission to have furniture sales in an IL District, on the following described tract:

A tract of land in the E/2 of the E/2 of the NE/4 of Section 25, Township 19 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Commencing at the SE corner of the NE/4 of Section 25, T-19-N, R-13-E, Tulsa County, Oklahoma; thence North 0°-08'-44" West along the East line of Section 25, a distance of 1,281.50' to a point, said point being on an extension of the Southerly right-of-way line of the Broken Arrow Expressway; thence North 67°-01'-44" West a distance of 108.73' to the point of beginning, said point being the point of intersection of the Southerly line of the Broken Arrow Expressway and the Westerly right-of-way line of South Mingo Road; thence South 0°-08'-44" East a distance of 270.71' to a point; thence South 89°-52'-02" West a distance of 229.96' to a point; thence North 0°-07'-58" West a distance of

10163 (continued)

368.78' to a point on the Southerly line of the Broken Arrow Expressway; thence South 67°-01'-44" East a distance of 249.95' to the point of beginning, containing 73,519.54 square feet, or 1,688 acres, more or less.

10164

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 5' from 48th Street on the NW corner of 48th Street and Union Avenue.

Presentation:

Ray Frogge, 2205 East 67th Street, representing Dr. Swafford, Veterinarian in Sapulpa, advised the applicant had purchased a lot and wanted to build a Veterinary Clinic, including some leaseable office space, under the same roof. He stated there was a setback of 50' from the center-line of 48th Street and would like to set the building within 22' of the setback which means the building will be within 5' of the property line. In order to obtain the square footage desired it would be necessary to locate the building on the lot, according to the plot plan, thus creating a setback problem.

Staff Comment:

Mr. Gardner advised the Board that the applicant's plot plan included 25' of property on Union Avenue which is required to be dedicated to the City of Tulsa for right-of-way purposes. The Planning Commission waived the platting requirement in lieu of dedication of 25'. The applicant's plot plan will need to be amended to reflect proper dedication.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye": no "nays"; Jolly "absent") to continue Case No. 10164 to October 19, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center in order for the applicant to revise his plot plan.

10165

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District SE of 136th Street North and Highway #169.

Presentation:

Harold Stringfellow, advised that he had lived in the mobile home, which is located on his Dad's land (9 acres), for the past month. The home is on a solid foundation, and Mr. Stringfellow plans to build a room for a washer and dryer.

Protests: None.

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Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District for a period of five (5) years, on the following described tract:

A tract of ground situated in portions of the NW/4, NE/4, NE/4 and the NE/4, NW/4, NE/4 of Section 32, Township 22 North, Range 14 East of the IBM, Tulsa County, Oklahoma, and being more particularly described as follows, to-wit: Beginning at a point on the North line of Section 32, 799.98' West of the NE corner thereof; thence South 0°-03' East a distance of 159.0'; thence South 89°-54' East a distance of 136.98'; thence South 0°-03' East a distance of 500.95' to a point on the South line of the N/2 of the NE/4 of Section 32, said point being 663.0' West of the SE corner of the NE/4, NE/4, NE/4; thence Westerly along said South line a distance of 677.26'; thence North a distance of 368.81'; thence North 63°-29'-53.3" East a distance of 143.0'; thence North a distance of 228.0' to a point on the North line of Section 32; thence Easterly along said North line a distance of 411.72' to the point of beginning, containing in all 9.0 acres.

10166

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-1 District at 1703 South 181st East Avenue.

Presentation:

Rudy Plett, applicant, stated he wanted the permit to park his son-in-law's mobile home east of his home on his property. He advised the mobile home had been in place for 15 days. For sanitary reasons, a "Johnny On The Spot" has been rented, but the applicant plans to put in a septic tank.

Protestant:

William Hall, RR #1, Box 251-A, presented a protest petition (Exhibit "L-1") with signatures of five neighbors of Mr. Plett, pictures of the area (Exhibit "L-2") and advised they were concerned with sanitary problems in the area. He stated there had been complaints concerning the applicant's septic tank earlier this year and the neighbors felt adding another dwelling on the property would multiply the existing problem.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") voted to continue Case No. 10166 to October 19, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center to allow the City-County Health Department time to take a percolation test on the property, on the following described tract:

The N/2, S/2, NE/4, SW/4 of Section 12, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

10167

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1215 - Community Services, Cultural and Recreational Facilities) for permission to use property for church related uses to maintain bus maintenance and services and to install a gas pump in an OL District north and east of 87th East Avenue and 11th Street.

Presentation:

The applicant was not present.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to continue Case No. 10167 to Thursday, October 19, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10168

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to erect a barn 200' x 130' as a place to show horses and to exercise horses, as a private club; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) for permission to erect an accessory building in excess of 750 sq. ft. (to be 26,000 sq. ft.) at 1785 East 51st Street North.

Presentation:

Jack Fields, owner of the property, stated he wanted to sell 15 acres to Bill McGuire if they would be allowed to construct an exercise barn for show horses on the property.

Bill McGuire, Box 86, Beggs, Okla., stated that he and his wife show (registered quarter horses) and due to the extremely bad weather last winter they felt a need to build a barn to be able to exercise the horses inside each day. He stated that the horses would be fed a fly control called Rid-Easy, the horses and barn would be sprayed, the barn would be cleaned twice a day and the manure would be hauled away approximately twice each week. In addition, the ground in the exercise arena would be kept moist to alleviate the dust problem. Mr. McGuire stated he will live in the mobile home on the property until such time he is able to build a home. There will be a white steel fence erected on the front of the property. The barn itself will be white, steel and concrete. A plot plan was presented (Exhibit "M-1"). There will be no windows in the barn, but there will be 6 doors on the east and west. The Board questioned the phrase "as a private club" used in the application and were informed by Mr. Gardner that since the property was not zoned AG this was the only way in which the application could be filed other than for a principal land use variance. Mr. McGuire assured the Board members that this was not to be a commercial venture, but to house just his show horses and occasionally horses of friends in the area for a show.

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He stated he would not have more than 15-20 horses on the property at one time. In addition to the horses, Mr. McGuire advised he would be keeping a few cows for use in training the horses. The cows would also be fed Rid-Easy and would be sprayed.

There are two existing buildings on the property, both have concrete floors and the applicant stated he would use them for storage.

Protestants:

Dean Lehmon, 5041 North Xanthus Avenue, stated he lives across the street from the property and has tried to cooperate with the owner in the past, but has, on occasion, called authorities to the area because of trash, etc. Mr. Lehmon advised that people do tend to use this land as a dump for trash and dead animals and it really needs to be cleaned up. He also questioned the words "private club" in the application.

Ms. Malone, 4735 North Detroit Avenue, stated the land was unsightly now and she didn't feel building a horse barn on it would improve anything. Most of the area is residential and Ms. Malone felt the applicant should build his barn in the country rather than this area.

Job Fields, 1904 E. 50th Street North, advised he felt the addition of a barn to the area would be a detriment to his investment and to the neighborhood.

Geraldine McDaniel, 1337 E. 52nd Street North, saying she had been looking forward to new business in the area and improvement in the neighborhood, stated she was very unhappy with the thought of a barn at that location.

Farmer Todd, 1746 E. 51st Street North, expressed concern about germ-carrying flies, the scent of the animals and an increased dust problem should the barn be built.

Frances Dennis, 1750 E. 51st Street North, stated she felt a barn on this property would be a source of objectionable odor, flies, dust and harmful to the surrounding residents and the children who attend Monroe Junior High School and William Penn Elementary School. She also expressed concern with extra traffic created in the area and the fact that 51st Street North is a very narrow street. There are no sidewalks in the area. Ms. Dennis presented a petition (Exhibit "M-2") with 50 signatures of neighbors who object to the barn and five letters (Exhibit "M-3") of objection.

Barbara Gonzales, 5038 North Xanthus Avenue, stated she had called the Health Department numerous times concerning people dumping trash and dead animals on the street and nothing has been done about the situation. She expressed concern that the Health Department would not enforce any regulations on the applicant.

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to erect a barn 200' x 130' as a place to show horses and to exercise horses, as a private club; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) for permission to erect an accessory building in excess of 750 sq. ft. (to be 26,000 sq. ft.) subject to the following conditions: 1) Limit of 15 horses kept on the premises at any time (including visiting horses); 2) all of the horses be kept inside as far as their standard place of maintenance; 3) limit of 10 cows on the property at any one time; 4) all equipment (horse trailers, etc.) be stored on the north side of the barn, out of view of the houses on 51st; 5) a white pipe fence be erected along 51st Street within 6 months of the erection of the barn; 6) the barn be limited in use to a facility for exercising and riding horses, not to be some type of private club; 7) the manure be cleaned from the barn and outside exercise ring twice a week and hauled off; 8) road leading to the barn to be of the minimal requirement for dust proof surfacing as common in the City of Tulsa; 9) shrubbery to be planted, after the installation of the barn and fence, outside the fence along 51st Street, to be in place one year after the completion of the fence; 10) will feed fly control feed to the cows and horses at all times; 11) the outside area to be watered regularly to control dust; and 12) when a house is built on the property it will be placed on the south half of the property; and approval action to be tied to Mr. McGuire only on the following described tract:

The SE/4, SW/4, NE/4; and the E/2, SW/4, NE/4 of Section 7, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 10' in an RS-2 District at 5865 South Knoxville Avenue.

Presentation:

Sam West, 8022 South Memorial, representing L & S Development, stated the variance would be from 25' to 11'. The owner planned to build a \$200,000 house containing 3,200 square feet on a corner lot and the configuration of the house is what is causing the problem with the setback. There are courtyards in the plan which involves 25% over the rear yard setback.

Interested Parties:

Patrick Stoltze, 5938 South Louisville Avenue, advised he lives back of this property and was interested in the application.

10170 (continued)

High Boyd, 5905 S. Jamestown Avenue, stated his property also backed to the applicant's lot and he expressed concern this might set a precedent for the neighborhood. The Board informed him that each case was considered individually and this would not set a precedent.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 11' in an RS-3 District, per plot plan submitted on the following described tract:

Lot 7, Block 2, Park Place South Addition to the City of Tulsa, Oklahoma.

10171

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-1 District; and a Variance (Section 440 (6) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit a mobile home for more than one year at a time at 7165 South Jackson Avenue.

Presentation:

Johnny Robinson, 7168 South Jackson Avenue, advised that he wanted to place a mobile home near his own home for his aging mother so that he might take care of her. There are other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to locate a mobile home in an RS-1 District, removal bond required; and a Variance (Section 440 (6) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit a mobile home for more than one year at a time, for a period of three (3) years, on the following described tract:

Three Acres described as follows:

Beginning at a point 792' South of the NE corner of the NW/4, NE/4 of Section 11, Township 18 North, Range 12 East, Tulsa County, Oklahoma; thence South 396'; thence West 330'; thence North 396'; thence East 330' to the point of beginning.

10172

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) to permit an accessory building in excess of 750 square feet (to be 1,200 square feet) at 10733 East 61st Street.

Presentation:

Donald Peufuer, 7052 East 71st Court, presented a plot plan (Exhibit "N-1") and stated he represented Arrowhead Builders who wish to build an accessory building of 1,200 square feet. The building would house two pickup trucks, tractor, boat, tools and appliances used in the construction business. It would be a pre-painted metal building placed on a concrete slab, compatible with other construction in the area. There is another building on the lot used for storage at this time, and Mr. Peufuer advised that he planned to tear it down since it encroaches 4 feet into the adjacent lot.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to grant a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) to permit an accessory building in excess of 750 square feet (to be 1,200 square feet) as presented and per plot plan submitted, on the following described tract:

Lot 15, Block 1, Golden Valley Addition to the City of Tulsa, Oklahoma.

10175

Action Requested:

Exception (Section 204 (c) - Limitation On Land Use) for an extension of time for a period of two years to permit the completion of C.D.P #69 at 66th Street and Lewis Avenue.

Presentation:

Joe Anthis, 5200 South Yale Avenue, appearing on behalf of the ownership of the property, advised that on October 1, 1969, the Community Development Plan #69 was approved and on April 1, 1976, a two year extension was granted by the Board of Adjustment. At that time Never Fail was in the process of taking over the construction of the 226 unit apartment complex. To assure the Board that the project is progressing toward completion, Mr. Anthis stated that negotiations to acquire the property were commenced last December, 1977; in February architects were retained to present a design plan to complete the unimproved property; the contract was finalized in March and the equity-raising was completed after which the project was closed, initial plans and specifications were finished.

Protests: None.

10175 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to approve an Exception (Section 204 (c) - Limitation On Land Use) for an extension of time for a period of two years to permit the completion of C.D.P. #69 on the following described tract:

Southern Cross Addition to the City of Tulsa, Oklahoma.

10177

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 4' in an RS-3 District at 1207 East 29th Place.

Presentation:

Douglas Boyd, 1207 East 29th Place, presented a Plat of Survey (Exhibit "0-1") and stated there is a screened porch attached to the house on the east side which he plans to tear down and then add a downstairs bath and family room. The outside dimensions would be 11' x 4', adding 2' more than is already covered by the porch.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 4' in an RS-3 District, per plot plan submitted on the following described tract:

Lot 13, Block 1, Amended Plat of Indian Woods Addition to the City of Tulsa, Oklahoma.

10178

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for permission to replace an existing illuminated sign 32' from the center-line of Lewis and replace area lights 32' from the center-line of Lewis; and allow a new service station canopy 40' from the center-line of Lewis Avenue at 1910 North Lewis Avenue.

Presentation:

The applicant was not present.

Protests: None.

10178 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to continue Case No. 10178 to October 19, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10184

Action Requested:

Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for permission to replace a pole sign 25' from the center-line of Pine Street at 2505 East Pine Street.

Presentation:

Robert Parmele, 1918 East 51st Street, representing Pacer Oil Company, stated they were requesting a waiver of the setback. The sign has been in place for over 20 years and the Company wants to replace it.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to grant a Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for permission to replace a pole sign 25' from the center-line of Pine Street, removal contract required, on the following described tract:

Lots 684 and 685, Block 59, Tulsa Heights Addition to the City of Tulsa, Oklahoma.

10192

Action Requested:

Variance (Section 206 - Number of Dwelling Units on One Lot - Under the Provisions of Section 1630 - Minor Variances) for permission to have more than 40 units on one lot (348 to 355 units) at the northeast corner of Mingo Valley Expressway.

Presentation:

Jack Cox, 324 Main Mall, stated he represented the owner, Mingo Valley Apartments, Limited. He advised the apartments were built before the Ordinance required that only 40 apartments could be built on one lot. The buildings are in existence and the applicant wants to remodel vacant laundry buildings into efficiency apartments.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to grant a Variance (Section 206 - Number of Dwelling Units on One Lot - Under the Provisions of Section 1630 - Minor Variances) for permission to have more than 40 units on one lot (348 to 355 units) on the following described tract:

10192 (continued)

Lot 1, Block 1, and Lot 1, Block 2, Park East Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Communication concerning Case No. 9949

Mr. Jones presented a letter (Exhibit "P-1") from David Sobel, U-Haul, asking for permission to bring the Case before the Board again. Mr. Jackere advised that he felt this was a different application. The Staff stated that the Case would not be on the agenda before November 2, 1978, and at that time the six months waiting period would be over. The Chair directed the Staff to advise the applicant that a new application would be accepted.

Building Inspector Request for Clarification of Case No. 8654

Dortha Bates, Building Inspector's Office, advised the owner was asking if he could build an additional building. She stated that what he presented was that he was going to convert two service bays into freezers to manufacture ice and this was approved as presented.

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to advise the applicant that he would need to file a new application in order to build an additional building.

Plans for Case No. 10132

Charles Horner, 2536 East 1st Street, presented a plot plan (Exhibit "Q-1") and stated the building would be brick with a solid fence on the east. The Board accepted the plans as presented.

There being no further business, the Chair adjourned the meeting at 6:30 p.m.

Date of Approval

November 16, 1978


Chairman