

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 273
Thursday, November 16, 1978, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Jolly
Lewis
Purser, Chairman
Smith
Wait

STAFF PRESENT

Edwards
Gardner
Howell
Jones

OTHERS PRESENT

Bates, Building
Inspector's
Office
Jackere, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, November 15, 1978, at 1:22 p.m., as well as in the Reception Area of the TMAPC Offices.

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

Minutes:

On MOTION of SMITH, the Board, 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") approved the Minutes of October 5, 1978 (No. 270).

UNFINISHED BUSINESS:

9937 - Plans:

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) of the setback requirements on the north, south and east in an IR District located southwest of Hudson Place and Skelly Drive.

Presentation:

The Staff advised that the Board had approved the application subject to a plot plan.

N. D. Henshaw, 9511 East 46th Street, was present and exhibited a plot plan (Exhibit "A-1") and a rendering (Exhibit "A-2"). Mr. Henshaw stated the main assurance that was needed concerned the arrangement of parking on the property and he advised the southern parking shown on the original plot plan had been eliminated. The office will have the appearance of a residential home.

Protests: None.

9937 - Plans: (continued)

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to accept the plot plan and rendering as submitted to the Board, on the following described property:

Reserve "A" Fairfield Center Addition to the City of Tulsa,
Tulsa County, Oklahoma.

10182

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1220 - Commercial Recreation: Intensive) for permission to allow a water slide in a CH District located northwest of 51st Street and Yale Avenue.

Presentation:

Ollie Gresham presented a plot plan (Exhibit "B-1"), an elevation plan (Exhibit "B-2") and a picture (Exhibit "B-3") of a like facility at another location. In regard to the colors, Mr. Gresham advised the flumes will be brown, the building will be cedar. There will be two large lights, approximately 40' tall; all lights will be directed inward. Hours of operation will be 9:00 a.m. to 11:00 p.m., Monday thru Saturday and 1:00 p.m. to 11:00 p.m., on Sundays. The sound system includes two speakers mounted on the light poles, 15' above the ground; speakers are to be used only to operate the facility with no music played on the system.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to accept the plot plan, elevations, and picture as submitted and the application as represented to the Board, on the following described property:

The North Half of Lot 6, Interstate Central Extended 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 centerline of Lewis; and replace area lights 32' from the centerline of Lewis; and allow a new service station canopy 40' from the centerline of Lewis Avenue at 1910 North Lewis Avenue.

Presentation:

Don Edwards, architect representing the applicant, stated the light fixtures were approximately 25 years old and are being replaced with modern light fixtures that provide controlled illumination and a more pleasing appearance. The sign is also old and will be updated with a standardized sign of the oil company. The canopy will be a convenience

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10178 (continued)

to the self-service aspect of the station. Light poles will be replaced in the exact place as the existing ones. Mr. Edwards presented a plot plan (Exhibit "C-1").

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to approve a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) to replace an existing illuminated sign 32' from the centerline of Lewis; and replace area lights 32' from the centerline of Lewis; and allow a new service station canopy 40' from the centerline of Lewis Avenue, per plot plan submitted, removal contract required, on the following described property:

Lot 18, Block 4, Conservation Acres Subdivision, to the City of Tulsa, Oklahoma.

10179

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a mobile home (modular home) at 6015 South 56th West Avenue.

Presentation:

Dave Sanders advised that he had installed a concrete block foundation around the mobile home, sealed it and given notice. The mobile home has a wood shingle roof and non-metallic sides. Mr. Sanders stated there was an auto salvage business across the street which the applicant helps manage.

Remarks:

The Staff pointed out that the home was not permanent, no longer mobile even though the technical zoning definition would consider the structure to be a mobile home.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a mobile home (modular home), without time limit, on the following described property:

Lots 1 and 2, Block 7, Oakhurst Estates Addition to the City of Tulsa, Oklahoma.

10209

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 1913 East Marshall St.

Presentation:

The Staff advised that Case No. 10209 had appeared on the agenda for the past two meetings but the applicant had not been present.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to continue Case No 10209 to December 7, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10210

Action Requested:

Variance (Section 620.2 (d) - Accessory Use Conditions - Business Signs - Under the Provisions of Section 1670 - Variances) of the sign requirements to permit 20 inch letters on the front of the building in an OM District. (Unlighted sign 28.3 square feet) (There already exists a sign) at 6717 South Yale Avenue.

Presentation:

Mark Lipscomb, 6717 South Yale Avenue, advised the Board that the Burroughs Corp. was requesting permission to erect a sign on the building. When this was presented at the November 2, 1978 meeting, the Board expressed concern that there would be requests for other signs and also questioned the fact that the Burroughs Corp. did not own the building. Mr. Lipscomb presented a letter (Exhibit "D-1") from Vector Properties, Inc., stating they did not feel there would be a need for any additional signs since all the other space is multi-tenant area.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to grant a Variance (Section 620.2 (d) - Accessory Use Conditions - Business Signs - Under the Provisions of Section 1670 - Variances) of the sign requirements to permit 20 inch letters on the front of the building in an OM District, (Unlighted sign 28.3 square feet) as submitted with the restriction there be no other signs, on the following described tract:

A part of the N/2, S/2, NW/4, SW/4 of Section 3, Township 18 North, Range 13 East, Tulsa County, Oklahoma; beginning at the NW corner of the N/2, S/2, NW/4, SW/4; thence South 89°-50'-13" East, a distance of 659.62' that is due South a distance of 330.20'; thence North 89°-50'-8" West a distance of 659.62'; thence due North along the West line of Section 3, a distance of 330.18' to the point of beginning.

10212

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods and Services) for permission to permit the following uses in an IL District: Eating Places Other Than Drive-Ins; Convenience Goods and Services; and Shopping Goods and Services at 3905 South Memorial Drive.

Presentation:

Mr. Jones advised that this Case had been continued in order to republish it. However, at this time, he has not heard from the applicant in Houston.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to continue Case No. 10212 to December 7, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

10196

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 21' at the NE corner of 77th Street and 74th East Avenue.

Presentation:

Gary Wheeler, 4218 East 84th Place, presented a plot plan (Exhibit "E-1") and advised he held a contract to build a custom home on the corner lot. He wants to place the home on the lot to allow for a large back yard and in so doing will be encroaching on the 25' building line of the side yard.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") 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 21', per plot plan submitted, on the following described tract:

Lot 1, Block 8, Sweetbriar East Extended Addition to the City of Tulsa, Oklahoma.

10219

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home beauty shop at 3710 West 42nd Place.

Presentation:

Carol McNatt, 3710 West 42nd Place, stated she would like to operate a beauty shop in her home. There are other businesses on the street behind her house. The driveway is 100' long, single width. Hours of operation would be 9:00 a.m. to 5:00 p.m., Tuesday through Friday and 9:00 a.m. to 12:00 Noon on Saturdays and Mrs. McNatt would be the only operator.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop, to run with this owner only, on the following described tract:

Lot 3, Block 4, Park Grove Addition to the City of Tulsa, Okla.

10222

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to erect mini-storage buildings in a CS District located on Highway #51 and 137th West Avenue.

Presentation:

The Staff advised that the applicant would need a continuance because of drainage problems. A letter from Pat Lloyd, Sand Springs Planner (Exhibit "F-1") stated that the Sand Springs Board of Adjustment had requested the application be tabled until a subdivision plat has been filed.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to continue Case No. 10222 to January 4, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10224

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to permit a mobile home in an AG District located SW of 101st Street and 177th East Avenue.

10224 (continued)

Presentation:

Mr. Jones presented a letter (Exhibit "G-1") from the attorney representing the applicant, stating that he would be in an out-of-town jury trial and unable to be present at the Board meeting November 16, 1978.

Protestant:

Millard Burgess, attorney for Dr. Gerda M. Kennedy, presented a letter (Exhibit "G-2") from Dr. Kennedy, advising that even though the initial application was denied, Mr. Burgess had continued to add to the property; i.e., erecting a fence, planting trees, and adding a skirt to the mobile home as if the home was going to remain there.

Board Action:

On MOTION of JOLLY, the Board voted 3-1-1 (Jolly, Purser and Smith voting "aye"; Lewis "nay"; Wait "abstaining") to continue Case No. 10224 to December 7, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10225

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) for permission to operate an automobile repair and supply shop in an CS District located at the NW corner of Pine Street and Elgin Avenue.

Presentation:

The Staff advised that the applicant had requested the application be withdrawn.

Protests: None.

Board Action:

The Chairman informed that the applicant had chosen to withdraw the application, therefore, Case No. 10225 would not be heard.

10226

Action Requested:

Variance (Section 420.2 - Accessory Use Conditions in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a detached accessory building in the side yard; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) from 750 sq. ft. to 1,440 sq. ft. for an accessory building at 7636 South 24th West Avenue.

Presentation:

Steve Jackman, Box 524, Jenks, presented a plot plan (Exhibit "H-1") and stated the building would be used for storage and to provide a safe place to keep carpenter's tools. He stated that he did not have a garage and would keep his car and a company car in the building. He stated that he lived on an acreage (2.31 acres) and that the larger building would not detract from the neighborhood. The building would be white enamel industrial pattern and would be screened by trees. Mr. Jackman advised that he would not conduct a business in the building, it will be for safekeeping of tools and cars only.

10226 (continued)

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Purser, Lewis and Smith voting "aye"; no "nays"; Wait "abstaining") to grant a Variance (Section 420.2 - Accessory Use Conditions in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a detached accessory building in the side yard; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) from 750 sq. ft. to 1,440 sq. ft., for an accessory building, per plot plan submitted and to run with this owner only, on the following described tract:

The SW/4, NW/4, NW/4, SE/4 of Section 19, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

10227

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an IL District to permit a lot-split at 9600 Block of East 46th Place.

Presentation:

The Staff advised that the Planning Commission did not have a meeting November 15, 1978, but all letters and information is in the file and the Board could approve it subject to the Planning Commission approval.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 3-0-2 (Jolly, Lewis, Purser voting "aye"; no "nays"; Smith and Wait "abstaining") to grant a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an IL District to permit a lot-split, subject to the approval of the Planning Commission, on the following described tract:

The West 20' of Lot 11, All of Lot 12, Block 7, and vacated right-of-way on South 98th East Avenue lying between Blocks 7 and 8, and Lots 1 and 2, Block 8, All in town of Alsuma, now a part of the City of Tulsa, Oklahoma.

10228

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements to permit a lot-split; and request for a variance of the side and rear yard requirements (per plot plan) at 1350 East 60th Street.

Presentation:

Charles Ford, 4100 East 51st Street, stated the property is covered with huge trees and a 50' wide utility easement had been provided through the middle to avoid removing the trees at the rear of the property. Mr. Ford presented a plot plan (Exhibit "I-1") and advised that the houses had been turned to the center on this project.

Protests: None.

Interested Party:

Dean Haymaker, 1360 East 60th Street, stated his lot adjoined the applicant's property and he was concerned about how close the building would be to his property and also asked if the area would be fenced. The Board advised Mr. Haymaker that the back of the duplexes would be 5' from the lot line and the applicant was preserving the trees and possibly would consider those his fence.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements to permit a lot-split; and request for a variance of the side and rear yard requirements (per plot plan) as presented, per plot plan submitted, subject to the approval of the Planning Commission, on the following described tract:

Lot 20, Southlawn Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Service, Cultural and Recreational Facilities) for permission to operate a nursery in an existing church building at 844 East 46th Street North.

Presentation:

Zola May Shaw, Center Director for St. Luke's Head Start, advised the Center was not a nursery, but a Head Start program for children, three to five years of age. The present facilities are located in the basement of a building and the federal government has requested that the Center find another facility with better lighting and heating conditions.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a nursery in an existing church building, to run with this applicant only, on the following described tract:

Beginning at the Northwest corner of the NE/4, NE/4 of Section 13, Township 20 North, Range 12 East, Tulsa County, Oklahoma;
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10229 (continued)

thence East 275'; thence South 470'; thence West 275'; thence North 470' to the point of beginning.

10231

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) and; Variances (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a tennis club facility, including clubhouse, pool and customary accessory facilities in an RM-1 District located north and west of 31st Street and 129th East Avenue.

Presentation:

Roy Johnsen, attorney representing the contract purchasers of the subject property, presented a plot plan (Exhibit "J-1") and a site plan (Exhibit "J-2") and advised the proposed use was a tennis club facility. This would be a private club; the inside facility would be metal with rock on the outside facade, earth tones will be used. The outside sign will be within the 32 square foot restriction.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) and; Variances (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a tennis club facility, including clubhouse, pool and customary accessory facilities in an RM-1 District, per plot plan submitted, development plans as submitted, with the understanding that this approval covers the entire property as legally described and subject to the applicant returning to the Board with plans for the clubhouse building as presented (phase I) prior to a building permit, and subject to review and approval of plans on the vacant portion of the property (phase II) prior to construction, on the following described tract:

A tract of land situated in the NE/4 of the SE/4 of Section 17, Township 19 North, Range 14 East, Tulsa County, Oklahoma, being described as follows, to-wit: Beginning at a point on the East line of said NE/4, SE/4, 619.00' South of the Northeast corner thereof; thence South $89^{\circ}-59'-47''$ West for 100.00'; thence along a curve to the left with a radius of 392.03' for 320.81'; thence South $43^{\circ}-06'-31''$ West for 189.54'; thence along a curve to the right with a radius of 392.03' for 320.81'; thence South $89^{\circ}-59'-47''$ West for 50.00'; thence South $00^{\circ}-09'-07''$ East for 142.89'; thence South $89^{\circ}-50'-53''$ West for 305.39'; thence South $00^{\circ}-09'-07''$ East for 195.30'; thence South $84^{\circ}-56'-02''$ East for 549.80' to a point on the East line of said NE/4, SE/4; thence North $00^{\circ}-09'-07''$ West and along the East line of said NE/4, SE/4, for 772.56' to the point of beginning and containing 9.5517 acres, more or less.

10232

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) for permission to operate a coal mine in an AG District at 106th Street and 193rd E. Ave.

Presentation:

The applicant was not present.

Concerned Party:

Stan Ewing, Staff Planner for City of Broken Arrow Planning Commission, advised that the application is inside the Broken Arrow Fence Line and will be subject to annexation. The Administrative Staff of Broken Arrow is concerned as to the extent of the operation and would withhold comment and recommendation until a presentation is made.

Board Action:

On MOTION of JOLLY, the Board voted 3-0-2 (Jolly, Purser, Smith voting "aye"; no "nays"; Lewis, Wait "abstaining") to direct the Building Inspector to serve a cease and desist order and to advise the applicant the Case will be heard December 7, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10233

Action Requested:

Variance (Section 1320 (d) - Off-Street Parking - General Requirements - Under the Provisions of Section 1670 - Variances) of the parking requirements where the parking is not on the same property as the use located north and east of 31st Street and Memorial Drive.

Presentation:

Lynn Meyer, 5359 South Sheridan, representing the applicant, stated that the proposed site did not include enough parking spaces for the proposed building. However, the applicant is negotiating with the adjacent property owner to share parking spaces. The owners have reached an agreement, in concept, that they will have a mutual access easement across the parking lot. An agreement has not been finalized as yet.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to continue Case No. 10233 to December 21, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the applicant to finalize an agreement with the adjacent property owner.

10234

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to locate a car wash in a CS District located southwest of 32nd Street and 129th East Avenue.

Presentation:

A plot plan (Exhibit "K-1") was presented by Clay Vaughn, 3314 East 51st Street, Suite "K". Mr. Vaughn, representing the applicant, stated the application was for approval to build a six-bay car wash. The structure would be brick with a mansard roof and brown shingles, matching the decor of the area. The applicant has received verbal agreement from Traffic Engineering for curb cuts on 129th and 31st Court for an exit. Pictures (Exhibit "K-2") of a similar car wash were presented.

Protestants:

Don Morey, Staff Administrator of Gracemont Baptist Church, 3160 South 129th East Avenue, adjacent to the subject property, described the Church as very fast growing and exciting had having recently completed a new sanctuary. He advised that the Church has been very active in community-related projects and a number of groups such as the Red Cross and the schools use the building. Mr. Morey expressed concern that the car wash would depreciate the property in the area; however, he advised the Church would be in favor of the property being used for some other purpose that would be more compatible with the community. He also pointed out the congestion in the area and the many children in the neighborhood.

Jim Reese, Pastor of Gracemont Baptist Church, advised of the narrow streets in the area and the congestion, especially on Sundays. There is a nursery facility behind the car wash and there will be children playing in the yard adjacent to the car wash.

Further Comment for the record:

Mr. Gardner of the Staff advised that a car wash with the typical unlimited hours of operation and method of operation can be a detriment to adjacent residential areas.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to deny an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to locate a car wash in a CS District on the following described tract:

Lot 23, Block 3, Briarglen Meadows Addition to the City of Tulsa, 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 20' to 9' at the NW corner of 28th Place and 137th East Avenue.

Presentation:

The applicant was present and advised he wished to withdraw the application.

10235 (continued)

Protests: None.

Board Action:

The Chair, without objection, withdrew Case No. 10235.

10236

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to erect a greenhouse to permit wholesale distribution of ground root cover plants at 10801 South Delaware Avenue.

Presentation:

Richard Stunkard, RR 1, Box 325 C, Bixby, stated the application is for a greenhouse, for wholesale distribution, to be built behind the house. Mrs. Stunkard will root the plants and then sell to distributors. There will be two 18' x 60' greenhouses, side-by-side, which will appear as one building. A plot plan (Exhibit "L-1") was presented by the applicant.

The Staff advised that the land is zoned AG and this type of use would be similar to agricultural-type uses. Therefore, the Board might find this building to be a customary accessory-type building in an AG District. The rules of a home occupation if imposed, would assure that the use remain similar to the use of land typically found in an AG District.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to grant a Variance, finding that the building requested is a customary accessory use in the AG category and grant the greenhouse use requested subject to all of the conditions of a home occupation, and subject to the Board reviewing the house they intend to build on the property, on the following described tract:

Beginning at the Northwest corner of the S/2, NE/4, SE/4 of Section 29, Township 18 North, Range 13 East; thence North $89^{\circ}-46'-0''$ East 1,186.25'; thence South $60^{\circ}-57'-0''$ West 272.22'; thence South $78^{\circ}-22'-0''$ West 628.71'; thence South $59^{\circ}-57'-0''$ West 385.06' to a point on the West boundary of said S/2, NE/4; thence North $0^{\circ}-3'-0''$ West 450' to the point of beginning.

10237

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard from 30' to 20'; the side yard on the south from 5' to 0'; and the rear yard from 25' to 5' in an RS-3 District south and east of 21st Street and Terwilliger Boulevard.

Presentation:

Richard Riddle, 1812 Fourth National Bank, representing the applicant, advised that Mr. Frampton lives in the area at this time, but since his family is nearly grown he would like to build a smaller home and remain in the neighborhood. The applicant would like to build his home on a very narrow lot and erect a garage, on the rear of the property. Mr. Riddle presented a plot plan (Exhibit "M-1") and advised the only way to develop the property because of its shape is to build a home which is long and narrow; the proposed two-story home would be approximately 2,300 square feet. A map (Exhibit "M-2") showing the detached garages in the neighborhood, was presented to the Board and Mr. Riddle pointed out that the applicant's garage would be uniform with the other properties in the neighborhood. The Framptons plan a one-story glass and frame terrarium connecting the house and garage. The two-story portion of the house would be 24' deep. Mr. Riddle presented two letters (Exhibit "M-3") from neighbors stating they did not oppose the approval of the variances.

Protestants:

G. A. Connor, 2129 Terwilleger Boulevard, stated he lives to the right (north) of the subject property and strongly objected to having a solid two-story building beside his patio. Mr. Connor expressed concern about privacy on his property and also that his property value would decrease.

Robert K. Wolf, 2205 Terwilleger Blvd., advised he objected to the house extending closer to the street than the existing homes. Mr. Wolf stated he didn't think anyone would object to the garage waiver on the back of the lot.

C. O. Clark, 2121 East 22nd Place, advised he was a resident in the general area being considered, and was interested in maintaining the standards and regulations of the area. He stated he was opposed to the setback from the boulevard Street.

Joe Fulton, 2135 Terwilleger Blvd., stated this house, as proposed, would project considerably closer to the street than the other homes in the area and he was opposed to this.

Interested Party:

Glen Ford, property owner selling the lot, stated that many of the garages in the neighborhood set back in the corner and he didn't feel this was an issue. He expressed confidence that Mr. Frampton would build a home of high quality, compatible with the neighborhood.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard from 30' to 20'; the side yard on the south from 5' to 0'; and the rear yard from 25' to 5' in an RS-3 District on the following described tract:

Lot 3, Block 2, Terwilleger Heights Addition to the City of Tulsa, Oklahoma, Less the East 15' thereof.

10238

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church use and parking; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for permission to build across lot lines at 641 South 129th East Avenue.

Presentation:

E. W. Fowler, 110 East 37th Place, pastor of Meadowbrook Heights Church of God, presented a plot plan (Exhibit "N-1") and a location map (Exhibit "N-2") stating the Church had submitted an application to build a new sanctuary to the north of the existing building and would extend on lot 5 which has not been dedicated. Rev. Fowler stated there would be adequate parking within the six lots, but the Church was requesting the Board to grant parking on the other two lots to provide for Church growth.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for Church use and parking; and grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across lot lines, per plot plan submitted, on the following described tract:

Lot 5, Block 4, and Lots 4 & 5, Block 6, Meadowbrook Heights Addition to the City of Tulsa, Oklahoma.

10239

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District at 3120 East 51st Street North.

Presentation:

Joe Cacoperdo, 3030 East 51st Street North, advised that he owned 30 acres and requested approval to place a mobile home east of the existing house on his property. Mr. Cacoperdo plans to live in the mobile home and rent the house.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Section 1209 - Mobile Homes) to locate a mobile home in an AG District for a period of five (5) years on the following described tract:

11.16.78:273(15)

10239 (continued)

The North 660' of the East 600' of the West 1,120' of the NW/4, SE/4 of Section 8, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

For the record, the Board cautioned the applicant concerning the flooding of Flat Rock Creek. The applicant stated he was aware of the problem.

10242

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 located at 763 East 77th Place North.

Presentation:

Harvey Hudson, 763 East 77th Place North, advised he owns a home in Skiatook which his grandfather is living in. Mr. Hudson requested to place a mobile home on his father's property to live in until such time as his grandfather will not have need for the house in Skiatook. The applicant presented a location map (Exhibit "O-1") and a list (Exhibit "O-2") of other mobile homes in the neighborhood.

Protests: None.

Board Action:

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

Lot 4, Block 1, Cedar Hill Second Addition to the City of Tulsa, Oklahoma.

10251

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across lot lines in an RS-3 District located SE of 40th Street and 35th West Avenue.

Presentation:

Charles Walters, Box 284, Kellyville, Oklahoma, the applicant, was present and requested the variance.

The Staff advised that Lot #12 was needed for the side yard of this particular house. The applicant is building across Lots 10 and 11, and therefore, it would be necessary to tie Lots 10-12 or 9-12 together so they cannot be sold off separately.

Protests: None.

10251 (continued)

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across lot lines in an RS-3 District, subject to the applicant signing a tie contract with the City on Lots 8 through 12, on the following described tract:

Lots 8 through 12, Block 11, Yargee Addition to the City of Tulsa, Oklahoma.

10253

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line at 4136 South 34th West Avenue.

Presentation:

The applicant was not present. The Staff advised that all letters were in the file.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line on the following described tract:

Lots 3 and 4, Block 17, Yargee Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Building Inspector requests interpretation of airport use:

The Building Inspector stated she had application for expansion of Avis Rent A Car. The property was previously approved for airport use. The Inspector questioned if Avis Rent A Car would be considered a customary accessory use to airport use.

Presentation:

Richard Studenny, Airport Council, advised the land that the service facilities are on is airport land. It is used, licensed and leased in conjunction with their operations in the terminal only. If they cease operations at Tulsa International Terminal their lease is void. Mr. Studenny stated that 99.4% of all cars rented are to airline passengers; the concession revenues provide 22% of the operating revenues at the airport. He pointed out that this is a substantial, significant related airport use.

Board Action:

On MOTION of JOLLY, the Board by a vote of 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") found that the

11.16.78:273(17)

Building Inspector's Request: (continued)

rent a car facility is a related airport accessory use and is permitted by their previous airport approval action.

Minor Amendment to C.D.P. #21:

Staff advised that the Board had approved a minor amendment per a plot plan on this lot which showed that the structure was 4.3 feet from the property line. Another survey showed there was a sundeck that extended to the property line. Therefore, a minor amendment is necessary to approve the existing sundeck which is on the second level of the home.

On MOTION of SMITH, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to approve a minor amendment to C.D.P. #21, per plot plan and survey submitted on the following described tract:

Lot 4, Block 20, of Blocks 39 through 40, Longview Lake Estates, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and known as 9808 East 24th Street.

Building Inspector requests an interpretation of Case No. 2161:

Mr. Jones of the Staff advised the Board that in 1950 the Board approved building over the major street setback at 10th and Peoria, subject to a removal contract. The applicant filed a contract on the two lots, but has removed a portion of the old building and now is wanting to rebuild that portion of the building in the same location. The contract described the size of the building and was so specific that it will not permit new construction.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to determine that this application is within the spirit and intent of the approval previously agreed to by the Board and to ask the applicant to re-write the contract to cover the new building that will line up with the existing building.

Building Inspector requests an interpretation of Case No. 4877

Dortha Bates, Building Inspector's Office, advised this property was previously owned by Knight Manufacturing and the Board had permitted the Company to expand a building in an RS-3 zoned area. The building has now been sold to an oil drilling company that wants to use the property as a storage and maintenance facility for their equipment and drilling bits.

Board Action:

On MOTION of JOLLY, the Board by a vote of 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") found that the proposed use is less intense than the approved use and is compatible with the intent and spirit of the Board's previous approval.

There being no further business, the Chair adjourned the meeting at 5:10 p.m.

Date Approved December 21, 1978

Harvey Curser
Chairman