

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 274
Monday, December 11, 1978, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman	Jolly	Edwards	Bates, Building
Smith	Lewis	Gardner	Insp's. Office
Wait		Howell	Jackere, Legal
		Jones	Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on December 7, 1978, at 12:15 p.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:45 p.m. and declared a quorum present.

Minutes:

On MOTION of SMITH, the Board 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") approved the Minutes of October 19, 1978 (No. 271) and November 2, 1978 (No. 272).

Resolution of Appreciation to William Walden:

On MOTION of SMITH, the Board 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") adopted the following Resolution:

WHEREAS, the Tulsa Board of Adjustment wishes to acknowledge former members who have made significant contributions toward the orderly growth and development of the Tulsa Metropolitan Area; and

WHEREAS, William Walden served from September 20, 1977 to August 11, 1978; and

WHEREAS, he gave freely of his time, experience, and abilities toward the development of a better environment for present and future citizens; and at considerable personal sacrifice.

THEREFORE, the Members of the Board wish to express our deepest appreciation for the concern and service which was given by William Walden.

APPROVED AND ADOPTED this 7th day of December, 1978.

UNFINISHED BUSINESS:

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 located at 1913 East Marshall Street.

Presentation:

Sue Richardson, 2624 South Vandalia, advised the mobile home has been on the property for one year and is used as permanent living quarters.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RM-2 District for a period of one year, removal bond required, on the following described property:

Lot 16, Block 4, Berry Hart Addition to the City of Tulsa,
Oklahoma .

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:

The Staff advised that the applicant had requested a continuance to the January 18, 1979 meeting, to allow time to consummate a real estate transaction.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to continue Case No. 10212 to January 18, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Action Requested:

Exception (Section 1221.5 (5) - Business Signs and Outdoor Advertising - Use Conditions - Under the Provisions of Section 1680 - Exceptions) to permit a 10' x 26' outdoor advertising sign on a 40' pole in a CS District; and a
Variance (Section 1221.5 (5) - Business signs and Outdoor Advertising - Use Conditions - Under the Provisions of Section 1670 - Variances) of the provisions that a sign must be spaced 300' from other signs located at 6202 South Sheridan Road.

Presentation:

Tom Tannehill, 525 South Main Street, representing the applicant, reminded the Board that the last time this application appeared on the agenda it had not been properly advertised. The applicant was asking for a special exception to allow the signs to be placed 182.12' apart rather than the 300' allowed in the Code. Mr. Tannehill presented a Picture (Exhibit "A-1") showing the identical size of the proposed sign which will be setback 100' from the centerline of Sheridan. The existing sign will be moved so that it will be setback 100' from the centerline of Sheridan. The proposed sign will be 10' x 26' for a total of 260 square feet of sign space, and will be 40' high. All lighting will be directed upward.

Mr. Stokley, speaking in behalf of Mr. Kang, the applicant, advised that the applicant did not plan to use any other signs on the property.

Interested Party:

Larry Malcolm, representing Donrey Outdoor Advertising, questioned if this case would set a precedent for future billboard signs in CS zoning.

The Board advised Mr. Malcolm that each action of the Board is independent and does not set a precedent.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 1221.5 (5) - Business Signs and Outdoor Advertising - Use Conditions - Under the Provisions of Section 1680 - Exceptions) to permit a 10' x 26' outdoor advertising sign on a 40' pole in a CS District; and a

Variance (Section 1221.5 (5) - Business Signs and Outdoor Advertising - Use Conditions - Under the Provisions of Section 1670 - Variances) of the provisions that a sign must be spaced 300' from other signs, for a 10' x 26' sign to be located a minimum of 40' north of the south property line and 100' west of the centerline of Sheridan Road, sign to be 40' in height from ground level to the top of the sign proper, excluding the pole, the lighting to be constant (no flashing lights) and directed upward, no other signs to be permitted along Sheridan Road and 62nd Street and the present sign of Mr. Kang's be moved to the southwest corner of 62nd and Sheridan and to remain at the present height on the following described tract:

Lot 4, Block 2, Deborah Jean Addition to the City of Tulsa, Okla.

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 southwest of 101st Street and 177th East Avenue.

Presentation:

Marion Dyer, representing the applicant, advised he objected to the Board's jurisdiction since this was a problem which was created by the City of Broken Arrow and he felt it should be referred to Broken Arrow. The father owns the property and moved the trailer in for his son to live in. The applicant is in the process of erecting a privacy fence to make a complete shield for the neighbors.

Protestant:

Millard Burgess, attorney for Dr. Gerda M. Kennedy, stated that his client had not been contacted by the applicant and she objected to the trailer home being moved on the property without her knowledge.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to deny the appeal and to uphold the action of the Building Inspector (Section 1650 - Appeals from the Building Inspector) for refusing to permit 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.

Additional Comment for the Record:

Mr. Dyer requested that the record show the applicant's objection to the jurisdiction of the Board of Adjustment and that it exceeds across the Broken Arrow City Line.

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 East Avenue.

Presentation:

Edward Lisuis, Project Engineer for Marad Exploration Corporation, presented a written statement (Exhibit "B-1") concerning the mine and mine operations. The statement noted that the area to be mined under this application would be approximately three acres, to an average mining depth of 25' and will be carried on by removing the over-burden with scrapers and dozers. There will be no blasting. The anticipated time of completion would be approximately eight weeks, barring adverse weather conditions. Mr. Lisuis advised that prior to mining, the land was deemed unfit for cultivation; following reclamation, nearly 200% of the mined area will be returned to a condition suitable for cultivation and crop line status. The terrain will be comparable to or improved over the original condition. Mr. Lisuis stated the Company

12.11.78:274(4)

10232 (continued)

did not anticipate much of a dust problem at this time of year, however, if the problem arises they will sprinkle the road and settle the dust. The hours of operation would be from 8:00 a.m. to 4:30 p.m.

Protestant:

Stan Ewing, Broken Arrow Planner, questioned if the water that was to be replaced in the existing lake or reservoir would maintain existing water quality standards or contain contaminants that would lower the quality in the lake.

Mr. Lisuis advised that the water that will be pumped out of the pit will be water that is there as a result of rainfall or seepage out of the old spoil area. There would be no problem with the water; however, the Company, in order to protect themselves, asked Williams Engineering to take a water sample prior to the mining operation and if there is a problem later the Marad Corporation would be able to show they are not contributing to it.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the AG District - Sec. 1224 - Mining & Mineral Processing) to operate a coal mine in an AG District, as present per exhibit submitted, on the following described tract:

S/2, SE/4, SE/4, NE/4; and N/2, NE/4, NE/4, SE/4 of Section 25, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

10240

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 at 8202 East 17th Street.

Presentation:

The Staff advised that the Planning Commission approved the lot-split December 6, 1978, subject to approval of the Board.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to grant 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 on the following described tract:

The East 165' of the N/2, W/2 of Block 8, O'Connor Park Addition, City of Tulsa, Oklahoma.

10243

Action Requested:

Variance (Section 1205.3 (2) - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1670 - Variances) to permit parking in the front yard of a nursing home at 1340 East 61st Street.

Presentation:

James Mahoney, 4017 East 52nd Place, presented a plot plan (Exhibit "C-1"), and advised that Title 19 and the State Health Board would like them to have the parking close to where the patients' rooms are located. It would be a convenience for the patients. The variance was requested for the relocation, rather than the amount, of parking spaces.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to grant a Variance (Section 1205.3 (2) - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1670 - Variances) to permit parking in the front yard of a nursing home, as presented and per plot plan submitted, on the following described tract:

The East 318' of Lot 3, Block 1, Peoria Plaza Addition to the City of Tulsa, Oklahoma.

10244

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit the reduction in size of 4 lots in an RS-2 District from 75' x 138' to 72.6' x 138' in an RS-2 District located north and east of Edison Street and Country Club Drive.

Presentation:

Bernard Hecht, 588 North Guthrie, advised he was interested in subdividing this property into nine lots and because of sewer easements on the property and the length of the property, it would be possible to put six lots along the western edge with the variance.

Protestant:

H. W. Gilbert, 564 North Country Club Drive, stated he had lived in the area 28 years and was not aware the lots were zoned RS-2. He and his neighbors would like to see the neighborhood returned to RS-1 zoning and larger lots if possible.

The Board advised Mr. Gilbert that he would need to consult with the TMAPC concerning the zoning change.

12.11.78:274(6)

10244 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit the reduction in size of 4 lots from 75' x 138' to 72.6' x 138' in an RS-2 District, in accordance with the preliminary plat, subject to acceptance and approval of the final subdivision plat by the TMAPC on the following described tract:

Lot 1, less the North 100'; and Lot 4, less the North 100'; and Lot 3, and the North 30.25' and the South 120' of Lot 2, ALL in Block 5, South Osage Hills Addition to the City of Tulsa, Osage County, Oklahoma.

10245

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an OL District to permit a lot-split at 6900 Block South Canton Avenue.

Presentation:

Mr. Jones advised that the Planning Commission had approved the lot-split on December 6, 1978.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to grant a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an OL District to permit a lot-split on the following described tract:

Tract I: The North 162.50' of the South 645', LESS the West 175' of Lot 1, Block 3, Burning Hills, to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof and the North 12.50' of the South 495' of the West 175' of Lot 1, Block 3, Burning Hills, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; and

Tract II: The North 232.50' of the South 482.50', Less the W. 150' of Lot 1, Block 3, Burning Hills, to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof and the North 12.50' of the South 482.50' of the West 150' of Lot 1, Block 3, Burning Hills, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

10246

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) for permission to sell Christmas trees during the month of December, 1978, in a CS District located NW of 61st St., and Yale Avenue.

Presentation:

The applicant was not present.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) for permission to sell Christmas trees during the month of December, 1978, in a CS District on the following described tract:

The North 150' of the South 300' of the East 150' of Lot 1, Block 1, Holiday Hills Center Addition to the City of Tulsa, Oklahoma.

10247

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) for permission to operate an air condition contracting service in a CS District at 2428 East Admiral Boulevard.

Presentation:

Henry Snow, 907 South Memorial Drive, advised he was the owner of the property and was leasing it to Howard Sheet Metal Company.

Edward Pike, Howard Sheet Metal Company, stated the Company was a fabrication pattern shop of sheet metal and duct work. The metal is put together with solder and spot welders. The noise level is minimal. The maximum guage of metal used is 16 guage. All of the material is transported to the site by half-ton pickups owned by the Company and will be unloaded by the back overhead door opening to the alley.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate an air condition contracting service in a CS District, with no outside storage of any type, no outside work and the approval to run with this occupant only, on the following described tract:

Lot 6, Block 5, East Highland Addition to the City of Tulsa, Okla.

12.11.78:274(8)

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) for permission to construct an electric distribution substation to serve customers with electric service located south and west of 81st Street and Delaware Avenue.

Presentation:

Jay Hodges, attorney for Public Service Company, advised the application was for permission to erect a new electric service station to serve the area between 71st and 91st Streets, Harvard Avenue and the Arkansas River. He presented a map (Exhibit "D-1") showing the proposed ORU substation and two proposed feeders to be built stating the need for the expansion in the growth of Tulsa. The site for the substation is in the proposed parking space behind the City of Faith as shown on the map (Exhibit "D-2"). Mr. Hodges also presented a plot plan (Exhibit "D-3") and stated there would be 8' or 9' of screening on Delaware Avenue.

Charles Norman, representative of ORU, advised the land for the substation site has been granted by Oral Roberts University and the plans for construction and the concept for landscaping and screening have been approved by the University.

Jack Miller, Public Service Company, described the building as a standard Parkhurst prepainted (earth tones) metal building. Public Service Company will plant deciduous trees such as sweet gum, sycamore or red oak, which are 15' to 20' in height. These trees will be planted after the first hard freeze.

The Board, concerned about the driveway across from the Timbers, asked if it would be possible to place the driveway on the north. Randy Kriel, engineer for the project, advised that it would require an easement to provide room to turn the equipment, therefore, it would require a much larger site.

Bob Schweikhard, overall project engineer, stated that Public Service Company had considered the driveway from the service road, but found it would take considerably more property for the large trucks involved in bringing equipment in and out.

Mr. Norman advised that it would probably involve a wider right-of-way since the drive now is no more than 24'. He also felt that it would require heavier construction since the driveway is designed for passenger vehicles only.

Interested Parties:

Kathy Knight, representing the Board of Administrators for the Timbers, a condominium with 106 families directly east of the proposed substation, stated they were concerned that the property be screened properly and have necessary shrubs.

Don Edwards, architect, representing a client with residential property at the southeast corner of 81st Street and Delaware Avenue, questioned if the proposed 8' to 10' of landscape area from the street would be adequate since there is a noise factor involved.

10248 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to construct an electric distribution substation to serve customers with electric service and ask that Public Service Company and Oral Roberts University try to work out something as to an alternate route for the driveway and present to the Board another plot plan with the road, landscape plan, and how they intend to treat the Delaware side of the property on the following described tract:

A part of Block 1 of Oral Roberts University Heights Second Addition, a subdivision of part of the NW/4 of Section 17, Township 18 North, Range 13 East, Tulsa, Oklahoma, more particularly described as follows:

Beginning at a point located North $0^{\circ}-24'-38''$ East a distance of 818.7' from the SE corner of said NW/4, Section 17, Township 18 North, Range 13 East and North $89^{\circ}-35'-22''$ West a distance of 40.0'; thence North $89^{\circ}-35'-22''$ West a distance of 269.0'; thence North $0^{\circ}-24'-38''$ East a distance of 173.0'; thence South $89^{\circ}-35'-22''$ East a distance of 269.0'; thence South $0^{\circ}-24'-38''$ West a distance of 173.0' to the point of beginning, containing 1.068 acres.

10249

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to locate a mobile home in an RS-3 District at 4607 North Lewis Avenue.

Presentation:

Delbert Garner, 4607 North Lewis Avenue, advised that he desired to place a mobile home on this property for his mother-in-law who is sick and elderly. He lives close and needs to take care of her. There is another mobile home about one block away.

Protests: None.

Board Action:

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

10249 (continued)

Lot No. 7 of Grimes Tracts, a subdivision of the South Half of the SW/4 of the SW/4 of Section 8, Township 20 North, Range 13 East, more particularly described as follows:

A part of the S/2 of the SW/4 of the SW/4 of Section 8, Township 20 North, Range 13 East, Tulsa County, Oklahoma, described as follows:

Beginning at a point 177.5' North and 40' East of the SW corner of said Section 8; thence North and parallel with the West line of said Section 8, a distance of 152.5' to a point; thence East and parallel with the South line of said Section 8, a distance of 620' to a point; thence South and parallel with the West line of said Section 8, a distance of 152.5' to a point; thence West and parallel with the South line of said Section 8, a distance of 620' to the point of beginning.

10250

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 2' in an RS-3 District at 1638 East 17th Place.

Presentation:

Stanley Singer, 1790 One Williams Center, advised he would like to add 8' to the back of the house in order to build a bedroom and bathroom. Mr. Singer presented a plot plan (Exhibit "E-1") and Surveyor's Inspection Plat (Exhibit "E-2") and stated the variance was necessary because of the odd shaped lot. There will be a 6' fence between the houses.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "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 20' to 2' in an RS-3 District, per plot plan submitted, with installation of a 6' fence as shown on the plot plan, on the following described tract:

That part of Lots 12 and 13, Block 1, Swan Park, a Subdivision of land in Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows:

Beginning at the Northwest corner of Lot 12; thence Southerly on the Westerly line 80'; thence North 75° -12' East 76.2'; thence North 48° -57' East 35'; thence North 0° -23' West 37' to a point on the Northerly line of said Block 1; thence Westerly along the Northerly line of said Block 1, 100' to the Northwest corner of said Lot 12 to the point of beginning and known as 1638 East 17th Place.

10254

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins) for permission to operate an eating place in an IL District at 5412 South Mingo Road.

Presentation:

Tully Dunlap, Jr., 5424 South Mingo Road, Unit D, stated he was the owner of 5400 Mingo Center which is a three building complex with approximately 75 people employed there each day and an anticipated 125 people in the future. He sited a need for restaurant facilities for employees. The proposed restaurant will occupy 1,250 square feet in the total complex of 49,700 square feet.

The building is stone and rough cedar structure with a mansard roof which bears the only sign for the establishment.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins) to operate an eating place in an IL District, as presented, the sign to be restricted to the mansard roof, no other signs, and to run with this lease only, on the following described tract:

Lot 3, Block 2, Unit "D", 5300 Commerce Park Addition to the City of Tulsa, Oklahoma.

10255

Action Requested:

Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property as a public park with the following facilities; lighted baseball fields, parking, restrooms, storage building, quarter midget race track and official judges building located north and east of Dawson Road and Yale Ave.

Presentation:

Randy Nicholson, 200 Civic Center, Room 642, stated this application was brought about by a group called Northeast Tulsan Youth, a baseball group that is proposing to develop the facilities with no cost to the City. It will be necessary to work with the City Engineer's Office in the development of the property since approximately 80% of the tract is in the flood plain. There is an existing go-cart track which will be removed, the facilities will be developed and the remainder of the heavily wooded area will be left in its natural state.

Protests: None.

10255 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to grant a Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property as a public park with the following facilities; lighted baseball fields, parking, restrooms, storage building, quarter midget race track and official judges building, per plot plan submitted, subject to the approval of the drainage plans by the City Engineer, on the following described tract:

The S/2, NW/4, SW/4; and the NE/4, NW/4, SW/4; all in Section 27, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

10256

Action Requested:

Variance (Section 1221.6 - Business Signs and Outdoor Advertising - CG & IL District Use Conditions - Under the Provisions of Section 1670 - Variances) of the display surface area for two signs in IL Districts located on both sides of 6900 Block of East 41st Street.

Presentation:

Bill R. Stokley, 2208 West Knoxville Avenue, Broken Arrow, advised that all of the area was zoned IL and the lease he has for the sign is on railroad property in the IL District. He presented two pictures one of the proposed area for the sign (Exhibit "F-1") and the location itself, placement of the board (Exhibit "F-2"). Mr. Stokley stated that all of his boards are done with oil paints and never have a ragged appearance, and he felt they were an improvement over the trailer boards around the City.

Protestants:

Everett Devore, 7015 East 41st Street, representing the Triangle Company, advised his Company had a small sign next to the easement of their property for about three years and had a lot of problems with customers not being able to find the location. Two years ago they built a sign, but unable to put it where they wanted, due to restrictions, put it about 30' in the air. Since this is the only way they have of advertising their location to the customers, they object to having other signs above theirs to the left which will impair visibility of the sign.

Grady Ash, President of Harley Industries, 6845 East 41st Street, stated his Company spent a lot of money last year to put in new trees, sidewalks and hedges in front of the establishment to improve the appearance and he objected to having the view of the improvements blocked by signs.

David Hartfelder, Rock Brothers Glass Company, 70th East Avenue and 41st Street, stated his main concern was blockage of the Company's sign and establishment by the proposed signs.

10256 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to deny a Variance (Section 1221.6 - Business Signs and Outdoor Advertising - CG & IL District Use Conditions - Under the Provisions of Section 1670 - Variances) of the display surface area for two signs in IL Districts on the following described tract:

The North 25' of Lot 25, Block 4, Katy Freeway Industrial Park; and the SE/4, SE/4, SE/4, SW/4, SW/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

10257

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to have a "Reader Board" sign of 61 square feet; a "U-Haul" sign of 88 square feet; and 5' roof signs totaling 16 square feet located at 3303 South Yale Avenue, (the 88 square feet "U-Haul" sign is already in existence).

Presentation:

Mark Leblang, on behalf of U-Haul Company, summarized the Board's previous actions toward the U-Haul Company located at 3303 South Yale. Mr. Leblang stated that his client was prepared to meet all the restrictions placed on the property by the Board at that time except the sign restriction. The applicant presented a sketch (Exhibit "G-1") showing the canopy signs and the Reader Board sign which is similar to what the applicant wants to use. The sign would set back from the intersection of 33rd and Yale and would not, in any way, block the vision of traffic in the area. The minimum height from the bottom of the Reader Board to the ground is 12' and the Reader Board itself is an additional 6' 1-5/8" high which would be an additional 61 square feet.

Mr. Smith asked if the applicant could do without the roof signs and was told that the roof sign was just to identify the building containing the U-Haul. He cited all the signs along 33rd and Yale and stated that just a sign at the corner is not adequate to point out which building belongs to U-Haul. Mr. Smith stated he felt that with 10 trucks and 15 trailers setting around with U-Haul marked on them in the distinctive colors of U-Haul, it would be difficult to mistake the location.

Mr. Leblang stated that he had requested clarification of previous Minutes since the former representative did not understand why the restrictions were imposed. Adrian Smith advised that U-Haul had asked for a clarification of the Minutes as to what 88 square feet of sign meant and was told by the Board that it meant a total of just 88 sq. ft. of sign. Mr. Smith also reminded U-Haul that they had returned to the Board on two different occasions with the same question.

10257 (continued)

The Board members expressed mixed emotions concerning the sign. Mr. Smith said he felt it was quite apparent what U-Haul does and most people who use them know what they have available. He further stated that the signs do not add to the appearance and all the signs get a little redundant after a time.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to continue Case No. 10257 to December 21, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10258

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 30' to 13' in an RS-2 District at 1728 East 60th Street.

Presentation:

The Staff advised that the applicant had left a plot plan, but had to leave to keep a doctor's appointment.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to continue Case No. 10258 to December 21, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10259

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 at 7300 North Iroquois Avenue.

Presentation:

Douglas E. Basinger, 2221 East 51st Street, stated he needed to have the mobile home on his own land because he is raising horses and show dogs which would not be allowed in a mobile home park. There are other mobile homes in the area (Wagon Wheel Mobile Home Park). Mr. Basinger plans to build a home on the property in five years.

Protests: None.

Board Action:

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

The SW/4, NE/4, SW/4 of Section 36, Township 21 North, Range 12 East, Tulsa County, Oklahoma.

12.11.78:274(15)

10260

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 35' to 30' on Lots 17, 18, 19, Block 1; and Lots 1, 8, 9, 10, 15, Block 2; and to 25' on Lots 4, 5, 6, 7, 8, 15, 16, 23, Block 1; and Lots 2, 3, 4, 5, 11, 12, 13, and 14, Block 2 at 75th Street and Harvard Avenue.

Presentation:

Jack Harlow, representing Design Properties, 6033 South 66th East Avenue, and presented a plot plan (Exhibit "H-1") stated this was a controlled development, with all building plans submitted to the Company and there would be difficulty getting certain houses on the lots. They plan to preserve all the trees.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, 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 35' to 30' on Lots 17, 18, 19, Block 1; and Lots 1, 8, 9, 10, 15, Block 2; and to 25' on Lots 4, 5, 6, 7, 8, 15, 16, 23, Block 1; and Lots 2, 3, 4, 5, 11, 12, 13 and 14, Block 2, per plot plan submitted, on the following described tract:

Lots 17, 18, 19, Block 1; and Lots 1, 8, 9, 10, 15, Block 2, Guier Woods IV Addition; and Lots 4, 5, 6, 7, 8, 15, 16, 23, Block 1; and Lots 2, 3, 4, 5, 11, 12, 13 and 14, Block 2, Guier Woods IV Addition, all to the City of Tulsa, Oklahoma.

10261

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 12' at 5731 South Madison Place.

Presentation:

Twyla Downye, 5731 South Madison Place, advised the variance was needed to build an adequate kitchen for the house. She stated there is an 8' privacy fence surrounding the house and in the back is a parking lot for an apartment house. Mrs. Downye presented a plot plan (Exhibit "H-1") and stated they were building on the existing patio.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions": Jolly, Lewis "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 20' to 12', per plot plan submitted on the following described tract:

Lot 58, Block 1, Riverside South Amended Add., to the City of Tulsa, Oklahoma.

12.11.78:274(16)

10262

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-2 District (bond required) at 2445 East 56th Street North.

Presentation:

Mr. Jones advised that Mr. Steinhouse was present, but had to leave. This application has been granted each year for the last five years.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-2 District, for a period of one year, removal bond required, on the following described tract:

The E/2, E/2, SW/4, SW/4; and the E/2, E/2, SW/4, SW/4, SE/4 of Section 5, Township 20 North, Range 13 East, Tulsa County, Okla.

10263

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) for permission to erect a plumbing shop 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 at 1520 North Sheridan Road.

Presentation:

J. R. Stratton, 1050 North Louisville Avenue, advised that the plumbing shop has been operating from a home at this location for quite a few years and now they propose to build to the south of the home and later will remove the home entirely and build the balance of the shop.

Protests:

A telegram (Exhibit "I-1") of protest from the Board of Trustees of the University of Arkansas was presented. They stated the reasons for their position of protest were: this would substantially reduce the value of their property by blocking visibility when approaching from the north. Further, zoning and planning standards based on uniform setbacks for front, side and rear yards contribute to uniform development of neighboring properties and enhance values. Further, there is a 10' easement running east to west which borders Mr. Stratton's property on the south and their property on the north.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to continue Case No. 10263 to December 21, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order to make necessary corrections on the plot plan.

12.11.78:274(17)

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of 1630 - Minor Variances) for permission to locate a sign 35' from the centerline of 11th Street at 5815 East 11th Street.

Presentation:

Mike Moydell, 1221 Charles Page Boulevard, advised that he wanted to remove the Flamingo Motel sign, use the existing poles, and replace it with an updated smaller sign for the Motel.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to grant a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) to locate a sign 35' from the centerline of 11th Street, removal bond required, on the following described tract:

Block 64, Glen Haven Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Clarification of Case No. 6986:

The Building Inspector advised that this application was approved, per plot plan, more than 40 units, and now the owner wants to add an office 14' x 17' and a 9' x 10' storage space onto an existing clubhouse. The total addition would be approximately 328 square feet.

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to find that the plat of survey is in substantial conformance with the conceptual plot plan and falls within the purview of the Board's original approval and allow the construction of the two small additions to the clubhouse as shown on the plat.

Case No. 9613:

The Board discussed the approval of this application and several members remembered seeing a colored rendering at that time which is not in the file. They objected to the metal building and the air conditioning units which have been placed on top of the building. Members agreed that it was their intention that the facade, which was in the Minutes, cover the units on top of the building.

Mr. Jackere advised he would listen to the tapes approving the application and drive by the structure in order to have sufficient background to advise the Board.

Board Policy:

The Chair noted the Board had discussed previously, the policy of meeting every other week, which would allow four additional meetings per year.

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve the meetings of Board of Adjustment be set for every other Thursday for the following year.

Case No. 9833:

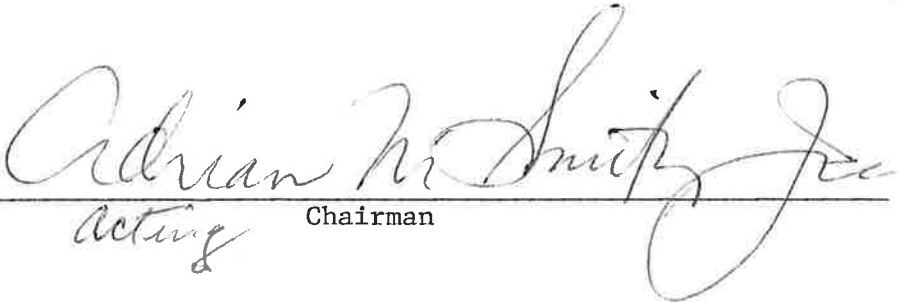
Mr. Jones advised that a letter had been received from Mr. & Mrs. Letzkus stating they were opposed to a 6' fence erected on the east side of the property owned by Evangelistic Temple located across the street from their duplex. They asked that the Board take action to have the height of the fence reduced to 3".

The Board directed the Staff to write a letter to the protestants informing them the 6' fence is required by the Zoning Code and the only way the fencing can be removed or changed would be for the church to make an application to the Board of Adjustment for a variance of the fencing requirements. The Board's suggestion to the protestants was to meet with the Church and work out some type of agreement.

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

Date Approved _____

2-1-79



Acting Chairman