

BOARD OF ADJUSTMENT

MINUTES (No. 276)

Monday, January 8, 1979, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center.

MEMBERS PRESENT

Lewis  
Purser, Chairman  
Smith

MEMBERS ABSENT

Jolly  
Wait

STAFF PRESENT

Edwards  
Gardner  
Howell  
Jones

OTHERS PRESENT

Bates, Building  
Inspector's Office  
Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, January 2, 1979, at 9:00 a.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.

UNFINISHED BUSINESS:

Plans - Case No. 10061

The applicant was not at the meeting to present the plans.

Plans - Case No. 10164

Dr. Swafford, RR #2, Box #37, Sapulpa, advised he was before the Board for clarification. The plans for the structure were changed because some of the material to be used with the original plans was unavailable. The building will be the same architectural style; an all steel building, white parchment roof with saddle tan outside wall. The applicant stated he would be willing to rock the entire front of the building and wrap the corners with rock 6 feet on the north and south. The air-conditioning unit will be on the ground at the rear of the building. The revised plans are on file in the Building Inspector's Office.

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to approve the revised plans for Case No. 10164 with the following conditions. The building will have:

- 1) white parchment roof,
- 2) metal portions to be saddle tan color,
- 3) the entire front is required to be rocked,
- 4) the northeast and southeast corners of the building are also to be rocked back 6 feet, and
- 5) the air-conditioning units are required to be located at the rear of the building on the ground.

Case No. 10222 - Billy Todd Enterprises

The Staff advised the applicant needed a continuance since the platting process has not been completed.

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to continue Case No. 10222 to February 15, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10269

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on the east and west from 75' to 0'; in an IL District at 1710 East 6th Street.

Presentation:

John Kerr, representing the applicant, advised the plan was to erect a metal building, 50' x 85', on the lot and to ask the Board to waive the setback on the side and also waive the screening requirement on the east and west sides since the building would be metal and have no windows or doors. A plot plan (Exhibit "A-1") was presented by Mr. Kerr.

Interested Party:

Robert Edens, P. O. Box 31, Catoosa, applicant, stated there was a Phillips 66 Station, apartment house, two houses used as businesses, and a parking lot surrounding the area. The building will be used for light industry.

No Protests.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to grant a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the setback requirements on the east and west from 75' to 0' in an IL District, waive the screening requirements on the east and west, no outside storage, property to be subject to replatting approval, by TMAPC or waiver of such by the TMAPC, on the following described tract:

Lot 10, Block 11, Central Park Place Addition to the City of Tulsa, Oklahoma.

10270

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 5237 South 113th West Avenue.

Presentation:

Arthur Brown, 527 East 49th Street North, brother of the applicant, advised his brother served eight years in the army, is just recently discharged and is now trying to establish himself in civilian life. He plans to use the mobile home as his permanent residence.

Protests:

A Letter (Exhibit "B-1") of protest was received from Boisey Long, a property owner in the area.

10270 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "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-1 District, for a period of one year only, removal bond required on the following described tract:

Lot 4, less the North 100' thereof, Block 3, Buford Colony  
Second Addition to the County of Tulsa, Oklahoma.

10271

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to allow mini-storage facility in a CS District; and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) for permission to remove the screening where the purpose of the screening cannot be achieved; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of setback requirements from 10' to 0' (abutting the substation) at 6530 South Lewis Avenue.

Presentation:

Charles Gilmore, 6520 South Lewis Avenue, presented a plot plan (Exhibit "C-1") and pictures (Exhibit "C-2") of the area. He advised he would use the same entrance, building construction and colors as the buildings already constructed to the north.

No Protests.

Board Action:

On MOTION of SMITH voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to allow mini-storage facility in a CS District, an Exception (Section 250.3 (d) - Modification of the Screening Requirements) to remove the screening where the purpose of the screening cannot be achieved, and grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of setback requirements from 10' to 0' (abutting the substation), subject to the plot plan submitted and subject to the colors being the same as those used on the existing buildings, on the following described tract:

Lot 13, less the East 654' thereof; and the South 20' of the West 450' of the East 850' of Lot 14, Pecan Acres Addition to the City of Tulsa, Oklahoma.

10272

Action Requested:

Variance (Section 420.2 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) to locate two signs 5' x 15' and 4' x 4' in an RM-2 District located at the NE corner of 12th Street and Trenton Avenue.

Presentation:

Craig Jones, Associate Administrator at Hillcrest, stated that as a part of the final stages in their remodeling projects they were attempting to improve the external and internal traffic patterns in and around the hospital. As part of this they are adding a few additional signs. Mr. Jones presented examples of the two signs (Exhibit "D-1") and a picture (Exhibit "D-2") showing the location of the signs. One sign will be to direct traffic to the emergency department at the hospital and the other to point out the west entrance to the hospital.

No Protests:

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to grant the Variance (Section 420.2 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) to locate two signs 5' x 15' and 4' x 4' in an RM-2 District, including approval of a Minor Variance for the location of the sign on Utica Avenue, subject to a removal contract on the following described tract:

Lots 3 and 6, Block 2, Forest Park Addition to the City of Tulsa, Oklahoma.

10273

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1226 - Moderate Manufacturing and Industry) for permission to operate a non-ferrous foundry in an IL District at 1946 East 59th Place North.

Presentation:

Ray Pool, Metropolitan Tulsa Chamber of Commerce, 616 South Boston Avenue, advised that the Chamber acts as an agent for the Business and Industrial Development Corporation which owns a 60-acre industrial district in north Tulsa. The Chamber is trying to obtain other industries to move into this district to create more job opportunities in the area. The R and D Foundry, now operating at 1332 East 5th Street is interested in buying land and building a new structure in the industrial district. The exception is necessary so that they might melt brass and aluminum ingots and pour castings to make light objects. This is a clean operation, no smoke or odor. Mr. Pool presented pictures (Exhibit "E-1") of the present site and the inside of the present operation. The castings

10273 (continued)

are all custom made and are not marketed. A letter (Exhibit "E-2") urging favorable consideration to permit was received from Arthur Tucker, Chairman of the Economic Study Committee of the Business and Industrial Development Corporation of North Tulsa.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to approve an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1226 - Moderate Manufacturing and Industry) to operate a non-ferrous foundry in an IL District confined to the type of operation that was described in this presentation, on the following described tract:

Lots 16 and 17, Block 1, Model Cities Industrial District  
to the City of Tulsa, Oklahoma.

For The Record:

Board member Lewis advised that his firm was the counsel for the Metropolitan Chamber of Commerce; however, the firm had no connection with this particular case.

10274

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) for permission to allow sand extraction and a ready mix concrete plant in an AG District located south and east of 141st Street and 129th East Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, representing McMichael Concrete Company, stated that the Company is proposing the extraction of sand from the bed of the Arkansas River. The 10-acre tract is intended to locate the sand plant, a classifier and related equipment, and also a ready-mix concrete plant. The operation involves a dredge, a boat in the river, that extracts the sand from the bed of the river after which it is piped to a classifier which is on the bank. It is then stockpiled and later loaded into trucks and transported to various McMichael plants in the community. Mr. Johnsen advised that it was critical to the McMichael Company to have the sand for use in their operation. There is a certain amount of dust in a ready-mix operation and McMichael requires dust collectors around the cement bins.

The McMichael employees work 10 hour days, but do not work on Saturday or Sunday.

E. A. Gale, Box 9486, stated the cement will be brought to the site in trucks, four or five loads per day, and will be fed into the overhead bins. There will be approximately 160 vehicle trips per day hauling sand and aggregate. The material to be carried in the trucks will be damp so there is no need to cover the trucks. The material will be stockpiled approximately 30' high at the sand plant; aggregate stockpiles will be approximately 10' high.

Mr. Johnsen advised that the ready-mix phase of the operation would double the trips in and out; however, with the batch plant near the

source of supply it would mean fewer trips for McMichael and also the close proximity with the need for the concrete is advantageous to the Company. He asked that the Board consider the batch plant operation separately from the sand plant operation. The sand is unique in that it is a very valuable resource that is needed in the community.

Protestants:

David Fist, 525 South Main, attorney representing a number of protestants, presented written protest petitions (Exhibit "F-1") signed by over 100 people living in the area of the proposed use, and stated that the City Ordinances direct the Board to consider the potential environmental influences such as dust and vibration. Mr. Fist pointed out that the roads involved were not constructed to hold up under this type of excess use and are narrower than the standard width. Also cement dust is extremely toxic to plant life and people in the area are concerned the dust will be harmful to their yards and plants.

Dean B. Knight, Sr., voiced opposition to the noise that would be involved in the operation. He also stated that since there are no sidewalks in the area the volume of truck traffic would be a hazard to the children in the neighborhood.

Glen Nunley, 14503 South Garnett, stated he was an ex-truck driver, and felt that the number of trucks using this road would require a substantial roadbed of approximately 17" of hard base and 6" of concrete or asphalt to maintain a road free of large chugholes. He advised that 90% of the trucks run overloaded because they cannot make money otherwise and therefore are unable to stop in case of a problem.

Virginia Neel, 1490 South 129th East Avenue, stated the operation would be on two sides of her house--a house she built to be away from the noise of the City. She expressed the fear that this Company would completely ruin the area.

Arthus Coder, 12603 East 138th Street, advised that his children attend the Broken Arrow schools and the bus stops for the students on 129th Street. The trucks in the area would be hazard to his family as they walk to the bus stop. He also sited the air and noise pollution in the area due to the sand operation.

Mike Bellman, Utica National Bank, advised the Board that he had an Engineer's report completed by W. R. Holoway and Associates (Exhibit "F-2"), stating that the only way to protect the property from a down-stream sand operation would be to require McMichaels to put in a 4 to 1 slope with trees, rocks and grass to keep the property from washing away.

Bob Crocker, 12205 East 151st Street, protested the blowing sand from the trucks and the dust as well as using roads which were not designed for loads such as this. He stated he didn't feel the Company would be a very good neighbor.

William Hamilton, 16006 East 131st Street South, homeowner in the area and manager of Indian Springs Country Club northeast of the operation stated that if there was a prevailing southwest wind the dust would drift into the Country Club site. He expressed concern that the cement dust, containing toxic materials, would jeopardize the ability to grow high quality turf on the fairways and greens of the Club.

Mrs. Darrell Cannon, 8313 Shadow Wood, member of Indian Springs Country Club, advised she was concerned for the Club and also about a large recreational facility being erected by the City of Broken Arrow. The only access to this recreational area is by way of 131st Street which the sand trucks will be using.

Clarence Curtis, 13702 South 125th East Avenue, President of the Haikey Creek Homeowners Association, stated that the homeowners feared any commercial property in the area would lower the evaluation of their property.

Jim Cryst, 12830 East 133rd Street South, noted the number of people in the room who are opposed to the sand operation.

Dean Knight, Jr., 12417 East 151st Street South, advised his primary concern was with the dust from the truck traffic and lack of police protection. He also stated that the noise from the operation was annoying and they worked all the hours they possibly could during the day.

Louise Knight, 15088 South 129th East Avenue, stated that any route the trucks used would be overloading streets which are already overloaded.

Wesley West, 12714 East 136th Street South, expressed fear for the children in the neighborhood who board the school bus on 129th Street.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to deny the application of the ready-mix concrete plant.

On MOTION of LEWIS, the Board voted 2-1-0 (Lewis, Purser "aye"; Smith "nay"; no "abstentions"; Jolly, Wait "absent") to deny the total application.

On MOTION of SMITH, the Board voted 1-2-0 (Smith "aye"; Lewis, Purser "nay"; no "abstentions"; Jolly, Wait "absent") to approve the Exception (Section 310 - Principal Uses Permitted in an Agriculture District - Section 1224 - Mining and Mineral Processing) to allow sand extraction in an AG District, work limited to an 8-hour day, seven trips per hour, tarps to be secured on all trucks, for a period of five years, on the following described tract:

That part of Section 16, Township 17 North, Range 14 East, Tulsa County, Oklahoma, described as follows: A portion of the SW/4 of the NW/4, being a strip of land 50' in width and being adjacent to and West of, and being parallel to and extending along the line described as the established West bank of the Arkansas River; and a portion of the North 1,000' of the NW/4 of the SW/4, being a strip of land 400' in width and being adjacent to and West of and being parallel to and extending along a line described as the established West bank of the Arkansas River; and the South 100' of the North 1,000' of the NW/4 of the SW/4; and all of Lot 5; and a portion of Lot 6, being a strip of land 50' in width and being adjacent to the West of and being parallel to and extending along a line described as the established West bank of the Arkansas River; and those portions of the SW/4 of the NW/4 and the NW/4 of the SW/4 and Lot 6 lying within the river-

bed of the Arkansas River; and those lands extending to the center of the Arkansas River which are riparian estates of and are adjacent to the SW/4 of the NW/4 and the NW/4 of the SW/4 of Lots 5 and 6.

Three affirmative votes are required for approval, therefore, the Chair declared the application denied.

10277

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for community services (Y.W.C.A.) and a  
Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 70' 3" from the centerline of Lewis at 1920 South Lewis Avenue.

Presentation:

Wendy Teel, Executive Director of the Metropolitan YWCA, 1920 South Lewis Avenue, presented a plot plan (Exhibit "G-1") advised the setback waiver is necessary in order to build additional office space to provide needed community services in the area. The present building has more than adequate parking. The building would be one-story and in keeping with the current brick architecture of the neighborhood and would be an addition to the existing building. The advertised setback was more than what was requested by the YWCA.

A letter (Exhibit "G-2") stating approval of the addition was received from Earl R. Smith, President of Lewiston Gardens Homeowners' Association.

Protests:

A letter of protest (Exhibit "G-3"), stating the addition would change the esthetic appearance and character of the area, contribute to the commercialization, congestion and deterioration of the residential area, was received from Ann Jones, a homeowner in the area.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to approve an Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for community services (Y.W.C.A.) as presented; and a  
Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 70' 3" from the centerline of Lewis, and return to the Board with a revised final plot plan and elevations depicting the building materials to be used prior to issuance of a building permit, on the following described tract:

Lots 1 and 2, Block 7, Woodward Park Addition to the City of Tulsa, Oklahoma.



10278

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial District - Section 1227 - Heavy Manufacturing and Industry) for permission to operate an automobile salvage yard in an IM District at 13902 East Apache Street.

Presentation:

John Moody, 7030 South Yale, Suite #702, stated that the primary use of this area will be a welding shop; there will be some auto salvage. The work will be confined to the inside of an existing structure. There will be a screening fence and no stacking of the automobiles will occur.

No Protests:

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to approve an Exception (Section 910 - Principal Uses Permitted in the Industrial District - Section 1227 - Heavy Manufacturing and Industry) to operate an automobile salvage yard in an IM District as presented, on the following described tract:

The West 240' of the East 880' of the N/2, NW/4, NE/4 of Section 28, Township 20 North, Range 14 East, Tulsa County, Oklahoma.

10280

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Special Exceptions) to allow a floor area ratio of .40 for a two-story building in an OL District at 4172 South Harvard Avenue.

Presentation:

Walt Fitzgerald, 6418 East 53rd Street, Construction Superintendent, presented the plot plan (Exhibit "H-1") and stated the building will be used for medical and general offices. The building will be two stories in height and will be a dry stack block construction with a white fiberglass stucco, blown mixture that is rough textured. Air-conditioning equipment will be mounted to the rear of the roof and will not be visible from the street. If it can be seen there will be a screen provided.

No Protests.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Special Exceptions) to allow a floor area ratio of .40 for a two-story building in an OL District, subject to the plot plans, elevation plans submitted, absence of visibility of air-conditioning or heating units or any other units

which may be placed on top of the building, and representations as to building materials and color (white or tan) and facade, on the following described tract:

The East 155' of Lots 1 and 2, Block 1, Villa Grove Park  
Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

10241

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a turf nursery in an RS-2 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit the operation of a turf nursery in an RS-2 District at 1611 East 66th Street North.

Presentation:

Charles Sublett, One Williams Center, Suite 1776, representing the applicant, presented an aerial photo (Exhibit "I-1") of the area showing the 4½-acre tract which is under application. The area is rural and sparsely populated. The applicants have been in the nursery business for approximately 30 years; they purchased the subject property and erected a small greenhouse before realizing there was a problem with the zoning. Mr. Sublett exhibited pictures (Exhibit "I-2") of the applicants' property and greenhouse and of the surrounding area.

In describing the operation of the nursery, Mr. Sublett advised that the applicants plant seeds in the early spring and then transplant the small plants when they are mature enough to sell to the various retail outlets around the area. All work is done inside the greenhouse. A small sign, 2' x 4' is displayed during the late spring with the wording, "Tulsa Turf Nursery, C. S. Miller, Potting Plants for Sale." The Millers depend on the retail sale of plants as part of their livelihood. There is a small graveled parking area which would be more than sufficient for their business. A petition of endorsement (Exhibit "I-3") for operation of the greenhouse, signed by approximately 35 residents of the area, was presented.

No Protests.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a turf nursery in an RS-2 District; and grant a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to allow an unlighted sign, 2' x 4', to be displayed March through June, to run with these owners only, on the following described tract:

10241 (continued)

The E/2, SW/4, SE/4, SW/4 of Section 31, Township 21 North, Range 13 East, Tulsa County, Oklahoma; Less and Except the West 33' and the East 100' of the South 200' thereof.

10276

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 300' to 72.5' to permit a lot-split in an AG District located SE of 36th Street and 137th West Avenue.

Presentation:

Mr. Jones advised that the Planning Commission had approved the lot-split on January 3, 1979, subject to Board of Adjustment approval. All information is in the file.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 300' to 72.5' to permit a lot-split in an AG District on the following described tract:

A tract or parcel of land located in the SE/4 of Section 21, Township 19 North, Range 11 East, more particularly described as:

Beginning at the Northwest corner of the SE/4 of Section 21; thence South 145'; thence East 330'; thence North 145'; thence West 330' to the point of beginning in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Tract 1: The Southerly 72.5' of the Northerly 145' of the Westerly 330' of the SE/4 of Section 21, Township 19 North, Range 11 East of the I.B.&M., Tulsa County, Oklahoma, according to the U. S. Government Survey thereof; and

Tract 2: The Northerly 72.5' of the Northerly 145' of the Westerly 330' of the SE/4 of Section 21, Township 19 North, Range 11 East of the I.B.&M., Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

10281

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances) to permit a mobile home in a CS District for a night watchman at 7702 Charles Page Boulevard.

Presentation:

The applicant was not present.

No Protests.

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10281 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to continue Case No. 10281 to January 18, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10282

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 at 4916 South Columbia Place.

Presentation:

The Staff advised that all information was in the file and the Planning Commission approved the application on January 3, 1979, subject to the action of the Board. A sketch of the proposed lot-split (Exhibit "J-1") was presented.

Board Action:

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

The S/2 of Lot 8, Block 4, Villa Grove Addition to the City of Tulsa, Oklahoma.

10283

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to process potting soil as a home occupation; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) to permit an accessory building 7,200 sq. ft. in size at 1264 West 49th Street North.

Presentation:

George Chee, owner of the property, 1264 West 49th Street North, stated that last September, when he was planning to buy the subject property in anticipation of using the area for a potting soil operation, he checked with Osage County officials and they assured him there were no permits necessary, therefore he proceeded to purchase the land. Mr. Chee advised that he was an ecologist and was interested in ways of converting waste into useful products through the composting process. He stated all his products would be organic in nature and would beautify the area. The products are odorless and would be inside the building; the soil would need to be turned to aerate so it can be packaged.

Ed Baitey, RR 1, Box 260, Bentonville, Arkansas, building contractor, advised the building would be airtight, and would be complete after

10283 (continued)

installation of the windows, front door and pouring some outside concrete. The windows in the front of the building will furnish a place to set plants and demonstrate the usefulness of the potting soil.

Protestant:

Chris Römme, P. O. Box 2904, stated his parents were title holders of adjacent property and he requested a continuance of the application since their attorney was unable to be present.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to continue Case No. 10283 to January 18, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10284

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements and area requirements to permit a lot-split at 3347 East King Street.

Presentation:

Mr. Jones advised that all information was in the file. Pictures (Exhibit "K-1") of the area were presented.

No Protests.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "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 and area requirements to permit a lot-split on the following described tract:

The East 100' of the South 165' of Lot 8, Ozark Garden Farms Addition to the City of Tulsa, Oklahoma.

10285

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit Use Unit 15 in a CS District located at the NW corner of 12th Street and 107th East Avenue.

Presentation:

John W. Chalender, Jr., 8401 Willow Springs Street, Broken Arrow, Oklahoma, presented a plot plan (Exhibit "L-1") and advised that a shopping strip had been constructed on his north property line since he purchased the land. There is a trailer court to the west of the property and the shopping strip to the north making Use Unit 15 the

10285 (continued)

only obvious use of his property. He would like to use the property for businesses which require a small office area and inside storage area. The building will be one long building made of tilt-up concrete panels painted an earth-tone color.

No Protests.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit Use Unit 15 in a CS District, subject to the building being a tilt-up concrete panel construction, earth-tone in color, for warehousing and office combination, on the following described tract:

The S/2 of Lot 2, Mingo Valley Acreage Addition to the City of Tulsa, Oklahoma.

10286

Action Requested:

Exception (Section 1221.5 (5) - Business Signs and Outdoor Advertising- CS District Use Conditions - Under the Provisions of Section 1680 - Spec. Exceptions) to permit additional signs in a CS District; and a Variance (Section 1221.5 (d) (2) (b) - CS District Use Conditions - Under the Provisions of Section 1670 - Variances) of the display surface area for a sign and location at 5150 South 33rd West Avenue.

Presentation:

The applicant was not present.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to continue Case No. 10286 to January 18, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10287

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Commercial Districts - Section 1213 - Convenience Goods and Services) to allow Use Unit 13 in an IL District at 7503 East Pine Street.

Presentation:

Al Howerton, 901 North Mingo Road, presented a plot plan (Exhibit "M-1") and advised he wanted to build a new building and enlarge the parking lot. Pictures (Exhibit "M-2") of the existing building were exhibited as well as a rendering (Exhibit "M-3") of the building to be constructed.

No Protests.

10287 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Commercial Districts - Section 1213 - Convenience Goods and Services) to allow Use Unit 13 in an IL District, per plot plan and rendering submitted, on the following described tract:

The South 60' of the following described tract: Beginning at a point 150' North and 25' East of the SW corner of the SE/4 of the SW/4 of the SE/4 of Section 26, Township 20 North, Range 13 East of the I.B.&M., in Tulsa County, State of Oklahoma; thence North 320'; thence East 140'; thence South 320'; thence West 140' to the point of beginning.

10288

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 85' to 45' from the centerline of 145th West Avenue at 14443 West 15th Street.

Presentation:

The applicant, Charles Fisher, P. O. Box 752, Sand Springs, Oklahoma, presented a plot plan (Exhibit "N-1") and advised that the lot was 100' x 193', the lengthwise side of the lot borders on 145th Street, which is a residential collector street that would normally require a 55' setback not 85'. Plans are for the house to face on 17th Street leaving the length of the lot to the back as playground area for the children.

No Protests.

The Staff advised the Board that 145th West Avenue was designated as a residential collector and not an arterial street and requires only 55 feet of setback.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith, "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 55' to 45' from the centerline of 145th West Avenue, per plot plan submitted, on the following described tract:

Part of Lot 6, Section 9, Township 19 North, Range 11 East, Tulsa County, Oklahoma; being more particularly described as follows: Commencing at the SW corner of said Lot 6; thence due North along the West line of said Section 9, a distance of 1,027.00' to a point; thence South 89°-49' East a distance of 25' to the point of beginning; thence South 89°-49' East a distance of 100' to a point; thence due South a distance of 193' to a point; thence North 89°-49' West a distance of 100' to a point; thence due North a distance of 193' to the point of beginning.

10289

Action Requested:

Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1680 - Special Exceptions) for permission to enclose a sun room for residential use in a CH District at 1601 South Boston Avenue.

Presentation:

Don Owen, 3711 South Sheridan, advised that the bottom part of the building is a commercial photography studio and the upper story is a residence. He presented a plot plan (Exhibit "0-1") and a drawing (Exhibit "0-2") of the building. He stated that the upper porch roof would be removed and they would build a structure of glass and rough cedar on the fire wall. The house as it stands, is built with non-fire retardant wood.

No Protests.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith, "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to approve an Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1680 - Special Exceptions) to enclose a sun room for residential use in a CH District, per plot plan submitted, on the following described tract:

Lot 1, Block 3, Cody & Holloway Addition to the City of Tulsa, Oklahoma.

10290

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 at 4747 South Columbia Avenue.

Presentation:

The Staff advised that all information was in the files and the Planning Commission approved the lot-split on January 3, 1979, subject to the approval of the Board.

No Protests.

Board Action:

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

Lot 22, Block 1, Villa Grove Subdivision to the City of Tulsa, Oklahoma.



10291

Action Requested:

Exception (Sections 630 and 640 - Bulk and Area Requirements in the Office Districts - Special Exception Uses in Office Districts, Requirements - Under the Provisions of Section 1680 - Special Exception) to allow a floor area ratio of .30 and allow two-story buildings in an OL District located NW of 49th Street and Lewis Avenue.

Presentation:

Charles Norman, representing Lincoln Property Company, advised the Board that the site changes in elevations from about 696' above sea level to 654' at the southwest corner; therefore, there is more than a 40' change in elevation. The proposal, because of a number of large and mature trees on the site, is to construct three buildings of varying 1 to 2 stories following the topography of the property.

Protestant:

Jack Harwood, 2108 East 48th Street, advised he was before the Board as a signatory of the Covenant which clearly states only one-story buildings would be built on the north and east properties. Mr. Harwood stated he was not personally in disagreement with the plans, but felt he should uphold the restrictions as set forth in the Covenant to protect others in the neighborhood.

Further Discussion For The Record:

Mr. Lewis advised that he would feel better about making a decision if he was assured that the homeowners involved had considered the application and had no objections to the proposed construction.

Mr. Smith stated that his Company turned in a preliminary plat on this property which has been approved and in view of Mr. Lewis' concern he felt a continuance might be in order.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to continue Case No. 10291 to January 18, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10293

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 75' to 0' in an IL District located on the SE corner of 58th Street and Mingo Road.

Presentation:

L. A. Blust, Jr., 1218 Hazel Boulevard, representing the applicant, presented a plot plan (Exhibit "P-1") stating that the applicant has a contract to purchase this piece of land. Mr. Grigsby plans to build a carpet warehouse on the property, but will need a variance of the setback to allow enough square footage to hold the long rolls of carpeting which are not subject to a multi-storage type of construction.

No Protests.

1.8.79:276(17)

10293 (continued)

The Staff advised the Board that the property to the south was planned for industrial zoning and development.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith, "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to grant a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts- Under the Provisions of Section 1670 - Variances) of the setback requirements from 75' to 0' on the south boundary in an IL District, cautioning the applicant that he check any easements prior to drawing plans and construction of the building on the following described tract:

The West 150' of Lot 8, Block 18, Tulsa Southwest Industrial District to the City of Tulsa, Oklahoma.

10295

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in a CS District to permit a lot-split south and west of 11th Street and Memorial Boulevard.

Presentation:

Mr. Jones advised the Planning Commission had approved the lot-split, subject to the approval of the Board and all information was in the file.

No Protests.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith, "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in a CS District to permit a lot-split on the following described tract:

The S/2 of the SE/4 of the NE/4 of the NE/4 of the NE/4 of Section 11, Township 19 North, Range 13 East, Tulsa, Tulsa County, Oklahoma.

10296

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 40' in an IM District at 5311 Southwest Boulevard.

Presentation:

Ray Turner, 2313 West 41st Street, submitted a plot plan (Exhibit "Q-1") and stated he needed the variance due to the odd shaped lot.

No Protests:

10296 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith, "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to grant a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 40' in an IM District, per plot plan submitted, on the following described tract:

Lot 9, Block 10, Opportunity Heights Addition to the City of Tulsa, Oklahoma.

10298

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 located SE of Mingo Road and 121st Street North.

Presentation:

Steve Carr, TMAPC Staff, representing the City of Owasso and the Owasso Board of Adjustment, advised the application represents a parcel of property within the City of Owasso Fence Line. The City of Owasso requested the Case be continued to January 18, 1979, to allow the City to consider the Case on a referral basis.

No Protests.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to continue Case No. 10298 to January 18, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10299

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection, Utility Facilities and Temporary Open Air Uses) for permission to erect a greenhouse (80' x 20') to be used with the present horticultural nursery located NW of 61st Street and Mingo Road.

Presentation:

Greg Frye, 13202 East 34th Street, stated he wanted to erect a greenhouse to protect the shrubs during the winter months. There are no retail sales and no traffic except for the employees. However, under questioning, Mr. Frye did say there have been some retail sales despite the Board's restriction placed on the nursery application approved February 16, 1978.

Russ Keller, part owner of the business, advised that in the winter weather the plants need some type of protection; in the summer the structure will be covered with a shade cloth. This would be a quonset-type greenhouse, bent, galvanized pipe with redwood, 72' x 22', 8½' to 9' tall. The building is on a gravel base, with a 2'

tall redwood base which is anchored in the ground. Mr. Keller described a structure erected last summer as poles stuck in the ground with redwood lath which was put up to shade some tempermental plants. The structure is 20' x 20' and 10' tall. The plan is to remove the structure if the greenhouse is permitted.

Protestants:

Mrs. Kenneth Roundtree, 6015 South 92nd East Avenue, advised the applicant had erected six poles with a shade cover last summer which was unsightly; however, the Roundtree's agreed not to ask them to remove it - just keep the area neat. During the summer, trucks were in and out from early morning to dark each weekday evening as well as Saturday and Sunday, using 60th Place.

C. A. Warren, 6029 South 92nd East Avenue, who lives directly behind the nursery, stated that the plastic covered structure in the neighborhood was unsightly. He does have some water problems due to the sprinkling system of the greenhouse. Mr. Warren also expressed concern with the possibility of snakes and rodents around the railroad ties which are stored there.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 1204 - Public Protection, Utility Facilities and Temporary Open Air Uses) to erect a greenhouse (80' x 20') to be used with the present horticultural nursery, and further provided that the original approval would be revoked unless the owners met the following requests:

1. The owners refrain from using 60th Place as a point of ingress and egress to their property;
2. keep the sprinkling within the confines of their own property;
3. Use a front end loader only between the hours of 8:00 a. m., and 6:00 p.m.;
4. No retail sales; and
5. No shading structure other than the existing redwood lath structure to be no higher than 6';

on the following described tract:

A tract of land situated in the SE/4 of Section 36, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the South line of said SE/4, 861.20' West of the SE corner thereof; thence South  $89^{\circ}-59'-40''$  West and along the South line of said SE/4 for 200.00'; thence due North for 250.00'; thence North  $89^{\circ}-59'-40''$  East for 200.00'; thence due South for 250.00' to the point of beginning and containing 1.1478 acres, more or less.

10300

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 75' to 15' in an IL District at 5836 South 116th West Avenue.

Presentation:

The applicant was not present.

No Protests.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith, "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to continue Case No. 10300 to January 18, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10301

Action Requested:

Variance (Section 1320 (f) - Off-Street Parking - General Requirements - Under the Provisions of Section 1670 - Variances) of the required parking spaces that are not located on the same lot containing the use located north and west of 55th Place and Garnett Road.

Presentation:

The applicant was not present.

No Protests.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith, "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to continue Case No. 10301 to January 18, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10302

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for permission to build across a lot line in an RS-3 District at 1922 East Mohawk Boulevard.

Presentation:

The applicant was not present; however, the Staff advised this was a minor variance and everything was in order.

No Protests.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Jolly, Wait "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across a lot line in an RS-3 District on the following described tract:

1.8.79:276(21)

10302 (continued)

Lots 2 and 3, Block 2, Murray Second Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Case No. 9613

The Board discussed Case No. 9613 and directed Bob Gardner to draft a letter to Waldo Bales, City Attorney, advising him of their dissatisfaction with the construction, landscaping, and air-conditioning units on top of the building. The Board members felt the applicant had not adhered to what had been presented at the time of approval.

There being no further business, the Chair adjourned the meeting at 9:00 p.m.

Date Approved

March 1, 1979

Lathryn J. Purser  
Chairman