

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 277
Thursday, January 18, 1978
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Jolly Lewis Purser, Chairman Smith Wait	None	Gardner Howell Jones	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 January 15, 1979, 10:15 a.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:40 p.m. and declared a quorum present.

UNFINISHED BUSINESS:

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 allow 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 applicant was not present.

Protestants: None

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 10212 to February 1, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10233

Action Requested:

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

Presentation:

Lynn Meyer, applicant, presented a letter (Exhibit "A-1") requesting a continuance due to changes requested by the mortgagee in the form of the Grant of Easement.

10233 (continued)

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Jolly, Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions") to continue Case No. 10233 to February 1, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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.

Protestants: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 10281 to February 1, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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, 1264 West 49th Street, advised his property was located in Osage County and when he checked with the Osage officials concerning a building permit they indicated a permit was not needed. Therefore, he built the building and then found there was a variance needed approved by the Board of Adjustment. Mr. Chee presented a plot plan (Exhibit "B-1") and a picture (Exhibit "B-2") of a similar structure. The soil must be kept inside to keep it dry before bagging it, which accounts for the size of the building. A folder (Exhibit "B-2") showing the construction of the building and containing a color chart with the gold and dark brown to be used, was exhibited by Mr. Chee. The applicant has eight children who will help him in bagging the soil. There will be approximately two truck loads of soil brought in and one truck carrying the product out each week. The only people coming to the property would be those interested in ecology and in the way the soil is mixed, probably no more than five per week. All work would be conducted inside the building and the only noise involved would be minimal.

10283 (continued)

Protestant:

Chris Romine, 1301 South Yale Avenue, stated that most of the homes in the area were on five-acre lots and were very nice. Mr. Romine's parents own a nearby lot and hope to sell it, but feel the large metal quonset hut would detract from the property value because of the RS zoning. The Romine property is slightly rolling, picturesque, with a nice view of the downtown area; however, wherever a home would be placed on the property it would be directly opposite the quonset building.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Jolly, Lewis, Purser, Smith Wait "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) 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, to run with this owner only, (requirement to remove building if property is sold), subject to the applicant returning to the Board for review and approval to continue operation in three years, on the following described tract:

The NE/4, SW/4, NE/4; and the North 629' of the W/2, SE/4, SW/4, NE/4 of Section 10, Township 20 North, Range 12 East, Osage County, Oklahoma.

10286

Action Requested:

Exception (Section 1221.5 (5) - Business Signs and Outdoor Advertising - CS District Use Conditions - Under the Provisions of Section 1680 - 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 area for a sign and the location, at 5150 South 33rd West Avenue.

Presentation:

Mickey Huddleston, 3324 South Allegheny Avenue, presented a plot plan (Exhibit "C-1") and a picture of the sign (Exhibit "C-2) and pictures (Exhibit "C-3") of the area. Mr. Huddleston stated he owned the Git-N-Go convenience store on the access road to I-44. The change in the off-ramp of I-44 has created a hardship for the store since the motorist is not aware of how to exit to the store and the service station. A variance is needed since the front footage of the property is not large enough to comply with 1.5 feet of display surface area for each lineal foot of street frontage. The height of the sign will be 30' with the Texaco portion being 36" letters, double-faced, and illuminated. It would be necessary to erect the sign at this height to obtain the visibility from the interstate.

The Board advised Mr. Huddleston they felt the existing Git-N-Go sign would not be necessary if he erected the new sign on that location. Members of the Board were concerned with placing a sign too near residentially zoned property. The applicant felt he would have a difficult

10286 (continued)

problem with Git-N-Go if he proposed moving their trademark sign. He requested a continuance to allow time to talk with officials of Git-N-Go concerning the existing sign.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Jolly, Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions") to continue Case No. 10286 to February 1, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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 - Exceptions) to allow a floor area ratio of .30%; and allow two-story buildings in an OL District, located northwest of 49th Street and Lewis Avenue.

Presentation:

Charles Norman, Philtower Building, Suite 1100, presented a plot plan (Exhibit "D-1") and advised that the portion to be considered at this time includes 6 acres of the eastern portion of the property, which fronts on Lewis Avenue and 49th Street. Mr. Norman stated that the Plan would incorporate the drive-in facility of the bank with circulation back to 49th Street, using the existing curb cuts and would involve the construction of a one-story building on the higher ground. The main bank building will have a high ceiling with a height comparable to a two-story building and the balance of the complex to the south will be two stories. The buildings have been designed to make use of the unusual topography of the land and to retain as many of the existing trees as possible.

Protestants:

Charles Pate, 2258 East 48th Street, stated his property adjoined the subject property on the north and he felt the proposal by the applicant was not in agreement with the private Covenant to the neighborhood, and he requested the proposal be denied. He advised that if the proposal was denied he would be available to participate in an effort toward a revised agreement. Mr. Pate said he would pursue any legal means available to protect the value of his investment. He voiced opposition to the line of standing traffic which would result from the drive-in facility, exhaust fumes from the cars, and speaker noise.

Jack Harwood, 2108 East 48th Street, cited the Covenant of the area, and said that a drive-in bank was not allowed by the Covenant and it also stated there would be one-story construction along the north, east and west portions of the tract.

Legal Counsel advised that private Covenants are not a proper matter for consideration by the Board of Adjustment since they could be changed at any time without Board review.

Hap Solliday, 2424 East 49th Street, advised there were approximately 20 protestants in the room who felt the applicant should stand behind the agreements they made with the neighborhood residents in 1973. At that time the residents agreed not to oppose their application for zoning changes. The understanding at that time, was that this was to be an office park atmosphere with trees, utilized by doctors and lawyers with a very small amount of additional traffic. Protest Petitions (Exhibit "D-2") with 55 signatures were presented.

Richard Carpenter, 2477 East 49th Street, stated the Covenant was entered into specifically for the purpose of allowing the developers to obtain the zoning they have now. He also said he felt the application should be denied on the basis of the traffic hazards that would be created.

Winifred Gillette, 4905 South Lewis Avenue, voiced opposition to the two-story buildings which were proposed. Mrs. Gillette stated she had lived in the area 25 years and was opposed to the application as presented.

William R. Jackson, 48th Street and Lewis Avenue, stated his opposition to the application was the proposed two-story buildings and also the traffic which would be generated.

D. L. Potter, 4734 South Yorktown Place, advised he owns property which adjoins the subject property. He expressed concern for the traffic in the area stating that in this location, Lewis is the only through street, adding to the congestion in the traffic.

Gene Gubser, 2499 East 49th Street, advised that 49th Street does not enter Lewis at the same point from the east and the west. The City has analyzed this problem and has concluded there is no traffic control system that would alleviate the situation.

Casey Cooper, representing Mr. & Mrs. Fenelon Boesche, 2218 East 48th Street, expressed their concern for the two-story building which is proposed. He also stated that if they allowed an increase in floor-space it would mean an increase in people and traffic.

Alan R. Ormiston, 2246 East 48th Place, stated he was directly affected by the aesthetic appearance of the drive-in bank and the potential of noise and pollution from exhaust fumes.

Shirley Clahr, 2237 East 48th Street, advised she would like the applicant to change the north driveway since the lights from cars will shine into her window.

Vernon Jones, 4717 South Yorktown Place, stated he was a party to the Covenant and Chairman of the Architectural Review Committee, and they were concerned with the location of the bank. He urged the Board to withhold approving the variance until there is a resolution of the location of the bank and some plan developed to handle the additional traffic.

10291 (continued)

Interested Party:

Robert Sober, 5390 East 26th Street, architect for the project, advised that several different methods for handling the drive-in bank facility for the project were considered and they were confined by certain natural limitations; i.e., grading the site to have the same elevation as the adjacent property, along the property line. Another limitation was in trying to preserve as many trees as possible. The applicant is allowing for 32% green space on the property.

Board Action:

Tom Jolly stated he was pleased with the applicant's use of the terrain to get the amount of office space with less lot coverage. However, he expressed concern with the location of the drive-in facility and suggested some thought be given toward a different location on the lot.

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser, Wait "aye"; no "nays"; Smith "abstaining") to continue Case No. 10291 to February 15, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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:

Murray McComas, 8005 South Birch Street, Broken Arrow, representing Elco, Inc., advised that Elco, Inc. is a coal producing and construction firm located in Claremore, Oklahoma. The mining Company is required to install a series of monitoring wells in order to substantiate that his operation will have no impact on the ground water system. The plant in no way will affect the water table that the people in the area are using for their supply. Surface water resulting from rain falling on the mines will be controlled by the construction of a series of sedimentation ponds.

On-site control for dust would consist of watering the roads and the existing pit with water that has collected in the sedimentation ponds. The temporary spoil piles will also be watered.

Mr. McComas pointed out that following the mining of the coal, the land will be returned to a condition as good or better than the existing status. He stated that the temporary land use change, from open pasture land to the mining of a very valuable resource, and mining ahead of development, is an essential part of the growth of Tulsa County. The low areas which are poorly drained will be drained, the top soil will be put back to pasture with the elimination of the depression and the previously scarred land. All traffic involved with the mining operation will be routed out onto 126th Street.

It was determined that part of the application was improperly advertised and could not be considered at this time. Mr. McComas advised that they would readvertise for the remainder of the property.

Protestants:

John King, 12128 North 97th East Avenue, advised there were 52 protestants in the room and he presented a Protest Petition (Exhibit "E-1") bearing signatures of approximately 180 protestants. Mr. King expressed concern for children in the area with the open mine. He submitted pictures (Exhibit "E-2") showing the coal dust created in the area by the existing mine. The average home in the area is valued at approximately \$60,000. A book with pictures (Exhibit "E-3") of homes in the area was exhibited. The homeowners were concerned with devaluation of their property if there was a need to sell a home during the operation of this mine. The noise factor was also a concern to the residents.

Mrs. John King, 12128 North 97th East Avenue, stated she wanted to clarify the fact that the operation, even though it is scheduled to be completed in one year's working time, will depend on weather conditions and therefore take an undetermined amount of time and could last more than one year, as proposed.

Beverly Pierce, 12324 North 95th Street, stated she had a swimming pool which has coal dust on it from the other mining operation in the area. She also was concerned there might be a land shift resulting from the mining.

Margaret Clark, R. R. #3, Box 456, questioned how the Company would truck the coal out since the driveway they planned to use is located on the northern portion which was improperly advertised and not before the Board. Mrs. Clark also asked if anyone associated with the application had initiated an Environmental Impact Study.

John Gallagher, 10121 E. 120th Street North, advised that he had talked with Ward Padgett, State Mining Inspector's Office, who informed him that the bonds that had been set aside for the reclaiming of Elco mines had not been released. Mr. Gallagher was very concerned about the reclamation of the land since his property adjoined the subject property.

Mark Dickey, 8050 North Yale, formerly professor of geology at the University of Tulsa, stated he was in sympathy with the need for low sulphur type coal. He advised there is lots of coal in Oklahoma and felt it was unfortunate to start a strip mine in the center of an area that is already almost completely developed.

Diana Ray, 11972 North 93rd East Avenue, expressed concern about the children of the area, the devaluation of the property, and the dust which is carried by the high spring winds.

Lewis Harris, Tulsa County Commissioner, stated his first concern was for the people who have invested their money for homes in the area and even though it is a rural setting it is a residential area. He questioned what effect this operation would have on the Cherokee Industrial District and the growth and expansion of north Tulsa. Also, the roads in the area were not constructed to withstand truck traffic such as this.

10298 (continued)

Steve Carr, Owasso and Sperry City Planner, presented a memorandum (Exhibit "E-4") stating the recommendation of the Owasso Board of Adjustment is for denial of the application.

Pat Nickell, 10149 East 120th Street North, advised that the applicant had informed the residents there would be a 2' high berm which she didn't feel would help the area at all. She was also concerned that if the coal mining was permitted the area would never be built up.

A letter from the Tulsa City-County Health Department (Exhibit "E-5") stating there was doubt that this operation could be conducted in compliance with existing air pollution regulations and a news article entitled, "Coal Business In A Slump" (Exhibit "E-6") were presented to the Board.

Interested Parties:

Mrs. Ben Crowley, 12615 North 97th Street, told the Board members that she lives just back of the present mining operation and did not have any complaints about dust or noise. She stated they had never invited people to move to the county for serenity and felt the serenity had already been disturbed by trucks.

Elwood Kingery, 126th Street, advised he lives just south of the mining operation which is in progress and the dust there is created by the coal being crushed on the property. The coal from the Elco Company will be hauled away and crushed at a different location.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Jolly, Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions") to deny an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) to operate a coal mine in an AG District, on the following described tract:

The S/2 of the NW/4 of Section 6, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

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:

R. E. Gilmore, R. R. #1, Box 37-B, Mannford, presented a plat plan (Exhibit "F-1") and advised that the recorded plat noted a 15' setback on the west property line and he was informed there needed to be a 75' setback.

Mr. Jolly noted that the hardship was not caused by the applicant's action, but by the fact that the land to the west which is also planned for industrial has not yet been zoned. If the land to the west were zoned IL there would be no setback required.

10300 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Jolly, Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions") 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 15' in an IL District, per plat plan submitted, on the following described tract:

The S/2 of Lot 5, Block 1, Prattville Industrial Park South,
Tulsa County, Oklahoma, according to the recorded Plat thereof.

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.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 10301 to February 1, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, with the understanding the Case will be heard at that time.

NEW APPLICATIONS:

10303

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the floor area ratio from 50% to 63% in a CS District; and a

Variance (Section 1320 (d) - Off-Street Parking - General Requirements - Under the Provisions of Section 1670 - Variances) of the required off-street parking spaces that are not located on the same lot containing the use located at the SE corner of 35th Street and Harvard Avenue.

Presentation:

Jim Biffle, member of Christ Methodist Church, cited the growing membership and the need to expand the facilities. He stated there are a number of parking spaces on site, but in order to meet the number of parking spaces required, the Church utilizes parking on the shopping center to the south of the Church and on the Red Cross property to the north of the Church. The Church does have verbal agreements with the owners of these properties and Mr. Biffle presented a letter (Exhibit "G-1") of agreement from Ed Beshara, owner of the shopping center.

Blain Deem, 5840 South Memorial, Suite 316, explained that with the use of the shopping center and Red Cross properties, the Church had a total of 257 parking spaces. The Church does have a commitment to purchase the property if it is offered for sale.

1.18.79:277(9)

10303 (continued)

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 10303 to February 1, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to enable the Church to provide a letter of agreement from any source that will provide the necessary parking for the Church.

10304

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services) for permission to have retail sales (Use Unit 14 - Shopping Goods and Services) in an IL District at 4820 South 83rd East Avenue.

Presentation:

Roy Johnsen, attorney representing Tuesday Morning, Inc., advised that the subject property and the surrounding property is zoned IL industrial. The problem involved is that Tuesday Morning, Inc., has some retail sales. The Code provides that retail sales may be permitted within an IL District, but requires approval of the Board of Adjustment. A complaint was received concerning the lack of parking in the area. Their landlord owns the adjoining tract and has agreed the land can be used for parking for Tuesday Morning, Inc.

Protestants: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services) to have retail sales (Use Unit 14 - Shopping Goods and Services) in an IL District, subject to the applicant providing 125 additional parking spaces with a dust free surface, on the following described tract:

Lots 1 and 2, and the East 86' of Lot 3, Block 3, Resubdivision of Second Research and Development Center, according to the recorded Plat thereof, City of Tulsa, Tulsa County, Oklahoma.

10305

Action Requested:

Exception (Section 1680.1 (g) - Special Exception - General) for permission to establish off-street parking for the Camelot Inn in an RS-3 District, located NE of I-44 and Newport Avenue.

Presentation:

Don Laden, Utica Tower Building, Suite 910, representing the owner of Camelot Inn, advised that the applicant felt the use of the subject property as a parking lot would be appropriate since it adjoins CH zoned property and is abutted on the east and south by Camelot parking. Mr. Laden pointed out that there are 12 homes surrounding Camelot Inn to the north and west, 6 of which are non-owner occupied and Camelot has made an offer to each homeowner to purchase their property. No

10305 (continued)

ingress or egress on Newport Avenue would be sought. Camelot Inn will extend the screening fence to include the subject property. Pictures (Exhibit "H-1") of the subject property and the surrounding area, including the screening fence were exhibited.

Protestants:

Sam Stone, 6 East 5th Street, representing Frances Ramsey, owning the property abutting the subject property to the north, presented a Protest Petition (Exhibit "H-2"). Mr. Stone advised that the area is principally occupied with elderly residents. A Protest Petition (Exhibit "H-3") with 38 signatures was also presented. The Petition included a letter from the applicant, dated September 7, 1978, stating their desire to purchase the property from Mrs. Ramsey. Mr. Stone advised the Board that the area to the west and along the fence is used for the Hotel's trash cans and the lot is also used as a parking, idling and warming up area for large buses that bring people to conventions at the Camelot Inn. He described the parking lot lights as being the arc-type, approximately 25' off the surface, that light up a portion of the neighborhood. The screening fence is built in between trees and there is no other landscaping.

G. S. Ragsdale, 4952 South Newport Avenue, stated that the lighting on the building shines directly into his picture window, but since he had large trees in his yard he could not see the lights in the parking lot.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 1680.1 (g) - Special Exception - General) to establish off-street parking for the Camelot Inn in an RS-3 District, subject to the following restrictions: a 6' screening fence on the west and north, no access to Newport Avenue, the lighting directed inward toward the parking lot and not toward the neighboring property either to the west or the north, the fence to line up with the existing fence (not on public right-of-way), that additional trees and landscaping be provided, on the following described tract:

Lot 12, Block Sixteen (16) of Blocks 14, 15, 16, 17, 18, 19 and 20 of Riverview Village Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

10306

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home beauty shop in an RS-3 District, located at 1504 North Florence Avenue.

Presentation:

Judith K. Wright, 1504 North Florence Avenue, stated she had been a licensed Cosmetologist since 1965 and would like to operate a beauty shop in an attached garage. There will not be any changes to the outside structure. She presented petitions ("I-1", "I-2", "I-3") of approval, signed by 39 neighbors, friends and potential customers. Ms. Wright advised that her hours of operation would be Monday, Wednesday and Friday - 8:00 a.m., to 5:00 p.m., Thursday 8:00 a.m., to 7:00 p.m.,

1.18.79:277(11)

10306 (continued)

and Saturdays 8:00 a.m., to noon. She has a corner lot with a double driveway with ample parking for customers.

Protestants: None.

Board Action:

On MOTION of JOLLY, the Board voted 3-0-1 (Jolly, Purser, Wait "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-3 District as presented, to run with this applicant only, on the following described tract:

Lot 10, Block 3, Louard Heights Addition to the City of Tulsa, Oklahoma.

10307

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to permit two duplexes in an RS-3 District; and a

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 15' located on the SW corner of 12th Street and 83rd East Avenue.

Presentation:

Gerald Snow, 7509 East 53rd Street, a builder, presented a plot plan (Exhibit "J-1") elevations (Exhibit "J-2"), a floor plan (Exhibit "J-3") foundation plans (Exhibit "J-4") and legal descriptions (Exhibit "J-5"). The duplexes will cost approximately \$80,000 each with 1,100 sq. ft. per side. The lot size of Lot A is 10,332 sq. ft. and Lot B is 9,594 sq. ft.

Interested Party:

Juanita Reedy, 1221 South 83rd East Avenue, lives across the street from the proposed structure, stated her only question was concerning the front protrusion. Mr. Snow was proposing to alter the side yard which is on 12th Street.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to permit two duplexes in an RS-3 District; and a

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 15', per plot plan submitted, with the understanding of the applicant, that if the lot size is not sufficient to meet other requirements of the Code or that the requested variance on the setback is insufficient he will need to reduce the size of the structures, on the following described tract:

10307 (continued)

The East 123.69' of Lot 16, Block 3, Forest Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

10308

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception uses - Governmental Services) for permission to use the west half of property for street maintenance facility and the east half for a public park north and east of 36th Street North and Harvard Avenue.

Presentation:

The applicant, Mr. Carpenter, Street Maintenance Engineer, was prepared to present the application.

Protestants:

Russ Roach, 1235 East 27th Place, presented a letter (Exhibit "K-1") from Don McCorkell, Jr., representative of the protestants, requesting a continuance of the case since Legislative conflicts prohibited his attendance at the meeting. A letter (Exhibit "K-2") was exhibited from John M. and Alyce Alexander requesting a continuance since they had not been officially notified about the hearing and did not have adequate time to prepare an answer.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Jolly, Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions") to continue Case No. 10308 to February 1, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10309

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a structure within 2' of the side yard at 1528 South Delaware Avenue.

Presentation:

Phil Ragon, 1528 South Delaware Avenue, presented a plot plan (Exhibit "L-1") and stated that he wanted to extend the south side of the garage within 2' of the adjacent fence line. Mr. Ragon also exhibited photos (Exhibit "L-2") of the area and a plat (Exhibit "L-3") and explained the home was built in 1938 and has a nonconforming side yard. The garage for each duplex is a one-car garage and therefore, a carport is needed for added space for other cars.

Protestants:

Eugene Collioni, 1534 South Delaware Avenue, exhibited a Protest Petition (Exhibit "L-4") containing 22 signatures. Mr. Collioni advised that this would be a very serious problem to the neighborhood if the application was granted. He advised that the neighbors were not adverse to Mr. Ragon constructing an orthodox, attractive carport. They suggested the Board grant permission for a drained flat roof 20' x 20' carport similar to one in the pictures which were exhibited.

10309 (continued)

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a structure within 2' of the side yard, per plot plan submitted, with the understanding of the applicant that if its not built in the way it is presented on the plans he will have to tear it down, on the following described tract:

Lot 1, and the N/2 of Lot 2, Oliver Terrace Addition to the City of Tulsa, Oklahoma.

10310

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 10' to 7' in an RM-1 District at 4121 East 63rd Place.

Presentation:

A representative for Four Seasons Construction Company, 4121 East 63rd Place, presented plot plan (Exhibit "M-1") stated they had received a building permit and after the construction was in progress found they were encroaching slightly on the side line setback. The hardship was created by an odd-shaped lot.

Protestants: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 10' to 7' in an RM-1 District, per plot plan submitted, on the following described tract:

Lot 36, Block 7, Livingston Park South Addition to the City of Tulsa, Oklahoma.

10311

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 60' to 50' to permit a lot-split at 2110 East Newton Avenue.

Presentation:

The applicant was not present. The Staff advised that the Planning Commission had not heard the lot-split, but the Board could approve it subject to the approval of the Planning Commission. Mr. Jolly expressed concern that this was reversing the procedure.

10311 (continued)

Protestants: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 10311 to February 15, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10312

Action Requested:

Variance (Section 1320 (d) - Off-Street Parking and Off-Street Loading - Under the Provisions of Section 1670 - Variances) to permit parking on a lot not containing the use; and a

Variance (Section 1215.4 - Other Trades and Services - Off-Street Parking - Under the Provisions of Section 1670 - Variances) of the number of required parking spaces at 1205 South Gillette Avenue.

Presentation:

Richard J. Shust, 1205 South Gillette Avenue, stated he had not been required previously to have parking. Now it is required and he would provide it, but it would need to be across the street. He requested the variance of parking spaces since he has only seven employees; 22 parking spaces were required and he would like to provide 15 spaces.

Protestants: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 1320 (d) - Off-Street Parking and Off-Street Loading - Under the Provisions of Section 1670 - Variances) to permit parking on a lot not containing the use; and a

Variance (Section 1215.4 - Other Trades and Services - Off-Street Parking - Under the Provisions of Section 1670 - Variances) of the number of required parking spaces, per plot plan submitted, on the following described tract:

Lot 1, Block 7 and Lot 1, Block 2, Terrace Drive Addition to the City of Tulsa, Oklahoma.

10313

Action Requested:

Exception (Section 1221.5 (d) (5) - Business Signs and Outdoor Advertising - CS District Use Conditions - Under the Provisions of Section 1630 - Minor Exceptions) to permit within a CS District an increase in permitted display surface area (use approved in Case No. 10257). This request is to increase the permitted display surface area of two canopy signs. One canopy sign totalling 80 square feet and the other 30 square feet) at 33030 South Yale Avenue.

10313 (continued)

Presentation:

David Sobel, 5210 East 31st Street, Suite 505, advised he was before the Board due to an error on the part of the applicant. The applicant presented his counsel with the size of the letters and it was assumed it was the dimensions. Mr. Sobel stated the consumers and the public need advertising and the only way U-Haul can advertise many of its products is the canopy signs. Plans (Exhibits "N-1", and "N-2") for the area and signs were presented. Every CS District would be allowed this by right with the exception of the applicant; because a special exception was needed for the use.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 1221.5 (d) (5) - Business Signs and Outdoor Advertising - CS District Use Conditions - Under the Provisions of Section 1630 - Minor Exceptions) to permit within a CS District an increase in permitted display surface area (use approved in Case No. 10257). This request is to increase the permitted display surface area of two canopy signs. One canopy sign totaling 80 square feet and the other 30 square feet, total square footage of the canopy signs not to exceed 110 feet, in accordance with the wording and the plan submitted to the Board, on the following described tract:

Lots 19 and 20, Block 3, Yorkshire Estates, Resub of Lots 2-4, Blocks 3 and 4 -13 inclusive, an addition to the City of Tulsa, Tulsa Co., State of Oklahoma.

10314

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church use located south and west of 101st Street and Sheridan Road.

Presentation:

Ed Everitt, 7443 East 68th Street, presented a Site Plan (Exhibit "O-1") and stated he was the architect for the project.

Additional Comment for the Record:

The Staff advised that the applicant was before the Board to renew their two-year approval. The Board approved the application previously, subject to site plans being reviewed by the Board prior to the issuance of building permits, finding that said approval would not set a precedent and would not preclude the RS-3 property to the immediate north from being developed conventional, single-family.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use, per plot plan submitted, on the following described tract:

10314 (continued)

The S/2 of the SE/4 of the NE/4 of the NE/4 of Section 27,
Township 18 North, Range 13 East, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 10061 - Plans:

The applicant was not present and the Chair tabled the matter.

Case No. 10248 - Plans:

Jay Hodges, attorney, representing the Public Service Company of Oklahoma, stated they had redesigned the entrance and exit from the proposed sub-station and presented a site plan (Exhibit "P-1") showing the ingress and egress from the station and another plat (Exhibit "P-2") which shows the proposed screening - red oak trees and burford holly. The berm will be 7' high. A revised artist's rendition (Exhibit "P-3") was also submitted showing the screening from Delaware which closes the driveway previously there, giving an unbroken line of greenery across the front of the area. These adjustments were discussed with the representative of the homeowners who were present at the last meeting, Kathy Knight, and she approved of the plans.

On MOTION of SMITH, the Board voted 5-0-0 (Jolly, Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions") to approve the revised plans for the Public Service Company facility, per plot plans and renderings submitted.

There being no further business, the Chair adjourned the meeting at 8:00 p.m.

Date Approved March 15, 1979

Darryn Purser
Chairman