

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 280
Thursday, March 1, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, February 27, 1979, at 9:36 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.

MINUTES:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser and Wait "aye"; no "nays"; no "abstentions"; Jolly and Smith "absent") to approve the Minutes of January 8, 1979 (No. 276).

UNFINISHED BUSINESS:

Plans - Case No. 10061:

Jack Hitt, 5930 South Louisville Place, presented final plans (Exhibit "A-1") for Mayfair Courts, a nursing home project at 77th Street and South Memorial Drive. This will be a private-pay facility. The project has been approved by the State Board of Health and the State Fire Marshal's Office. A building permit was issued and construction is actually underway. There are two stub streets on the property which will be closed except for emergency vehicles; the Board suggested Mr. Hitt meet with the Fire Marshal and City Engineer in regard to these streets and what type of barricade would be needed. The building will be single-story, six wings, brick veneer on the outside with fire proof paneling underneath the windows of the bedrooms.

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith and Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to approve the final plans for Case No. 10061, as submitted, with the stipulation that the Fire Marshal, Traffic Engineer and the City Engineer be contacted by the applicant, and the applicant shall comply with their requirements to insure that there will be no access to or from South 85th East Avenue, or East 77th Street South except for emergency vehicle use prior to any buildings being occupied.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for permission to operate a private tennis club in an RM-1 District, north and west of 71st Street and Lewis Avenue.

Presentation:

Ollie Gresham, applicant, advised this is a private tennis club which adjoins another tennis club, Camp Shalom. The plans presented show the building facing south; the front view will be comprised of redwood and aggregate. The access is from 71st Street.

Ray Miller, 2121 East 44th Street, builder, advised that the roof will be steel, the building metal with exposed aggregate and redwood on the south or front side. The redwood can be stained or sealed natural - the aggregate can be brown or white or any number of different colors.

Ms. Purser questioned if the steel siding came from the factory in colors and Mr. Miller advised the color was baked on and there would be no reason the siding could not match the stain of the redwood. The paint carries a 20-year guarantee not to chip off.

There will be an 8' access between the court areas and the air-conditioning units will be placed in the access area; the condensing units will be out where they can get the air, the units will not be on the roof. The front entrance covers the area so they will not be seen from the front.

Mr. Gardner advised that the subject property requires a subdivision plat prior to the issuance of any building permits. If there is an interior lot that has no access on a dedicated public street, it will not meet the Zoning Code or the Subdivision Regulations. The applicant will have to have street access to satisfy the Planning Commission.

Mr. Gresham advised that South Bridge Office Park, on the south, is erecting a concrete wall around the Office Park.

Protestant's Comments:

Jerry Wilson, builder of South Bridge Office Park, immediately to the south of the subject property, stated he had not seen the plot plan. He told the Board that the fence which the applicant had mentioned was not under construction at this time; however, he does plan to build a fence on the north side of the property.

Charles Gilmore, co-developer of South Bridge Office Park, stated he did not have any specific problem with the Plans, but did question if the application would come under exceptions allowed under Use Unit 5 in residential districts. He stated that under Use Unit 5 the Zoning Code is called community services, cultural and recreational facilities and advised that he felt the commercial facility or recreational facility such as this, should be considered under Use Unit 19. Mr. Gilmore submitted that this will be an enclosed recreational establishment for business purposes and noted the possibility that this was an improper location.

Mr. Gardner advised that over the years, we have progressed from a strictly private recreational type use, such as a golf course, to the point where we are dealing with smaller pieces of property and specific uses that are strictly profit oriented. He stated that there may be instances where the Board might want to approve a facility of this type in a residential district, depending upon the physical facts in the area. However, it is the Staff's opinion that we have become too lenient, by permitting these commercial uses as private clubs since the Code lists non-project private clubs such as a fraternal lodge. The Staff is uncomfortable with the fact that one can ask for a special exception in a residential district for what is really Use Unit 19, commercial recreation. A majority of the ones now requested are simply high-rise prefabricated metal commercial or industrial buildings that are designed strictly for profit.

C. U. Clark, 2121 East 22nd Place, was concerned with the safety of people using the facility since this is in a flood prone area.

The Staff advised that the 100-year Floodway is confined to the new realignment of Joe Creek. If there is any flood hazard, it would require the elevation of any buildings and approval by the City Hydrology Department prior to the issuance of a building permit.

The Chair asked, that if a member of the Board believes this should be filed in Use Unit 19, would the proper procedure be to vote against the application or to propose that the application was not properly before the Board.

Mr. Gardner stated that the Board needs to determine the appropriate areas of the use within this particular area. If the Board feels the use is more characteristic of Use Unit 19, it would require rezoning in order to be permitted.

Board Action:

Board member Lewis made a motion that the application be denied.

Alan Jackere, Legal Department, then advised this brought up a technical point in that the Board has the power to make interpretations of the Zoning Code. If the Board interprets and votes that this application is under Use Unit 19, no further action is necessary.

Mr. Lewis withdrew the motion for denial.

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") that based upon the application and the Plans presented, the proposed use should be interpreted as being a Use Unit 19 use and was inappropriate for the area.

Action Requested:

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

Presentation:

The applicant was not present. Mr. Jones advised the plat had not been approved as yet because of drainage problems and the applicant was not ready to present his plans at this time.

10222 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to continue Case No. 10222 to March 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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:

The applicant was not present.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to continue Case No. 10286 to March 15, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10292

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agricultural District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District; and a

Variance (Section 340 - Special Exception Uses, Requirements - Under the Provisions of Section 1670 - Variances) of the 5-acre minimum for a mobile home in an AG District located NW of 121st Street and Okmulgee Expressway.

Presentation:

The applicant was not present.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to continue Case No. 10292 to March 15, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center and directed the Staff to notify the applicant that the Case would be heard at that time.

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 located north and east of 36th Street North and Harvard Avenue.

Presentation:

Jim Carpenter, Street Maintenance Engineer, Room 535 City Hall, stated the plans provide for use of the west-half of the property for a street maintenance satellite facility and prevents the east 410' of the property from future use other than park purposes. The Park Board has agreed to take the land for park purposes. The proposed structure would provide service for the vehicles, primarily 17 trucks; there would be no major overhauls performed at the facility. The City would provide screening along the eastern border of the facility and any other screening required by the Board. There will be approximately 30 people who will report to work at this site; the hours of work would be 7:30 a.m. to 4:00 p.m. Rock aggregate materials would not be covered, other materials would be in bins.

Winston Anderson, Administrative Supervisor of the Streets Division, advised the screening along the eastern border would be provided by a chain link fence and then landscaped with trees, evergreen type, large enough to screen the fence itself. There will be no storage of materials on the property south of the access road.

Harold Miller, City Engineer, advised the building will include offices, a locker room combination lunch room - training room, lube rack, storage area for tires, and an area for inside storage of equipment.

Hugh McKnight, Park and Recreation Director, informed the Board that the Park and Recreation Board voted to accept this tract of land for park purposes if the application was approved. The Park and Recreation Department will accept the responsibility for maintenance of the ground; however, there are no funds available for development at this time.

Protestant's Comments:

Russ Roach, 1235 East 27th Place, described the neighborhood as one of the few new areas of high quality residential growth in north Tulsa. The homes are owned by people who chose to stay in north Tulsa rather than move to southeast Tulsa in an attempt to maintain and promote a quality residential neighborhood. Mr. Roach advised that the property is presently zoned CS and he felt development, as a commercial enterprise support facility, would be much in line with serving the existing needs of the neighborhood.

Lloyd Williams, 3646 North New Haven Avenue, questioned why the City would want to erect a facility of this type in a residential area. Mr. Williams also stated the area did not need a park since Amos T. Hall Park is less than a mile away, and has tennis courts, swimming pool, and gymnasium and is not being used at this time.

10308 (continued)

Alice Alexander, 3646 North New Haven, presented a letter (Exhibit "C-1") dated December 11, 1978, to Mr. Vernon Dooley, City of Tulsa Land Acquisition Department. The letter was sent by area residents and offered to purchase the subject property for \$25,000 in order to protect the neighborhood environment.

John Alexander, 3624 North Harvard, advised he purchased his property in 1959 when it was the only place he could purchase land due to his race. Mr. Alexander also noted that another park is not needed in the area since Amos T. Hall Park and Mohawk Park serve the neighborhood.

Board Action:

On MOTION of LEWIS, the Board voted 3-1-0 (Lewis, Purser, Wait "aye"; Smith "nay"; no "abstentions"; Jolly "absent") to deny an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses - Governmental Services) to use the west-half of the property for street maintenance facility and the east-half for a public park on the following described tract:

The West 755' of the South 600' of the North 900' of the SW/4 of the SW/4 of Section 16, Township 20 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma.

10319

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1208 - Multifamily Dwelling and Similar Uses) to permit multifamily use in an OL District; and a

Variance (Section 640 (2) - Special Exception Uses in Office Districts, Requirements - Variance) to permit two-story buildings; and request for a variance of the front yard requirements from 95' to 62'; the side yard requirements from 10' to 8'; and the rear yard from 20' to 10' at 2506 East 21st Street.

Presentation:

Don Herrington, the applicant, stated that he did not feel he could get enough use from the property without the requested setback waiver due to the low-density use on very expensive land. Mr. Herrington advised that his plan was to erect 14 duplexes, 1,800 sq. ft. to 2,000 sq. ft. per unit, with a two car garage for each unit; total cost per unit would be \$100,000 to \$125,000.

Protestant's Comments:

W. R. Stockton, 2412 East 22nd Place, representing the South Lewis Homeowners Association, advised they had checked the setbacks and the newer structures have a 95' or more setback. The older house is the only one in the area that would need to be removed to maintain the 95' setback. He urged that the setback be held at 95' or no lower than 85'.

Mrs. Earl R. Smith, 2502 East 19th Street, representing Lewiston Gardens homeowners, expressed concern on their behalf of the flooding in the area and advised that City maps show this as a floodplain. She urged that the applicant work with the City Engineer to insure that proper safeguards are taken for drainage problems.

Staff Comments:

Mr. Gardner reported the Staff, after making a building setback study, found all the new buildings in the area to be setback 100' from the centerline, except for an office on the southeast corner of Columbia Place which is setback 80'. One older home in the area is setback less than 60'. The Staff recommended 85' as an acceptable compromise setback.

Board Action:

On MOTION of SMITH, the Board voted 3-1-0 (Purser, Smith, Wait "aye"; Lewis "nay"; no "abstentions"; Jolly "absent") to approve an Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1208 - Multifamily Dwellings and Similar Uses) to permit multifamily use in an OL District; and a

Variance (Section 640 (2) - Special Exception Uses in Office Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit two-story buildings; and request for a variance of the front yard requirements from 95' to 80'; the side yard requirements from 10' to 8'; and the rear yard from 20' to 10', subject to the approval of a subdivision plat, and subject to the applicant returning to the Board with a revised plot plan to reflect these requirements, holding to the same quality and as near as possible to the elevations that have been presented, on the following described tract:

2502 East 21st Street: All that part of Tract 30, Harter's Second Subdivision to the City of Tulsa, Tulsa County, Oklahoma, according to the official Plat thereof, more particularly described as follows, to-wit: Beginning at the Northwest corner of Lot 5, Oaklane Addition to the City of Tulsa; thence North 89°-51'-15" West along a projection of the North boundary of said Lot 5 a distance of 84.60' to the West boundary of said Tract 30; thence due South along the west boundary of said Tract 30 a distance of 48.41' to the centerline of an existing fence; thence continuing along the centerline of the existing fence described as follows: The South 70°-25'-37" East a distance of 5.41'; thence South 49°-17'-51" East a distance of 12.27'; thence South 52°-25'-52" East a distance of 11.48'; thence South 49°-09'-59" East a distance of 10.71'; thence South 43°-54'-19" East a distance of 11.10'; thence South 40°-21'-52" East a distance of 10.50'; thence South 41°-46'-32" East a distance of 10.06'; thence South 48°-48'-51" East a distance of 10.63'; thence South 60°-56'-43" East a distance of 10.3'; thence South 70°-46'-10" East a distance of 9.11'; thence due East a distance of 1.1'; thence due South 1.50'; thence due East 5.1' to the point in the West boundary of said Lot 5, 0.25' North of the Southwest corner thereof; thence Due North along the West boundary of said Lot 5 a distance of 112.00' to the point of beginning; and

The West 50.6' of the North 193' of Lot 30, and the East 56.4' of the North 193' of Lot 31, Harter's Second Subdivision to Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

10319 (continued)

2506 East 21st Street: The East 59' of the West 109.6' of the North 193' of Lot 30, Harter's Second Addition, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

2510 East 21st Street: The East 70' of the West 179.6' of the North 193' of Lot 30, Harter's Second Subdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, LESS a tract to the City described as: Beginning at a point on the North line of Lot 30, Harter's Second Subdivision, said point being 109.6' East of the Northwest corner; thence East along said North line a distance of 70'; thence South along a line parallel to the West line of said Lot 30, a distance of 7'; thence in a Southwesterly direction to a point, said point being 109.6' East and 10.25' South of the Northwest corner of said Lot 30; thence North a distance of 10.25' to the point of beginning.

10322

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) for permission to erect 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 area requirements for a duplex in an RS-3 District in the 3900 Block on East 51st Place.

Presentation:

The applicant was present, but advised the plans were not ready to present to the Board. He requested a continuance to March 15, 1979.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Jolly, Smith "absent") to continue Case No. 10322 to March 15, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

10332

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 in an AG District to permit a lot-split north and west of 52nd Street North and Highway #97.

Presentation:

The Staff advised that the Planning Commission approved the lot-split on February 21, 1979, subject to approval of the Board of Adjustment.

Protestants: None.

10332 (continued)

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "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 in an AG District to permit a lot-split on the following described tract:

Lot 5, Block 2, Meadow Lake Second Subdivision in Osage County, Oklahoma, according to the recorded Plat thereof.

10340

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' from the centerline of Memorial Drive, SE of 71st Street and Memorial Drive.

Presentation:

Charles Atkinson, Mid-Continent Building, representing Mellers Photo Company, presented a plot plan (Exhibit "D-1") and photos (Exhibit "D-2") of the proposed structure. Mr. Atkinson stated this request was for a minor variance of 10' at the corner of 71st Street and Memorial Drive. The reason for the setback waiver was for availability to be seen by the public. The units are placed on a plastic apron and may be moved easily.

Mr. Redkin advised that if the building was to setback any further the building would be on the other side of an existing fence and on unimproved ground. Only one side of this building will be used for drive-up service.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to grant a variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 100' from the centerline of Memorial Drive, per plot plan and photographs as submitted, on the following described tract:

Lot 1, Block 1, Skyview Acres Addition to the City of Tulsa, Oklahoma.

10341

Action Requested:

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 40.04' from the centerline of 11th Street. Appeal (Section 1650 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to permit the restoration of a nonconforming building at 2424 East 11th Street.

10341 (continued)

Presentation:

Earl Wolf, 9726 East 42nd Street, representing the owner, advised that his client has owned the property for approximately 50 years, which contains a single-story brick building that was operated as a plumbing, heating and air-conditioning company. The building was partially destroyed by fire on December 10, 1977. The owner proposes to rebuild the structure; a plot plan (Exhibit "E-1") was presented. Mr. Wolf stated that the remodeling project would use the existing slab, plumbing, three brick walls and the foundation. The roof, glass front of the building, entry-way doors, overhead door for the vehicles coming into the building and two rest rooms will be the only remodeling of the building. A statement (Exhibit "E-2") from an architect regarding the use of the building, an estimate (Exhibit "E-3") of total cost, \$98,150 made by Vanguard Builders, Inc., and an itemized list (Exhibit "E-4") of the expenses to be incurred by the company were exhibited. Mr. Wolf also presented a plot plan (Exhibit "E-5") showing the location of the property and the various setbacks and pictures (Exhibit "E-6") of the building.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to approve the Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 40.4' from the centerline of 11th Street and that the building conform to the Building Code in effect in the City of Tulsa and to uphold the decision of the Building Inspector, and Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit the restoration of a nonconforming building on the following described tract:

The West 85' of Lot 24, Block 1, Boswell's Addition to the City of Tulsa, Oklahoma.

10342

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to erect and operate a car wash in a CS District at 1626 South Memorial Drive.

Presentation:

Richard Kidwell, 1219 Boston Court, Broken Arrow, presented a fact sheet (Exhibit "F-1") and a plot plan (Exhibit "F-2") of the proposed car wash operation. The car wash will have two automatic and eight self service bays. Brick facing will be used on the front of the building. An attendant will be on duty from 8:00 a.m. to 9:00 p.m. each day.

Ray Alberty, 2619 Wisconsin, Joplin, Missouri, a partner in the business, advised the solar panels included in the plans will be low, behind the fascia, and will not be visible from the street; the canopy will have the same wood fascia as the building.

Mr. Gardner pointed out that the property was subject to a subdivision plat prior to the issuance of a building permit unless waived by the

10342 (continued)

Planning Commission; this would need to go before the Planning Commission and approximately 120 days would be involved in platting if required. A 6' screening fence would be required on the west, north and south sides of the car wash.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to continue Case No. 10342 to March 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center to allow time for the applicant to resolve any platting problems and properly advertise to waive the screening requirement on the south side of the property.

Mr. Smith suggested the applicant take his plot plan to the Traffic Engineering and City Engineering Departments and tell them of the Plans in order to avoid any problems in traffic movement.

10343

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 15' on corner lots NE of 36th Street and 150th East Avenue.

Presentation:

Clayton Morris, 324 Main Mall, presented a plat (Exhibit "G-1") and stated that the major lot to be changed was Lot 10, Block 5, which had to be cut down in width because of a restrictive water line easement the City required after the platting process was complete. The applicant then decided to ask for the same variance on all corner lots. None of the lots have been sold and the applicant advised that each house will face the 25' building line.

Members of the Board expressed concern that a potential buyer would be unaware that the building line had been changed and questioned if the changes in the building line are recorded in the abstract of title. It was agreed that the applicant should file an affidavit of record with the County Clerk that will appear on the abstract. The Chair directed the Staff to remind the Board members of this procedure in similar cases in the future.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for 15' side yards on Lot 1, Block 1; Lot 9, Block 2; Lots 1 and 18, Block 3; Lots 1, 9, and 21, Block 4; Lot 10, Block 5; and Lot 1, Block 6; and that the applicant file an affidavit with the County Clerk to be recorded with the subdivision plat in order to give notice of this action to future buyers, on the following described tract:

Sunwood Hills 3rd Addition to the City of Tulsa, Oklahoma.
3.1.79:280(10)

10344

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204) to permit a water pump station 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 rear yard requirements from 20' to 10' on East 31st Street and 149th East Avenue.

Presentation:

Clayton Morris, 324 Main Mall, advised that after a large part of the project was constructed the Water and Sewer Department asked that a pumping station be built. The applicant was not aware a building permit was needed and the building is under construction; the property has been conveyed to the City. A water plan (Exhibit "H-1") was exhibited.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204) to permit a water mump station in an RS-3 District; and grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 20' to 10' on the following described tract:

A part of the N/2, N/2, NW/4, of Section 22, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the North boundary of said N/2, N/2, NW/4, a distance of 1,548' from the Northwest corner of said N/2, N/2, NW/4; thence South 89°-48'-24" East along the North boundary of said N/2, N/2, NW/4 a distance of 40'; thence South 0°-11'-36" West a distance of 113.67'; thence North 89°-48'-24" West a distance of 40' to a point in the East boundary of Lot 1, Block 1, of Sunwood Hills, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence North 0°-11'-36" East along the East boundary of said addition a distance of 113.67' to the point of beginning, containing 0.144 acres.

10345

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to maintain a mobile home in an RS-3 District; (bond required); and a

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a mobile home for a period of more than one year at a time, at 6317 South 103rd East Avenue.

3.1.79:280(11)

10345 (continued)

Presentation:

Mr. Jones advised that the applicant had requested a continuance to March 15, 1979.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to continue Case No. 10345 to March 15, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10346

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 60' from the centerline of 21st Street; and a

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 45' from the centerline of 21st Street to permit the erection of a sign at 1905 East 21st Street.

Presentation:

Tom Sellers, representing Wendy's International, Inc., presented a site sketch (Exhibit "I-1") and stated that without the variance there would be only 48½' of usable space. The proposed building is much nicer than the other 10 Wendy's in Tulsa; will have cedar or redwood fascia panels, landscaping with underground sprinkling system, and a cedar fence surrounding the trash enclosure.

The Board was concerned with the 50' variance and felt if 21st Street were widened the City might be in the position of buying the building from Wendy's.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Wait "aye"; no "nays"; Smith "abstaining"; Jolly "absent") to continue Case No. 10346 to March 15, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and directed the Staff to provide information on all building setbacks in this immediate area.

10347

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of accessory buildings in the rear yard from 750 sq. ft. to 1,200 sq. ft., at 4133 South Victor Ct.

Presentation:

The applicant was not present.

10347 (continued)

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to continue Case No. 10347 to March 15, 1979, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center.

10348

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 college and related activities; and a

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to the setback requirements on the front from 25' to 6' from the rear yard to 0' and a variance of the height requirements from 26' to 28'; and a

Variance (Section 1320 (d) - Off-Street Parking and Loading - General Requirements - Under the Provisions of Section 1670 - Variances) of the parking spaces not on the same lot as the use; and a

Variance (Section 420.2 (d) - Accessory Use Conditions - Signs - Under the Provisions of Section 1670 - Variances) of the sign requirements at the 3100 Block of East 5th Street.

Presentation:

Donald Detrich, 320 South Boston Avenue, suite 1300, presented a plot plan (Exhibit "J-1") and advised this would be an addition on the east side of the existing law school. This property has been used continually since 1971 for educational purposes - the exception for permission to use the property for college and related activities was granted in 1971. The proposed structure will house an addition to the library, basically a facility expansion, not a people expansion; therefore, the parking is adequate. The building will be built as a two-story structure with a third story to be added when funds become available. The structure will be built with a sky light and a three-story atrium into the library; the third story, when constructed, will be all dark glass around the building. A sign variance is needed to allow a 2' x 3' identification sign, blue with white lettering.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "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 college and related activities; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to the setback requirements from 25' to 6' on the front to 0' on the rear yard and a variance of the height requirements from 26' to 28'; and a

10348 (continued)

Variance (Section 1320 (d) - Off-Street Parking and Loading - General Requirements - Under the Provisions of Section 1670 - Variances) of the parking spaces not on the same lot as the use; and a Variance (Section 420.2 (d) - Accessory Use Conditions - Signs - Under the Provisions of Section 1670 - Variances) of the sign requirements, per plot plan and drawings submitted, on the following described property:

The North-half of Block 5, College Addition to the City of Tulsa, Oklahoma.

10349

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 purposes; and request for permission to operate a children's day care center on the NE corner of 49th Street and Quaker Avenue.

Presentation:

Joe McCormick, 1776 One Williams Center, advised the property has been used for an unlawful commercial business for some time. The church use would be a great improvement.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "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 purposes; and permission to operate a children's day care center on the following described tract:

Lot 11, Block 17, Bellaire Acres Second Extension to the City of Tulsa, Oklahoma.

10350

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 165' in an AG District to permit a lot-split south and east of 101st Street and Garnett Road.

Presentation:

The Staff advised that the Planning Commission approved the lot-split on January 3, 1979.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "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 165' in an AG District to permit a lot-split on the following described property:

3.1.79:280(14)

10350 (continued)

The W/2 of the N/2 of the S/2 of the SW/4 of the NW/4 of Section 29, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

10351

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 95' from the centerline of Memorial Drive, on the NE corner of 21st Street and Memorial Drive.

Presentation:

Jack Wimbish, 1710 4th National Bank Building, representing H & B Enterprises, presented a plot plan (Exhibit "K-1") and advised the variance was needed to enclose a portion of a former gas station. The building will be used as a tavern, will be constructed of rough cedar; the only sign will be on the face of the tavern.

Interested Party:

Harold Burlingame, 6660 South Lewis Avenue, sold the property to the Automatic Music Company and he stated they were the only bar he would allow in any of his shopping centers because they keep the parking lots clean and prohibit any rowdy behavior. He felt the tavern would be a good use for the property.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 95' from the centerline of Memorial Drive, subject to submission to the Board of a detailed set of plans, including elevations, showing the exterior and signs and dimensions, on the following described property:

The West 175' of the South 175' of Block 9, O'Connor Park
Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Interpretation of Use Unit 17:

Dortha Bates, Building Inspector, advised she had a request for Quick-Lube which does nothing but change oil, filters, grease cars, but does not sell gasoline.

Harold Burlingame, 6660 South Lewis Avenue, stated this was the concept of a drive-in for 10 minute oil change, lubricate the car and drive out. Mr. Burlingame said the full service station seems to be a thing of the past and this type of operation was needed. He plans to install a Quick-Lube at 36th Street and South Sheridan Road and 38th Street and South Peoria Avenue. He had planned to install these operations under Use Unit 16, but had been turned down on the application for a building permit. Mr. Burlingame advised that the units will be new and each will be constructed with two bays.

Interpretation of Use Unit 17: (continued)

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly "absent") to interpret two bays, lube and oil service, with or without the sale of gasoline, as being Use Unit 16.

There being no further business, the Chair declared the meeting adjourned at 7:20 p.m.

Date Approved

April 12, 1979

Lathrop J. Purser

Chairman