

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 281
Thursday, March 15, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, March 13, 1979, at 10:55 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 SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve the Minutes of January 18, 1979 (No. 277).

UNFINISHED BUSINESS:

Plans - Case No. 10319

Don Harrington, 2202 South Madison Avenue, presented a site plan (Exhibit "A-1") and stated the building setback had been amended to 80' as the Board approved at the previous meeting. Due to this change in setback, he will have one less unit than originally planned.

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve the Plans for 10319, as submitted, with a minimum of 50% masonry per structure exclusive of window and door openings, subject to the applicant coming back to the Board with a landscaping and fencing plan, including a 5' fence on the north, east and west sides and landscaping in front, prior to occupancy of the units.

Plans - Case No. 10335

Mr. Smilley, representing Literacy & Evangelism, Inc., presented a plot plan (Exhibit "B-1") and stated the applicant assured that all of the area covered by the building and improvements will drain onto Jackson Avenue and not cause a problem for adjacent areas. There is a storm drain at the corner of Maybelle Avenue which can be tied into and used for any future development on the land. The window on the second floor has been blocked in on the revised plans as requested by the Board.

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to accept the revised plans for Case No. 10335, with the drainage to Jackson Avenue, the building moved to the south further away from the west property line, and the closing of the window on the second floor; all other plans to remain the same as previously approved.

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, representing W. O. Smith, stated that due to the building configuration, driveway locations and because of the ground elevation he found it impossible to move the sign to a different location; the cost would be prohibitive. Mr. Huddleston had consulted with the neighbors and found they would like to have the sign since the illumination from the sign would provide security for the area. Letters (Exhibit "C-1") of approval of the sign were presented. The sign will be 40' high.

Mr. Gardner advised that the applicant was asking for a 200% variance of the sign area and he must show a hardship. If the sign is moved behind the building setback line it is a special exception and no hardship is required.

Mr. Huddleston stated that the change of the off-ramp had created a hardship since it had caused a loss of business when people had to circle back to reach the Texaco station. He advised he would have the sign redesigned and return to the Board for their approval.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to continue Case No. 10286 to March 29, 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:

Marvin Hampton, the applicant, stated he had spent \$30,000 on his mobile home which he had placed at the very back of 4.2 acres, a long and narrow tract of land. Mr. Hampton had talked with his neighbors and found there were no objections.

Protestants: None.

3.15.79:281(2)

10292 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agricultural District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District for a period of seven (7) years; 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, on the following described property:

A tract of land located in the SE/4, SE/4 of Section 34, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; more particularly described as: Beginning at a point on the North line of SE/4, SE/4, being 262.88' East of the NW corner of the SE/4, SE/4; thence South 00°-07'-45" East a distance of 219.00'; thence South 89°-58'-58" East a distance of 774.50'; thence on a curved line having a radius of 2181.68' and being the West right-of-way line of U. S. Highway #75 a distance of 219.05' to a point on the North line of the SE/4, SE/4; thence North 89°-58'-58" West along the North line of the SE/4, SE/4 a distance of 831.10' to the point of beginning, containing 4 acres more or less.

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 at the 3900 Block on East 51st Place.

Presentation:

Mr. Jones advised that the applicant for Case No. 10322 had requested the item be withdrawn.

Board Action:

The Chair, without objection, withdrew Case No. 10322.

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; 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 Ave.

Presentation:

Leonard Krueger, 4385 South Allegheny, representing the applicant, advised the mobile home was occupied by his elderly mother-in-law who is able to

10345 (continued)

live alone, but needs someone close by to check on her. The Board has approved this request 5 previous times.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-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 five years, to run with the ownership of Mr. Goedecke only, on the following described tract:

The West 327.5' of Lot 2, Block 6, Union Gardens Addition to the City of Tulsa, Oklahoma.

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:

The Chair recognized a procedural problem since only three Board members were present and one member, Mr. Smith, felt that he had a conflict of interest since his firm had surveyed the property and would not be able to vote on the application.

Board Action:

On MOTION of WAIT, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to continue Case No. 10346 to March 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Following discussion with the applicants, two of which were from Dublin, Ohio, and noting that Board member Lewis would not be present at the March 29th meeting, a decision was made to contact Mr. Jolly who agreed to come to the meeting and hear the Case. C. O. Clark, a protestant, was then contacted to return to the meeting.

Presentation:

John Bumgarner, Jr. representing Wendy's International, Inc., presented a plot plan (Exhibit "D-1") and an artist's rendering (Exhibit "D-2") of the proposed building. The plans have been designed to have an "in" and "out"

10346 (continued)

on 21st Street and both "in" and "out" on wheeling; this traffic layout has been approved by the Traffic Engineering Department. The applicant would like to locate the street sign on the property line with the understanding if the City widens 21st Street and requires the sign be moved back, Wendy's International, Inc., would bear the cost of the move. The sign will have a single pole encased in either redwood or cedar, will have 87 sq. ft. of display surface area and there will be no marquee.

Tom Nash, representing Wendy's International, Inc., stated the total square footage of the proposed sign is one-half the size of Wendy's usual sign. Wendy's is not opposed to using a monumental sign; however, the preference is to use the pole sign for the benefit of safety and for greater traffic visibility from both directions. Mr. Nash also advised that Wendy's is an adult-oriented restaurant and he felt it would be a benefit to the community.

At this time the Chair advised a motion to rescind the previous motion to continue, would be required in order to proceed with this hearing.

On MOTION of WAIT, the Board voted 3-0-0 (Jolly, Purser, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to rescind the vote to continue Case No. 10346 and to hear the Case at this time.

Mr. Clark presented a letter (Exhibit "D-3") of protest from the Lewiston Gardens Homeowners Association and exhibited a letter (Exhibit "D-4") of protest from other homeowners in the area. The letters listed additional traffic burdens to the neighborhood, first, fast food restaurant chain built in the area and the possibility of a great deal of litter and trash in the neighborhood as reasons for protesting the application. Mr. Clark also noted that the City is discouraging left-hand turns off of Wheeling by putting the median into the intersection.

Ed Brett, President of the Barnard Area Neighborhood Association, advised that the Association's only objection was the proposed sign. The group felt if all the signs could be kept on the building, Wendy's would be acceptable to the neighborhood.

Board Action:

On MOTION of JOLLY, the Board voted 3-0-1 (Jolly, Purser, Wait "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to approve 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 60' from the centerline of 21st Street, per plot plan and renderings submitted for the file, indicating the type of facility that will be built on the location; 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 with the restriction that the applicant return to the Board with the detail plans for the sign, subject to the customary removal contract, on the following described tract:

Lots 13, 14, 15, Block 3, Reddin Third Addition to the City of Tulsa, Oklahoma.

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 Court.

Presentation:

Edward Mills, 3425 South 132nd East Avenue, presented a plot plan (Exhibit "E-1") and advised that the square footage was necessary to house the grounds equipment and several antique cars. The building would be in keeping with the aesthetics of the original house.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to grant a Variance (Section 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., in accordance with the plot plan and building plans submitted, on the following described tract:

Block 3, Oakwold Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:Action Requested:

Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) for permission to expand an existing residence located in an OL District; and a

Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 38' from the centerline of Xanthus at 2003 East 15th St.

Presentation:

David Graham, 4505 East 75th Street, representing the owner of the property, stated the owner had contracted to build a 28' x 24' multi-purpose family room and an attached single car garage on the rear of the house. The applicant will use the house as his residence and will be teaching private music lessons in the residence. Mr. Graham presented a plot plan (Exhibit "F-1") and advised the addition will be wood frame with brick veneer, 10' outside walls with a dropped ceiling of acoustical tile and reset fluorescent lights.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) to expand an existing residence located in an OL District; 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 50' to 38' from the centerline of Xanthus, per plot plan submitted, on the following described tract:

Lot 4, Block 5, Terrace Drive Amended Addition to the City of Tulsa, Oklahoma.

10353

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Section 440 (6) - Mobile Home) for permission to locate a mobile home in an RS-3 District on the SW corner of 57th Street and 41st West Avenue.

Presentation:

Paula Byfield, 4028 West 57th Street, presented a plot plan (Exhibit "G-1") and advised she wanted to place a mobile home on the lot for her parents to occupy when they retire and help her operate a horse ranch. The 14' x 80' mobile home will be placed on the land and landscaping will be completed. There are many other mobile homes in the area.

Protestants: None.

Board Action:

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

Lot 1, Block 7, Doctor Carver Addition to the City of Tulsa, Oklahoma.

10354

Action Requested:

Appeal (Section 1650 - Appeals From the Building Inspector) from a decision of the Building Inspector for refusing to permit furniture assembly, upholstery and retail sales in a CS District; and an

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1215 - Other Trades and Services) to permit Use Unit 15 to permit the assembly of furniture frames and incidental fabricating, furniture upholstery and furniture retail sales and storage in a CS District at 5014 South 79th East Avenue.

Presentation:

Charles Norman, Suite 1100, Philtower Building, presented a plot plan (Exhibit "H-1") and advised that the Comfort Furniture Company would offer a unique retail furniture service in the facility. The Company will have pre-assembled furniture components available and a large stock of upholstery fabric and materials and a variety of cushions. A customer may select either a pre-assembled, pre-upholstered piece of furniture or may design his own by selecting the type, design, pillow material and the fabric. The furniture will be assembled by use of glue, dowels and stapling guns on the premises. There will be no sawing, sanding, painting or shaping of wood at this location. Approximately 1/3 of the 18,800 square feet will be used for the assembling of furniture and the balance is for showroom and sales.

Protestants: None.

3.15.79:281(7)

10354 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye" no "nays"; no "abstentions"; Jolly, Lewis "absent") to deny an Appeal (Section 1650 - Appeals From the Building Inspector) from a decision of the Building Inspector for refusing to permit furniture assembly, upholstery and retail sales in a CS District; and to approve an

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1215 - Other Trades and Services) to permit Use Unit 15 to permit the assembly of furniture frames and incidental fabricating furniture upholstery and furniture retail sales and storage in a CS District, with the stipulation there be no wood working, painting, sawing, sanding, routing, or spraying within the building and no expansion of the assembly area, on the following described tract:

A part of Lot 1, Block 1, Fontana Addition to the City of Tulsa, Oklahoma, more particularly described as follows: Beginning 400' North of the Southwest corner of Lot 1, Block 1; thence East 250'; thence North 125'; thence West 250'; thence South 125' to the point of beginning.

10355

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts-Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 25' to 23' in an RS-2 District at 3209 East 80th Street South.

Presentation:

Mary Ann Denton, 3209 East 80th Street South, advised she would like to build a porch 20' x 20' which would exceed the Building Code by 2'. The porch will be basically glass and will not be heated.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 25' to 23' in an RS-2 District, per plot plan submitted, on the following described property:

Lot 19, Block 10, Amended Walnut Creek Addition to the City of Tulsa, Oklahoma.

10356

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS-3 District at 5400 South 65th West Avenue.

Presentation:

Attorney's for the applicant and the protestants were present and agreed to continue the Case to March 29, 1979.

10356 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to continue Case No. 10356 to March 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10357

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 public park that will consist of the following facilities: Golf course, clubhouse, cart storage, maintenance building, parking lots, restrooms, picnic areas, lighted sports fields, concessions building, rodeo grounds, gun club, playgrounds and Indian Tribal Pow Wow Grounds at 5700 East 36th Street North.

Presentation:

Randy Nicholson, City of Tulsa Park Department, advised this application included the entire 2800-acre Mohawk Park. Mr. Nicholson pointed out the existing structures and noted rest rooms, concessions and a new road that will be constructed.

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 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for public park that will consist of the following facilities: Golf course, clubhouse, cart storage, maintenance building, parking lots, rest rooms, picnic areas, lighted sports fields, concessions building, rodeo grounds, gun club, playgrounds and Indian Tribal Pow Wow Grounds on the following described tract:

The S/2 of the S/2 of the SW/4 and the S/2 of the SW/4 of the SE/4 of Section 10, Township 20 North, Range 13 East, Tulsa County, Oklahoma; and

the S/2 of the NE/4 of Section 11, Township 20 North, Range 13 East, Tulsa County, Oklahoma; and

the NW/2 and the SW/4 of Section 12, that being only that North of the Atchison, Topeka and Santa Fe Railway right-of-way, Township 20 North, Range 13 East, Tulsa County, Oklahoma; and

the NW/4 of Section 13 that being only that North of the Atchison, Topeka and Santa Fe Railway right-of-way, Township 20 North, Range 13 East, Tulsa County, Oklahoma; and

all of Section 14, that being only that North of the Atchison, Topeka and Santa Fe Railway right-of-way, Township 20 North, Range 13 East, Tulsa County, Oklahoma; and

10357 (continued)

The NW/4, and the N/2 of the NE/4, and the N/2 of the S/2 of the NE/4, and the NE/4 of the SW/4, and the NE/4 of the SE/4 of the SW/4, and the E/2 of the NW/4 of the SE/4 of the SW/4, and the NE/4 of the SW/4 of the SE/4 of the SW/4, and the N/2 of the SE/4 of the SE/4 of the SW/4 of Section 15, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

10358

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 15 - Other Trades and Services - Under the Provisions of Section 1670 - Variances) to permit a plumbing business in an RS-1 District at 4311 South 47th West Avenue.

Presentation:

Les Hawker, representing the applicant, advised the property was purchased in 1971 with the intention of using it for their home and for the plumbing business. The applicant is a plumbing contractor; there is no anticipated plumbing shop on the premises. There is a small building on the property which is used as an office for the applicant's wife and a bookkeeper and a shed where the trucks are kept. Mr. Hawker presented pictures (Exhibit "I-1") of the area, and stated there were various home-owned businesses in the area. A tremendous economic burden would be placed on Mr. Cunningham if he is forced to move his plumbing business.

Protestants:

Raymond Jackson, 3711 South Olympia Avenue, Vice Chairman of District 9 Planning Team, advised the cars and trucks involved with the plumbing company, block the streets in the area.

Jerry Guinn, 4448 South 45th West Avenue, expressed concern about property devaluation in the area due to this business operation.

Eugene Dorsch, 4337 South 29th West Avenue, stated he owns the property to the south of the subject property and now has a contract of sale on it and was interested in protecting the right of the buyer. Mr. Dorsch also advised the traffic in the area was a problem due to the plumbing company operations.

Mary Conner, 4349 South 49th West Avenue, was concerned with the traffic in the area and also expressed concern with other businesses moving into the neighborhood.

Protest Petitions (Exhibit "I-2") with approximately 45 signatures were presented to the Board.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 15 - Other Trades and Services - Under the Provisions of Section 1670 - Variances) to permit a plumbing business in an RS-1 District and gave the applicant 120 days from this date to remove the business from the residential area, on the following described tract:

10358 (continued)

The South 91' of the North 281' of the West Half (W/2) of Lot 4, and all of Lot 6, Bridges Third Subdivision, Tulsa County, Oklahoma, except the North 47.2' of said Lot 6, and the South 4.96' of Lot 6.

10361

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 25' to 1.4' at 4222 South 28th West Avenue.

Presentation:

Tom Haynes, 8137 East 49th Street, representing the man who is attempting to buy the property, stated that the existing house sets approximately 1½' from the south property line; 43rd Street is not open and backs onto the expressway.

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 setback requirements on a corner lot from 25' to 1.4', per plot plan submitted, on the following described tract:

A part of Lots 5 and 6, Block 1, Park Second Addition, a subdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof more particularly described as follows, to-wit: Beginning at a point 27.58' East of the SW corner of Lot 5, Block 1; thence North 41°-01'-53" East along the Southeasterly right-of-way line of Interstate Highway #244, a distance of 214.96' to a point 78.7' South of the NE corner of Lot 6; thence South 0°-27'-40" East along the east line of Lot 6, a distance of 162.16' to the SE corner of Lot 6; thence due West along the South line of Block 1, a distance of 142.42' to the point of beginning, and known as 4222 South 28th West Avenue.

10362

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 95' to 45.5' from the centerline of 21st Street; and from 85' to 65' from the centerline of Peoria Avenue, located at the SW corner of 21st Street and Peoria Avenue.

Presentation:

The applicant, Owen Cotton, 1208 East 20th Street, stated the property is presently a vacant lot. Mr. Cotton presented a plot plan (Exhibit "J-1") and advised he would like to change the application to rear 55' instead of 45.5'. He had worked from an old blueprint which was incorrect; the street had been widened.

10362

Interested Party:

Sara Burkhart, 1208 East 21st Street, advised she owns property in the area and represented other homeowners in the neighborhood, Mrs. Bonnie Byerly and Mr. Bill Houston. All are very anxious that the vacant lot be developed. The three properties are 57½' from the centerline of 21st Street, but would agree to Mr. Cotton's 55' setback if there will be just one-story on that end of the house.

Mr. Cotton stated he would agree with putting a one-story garage on the north side, but would like to build a two-story house.

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 setback requirements from 95' to 55' from the centerline of 21st Street and from 85' to 65' from the centerline of Peoria Avenue, per plot plan submitted, on the following described tract:

Lot 4, Block 15, Sunset Park Addition to the City of Tulsa, Okla.

10363

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) for permission to operate a plating and warehouse operation in a CH District at 412 North Cheyenne Avenue.

Presentation:

William Tabler, 1203 East 19th Street, presented a sketch (Exhibit "K-1") and stated that in order for him to comply with City Ordinances and the Water Pollution Control Act he would have to revamp some of the present plating operations and move some of them to another building. He is also trying to meet the EPA air quality standards.

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 910 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to operate a plating and warehouse business in a CH District on the following described tract:

Lot 1, and the North 30' of Lot 2, Block 10, Original Town of Tulsa, Oklahoma.

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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 33.8' from the centerline of Indianapolis on the NW corner of 15th Street and Indianapolis Avenue.

Presentation:

Harvey Carpenter, 2540 East 14th Street, submitted a plot plan (Exhibit "L-1") advising that the north portion was a two-story educational building and the south portion, on 15th Street, is the sanctuary which is of equal height as the educational building. The church proposes to enclose the courtyard area between the two structures and made it a one-story office complex for the staff of the church. The present building sets back 30' and the new addition will be set back approximately 33' from the building line.

Protests:

Estele Epperson, 1428 South Jamestown Avenue, questioned if the application meant the church was using up more of the parking space with their addition. She expressed concern that the existing parking spaces would be decreased by enlarging the building. The Board assured her that the parking spaces would remain the same.

Mrs. Epperson also advised that she had a verbal agreement that the church would take care of the fence between the two properties. The church has not fulfilled this agreement and has created a hardship for her.

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 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church purposes; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 33.8' from the centerline of Indianapolis Avenue and that the church look into the matter of maintaining the fence; if the Board required the fence to be placed on the property previously then it is the duty of the church to maintain the fence, on the following described tract:

Lots 3, 4 and 5, Block 3, Summit Heights Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 15' in an RS-3 District at 78th Street and Sheridan Road.

10365 (continued)

Presentation:

Owner of Sheridan Valley, Inc., Wayne Cozart, advised that he needed the variance on the corner lots. Mr. Cozart was not certain that the abutting lots in Sweet Briar were in a similar configuration; therefore, the Staff advised the Board they might want to continue these abutting lots in question and grant the variance for the remaining lots.

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 grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 15' in an RS-3 District with the exception of Lot 31, Block 1; Lot 8, Block 8; Lot 1, Block 8; and Lot 9, Block 7, which will be continued to March 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, on the following described property:

6/1/79 fd
Lot 1
Block 7
Lots 10, 16 and 17, Block 1; Lots 11, 12 and 22, Block 2; Lot 7, Block 3; Lots 5, 6 and 10, Block 4; Lots 5, 6 and 10, Block 5; Lots 5, 6 and 10, Block 6; All in Sheridan Valley Addition to the City of Tulsa, Oklahoma.

10366

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to operate a day care home for children in an RS-3 District at 1525 South Owasso.

Presentation:

Pat Malloy, 1924 South Utica, representing the applicant, advised Mrs. Vernon was licensed by the State to care for five children in her home. The former owners of this property were not licensed, but were caring for children in the home. The applicant is performing a service that is needed, there is little or no disruption to the neighborhood, the additional traffic occurs only twice a day and the number of children involved is limited to five.

Mrs. Jane Vernon, 1525 South Owasso, stated she was licensed to take care of five children; if some of these children are in school during the day Mrs. Vernon would then be able to take drop-ins during school hours - total not to exceed five children at any one time. Mrs. Vernon's mother lives in the home and helps with the care of the children. The property has a one-car driveway and a backyard for the children to play in.

Interested Parties:

Karen Lager, 444 South Houston, of the State Licensing Service Unit, advised Mrs. Vernon had been on a 90-day permit since November and had just received a license for the day care home. She had previously operated a day care center in the 1400 block of North Cheyenne Avenue.

Jim Henderson, 1529 South Owasso, is a neighbor of Mrs. Vernon and stated the additional traffic had not concerned him. He had no objections to the family day care home.

Erma Jean Stevenson, 1521 South Owasso, felt the day care home was an asset to the neighborhood. She expressed disappointment that other neighbors would object to this home.

Debbie Allen, 346 North 87th East Avenue, addressing the traffic problems in the area, stated she pulls into the driveway when she leaves her children at the home.

Betty Fry advised her children had been under Mrs. Vernon's care for seven years. Since she works in the downtown area her children were transferred to Lincoln School where Mrs. Vernon could look after them after school hours. Mrs. Fry cited a need to maintain schools in the downtown area and stated that if the "home" was closed her children would be transferred back to Patrick Henry which would be a traumatic experience for them since it is so near the end of the school year.

A letter (Exhibit "M-1") was submitted from Joe Maxfield, Principal of Lincoln Elementary School, urging support of the family day care home of Mrs. Vernon.

Protestants:

Homer Ward, 1518 South Owasso, presented a Protest Petition (Exhibit "M-2") with signatures of 15 homeowners in the neighborhood. He recognized the need for day care homes; however, he expressed concern that this type of home occupation would open the door for future operations and would lower the value of his home.

Dr. Jim Lee, 1520 South Owasso, advised this is an economic issue and he did not wish to see the property value of his home deteriorate. Dr. Lee felt there was a definite traffic disruption just at the time he was going to and returning from work. His greatest concern was that this presented a real physical danger to his child who is blind. The child plays in the driveway and is watched very closely. He also stated he had counted more than five children at the home at one time.

Dennis Fletcher, 1624 South Owasso, opposed the commercial operation in the neighborhood and also expressed his concern about the traffic in the area.

William Hall, 816 Enterprise Building, appearing on behalf of the Maple Ridge Homeowners Association, advised that the area had received an historical designation. A Protest Petition (Exhibit "M-3") prepared by the Maple Ridge Homeowners Association and bearing 57 signatures of homeowners was presented.

C. G. Argodale, 1512 South Owasso, has lived at this location since 1960 and would like to see the neighborhood maintained as single-family homes rather than commercial use.

10366 (continued)

Joan Walters, 1528 South Owasso, advised there was parking on one side of the street only; the City advised the street was not wide enough to allow emergency vehicles. The additional traffic for the day care home created a greater traffic hazard to the neighborhood.

Shirley Ward, 1518 South Owasso, was concerned with the financial impact and the traffic in the neighborhood.

Larry Pinkerton, 1517 South Owasso, stated he felt this would be injurious to the neighborhood with the traffic hazards, safety, intrusions onto private property, concerns about property value, and aesthetic concerns. No one in the immediate neighborhood is using the facility.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 440.2 - Home Occupations) to operate a day care home for children in an RS-3 District, and that the applicant be given 90 days from this date to close the operation, on the following described tract:

Lots 21 and 22, Block 6, Morningside Addition to the City of Tulsa, Oklahoma.

10367

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 25' to 10' in an IL District at 4710 South 101st East Avenue.

Presentation:

Richard Tony, S & S Contractors, stated he proposed to build an addition to an existing building. The existing street runs east and west, is not maintained - the west end dead ending at McMichael Concrete and the east end dead ending into a creek bed which is used as a driveway for another commercial business.

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 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 10' in an IL District, per plot plan submitted, on the following described tract:

Lots 1, 2 and 3, Block 21, Alsuma Addition to the City of Tulsa, Oklahoma.

10368

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 at 7802 West Skyline Drive.

Presentation:

John Roller, 7359 South 69th East Avenue, presented a plot plan (Exhibit "N-1"), map of the road to the proposed location the 80' x 14' mobile home (Exhibit "N-2") and a picture (Exhibit "N-3") of the mobile home. There are 30 other mobile homes in the area.

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 310 - Principal Uses Permitted in the Agricultural District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District, for a period of five years on the following described tract:

A tract of land lying in the W/2 of the SW/4 of Section 30, Township 19 North, Range 12 East of the Indian Base and Meridian, more particularly described as follows:

Beginning at a point on the West line of said Lot 4, which is the intersection of said line with the centerline of West 51st Street South; thence North along the West line of Lot 4 to a point where said line intersects the centerline of Skyline Drive; thence East to a point on the centerline of Skyline Drive which intersects the East line of Lot 4; thence South along the East line of Lot 4 to a point on which intersects the centerline of West 51st Street South; thence West along the centerline of West 51st Street South to the point of beginning.

10369

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements on corner lots from 30' to 15' in an RS-2 District located NW of 59th Place and Knoxville Avenue.

Presentation:

Bobbie Brummett, 3824 South 79th East Avenue, presented a plot plan (Exhibit "O-1") and stated he was requesting the variance in order to have more room on the end lot and be able to build a larger home. All properties 1/4 mile east of Harvard either back up to or side to this property; therefore, there is no interference with anyone's front yard.

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-

3.15.79:281(17)

10369 (continued)

Under the Provisions of Section 1670 - Variances) of the side yard requirements on corner lots from 30' to 15' in an RS-2 District, per plot plan submitted, on the following described tract:

Lot 7, Block 2, Park Place South; and the North 100' of the South 125' of the West 318.2' of the East 636.2' of the N/2 of the SW/4 of the SW/4 of Section 33, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

10370

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to have a car wash in a CS District located NW of 62nd Street and Sheridan Road.

Presentation:

Robert Parmele, 1918 East 51st Street, representing the owner, stated the intention was to remove the existing service station and erect a five bay car wash. The hours of operation will be restricted to the daylight hours with an attendant on duty. There is a possibility of one automated bay, which could be used at night. A Sketch Plat (Exhibit "P-1") was submitted.

Troy Stafford, 4325 East 51st Street, proposed purchaser of the property, advised all of the walls of the building would be brick with a metal pitched roof. The color of the roof to be moss or dark green.

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 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to have a car wash in a CS District, per plot plan submitted, the walls to be brick and the roof to be dark green metal, on the following described tract:

The East 100' of Lot 1, Block 1, Deborah Jean Addition to the City of Tulsa, Oklahoma.

10371

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1207 - Automotive and Allied Activities) to permit sales and services of Ditch Witch Equipment in a CS District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit sales and services of Ditch Witch Equipment in an RS-3 District; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for permission to remove the screening requirements where the purpose of the screening cannot be achieved at 10815 East 11th.

10371

Presentation:

John Bridwell, 16527 East Admiral, advised he was the sole dealer for the Ditch Witch Equipment Co., in the State and would employ approximately 12 people at this site. The nonconforming industrial building sets on a 10-acre tract and the cost of fencing the area would be prohibitive. Also, there are only a few homes which abut the property on the north.

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 710 - Principal Uses Permitted in Commercial Districts - Section 1207-Automotive and Allied Activities) to permit sales and services of Ditch Witch Equipment Co., in a CS District; and a

Variance (Section 410 - Principal Uses Permitted in Residential Districts-Under the Provisions of Section 1670 - Variances) to permit sales and services of Ditch Witch Equipment Co., in an RS-3 District; and an

Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purpose of the screening cannot be achieved, with the applicant to plant and maintain a living shrubbery fence along the north property line, on the following described property:

Lots 5 and 6; and the South 317.5' of Lots 22, 23 and 24; and the South 158.75' of Lot 25; and the North 158.75' of Lot 6 of the resubdivision of Lot 4, All in Block 2, East Eleventh Park Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

10372

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts-Under the Provisions of Section 1670 - Variances) of the front setback requirements from 60' to 45' from the centerline of the street south and west of Victoria Avenue and Denver Avenue..

Presentation:

Edward Brett, stated his client proposes to build a residence which will be partially in the Oak Cliff Addition and partially in the Oak Terrace Addition. The proposed solution to using the lot which has a 42' fall is to erect a bridge coming in from the street level to an elevated carport with a three-story house, the top level being the entry level. An alternate solution would be to buy a portion of the adjoining lot for the driveway.

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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 60' to 45' from the centerline of the street, per plot plan submitted, on the following described property:

10372 (continued)

Lot 6, Block 18, Oak Terrace; and Lot 6, Block 1, Oak Cliff
Addition to the City of Tulsa, Oklahoma.

10373

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-
Section 1208 - Multifamily Dwelling and Similar Uses) and a Variance
(Section 430 - Bulk and Area Requirements in Residential Districts -
Under the Provisions of Section 1670 - Variances) to permit a townhouse
development with attached and detached dwelling units on individual lots
in a CS District, southwest of 101st East Avenue and 15th Street.

Presentation:

The applicant requested a continuance to March 29, 1979, since the plans
were not complete.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye";
no "nays"; no "abstentions"; Jolly, Lewis "absent") to continue Case
No. 10373 to March 29, 1979, 1:30 p.m., Langenheim Auditorium, City
Hall, Tulsa Civic Center.

OTHER BUSINESS:

Case No. 9562:

Mr. Jones submitted a revised Plot Plan and advised that the applicant had
started the building and had moved it forward and it is now 25' from the
front property line. The Building Inspector did not feel this was a serious
question even though the building was not built where the plot plan called
for it to be built.

On MOTION of SMITH, the Board voted 4-0-0 (Jolly, Purser, Smith, Wait "aye";
no "nays"; no "abstentions"; Lewis "absent") to accept the revised, as built,
plot plan.

Alan Jackere, Legal Department, requested that all appeals be sent to his
office as well as to the Building Inspector, so that building permits are
not issued if a case has been appealed to the District Court.

Without objection, the Chair directed the Staff to send all appeals to the
Legal Department and the Building Inspector's Office.

There being no further business, the Chair adjourned the meeting at 7:35 p.m.

Date Approved

April 12, 1979

Lathrop J Purser
Chairman