

BOARD OF ADJUSTMENT
MINUTES (No. 283)
Thursday, April 12, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Purser, Chairman Thompson Wait	Smith	Gardner Howell Jones	Miller, 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, April 10, 1979, at 11:14 a.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve the Minutes of March 1, 1979 (No. 280) and March 15, 1979 (No. 281).

UNFINISHED BUSINESS:

Plans - Case No. 10277

Wendy Teel, 1920 South Lewis Avenue, representing the ^{YWCA}YNCA, advised they planned to build 3,378 sq. ft. on a lot adjoining the present office site. A plot plan (Exhibit "A-1") was presented and Ms. Teel pointed out the building would be a yellow brick with a red roof similar to the existing structure. The YNCA had originally planned to preserve all of the trees on the lot; however, it will be necessary to cut down one large tree for the new building.

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve the Plans for Case No. 10277, as submitted.

Plans - Case No. 10215

Mr. Jones advised that the Board had approved a Frosty Ice and Cold Storage building at 8904 East Admiral Place in November 1978. The applicant came back to the Board to enlarge the building - the original plan was for an attached addition; however, when application was made for the Building Permit the addition was not attached and the Building Inspector refused to issue the Building Permit.

Herbert B. Coles, 8904 East Admiral Place, stated that the square footage of the building is now slightly smaller than what was approved by the Board. The applicant was told by the experts in the business that it was not advisable to have two cold walls next to each other because of possible condensation, so some space between the buildings was necessary.

Plans - Case No. 10215 (continued)

The Building Inspector noted that the Minutes from the November 1978 meeting stated the building was to be expanded; since this is a separate building it was necessary to bring it back before the Board for clarification.

The Chair questioned if the Board had authority to grant a separate building and Mr. Gardner advised that the Board could if they found that the building as present, still meets the spirit and intent of the original application which was to enlarge his facility.

The applicant stated there would be approximately 1' between the buildings and he agreed to cover the ends between the buildings to prevent trash from accumulating.

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve the revised Plans for Case No. 10215, held by the Building Inspector's Office, subject to a copy of that Plan being filed with the Board of Adjustment.

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:

The Staff advised there was a request from the applicant for continuance to April 26, 1979. The protestants are in agreement and there is a possibility the problems will be worked out by the next meeting.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case No. 10356 to April 26, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10374

Action Requested:

Exception 710 - Principal Uses Permitted in Commercial Districts - Section 1217) for permission to build a U-Haul Mini-Storage building next to an existing U-Haul Rental Outlet in a CS District at 61st and Peoria.

Presentation:

David Sobel, 5310 East 51st Street, stated the Company planned to build a mini-storage center to be attached to the existing building. The building will be cement block with metal roof studs and double sheetrock walls.

10374 (continued)

Wayne Marley, Norman, Oklahoma, Aztec Building Systems, advised there would be a ventilation system to control humidity which would be located in the roof and will not be visible outside the building. Mr. Marley presented a revised plot plan (Exhibit "B-1") and stated there would be 170 units with overhead doors on the front and passage walk doors for 30 of the units which open to the back. The remainder of the units gain entrance from inside the building. The doors on the back will be of the same finish as those on the front of the building, enamel finish doors of the same color as the front. The storage lockers on the second floor will be 5' wide and 10' deep. There will be a light over each door, but no electrical outlets within the units. The existing building will be the same color as the new building and if it needs repainting it will be brought up to new standards.

Dennis Bolan, President of U-Haul Company of Tulsa, advised there is an apartment within the existing building which will be occupied by an employee. There is no landscaping planned, but the grass will be maintained as it is. The applicant plans to erect a 6' wooden fence along the back of the lot; however, trucks that will be parked on the lot from time to time are 11' tall and the Board expressed concern with only a 6' fence.

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217) to build a U-Haul Mini-Storage building next to an existing U-Haul Rental Outlet in a CS District, per plot plan and colored rendering, with the requirement of an 8' screening fence on the east boundary, shrubbery to be planted on the west side of the property, no electrical availability inside the individual units, a 24 hour attendant (employee) living on the premises and per the representations made as to appearance of the building and materials, on the following described tract:

Peoria Plaza, a resubdivision of Lots 5 and 6, Block 1, Valley View Addition, Section 6, Township 18 North, Range 13 East, Tulsa, Tulsa County, Oklahoma.

10375

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to build a U-Haul Mini-Storage building in a CS District at 2125 South 129th East Avenue.

Presentation:

David Sobel, 5210 East 51st Street, advised the Board that the proposed building will be built in a U-shape. There is an existing U-Haul across the street to the west of the subject property. The U-Haul Company owns eight acres, will erect the mini-storage on two acres and sell the remaining acres.

Wayne Marley, Norman, Oklahoma, advised that ultimately the U-Haul operation on the southwest corner of the intersection will be moved into the subject area and the command post will be headquarters for both operations. The command post will contain an apartment on the second floor which will house a full-time resident manager and security guard. The building will be cement block with metal roof studs and double sheetrock walls. It will be sealed with a block sealer, block filler material will be used and two coats of exterior latex enamel paint will be applied giving the building a four coat finish. No electrical outlets will be installed in the individual units, but there will be a light over each door. Overhead doors will be used on the interior of the U, but there will not be any openings on the outside of the U. There will be 52 parking spaces in the interior to be used by the renters.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to build a U-Haul Mini-Storage building in a CS District, as presented, subject to the plot plan submitted, to the representations as to the exterior surface of the building - concrete block with the same finish as described, same coloring, subject to the applicant providing another color photograph of the rendering for the file; a minimum availability of 52 exterior parking places being used for no purpose other than the tenants of the mini-storages, a live-in tenant (employee) on a permanent basis, prohibition of electrical outlets available for the interior of the storage areas and the applicant to provide a legal description for the record, which will describe the two acres of property shown on the plot plan, which contains the building on it, plus the property on the plot plan which is to the east of the building itself as all being part of this application, on the following described tract:

Lots 1 and 2, Mize Center Addition to the City of Tulsa, Okla.

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 18' on the north and a variance of 25' to 12' on the east, and request for permission to build across a lot line at 57th Street and 43rd West Avenue.

Presentation:

Jack Arnold, representing the owner, L. C. Petty, stated the neighborhood consists of houses of approximately 1,000 sq. ft. The addition will be an asset to the neighborhood.

Mr. Gardner presented a map (Exhibit "C-1") and advised that there is one house to the west and with the new addition the structure will line up with that house.

10377 (continued)

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "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 18' on the north and a variance of 25' to 12' on the east and permission to build across a lot line, per plot plan submitted, on the following described tract:

Lots 1, 2 and 3, Block 8, Doctor Carver Addition to the City of Tulsa, Oklahoma.

10386

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Exceptions) to permit a floor area ratio of .40 and a building height of two stories in an OL District at 4404-4427 South Harvard Avenue.

Presentation:

Joe Wilkinson, architect representing the owners, advised the zoning for the property has been approved by the City Commission. Mr. Wilkinson presented a site plan (Exhibit "D-1") to show the parking to be on the side with no parking in front of the building. This will be a masonry-faced building with pre-cast panels; no equipment on the roof will show from the street. The brick on the building will be tan or brown with an off-white facing, and the windows will be tinted. There will be a screening fence erected in the back and low lighting will be placed on the building, to be directed away from the residential area.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Exceptions) to permit a floor area ratio of .40 and a building height of two stories in an OL District, per plot plan submitted, a revised plot plan to be submitted if the two driveways are not approved by the TMAPC; construction to be of earth tone brick, off-white facade; lighting to be directed so that it does not shine into the surrounding residential area; equipment on the roof to be placed in such a manner that it is not visible from the ground; landscaping to conform to the rendering, on the following described tract:

Lots 8 and 9, Block 1, Villa Grove Heights No. 1 Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS

10382

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 75' to 50' to permit a lot-split at 402 Valley Drive, Sand Springs, Oklahoma.

Presentation:

The Staff advised that the Planning Commission had approved the lot-split on April 4, 1979, subject to Board of Adjustment approval.

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 75' to 50' to permit a lot-split (L-14589) on the following described tract:

All that part of Lot 16, Block 19, Charles Page Home Acres No. 2, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to-wit: Beginning at a point in the West line of said Lot 16, Said point being 136.19' South of the Northwest corner of Said Lot 16; thence East and parallel to the North line of Said Lot 16, a distance of 182.89' to a point in the East line of Said Lot 16; thence South-westerly along the East line of Said Lot 16, a distance of 53.4' to a point; thence West and parallel to the North line of Said Lot 16, a distance of 165.2' to a point in the West line of Said Lot 16; thence North along the West line of Said Lot 16 a distance of 50' to the point and place of beginning, and known as 402 Valley Drive.

10400

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 65' to 50' from the centerline of Detroit Avenue, located SE of 43rd Street and Detroit Avenue.

Presentation:

The Board was advised that the houses were already built when it was found there was an additional 35' setback. A plat of survey (Exhibit "E-1") was presented.

Protestants: None.

10400 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "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 65' to 50' from the centerline of Detroit Avenue on the following described tract:

The West 72.55' of Lots 1, 2 and 3, Block 5, Demorest Addition to the City of Tulsa, Oklahoma.

10403

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 25' to 7' to permit the erection of a carport at 2133 East 28th Street North.

Presentation:

G. M. Shipley, 5825 West 10th Street, a contractor, advised that the applicant needed the carport because of two retarded daughters. In addition, the mother is partially disabled and it is necessary that the car be in a shelter and available to drive to the hospital on occasion. The carport will be 24' deep, with a gabled roof to look like part of the house. It will have white asphalt shingles and will be trimmed in white and charcoal. Mr. Shipley presented a plot plan (Exhibit "F-1").

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 7' to permit the erection of a carport, per plot plan submitted, construction to be with a gabled roof as described, on a permanent basis, on the following described tract:

Lot 13, Block 1, Fred Thompson Addition to the City of Tulsa, Oklahoma.

10404

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for permission to remove the screening requirement where the purpose of the screening requirement cannot be achieved at 3232 West Skelly Drive.

Presentation:

Brad Williams, 4441 South 72nd East Avenue, attorney for Ken's Pizza, advised the Building Permit stated - screening along the south and west lot lines. Ron Stillion, construction manager for Ken's Pizza, interpreted the screening to mean plantings and advised that \$10,000 has been expended in landscaping. Ken's Pizza owns the property 50' west from the curb line and this area will be sodded. Beyond this 50' is a 12' embankment on which the Company plans to plant ivy; from this area it is 250+ feet down to the next residence. Mr. Williams exhibited pictures (Exhibit "G-1") of the area and pointed out that with the foliage on the trees it was virtually impossible to see the Ken's Pizza building from the homes in that area. Mr. Williams presented a landscape plan (Exhibit "G-2") and stated that Russian Olive trees, Austrian Pines, Western Live Oak, Crepe Myrtle, and Chinese Elm trees and numerous flower beds have been planted; ivy will be added to the 12' embankment. The Company will be willing to add more plantings and landscaping if the Board so desired.

Ron Stillion, 4441 South 72nd East Avenue, advised he was opposed to building a 6' fence since it would tend to commercialize the property and deter from the aesthetic value of the area.

Protestant:

Gene Tincher, 5161 South 33rd West Avenue, advised he owned two homes which adjoin Ken's Pizza on the west side. One home is less than 150' from the subject property. He cited a problem with the lights shining in his windows and, in certain instances, teen-agers have thrown rocks which hit one of the homes. Mr. Tincher noted there were many trees on the property and planting more trees would not solve any problems; during the winter months, Ken's Pizza is in full view from his home. Excessive noise from the parking lot is also an annoyance to the people of the neighborhood.

Special Discussion:

The Board agreed that trees and landscaping were more attractive than a fence; however, they expressed concern about the months of the year when the trees would not be leafed out. The Chair stated that one possibility might be to require the fence with the trees inside to soften the appearance of the fence. The applicant advised there would be room on the top of the embankment to erect a fence. He also stated the Company would seek professional advice as to a planting which would form a hedgewall to fulfill the screening requirement if the Board would consider the landscaping. The Board advised the applicant they would consider the plans, but could not guarantee the outcome.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case No. 10404 to April 26, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center to allow the applicant to return to the Board with a professional landscaping plan, including pictures of similar existing plantings and also an estimate of time involved to achieve the necessary height to fulfill the 6' screening requirement.

10407

Action Requested:

Variance (Section 420.2 (d) - Accessory Uses in Residential Districts- Use Conditions - Signs - Under the Provisions of Section 1670 - Variances) to permit the erection of a neon sign which will occupy 65 sq. ft. of area and will be 28' high at 10811 East 41st Street.

Presentation:

Rev. Bob Cole, pastor, stated the church would like to place this sign on the property to enhance its effectiveness in the community and to share the church activities. This is a large open area and the church feels the new sign will fit into the overall plan and looks of the area. Rev. Cole presented a color sketch of the sign (Exhibit "H-1") and stated they would like to place the sign approximately in the center of their property.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 420.2 (d) - Accessory Uses in Residential Districts - Use Conditions - Signs - Under the Provisions of Section 1670 - Variances) to permit the erection of a neon sign which will occupy 65 sq. ft. of area and will be 28' high, as per rendering, on the condition the sign have no flashing aspects and that it be placed, as described by the applicant, on 41st Street at edge of the property, near the center of the frontage, on the following described tract:

The W/2 of the E/2 of the SW/4 of the SE/4 of Section 19,
Township 19 North, Range 14 East, Tulsa County, Oklahoma.

10408

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District at 176th Street South and west of Memorial.

Presentation:

Mrs. John Griffin, P. O. Box 204, Bixby, Oklahoma, advised she would like to locate a temporary mobile home on her property for her son who plans to build a solar home in the future.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District, for a period of five years, on the following described tract:

A tract of land located in Section 35, Township 17 North, Range 13 East, Tulsa County, Oklahoma; more particularly described as follows: Beginning at the SW corner of the SE/4, NE/4; thence North 660'; thence East 462'; thence South 660'; thence West 462' to the point of beginning, Tulsa County, Oklahoma.

10409

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 25' to 20' in an RM-1 District to permit a new addition to the present Church building at 3803 East 28th Street.

Presentation:

Ted Larkin, architect representing the Christ Presbyterian Church, advised that in order to meet the moving date of September 1, 1979, the construction must be underway by May 1. In order to do this, the Church went ahead with design studies and relied on existing construction drawings for the location; however, it has been found that there is a 60' right-of-way, and therefore, the addition is encroaching 5' on the building setback line. The existing building is also encroaching 4". Mr. Larkin presented a rendering (Exhibit "I-1"), a photograph (Exhibit "I-2") of the existing building, and two sketches (Exhibits "I-3" and "I-4") of the addition. This is a 3,000 square foot addition, single-story, and will house education facilities.

Interested Party:

J. T. Main, 3804 East 28th Street, questioned the address and stated he would be vitally interested if the property was directly across the street.

Mr. Gardner advised the only purpose of the address is to give a general location. The legal description describes the exact location of the property.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 20' in an RM-1 District to permit a new addition to present Church building, per plot plan marked "actual" and rendering submitted, on the following described tract:

Lots 1, 2, 3, 4, 5 and 6, Kincaid-Ives Addition, a resubdivision of Block 3, Kirkmoore Addition, to the City of Tulsa, Oklahoma.

10410

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) for permission to permit sand extraction in an AG District located south of 151st Street South and 129th East Avenue.

Presentation:

Joe Hull, III, 1717 South Cheyenne Avenue, attorney for the land owner, and her son who will run the operation, advised that this operation will not be of the magnitude of the McMichael application presented recently. The equipment to be used for the operation will include one

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front bucket loader, and four conventional dump trucks to be used on a contract basis. There will be one small office (tin) on the property. The dust from the trucks is expected to be no greater than that which would occur if the operation had not been located there; the sand will be wet when loaded into the trucks. Mr. Hull stated they would use tarps over the trucks if the Board so directed. The applicant would adhere to an eight hour work day, a maximum total of seven outbound truck trips per hour and the plant to be in operation a maximum of five years. Mr. Hull presented a map (Exhibit "J-1") of the area stating that the tree line makes a very good visual screen for the Watkins sand operation which is already in progress. He also presented a report (Exhibit "J-2") from Holway Engineering Firm and advised his client would provide further engineering reports if the Board felt a need for them. Mr. Hull pointed out a dike which had been constructed by Mr. Watkins and advised the river had never flooded since the dike was erected eight years ago. He pointed out that most of the land owners in the area had purchased their property after the Watkins operation was in progress and he didn't feel property devaluation was a problem. The plans involve cutting enough of the trees to make the project feasible, but some of the vegetation will be left in place as a support against erosion.

The Board questioned the total operation of the sand plant and Mr. Hull stated that the Company would take sand that has been piled on the side of the river. The sand will be taken down to the water table; when the operation is completed the applicant will remove the abnormal humps that are left and leave the area in a level manner to be consistent with the natural appearance of the land. A financial estimate (Exhibit "J-3") including projected income, expenses and equipment leases was presented.

Mr. Hull exhibited a printout (Exhibit "J-4") from the City of Tulsa showing 1974 socioeconomic data and 1982 projected data.

Protestant's Comments:

Stan Ewing, Staff Planner for Broken Arrow, presented a position statement (Exhibit "J-5") from the Broken Arrow Planning Commission and an aerial map (Exhibit "J-6") of the area pointing out the Watkins operation. Mr. Ewing advised that the tree covering shown on the map is now gone, and there remains a berm with the center portion being stripped. Mr. Watkins has indicated that he is constantly repairing the dike to keep it in place and when he completes his operation and leaves the site, the entire area will be inundated. Mr. Ewing agreed there would be little dust from the operation itself; however, he stated there was a very unstable type base for the roadway and the dust created from the truck traffic would be a problem as well as maintenance and upkeep on the road.

Robert Crocker, 12205 East 151st, Broken Arrow, advised that his main objection to the operation was that with the removal of the trees the river will cut into the property. He pointed out several areas where there has been extensive erosion and unsuccessful attempts have been made to stabilize the banks. Mr. Crocker also objected to the truck traffic which would increase in front of his home, noting the poor condition of the road.

Dean B. Knight, 15088 South 129th East Avenue, Broken Arrow, presented figures for the present truck traffic and stated that with the added trips for this operation (14 trips per hour) the combined total would equal one truck passing the area every 1½ minutes. He also noted the narrow streets in the area and advised of the blind intersection at 131st Street and Garnett Road. Mr. Knight brought some of the sand from the area and asked the Board members to note how powdery it was and pointed out that if the trees and vegetation were removed the sand would immediately be washed into the river.

Louise Knight, 15088 South 129th East Avenue, presented pictures (Exhibits "J-7", "J-8", and "J-9") of the area showing the condition of the road, trucks using the road, and houses in the neighborhood. She was concerned that the entire ecology of the area will be destroyed and the environment will suffer.

Bert Boles, R.R. #3, Bixby, stated that the river had washed the two dikes out in 1974 and he expressed concern for the area when the tree cover is removed and the Watkins' are no longer in the area to maintain the dikes.

Clarence Curtis, President of the Hickory Hills Home Owners Association, wanted to be on record as objecting to the application.

Dean Knight, Jr., 12417 East 151st Street South, Broken Arrow, addressed the dust problem inviting the Board to come stand in his front yard and take note of the dust. He stated he purchased his property after the Watkins' operation was under way; however, he had received a commitment from the Watkins' that their lease was running out and they would be vacating the area before the end of the year. Mr. Knight also advised of the annoyance of the noise from the bells on the machinery which can be heard inside the house.

George Phillips, 12713 East 138th Street, Broken Arrow, stated concern for property values in the area if the sand operation were allowed. He also told of the sandy soil in the area saying it erodes with the wind and rain, and will erode on the river bank if trees and vegetation are removed. He also felt it was totally unrealistic to place so many restrictions on an applicant since there is no way he can comply or any way enforce them.

Gene Mortensen, attorney for the protestants, proposed that this may not be a profit-motivated operation until the applicant is in a position to sell sand to independent haulers; when that happens the independent haulers may outnumber what has been presented to the Board as total truck trips per hour. Noting the Holway report which was exhibited, Mr. Mortensen stated that it suggests a gradual slope which is covered with vegetation is needed and pointed out that by granting the application they would be allowing Mr. Roberts to tear out that vegetation and allow erosion of the area. The attorney urged the Board to deny the application and before a second application is filed, require an expert, a hydrologist, to inform the Board what the change in the river course will be if the application is granted.

10410 (continued)

Mary Busick, 13411 South Garnett Road, questioned what would keep McMichael from coming back to the Board and demanding equal opportunity.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case No. 10410 to May 24, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the applicant time to obtain additional engineering reports to answer the following questions: 1) What will happen when the trees are gone? (2) How many acres are involved and locate exactly where those acres are? (3) What will be the end result of mining so many acres in a specific place and how will it effect the park which is downstream? (4) What are the flooding ramifications?

10411

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1208 - Multifamily Dwelling and Similar Uses) for permission to operate a rooming house in an OL District at 1711 East 15th Street.

Presentation:

Eunice Lazenby, 1711 East 15th Street, advised she has been operating the rooming house for the past nine years to help supplement her income. The house is a duplex and Mrs. Lazenby rents sleeping rooms to four people.

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve an Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1208 - Multifamily Dwelling and Similar Uses) to operate a rooming house in an OL District, restriction of never more than four tenants, on the following described tract:

Lot 9, Block 3, Terrace Drive Addition to the City of Tulsa, Oklahoma.

10412

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial District - Section 1226 - Moderate Manufacturing and Industry) to permit a foundry in an IL District at 5836 South 116th West Avenue.

Presentation:

R. E. Gilmore, Jr., R. R. #1, Box 37-B, Mannford, advised he would like to operate an aluminum and brass foundry on the subject property. Gilmore Pattern Works is presently in operation and will make the tooling that the foundry will be using. The noise will be minimal, and there will be very little smoke involved. The operation will

10412 (continued)

involve three furnaces which will operate on natural gas; each furnace will be capable of melting approximately 125 lbs. at one time. Mr. Gilmore ultimately plans to employ 10-15 people in the foundry.

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve an Exception (Section 910 - Principal Uses Permitted in the Industrial District - Section 1226 - Moderate Manufacturing and Industry) to permit the type of foundry as described above, in an IL District on the following described tract:

The S/2 of Lot 5, Block 1, Prattville Industrial Park South, Tulsa County, Oklahoma.

10413

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line in an RS-3 District at 436 East Virgin Street.

Presentation: None.

Board Action:

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

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

10414

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit a 30-bed private adolescent psychiatric hospital (previously approved by the Board on November 4, 1976); and to permit two, 30-bed residential centers, per plot plan located south and west of 62nd Street and Sheridan Road.

Presentation:

John Moody, 7030 South Yale Avenue, Suite 711 Copper Oaks, presented a plot plan (Exhibit "K-1") of the new facility proposed by the Dillon Family and Youth Services. Two years have lapsed since the Board approval in 1976; this time was used to arrange financing for the hospital. The Dillon Family and Youth Services, Inc., are presently operating two residential treatment centers which they plan to phase out and consolidate all of their services in a location which is near

existing hospital facilities and physicians who refer the patients to the hospital. The Staff will ultimately consist of 68 employees, no more than 43 at one time in the hospital; 35 employees and no more than 14 at one time in the residential treatment centers. The average number of patients will not normally exceed 80% of the number of beds, approximately 72-90 patients at one time. Future hospital expansion consists of a swimming pool area and an additional 30 beds.

Dr. Jerry Dillon referred to the official record which was Case No. 9247, which contained items explaining the hospital, the need for it in this particular area, letters from various people, i.e., Representative James R. Jones, the late Senator Bartlett, and Mayor LaFortune, certifying as to the need and requesting approval of this hospital.

The Board questioned the severity of the conditions of the patients in the facility and Dr. Dillon advised the hospital is a locked facility which is monitored by nurses; the cottages are not locked and will be occupied with youngsters who are progressing to move back with their families. The patients are placed in the facility by referral; the youngster and his family make the decision and no one is ever taken into the program based on a court order. There will be a full time nurse, and 3 - 6 Staff personnel who will work with the 15 children on each side of the duplex or cottage facility. There may be a limited outpatient service which is limited to former inpatients and their follow-up care; however the patients are from a 250-400 mile radius of Tulsa and probably would not involve more than 8 patients per day.

Dr. Thomas McKee presented a monograph (Exhibit "K-2") of the proposed Adolescent Psychiatric Hospital and advised the Board the patients who will be admitted are not violent, the majority are afflicted by depression. Part of the program is to interest them in healthy, socially acceptable physical activities. In answer to questions from the Board concerning erecting a fence around the recreation area, Dr. McKee stated that if they were to build a fence it would be to protect the patients and the property, not the community. The age range in the hospital will be 13-18 and in the treatment centers will be 12-19 years of age.

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit a 30-bed private adolescent psychiatric hospital (previously approved by the Board on November 4, 1976); and to permit two, 30-bed residential centers, as presented and per plot plan (does not include the expansion area shown on the plot plan) and with the condition that the passive recreation area be maintained as a passive recreation, on the following described tract:

The North 15 acres, less the West 305' of the S/2 of the NE/4 of the NE/4 of Section 3, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

10415

Action Requested:

Variance (Section 420.2 (a) 2 - Accessory Use Conditions Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a detached accessory building in the front yard at 6554 South Fulton Avenue.

Presentation:

Bill Haddock, 7509 East 77th Court South, presented a plot plan (Exhibit "L-1") and stated the accessory building would be a garage in the front yard. The reason for the request is related to the lot itself; it is a heavily wooded lot with a steep grade which slopes from the front to the rear. The hillside lot would not be suitable for a conventional type house, the amount of fill that would be needed would bear a hardship in the cost and also in the amount of trees that would be lost; the fill would also mean a possibility of the slab cracking. Mr. Haddock advised that by detaching the garage and building on two levels the problems of fill and the loss of trees would be overcome.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 420.2 (a) 2 - Accessory Use Conditions Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a detached accessory building in the front yard, per plot plan submitted, on the following described tract:

Lot 11, Block 1, Warrenton South Addition to the City of Tulsa, Oklahoma.

10416

Action Requested:

Variance (Section 208 - One Single-family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances) for permission to erect a new residence on a lot that has a residence on it. (Applicant proposes to remove the present residence when the new one is built) at 3111 South 59th West Avenue.

Presentation:

Mrs. George Seals, 3119 South 59th West Avenue, presented a plot plan (Exhibit "M-1") and advised the small house in front will be torn down as soon as the new house is completed. The Seals plan to build the new house when funds are available and anticipate it may take two years. The small house in the front is rented.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances) to erect a new residence on a lot that has a residence on it, (applicant to remove the present residence when the new one is built), per plot plan submitted, for a period of two years, on the following described tract:
4.12.79:283(16)

10416 (continued)

Lot 3, Block B, Berryhill Gardens Addition to the City of Tulsa, Oklahoma.

10417

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 52' from the centerline of 21st Street to permit the erection of a sign at the NW corner of 21st Street and Xanthus Ave.

Presentation:

Max Westbrook, representing Glass Nelson Clinic, presented a plot plan (Exhibit "N-1") and pictures (Exhibit "N-2") of the area noting the trees are covering the front of the clinic and the public is having trouble locating the clinic. The sign will be double faced and will not be illuminated.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 52' from the centerline of 21st Street to permit the erection of a sign, per picture submitted, as presented, removal contract required, on the following described tract:

A tract of land located in the SE/4, SW/4, SE/4 of Section 7, Township 19 North, Range 13 East, Tulsa County, Oklahoma; described as beginning at the Southeast corner of Lot 12, Block 3, Reddin Third Addition; thence South 137.66'; thence West 159'; thence North 137.66'; thence East 159' to the point of beginning.

10418

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a ceramic shop (making ceramics and sales) in an RS-3 District at 322 South 161st East Place.

Presentation:

Mrs. Dale Irwin, 322 South 161st East Place, stated she would like to operate a ceramic shop in her garage. Mrs. Irwin had talked with 30 families in the area and found that everyone was in favor of the application. Mrs. Irwin plans to sell ceramics and also teach classes in ceramics; a maximum of seven students would be accommodated at one time. The hours at the shop would be 9:00 a.m. to 5:00 p.m., weekdays only.

Interested Party:

Phyllis Lancaster, 16122 East 4th Street, advised the Board that most of the neighbors that will go to the ceramic shop are within walking distance of the shop.

10418 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a ceramic shop (making ceramics and sales) in an RS-3 District as presented, classes to be no more often than twice a week - limited to 7 people per class, hours of operation be between 9:00 a.m. and 5:00 p.m., weekdays only, no advertising other than word-of-mouth, no signs, no delivery trucks and to run with this owner only, on the following described tract:

Lot 5, Block 23, Rose Dew Third Addition to the City of Tulsa, Oklahoma.

10419

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances of the front setback requirements from 35' to 18' at 12314 East 133rd Street.

Presentation:

Charlie Leake, 9938 East 21st Street, stated he had constructed a home and requested this action since this setback requirement could be a problem if the house was to be sold. Mr. Leake presented a surveyor's plat (Exhibit "0-1") and advised the street is not in the center of the 60' street easement.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 35' to 18', per plot plan submitted, on the following described tract:

Lot 10, Block 1, Rambling Oak Estates Addition to the City of Tulsa, Oklahoma.

10423

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District at 131st Street South and Peoria Avenue.

Presentation:

Mrs. Dale Evans, P. O. Box 423, Bixby, advised her daughter would like to move her trailer onto the property to live in until she is able to build her home. The 160 acres is owned by 10 brothers and sisters; there are two other mobile homes on the land and only relatives live in the area.

10423 (continued)

Interested Party:

Frank Wallace advised that he and another man own 100 acres to the east of the subject property and he would not object to the mobile home on the property if it was a temporary arrangement.

Protestants: None.

Board Action:

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

The surface only of a part of the NE/4 of Section 12, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point in the East line of Section 12, 704.70' North of the SE corner of the NE/4 of Section 12; thence North 0°-00'-01" West along the East line of Section 12 a distance of 352.35' to a point; thence South 89°-45'-28" West a distance of 1,321.60' to a point 1,057.59' North of the South line of said NE/4; thence South 0°-01'-38" West a distance of 352.53' to a point 705.06' North of the South line of said NE/4; thence South 89°-45'-00" West a distance of 1,321.77' to the point of beginning; reserving however to the heirs, devisees and assigns of grantors permanent easements and rights-of-ways for purposes of ingress and egress as set forth on the plat of survey of the NE/4 of Section 12, Township 17 North, Range 12 East, dated July 25, 1978.

10425

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 100' to 75' from the centerline of 33rd West Avenue at 4363 Southwest Boulevard.

Presentation:

Michael McCarty, 404 South Boston Avenue, presented a plot plan (Exhibit "P-1") and advised it would be necessary to acquire a variance in order to construct a branch facility at this location.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 75' from the centerline of 33rd West Avenue, per plot plan submitted, on the following described tract:

Lots 9, 10, 11 and 14, Block 8, Park Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) for permission to erect a new residence on a lot that has a residence on it (old residence will be removed when new is completed) at 5307 West 11th Street.

Presentation:

Claude Moreland, 5307 West 11th Street, advised he was building the new house 10' behind the old house and it would require approximately 90 days to remove the old residence. Mr. Moreland presented a plot plan (Exhibit "Q-1").

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to erect a new residence on a lot that has a residence on it, per plot plan submitted, the old residence to be removed in one year, on the following described tract:

The South 108' of the East 54' of Lot 6, Block 8, Vern Subdivision to the City of Tulsa, Oklahoma.

There being no further business, the Chair adjourned the meeting at 8:55 p.m.

Date Approved

May 24, 1979

Henry Purser
Chairman