

BOARD OF ADJUSTMENT
MINUTES of Meeting (No. 284)
Thursday, April 26, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Lewis
Purser, Chairman
Smith
Thompson
Wait

STAFF PRESENT

Gardner
Howell
Jones

OTHERS PRESENT

Jackere, Legal
Department
Miller, Building
Insp. Office

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, April 24, 1979, at 11:35 a.m., as well as in the Reception Area of the TMAPC Offices.

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

UNFINISHED BUSINESS:

Plans: Case No. 10346

Representatives of Wendy's International, Inc., presented final plans (Exhibit "A-1") for the sign to be erected at 1905 East 21st Street.

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Wait "aye"; no "nays"; Smith "abstaining"; Thompson "absent") to approve the final plans for the sign of Wendy's International, Inc., per drawings submitted.

Plans: Case No. 9756

Mr. Jones advised that the Board had approved the plot plan on December 1, 1977 and granted permission to have living quarters on the second floor of a commercial building. The plot plan has been changed and is now a one-story building that does not include an apartment.

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve the substitute plot plan for Case No. 9756.

#10396

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses - Variances - 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, located north and east of Admiral Place and Garnett Road.

Presentation: The applicant was not present.

#10396 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to continue Case No. 10396 to May 10, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and directed the Staff to inform the applicant that the Case will be heard on that date.

#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:

Robert E. Martin, 410 Beacon Building, advised the applicants had lived on this property the past 15-20 years; however, their house burned down earlier this year. The applicants would like to move a 1979 model, 14' x 70' trailer home on the property, which is 200' x 640' deep. All the utilities are in place and Mr. Martin stated he didn't feel the mobile home would have any detrimental affects on the area. Mr. Martin presented a map of the lots (Exhibit "B-1") and advised there are other mobile homes in the area.

Protestant:

S. J. Sakalaris, 115 West 3rd Street, Suite 325, objected to the mobile home request since the legal owner of the property is Billy Joe Carroll, not the applicant. Mr. Sakalaris advised that the mobile home has been in place for several months.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of one-year, removal bond required, on the following described tract:

Lots 1, 2, 3, 4, 5, 60, 61, 62, 63 and 64, Block 34, North Taneha 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, representing Ken's Pizza, advised that the applicant would agree to erect a fence on the west side of the property, 4' high and approximately 130' long.

Mr. Williams exhibited a planting plan (Exhibit "C-1") stating that all the plantings on the plan are in existence at this time. He advised it would be futile to erect a fence on the south side of the

4.26.79:284(2)

#10404 (continued)

property and was requesting an exception to the screening requirement on that side.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening requirement cannot be achieved, provided a 4' high screening fence be erected, per plot plan, on the west side extending from the southwest corner of the restaurant parking area to the front building line (approximately 130'), on the following described tract:

The West 208.71' of Lot 1, Block 1, Hyde Amended Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

#10420

Action Requested:

Variance (Section 640.3 (d) - Special Exception Uses in Office Districts - Requirements - Under the Provisions of Section 1670 - Variances) to allow 50% of the gross floor area to be utilized as an eating establishment as an accessory use to an office building at 1815 East 15th Street.

Presentation:

The Staff advised that improper notice was given on this application and it would be necessary to continue the item until May 10, 1979. A letter (Exhibit "D-1") of protest was received from Mickey D. Wilson.

#10421

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 5' to allow a carport to remain at 236 South 67th East Avenue.

Presentation:

Jerry Coats, 236 South 67th East Avenue, presented a plot plan (Exhibit "E-1") and also a petition (Exhibit "E-2") with signatures of 14 neighbors stating they have no objection to the carport. The carport has been in existence for nearly one year. It is made of rough cedar, has a pitched roof and matches the decor of the house. There is a carport across the street and also in the next block from the subject property.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Lewis, Purser, Smith, Wait "aye"; no "nays"; Thompson "abstaining") 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

#10421 (continued)

from 25' to 5' to allow a carport to remain on the following described tract:

Lot 9, Block E, Crestview Estates Addition to the City of Tulsa, Oklahoma.

#10422

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 5' to 16" to allow a carport to remain at 227 South 67th East Avenue.

Presentation:

Perry Morton, 227 South 67th East Avenue, presented a plot plan (Exhibit "F-1") and a petition (Exhibit "F-2") bearing signatures of 14 neighbors who offer no objections to the carport. The carport is rough cedar with shingles to match the house. The applicant lives across the street from Jerry Coats, the applicant in the previous case, Case No. 10421.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Lewis, Purser, Smith, Wait "aye"; no "nays"; Thompson "abstaining") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 5' to 16" to allow a carport to remain on the following described tract:

Lot 8, Block D, Crestview Estates Addition to the City of Tulsa, Oklahoma.

#10427

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to convert a garage into a real estate office at 3302 East 56th Place "B".

Presentation:

Lois Black, 3302 East 56th Place "B", advised she would like to convert her garage, by adding carpet, painting and extending the heat and air, into a real estate office for her private company. Ms. Black has one sales associate who would have occasion to come to the office one or two times per week. The applicant does not anticipate more than one or two clients in the office each day; she has a circular driveway and room for four cars in the rear of the home so parking would not be a problem.

Protestants: 8 present

Protestant's Comments:

Emil Norberg, 3403 East 56th Place, presented a protest petition (Exhibit "G-1") containing signatures of 96 people living in the area. Mr. Norberg noted the potential increase in traffic and advised of the

4.26.79:284(4)

#10427 (continued)

dangerous intersection of 56th and Harvard. He was also opposed to a business in a residential neighborhood fearing it would affect property values in the area.

Rachel Mays, 3417 East 57th Street, expressed concern for the dangerous intersection of 56th and Harvard. Mrs. Mays stated the traffic in the area is very heavy and the intersection of 56th Place and Harvard Avenue is offset, which makes it very hazardous for crossing traffic. Children in the area, including Mrs. Mays' three sons, cross the street on their way to school and to the baseball field directly across the street.

Board Action:

On MOTION of THOMPSON, the Board voted 3-2-0 (Lewis, Thompson, Wait "aye"; Purser, Smith "nay"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to convert a garage into a real estate office, subject to no parking on the street, approved for two years only, limited to one sales associate or contractor only, no signs allowed or exterior alterations and to run with this applicant only, on the following described tract:

Lot 1, Block 2, Amended South Harvard Court Addition to the City of Tulsa, Oklahoma.

#10428

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 20' to 17' in an RS-3 District at the southwest corner of 34th Street and 149th East Avenue.

Presentation:

Harold Patrick, 7030 South Yale Avenue, Suite 109, presented a plot plan (Exhibit "H-1") and advised this is a wedge-shaped lot with one corner of the building projecting into the required rear yard.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant 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 20' to 17' in an RS-3 District, per plot plan submitted, on the following described tract:

Lot 22, Block 5, Sunwood Hills Second Addition to the City of Tulsa, Oklahoma.

#10429

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 to allow a carport to remain at 403 South Darlington Ave.

4.26.79:284(5)

Presentation:

Mrs. Gabriel Buck, 403 South Darlington Avenue, presented a plot plan (Exhibit "I-1") and stated she works two jobs, 16 hours per day, and needed the carport to protect her car in the winter time. Through some misunderstanding, Mrs. Buck did not realize that she needed a building permit for the carport; when it was nearly finished she was notified that she needed to obtain a building permit.

The existing garage is used to store an antique car which belongs to Mrs. Buck's son and also for lawn care items and other miscellaneous items. The carport is wood and matches the rest of the house.

Mrs. Miller from the Building Inspector's Office advised that a complaint was filed against the carport on October 10, 1977, an official stop work notice was left on October 11, 1977, which gave Mrs. Buck three days to obtain a permit. Another warning notice was left on October 17, 1977 stating that the carport was setting beyond the property line and improperly built on City right-of-way. Another complaint was received October 19, 1977, and at that time Mrs. Buck advised that she was going to apply to the Board of Adjustment.

Robert Buck, the applicant's son, advised the pitch of the roof of the carport was approximately 30". The sag in the roof is due to the fact the center pole is not in place; the carport was not finished after the stop work order was received. There are different color shingles on the house, roof and carport. Mr. Buck stated that he did have several cars on the property which he plans to fix up and then sell.

Protestants: 9 present.

Paul Smith, 5317 East 4th Street, representing the protestants, told the Board that the carport was constructed of fir lumber, supported by four, 4' x 4' upright posts, unpainted, and the nearly flat roof was covered with rolled roofing. The carport is unsightly and does not conform with the rest of the house. Mr. Smith also advised that two cars were parked in the carport with a third car parked to the side of the carport and still another car parked on the street.

Mrs. John Hanning, 321 South Darlington, advised there were just too many cars on the property and parked on the street. Mrs. Hanning presented a letter of protest (Exhibit "I-2").

Interested Party:

Lou Mullikan who lives across the street from the applicant stated that the carport does have a composition shingle roof and it does sag and is not painted because it has not been completed. She felt Mrs. Buck would complete the carport if she had the proper permit.

Board Action:

On MOTION of LEWIS, the Board voted 4-1-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "nay") to deny 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 to allow a carport to remain on the following described tract:

Lot 3, Block 3, White City Second Addition to the City of Tulsa, Oklahoma.

#10430

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to repair automobiles in an RS-3 District at 2647 East 28th Street North.

Presentation:

Robert Flagg, 2647 East 28th Street North, stated he wished to repair automobiles at this location for his friends, relatives and neighbors. The property is owned by Mr. Flagg, but he does not live on the premises. The applicant advised his hours of operation would be on Saturdays, 7:00 a.m. to 9:00 p.m.; additional work will be done after 3:00 p.m. on weekdays. Mr. Flagg owns three cars which he uses and nine other cars and one bus which are now parked on the property.

Mr. Smith stated he felt the use as a home occupation was too intense. The Staff advised that the long-range use for the area is for industrial and stated that an automobile repair would be a proper use; however, if it turned out to be an auto salvage it would not be permitted.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-1-0 (Purser, Smith, Thompson, Wait "aye"; Lewis "nays") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to repair automobiles in an RS-3 District, on the following described tract:

Lot 24, Block 2, The Ben C. Franklin Addition to the City of Tulsa, Oklahoma.

#10431

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 20' to 14' in an RS-3 District at 7915 South 87th East Avenue.

Presentation:

Herb Neafus, Jr., 7105 South 76th East Avenue, presented a plot plan (Exhibit "J-1"), and stated that due to the irregular shape lot it was impossible to build a house that conforms with the Building Code.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 20' to 14' in an RS-3 District, per plot plan submitted, on the following described tract:

Lot 2, Block 11, Woodland Meadows Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) to permit the removal of a quick mart building and erect a new building in an OL District; and an

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements where existing physical features provide visual separation of uses; 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 10' to 5' from an R District; and a request for a variance of the setback requirements from 110' to 87.8' from the centerline of Yale Avenue; and from 55' to 52' from the centerline of 4th Place; and a

Variance (Section 620.2 (d) (1) - Accessory Uses Permitted in the Office District - Under the Provisions of Section 1670 - Variances) of the sign requirements in an OL District at 4752 East 4th Place.

Presentation:

John Sublett, submitted a plot plan (Exhibit "K-1"), and advised that there has been an obsolete service station on the property and the property has been used for business purposes the past 61 years. This proposal is to upgrade the service station by tearing down the existing structure to anticipate and meet the EPA requirements for the operation of a modern service station. The underground tanks will be removed and replaced. This will be a modern station and will sell pop and incidentals.

Bob Parker, 5401 South Sheridan, President of Pacer Oil Company, Suite 301, advised the sign was 10' high and either 4' or 5' wide; this is an existing sign.

Protestant:

Spark Able, 4920 East 4th Place, advised that he lives within one-half block of the service station, and was concerned with traffic in the area.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - to permit the removal of a quick mart building and erect a new service station facility in an OL District; and an

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements where existing physical features provide visual separation of uses; 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 10' to 5' from an R District; and request for a variance of the setback requirements from 110' to 87.8' from the centerline of Yale Avenue; and from 55' to 52' from the centerline of 4th Place; and a

#10432 (continued)

Variance (Section 620.2 (d) (1) - Accessory Uses Permitted in the Office District - Under the Provisions of Section 1670 - Variances) of the sign requirements in an OL District, per plot plan submitted, on the following described tract:

Lot 1, and the North 95.7' of Lot 2, Block 1, Kendall View Addition to the City of Tulsa, Oklahoma.

#10433

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 14603 South Lewis Avenue.

Presentation:

Maudie Watkins, R. R. #2, Box 100-A, Bixby, advised she would need the mobile home indefinitely. There are other mobile homes in the area.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") 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 parcel of land described as follows: Beginning at the NW/4, SW/4, of Section 17, Township 17 North, Range 13 East, Tulsa County, Oklahoma; thence South 641.34' to a point of beginning; thence South 207.5'; thence East 525'; thence North 207.5'; thence West 525' to the point of beginning.

#10434

Action Requested:

Exception (Section 410 - Section 710 - Section 910 - Section 1202 - Area-Wide Special Exception Uses - Airports) for permission to use property for airport use in the vicinity of 7777 East Apache Street.

Presentation:

Carl Cannizzaro, Tulsa Airport Authority Engineer, advised that the application basically requested that the present land owned by the airport, between Sheridan Road and Mingo, be given an exception to exist as an airport. The Airport Authority has been before the Board on many occasions with small parcels of land; however this request is a comprehensive application including all the land included in the Airport Master Plan. A plot plan (Exhibit "L-1") was exhibited. The Airport Authority hopes to purchase the land from the north boundary to the Port of Catoosa Road and the blocks to the south of the terminal area within the next five years. Mr. Cannizzaro advised that if a proposed new building is in accordance with the Master Plan no other action is required; however, if the proposed building is not in accordance with the Plan it must be sent to the FAA to determine if it violates any environmental laws. He informed the Board that what has been referred to as the Airport Master Plan should be called the "Approved Layout Plan."

#10434 (continued)

The property that the airport owns between Mingo and the Mingo Valley Expressway, was projected in the Master Plan and excluded in this application because the Airport Authority does not know what will be there.

Richard Ballanger advised the Airport Authority has different plots of land around the airport which they do not own, phased. The acquisition of large tracts of land is dependent on Federal grants; the funding level varies significantly, therefore, they can not promise land owners that the land will be purchased within five years.

Protestants:

Charles Sale, 71st East Avenue and Young Street, questioned if the people in the area would have any recourse when the Airport Authority was ready to build a building next to their property. Mr. Jackere advised that that building could be located just about anywhere on the property.

Mrs. Harry Hanson, Dallas, Texas, stated she had not been approached by the Airport Authority to buy her property; however, the people living in the homes are being inconvenienced by construction work at the airport.

Mrs. Carl Stover, 7101 East 36th Street North, questioned why the airport was allowed to have jet engines next to the homes in the area.

Earl Arne, 7101 East Zion Street, advised he did not live in the area, but does own property near the airport. Since 1961 the Airport Authority has told the owners, "five years more," and Mr. Arne informed the Board that the property owners did not know what to do with their land. The protestant stated he did not like the Airport Authority Master Plan.

Mrs. Bill Sherman, 7130 East 36th Street North, who lives adjacent to the airport, advised she didn't want to sell her house and asked if she would have any protection for the next 5-7 years. She stated that there was a hanger behind the house and the Airport Authority was directed to put up a barrier fence to minimize the noise, but it has not been erected.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 410 - Section 710 - Section 910 - Section 1202 - Area-Wide Special Exception Uses - Airports) to use the property for airport use, per the plot plan and the "Approved Layout Plan," on the following described tract:

Beginning at a point 30' East and 22' North of the SW corner of Section 23, Township 20 North, Range 13 East; from the point of beginning proceed North $0^{\circ}-06'-29''$ West a distance of 5,258' to a point; thence East along the section line between Sections 23 and 14 a distance of 70.00' to a point; thence North $01^{\circ}-10'-18''$ West a distance of 284.72' to a point; thence North $80^{\circ}-20'-32''$ East a distance of 907.56; to a point; thence North $61^{\circ}-08'-20''$ East a distance of 350.37' to a point; thence to the right along a curve having a radius of 470', 32.82' to a point; thence North $80^{\circ}-20'-38''$ East a distance of 215.90' to a point; thence South $85^{\circ}-37'-18''$ East a distance of 515.39' to a point; thence North $80^{\circ}-20'-32''$ East a distance of 120.78' to a point; thence South

#10434 (continued)

01°-15'-54" East a distance of 661.56' to a point; thence South 89°-59'-23" East a distance of 215.57' to a point; thence South 0°-09'-34" West a distance of 304.10' to a point; thence North 88°-53'-24" East a distance of 266.75' to a point; thence South 0°-02'-24" West a distance of 519.10' to a point; thence South 77°-03'-30" East a distance of 270.76' to a point; thence South 88°-00'-47" East a distance of 60.81' to a point; thence South 83°-21'-23" East a distance of 406.62' to a point; thence South 0°-13'-02" West a distance of 355.00' to a point; thence South 89°-54'-03" East a distance of 1908.49' to a point on the Section line between Sections 23 and 24; thence South 89°-58'-16" East a distance of 655.36' to a point; thence North 03°-14'-14" East a distance of 419.24' to a point; thence North 0°-56'-00" West a distance of 900.31' to a point on the section line between Sections 24 and 13; thence North 0°-02'-43" East a distance of 3575.10' to a point; thence North 44°-30'-01" East a distance of 849.65' to a point; thence to the right along a curve having a radius of 3455.99', 419.30' to a point; thence North 37°-46'-48" East a distance of 100.03' to a point; thence to the right along a curve having a radius of 3480.99' a distance of 97.21' to a point; thence North 69°-55'-25" East a distance of 100.03' to a point; thence to the right along a curve having a radius of 3455.99' a distance of 2018.80' to a point; thence Easterly along the Port Road right-of-way a distance of 105.60' to a point; thence Southerly a distance of 320' to a point; thence Southeasterly a distance of 250' to a point; thence East a distance of 50' to a point; thence Southerly a distance of 2065' to a point; thence East 1195' to a point; thence South along the right-of-way on the West side of Mingo Road a distance of 2560' to a point on the section line between Sections 13 and 24; thence East along the Section line a distance of 50' to a point; thence South along the West right-of-way of Mingo Road a distance of 4020' to a point; thence North 89°-51'-30" West a distance of 1958.38' to a point; thence South 0°-01'-20" East a distance of 329.39' to a point; thence North 89°-51'-23" West a distance of 1323.53' to a point; thence South 0°-00'-20" West 2302.41' to a point; thence North 89°-51'-02" West a distance of 330.84' to a point; thence South 0°-00'-40" East a distance of 1315.56' to a point; thence South 89°-36'-50" West a distance of 1566.65' to a point; thence North 01°-18'-37" East a distance of 30'; thence South 88°-45'-25" East a distance of 524.45' to a point; thence North 85°-04'-05" West a distance of 265.78' to a point; thence North 44°-18'-24" West a distance of 621.74' to a point; thence North 45°-41'-36" East a distance of 36.66' to a point; thence North 53°-45'-53" West a distance of 137.04' to a point; thence North 01°-19'-32" West a distance of 1057.02' to a point; thence West along the North right-of-way of Young Place a distance of 658.6' to a point; thence North along the East right-of-way of North 75th East Avenue a distance of 990.0' to a point; thence West along the North right-of-way of Apache Street a distance of 1550.7' to a point; thence South a distance of 387.0' to a point; thence East a distance of 50' to a point; thence South a distance of 140.0' to a point; thence East a distance of 50' to a point; thence South a distance of 512' to a point; thence East a distance of 50' to a point; thence South a distance of 278.00' to a point; thence West a distance of 282.63' to a point; thence North 83°-02'-24" West a distance of 295.38' to a point; thence South 01°-18'-57" East a distance of 17.17' to a point; thence South 88°-41'-

#10434 (continued)

03" West a distance of 25' to a point; thence South 01°-18'-57" West a distance of 49.95' to a point; thence North 83°-07'-03" West a distance of 288.98' to a point; thence North 72°-40'-00" West a distance of 103.00' to a point; thence North 61°-20'-00" West a distance of 232.00' to a point; thence North 51°-05'-45" East a distance of 147.00 feet to a point; thence North 08°-15'-38" East a distance of 408.92' to a point; thence North 88°-46'-08" East a distance of 48.65' to a point; thence North 01°-18'-08" West a distance of 682' to a point; thence North 89°-59'-14" West a distance of 713' to the point of beginning.

#10436

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 the Moton Health Center at 603 East Pine Street.

Presentation:

Willard Vann, Executive Director of the Moton Health Systems, Inc., stated that the present use for Block 5 of the Dunbar Addition is for the Moton Health Center. The property immediately south of the Center is open space, which is being used for an open classroom for Carver Middle School. East of the Center is the library and social service center, north and west is an area zoned for residential use. Mr. Vann advised that he was proposing the entire block be accepted for health care facilities. He presented a plot plan (Exhibit "M-1") and stating they proposed to build two additional buildings that will be a part of the central building and a parking lot. A 6' screening wall will be erected on the north and west sides of the property. The total plan will include the Moton Health Center, a Pediatrics Center and a Diagnostic Center with a covered heated walkway connecting the buildings.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for the Moton Health Center, per plot plan submitted, on the following described tract:

Block 5, Dunbar Addition to the City of Tulsa, Oklahoma.

#10437

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 116th Street and Sheridan Road.

Presentation:

The applicant was not present. Mr. Jones advised that a letter had been received from an interested party.

#10437 (continued)

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to continue Case No. 10437 to May 10, 1979, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center.

#10438

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 816 West 10th Street, Sand Springs, Oklahoma.

Presentation:

Mrs. Neal advised she would like to locate a mobile home behind her house for her son to live in. Mrs. Neal's husband is not physically able to care for the property and the son's help is needed. The two bedroom mobile home is 10' x 60'. There are other mobile homes in the area. The applicant presented a plot plan (Exhibit "N-1").

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-2 District, for a period of one year, removal bond required, on the following described tract:

The West 335.9' of Lot 1, Block 10, Charles Page Home Acres No. 2, Tulsa County, Oklahoma.

#10439

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 8625 South 33rd West Avenue.

Presentation:

Mrs. Smith, the applicant's mother, stated her daughter wanted to locate a mobile home on the back acre of the five acre tract. There are other mobile homes in the area.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described tract:

Beginning 330' South of the NW corner of the NW/4, SW/4 of Section 15, Township 18 North, Range 12 East, Tulsa County, Oklahoma; thence East 1320'; South 165'; West 1320'; North 165' to the point of beginning.

#10440

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 30' from the centerline of Marshall Street at 1624 East Marshall Street.

Presentation:

Jim Unruh, 525 National Bank of Tulsa, advised the property is owned by Dow Chemical Company who would like to locate a modular office building on the site. The structure is being built and leased from Pepsico Building Systems for a period of three years with an option to renew for one additional year. Within the four year time frame the building will be removed and a permanent structure will be erected at a different location and within the allowed setbacks. Mr. Unruh presented a plot plan (Exhibit "0-1").

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to grant a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 30' from the centerline of Marshall Street, per plot plan submitted, for a period of four years from this date, on the following described tract:

Lots 6 and 7, Block 3, Elm Ridge Addition to the City of Tulsa, Oklahoma.

#10441

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 18415 East Admiral Place.

Presentation:

Robert Kerby, 11316 East Newton Avenue, presented a plot plan (Exhibit "P-1") and advised he was minister of the Rolling Hills Christian Church. Church members are requesting permission to locate a mobile home on the northwest corner of the property. The mobile home would serve as a parsonage for the youth minister of the congregation and would help deter the vandalism and breakins in the area.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District, per plot plan submitted, for a period of one year, removal bond required, on the following described tract:

Lot 3, Section 1, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

4.26.79:284(14)

#10442

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 55' to 48' from the centerline of Easton Street located northwest of Easton Street and 70th East Avenue.

Presentation:

Robert Parker, 408 Beacon Building, advised the property was originally a City lot, 161' x 141'. The property faces Easton Street, which runs along the Crosstown Expressway. The Street had cut into the lot and a variance is needed in order to place a house on the lot so the property will be useful.

Protestant:

A letter of protest (Exhibit "Q-1") was received from State Representative, William Poulos.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 55' to 48' from the centerline of Easton Street, per plot plan (Exhibit "Q-2"), on the following described property:

The South 1' of Lot 4, and all of Lot 5, Block 2, Polston Acres Addition to the City of Tulsa, Oklahoma.

#10444

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 7901 South Sheridan Road.

Presentation:

The applicant was not present.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to continue Case No. 10444 to May 10, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

#10448

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses) for permission to erect multifamily structures in a CS District; and a

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for permission to build across lot lines; and permission to erect more than 40 units on one lot located south and west of 51st Street and Lewis Ave.

Presentation:

Charles Norman, representing Lincoln Properties, advised the property is presently occupied by a mobile home park. Mr. Norman presented a plot plan (Exhibit "R-1") and an aerial photo (Exhibit "R-2") of the area showing the subject property along with multifamily projects to the west, commercial on 51st Street and the multifamily and commercial to the east, with a residential area on the south. The proposed project includes the construction of 384 multifamily dwelling units with a total square footage of 251,000 square feet; the total land coverage including buildings, parking and driveway areas would 351,000 square feet; this would leave approximately 200,000 square feet of green space within the site. The plan provides for internal circulation and with the limit of two access points on 51st Street. There will be eight two-story apartment units that look onto the single-family area. There is an existing 7' high concrete block wall along the entire common boundary, with a 3' wooden fence on top of the wall approximately 2/3 of the distance. A 3' wooden fence along the balance of the wall is proposed; thus creating a 10' screening fence and wall along the total common boundary. The applicant proposes to provide a 5' plant strip along the entire common boundary of the two areas and to plant within that area, either Poplar trees with 5' centers or Crepe Myrtle bushes on 8' centers, along the entire property boundary. The trees will be 8'-10' in height when planted, and will grow at an estimated 15"-18" per year.

Mr. Norman stated the applicant was aware of the drainage problems in the area and advised that the site plan would be subject to the approval of a drainage plan by the City Engineer.

Protestants:

Joe Hull, 1717 South Cheyenne Avenue, representing the protestants living in the residential area to the south, presented a protest petition (Exhibit "R-3") with 127 signatures. The petition stated that, if the application was granted, it would violate the residential objectives of the neighborhood, diminish property values, reduce privacy and congest trafficways in the area.

Mr. Hull advised that the home owners in the area have been victimized; he noted that as a result of the Lewiston project, property values in the area have been reduced. He presented an affidavit (Exhibit "R-4") signed by Mike Wood stating he had declined to purchase a house in the area primarily because of the fact that it was overshadowed by the Lewiston apartment complex.

Pictures (Exhibit "R-5") were presented by Mr. Hull, as an example of how this project would affect the neighborhood. This project was of the same architecture, height of windows, a 6' screening fence instead of the proposed 10' fence and with different setback requirements. He pointed out that from the balcony of the apartments one could look directly into the living rooms of nearby houses. Many people in the area have also invested a great deal of money into backyard improvements and swimming pools. Mr. Hull noted they would not be able to enjoy any privacy with the apartment complex overlooking the neighborhood.

In behalf of the protestants, Mr. Hull made two compromise suggestions; to do what is necessary to make the screening fence 12' high, and use one-story units along the southern border of the residential area.

#10448 (continued)

Attorney Hull advised of the poor drainage in the area and exhibited pictures (Exhibit "R-6") taken June, 1978, of canoes in use on 52nd Street and mud in the streets, taken in 1971, when the Lewiston project was under construction. He requested the City Engineer approve the drainage plans and allow the protestants to review the plans before any action is taken by the Board.

Mr. Gardner stated that the City Hydrologist is charged with the responsibility to make sure that any project that is developed does not aggravate an existing situation.

A protest petition (Exhibit "R-7") bearing 31 signatures of residents in Colony Mobile Home Park was presented.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses) to erect multifamily structures in a CS District; and a

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across lot lines; and a request to erect more than 40 units on one lot, subject to approval of the drainage plan by the City Engineer's Office, subject to the applicant providing Mr. Hull with a copy of the proposed drainage plan at the time they file it with the City, that the screening wall with the 3' fence on top (on the southern boundary) be extended and maintained at a height of 10' for the entire distance, 10' tall Crepe Myrtles be planted and maintained on 8' centers, prior to occupancy, as per plot plan, on the following described tract:

The West 327' of Lot 1, Block 3; and the North 665' of the East 670' of Block 2, Perry's Subdivision of the N/2 of the NE/4 of Section 31, Township 19 North, Range 13 East, Tulsa County, Okla.

For The Record:

The Board expressed particular concern regarding the drainage problems in the area and noted this was a very specific condition of the approval.

#10449

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 at the NW corner of 27th Street North and Columbia Avenue.

Presentation:

The applicant was advised it was not necessary to be in attendance at the meeting.

Protestants: None.

#10449 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") 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 on the following described property:

Lots 23 and 24, Block 7, The Ben C. Franklin Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Case #10153:

Mr. Gardner explained that at the time the applicant filed for a car care center at the corner of 15th Street and Utica Avenue everyone was under the impression the total tract was zoned CS. The maps reflected CS zoning and the notice went out under CS zoning. Later it was discovered there was a sliver in the middle of the tract zoned OL.

The Staff recommendation was that the applicant had met the spirit and intent, the hearings have been held and that the Board instruct the Building Inspector to permit the issuance of the Building Permit and that TMAPC Staff be instructed to file an application to zone the "sliver" CS and bill the applicant for the expenses.

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to instruct the Building Inspector to permit the issuance of the Building Permit in compliance with all the conditions of the Board and direct the TMAPC Staff to file an application to change the zoning on the entire plot to CS and bill the applicant for the expenses.

Case #9613:

Reece Morrel, 600 Southland Financial Center, one of the owners of the Tulsa Racquetball Aerobics Club, advised he had received two citations from the Building Inspector's Office and was appearing before the Board to see what could be done to alleviate the problem. The primary concern, he felt, was the sign on the front of the building. The Board had approved a 4' x 8' double-faced sign along Harvard and the owners assumed that would enable them to put up 64 square feet of sign space. Another concern was the berm; the Board approved a berm not more than 3' tall, but a minimum height was not specified. The applicants understood that a berm was merely a mound of dirt; the dirt was sloped 1/4" per foot and there is approximately 30' between the parking lot and the street, or a 7½" slope. A landscape architect that was consulted, suggested evergreen-type pine trees be planted - seven of these trees have been planted along the western boundary which screen the facility more than the berm would have. Mr. Morrel was not present when the application was before the Board and the Chair advised him that there was considerable discussion about the lot being so wooded and the fact that it would be virtually impossible to see the club from the street. Mr. Morrel stated that one reason they purchased the lot was because of the trees; however, in working with the City Engineer's Office they discovered problems concerning the water detention facility and were forced to remove substantially all of the trees.

Mr. Smith noted that the berm was to be placed on private right-of-way and he had seen the drainage plans which show the berm in place. He also questioned the fact there are two driveway openings and only one was allowed. Mr. Morrel stated they were prepared to close the north driveway and alleviate that problem.

Mr. Smith raised the question of the unsightly air-conditioning units on the roof and asked if anything could be done to correct it. Mr. Morrel advised that to completely hide them it would require a 5' screening the length of the building. He was advised that there would be problems with wind load factors and the cost would be prohibitive.

Jim Keith, Keith Constructors, Inc., stated his Company was the general contractors who built the building. He stated the requirements of the City coming away from the curb was $\frac{1}{4}$ " per foot slope up to the property line and this is the way this was constructed. Mr. Smith noted that great liberties had been taken with the plot plan, and the Board was unhappy as well as the neighbors in the area.

Mr. Lewis questioned if the applicant knew this was going to be a metal building from the beginning and if so, why wasn't the Board informed. Mr. Morrel stated they did know it was going to be metal and felt it was indicated on the artist's rendering. In regard to changing the building to hide the air-conditioning units, Mr. Morrel advised it would cost approximately \$16,000 to \$20,000. The Board asked what it would cost to raise the portico to hide the air-conditioners and was told it would be very difficult to do that. The Chair stated that if the plans had been presented as the building had been built, it would not have received her vote.

Mr. Morrel suggested two ways of screening the air-conditioning units on the roof; 1) to use a false front along the entire roof, 2) screen each unit separately somewhat like a "widow's walk" effect. Mr. Morrel's offered these alternatives to satisfy the Board's objections; to plant the hedgerow to provide the screening, leave the sign as it is and provide some type of screening around the air-conditioning units. He also suggested that a Staff person be assigned to act as liaison between the Board members and the owners of the property.

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to continue Case No. 9613 to May 24, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center to allow time for the owners of the property and the Board members to work out the alternatives for the subject property and assigned Wayne Alberty of the Staff to work with the applicant and report his findings to the Board.

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

Date Approved

June 21, 1979
Lucy Purser
Chairman