

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 286  
Thursday, May 24, 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  
Inspector's Off.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, May 22, 1979, at 11:17 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 THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve the Minutes of April 12, 1979 (No. 283).

MINOR VARIANCES AND EXCEPTIONS:

10452

Action Requested:

Variance (Section 330 — Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area and frontage requirements in an AG District to permit a lot-split on the south side of 26th Street and 63rd West Avenue.

Presentation:

The applicant was present. Mr. Jones of the Staff, advised that the Planning Commission had approved the lot-split on May 16, 1979, subject to Board of Adjustment approval.

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 grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area and frontage requirements in an AG District to permit a lot-split (L-14617) on the following described tract:

10452 (continued)

Part of the N/2 of the SW/4 of Section 17, Township 19 North, Range 12 East of the IBM, Tulsa County, Oklahoma, being more particularly described as follows: Commencing at the north-east corner of said SW/4 of Section 17; thence North  $89^{\circ}-54'-02''$  West, along the North line of said SW/4 a distance of 1,795.22' to the point or place of beginning; thence continuing North  $89^{\circ}-54'-02''$  West along said North line a distance of 275.0'; thence South  $00^{\circ}-05'-58''$  West a distance of 125.0'; thence South  $76^{\circ}-14'-44''$  East a distance of 283.0'; thence North  $00^{\circ}-05'-58''$  East a distance of 191.81' to the point or place of beginning.

10458

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements and area requirements in an AG District to permit a lot-split at 10620 South 77th East Avenue.

Presentation:

The Chair advised that the applicant had requested a continuance to work out legal problems.

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 continue Case No. 10458 to June 21, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10462

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area and frontage requirements in an AG District to permit a lot-split at 1056 South 156th East Avenue.

Presentation:

The Staff advised that the Planning Commission had approved the lot-split on May 16, 1979, subject to Board of Adjustment approval.

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 grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area and frontage requirements in an AG District to permit a lot-split (L-14626) on the following described tract:

10462 (continued)

Beginning at a point 464.4' West and 340' North of the southeast corner of the W/2 of the SE/4 of Section 3, Township 19 North, Range 14 East, for a point of beginning; thence North a distance of 600' parallel with the East line of Said Section; thence West a distance of 389.4' parallel with the South line of Said Section; thence South a distance of 600' parallel with the East line of Said Section; thence East a distance of 389.4' parallel with the South line of Said Section to the point and place of beginning.

10490

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the area requirements in an RS-3 District to permit a lot-split at 5008 East Oklahoma Street.

Presentation:

Mr. Jones advised that the Planning Commission had approved the lot-split on May 16, 1979, subject to the Board of Adjustment approval.

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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the area requirements in an RS-3 District to permit a lot-split (L-14630) on the following described tract:

Lots 1 and 2, Block 5, Homestead Addition to the City of Tulsa, Oklahoma.

10491

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-3 District to permit a lot-split at 3514 West 51st Street.

Presentation:

The Board members were advised that the Planning Commission had approved the lot-split on May 16, 1979, subject to the Board of Adjustment approval.

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 grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-3 District to permit a lot-split (L-14633) on the following described tract:

5.24.79:286(3)

10491 (continued)

Lot 2, Block 3, Richmond Acres Addition to the City of Tulsa, Oklahoma, (to be split W/2 and E/2).

UNFINISHED BUSINESS:

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:

The applicant requested a continuance since the Engineering Report had not been received.

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 continue Case No. 10410 to June 7, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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:

William Grimm, 1600 Philtower Building, advised that the applicant planned to use the property, which formerly housed the Summer Musicals, to operate a gourmet cooking school. This will be a private school with a class size of approximately 10-15 people, operating between the hours of 9:00 a.m. and 4:00 p.m. The variance is needed in order to allow the lower floor to be used as a restaurant-type facility to be open between the hours of 10:30 a.m. and 2:30 p.m., for private use by invitation. There will be some minor repair work, but no change to the character of the building. The hardship expressed by Mr. Grimm was that the cooking school would be allowed under Use Unit 11; however, without a variance for the eating establishment, there would be no way of disposing of the food or finished product.

Protestant:

Mickey Wilson, 1809 East 15th Street, attorney with offices directly west of the subject property, advised that he felt the applicant was establishing a restaurant and a rezoning should be involved instead of a variance. Mr. Wilson related problems he had incurred when he officed in the Center Office Building and a restaurant opened next door. The patrons of the restaurant and delivery trucks to the establishment

10420 (continued)

presented many parking problems for tenants in the Center Building. He expressed concern that the establishment of this business would cause parking problems in that there would be no way of preventing people from using his parking facilities. Mr. Wilson stated he felt it would change the tranquility of the neighborhood. He also was concerned it would cause traffic problems in the area and questioned what the hardship would be.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny a 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, on the following described tract:

Lot 14, Block 3, Terrace Drive 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 had been advised the Case would be heard at this meeting. The applicant was not present.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to deny an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District on the following described tract:

The E/2 of the W/2 of the W/2 of the NE/4 of the SE/4 of Section 34, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

10443

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 RM-2 District at 1956 East Marshall Place.

Presentation:

Randall Daily, 1956 East Marshall Place, advised he would like to move a mobile home on his property for his daughter to live in. Mr. Daily lives in the house on the property and the mobile home will be placed on the side lot near the corner. There are other mobile homes in the area. A Surveyor's Certificate was presented (Exhibit "A-1").

5.24.79:286(5)

10443 (continued)

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an(Exceptio 9 Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RM-2 District for a period of one-year, removal bond required, on the following described tract:

A Tract of land beginning at a point 160' South of the north-west corner of the NW/4, SE/4, NE/4 of Section 31, Township 20 North, Range 13 East, Tulsa County, in the City of Tulsa, Oklahoma; thence East 68'; thence North 10'; thence East 79'; Thence South 180'; thence West 147'; thence North 170' to the point of beginning.

10468

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 30' to 6' in an RS-2 District located south and west of Victoria Avenue and Denver Avenue.

Presentation:

Rossetti Perchik, 1007 East 34th Street, stated that he had met with the neighbors at the building site and presented a revised plot plan to them. Mr. Perchik presented the revised plot plan (Exhibit "B-1") and advised that the neighbors were in agreement with and had signed the revised plan. The parking has been adjusted so that four cars may be parked on the property. The height of the building was adjusted to comply with the neighbors protest.

Board Action:

On MOTION of THOMPSON, 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 front yard requirements from 30' to 6' in an RS-2 District, per plot plan submitted, on the following described tract:

Lot 4, Block 1, Oak Terrace Addition to the City of Tulsa, Oklahoma.

10473

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 30' to 8' in an RS-2 District at 536 Loop Drive, Sand Springs, Oklahoma.

Presentation:

The Staff presented a Memorandum (Exhibit "C-1") from Steve Carr, Sand Springs City Planner, advising that the Sand Springs Board of  
5.24.79:286(6)

10473 (continued)

Adjustment had reviewed Case No. 10472 and recommended approval be given by the Board of Adjustment, subject to continued compliance with the off-street parking requirements for a single-family dwelling unit in an RS-2 District.

Protestants: None.

Board Action:

On MOTION of THOMPSON, 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 front setback requirements from 30' to 8' in an RS-2 District, per plot plan submitted, on the following described tract:

Lot 1, Block 3, Valley View Estates Addition to the City of Sand Springs, Oklahoma.

NEW APPLICATIONS:

10406

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split; and an

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; and a

Variance (Section 340 - Requirements For Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five-acre minimum for a mobile home in an AG District at 63rd St., North and 131st East Avenue.

Presentation:

Edward Allphin, R. R. #1, Box 249, Owasso, Okla., advised he lived on the property in a mobile home and a good friend will live in the proposed mobile home. Each mobile home will occupy 1.5 acres. The friend plans to build a home as soon as funds are available. There are seven or eight other mobile homes in the area.

Protestants: none present.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split; and an

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

10406 (continued)

Variance (Section 340 -- Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five-acre minimum for a mobile home in an AG District, for a period of five (5) years, on the following described tract:

Beginning 165.23' West of the NE corner of the SW/4, NW/4 of Section 4, Township 20 North, Range 14 East, Tulsa County, Oklahoma; thence South 527.30'; thence West 248.47'; thence North 527.30'; thence East 248.47' to the point of beginning.

10463

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) for permission to erect duplexes in an RS-3 District at 129th East Avenue and 24th Street.

Presentation:

Richard Raskin, Suite 411, 201 West 5th Street, attorney representing the owner of the property, advised the subject property was a narrow, deep tract. Mr. Raskin felt the erection of duplexes on the tract would be a substantial improvement to the neighborhood. A plot plan (Exhibit "D-1") was presented and Mr. Raskin stated this would involve four lots with a dedicated street to serve all of the lots. Each duplex will be 2,480 total square feet or approximately 1,240 square feet per side including a single car garage. The duplexes will be built of brick veneer with composition roofs, two units will have siding. Mr. Raskin stated he felt these would be an excellent buffer to the community.

Mr. Lewis questioned why the applicant did not want to face the units to the west where the street would be in line with 130th Street instead of in the back yards of people facing 131st Street. Mr. Raskin advised him that the property owner to the west who has sought either OL or OM zoning in order to build an office building or commercial entity on the corner of 129th East Avenue and East 24th Street. If that happened it would be preferable to be buffered by the back yard facing that direction.

Board member Smith informed the applicant that the City has not been accepting this type of street for dedication and it may be necessary to have a private access driveway.

Protestant:

Maxine Rankin Culver, 2334 South 131st East Avenue, owns the abutting property and stated that the back yards on 131st and from 24th Street slope to the subject property and there is a tremendous runoff to the property. She noted that it would take a great amount of fill in order to build duplexes on the property. She also questioned what the applicant planned to do about the drainage on the tract. Mrs. Culver did not have any objection to the duplexes if the drain-off of the property was adequate.



10463 (continued)

In response to Mrs. Culver's concerns, Mr. Raskin stated he was not aware of this problem. He suggested the Board continue the Case to the next meeting to allow time to present a plan and specifications to satisfy the water problem.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to continue Case No. 10463 to June 21, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center and requested the applicant furnish the Board, at that time, with approval by the City Engineer's Office, pertaining to the drainage as it affects this property and surrounding property.

10475

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances) for permission to locate a mobile home in a CS District to be used as an office at 8888 East Admiral Place.

Presentation:

The applicant was not present.

Protestants: None present.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to continue Case No. 10475 to June 7, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10477

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-2 District at 515 North 87th East Avenue.

Presentation:

Irene Day, 515 North 87th East Avenue, advised she and her husband live on the property and would like to place a mobile home on the lot for their daughter, husband and four children. The husband is ill and it would be helpful to the family to live nearby where help is available. A new 1,000 gallon septic tank has been installed and new lateral lines will be put in. There is a mobile home across the street from the subject property.

Protestants:

Tom Thornbrue, representing Mrs. Jack Allen, 346 North 87th East Avenue and Carl McKinney, 345 North 87th East Avenue, stated their primary concern was that the homes in the area are of brick and wood construction and a mobile home would radically change the nature of the neighborhood. A major problem in the area is adequate disposal of sewage. The soil composition is clay which will not perc and all of the residents, at the present time, have problems with sewage. It is

10477 (continued)

not uncommon to find raw sewage at times. Mr. Thornbrue advised that the neighbors were concerned that adding the additional burden of a mobile home, housing six people, would result in increased sewage on the surface of the land.

Ben Harper, representing the Johannings, residents of the neighborhood, expressed concern that the mobile home would change the character of the neighborhood. Mr. Harper concurred with Tom Thornbrue's objections to sewage and drainage problems in the area.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to deny 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 on the following described tract:

Lot 3, Block 8, Mingo Valley Subdivision No. 1, to the City of Tulsa, Oklahoma.

10478

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 located northeast of Garnett Road and 166th Street North.

Presentation:

Collette Dubose, presented pictures (Exhibit "E-1") of the area and stated she and her husband live in a mobile home on the front part of the subject tract and would like to place a mobile home on the rear of the lot for their daughter and son-in-law. The daughter is going to have a child and the couple are in financial straits at this time. There are approximately 11 other mobile homes in the immediate area. The mobile home will be skirted and built in place. Mr. and Mrs. Dubose plan to subdivide the lot and sell the other portion to their daughter and son-in-law when they are financially able to purchase it.

Protestants:

J. W. Summit, R. R. #1, Collinsville, Oklahoma, stated he did not object to the mobile homes, but did have objections to all the items they move in around them and the fact that mobile homes could be moved so easily and all the debris would remain. Mr. Summit stated he had refused to let his own daughter move a trailer onto his property. The protestant lives in a home and advised that all the homes in the area were nice brick homes. He expressed concern that mobile homes in the area would depreciate the property values.

Paul Wenton, lives north of the subject property and advised there are \$25,000-\$150,000 homes in the area and felt it was unfair to allow any more mobile homes in the area.

Mr. Gardner advised that the Code states you cannot have two dwelling units on one lot without the lot being subdivided.

10478 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to deny an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District; and a

Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five-acre minimum for a mobile home in an AG District, on the following described property:

The East 301.04' of the West 660.0' of the SW/4 of the SW/4 of Section 8, Township 22 North, Range 14 East, Tulsa County, State of Oklahoma, lying North and East of the Atchinson, Topeka and Santa Fe Railroad right-of-way, LESS and EXCEPT the North 608' thereof, subject to water line easement and subject to roadway on the South, containing in all 4.2 acres more or less, according to the U. S. Government Survey thereof; including all minerals and mineral rights thereunder.

10481

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 76th Street North and 88th East Ave.

Presentation:

Jess Crum, 11518 East 66th Street North, Owasso, Oklahoma, stated he had an agreement to purchase this land if permission is received for the mobile home. There are four mobile homes within 3/4 mile and two within 1/2 mile of the subject property. There is only one house within 600' of the proposed site.

Protestants:

Carolyn Downing, R. R. #2, Box 7, Owasso, stated she owned the adjacent home and had just signed a contract for installation of a \$15,000 swimming pool in the back yard. Mrs. Downing presented pictures (Exhibit "F-1") of other homes in the area which range in value upward of \$50,000. She stated the mobile home would need to be placed approximately 50' from her fence line since the front portion of the subject property experiences flooding from Bird Creek.

John Wixon stated he lives on 86th Street North, one mile north and approximately 1/2 mile west of the subject property. He owns unimproved land directly south of the subject tract and advised the Board that almost all of the land is overflow area and subject to flooding. Mr. Wixon expressed doubt that even if the mobile home was placed against Mrs. Downing's fence it would escape overflow from the Creek.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to deny an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District, on the following described property:

10481 (continued)

The E/2 of the SW/4 of the SE/4 of the SW/4 of Section 25,  
Township 21 North, Range 13 East, Tulsa County, Oklahoma.

10482

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 RS-3 District at 7711 South 76th East Avenue.

Presentation:

Joe McCormick, 1776 One Williams Center, representing the applicant, stated the house had been built too close to the street and he requested it be allowed to remain. The hardship is an irregular shaped lot.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 15' to 20' in an RS-3 District, per plot plan submitted, on the following described property:

Lot 23, Block 10, Sweetbriar East Extended Addition to the  
City of Tulsa, Oklahoma.

10485

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses) to allow multifamily dwellings in a CS District located south and east of 33rd West Avenue and 42nd Street.

Presentation:

Phil Eller, 201 W. 5th, attorney for the applicant, advised the subject property is 150' x 150' and fronts on 33rd West Avenue; 18 multifamily units would be permitted on the tract. The applicant is proposing to build only 10 apartment units on the site which would be a much less intensive use of the property than that which would be allowed under a CS zoning. Mr. Eller presented a plot plan (Exhibit "G-1") stating the apartment development would be more harmonious with the surrounding neighborhood than some type of commercial structure which might be allowed under the various Use Units. Mr. Eller was unable to describe the building materials to be used at this time since the plans were only preliminary.

Protestants:

Bob Connor, 4217 South 33rd West Avenue, advised he lives on a short block to the south of the subject property and the area was already impacted. His concern was mostly about the people who would inhabit the apartments.

10485 (continued)

Martha Joyce, 4220 South 33rd West Avenue, has lived in the area for 44 years and she stated her concern was that since it would be rental property it would not be taken care of.

Discussion:

Board member Lewis stated he would like to see plans for the apartment project, that would be of sufficient quality to protect the residential neighborhood.

Board Action:

On MOTION of SMITH, 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 allow multifamily dwellings in a CS District, subject to the applicant returning to the Board with a complete plot plan and elevations, color scheme and landscaping of the proposed units and advise the client that metal units will not be acceptable to the Board, on the following described property:

A tract of land in the SW/4 of the NW/4 of the NW/4 of Section 27, Township 19 North, Range 12 East, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the NW corner of the NW/4 of the NW/4 of Section 27; thence South 761.7'; thence East 30' for the point of beginning; thence East 150'; thence South 150'; thence West 150'; thence North 150' to the point of beginning.

10486

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to operate an upholstery shop in an RS-3 District at 1231 South Florence Avenue.

Presentation:

John McGee, 1231 South Florence Avenue, stated he had been operating the upholstery shop out of the garage since 1968. He listed various health problems which necessitate having this business where he is able to work 5-6 hours each day. Mr. McGee stated he has a cousin who helps with the work when it's necessary. A camper truck is used to pick up and deliver the furniture to be upholstered; sample books are taken to the customers, the fabric is ordered from out of town and the material picked up at the post office. The applicant stated he tried to keep the furniture inside the garage, but at the present time there are two booths stored outside.

The applicant stated he was going to paint the house and fix up the property in order to sell it and move to a new location away from Tulsa; however, he advised it would be at least a year before this would be possible.

The Board members questioned why Mr. McGee did not conduct his upholstery business from a different site and he advised that he had been located in a building on South Peoria Avenue for 3 months, but could not afford the expense at this time.

Protestants:

Henry Hoesloop, 5355 East 30th Street, presented pictures (Exhibit "H-1") of the subject property and protest letters (Exhibit "H-2") from property owners in the area. Mr. Hoesloop advised that aside from the upholstery business, the property itself is run down and does not fit into the old, attractive residential area. It was Mr. Hoesloop's opinion that two other people also worked in the upholstery business with the applicant.

Howard Brett, 1248 South Florence Avenue, stated he had lived in the area for 39 years and was opposed to a business in the neighborhood. Mr. Brett also objected to the unhealthy conditions which exist on the property.

Mrs. Henry Hoesloop, 5355 East 30th Street, advised of trash bags, an old car motor, office chairs and other items which are left in the yard of the applicant.

Ann Murray, 1211 South College Avenue, expressed concern that the business would run down the neighborhood and lower the property values.

Ralph Ruth, 3112 East 12th Street, informed the Board that several years ago, just 1/2 block north of the subject property, another man with a previous illness was given a permit to start a plumbing business in his home and now has the largest plumbing business in Tulsa. He expressed concern that this might happen with this application.

Grace Justice, 1235 South Florence Avenue, advised that when she had moved to the area three years ago the upholstery business was not there. The previous owner of her home had made the applicant move it to another location. She stated she would not object to the business if it was contained within the garage.

Board Action:

On MOTION of LEWIS, the Board voted 4-1-0 (Lewis, Purser, Thompson, Wait "aye"; Smith "nay";) to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate an upholstery shop in an RS-3 District, for a conditional three months period - to be continued to August 16, 1979, to run with this owner only, there shall be no other employees, unless they are occupants of the home, no furniture or materials of any kind be stored outside the garage, on the following described property:

Lot 17, Block 6, Pilcher Summit Addition to the City of Tulsa, Oklahoma.

10488

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 15' on the North at the SW corner of 24th Street and 131st East Avenue.

Presentation:

Mr. Gardner advised that this structure would line up with the house to the west, it would be appropriate and recommended approval of the application.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve 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 15' on the north, on the following described property:

The North 71.5' of the South 631.5' of the East 149.75' of the West 615' of the SW/4 of the NW/4 of Section 16, Township 19 North, Range 14 East of the IBM, Tulsa County, Oklahoma.

10492

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a day care center in an RS-2 District at 453 South 89th East Avenue.

Presentation:

Richard Apple, 453 South 89th East Avenue, stated he would like to open a day care center for the Eastwood School system which would be open five days a week from 7:00 a.m. to 5:30 p.m. Approximately 30 school age children would be at the center after school hours with 5 younger children staying at the center during the day. The home has a double driveway and is located on a street with a center median. Mr. Apple stated he would erect a privacy fence on the north side of the property. Mr. and Mrs. Apple live in the home at the present time, but will be moving when they receive the permit to operate a day care center. The home is located four blocks from Eastwood school. A van will be used to transport the children to and from the school. There will be three or four employees at the center.

Protestant:

Betty Bodie, 445 South 89th East Avenue, stated she lives next door to the subject property and has a swimming pool in her back yard. She advised that she has, on occasion, counted as many as 15 children in the Apple's back yard with no supervision. She expressed concern for the children's safety. Mrs. Bodie presented a protest petition (Exhibit "I-1") from six of the neighbors and advised the Board they were opposed to a business enterprise in their neighborhood. Mrs. Bodie also noted that parents transporting their children to the Apple's home drive the wrong way on the street because of the center median in order to reach the home.

5.25.79:286(15)

10492 (continued)

Discussion:

Upon questioning by the Board, Mr. Apple stated that some of the people park on the center median and cross the street delivering the children. He also stated a car cannot cross the center median and they must come from the south to make a legal entrance to the home. This is a double street and not heavily traveled.

Mr. Garnder pointed out that a day nursery, unless it is limited to five children with someone living in the home is classified as a business as opposed to a home occupation.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center in an RS-2 District on the following described property:

Lot 3, Block 17, Clarland Acres Addition to the City of Tulsa, Oklahoma.

10493

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 25' to 5' in an RS-2 District to permit the erection of an attached garage at 5729 South Indianapolis.

Presentation:

Keith Boyd, 4998 East 26th Street, architect for the applicant, presented a plot plan (Exhibit "J-1") and a sketch (Exhibit "J-2") of the proposed garage. The existing garage will be converted into a bedroom.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 5' in an RS-2 District to permit the erection of an attached garage, per plot plan submitted on the following described property:

Lot 9, Block 7, Lou North Woodland Acres Fifth Addition to the City of Tulsa, Oklahoma.

10494

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to make ornamental acrylic music boxes (to be sold as jewelry boxes, etc.). Acrylic sheets will be cut (using table jigsaws), molded, glued, and assembled with musical motors at 1914 West 49th Street.



Presentation:

Ralph Eguren, 1914 West 49th Street, represented his father from Argentina and advised the Board that an uncle will be arriving from Argentina to live in the home and enter into business with Mr. Eguren. The uncle plans to live in the home for 6 months to 1 year.

The assembly of the acrylic music boxes will take place in a side garage which is presently being insulated and will be heated, but will not be air-conditioned. The music boxes will be cut from 3' long, 1/16" thick acrylic sheets with a jigsaw; this will generate the only noise involved with the operation. Cutting of the sheets will occupy one or two hours each day. A small oven will be used to heat the acrylic for molding. The small motors and acrylic sheets will be stored inside the garage. The hours of operation will be a normal working day. The finished product will be delivered to gift shops, they will not be sold in the home.

Protestants:

Mrs. O. W. Clark, 4918 South Waco Avenue, presented a protest petition (Exhibit "K-1") bearing 25 signatures of neighborhood residents. Mrs. Clark expressed concern that use of the jigsaw would interfere with TV and radio use in the area. She was also opposed to having commercial business in the neighborhood.

Louis Grippi, 1920 West 49th Place, stated he was proud of his neighborhood and strongly objected to business in the area.

Louis C. Ellis, 1920 West 49th Street, stated he lives next door to the applicant and his bedroom is about 10' from the garage where the music boxes will be constructed. He questioned that the insulation would take care of the noise created by the assembly of the music boxes.

Interested Party:

Dick Norris, 1910 West 49th Street, questioned if there would be any limit on the hours of operation. He also was concerned with the two families living in the home.

Board Action:

On MOTION of LEWIS, the Board voted 3-2 (Lewis, Purser, Smith "aye": Thompson, Wait "nay") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to make ornamental acrylic music boxes )to be sold as jewelry boxes, etc.). Acrylic sheets will be cut (using table jigsaws), molded, glued, and assembled with musical motors, to run with this owner only, for a period of nine (9) months, no machinery that makes noise be used other than the jigsaw, the garage door to be closed during operation of the jigsaw, the jigsaw to be operated only between the hours of 9:00 a.m. to 12:00 noon Monday through Friday, no sales from the property, no deliveries other than the materials brought in by the owners of the property or the mailman, on the following described property:

Lot 3, Block 15, Hill Haven Addition to the City of Tulsa, Okla.

10495

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services and Recreational Facilities) to expand the Turley Children's Home to include ice making and vending operations at 6101 North Cincinnati.

Presentation:

Bobbie Vaughn, Superintendent of Turley Children's Home, advised the home is presently establishing a vocational training program for the young people in the areas of carpentry, air-conditioning, auto mechanics, refrigeration repair and home economics. It will be limited to residents of the Children's Home. An ice making machine has been donated to the Home; the young people will maintain this machine and the proceeds will be used in the vocational training program and allow for the purchase of equipment and materials needed in the program. An aerial photo (Exhibit "L-1") of the Turley Children's Home was presented. Mr. Vaughn advised that the ice machine is 8' wide, 16' long and contains three ice making units. The ice will be delivered to prospective customers by van. The machine is located next to our parking lot and therefore, traffic circulation will not be a problem.

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 1205 - Community Services and Recreational Facilities) to expand the Turley Children's Home to include ice making and vending operations, per plot plan submitted on the following described property:

The S/2 of Lot 5, all of Lots 6 and 7, Block 4, Fairview Heights Addition to the Town of Turley in Tulsa County, Oklahoma.

10496

Action Requested:

Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for permission to modify the screening requirements where an alternative screening will provide visual separation of uses at 3313 East Admiral Place.

Presentation:

Brad Williams, 4441 South 72nd East Avenue, representing Ken's Pizza, stated that in making application for the building permit, he was advised that one requirement for the permit would be a screening fence beginning 60' east of the west property line. Mr. Williams presented a site plan (Exhibit "M-1") proposing a 4' screening fence, 145' in length, with a landscaped area, including trees and shrubs in front, instead of the required 6' fence. He stated that he felt it was more aesthetically pleasing and also would provide visibility of automobiles on the property, therefore, acting as a security measure against robberies and vandalism. A 6' board screening fence will be erected to screen the back of Mr. Keck's adjacent property; there will be a 60' opening on the east portion of the subject property. Mr. Williams

5.25.79:286(18)

10496 (continued)

advised that there is total access of the alley for the entire two block length, except for one 100' building. The abutting neighbors have been advised that a 6' screening fence would be erected, but have not been approached concerning the proposed change to a 4' screening fence.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to continue Case No. 10496 to June 7, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, with the understanding that the applicant show his new plans to the neighbors on the lots to the north.

10497

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 30' to 18' in an RS-2 District at 4223 East 81st Place.

Presentation:

William Farrier, represented the applicant, who now resides in Alaska, stated there was a contract for purchase of the subject property. One of the title requirements is that a variance be acquired for both the front and side setback lines. The hardship for the applicant was the irregular shaped lot.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Smith, Wait "aye"; no "nays"; Thompson "abstaining") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 30' to 18' in an RS-2 District, per plot plan submitted, on the following described property:

Lot 19, Block 2, Brookwood Addition to the City of Tulsa, Okla.

10498

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 63.75' from the centerline of Sheridan Road at 3023 North Sheridan Road.

Presentation:

Carl Cannizzaro, P. O. Box 51286, Tulsa Airport Authority, stated that after the last Board of Adjustment meeting it was found that plans which had been submitted to the Zoning Officer, required a setback off of Sheridan. The present IL zoning on Sheridan requires a 100' setback from the centerline of the arterial street and the plans that had been

10498 (continued)

submitted allowed a 63.75' setback. Mr. Cannizzaro presented a plot plan (Exhibit "N-1") and stated the location for the new hanger was determined by several aspects, i.e., the location of the hanger to the north of the proposed hanger - the large door which the planes use - is on the south side of the hanger, so the new hanger must be situated so that it does not block the south door. The other hangers have been built with varied setbacks from Sheridan.

Protestants: None.

Board Action:

On MOTION of THOMPSON, 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 100' to 63.75' from the centerline of Sheridan, per plot plan submitted, on the following described tract:

Beginning at a point 2,481.0' North and 40' East of the SW corner of Section 23, Township 20 North, Range 13 East; thence North 40' East of and parallel to, the West Section line of said Section 23, a distance of 615.68' to a point; thence North 90° East a distance of 307.26'; thence South 58°-28'-20" East a distance of 264.48' (along the southwesternmost edge of the taxiway serving the northern door of Hangar 12 to the intersection of the westernmost edge of Taxiway #1, otherwise known as the West Boundary Taxi Strip); thence South 31°-31'-40" West a distance of 559.95' along the Northwestern edge of Taxiway #1; thence South 90° West a distance of 240', more or less, to the point of beginning and comprising an area of 5.5 acres, more or less.

10499

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a Court Reporting office in an RS-3 District at 2776 Memorial Drive.

Presentation:

Millie Ballard, 3015 East 83rd Street, advised this office was used for court reporting, a private business. The employees go out to the courts and act as free lance reporters. Ms. Ballard advised that the Board of Adjustment had granted a variance in September, 1977, to permit an accounting office on this same property, and the court reporting office would meet all of the restrictions of the previous approval. The applicant also requested to be permitted to place a Public Service security light in the back yard of the property.

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 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a Court Reporting Office in an RS-3 District, subject to the restrictions noted in Case No. 9661, to allow a security  
5.25.79:286(20)

10499 (continued)

light in the back yard, to run with this owner only, on the following described tract:

Lots 2 and 3, Block 29, Boman Acres Fourth Addition to the City of Tulsa, Oklahoma.

10500

Action Requested:

Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances) to permit a second dwelling on a lot at 2324 South College Avenue.

Presentation:

Melvin Ball, 2324 South College Avenue, advised he would like to build a second dwelling on his lot for his mother-in-law. The applicant did not offer a hardship.

Protestants:

The Staff presented a protest petition (Exhibit "0-1") containing 70 signatures of neighborhood residents and interested parties.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to deny a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances) to permit a second dwelling on a lot, on the following described property:

Lot 10, Block 5, Bryn-Mawr Addition to the City of Tulsa, Okla.

10501

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to operate a greenhouse in an RS-3 District at 5815 South 31st West Avenue.

Presentation:

Kay Price, 5815 South 31st West Avenue, advised she bought the property one year ago. A fiberglass greenhouse, 34' wide and 100' long, is located on the property; the first variance for the greenhouse was granted in 1964. Mrs. Price plans to have the greenhouse operational in approximately one year. There are other commercial business in the area. Mrs. Price stated she would like to obtain permission to operate the greenhouse as a business at a later time.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to continue Case No. 10501 to June 21, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the applicant time to determine the type of variance that will be needed and prepare pictures and plans for the Board.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 25' to 24' in an RS-3 District at 3221 South 140th East Avenue.

Presentation:

Lana Wilcox, 3221 South 140th East Avenue, stated this was an irregular lot; the footing contractor miscalculated in digging the footings - one side of the garage is past the building line and the other is not. The house has been sold.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 25' to 24' in an RS-3 District, on the following described property:

Lot 10, Block 1, Summerfield Addition to the City of Tulsa, Okla.

OTHER BUSINESS:

Plans for Case No. 10484:

Mr. Jones advised that the Board had approved the signs at 4900 South Lewis, subject to the applicant returning to the Board with a plot plan of sign location and details.

James Adair, 4900 South Lewis, presented a plot plan (Exhibit "P-1") and stated the setback for the sign would be 50' from the centerline of the street.

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve the plot plan as submitted for Case No. 10484.

Case No. 9613

Reece Morrel, Tulsa Racquetball and Aerobics Club, advised that he and the other managers of the Club have reviewed the suggested modifications to the structure and site as outlined on page 3 of the Memorandum (Exhibit "Q-1") sent to the Board of Adjustment on May 10, 1979. Mr. Morrel stated he had made inquiries into the cost of bricking the front of the building and the estimate was \$25,000-\$30,000. He proposed planting 20' trees in between the present plantings which would completely cover the westerly side of the building.

The Chair voiced dissatisfaction with the Case and stated she felt the spirit of the presentation was violated. In talking with various people in the adjoining neighborhood, Mr. Purser found that they had been approached individually and the plans presented to them were acceptable; however, the Club was not built in accordance with those plans.

Case No. 9613 (continued)

Adrian Smith stated he felt strongly that horizontal siding on the building would serve to stretch the building out so that it would appear to be shorter. Mr. Smith presented a list (Exhibit "Q-2") of improvements that he felt should be undertaken.

Mr. Morrel requested that all of the problems be taken care of at the same time. He stated if the Board felt the horizontal lath screening would be a viable solution, he would like to investigate it further.

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve the following conditions:

1. Remove the sign from the building and install a monument sign on Harvard Avenue the minimum size (32 sq. ft.) unlighted sign, constructed of wood material and painted white to match the existing trim color on the property;
2. Install an earthen berm on the west side of the property (not on City right-of-way) a ~~minimum~~<sup>maximum</sup> of 3 feet high and plantings be installed and maintained thereon. This will necessitate removal of a portion of asphalt parking and curb stops from City right-of-way;
3. Install low lighting at sides and rear of building in consideration of the residential neighbors to the east, and as originally agreed to;
4. Plant a fast-growing, tall, evergreen-type line of trees on the east side of the property, west of the fence, to help screen the rear of the project from the back yards of the residences east of the rear of the subject property;
5. Additionally, add landscape to the base of the building front by adding thereto: a minimum of six mature non-deciduous specimen trees a minimum of 15 feet in height, to be planted at the corners and in between the existing oak trees; a row of burford holly bushes to be located in clusters in front of the trees to help soften the visual affect of the metal facade; and
6. Removal of the driveway at the northwest property corner, and additional landscaping and plantings be made along the front of the building and in the parking lot.

The above listed conditions are not to be interpreted as being all-inclusive until the Board members have drawings, renderings and other necessary information in order to make a final decision concerning the Harvard facade and the air-conditioning units - removal vs. screening.

Mr. Morrel requested a clarification on Condition No. 4 of Mr. Smith's suggestions; he questioned if the line of evergreen-type trees were to be planted along the entire length of the property. He advised there were trees in the neighborhood and the area is fully screened; in addition, the applicants have erected a 6' screening fence. He requested the condition be waived since there is a detention pond in the rear, which would cause problems.

Mr. Thompson stated he would like to leave it in the motion and Mr. Morrel could discuss this item with the Board when he returns.

Case No. 9613 (continued)

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to continue Case No. 9613 to June 21, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Building Inspector request for a determination of Section 1450 & 1450-A Structural Nonconformities

Dortha Miller, Building Inspector's Office, advised the applicant wished to enclose the porch of a former residence (now an office) which is nonconforming in that it sets 42' from the centerline of 16th Street rather than 50', as required by today's standards.

Alan Jackere, Legal Department, stated that the building setback is defined as the distance from the centerline of the street to the nearest building wall. Enclosing the porch would constitute a new building wall, which would be closer to 16th Street than the present wall. Mr. Jackere noted the ambiguity of the Zoning Code; i.e., referring to building setback in one instance and yards and location on the lot in the Chapter on nonconformity. He felt the Zoning Code is very confusing in relation to this aspect of nonconformity.

Bob Gardner, applicant, presented a sketch plan (Exhibit "R-1") and advised his problem was a structural nonconformity because of the location of the building on the lot. The porch is part of the roof and, therefore, cannot be removed. Mr. Gardner stated the porch would be of no use to him unless he can enclose it and make it a part of the office. The floor area in the office structure, including the porch extension and the half-story upstairs, plus the duplex floor area will not exceed the Zoning Code limits. The nonconformity will not be increased by covering any more of the lot since the structure will not be any closer to the street than at the present - the only issue involved is that the solid wall of the building will be moved closer to the street.

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to find that enclosing the front porch of the existing office building will not in this instance increase the building's nonconformity, which is already established by the type of construction and by the location on the lot.

Clarification of Minutes - Cases No. 2943 and No. 5273

Dortha Miller, Building Inspector's Office, advised that B. R. Hutson, Inc., has made application (Exhibit "S-1") for a 50' x 80' x 14' maintenance building to be used for equipment maintenance and storage for Tulsa Country Club. The previous Minutes approved an expansion of a golf pro shop and the construction of a new clubhouse, but did not grant an accessory building.

Bruce Downer, Project Manager for B. R. Hutson, Inc., advised that the accessory building would be used primarily for the maintenance of golf carts. The proposed location would be near the present maintenance building and was chosen for convenience. The building will be metal and will be aesthetically appealing.

Adrian Smith stated he wouldn't have any objections to the accessory building, but was definitely opposed to a metal building.



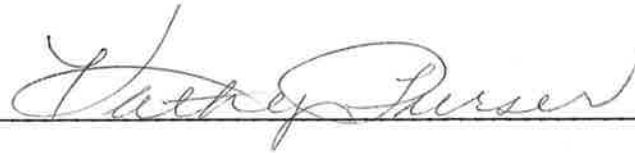
Clarification of Minutes - Cases No. 2943 and No. 5273 (continued)

Mrs. Purser felt the location of the building was a concern and suggested erecting it on the other side of the tennis courts. She proposed that a public hearing be held on the Case.

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to set a Public Hearing for Cases No. 2943 and No. 5273 on June 7, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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

Date Approved





Chairman