

BOARD OF ADJUSTMENT  
MINUTES of Meeting (No. 288)  
Thursday, June 21, 1979, 1:30 p.m.  
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 Office

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, June 19, 1979, at 1:25 p.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:30 p.m. and declared a quorum present.

Resolution of Appreciation - Tom Jolly:

WHEREAS, Tom Jolly served the Tulsa Board of Adjustment with dedication and distinction for a period of 12 years from May 1967 to April 1979, and

WHEREAS, Tom served as Chairman for a period of 6 years, and

WHEREAS, his leadership, judgment and sense of fair play were instrumental in bringing about quality growth and development for the Tulsa Metropolitan Area, and

WHEREAS, Tom gave freely of his time, experience and abilities to his community and, because of his personal effort, Tulsa is a better City to live in, work and play;

NOW THEREFORE, BE IT RESOLVED that the members of the Tulsa Board of Adjustment do formally express their appreciation for the service given by Tom Jolly.

MINUTES:

On MOTION of LEWIS, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve the Minutes of April 26, 1979 (No. 284) and May 10, 1979 (No. 285).

MINOR VARIANCES AND EXCEPTIONS:

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.

10458 (continued)

Presentation:

The Staff advised the application has been continued two times to allow the applicant to work out problems and recommended continuing the Case for 30 days. The applicant will be notified that the Case will be heard on July 19, 1979.

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to continue Case No. 10458 to July 19, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10524

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirement from the centerline of 21st Street from 60' to 50' to permit the erection of a sign at 2030 East 21st Street.

Presentation:

Lonnie Edwards, representing Skelly Oil, advised that a variance was needed since the 50' setback requirements would put the sign in the line of traffic outside the turning radius of the driveway.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to grant a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirement from the centerline of 21st Street from 60' to 50' to permit the erection of a sign, subject to a removal contract, on the following described tract:

The North 85' of Lots 1, 2 and 3, Block 1, Brentwood Heights Addition to the City of Tulsa, Oklahoma.

10524 (same application)

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 34' from the centerline of 15th Street and from 40' to 36' from the centerline of Main Street to permit the erection of a sign at the southwest corner of 15th Street and Main.

Presentation:

Lonnie Edwards stated this sign presented the same hardship as in the first part of the application; with the setbacks, the sign is moved into the entrance of the service station.

Protestants: None.

10524 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to grant a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 34' from the centerline of 15th Street and from 40' to 36' from the centerline of Main Street to permit the erection of a sign, subject to removal contract, on the following described property:

The North 85' of Lots 1, 2 and 3, Block 1, Brentwood Heights Addition to the City of Tulsa, Oklahoma.

10526

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for permission to build across a lot line in an RS-3 District at 3525 West 42nd Place.

Presentation:

Gerald Snow, 7509 East 53rd Street, advised that he had purchased four 25' lots and the house he proposed to build is 33'; therefore, he would need to use two lots for the house. Mr. Snow stated he would like to build two bedroom brick houses on each pair of lots.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0 (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 build across a lot line in an RS-3 District, on the following described property:

Lots 27 and 28, Block 21, Yargee Addition and Lots 31 and 32, Block 21, Yargee Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

10087 - Plans - 6727 South Sheridan Road:

Leon Ragsdale, architect for Fellowship Lutheran Church, 6727 South Sheridan Road, submitted plans for the building (Exhibit "A-1"); however, through a misunderstanding the building has been built prior to the Board's review of the final plans. There is a storage building on the site which will be removed.

On MOTION of SMITH, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve the Plans for 10087, with the storage building to be removed from the site within two weeks from this date.

10191 - Plans - 6900 South Yorktown Avenue:

Bob Davidson, representing the applicant, presented the substitute plot plan (Exhibit "B-1") and stated he had been advised that the Board was concerned about the effect this change would have on the property to the north of the subject property. Mr. Davidson presented pictures (Exhibit "B-2") of the area and advised the Board that there was a metal building to the north of 69th Street which bears the words, "Think Snow." The applicant proposes to erect a building containing 7,500 sq. ft. on a tract of 22,000 sq. ft., which would be less than 50% ground coverage. The building will be a storage facility for new cars and later will be converted to mini-storage units. Mr. Davidson suggested that since this is in the formative stage, the plans be approved in concept, subject to final plans being presented to the Board prior to development. He stated that unless he had Board approval of the preliminary plans, subject to approval of the ultimate design plan, the applicant was not in a position to commit and proceed with the acquisition.

Leon Ragsdale, interested party, owns property in the area, and questioned what materials would be used for the exterior of the building. Mr. Davidson advised him that this would not be a metal building, but since the plans were not finalized he was unable to say what the exterior would be.

Mr. Wait stated he would like to see further plans before he voted on the application. Mr. Lewis advised he would need to abstain from voting due to the involvement of his company.

Bob Gardner, TMAPC Staff, advised that since this application involved a substitute plot plan and smaller area, the Board would need to void the original plot plan and amend the legal description to cover the smaller area involved.

On MOTION of THOMPSON, the Board voted 3-0-2 (Purser, Smith, Thompson "aye"; no "nays"; Lewis, Wait "abstaining") to void the past approval of the plot plan and approve the revised plot plan in concept, subject to the applicant returning to the Board with detailed plot plans, sketches, color schemes, and materials, and the legal description be amended to read as follows:

*8/6/79*  
*JD*  
*North 95 feet of The South 230*  
The ~~South 95 feet of the North 265.62~~ feet of the West 228.7' of  
Lot 2, Block 2, Lewis Village Addition to the City of Tulsa, Oklahoma.

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:

A letter (Exhibit "C-1") was received from the applicant requesting that the application be continued to July 19, 1979 to allow additional time to submit the Water Retention Plan to the City Hydrologist.

Protestants: None.

10463 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to continue Case No. 10463 to July 19, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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; and an

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) for permission to operate a horticultural nursery in an RS-3 District; and

Variances (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Use Variances) to operate a greenhouse and have a sign in an RS-3 District at 5815 South 31st West Avenue.

Presentation:

Kaye Price, 5815 South 31st West Avenue, presented a booklet (Exhibit "D-1") noting the past history of the greenhouse and her plans for the future use of the property. The neighborhood is made up of oversized lots, many of which are vacant, and a surrounding area of undeveloped land. Mrs. Price requested that the application be considered for at least a 10-year period because of the financial investment.

Staff member, Bob Gardner, advised the Board's concern might be for the number of employees and the sign rather than a time limit for the home occupation.

Mr. Lewis stated his concern would be having a thriving retail outlet in the middle of a block, in a residential area. Mrs. Purser also noted that she would not vote for anything other than a home occupation and all the regulations of the home occupation.

Mrs. Price advised that the intention was not to be a retail outlet, but to be a wholesale outlet with the provision of being able to conduct some retail sales, which would not normally fall under home occupations.

Mr. Lewis questioned the difference between operating a horticulture nursery and operating a greenhouse. Alan Jackere, Legal Department, stated he did not believe the horticulture nursery exception would permit a retail sales operation or growing plants primarily within a building. Granting a principal use variance was discussed, but it was decided that Mrs. Price did not have a hardship other than financial and the variance could not be allowed.

Protestants: None.

10501 (continued)

Interested Party:

Mrs. Earl Stephens, 5816 South 31st West Avenue, advised she lives across the street from the subject property and had no objections to the greenhouse.

Board Action:

On MOTION of LEWIS, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a greenhouse in an RS-3 District, subject to all the home occupation rules, to run with this owner only, with no advertising in the yellow pages or otherwise; and deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to operate a horticultural nursery in an RS-3 District and to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Use Variances) to operate a greenhouse and have a sign in an RS-3 District, on the following described property:

Lot 4; and the North 25' of Lot 5, Block 3, Summit Park  
Addition to the City of Tulsa, Oklahoma.

10504

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to operate a home beauty shop at 16108 East 2nd Street.

Presentation:

Floy Brashear, 16108 East 2nd Street, presented pictures (Exhibit "E-1") of other homes in the neighborhood, pointing out that windows and sliding glass doors had been installed in the garages; Mrs. Brashear proposes to install sliding glass doors in her garage and convert it to a home beauty shop. The applicant plans to operate a home beauty shop five days a week, Tuesday through Friday from 9:00 a.m. to 5:00 p.m. and 9:00 a.m. to 1:00 p.m. on Saturdays. There will be no more than two patrons at one time. The parking is adequate for two cars in addition to the applicant's car.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a home beauty shop as presented, subject to all the home occupation rules, hours of operation to be 9:00 a.m. to 5:00 p.m. Tuesday through Friday and 9:00 a.m. to 1:00 p.m. on Saturday, to run with this owner only, with the only structural change to the exterior is that a sliding glass door be installed, screened and draped, to replace the garage door, on the following described property:

Lot 7, Block 18, Rose Dew Second Addition to the City of Tulsa,  
Oklahoma.

10511

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) for permission to operate a car wash in a CS District at the northeast corner of 2nd Street and Lewis Avenue.

Presentation:

Raymond Teal, 6115 East 4th Terrace, presented a plot plan (Exhibit "F-1") and advised the car wash will be built on Lot 11. All the utilities are located in the alley, the construction will be brick and Mr. Teal exhibited pictures (Exhibit "F-2") of a similar car wash located at Yale Avenue and Apache Street. Mr. Teal also presented pictures (Exhibit "F-3") of the area showing car lots to the north and east, a liquor store on the south and a residence west of the subject property. A 6' redwood fence will be erected which will eliminate any blowing of materials. There will be an attendant on duty from 10:00 a.m. to 5:00 p.m. each day; the car wash will be open 24 hours a day. The drying and vacuuming area will be to the front of the property. The applicant stated he would place signs on the fence to remind patrons to use the front of the property for drying and polishing their cars away from the residence.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) to operate a car wash in a CS District, as presented, per plot plan submitted, subject to trash being picked up each day, with reminder signs to urge people to dry, polish and vacuum their cars on the front of the lot, being placed on the back fence and an attendant on duty from 10:00 a.m. to 5:00 p.m. each day, on the following described property:

Lots 11 and 12, Block 1, Wakefield Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

10518

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 1207 - Duplex Dwellings) for permission to erect five duplexes, and a  
Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) of the frontage requirements on a dedicated street, and a

Variance (Section 430 - Bulk and Area Requirements in Residential Districts-Under the Provisions of Section 1670 - Variances) of the setback requirements at 1526 East 61st Street.

Presentation:

Don Fitzwater, 7968 East 59th Street South, presented a plot plan (Exhibit "G-1") and advised that the variances of frontage and setback requirements were requested to facilitate the freedom of design required. He also noted the applicant would bring water and sewer to an area that is currently without those facilities. The high cost of developing such utilities is unfeasible for serving a single-family residence thus presenting a hardship for the applicant. The duplexes will contain 2,400 sq. ft. each, 1,100 sq. ft. minimum per unit, with each unit to be comprised of at least 30% stone or masonry brick veneer. Mr. Fitzwater advised this was a flat piece of ground and the plan is to leave the existing house, with two duplexes facing 61st Street and the rest of the units would be toward the back of the lot forming a self contained unit providing a great deal of privacy.

Mr. Gardner advised that if the applicant can gain approval of the plat with the private street in the middle, the normal building setback would not be necessary and could be varied. The Variance, Section 207, would need approval since not all of the lots will have frontage on a dedicated street.

Mr. Fitzwater informed the Board that there were many other duplexes and high-intensity uses in the immediate area. He also stated he had a contract to purchase the property, contingent on the feasibility of development.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect five duplexes, and grant a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) of the frontage requirements on a dedicated street, subject to the applicant returning to the Board for approval of the specific plans and elevations, subject to the units being a minimum of 2,400 sq. ft. per unit and 1,100 sq. ft. per side, subject to a subdivision plat; and continued a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements to September 13, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, on the following described property:

Lot 2, Valley Center Addition to the City of Tulsa, Oklahoma.

Action Requested:

Appeal (Section 1650 - Appeals From the Building Inspector) from a decision of the Building Inspector for refusing to allow a mobile home to remain in an RS-1 District; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to allow a mobile home in an RS-1 District at 2005 South 1st Street, Broken Arrow.



Presentation:

Robert Bracken, 40 East 16th Street, representing the applicant, advised the mobile home is on a permanent foundation, has central heating and air-conditioning, plumbing and electrical connections. The mobile home has been located on the property since 1969. Mr. Bracken presented pictures (Exhibit "H-1") of the area and pointed out there are numerous other mobile homes in the area. He also advised the Board that a third family had been living in the mobile home the past month and they would be moving to Texas within the next month.

Reverend Clay, Pastor of Jesus International Outreach Church, P. O. Box 245, Broken Arrow, stated that the mobile home is being used as the Associate Pastor's residence. Church services are held on the property on Sunday morning and Wednesday evenings with approximately 50-55 people in attendance. Rev. Clay felt the objection to the use involved a third family which has been residing in the trailer the past month. He explained that this family has been rehabilitated and will be moving to Texas in the near future.

The Chair questioned if there was a need for an exception for church use on the property and Mr. Gardner advised it would be necessary. He advised that there were multiple questions with the application and if the Board required proof that the mobile home was in place prior to 1970 it would answer one of the existing questions. The property would need to be readvertised to include church and church-related use.

Mr. Bracken noted that the previous owner of the property had advised him that the home was placed on a permanent foundation on the property in June 1969 and the only way to remove the trailer would be to tear it apart.

Gerald Payne, Associate Pastor living in the home, stated the mobile home has tie down straps and the frame of the trailer is bolted to the foundation.

Protestants:

Larry Whittiker, 23817 East Cherokee Court, Broken Arrow, stated that this is a unique area due to the large lots. When Mr. Whittiker purchased his property last year, it was his understanding that the subject property would be used as a single-family residence; now, it is apparent that it is being used as a type of half-way house for youngsters who are being rehabilitated.

Carl Hamilton, 2019 South 1st Place, advised there are always youngsters in the yard and he objected to some of the remarks they make to his wife and daughter. Mr. Hamilton also felt the mobile home was being used as a half-way house.

Ralph Whittiker, 2014 South 1st Place, Broken Arrow, lives across the street from the mobile homes and advised he had no objections to the mobile home when the older man lived there; however, he objected to the use now due to the increase in traffic in the area.

10520 (continued)

A letter (Exhibit "H-2") of protest was exhibited from Harry and Laura Penntecost, 241 West Avenue, L Space D 19, Lancaster, California, protesting the mobile home on the property and the church use of the property.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case No. 10520 to July 19, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the applicant to submit evidence of the nonconforming use predating the ordinance and to submit a separate application for church use on the property.

10521

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-1 District located southwest of 148th Street and Sheridan Road.

Presentation:

Florence Pempiller, R. R. #2, 53-A, Bixby, Oklahoma, advised the mobile home has been on the property two months. Mrs. Pempiller stated she wanted to live away from the trailer court where it is more quiet and peaceful. There are no other mobile homes in the area. The mobile home is located beside the existing home on the property. She stated she is on the existing septic tank, but will have her own electric and gas system.

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-1 District, for a period of one year, removal bond required, on the following described property:

The S/2, NE/4, NE/4, SE/4, SE/4 of Section 15, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

10523

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Residential Districts - Section 720 - Accessory Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances) for permission to have living quarters above a dry cleaning business in a CH District at 2609 West 40th Place.

Presentation:

Mrs. Alvin Anglin, 2609 West 40th Place, presented a plot plan (Exhibit "I-1") and advised that the area is zoned heavy commercial, but there are residences to the back and the side of the property. The applicant

10523 (continued)

has owned the cleaners for 19 years and would like to build a 1,100 square foot apartment above the cleaners to provide housing and security for the owners. The addition will be built on the back half of the existing building, and will be constructed of slate gray aluminum siding (the existing building is red brick).

Mr. Thompson advised the applicant that he would like to see pictures of the area, of the cleaners as it exists, and have a clearer picture of the color scheme and how it will fit in with the existing building.

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case No. 10523 to July 5, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and requested the applicant return to the Board at that time with pictures of the area, pictures of the existing cleaners building and descriptions of the color scheme and how it will fit in with the surrounding buildings.

10525

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to operate a home occupation that will consist of the following: Music school and sale of sheet music; pianos, organs, and guitars. Also request for permission to have a sign at 5106 South Birmingham Place.

Presentation:

Mary Cottingham, 5106 South Birmingham Place, advised she had previously operated a music business in another city, had moved here to be near her son and would like to teach music in her home and also sell sheet music and musical instruments. Mrs. Cottingham stated she would instruct private lessons and most of the sales would come from the students.

Theodore Cottingham, 2521 East 57th Street, son of the applicant, advised that the exterior of the home would not be changed in any way; however, he requested the applicant be allowed to have a small advertising sign placed between the driveway and 51st Street. There is a two car garage and the driveway could accommodate two or three cars at one time. Mrs. Cottingham noted that she would be teaching piano, organ, voice, guitar and accordion from 12:00 noon to 6:00 p.m., six days a week, Monday through Saturday.

Protestant's Remarks: (30 present)

Jack McNulty, 5138 South Birmingham Place, presented petitions of protest (Exhibit "J-1") signed by over 100 area residents. Mr. McNulty stated that there have been three or four garage sales at the home in the past two or three months and the area has experienced traffic congestion. He noted that the traffic has been intense on Mrs. Cottingham's corner during the garage sales. He did not personally have objections to the private lessons in the home, but had strong objections against a commercial sales outlet being established in a residential neighborhood.

Cecil Frye, 5125 South Birmingham Place, advised the street is approximately 26' wide and therefore, if any cars are parked on the street it is very dangerous. He noted the residents of the area are very concerned with this traffic problem and the aforementioned garage sales had made them aware of the congestion that could occur with a retail sales business in the home. Mr. Frye also noted restrictions on commercial use in the Deed of Dedication of Lee Mack Park Addition.

Carl Morritz, 5223 South Birmingham Place, agreed with all the objections previously voiced and also expressed great concern with traffic congestion in the area.

Mrs. Purser stated the only thing she was in favor of was giving music lessons to one individual at one time, no retail sales, and questioned if the applicant could meet that condition. Mrs. Cottingham answered that she could, but did not want to.

Board member Lewis questioned if it would be possible to sell pianos from a sample in the house and have them delivered somewhere else. He stated he would have concerns about pianos being moved in and out of the house. Mrs. Cottingham informed him it would not be possible to sell instruments that way because the prospective purchaser would want to hear the tone of the specific instrument before buying it.

Mr. Wait stated he would not take exception to the sale of sheet music or books, however, he was opposed to retail sales of instruments of any kind.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a home occupation that will consist of the following: Music school and sale of sheet music, lessons for only two students at a time, 9:00 a.m. to 6:00 p.m., six days a week, no inventory of musical instruments, no sign, no retail sales except for sheet music and books to students, no employees other than members of the family living on the premises, parking in the driveway only, no deliveries, to run with this owner only, advertising in the yellow pages to be allowed; and denial of the balance of the application, on the following described property:

Lot 7, Block 1, Lee Mack Park Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to operate an automotive repair facility in a CS District located south and west of 41st Street and Harvard Avenue.

Presentation:

Bob Beason, representing the proposed purchasers and developers of the site, presented a rendering (Exhibit "K-1") of the proposed AAMCO Transmissions automotive repair shop. The subject property is adjacent to the service station with an additional lot that is behind the station. The additional lot will be used for parking at the present time. There is a minimal amount of noise with this work, all work will be done inside the building. There will be approximately 10-12 cars on the premises in a typical day, with a possibility of having as many as 30 cars on the site at one time.

Bud Barnes, one of the proposed owners of the property, advised that the building will be concrete block construction with a natural brown stone facade with rough cedar mansards on top which will contain the signs stating that it is an AAMCO Transmission Center. The building will contain six bays, five to handle regular size cars and one bay for larger trucks, etc. The standard lighted sign will be used on the Harvard entrance and a small unlighted sign will be used on the 41st Street entrance.

A vehicle which is inoperable will be stored back of the building behind a security fence; there will be a stockade fence around the perimeter of the property. Most of the transmission fluid, etc., will be stored underground and other items will be stored behind the security fence.

Mr. Barnes advised that he and Mr. Dunlap had an option to buy the property with the condition of obtaining an exception from the Board. A limited partnership will be formed with the two owners and the operator of the AAMCO Transmission Center on a very long-term lease - the operator will own a portion of the business.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) to operate an automotive repair facility in a CS District, subject to the applicant returning to the Board with more detailed plot plan, elevations, color scheme, materials, etc.; subject to an 8' screening fence on the west and south sides of the building in such manner as to form an enclosed storage area for vehicles; subject to the Harvard side of that opening being covered with a screening fence; no storage of any repair materials outside, or no vehicles stored outside other than in the storage area, except employees vehicles, or work to be completed within the work-day, on the following described tract:

Lots 2 and 3, Charles Teel Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts-Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 65' from the centerline of Harvard to permit a small photo finishing building southwest of 31st Street and Harvard Avenue.

10529 (continued)

Presentation:

Charles Atkinson, representing Donald Hopkins and Mellers Photo, advised the existing property area is 200'-250' on Harvard and 200' in depth, south of the Pay "N Pak building. The Company would like to locate the building in this area for better visibility from Harvard. This is not a permanent building, it will be on skids and can be easily moved. There will be wiring for lights and cash registers, but no plumbing will be installed. Mr. Atkinson presented a plot plan (Exhibit "L-1") and a picture (Exhibit "L-2") of a building similar to the proposed structure.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 65' from the centerline of Harvard to permit a small photo finishing building, per plot plan submitted, subject to a removal contract, on the following described property:

The S/2, S/2 of Block 1, Ranch Acres Addition to the City of Tulsa, Oklahoma.

10529 (2nd Part)

Action Requested:

Variance (Section 710 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 100' to 85' from the centerline of 61st Street to permit a small photo finishing building at the southwest corner of 61st Street and Lewis Avenue.

Presentation:

Mr. Atkinson advised that this was the same type of installation as described in the first part of the application.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 710 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 100' to 85' from the centerline of 61st Street to permit a small photo finishing building on the following described tract:

Resubdivision of Lot 1, Pecan Acres Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 310--Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use the property owned by Vianney School for Girls as a site for a new Catholic Parish known as St. Bernard's and will have a church and Catholic school and related activities at 4001 East 101st Street.

Presentation:

T. Austin Gavin, representing the Catholic Bishop of the Diocese of Tulsa, advised the institution located on the subject property has been closed and slightly more than nine acres of the property has been sold to the Bishop for a new parish of St. Bernard's. The gymnasium on the property will be converted into a church for the present time.

Leon Ragsdale, architect, presented a plot plan (Exhibit "M-1") and stated that the lower level of the gymnasium is presently being used for classrooms and administration; the upper level will be converted into a workshop center. There is sufficient parking space for the facility.

Protestants: None.

Interested Party:

Geraline Coldwell, 9904 South Quebec, president of the Woodlark Homeowner's Organization, stated she was representing the five homeowners adjacent to the subject property. These homeowners are in full support of the application. Mrs. Coldwell requested clarification for the word "school" in the application and also questioned what plans the Diocese had concerning a new church building.

Mr. Gavin advised that there were no plans, at this time, for building a school. The Diocese plans for using the gymnasium for church purposes would be a permanent arrangement.

Mr. Ragsdale noted that the intention for the school was for Sunday School and not for a regular school. There is consideration that they may want to build a church sometime in the future, depending on the growth of the congregation. There are no plans for the parking at this time, but they will be submitted when they are available.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use the property owned by Vianney School for Girls as a site for a new Catholic Parish known as St. Bernard's, subject to the dedication of the appropriate right-of-way on 101st Street in lieu of platting; approved as represented per plot plan submitted, Church, Sunday School and related activities permitted and subject to the submission of a parking plan, on the following described property:

Beginning at the SE corner of the SW/4 of Section 21, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma; thence

10530 (continued)

North 0°-08'-54" East along the East line of the SW/4 of Section 21, a distance of 815.00'; thence due West 412.11'; thence due South 15.00'; thence due West 73.59'; thence due South 800' to a point on the South line of Section 21; thence due East 483.59' to the point of beginning, and containing 9.043 acres, more or less.

10531

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District at 6003 North Osage Drive.

Presentation:

Clarence Barton, 1712 East 71st Street, advised he is the owner of the property. Mrs. Irmagene Braten is in the process of purchasing the property and would be living in the mobile home. There is existing house on the property which is in disrepair and will be torn down. There are no other mobile homes in the area.

Mrs. Braten advised the mobile home would be a permanent structure and she planned to add on to the mobile home in the future.

Protestant:

Jim Smock, representing his brother who owns the property to the west of the proposed trailer site, stated the land has been used as farm land. He expressed concern for the property values in the area. The Osage Expressway will be developed 600' west of the area and Mr. Smock felt development of the area, either as commercial or residential, will follow soon after.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-1 District, for one year, removal bond required, on the following described property:

The North 100' of the South 200' of the West 165' of the North 660' of Lot 8, Section 2, Township 20 North, Range 12 East, Tulsa County, Oklahoma.

10532

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District-Section 1208 - Multifamily Dwelling and Similar Uses) to permit apartments in an office district at the NW corner of 28th Street and Sheridan Road.



10532 (continued)

Presentation:

Harold Patrick, 7030 South Yale Avenue, Suite 109, represented the applicant and advised that this would be down-zoning in the area. The applicant proposes to build 20 two-story, one bedroom units in an area which is bounded by single-family on two sides, Eastwood Baptist Church property on another side. Mr. Patrick presented a plot plan (Exhibit "N-1") and pointed out that the units would be in keeping with the residential character of the neighborhood. They would be colonial style, built with used brick/white trim, composition weathered shingles and will blend in with the neighborhood. All units will be one bedroom, low-density, no families and have a reduced parking area.

Mr. Patrick pointed out that under the present zoning, the applicant would be allowed to cover 8,100 sq. ft., whereas the subject application will cover 6,100 sq. ft., or approximately 2,000 sq. ft., under total allowable amount of square footage. Forty parking spaces would be permitted; the application includes 32 spaces.

Protestants:

Jerry Hughes, 5941 East 28th Street, President of the Nathan Hale Neighborhood Association, expressed concern with the increased traffic in the area and drainage of surface water in the neighborhood. He questioned how garbage pickup could be accomplished and what the applicant planned for lighting in the complex.

Virginia Hubbard, 6235 East 28th Street, stated she was worried about erecting that many buildings on such a small area. She advised she would rather have an office building on the site.

Mrs. D. M. Jackson advised she lives on the north side of the subject property and the traffic is very congested in that area. She also was concerned with the drainage and advised the Board that there is an excess of water which comes down Sheridan Avenue from existing apartments to the north.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; "abstentions"; Smith "absent") to deny Case No. 10532.

10533

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for permission to remove the screening requirements where the purpose of the screening cannot be achieved at the NW corner of 15th Street and Cheyenne Avenue.

Presentation:

Charles Norman, representing Getty Marketing and Refining Company, presented pictures (Exhibit "O-1") and pointed out the irregular district boundaries in the area. The area is zoned RM-2 medium density, multifamily; however, a substantial number of single-family homes also remain in the area.

10533 (continued)

Mr. Norman stated the reason for the application was to remove the screening on one side of the parking lot on the basis that the purpose of the screening requirement cannot be accomplished in this particular location because of the zoning patterns in the area and the existence of all other parking lots in the area, none of which have a screening fence in place. Technically there may be some question if the screening requirement applies since there is not a common lot line, but an alley separating the lots.

Protestant:

Richard Conklin, 1524 South Cheyenne Avenue, stated he was a member of the District 7 Planning Team and felt that the application should not be approved. He didn't think there should be an exception for the screening on the basis that the other lots do not have screening. New families are moving back into the neighborhood and Mr. Conklin advised that he had been informed that this area is to be included in a historic preservation district.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "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 cannot be achieved, on the following described property:

Lots 13, 14, 15, 16, and the South 20' of Lot 17, Block 2,  
Carlton Place Addition to the City of Tulsa, Oklahoma.

10534

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to permit off-street parking in an R District; and an Exception (Section 1680 - Special Exceptions) to amend the Board's action in Case No. 4380, on June 10, 1964, to delete the requirements that the use of the property for off-street parking is subject to the construction of a 4½-foot masonry wall on Cheyenne Avenue and to delete the requirement that the property be properly policed after 8:00 p.m. southeast of 15th Street and Cheyenne Avenue.

Presentation:

Charles Norman, represented Getty Marketing and Refining Company, advised this property occupies the full one-half block behind Liberty Towers. The original Board of Adjustment approval for this property provided that a screening wall, 4½' high, be constructed along Cheyenne and that the lot be properly policed after 8:00 p.m. The wall was never built and the situation has existed for seven years. The property is across the street from office zoning, except for the south two lots. Mr. Norman advised he didn't feel the wall would serve an appropriate purpose. He further stated that if the complaint was based on the fact that at times there are people who park and drink beer on the lot or park there later at night, he felt the 4½-foot wall would be an invitation to use the lot and would create a more hazardous situation for any employee of the Company who might

10534 (continued)

be working late and then coming to the lot. Mr. Norman requested the Board amend the permission granted in 1964 by deleting the wall requirement on the Cheyenne side and allowing the lot to remain as it has the past seven years.

Protestant:

Richard Conklin, 1524 South Cheyenne Avenue, member of the District 7 Planning Team, noted that there is an adverse visual and aesthetic impact of parking lots on the District. Mr. Conklin noted that he would prefer a higher fence be erected along 16th Street and Cheyenne Avenue, but since the lot was installed in 1972 it would not fall under the screening of the 1975 Code. New families are moving back into this neighborhood and Mr. Conklin advised that he had been informed that this area is to be included in a historic preservation district. He urged that the Board deny the application.

Board Action:

On MOTION of LEWIS, the Board voted 3-1 (Lewis, Purser, Wait "aye"; Thompson "nay"; no "abstentions"; Smith "absent") to uphold the Appeal (Section 1650 - Appeals From the Building Inspector) from a decision of the Building Inspector for refusing to permit off-street parking in an R District; and to deny an Exception (Section 1680 - Special Exception) to amend the Board's action in Case No. 4380, on June 10, 1964, to modify the previous requirements (that the use of the property for off-street parking be subject to the construction of a 4½-foot masonry wall on Cheyenne Avenue and the requirement that the property be properly policed after 8:00 p.m.) accordingly; subject to a 4½-foot wall being constructed of material other than masonry with the applicant returning to the Board with plans for the wall prior to construction, and delete the requirement that the property be policed after 8:00 p.m., on the following described property:

Lots 1, 2, 3, 4, 5, and 6, Block 1, Stonebraker Heights Addition to the City of Tulsa, Oklahoma.

10538

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 35' to 10' in an RS-1 District located northeast of 105th Street and Louisville Avenue.

Presentation:

Roy Hinkle, 7030 South Yale Avenue, Suite 600, presented a plat of survey (Exhibit "P-1") and advised he had purchased this tract of land sometime ago with the intentions of building his home on the west with friends building to the east with a park area in the middle. Two tracts of land have been sold at this time. Mr. Hinkle stated he had installed water lines on the property, sold one of the lots, the house plans were drawn up and then it was discovered there was a 35' setback line. This setback would place the house 60' from the street and in a clearing where there are no trees. Mr. Hinkle met with the neighbors and they did not object to the plans. The location of the water lines and a peculiar vegetation pattern cause a hardship on the property.

10538 (continued)

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 35' to 10' in an RS-1 District on the following described property:

The S/2, E/2, of the East 330' of the West 601.8' of the N/2, S/2, of the SE/4, NW/4 of Section 28, Township 18 North, Range 13 East, Tulsa County, Oklahoma, LESS the South 25' thereof.

OTHER BUSINESS:

Case No. 9613:

The Staff advised the applicant had requested a continuance to July 5, 1979.

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case No. 9613 to July 5, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Clarification of Minutes in Case No. 10365:

Mr. Jones advised that the Board approved a Variance of the corner lots from 25' to 15'; however the Minutes did not reflect all the lots which were approved.

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to direct that the Minutes be clarified to reflect the specific lots as listed (Exhibit "Q-1").

Communication Concerning Case No. 10358:

The Staff advised this application involved a plumbing shop which the Board denied and allowed the applicant 120 days to cease operating. The man has now made application for rezoning and needs an additional 120 days in order to move his plumbing company. A letter (Exhibit "R-1") of request from the applicant was exhibited.

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an additional 60 days of operation at the present location.

Board Policies:

Alan Jackere, Legal Department, advised the Board that he opposed the Board's Policy that an applicant could not return with the same application within a six month period. He felt however, the Staff should advise the applicant, before filing the application, that if the application is the same and the facts and circumstances surrounding the application have not changed, the Board will most likely deny the application again.

If the applicant desires to file the application under those circumstances, the Board, rather than hear the entire case again, should endeavor to ask specific questions as to what facts make this application different than the one submitted previously.

Board Policies: (continued)

The Board discussed the matter, but no action was taken.

There being no further business, the Chair adjourned the meeting at 8:05 p.m.

Date Approved

August 2, 1979

Walter J. Purser  
Chairman