

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 291
Thursday, August 2, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Purser, Chairman Wait	Smith Thompson	Alberty Howell Jones	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 Wednesday, August 1, 1979, at 8:20 a.m., as well as in the Reception Area of the TMAPC Offices.

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

MINUTES:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve the Minutes of June 21, 1979 (No. 288) and July 5, 1979 (No. 289).

MINOR VARIANCES AND EXCEPTIONS:

10548

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area requirements in an AG District to permit a lot-split north-east of 146th Street North and Highway #169.

Presentation:

The Staff advised that the applicant had requested a continuance to allow time to work out some problems with the application.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith Thompson "absent") to continue Case No. 10548 to August 30, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10605

Action Requested:

Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 36' from the centerline of 11th Street to permit a pole sign at 5101 East 11th Street.

10605 (continued)

Presentation:

Padid Neon, 4657-C South 83rd East Avenue, advised there are two existing poles on which the owner proposes to place two ready-made signs. The poles are 36' from the centerline of the street and the signs will be 3' x 6'.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 36' from the centerline of 11th Street to permit a pole sign, subject to a removal contract, on the following described tract:

Lot 7, Block 29, White City Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

10612

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 4' in an RS-3 District at 3525 South Toledo.

Presentation:

The applicant was not present. The Staff submitted a plot plan (Exhibit "A-1").

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 4' in an RS-3 District, per plot plan submitted on the following described tract:

Lot 2, Block 4, King Addition to the City of Tulsa, Oklahoma.

10613

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630 - Minor Variances) of the area requirements in an RM-1 District to permit a lot-split at 437 & 439 South 53rd West Avenue.

10613 (continued)

Presentation:

Mr. Jones advised that the Planning Commission has approved the lot-split on July 11, 1979, subject to Board of Adjustment approval.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630 - Minor Variances) of the area requirements in an RM-1 District to permit a lot-split on the following described tract:

The S/2 of the W/2 of Lot 4, Block 2, Smith's Subdivision in the City and County of Tulsa, Oklahoma.

10615

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 in an AG District from 300' to 220' at 12601 East 119th Street South.

Presentation: None.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District from 300' to 220', on the following described property:

The East 220' of the West 440' of the North 630' of the S/2 of the NE/4 of the SE/4 of Section 32, Township 18 North, Range 14 East of the Indian Base & Meridian, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

10463

Action Requested:

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

Presentation:

The applicant requested a continuance to August 16, 1979.

Protestants: None.

10463 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to continue Case No. 10463 to August 16, 1979, 1:30 p.m., Langenheim Auditorium City Hall, Tulsa Civic Center.

10568

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) for permission to erect five duplexes in an RS-3 District located N. & E. of 19th Street and 79th East Avenue.

Presentation:

Franklin Perry, 11541 East 27th Court, advised that he proposes to build four, two-bedroom, 1,444 sq. ft. duplexes. The outside of the duplexes will be brick veneer. Mr. Perry stated that an engineering firm had been retained, but he did not have a plot plan at this time.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to continue Case No. 10568 to August 16, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the applicant time to have a plot plan prepared.

10571

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) 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 655 South 156th East Avenue.

Presentation:

Jack Robertson, R. R. #1, Box 309, advised he owns 32 acres and would like to place a mobile home on the property to live in while his new home is under construction. The variance of the five-acre minimum is needed since there are different titles on the subject property. The only other people living on the 32-acre tract are relatives. There is one other mobile home approximately one-half mile away.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements

10571 (continued)

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 three years, on the following described tract:

A tract of land in the W/2 of the SE/4 of Section 3, Township 19 North, Range 14 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the North-east corner of said W/2, SE/4, Section 3; thence South 00°-03'-02" East a distance of 390.0'; thence North 89°-58'-00" West a distance of 439.92'; thence North 00°-03'-46" West a distance of 390.0'; thence South 89°-58'-00" East a distance of 440.0' to point of beginning, and containing 32 acres, more or less; subject to 30.0-foot easement for street along North side and 25.0-foot easement along West side for street.

10572

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit new car sales and services in a CS District at 5105 South 95th East Avenue.

Presentation:

Donald Walker, 8222 South Marion Avenue, partner of the applicant, stated they are developers of a small subdivision at the corner of 51st and Mingo. The applicant's would like to use one lot for automotive sales and services. The applicants own all the surrounding land except to the north which is undeveloped property.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit a new car sales and services in a CS District, on the following described property:

Lot 7, Block 1, 51st and Mingo Commercial Center Addition
to the City of Tulsa, Oklahoma.

10580

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) for a modification to remove the screening requirement where existing physical features provide visual separation of uses; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 100' to 60' from the centerline of Utica Avenue; and request for a variance of the east property line to permit building 10' of any alley at 431 South Utica Avenue.

10580 (continued)

Presentation:

The applicant requested a continuance to August 16, 1979.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to continue Case No. 10580 to August 16, 1979, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center.

10576

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church purposes and related uses at 2005 South 1st Place, Broken Arrow.

Presentation:

Casper Jones advised that Board member Smith had checked with the Broken Arrow Police Department, since the last meeting, and found that they had no complaints or problems concerning the Jesus Outreach International; however, the applicants have had problems with the Health Department which are being worked out at this time.

Robert Bracken, 40 East 16th Street, representing Jesus Outreach International, presented a communication from the Internal Revenue Service (Exhibit "B-1") recognizing the organization as exempt from Federal Income Tax. Mr. Bracken advised that Jesus Outreach International has been incorporated in the State of Oklahoma, as an exempt, non-profit corporation, for the period of approximately one year. Formal Church services will be held on Sunday morning and Wednesday evening, with various other meetings throughout the week for related church activities. There are two separate and independent septic tank systems on the property and work is currently being done to correct a problem with the one system.

Protestants:

Dale Savage, 324 South Main, Suite 600, representing Mr. Whittiker, who lives across the street from the subject property, stated that noise was a problem. Mr. Whittiker also felt there are other activities on the property that are not church-related. Mr. Savage requested a continuance in order to study the Case further. He asked that, if the use was allowed, the applicant be required to erect a privacy fence across the front of the property.

Board member Lewis, stated that this was the third time the applicants had been before the Board and as yet, the Board has not been apprized of any significant facts of concern to the protestants. Mr. Lewis noted that the protestants seemed mostly concerned that a half-way house was operating on the property; however, the applicant, at the last meeting, assured the Board that this was not the case. The people observed on the property were relatives or friends who were visiting for short intervals.

Alan Jackere advised that according to the Zoning Ordinance, it is mandatory that the Board take action on the Case within 90 days.

In regard to the privacy fence on the front of the subject property, Mr. Bracken stated there is a large, existing hedge across the front and he felt an additional privacy fence would not serve any purpose.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church purposes and related uses, subject to approval by the Health Department concerning the septic tank problems, any church services conducted on the premises be conducted inside the building, with the understanding that the Church use does not include the use of the property for such things as a half-way house or shelter, to run with this owner only, on the following described property:

The S/2, N/2, S/2, NW/4, NE/4 of Section 23, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to continue operating a bicycle shop in an RS-3 District (sales and repair) at 3906 East 51st Street.

Presentation:

Robert Tips, Mid-Continent Building, representing Fay's Bicycle Shop, advised that the first application, for a bicycle shop on the subject property, was granted in 1965, for a period of one year. In 1972, the Board denied an application to continue operating the shop, on the basis that the Board had no jurisdiction in the matter; the case was appealed to the District Court. The case is still pending in the District Court. In the interim, however, a similar case was heard in the Supreme Court, which determined that the Board of Adjustment had the power to grant use variances. Mr. Tips presented a plot plan (Exhibit "C-1") and a sketch plan (Exhibit "C-2") and advised that a concrete block building with concrete floor and an adjacent metal building were currently being utilized on the subject tract. The applicant purposes to construct a concrete block addition and eliminate the metal building. Additionally, a 4" concrete driving surface for approximately 40' will be provided on the front side of the building and a parking lot with 6" concrete driving surface will be added. The existing parking is gravel. Mr. Tips stated that the applicant would comply with the restrictions concerning curb cuts in the area.

10536 (continued)

Arley Snow, owner of Fay's Bicycle Shop, advised that the building will be painted brown concrete with a glass front; the roof will be covered with wood shake shingles. The subject tract is surrounded with office use, a former service station, now being used for used car sales, a vacant lot and an apartment complex. Mr. Snow stated that there is a screening fence between the bicycle shop and the residential area to the south. The hardship for the applicant is that the narrow width of the lot makes it impractical for office use and development.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to continue operating a bicycle shop in an RS-3 District (sales and repair), per plot plan submitted, no additional ground signs be permitted, to run with this owner or corporation owned by this owner only, on the following described tract:

Beginning 430' West and 50' South of the NE corner of the NE/4, NW/4; thence South 140'; thence West 80.668' to the point of beginning in Section 33, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

10589

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 216 Walnut Avenue, Sand Springs.

Presentation:

Erwin Phillips, P. O. Box 278, Sand Springs, stated the application was made on behalf of Roy Davis, guardian of Floyd Matheson, who resides on the property. Mr. Matheson, a disabled World War II veteran, has resided on the subject property since 1946. The residence is now in a state of disrepair and the applicant proposes to remove the house and place a mobile home on the property.

Roy Davis, 105 Willow Street, Sand Springs, advised that there are many mobile homes on the west side of Sand Springs; most of the neighborhood consists of small rent houses. Mr. Matheson lives by himself and is able to walk to the grocery store at 4th & Cleveland. Mr. Matheson has some animals on the property which will not be replaced as they expire.

Protestants:

Marvin Hall, 300 Walnut Street, adjacent to the subject tract, stated that there is no rental property in the block. Mr. Hall advised there are seven tin buildings on the subject property. He stated that there are three ponies and several dogs on the lot. The protestant felt that the runoff across his property was caused by the buildings on the applicant's property. According to Mr. Hall, the property is an

10589 (continued)

"eye-sore". He stated he would not object to a mobile home if the property was cleaned up and some of the existing buildings removed.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-2 District, to run with this owner only, subject to the existing dwelling being razed before the mobile home is placed on the property, for a period of one year, removal bond required on the following described property:

Lot 1, Block 5, Hall's First Addition to the City of Sand Springs, Oklahoma.

Additional Comments:

Mr. Lewis noted that he would be concerned if the applicant returned to the Board at the end of the year, for additional permission, and it was learned the same type of problems concerning the care of the property, still existed.

10594

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) for permission to maintain a mobile home in an RS-1 District at 4850 West 28th Street.

Presentation:

The applicant was not present. The Staff advised that this application had been approved three times previously.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) to maintain a mobile home in an RS-1 District, for a period of one year, removal bond required, on the following described property:

Part of the N/2 of the N/2 of the SW/4 of the SW/4 of Section 16, Township 19 North, Range 12 East, Tulsa County, Oklahoma; described as beginning at a point 450' East and 25' South of the NW corner; thence East 200'; thence South 305'; thence West 200'; thence North 305' to the point of beginning.

10595

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to operate Ceramic Classes in an RS-3 District at 1347 North Union Avenue.

10595 (continued)

Presentation:

Virginia Laster, 512 West E Street, Jenks, advised the property had been purchased to house the Ceramic Classes; no one lives on the property. There are approximately 10 people in each class. The applicant presented pictures (Exhibit "D-1") of the subject property and advised the Board there is a gravel parking area to the rear of the existing building. Mrs. Laster presented the plot plan (Exhibit "D-2") and advised the property had been used for Ceramic Classes the past five years.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to operate Ceramic Classes in an RS-3 District, subject to the classes being held two days a week, Tuesday morning (9:00 a.m. till 2:00 p.m.), Tuesday evening (7:00 p.m. till 9:00 p.m.), Thursday morning (9:00 a.m. till 2:00 p.m.), Thursday evening (7:00 p.m. till 9:00 p.m.); no charge for the classes, sale of supplies or merchandise limited to students attending the classes, no late hours or loud, boisterous noises, off-street parking be provided, the building and lawn to be maintained and kept in good repair, to run with these owners only, and that the size of classes not exceed ten people at any one time, on the following described tract:

The North 50' of Lot 1, Block 5, Lombard Subdivision to Osage County, Oklahoma.

10597

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to maintain a mobile home in an RS-3 District at 1007 Valley Drive, Sand Springs.

Presentation:

Raymond Adams, 1007 Valley Drive, Sand Springs, stated he placed a mobile home on the property, before learning of the need for Board approval. The mobile home is to house his mother-in-law, who is elderly and in ill health. Mr. Adams advised that the mobile home is a 1969 model and is placed beside his home. There is a separate septic tank for the mobile home and there is an existing hedge on the property. The applicant stated he is looking for a small house to remodel for his mother-in-law.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to maintain a mobile home in an RS-2 District, for a period of one year, removal bond required, on the following described property:

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10597 (continued)

Lot 28, Block 24, Charles Page Home Acres No. 4, to the City of Sand Springs, Oklahoma.

10598

Action Requested:

Variance (Section 240.1 (d) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 sq. ft. to 1,233 sq. ft., at 6785 East 24th Street.

Presentation:

E. L. Kelly, 6785 East 25th Street, presented a plot plan (Exhibit "E-1") and advised he would like to build a cement block building to be used for storage. The existing garage has been remodeled into a bedroom for the mother-in-law and, therefore, the storage space has been eliminated. The proposed building will house the garden tractors and equipment, a boat and possibly a motor home. There are many large buildings in the area and the proposed 1,233 sq. ft. building will not be unusual. The applicant does not plan to conduct any type of business in the building. Mr. Kelly presented letters (Exhibit "E-2") of support from area residents. Four neighbors, who do not object to the application, were present. There is an existing building on the property and with the addition of the proposed building there will be a total of 1,733 sq. ft. of storage space.

The Staff advised that the Ordinance prior to amendment read: 20% of coverage, and the subject property involves 1 1/4 acres; therefore, 20% of the lot would be in excess of the square footage requested by the applicant.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 240.1 (d) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 sq. ft. to 1,233 sq. ft., per plot plan submitted, subject to the uses as explained by the applicant, the applicant to file an affidavit, with the County Clerk's Office, stating that the accessory building on the property is only allowed for accessory uses to the dwelling and not for business purposes, on the following described property:

Lot 7, Block 2, Johanson Acres Addition to the City of Tulsa, Oklahoma.

10599

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 North and Highway #11.

10599 (continued)

Presentation:

Barry Walker, R. R. #2, Box #81-W, Skiatook, advised that he had purchased 5½ acres from his in-laws and moved a 28' x 74' double-wide mobile home on the subject property before he learned that a permit was needed. Mr. Walker is living in the mobile home at this time.

Protestants: None.

Board Action:

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

The S/2, SE/4, NE/4, SE/4 of Section 2, Township 21 North, Range 12 East, Tulsa County, Oklahoma.

10600

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to permit a machine shop in a CG District located at the SW corner of Pine Street and Garnett Road.

Presentation:

Don Copeland, 11718 East 1st Street, advised he is purchasing this property and that there is light industry surrounding the area.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to permit a machine shop in a CG District, on the following described property:

The East 307' of Lot 1, Block 1, Lakeside Gardens Addition to the City of Tulsa, Oklahoma.

10601

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 1553 East 73rd Street North.

Presentation:

Edward Watts, 1553 East 73rd Street North, advised that he had purchased a mobile home which he plans to move to the country later.

10601 (continued)

The applicant stated that the mobile home is still on wheels and he would like to place the mobile home on his brother's property for the next five years. The applicant's brother owns two lots and lives on the property. There are other mobile homes in the area. Mr. Watts plans to paint and fix up his mobile home which he purchased for \$2,000.

Protestant:

E. B. Luper, 1524 East 73rd Street North, advised that he had worked all his life to try to develop his property. Mr. Luper stated he owns several properties in the area and he was opposed to the mobile home. His objection to the mobile home was due to concern that it would lower property values in the area. Mr. Luper had received notice of the Board hearing, but he felt there were others in the area that had not been properly notified.

The Staff advised that four notices had been mailed. The applicant stated he had obtained the addresses from residents within 300' of the mobile home. He was advised that the notice should go to all the property owners who live within 300' of the property line.

Further Discussion:

Frank Watts, brother of the applicant, questioned if Mr. Luper did live across the street from his property. Mr. Watts advised the weeds on the property, owned by Mr. Luper, were very thick and high. Mr. Watts stated that his brother plans to paint his mobile home, put up new doors, and it would look as good as any other mobile home in the area.

The Board advised they would not be able to handle the Case since sufficient legal notice had not been given.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to continue Case No. 10601 to August 16, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, instructing the applicant to provide the Staff with names and addresses of the property owners for notification of the August 16th meeting.

10602

Action Requested:

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 fruit and vegetable stand in an RS-3 District at 11305 East 17th Street.

Presentation:

Esther Demott, 11305 East 17th Street, described the fruit stand as a table covered with fruits and vegetables. Mrs. Demott stated she had obtained a temporary 30-day license to sell the merchandise to people in the neighborhood. The fruit and vegetable stand was initiated to benefit and provide money for school clothes for a 12 year old daughter. Business was so great at times that the parents also worked in the stand. The business venture is located on a corner lot and there is ample parking.

10602 (continued)

The Demott's also operate a fruit and vegetable stand at the corner of 21st Street and Sheridan Road.

Protestants:

Mrs. John Buthod, 11325 East 16th Street South, advised there are only two entrances into the Addition from Garnett Road, one of which is at the Demott corner. Mrs. Buthod stated she had seen the applicants throwing garbage into the ditch which runs along Garnett Road. The protestant noted the traffic congestion in the area and stated there was no off-street parking for the business; therefore, customers parked along the street creating a traffic hazard.

Earline Rhoades, 11315 East 16th Street, agreed with the objections voiced by Mrs. Buthod and noted that the traffic was a problem with entry onto Garnett, cited as almost impossible and very hazardous, with cars parked on the street near the corner. Mrs. Rhoades also stated that she felt the stand was an "sye-sore" in the neighborhood.

Interested Party:

Phyllis DeWitt, 11417 East 17th Street, presented a letter (Exhibit "F-1") in support of the application and stated that the fruit stand imparts a sense of community and provides a needed and wanted service to the neighborhood. Mrs. DeWitt noted that 17th and Garnett Road is a busy intersection; however, the stand, operated from noon until dusk, did not interfere with the traffic since the bulk of the traffic is entering the neighborhood, not exiting during those hours. She also stated that the fruit stand cannot be viewed as solely a commercial venture, but as an exercise of a fundamental personal right of choice to use property to its best advantage on behalf of family members.

Discussion:

The applicant advised the Board that the business grossed \$200 per day of which 10% was earned by the daughter.

Chairman Purser stated she felt the operation was too large for a residential neighborhood. Mr. Lewis was opposed to the fruit stand due to its location so near such a busy intersection.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to 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 fruit and vegetable stand in an RS-3 District, on the following described property:

Lot 29, Block 3, Cherokee Village Addition to the City of Tulsa, Oklahoma.

10603

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services) to operate an office supply retail sales and services in an IM District at 1740 East 6th Street.

Presentation:

Harry Bennett, 321 East 4th Street, representing the applicant, advised that the property had previously been used as a plumbing supply business. The applicant proposes to use the property as an office supply store. This will not be a walk-in type business, instead the sales will be made by phone and products delivered to the businesses. Less than 1% of the total gross will be made up of walk-in customers.

Due to the small number of walk-in sales, the Board determined that this use would be a Use Unit 15 and the exception would not be required.

Protestants: None.

Board Action:

The Chair, without objection, dismissed the application and directed the Staff to refund the filing fee to the applicant.

10604

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements as per plot plan to permit an addition to the present dwelling at 208 East Reading Street.

Presentation:

The applicant was not present. The Staff presented a plot plan (Exhibit "G-1") and stated the applicant was enclosing a porch on an existing structure.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements as per plot plan to permit an addition to the present dwelling, on the following described property:

Lot 7, Block 4, Dickason-Goodman Addition to the City of Tulsa, Oklahoma.

10607

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to locate a mobile home in an RS-3 District located south and east of 57th West Avenue and 3rd Street.

Presentation:

James Hobson, 333 South 57th West Avenue, advised that he had put in an approved septic tank. Mr. Hobson has planted fruit trees and maintained a garden on the property. In the future, the applicant would like to move to Keystone, but is not financially able at the present time.

Protestants: None.

Board Action:

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

Beginning at the SW corner of Lot 3, Block 2, Mayfair Third Addition to the City of Tulsa, Oklahoma; thence South 236'; East 56.25'; North 255.26'; thence Southwesterly 60' to the point of beginning.

10608

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 24' at 3460 East 76th Street.

Presentation:

Larry Hartweg, 2317 North Newton Court, presented a plot plan (Exhibit "H-1") and advised the Board the property was located on the corner of a cul-de-sac. The variance was requested in order to preserve a large oak tree and also due to the fact that the tract was on a very steep hill with an elevation change from 98' to 120'.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 30' to 24', on the following described property:

Lot 35, Block 2, Denwood Estates Addition to the City of Tulsa, Oklahoma.

10609

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to place a mobile home in an RS-1 District at 4900 South 57th West Avenue.

Presentation:

Colleen Martin, 3712 South 109th East Avenue, stated there is an old house on the subject property and she planned to use the frame and reconstruct the house. The trailer is needed for housing until the work can be completed on the house.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to place a mobile home in an RS-1 District, for a period of one year, removal bond required, on the following described property:

Lots 3 and 4, Block 2, Bridges Heights Addition to the City of Tulsa, Oklahoma.

10610

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home beauty shop in an RS-2 District at 2303 South Yale Avenue.

Presentation:

Mrs. Paul Klaus, 2303 South Yale Avenue, advised that she now has a beauty shop in a shopping center and would like to move the business to her home so it will be easier to care for her six children. Mrs. Klaus plans to work 5 days a week, from 9:00 a.m. to 5:00 p.m. There is a double car driveway which affords room for three cars to park in addition to her own automobile. There has been a home occupation, an office, at this location in the past.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-2 District, with the hours of operation to be between the hours of 9:00 a.m. and 5:00 p.m., five days a week (excluding Sunday), no more than two patrons at one time, to run with this owner only, with parking in the driveway only, on the following described property:

Lot 1, Block 1, Gracemont Second Addition to the City of Tulsa, Oklahoma.

8.2.79:291(17)

10611

Action Requested:

Variance (Section 420.2 (d) - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) of the sign requirements from 12 square feet to 72 square feet at 6160 South Lewis Avenue.

Presentation:

Robert Fretwell, 2146 East 55th Place, Chairman of the Trustees of Southern Hills United Methodist Church, advised the Church would like to replace an old sign on the subject property. The new, internally lighted sign will replace the 4' x 7', wooden frame existing sign. Mr. Fretwell did not know the exact size of the new sign.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 420.2 (d) - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) of the sign requirements from 12 sq. ft. to 72 sq. ft., on the following described tract:

A tract of land lying in Lots 21 and 22, Pecan Acres Addition to the City of Tulsa, Oklahoma.

10614

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Mobile Homes) for permission to locate a mobile home in an RS-1 District located 1/4 mile West of 151st Street South and Sheridan Road.

Presentation:

Larry Stallsworth, Box 301, Kellyville, advised he is a school teacher and recently signed a contract with the Bixby Schools. Mr. Stallsworth proposes to move his mobile home to 1 1/4 acres of land which he is purchasing. There are other mobile homes in the area.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Mobile Homes) to locate a mobile home in an RS-1 District, for a period of one year, subject to a removal bond on the following described tract:

The W/2 of the SW/4 of the SW/4 of the SE/4 of the SE/4 in Section 15, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

10616

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) for permission to sell firewood on a seasonal basis in an RS-2 District at 2393 South 129th East Avenue.

Presentation:

James Hodges, 501 North Lincoln, Sand Springs, advised that the subject property is now occupied with an abandoned house and shed and is overgrown with weeds. Mr. Hodges presented a plot plan (Exhibit "I-1") and stated that one of the provisions of his lease was that he clean up the property and keep the weeds down on the entire tract even though he proposes to use just the front 75' of the subject property.

The applicant plans to move in a metal building to use for an office and will use part of the property for parking. The firewood will be transported to the area by a flatbed truck and stacked on the remaining portion of the property. Mr. Hodges prefers this location due to the new houses and apartments in the area which will create a need for firewood.

Protestant:

Jack Lewis, 2429 South 129th East Avenue, objected to having a firewood lot next to his property. He stated that he would not mind having an office next door, but did not want firewood stored there.

Discussion:

The Board was advised by Mr. Alberty that if the property was zoned commercial or industrial, outside storage of materials would not be permitted on the property since outside storage is not permitted within 300' from R Districts. Therefore, the Board is asked to approve an exception in a residential area that would not be permitted if the property were commercially zoned.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to sell firewood on a seasonal basis in an RS-2 District, on the following described property:

West 300' of the W/2 of the NW/4 of the SW/4 of the NW/4 and the West 150' of the South 56.5' of the North 640' of the West 300' of the W/2 of the NW/4 of the SW/4 of the NW/4 in Section 16, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

10617

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 101st Street, between Highway #75 South and 33rd West Avenue.

8.2.79:291(19)

10617 (continued)

Presentation:

Leo Chism, 4639 South 30th West Avenue, stated he is retired and would like to move onto some acreage which he owns. The property floods occasionally and Mr. Chism advised he had talked with a contractor about building a mound which would take care of the problem. The trailer will be double-wide and will be tied down.

Protestants: None.

Board Action:

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

Beginning 1,516' East of the NW corner of the NW/4; thence East 118.9' to the NE corner of the NW/4 South 270' to the centerline of Polecat Creek; thence along the centerline of the Creek to a point 1,516' East and 628' South of the NW corner of the NE/4; thence North 628' to the point of beginning in Section 27, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

10618

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Mobile Homes) for permission to locate a mobile home in an RS-3 District at 3721 West 6th Place.

Presentation:

Howard Freemyer, 3107 East 4th Place, advised that he is responsible for the care of an 85 year old uncle. Mr. Freemyer's uncle has lived in a mobile home for most of his life; at this point, he needs constant supervision. The applicant presented affidavits (Exhibit "J-1") from all of his neighbors, stating they have no objections to the mobile home. The mobile home will be located behind the church and will be visible from the street only down the driveway, between the church and the parsonage. Mr. Freemyer plans to move into the parsonage.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described property:

Lot 4, Block 2, Exchange Addition to the City of Tulsa, Oklahoma.

10619

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) for modification of the screening requirement where an alternative screening will provide visual separation of uses at 1338 East 55th St.

Presentation:

Dan Beller, Pastor, Evangelistic Temple, advised that the Board had approved the lots for off-street parking and had required a 6' screening fence along the street. The residents across the street do not approve of the 6' fence since it obstructs their view. The neighbors have suggested the fence be cut down to 3' high and have volunteered to help with the cost of cutting the fence to a shorter height. Rev. Beller presented a plot plan (Exhibit "K-1").

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) for modification of the screening requirements where an alternative screening will provide visual separation of uses, per amended plot plan, being the same as the original plot plan except for reducing the 6' fence to a 3' fence, as marked on the plot plan, on the following described property:

Lot 6, Block 6, J. E. Nichols Subdivision, an addition to the City of Tulsa, Oklahoma.

10620

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 10' to 3' in an RM-2 District at 13th Street and Lawton Avenue.

Presentation:

Jack Seay, 815 Riverside Drive, presented a plot plan (Exhibit "L-1") and advised that he proposed to build a house on the small, triangular-shaped tract of ground. The property is adjacent to the Broken Arrow Expressway.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 10' to 3' in an RM-2 District, per plot plan submitted, on the following described property:

Part of Lot 5, beginning at the SE corner; thence North 50'; thence Southwest 107.72'; thence East 90' to the beginning of Block 6, being part of Lot 5, Block 6, Norvell Park Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Request to Substitute a Plot Plan Case #10448:

Bob Brase, architect, advised that the only changes that were made to the plot plan (Exhibit "M-1") were in an effort to preserve some existing trees. There will be the same number of units as originally approved.

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve the amended plot plan for Case #10448.

There being no further business, the Chair adjourned the meeting at 6:00 p.m.

Date Approved

August 30, 1979



Chairman