

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 292
Thursday, August 16, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman Smith Thompson Wait	Lewis	Gardner Howell Jones	Jackere, Legal Department Miller, Building Insp. Office

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, August 14, 1979, at 11:25 a.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.

MINUTES:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the Minutes of July 19, 1979 (No. 290).

Amendment to the Minutes on Case No. 10269:

The Minutes of January 4, 1979, reflected approval of the variance of the setback requirements on the east and west per notice, this notice technically should have included the north and south boundaries. The Board also waived the screening requirements on the east, west and north boundaries. The notice did not specify which boundaries the screening was to be waived, but was a general notice of intent to waive required screening.

Bob Gardner advised that 21 notices has been mailed to the area residents and there were no protests at the meeting when the case was heard in January. He advised that he felt the notice was sufficient to include the north and south boundaries in the Minutes as approved by the Board even though the notice did not specify the north and south boundaries. This request is more a concern of the City which is requested by the Board and Technical Staff. Members of the Board agreed the general notice that was given originally was sufficient to cover the approval of the setbacks on the north and south as requested by the applicant.

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Smith, Thompson "aye"; no "nays"; no "abstentions"; to amend the Minutes to reflect the waiver of the screening requirements on the east, west and north and approval of the setback on the east, west, north and south (57 $\frac{1}{2}$ ' from the centerline of 6th Street) per plot plan submitted.

MINOR VARIANCES AND EXCEPTIONS:

10625

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 at West 81st Street and Elwood Avenue.

Presentation:

The Staff advised that the Planning Commission approved the lot-split on August 1, 1979, subject to Board of Adjustment approval.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a 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 (L-14576), on the following described tract:

The East 269.65' of the West 539.5' of the East 1,013' of the North 436' of the NE/4 of Section 14, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma.

10633

Action Requested:

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-1 District at 12315 East 137th Street South.

Presentation:

A plot plan (Exhibit "A-1") was submitted to the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to 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-1 District, per plot plan submitted, on the following described tract:

Lots 7 and 8, Block 3, Hickory Hills 3rd Addition to the County of Tulsa, Oklahoma.

10635

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for permission to add onto an existing structure, which will require a side yard setback at 2543 East Marshall Street.

Presentation:

Cynthia Rogers, 2543 East Marshall Street, advised she would like to construct an addition to her house. The addition will not be any closer to the lot line than the existing house, which encroaches less than 1-foot into the required 5' side yard.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to add onto an existing structure, which requires a 1-foot variance of the 5' side yard setback, on the following described tract:

The East 45' of Lot 17, Block 1, Sequoyah Place to the City of Tulsa, Oklahoma.

10637

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the frontage requirements in an AG District located west of the northwest corner of Highway #97 and Chandler Drive.

Presentation:

Mr. Jones advised that the Sand Springs Planning Commission had approved the lot-split on the property, July 17, 1979, subject to the approval of the Board of Adjustment.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the frontage requirements in an AG District to permit a lot-split, on the following described tract:

Beginning at a point 181' West of the SE corner of the SW/4 of the NW/4 of Section 35; thence West along the South line of said Quarter Section 75'; thence North 185'; thence East 75'; thence South 185' to the point of beginning, less and except the South 15' in Section 35, Township 20 North, Range 11 East, Sand Springs, Oklahoma, Osage County, Oklahoma.

8.16.79:292(3)

10641

Action Requested:

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 RM-1 District at 2414 South Phoenix.

Presentation:

James Campbell, Jr., 1308 South Houston, advised that he would like to build a duplex across the lot line. Mr. Campbell stated that his duplex would be frame with wood siding, a false rock trim, and will be of better quality than other duplexes in the neighborhood. A plot plan (Exhibit "B-1") of the proposed duplex was submitted.

Protestant:

Ken Cunningham, 317 East 38th Place, stated he was before the Board because he owns the subject property and felt there was some mistake in the address. The address and legal description were discussed and it was found the City had given Mr. Cunningham a wrong address many years ago and it had not been noticed until this time.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") 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 RM-1 District, per plans submitted, on the following described tract:

Lots 5, 6, and 7, Block 46, West Tulsa Addition to the City of Tulsa, 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 District at 129th East Avenue and 24th Street.

Presentation:

The Staff recommended continuing Case No. 10463 to allow time to complete the engineer's report on drainage.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 10463 to September 13, 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 four duplexes in an RS-3 District located north and east of 19th Street and 79th East Avenue.

Presentation:

Franklin Perry, 735 South 89th East Avenue, presented a plot plan (Exhibit "C-1") and advised the duplexes would range from 1,250 sq. ft. per unit to 1,444 sq. ft. per unit. There are apartments to the north, a small wood frame house to the south and brick house with some vacant property across the street from the subject property.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-1 (Purser, Thompson, Wait "aye"; no "nays"; Smith "abstaining") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207- Duplex Dwellings) to erect four duplexes in an RS-3 District, per plot plan submitted, subject to approval by the City Hydrologist, and subject to a lot-split on the property, on the following described tract:

The N/2 of the SW/4 of the SE/4 of the NE/4 of the SE/4 of Section 11, Township 19 North, Range 13 East of the IBM; and the North 20' of the S/2 of the SW/4 of the SE/4 of the NE/4 of the SE/4 of Section 11, T-19-N, R-13-E of the IBM of Tulsa County, State of Okla.

10580

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) 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; and request for a variance of the east property line to permit building within 10' of an alley at 431 South Utica Avenue.

Presentation:

Roger White, 2011 West 4th Street, Joplin, Missouri, associate of the applicant, presented affidavits (Exhibit "D-1") signed by residents in the neighborhood, requesting the screening fence not be erected. One of the neighbors asked that a chain link fence be erected and the applicant has agreed to do this. A picture (Exhibit "D-2") representing the type of proposed car wash was presented and Mr. White explained that the wash bays may be arranged differently, but it will be the same architecture and construction with the same landscaping as the picture. The part of the building not exposed will be concrete block and the exposed portion will be a decorative block with cedar or redwood on the front, the roof will be galvanized metal, but the building will not be metal siding. There will be an attendant on duty at least eight hours a day.

10580 (continued)

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) 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; and request for a variance of the east property line to permit building within 10' of the alley, per exhibits furnished by the applicant and affidavits from the neighbors, on the following described tract:

The North-Half of Lot 15, All of Lot 16, 17, 18, 19, and 20; and the South 20' of Lot 21, Block 12, ABDO South 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, stated he had given notice to everyone within 300' of the property, approximately 25 people, as the Board had requested at the last meeting.

Protestants:

E. B. Luper, 1524 East 73rd Street North, cited devaluation of his property if mobile homes were allowed in the area. Mr. Luper also felt that if this mobile home was allowed, others would be moved in to the neighborhood. He also thought other mobile homes would be moved onto the subject property.

Ronnie Weathers, 1545 East 73rd Street North, advised he didn't feel the applicant's mobile home was of the quality to be placed in the neighborhood. Mr. Weathers described the subject property as infested with ticks and fleas and the weeds have taken this lot.

The applicant advised that the property had been vacant for some time and was run down before his parents purchased the tract. He stated they were working on the property and trying to clean it up. Mr. Watts requested the opportunity to prove he can clean up the property and improve the appearance of the neighborhood.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-2 District, for a period of one-year, removal bond required, on the following described tract:

8.16.79:292(6)

10601 (continued)

Lots 11 and 12, Block 3, Golden Hill Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

10606

Action Requested:

Appeal (Section 1650 - Appeals From The Building Inspector) from a decision of the Building Inspector for refusing to permit a real estate sales office in an AG District; and a Variance (Section 310 - Principal Uses Permitted in Agriculture Districts - Under the Provisions of Section 1670 - Variances) to permit a real estate sales office in an AG District at 9749 East 41st Street.

Presentation:

Tom Mason, attorney for the applicant, advised that through an error, the application was an appeal to the Board as a nonconforming use, which it is not, and in actuality should be before the Planning Commission for rezoning. Mr. Mason, however, requested a 90-day continuance of the variance question, noting that if the Planning Commission denied the zoning, he would be able to return to the Board of Adjustment for a principal use variance.

Protestants:

There were several protestants present, but they were not heard at this time. The protestants were advised that they would receive notification of the hearing before the Planning Commission; however, they will not be notified of the Board hearing in November other than the action today to continue this Case.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 10606 to November 8, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10621

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 sq. ft. to 900 sq. ft. in an RS-3 District at 4 North Vancouver Avenue.

Presentation:

Leroy Kendall, 4 North Vancouver Avenue, presented a plot plan (Exhibit "E-1"), and advised he had moved to this location to care for his 90-year old father and the father's elderly brother. He stated he needed the 30' x 30' storage building to house his two cars, garden tractor and other equipment. Mr. Kendall stated he would not have a business and would not undertake any repair of automobiles in the building other than his own vehicles. The building will be frame, with siding and one overhead door. The siding on the house was put on approximately 50-years ago and the applicant did not feel he would be able to match it; however, he plans to trim the house the same color as the proposed building.

8.16.79:292(7)

10621 (continued)

Protestant:

Jess Bridges, 1816 West Archer, advised that if the street were extended, the proposed building would be in the middle of the street. He stated he would like to have the street extended to the back of his lot so that he would have access to the street. (Mr. Bridges was advised by the Staff that the proposed garage was on the same property as the house and that the southern lot was going to be used for private access to the garage.

Mr. Kendall stated that the area was covered with trees and woods with a very steep incline and he felt it would be impossible to build a public road across his tract.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 sq. ft. to 900 sq. ft. in an RS-3 District, per plot plan submitted, on the following described tract:

Beginning at the NE corner of the NE/4 of the SE/4 of Section 3, Township 19 North, Range 12 East; thence South along Section line between said Sections 3 and 2 597.3'; thence West along North boundary of Admiral Boulevard 390' to the point of beginning; thence West 140'; thence South 50'; thence East 140'; thence North 50' to the point of beginning and Lot 12, Block 4, Bunker Hill Addition to the City of Tulsa, Oklahoma.

10622

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Section 1670 - Variances) of the side yard from 25' to 13' abutting a public street at 3134 South 68th East Avenue.

Presentation:

Don Owen, 3711 South Sheridan Road, presented a plot plan (Exhibit "F-1") and advised he was extending the line of his house, but due to the shape of the lot, the addition to the house will be closer to the street. Two pictures (Exhibit "F-2") of the house were exhibited.

Board member Smith expressed concern that the plot plan was not accurate and he urged the applicant to have the property surveyed to determine the property line. The Staff suggested the Board approve the plot plan without tying the approval to the dimensions of the plan submitted, but to the width of the addition and to align with existing house.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Section 1670 - Variances) of the side yard abutting a public street, per plot plan submitted and to align with present building, on the following described tract:
8.16.79:292(8)

10622 (continued)

Lot 40, Block 2, Sheridan Terrace Addition to the City of Tulsa, Oklahoma.

10623

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-3 District at 4370 South Braden Avenue.

Presentation:

John Bayouth, representing the applicant, presented pictures (Exhibit "G-1") of the addition to the home, in which Mrs. Bayouth would like to operate a one-person beauty salon. The 120 sq. ft. addition was realized at a cost of \$15,000, and was constructed of the same brick and roofing as the existing house. There is one style-station and two hair dryers in the room. Mrs. Bayouth's hours of operation would be 8:00 a.m. to 5:00 p.m., on Tuesday, 12:30 p.m. to 6:30 p.m. Wednesdays, and 8:00 a.m. to 5:00 p.m. on Friday. There is a double driveway which will accommodate more than the anticipated number of cars at any one time.

Willie Bayouth, applicant, stated she did not plan to use the addition as a salon at the time it was planned and constructed. Mrs. Bayouth stated she has not been operating as a salon, but has exchanged services with friends who are cosmetologists. The applicant advised that there are two family vehicles which are parked in the garage at all times and there will be sufficient room for two cars to park in the driveway. The Bayouth telephone number is unlisted.

A letter (Exhibit "G-2") from Bill and Lenora Taylor, stating they have no objections to the application, was exhibited.

Protestants: 10 present

Tom Price, 4341 South Braden, stated he was opposing the application because there are no businesses in the neighborhood at this time and he felt this application would be setting a precedent. The street is a 25', narrow residential street, located adjacent to the only south exit to the Southland Shopping Center. Many people use this street to reach Yale Avenue. Mr. Price advised that he felt the applicant was operating her salon at this time.

Richard Sitten, 4335 South Braden Avenue, expressed concern for the safety of the nine children in the neighborhood due to the extra traffic which would be generated. He also noted plumbing problems in the neighborhood and felt the operation of a beauty salon would compound the problems.

Ron Canaday, 5024 East 45th Street, advised the Board that there are many other salons in commercial districts in the immediate area and felt these should be patronized rather than operating one in the residential neighborhood.

Interested Party:

Frank Moskowitz, 4137 South Harvard, spoke in favor of the application stating that he didn't feel a one-operator salon would be a detriment

10623 (continued)

to the neighborhood in any way. Mr. Moskowitz noted the fine facility which was constructed and felt if there was any problem with plumbing or electrical wiring, it could be corrected.

Board Action:

On MOTION of SMITH, the Board voted 1-3-0 (Smith "aye"; Purser, Thompson, Wait "nay"; Lewis "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-3 District, 8:00 a.m. to 5:00 p.m., Tuesday; 12:30 p.m. to 6:30 p.m., Wednesday; 8:00 a.m. to 5:00 p.m., Fridays; two cars only, parked on the driveway; no parking on the street, subject to all the rules and regulations of a home occupation, on the following described tract:

Lot 17, Block 10, Max Campbell 5th Addition to the City of Tulsa, Oklahoma.

The MOTION failed and the Chair declared the application denied.

Board members Purser and Thompson advised that property devaluation and the sensitive neighborhood area because of its location and small size, were reasons for their dissenting votes.

10624

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 1516 East 75th Street North.

Presentation:

Shirley Kerker, 1401 West Easton Street, advised that she and her husband had torn down the existing house and have moved a 12' x 60' mobile home onto the property. There are other mobile homes in the area, one across the street and another behind the subject property.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "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 tract:

The East 70' of the West 120' of Lot 3, Block 3, Golden Hills Addition to the City of Tulsa, Oklahoma.

10626

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2(B) - Mobile Homes) for permission to locate a mobile home in an RS-3 District at the corner of West 61st Street and South 65th West Avenue.

8.16.79:292(10)

10626 (continued)

Presentation:

Mrs. Clifford Webber, 5817 South 59th West Avenue, advised she would like to place a 1963, 10' x 14' x 55' mobile home on the four lots. There are four other mobile homes within the block.

Interested Party:

Bill Gay, Chairman of District 9, stated the members of the District 9 Planning Team have been encouraging nice mobile homes in the area. He requested the Board grant a five-year approval for the mobile home of this applicant.

The Staff advised that a five-year approval could not be given at this meeting due to the type of notice given (Special Exception rather than Variance).

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2(B) - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described tract:

Lots 10 thru 13 of Block 8, New Taneha Addition to the City of Tulsa, Oklahoma.

10627

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1670 - Variances) to operate a machine shop in an RS-2 District at 1319 North Mingo Road.

Presentation:

The Staff advised that in 1955 the property was zoned U-3E; in the remapping the zoning was taken away. The Planning Commission is going to reinstate the zoning; however the applicant is proposing to build an addition to his present facility and has found it will be 60-90 days before the zoning is changed. The applicant has a hardship imposed by the City of Tulsa.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1670 - Variances) to operate a machine shop in an RS-2 District, per plot plan submitted, on the following described tract:

Lot 1, Edmund's Subdivision to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1219 - Hotel, Motel and Recreation Facilities) to permit dancing and a recreational facility in an IL District at 8516 East 41st Street.

Presentation:

Frank Gagliano, Jr., 1144-B East 60th Street, advised he would like to operate a youth recreation facility on the subject property. There are 53 parking spaces on the site and arrangements have been made for an additional 300 parking spaces within 300' of the location. The license, which is required by City Ordinance, regulates the hours of operation, dictates that no alcoholic beverages be served or no public nuisances be created. Contractual agreements also require that the parking lots and neighboring properties be kept clean. Mr. Gagliano cited a lack of indoor recreational facilities for teenagers in Tulsa. Dancing and other types of recreation, games, etc., will be provided; hot dogs, popcorn and pop will be served. The applicant presented a plot plan (Exhibit "H-1"), pictures (Exhibit "H-2") of the building and a copy of the City Ordinance (Exhibit "H-3") governing the operation of the facility. The hours of operation will be 7:00 p.m. to midnight on weeknights and 7:00 p.m. to 1:00 a.m. on Friday and Saturday nights and on Sunday afternoons from 1:00 p.m. to 5:00 p.m., with a maximum of 600 people occupying the building at any one time.

Protestants:

Charles Gotwalls, attorney for West Electrical Company, owners of property to the west of the subject tract, advised that Mr. West would not allow them to park on his property which would delete a number of parking spaces for the recreation facility. Mr. Gotwalls also expressed concern that trash from the operation would be a problem in the area.

Frank Clifton, 8435 East 41st Street, stated that he operates a landscape company across the street from the subject property. Mr. Clifton advised he was opposed to the recreation facility because of theft and vandalism in the area, noting that many of his materials were stored outside the building and were particularly vulnerable and inviting.

Gary Rice, 8532 East 41st Street, presented a letter (Exhibit "H-4") of protest pointing out that the area is a flash-flood area and in case of heavy rain people could be trapped inside the building. Mr. Rice also cited inadequate parking, inadequate plumbing in the facility and the fact that clubs of this nature generally create difficult problems for the public.

Jack Wills, 8411 East 41st Street, advised he had the same objections to the application as were expressed by the previous protestors; however, he has a large inventory of pottery, etc., which is stored outside the building and could be a temptation to the young people. Even though a chain link fence surrounds the pottery, Mr. Wills was concerned that it would be very vulnerable to this type of situation.

Letters of Protest (Exhibit "H-5") were presented from Retherford Publications, Inc., and Bryant, Hardin, Owmond, Voel and Zook.

Board Action:

On MOTION of SMITH, the Board voted 2-1-1 (Smith, Wait "aye"; Thompson "nay"; Purser "abstaining"; Lewis "absent") to deny an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1219 - Hotel, Motel and Recreation Facilities) to permit dancing and a recreational facility in an IL District, on the following described tract:

A tract of land containing 0.691-acre in the NE/4 of the NW/4 of Section 25, Township 19 North, Range 13 East, Tulsa County, Okla., described as follows, to-wit:

Starting at the NW corner of said NE/4 of the NW/4; thence due East along the North line thereof for 233.85'; thence due South at right angle for 65' to point on Southerly right-of-way line of Broken Arrow Expressway access road, said point being the point of beginning of said 0.691-acre tract; thence South 89°-53'-51" East for 0.00' to a point of curve; thence along curve to right, said curve having a radius of 2,811.79' for 100.03'; thence due South for 300'; thence due West for 100'; thence due North for 301.96' to the point of beginning of said tract; AND

An undivided half interest in Tract 1, described as follows: A tract of land containing 0.348 of an acre in the NE/4 of the NW/4 of Section 25, Township 19 North, Range 13 East, Tulsa County, Oklahoma, described as follows, to-wit:

Starting at the NW corner of said NE/4, NW/4; thence due East along the North line thereof for 125.25'; thence due South at a right angle for 44.29' to a point on the Southerly right-of-way line of Broken Arrow Expressway access road, said point being the point of beginning of said 0.348-acre tract; thence South 78°-41'-24" East along said right-of-way line for 102.62'; thence due East for 0.00' to a point of curve; thence along a curve to right, said curve having a radius of 2,811.79' for 5.03'; thence due South 129.70'; thence due West for 108.60'; thence due North for 150.41' to the point of beginning.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 10' to 5' in an RS-2 District at 2706 East 51st Street.

Presentation:

Troy Stafford, 6717 South 72nd East Avenue, member of the Southern Hills Church of Christ, advised that the problem was a narrow and long tract, approximately two acres in size. A new group joined the Church 18 months ago creating a need for more educational facilities. The sanctuary of the Church will seat 500 people; however, the educational facilities will accommodate only 250 people. Mr. Stafford presented a plot plan (Exhibit "I-1") and advised that if the variance was denied the Church would be forced to build deeper into the residential zone rather than on the 51st Street frontage.

Protestants:

Robert Nichols, representing Mrs. S. M. Stevens, stated the protest was not based so much upon the variance of the side yard, but to make the Board aware of the run-off problem from the property. Mr. Nichols requested that the Board, if the application was approved, impose additional safeguards, including a drainage plan submitted to the City Hydrology Department, from the Church.

Evelyn Connors, 5136 South Columbia Place, presented a letter of protest (Exhibit "I-2") from Mr. and Mrs. Dale R. Gardner. Mrs. Connors also presented a protest petition (Exhibit "I-3") bearing 35 signatures of area property owners. The protestant was concerned with water runoff from the Church property. She also informed the Board that the Church had paved their lot to the property line.

The Staff informed Mrs. Connors that there is nothing in the Zoning Code that states that a yard cannot be paved from lot line to lot line, unless it is used for residential purposes.

Francis Durner, 5205 South Columbia Avenue stated her objection was to the land south of the building owned by the Church. She stated they had made a road through the field, the weeds have not been kept up and the water runs down this road onto her property. The road was constructed so people would be able to enter the Church property without using 51st Street.

Jack Hunter, 5120 South Columbia Place, advised the water from the parking lot runs onto his property. Mr. Hunter stated he had no objections to the proposed building, but would like the Church to present plans for drainage on the property.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 25' to 5' in an RS-2 District, with the understanding and provision that the grading and drainage plans for the entire tract of land be reviewed by the City Engineer, grading and drainage plans be approved by the City Hydrologist with a copy of the plans to be put in the file prior to construction of the building or additional paving and subject to the approval of Traffic Engineering, on the following described tract:

Lot 1, Bethel Union Heights Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to permit a home occupation that will consist of making and selling egg rolls and growing bean sprouts in an RS-3 District at 531 South Marion Avenue.

Presentation:

Paul Lee, 531 South Marion Avenue, presented a picture (Exhibit "J-1")
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of a bean sprout growing machine, similar to a refrigerator, which he proposed to install in the garage of his home. The capacity of the machine is 66 pounds of bean sprouts per day. Mr. Lee exhibited a sketch (Exhibit "J-2") of an egg roll skin maker which he also would like to move into the garage. The egg roll skin maker has a capacity of 25 pounds and is powered by a 1/2 horsepower motor. Flour and water are used in making the egg roll skins. The applicant plans to take orders from markets and restaurants and deliver the products.

Protestants: Approximately 20 present.

Ed McNabb, 534 South Marion Avenue, advised that he lived across the street from the subject property. Mr. McNabb presented a protest petition (Exhibit "J-3") signed by area residents, noting the quiet, peaceful atmosphere of the neighborhood and pointing out the parking problem in the area with respect to Will Rogers High School.

George Dunigan, 536 South New Haven, stated that he had lived in the neighborhood for 26 years and was opposed to a business in the area. Mr. Dunigan presented pictures (Exhibit "J-4") of the residential neighborhood.

Cles Tuter, Jr. 545 South New Haven, questioned the additional electricity which would be required for the operation. He stated that the area has slight brown-outs in power at this time and felt this would further compound the problem. Mr. Tuter also had concerns about the storage of products and possible sewage problems due to disposal of left-over products.

Lonnie Bowers, 541 South Louisville Avenue, advised that the area is filled with many retired people who enjoy the quiet residential area and he was opposed to any type of business in the area.

Six letters of protest (Exhibit "J-5") were presented.

Interested Party:

Jerry Tanner, 710 South Marion Avenue, stated he had attended the meeting with the intention of protesting this application; however, after hearing the presentation he did not feel this would be detrimental to the neighborhood. Mr. Tanner requested that the record show he was in support of the application.

Board Action:

On MOTION of THOMPSON, the Board voted 2-2-0 (Smith, Thompson "aye"; Purser, Wait "nay"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to permit a home occupation that will consist of making and selling egg roll skins and growing bean sprouts in an RS-3 District, on the following described tract:

Lot 11, Block 3, Turner Park Addition to the City of Tulsa, Okla.

The Chair declared the application denied for lack of 3 affirmative votes.

10631

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to allow a mobile home in an RS-2 District.

Presentation:

Lawson Herring, 1936 West 56th Street, minister of the Westside Pentecostal Church, advised the Church would like to place a mobile home on the five-acre tract for protection of the property. There has been a mobile home on the property previously, but it has been removed.

Fay Herring, the pastor's wife, stated that the congregation would find someone who will move their mobile home to the area and protect and maintain the Church grounds in lieu of rent.

Protestants:

Mary Connors, from the District 9 Planning Team, advised that she did not feel mobile homes were in accordance with the zoning in the area.

Mrs. Glance, 4540 West 41st Street, advised that she had been opposed to the Church application for a children's nursery and was also opposed to a mobile home on the property.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-1 (Purser, Smith, Thompson "aye"; no "nays"; Wait "abstaining"; Lewis, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to allow a mobile home in an RS-2 District, for a period of one year, removal bond required, for security purposes only, on the following described tract:

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

10632

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Exceptions) for permission to use residence for Bible Study Class Rooms at 12806 East 31st Court.

Presentation:

Don Morie, 7805 East 53rd Street, administrator of Gracemont Baptist Church, presented a plot plan (Exhibit "K-1") and requested permission to use the home, immediately north of the Church, for an adult Bible study on Sunday mornings and youth Bible studies on Sunday and Wednesday evenings. The Church does not plan to alter the home in any way. Those using the facility will enter from the back of the home which is adjacent with the Church parking lot.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an

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10632 (continued)

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Exceptions) to use residence for Bible Study Class Rooms, to be used as a classroom only, not as an activities center, there will be no front door usage - all access will be through the rear of the house, no permanent alterations be made to the house, no street parking be allowed on 31st Court or 128th East Avenue, the integrity of the existing screening fence to the west be maintained, on the following described tract:

Lot 22, Block 3, Briarglen Meadows Addition to the City of Tulsa, Oklahoma.

10634

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit an electrical contractor in a CS District; and an Exception (Section 1680 (g) - Special Exception) for permission to establish off-street parking in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to use a house for commercial purposes east of the northeast corner of Admiral and Delaware Avenue.

Presentation:

Ron Berry, attorney for Port City Electric, presented a sketch (Exhibit "L-1") of the property and informed the Board that the south 138' of the subject tract was rezoned in May, 1979, at the request of the applicant. At that time, the applicant was informed that the CS zoning would cover their use. Mr. Berry requested the Board allow the use of the entire house and allow a use of the rear portion of the lot in order to drive vehicles around the house.

Protestants:

Pat O'Connor, 2849 East Admiral Court, pointed out that the neighborhood was comprised of very elderly people and very young couples with small children. Mrs. O'Connor advised that the applicants had informed the residents that they would be using Admiral Court for entrance and exit for their trucks to the subject property. Many of the residents walk to the grocery store and since there are no sidewalks they are forced to walk in the street - the truck traffic would create a safety hazard. The fence on the subject tract has been torn down and the applicant is parking on the back portion of the lot at this time.

The Staff suggested that the Board, if the application was approved, impose a screening fence between the two pieces of property to prohibit access to Admiral Court, the fence to extend on the east and west sides, south to at least where the commercial line begins.

A letter and petition of protest (Exhibit "L-2") presented to the TMAPC at the time of the rezoning, was exhibited.

Darrell Beatty, 2827 East Admiral Court, questioned if the screening on the property would be chain link or wood. He stated that he preferred a wooden screening fence.

10634 (continued)

Louise Sands, 3207 Maple Drive, Sand Springs, advised that she owned a house in the neighborhood and felt the approval of this application would be a financial detriment since it would be more difficult to rent her property.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Thompson, "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to continue Case No. 10634 to September 13, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the applicant time to prepare a plot plan and present a plat of survey for the Board.

Discussion:

Terry Whitely, 546 North 27th West Avenue, Port City Electric, advised that the subject tract has been commercial property for the past 25 years used by the Tulsa Woman's Club. The property is being used at this time to store some of the business materials. The Electric Company uses pickup trucks and vans for their operation.

10636

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 use and related activities at 500 Block North Oxford Avenue.

Presentation:

Glen Ellis, 1519 North Columbia Avenue, pastor of the Church of the Nazarene, advised that the subject property was vacant at this time and the congregation would like to construct a church. Plot plans are not available at this time.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Thompson "aye"; no "nays"; no "abstentions"; Lewis, Wait "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 use and related activities, subject to the applicant returning to the Board with the plot plan for approval before obtaining a building permit, on the following described tract:

The North 100' of Lot 2, Block 14; and the South 94.2' of Lot 2; and the North 94.2' of Lot 3, Block 14, all in Fairland Addition to the City of Tulsa, Oklahoma.

10638

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to locate a mobile home on the property for security reasons southwest of Harvard Avenue and Mohawk Boulevard.

10638 (continued)

Presentation:

Roger Fain, 5510 East Marshall Street, advised that there has been a bait shop on the subject property for the past 35 years. Mr. Fain plans to lease the shop for one year, with an option to buy. At the end of one year he will rebuild the bait shop and whenever financially feasible, he will build a home on the property.

Protests: None.

Board Action:

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

Lot 1, Block 12, Lakeview Heights Addition to the City of Tulsa, Oklahoma.

10639

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) for permission to operate an electrical repair service in a CS District at 2248 North Harvard Avenue.

Presentation:

Ken Wyzard, 2277 North Evanston Place, electrical contractor, advised the building would be 35' x 50'. Mr. Wyzard has six employees and three panel trucks are used in the business operation. There will be a pipe rack stored behind the building. The applicant stated he would erect a screening fence on the back of the property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Thompson "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate an electrical repair service in a CS District, subject to the erection of a 6', solid wood, screening fence on the west boundary, on the following described tract:

The North 133.5' of Lot 1, Block 2, Becky Gaile's Resubdivision to the City of Tulsa, Oklahoma.

10642

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1219 - Hotel, Motel, and Recreational Facilities) for permission to operate a nightclub in an IL District at 8516 East 41st Street.

Presentation:

The Staff advised that the applicant, Melvin R. Harper, has been unable to reach an agreement on the lease for this property and wished to withdraw the application. Mr. Harper requested his application fees be refunded.

Casper Jones stated that the applicant has been advised at the time of filling, that another application on the same property had already been filed. The notice was published and notices were mailed to everyone within 300' of the subject property and the Case Report and Maps were prepared.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny the request for the refund and allow the applicant to withdraw the application.

OTHER BUSINESS:

Plans for Case No. 10527:

Bud Barnes, one of the proposed owners of the property, presented a plot plan (Exhibit "M-1") and advised that there will be only one access, from Harvard, to the property. Stone facia will be used on the entrance with concrete block, painted with latex paint, to be used as the facia next to the six overhead doors. A steel mansard roof, treated to look like wood, will be used. The building will face Harvard; with screening around the rear portion of the property. Any cars to be left on the subject tract overnight will be parked behind the screening fence. The operator of the AAMCO Transmission automotive repair shop will be Mickey Vanetta, who presently owns the AAMCO Transmission Center at 15th Street and Memorial Drive. Mr. Vanetta will own 25% of the building and the land. The applicant stated he did not have definite plans for the proposed sign.

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Smith, Thompson, "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to approve the plot plan for Case No. 10527, subject to the applicant returning to the Board with plans for the proposed signs, size and location and subject to representations as to types of building materials to be used, and the artist renderings from the June 21, 1979 meeting.

Substitute Plot Plan for Case No. 10560:

The Staff presented the plot plan (Exhibit "N-1") and advised that the only change that was made to the original plot plan was to add some entrances to the building on one side which was a porch and is now being enclosed.

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Thompson "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to approve the substitute plot plan for Case No. 10560, as submitted.

There being no further business, the Chair adjourned the meeting at 6:15 p.m.

Date Approved

September 27, 1979

Chetpur J. Purser
Chairman

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