

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 296
Thursday, October 11, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Purser, Chairman Smith Wait	Thompson	Gardner 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, City Hall, on Tuesday, October 9, 1979, at 11:55 a.m., as well as in the Reception Area of the TMAPC Offices.

In the absence of the Chairman, Board member Lewis called the meeting to order at 1:40 p.m. and declared a quorum present.

MINUTES:

On MOTION of WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Thompson "absent") to approve the Minutes of September 13, 1979 (No. 294).

MINOR VARIANCES AND EXCEPTIONS:

10701

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 from 300' to 165' in an AG District to permit a lot-split at 16411 South Peoria Avenue.

Presentation:

The Staff advised that the Planning Commission had approved the lot-split on October 3, 1979, subject to Board of Adjustment approval.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, 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 from 300' to 165' in an AG District to permit a lot-split (L-14742) on the following described property:

The S/2 of the NW/4 of the SW/4 of the NW/4 of Section 30, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

Minor Variances & Exceptions: (continued)

10721

Action Requested:

Variance Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-2 District to permit a lot-split at 2546 East 53rd St.

Presentation:

Mr. Jones stated that the Planning Commission had approved the lot-split on October 3, 1979, subject to Board of Adjustment approval.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Thompson "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-2 District to permit a lot-split (L-14748) on the following described property:

TRACT I: A tract described as the East 15' AND the South 75' of a tract beginning at approximately 1,303.49' North, AND 1,155' East of the SW corner of the SW/4 of the NW/4 of Section 32, Township 19 North, Range 13 East, Tulsa County, Oklahoma; thence South 314.62'; thence East 165'; thence North 314.62'; thence West 165' to the point of beginning; AND

TRACT II: A tract described as the North 75' of the South 150' of the West 150' AND the West 15' of the East 30' of a tract beginning at a point 1,303.49' North, AND 1,155' East of the SW corner of the SW/4 of the NW/4 of Section 32, Township 19 North, Range 13 East, Tulsa County, Oklahoma; thence South 314.62'; thence East 165'; thence North 314.62'; thence West 165' to the point of beginning.

10724

Action Requested:

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 37' from the centerline of 15th Street to permit the erection of a pole sign at 2702 East 15th Street.

Presentation:

The Staff advised that the Board recently approved a variance of the setback for a sign on this same property; this application is for a second sign on the subject tract.

Harold Hawkins, 915 North 33rd West Avenue, stated that if he erected the sign with a 50' setback it would place it in a driveway. The distance will be 14' from the ground to the bottom of the sign.

Protests: None.

10724 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Thompson "absent") to approve a Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 37' from the centerline of 15th Street to permit the erection of a pole sign, removal contract required, on the following described tract:

The North 105' of Lot 1, and the North 107.5' of Lot 2, Iverson's Subdivision of the City of Tulsa, Oklahoma.

10726

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across lot lines at 1444 North Frankfort Avenue.

Presentation:

Everol Flynn, 3322 North Atlanta Avenue, presented a plot plan (Exhibit "A-1") and advised that he owns all of the subject property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Thompson "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 lot lines, per plot plan submitted, on the following described property:

The West 30' of the South 135' of Lot 1, and the South 135' of Lots 2 and 3, Block 1, Northmoreland Addition to the City of Tulsa, Oklahoma.

10729

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line in an RS-3 District at 2526 North Frankfort Court.

Presentation:

William Mims, 3609 North Detroit Avenue, presented a plot plan (Exhibit "B-1") and stated that he was building a house for the property owner.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line in an RS-3 District, per plot plan submitted, on the following described tract:

10.11.79:296(3)

10729 (continued)

Lots 5 and 6, Crawford Addition to the City of Tulsa, Oklahoma.

10732

Action Requested:

Variance (Section 206 - Number of Dwelling Units On A Lot - Under the Provisions of Section 1630 - Minor Variances) of the number of dwelling units on one lot from 40 units to 104 units in an RM-1 District at Cincinnati Avenue and Independence Street.

Presentation:

The Staff presented a plot plan (Exhibit "C-1") stating the tract has excellent access and the zoning will accommodate the proposal. The applicant, Tulsa Urban Renewal Authority, also requested a waiver of fees related to the subject application.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Thompson "absent") to grant a Variance (Section 206 - Number of Dwelling Units On A Lot - Under the Provisions of Section 1630 - Minor Variances) of the number of dwelling units on one lot from 40 units to 104 units in an RM-1 District, per plot plan submitted, and waive the application fees, on the following described property:

Lot 1, Block 1, Sunset Plaza, Ltd., to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

10678

Action Requested:

Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Under the Provisions of Section 1670 - Variances) to permit dwelling units in an Industrial District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for permission to build across lot lines; and a Variance (Section 206 - Number of Dwelling Units on One Lot - Under the Provisions of Section 1630 - Minor Variances) of the number of dwelling units on one lot from 40 units to 144 units SW of 8th Street and Wheeling Avenue.

Presentation:

Thomas Mann, 816 Enterprise Building, advised the Board that the application had been continued at the last meeting to enable the applicant to include the 10' interior strip, which had been excluded from the previous request, and also, to vary the requirements for dwelling units from 40 to 144 and to build across lot lines. This project will be a six-story, 144 unit, handicapped housing facility.

Protests: None.

Board Action:

On MOTION of PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance

10678 (continued)

(Section 910 - Principal Uses Permitted in the Industrial Districts - Under the Provisions of Section 1670 - Variances) to permit dwelling units in an Industrial District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across lot line; and a Variance (Section 206 - Number of Dwelling Units on One Lot - Under the Provisions of Section 1630 - Minor Variances) of the number of dwelling units on one lot from 40 units to 144 units, per amended plot plan submitted, on the following described property:

All that certain tract located in Clover Ridge Addition and Farmers Resubdivision of Clover Ridge Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows:

Beginning at the SW corner of Lot 7, Block 3, Clover Ridge Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; thence South to the SE corner of Lot 5, Block 3; thence West to the SW corner of Lot 5, Block 3; thence South to the SE corner of Lot 3 of Farmers Resubdivision of the Clover Ridge Addition; thence West to the SE corner of Lot 10, Farmers Resubdivision of Clover Ridge Addition; thence North to the South line of Lot 13, Block 3 of Clover Ridge Addition; thence East along the South line of Lots 13 and 7, Block 3, Clover Ridge Addition, to the point of beginning; and

Beginning at a point 52.16' West of the NE corner of Lot 14, Block 3, Clover Ridge Addition; thence South to the South line of said Lot 14, Block 3; thence East along the South line of Lots 14, 13, and 7, Block 3 to the SE corner of said Lot 7; thence North 100' to the NE corner of Lot 8; thence West 68'; thence North 45° West to a point that is 154' South of the North line of Block 3; thence West to a point that is 100' East of the point of beginning; thence North 154' to the North line of Block 3; thence West 100' to the point of beginning, Tulsa County, Oklahoma.

10697

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) for permission to modify the screening requirements where an alternative screening will provide visual separation of uses at 1422 North Utica Avenue.

Presentation:

Gayle Williams, 3406 East 66th Street, presented pictures (Exhibit "D-1") of the area and advised they would like to erect a 6' high chain link fence along the west end of the property which borders on Troost. This chain link fence would be in lieu of a privacy fence. The applicant stated she would plant shrubbery along the chain link fence in order to make it acceptable to the neighborhood.

At the previous meeting the Staff suggested the screening be accomplished by erecting a chain link fence with screening slats. The applicant stated this would be agreeable with her.

10697 (continued)

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve the Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirements where an alternative screening will provide visual separation of uses and find that a 6' chain link fence, on the west side of this property, with the screening slates inserted in the fence, meets the screening requirements on the following described tract:

Lots 7, 8, 9, 10, 11 and 12, Block 4, Utica Addition to the City of Tulsa, Oklahoma.

10705

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a children's nursery in an RS-3 District at 3106 South 67th East Avenue.

Presentation:

Myrtle Berringer, 3106 South 67th East Avenue, advised she was a partner with the applicant, Anthony Ballone, in proposing the children's day nursery. Mrs. Berringer presented pictures (Exhibit "E-1") and a map (Exhibit "E-2") of the neighborhood. The subject property backs to Braums Ice Cream Store; there is a residence across the street and one next door; the people residing in these two homes have no objection to the day nursery. The house on the subject tract has a two-car garage with a driveway which will accommodate four cars at one time. There is a privacy fence around the back yard. The main emphasis of the day nursery will be toward infants and toddlers. Any signs on the property will be erected to face 31st Street. Mrs. Berringer stated that she realized she had offended some of the neighbors, since she had not gone to the property or looked after the yard or repairs in the past year, since her husband's death. The applicant advised she was interested in providing a good care center for these little ones and did not plan to take more children than could be adequately cared for. Thirty children would be the maximum allowed in the center and there would one adult employee for four infants.

Protestants: 25 present.

Dean Jackson, 3109 South 67th East Avenue, presented a Protest Petition (Exhibit "E-3") bearing 118 signatures of members of the Sheridan Terrace Homewners Association. Mr. Jackson pointed out the heavy traffic in the area and was concerned with the additional congestion this nursery would generate. The protestant also advised the Board that the privacy fence on the subject property was down in several places and the yard had not been taken care of this past year.

Mrs. Lonnie Williams, 3116 South 64th East Avenue, advised that this is a flood area and the floodwater was approximately 4-6 feet in the area of the proposed day care center in 1974. Cars were also moved past the area of the proposed center during the flood.

10.11.79:296(6)

10705 (continued)

Arthur McCullough, 6711 East 32nd Place, stated that there are apartments down the street from the subject property which have no access to 31st Street, so they do not offer a traffic problem. The traffic from the apartment complex accesses onto 67th Street and then turns north.

Chuck Lacey, 3241 South 70th East Avenue, questioned if the square footage of the subject property and the sanitary facilities would accommodate the children.

Mrs. Patricia Schen, 3122 South 67th East Avenue, advised that 67th East Avenue is a narrow street and if cars are parked on either side of the street there is only room for one car to get through. She was concerned about cars parking near the day care center and blocking the street.

Discussion:

The applicant advised that, should traffic become a problem, they would take whatever steps necessary to make a circle driveway from 31st Street. There will be some plumbing changes made in the house, but there will not be any changes to the exterior of the structure.

Board member Smith stated that he felt this was a "pocket neighborhood" with a collector street going into the Addition and there were severe topographic problems in the area. Mr. Smith noted this was an inappropriate use for this lot.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in an RS-3 District on the following described tract:

Lot 29, Block 5, Sheridan Terrace Addition to the City of Tulsa, Oklahoma.

10718

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts) of the floor area ratio of 40% and two stories in an OL District; and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the setback requirements from 50' to 25' from an R District; and an Exception (Section 250.3 (b) - Modification of the Screening Requirements) for a modification of the screening requirements where an alternative screening will provide visual separation of uses at 2126 East 15th Street.

Presentation:

The Staff advised that a letter (Exhibit "F-1") had been received from the applicant, requesting a continuance of Case No. 10718 to November 8, 1979. A letter (Exhibit "F-2") was also received from Traffic Engineering concerning parking in the area and the driveway on the subject property. The applicant was not present at the meeting.

10.11.79:296(7)

Protestants:

Neil Bogan, representing the Barnard Neighborhood Association, advised the Board that Tom Noulles, a protestant at the hearing September 27, 1979, contacted the applicant on September 28, 1979, regarding the possibility of meeting to work out a compromise, and was told by the applicant that he would meet with him later. The applicant was contacted several times since then, and he indicated that he would not feel free to discuss the matter with the protestants until he had an opportunity to confer with his attorney. Mr. Bogan stated he had contacted Donald Hudson, the applicant, this morning and he indicated he was not interested in compromising with the homeowners, he would discuss it with his wife and would contact the protestant. No mention was made by the applicant of requesting a continuance of the Case.

Discussion:

Mr. Jackere, Legal Department, advised that the Board could rule on the application today if they felt they had enough information from the previous meeting.

Board member Lewis stated that he did not feel the proposal, as it was presented, was acceptable due to various problems, primarily the parking. The case was continued at the last meeting to allow the applicant and protestants an opportunity to reach an acceptable solution.

The Board members reviewed the draft copy of the Minutes from the previous meeting covering the presentation of this application and comments of the protestants.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Smith "aye"; no "nays"; Wait "abstaining"; Thompson "absent") to deny an Exception (Section 630 - Bulk and Area Requirements in the Office Districts) of the floor area ratio of 40% and two stories in an OL District; and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the setback requirements from 50' to 25' from an R District; and an Exception (Section 250.3 (b) - Modification of the Screening Requirements) for a modification of the screening requirements where an alternative screening will provide visual separation of uses, on the following described tract:

The West 30' of Lot 2, and the East 50' of Lot 3, Block 1,
Maywood Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

10694

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 32' from the centerline of Utica Avenue and from 50' to 34' from the centerline of Admiral Boulevard to permit the erection of two signs; and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) for a modification of the screening requirements where the purpose of the screening cannot be achieved at the NW corner of Admiral Boulevard and Utica Avenue.

Presentation:

Robert Tips, 500 Mid-Continent Building, representing Quik Trip, presented a site plan (Exhibit "G-1") and a plot plan (Exhibit "G-2"). Mr. Tips stated that Quik Trip had requested the variance so that the asphalt alley could be utilized. The adjacent owner first indicated he did not want a screening fence, then later advised that he would like the fence for screening and to keep trash off of his property.

Alvin Howerton, Quik Trip, advised that since this was a strip zoning center, people tend to use the alley. Mr. Howerton stated that the adjacent owner did not want the fence, since it would prohibit him from getting into his garage; however, the owner wanted the fence to keep the trash off of his property, but wanted it back far enough to be able to use the garage. Quik Trip and the adjacent owner agreed to compromise by putting up both a retaining wall and a fence to set 5' farther back. The two pole signs will be approximately 20' from the ground.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to 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 32' from the centerline of Utica Avenue and from 50' to 34' from the centerline of Admiral Boulevard to permit the erection of two signs; and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) for a modification of the screening requirements where the purpose of the screening cannot be achieved, per plot plan submitted, removal contract required for the two signs, on the following described property:

Lots 22, 23 and 24, Block 8, Lynch-Forsythe Addition to the City of Tulsa, Oklahoma.

10720

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 12' to permit the erection of a porte co-chere at 218 East 29th Street.

Presentation:

Helen Arnold, 218 East 29th Street, presented a plot plan (Exhibit "H-1") and advised that she would like to put in a circular drive and erect a porte co-chere which would cover a portion of the drive. The residence has oncoming traffic from both Cincinnati Avenue and Detroit Avenue. The neighbors had seen the plot plan and had no objections.

Protests: None.

10720 (continued)

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; 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 setback requirements from 25' to 12' to permit the erection of a porte co-chere, per plot plan submitted, on the following described tract:

Lot 6, Block 22, Sunset Terrace Addition to the City of Tulsa, Oklahoma.

10722

Action Requested:

Variance (Section 610 - Principal Uses Permitted in Office Districts) for permission to erect a trade school in an OL District; and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 92' from the centerline of Memorial; and an Exception (Section 630 - Bulk and Area Requirements in an Office District) of the floor area ratio to permit a 15,000 square-foot building at 222 South Memorial Drive.

Presentation:

Paul McTighe, Jr., 424 Beacon Building, representing Sertoma Handicapped Opportunity Programs, Inc., presented a plot plan (Exhibit "I-1") and advised that the organization proposed to build a handicapped opportunities workshop for mentally retarded and physically handicapped adults. The workshop is presently being housed in Longfellow School; there are 35 handicapped working at this time. The work involved does not entail heavy equipment and the use of any type equipment will be minimal. The only residential property in the area is to the west of the subject tract; this residential area is screened with a wooden fence. The applicant presented a written statement (Exhibit "I-2") concerning the application. A Petition in Favor (Exhibit "I-3"), bearing ten signatures of area residents, in agreement with the proposed use of the property, was exhibited. There are 43 parking spaces available, which will be adequate, since there will be approximately eight supervisors and the handicapped will not be driving to the building. A portion of the building, 3,000 sq. ft., could be leased to the Tulsa Speech and Hearing Association for their offices.

David Cannon, 5123 South Lakewood Avenue, President of The Shop Board, advised that the building will be constructed with a stacked concrete block; the exterior of the building will be shot with a material that binds the blocks together and provides a coating on the blocks that has the appearance of stucco. The building will have some bronze glass on the front, a steel deck and will be of fireproof construction. The only sign on the building will be the Sertoma emblem.

Interested Party:

Steve Foglesong, member of the Orthodox Church in the area, questioned how close the proposed building would be to the Church and how far it will extend in front of the Church building.

10722 (continued)

Mr. Cannon advised that the proposed structure will be a little closer to the street than the Church building and will be 1-foot from the north property line.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve a Variance (Section 610 - Principal Uses Permitted in Office Districts) for permission to erect a trade school in an OL District; and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 92' from the centerline of Memorial; and an Exception (Section 630 - Bulk and Area Requirements in an Office District) of the floor area ratio to permit a 15,000 square-foot building, per plot plan submitted, with the trade school use to be only that use as has been presented - mainly a workshop for retarded and handicapped people, with the trade school use to run with this owner only, on the following described tract:

The E/2 of the SE/4 of the NE/4 of Section 2, Township 19 North, Range 13 East of the IBM, Tulsa County, Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Beginning on the East line of said Section 2, said point being 874.75' North of the SE corner of the NE/4 of Section 2; thence West and parallel to the South line of the NE/4 a distance of 357' to a point on the East line of Block 9, Tommy Lee Addition to the City of Tulsa; thence North and parallel to the East line of Section 2, a distance of 120.25' to a point on the East line of Block 9, said Tommy Lee Addition; thence East and parallel to the South line of said NE/4, a distance of 357' to a point on the East line of said Section 2; thence South a distance of 120.25' to the point of beginning.

10723

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 35' to 25' from 31st Street at 3027 South 140th East Avenue.

Presentation:

Doyle Owen, General Manager of David Dillion Homes, advised they were building five models in the cul-de-sac off of 31st Street. Mr. Owen requested a continuance of the case in order to return to the Board with an accurate plot plan.

Protests: None.

Board Action:

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

10723 (continued)

No. 10723 to October 25, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10725

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1213 - Convenience Goods and Services) for permission to operate a beauty shop and boutique in an OM District located NE of Atlanta Avenue and 51st Street.

Presentation:

The Staff advised that Louis Levy, applicant, had called to request a continuance of the case to October 25, 1979.

Protestant:

A letter of Protest (Exhibit "J-1") was received from M. J. Revell, Investments Management.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10725 to October 25, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10727

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades & Services; Section 1217 - Automotive and Allied Activities; Section 1223 - Warehousing and Wholesaling) for permission to use property for other trades and services; automotive and allied activities and warehousing in a CS District; and an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1213 - Convenience Goods and Services; Section 1214 - Shopping Goods and Services) to have retail sales in an IL District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 10' from the Crosstown Expressway at 5747 East Admiral Place.

Presentation:

Bill Hutson, 8196 East 46th Street, presented a plot plan (Exhibit "K-1") and advised that a 25' setback was needed from the Expressway, there is no frontage road on the Expressway at that point and no access to the subject property. The north-half of the property is in a CS zone and the south-half in an IL zone; the applicant requested the use of both CS and IL uses for the entire building. The owner of the property does not plan to have any retail tenants in the building, but would like to have the option to lease it for retail if someone is interested.

Protests: None.

10727 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services; Section 1217 - Automotive and Allied Activities; Section 1223 - Warehousing and Wholesaling) to use property for other trades and services; automotive and allied activities and warehousing in a CS District; and an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1213 - Convenience Goods and Services; Section 1214 - Shopping Goods and Services) to have retail sales in an IL District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 10' from the Crosstown Expressway, per plot plan submitted, on the following described tract:

All of Lot 7, the East 60' of Lot 6, and the West 80' of Lot 20, and the East 20' of Lot 21, All in Block 1, Greenlawn Addition to the City of Tulsa, Oklahoma.

10728

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; and a Variance (Section 340 - Requirements For Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) for permission of a variance of the 5-acre minimum for a mobile home in an agriculture District at 86th East Avenue and 137th Street North.

Presentation:

Eugene Goodell, 107 West 9th, Owasso, Oklahoma, advised he proposed to purchase 2.5 acres and place a mobile home on the tract. Mr. Goodell stated there was a dedication for the county road used for access to the property. There are other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements For Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the 5-acre minimum for a mobile home in an Agriculture District, for a period of five years, on the following described tract:

A 2.51-acre tract of land situated in the E/2 of the SW/4 of Section 25, Township 22 North, Range 13 East, Tulsa County, Oklahoma; beginning at a point South 00°-05'-12" West a distance of 985.15' and due East a distance of 329.70' from the NE corner of said E/2, SW/4 of Section 25, T-22-N, R-13-E, Tulsa County, Oklahoma; thence North 00°-05'-09" East a

10728 (continued)

distance of 331.63' to a point; thence due East a distance of 329.69' to a point; thence South 00°-05'-06" West a distance of 331.63' to a point; thence due West a distance of 329.70' to the point of beginning, containing 2.51 acres, more or less, according to the U. S. Government Survey thereof; subject to a 25' roadway easement on the West and a 10' utility easement on the East.

10730

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 a Head Start Program for children (pre-school) three to five years of age at 1903 West Easton Street.

Presentation:

Juanita Mansker, 764 East Virgin Street, representing the Tulsa Head Start Program advised that the group proposed to operate a Head Start Program in the Pershing Elementary School to accommodate 72, four and five year old children. This school will be operated Monday through Friday and will not be a nursery school or day care center. Services in education, health, nutrition, social services and parent involvement will be offered. The Tulsa Head Start Program is funded, by HEW, to serve 260 children in Tulsa County and is trying to service all sections of the county by relocating as close as possible to the children involved. The parking for the staff members will be on the court on the NE side of the property; 7,200 square feet will be fenced to accommodate the 72 children. The children will enter the school through an existing gate on the NE corner of the tract. The Census Bureau and the Salvation Army are also located in the building.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a Head Start Program as presented, for children (pre-school) three to five years of age, on the following described tract:

All of Block 11, Irving Place Addition to the City of Tulsa, Oklahoma.

10731

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680.1 (a) - Special Exceptions) to permit a floor area ratio of 38.5% in an OL District at 4555 South Harvard Avenue.

10731 (continued)

Presentation:

Charles Whitebook, 1700 Fourth National Bank Building, an attorney representing the applicant, presented a plot plan (Exhibit "L-1") and pictures (Exhibit "L-2") of the area. Mr. Whitebook advised that due to previous floodwater problems in the area, the applicant has taken steps to prevent increased runoff from the subject property. All of the drainage from the roof of the proposed building will be directed down spouts to a sewer in the back and will be carried north, away from 46th Street; also the curb line is spaced with entrances that will allow some water to go through. The City Engineers have approved the plans and are of the opinion that there will be no increase of water flow or problem on 46th Street due to the subject tract. There will be 28 regular parking spaces and 4 handicapped spaces; Mr. Whitebook also stated he would attempt to acquire City approval for parking on the right-of-way. The applicant advised that if the exception was not granted it would not be economically feasible to construct the building on the subject tract.

Protestant:

Fred Boss, representing Pauline Black who resides at 3314 East 46th Street, presented pictures (Exhibit "L-3") showing water runoff in the area, and advised that the floodwater runoff was the main concern of Ms. Black. Mr. Boss stated he had not seen the City Hydrology Report.

Interested Party:

Quannah Sumpter, 4611 South Jamestown Avenue, advised he had lived in this area 16 years and had witnessed all of the flooding there. He stated there should be a good justification for deviating from the norms of construction set by the zoning pattern on Harvard Avenue.

Discussion:

Mr. Jones advised that the subject property is subject to a plat and will require City Hydrology approval.

Board member Smith stated he felt there was too much building for the size and shape of the lot.

The Staff stated that the applicant had submitted a statement to the Building Inspector noting that the building would not be used for medical purposes. Mr. Gardner also informed the Board that the applicant has adequate parking spaces for general office use to meet the Zoning Code; however, he would need the parking on the right-of-way to accommodate this size of building.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10731 to November 8, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the applicant an opportunity to return with a revised plan for a smaller building.

10733

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side

10733 (continued)

yard requirements from 5' to 2' to permit the extension of a garage; and a Variance (Section 240.1 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of a detached accessory building to permit a 1,125 square-foot building at 3722 East 27th Place.

Presentation:

Harry Watt, 3722 East 27th Place, advised he proposed to build a two-car garage with extra storage room and hobby area. An additional 9' would be added to the width of the existing garage. The applicant planned to use a portion of the building for his woodworking hobby. Mr. Watt presented a plot plan (Exhibit "M-1"). The applicant advised there would not be a home business conducted in the proposed addition. The Board members expressed concern with the size of the proposed addition; however, it was determined that the lot was deeper than most of the other lots in the area and some increase over 750 square feet would be acceptable.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 -Variances) of the side yard requirements from 5' to 2' to permit the extension of an existing garage; and a Variance (Section 240.1 (e) - Permitted Yard Obstructions- Under the Provisions of Section 1670 - Variances) of the size of a detached accessory building to permit an expansion of the present garage so that the total garage - old and new - does not exceed 945 square feet with the dimensions to be 21' x 45', with the stipulation that no business be conducted in the garage, on the following described tract:

Lot 3, Block 11, Kirkmoore Addition to the City of Tulsa, Oklahoma.

10734

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 3140 South 63rd West Avenue.

Presentation:

Sue Adams, 3140 South 63rd West Avenue, advised she would like to place a mobile home behind her parent's home. Ms. Adams presented a plot plan (Exhibit "N-1") and stated there were other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "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 tract: Lot 10, Block 1, Berry Hill Acres, Tulsa Co., Okla.
10.11.79:296(16)

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining & Mineral Processing) to permit the extraction of shale at the northwest corner of 126th Street North.

Presentation:

Roy Johnsen, 324 Main Mall, presented a plot plan (Exhibit "0-1") of the mining area and pictures (Exhibit "0-2") of the surrounding area. Mr. Johnsen advised the shale would be used in the manufacture of ceramic products. The operation is not intended to serve the general public or to sell raw materials to other users, it is specifically for use in a ceramic plant to be located at 66th Street and Yale Avenue. The subject tract includes 120 acres, but the mining operation is proposed for the mid portion of the tract. The nearest dwelling to the west of the subject property is approximately 1,100 feet, and to the south, the Bartholomew home is located approximately 350 feet south of 126th Street; there are no homes within a measurable distance to the east or north. Mr. Johnsen pointed out it would be difficult to find a site more removed from residential use than the subject tract. The mining operation will take place on the back side of the hill and will not be visible from 126th Street. The shale will be stockpiled by a bulldozer and a front end loader will be used to put the shale into a truck. There will be no on-site rock crushing or other processing of the material or blasting. The shale will be trucked to the plant site at 66th Street and Yale Avenue. There will be 10 loaded trips per day with two semi-trailer trucks in use. In response to questions, Mr. Johnsen stated the operation could be limited to daylight hours, five days a week and stated there would be some dust necessarily involved in the operation primarily when the shale is loaded into the trucks. The proposed mining areas would provide shale for the plant for approximately 50 years.

Protestant:

Mrs. Ed Bartholomew, R. R. #2, Box #118, stated she and her husband have spent a lot of time and money improving their property and did not want to see an operation started that would be detrimental to the area. Mrs. Bartholomew advised she would be opposed to any nighttime operation, would like to have the dust kept to a minimum, and proposed the applicant post a bond for road maintenance. The protestant also proposed the operation be completed within six months and the land be leveled when the work is completed.

Discussion:

Mr. Gardner stated that the Staff was also concerned about reclamation of the land and questioned if the grass would grow following this operation. Mr. Johnsen advised that the reclamation following shale such as proposed, is comparatively easy and reseeding areas should be successful. Maps 1 through 4 (Exhibit "0-3") depict the sequencing of the mining and reclamation activities by Section. The mining of Section A is projected to be completed within 13 years, Section B an additional 8 years and Section C an additional 30 years thereafter.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) to permit the extraction of shale, as presented, subject to the following conditions: Equipment to be limited to 1 bulldozer, 1 front end loader & 2 semi-trailer haul trucks; haul trucks to be covered from the exit at the site to the destination; operation to be limited to 5 days per week and

10735 (continued)

ten loaded trips per day; all mining and reclamation statutes, shall be complied with and necessary permits obtained, and that notification be given to the City-County Health Department that the operation be restricted to its elevations and sequencing areas depicted on the exhibit maps; and the operation be limited to the excavation of shale material for use by a ceramic plant to be located at 66th Street and Yale Avenue, on the following described tract:

The E/2, SE/4 and the SE/4, NE/4 of Section 31, Township 22 North, Range 13 East, Tulsa County, Oklahoma.

10736

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 75' to 25' in an IL District at 2700 North Sheridan Rd.

Presentation:

C. E. Barton, 2700 North Sheridan Road, presented a plot plan (Exhibit "P-1") and advised that there was a setback variance of 55' approximately five-years ago. The applicant, in order to construct the building, and to install the fuel system on the south side of the building, will need the variance. The variance will be abutting the industrial area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to grant a Variance - Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670 - Variances) of the setback requirements from 75' to 25' in an IL District, per plot plan submitted, with the applicant maintaining a 75' setback to the west, on the following described tract:

All of Barton Industrial Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Building Inspector's Request for an Interpretation of Accessory Uses of a Trade School in an Industrial District.

Dortha Miller advised that the ice skating rink, located on 46th Place just west of Mingo Road, has been purchased for use as a welding school. The owners also propose to purchase the property right behind, which is now a mini-storage, and convert the structure into dormitories for the people who will be attending the welding school. Most of the people attending the school will be from small area towns and approximately 90% of the students will be government funded.

Building Inspector's Request for an Interpretation: (continued)

The Board determined they would need to hear the application for a variance and the applicant would need to show a hardship.

Communication from Accountability Burns:

A communication (Exhibit "Q-1") from Accountability Burns was presented; however, Mr. Burns was not present.

There being no further business, the Chair adjourned the meeting at 5:30 p.m.

Date Approved

November 8, 1979

Therese A. Purser

Chairman