

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 297  
Thursday, October 25, 1979, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

| MEMBERS PRESENT                      | MEMBERS ABSENT | STAFF PRESENT              | OTHERS PRESENT   |
|--------------------------------------|----------------|----------------------------|--|
| Purser, Chairman<br>Thompson<br>Wait | Lewis<br>Smith | Gardner<br>Howell<br>Jones | Jackere, Legal<br>Department<br>Miller, Building<br>Inspector's Off. |

The notice and agenda of said Meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, October 23, 1979, at 4:15 p.m., as well as in the Reception Area of the TMAPC Offices.

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

MINUTES:

On MOTION of WAIT, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve the Minutes of September 27, 1979 (No. 295).

MINOR VARIANCES AND EXCEPTIONS:

10750

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 35' to permit the erection of a sign at 2647 East 15th Street.

Presentation:

The applicant was not present. Mr. Jones advised that the applicant was replacing an existing pole sign. At the time the service station was constructed, 15th Street was an 80-foot street on the Major Street Plan.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to grant a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 35' to permit the erection of a sign, removal contract required, on the following described tract:

Lots 23 and 24, Block 7, City View Hill Addition to the City of Tulsa, Oklahoma.

10759

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 40' from the centerline of Peoria Avenue to permit a canopy and a pole sign at 3820 South Peoria Avenue.

Presentation:

Bob Darley, 524 South Boulder, representing Consumer's Oil Company, presented a plot plan (Exhibit "A-1") of the proposed canopy to be installed over the gasoline islands on the subject property. The requested variance will place the canopy 12' from the curb line of South Peoria Avenue. The applicant also proposed the relocation of an existing sign in the center of the gasoline island to the north side of the subject tract. The sign would be further from the curb than it is now and would be in line with the canopy.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 40' from the centerline of Peoria Avenue to permit a canopy and pole sign, removal contract required, on the following described tract:

The South 156.86' of the East 163.75' of the E/2 of Lot 1, Brockman's Subdivision to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

10518

Action Requested:

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

Presentation:

Craig Heidinger, 4123 East 41st Place, presented a plot plan (Exhibit "B-1") and advised that he had purchased the property since the initial application was presented. Each duplex will contain 1,350 square feet, excluding the garage, and will be two-story units. Thirty percent of the front will be masonry or brick veneer.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions": Lewis, Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements, per plot plan submitted, 30% of the structure to be masonry or brick veneer, approval subject to plans being placed in the file, on the following described tract:

10518 (continued)

Lot 2, Valley Center Addition (To be known as Valley Park)  
to the City of Tulsa, Oklahoma.

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:

The applicant was not present. The Board directed the Staff to notify the applicant that the Case will be heard at the next meeting.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to continue Case No. 10723 to November 8, 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 north-east of Atlanta Avenue and 51st Street.

Presentation:

The applicant was not present. The Board requested the applicant be advised that the application will be heard on November 8, 1979.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to continue Case No. 10725 to November 8, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

10737

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 child nursery school at 5532 South Peoria Avenue.

Presentation:

Thomas Mann, 816 Enterprise Building, attorney for the applicant, presented a statement (Exhibit "C-1") concerning the proposed use of the subject property. Mr. Mann stated that the nursery school will be used primarily for infants. There is a nursery school on the corner lot which is for preschool age children. The dwelling contains approximately 1,500 square feet of floor area. There is a circular driveway with adequate loading space in front of the nursery; parking space is available for two cars. The lot is large and additional parking spaces could be provided. The applicant did not have a sketch plan to exhibit.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to grant approval in concept of Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a child nursery school on the following described tract; and to continue Case No. 10737 to November 8, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, with the applicant returning to the Board with a site plan indicating the number of parking spaces and additional information on the number of infants to be cared for and the number of employees:

The North 59.5' of Lot 15, and the South 65.5' of Lot 16, Block 5, Houstonia Homesites Addition to the City of Tulsa, Oklahoma.

10738

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to operate a poodle grooming shop in an RS-3 District at 4112 South 33rd West Avenue.

Presentation:

David Green, 4112 South 33rd West Avenue, advised he would like to open a poodle grooming shop in his garage. The applicant stated that there would be two or three dogs in the shop at one time with an anticipated six to eight dogs being groomed each day. The driveway will accommodate two cars at one time. Mr. Green advised he had talked with all of the neighbors and there were no objections to the application.

Protests: None.

10738 (continued)

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a poodle grooming shop as described above in an RS-3 District, on the following described tract:

Lot 5 and 6, Block 13, Yargee Addition to the City of Tulsa, Oklahoma.

10739

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 65' to 60' from the centerline of 89th East Avenue to allow a carport to remain at 8901 East 9th Street.

Presentation:

Mrs. Emmett Jantz, 8901 East 9th Street, advised the carport had been built wider than the plans. The carport is consistent with the materials and colors of the existing house. Mrs. Jantz presented a statement (Exhibit "D-1") from a neighbor, Mrs. Lucille Perry, stating she had no objections to the carport and thought it looked very nice.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 65' to 60' from the centerline of 89th East Avenue to allow a carport to remain, on the following described tract:

Lot 6, Block 18, Clarland Acres Addition to the City of Tulsa, Oklahoma.

10740

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District at 8701 North Delaware Avenue.

Presentation:

Johnny Stout, R. R. #1, Box #394, Sperry, advised he would like to place a double wide, 28' x 66' mobile home on the five-acre tract.

The mobile home will be placed on a permanent foundation and is classified as a modular home. There are other mobile homes in the area.

10740 (continued)

Protests: None.

Board Action:

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

The South 1/2 of the South 1/2 of the North 1/2 of the SW/4 of the SE/4 of Section 20, Township 21 North, Range 13 East in Tulsa Co., Oklahoma.

10743

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 24.2'; and a variance of the rear setback requirements from 35' to 30.8' at 6814 East 80th Street.

Presentation:

Mike Case, 3516 South Richmond Avenue, presented a Surveyor's Inspection Plat (Exhibit "E-1") and advised the house was already constructed. The irregular shape lot was a hardship.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 24.2'; and a variance of the rear setback requirements from 35' to 30.8' on the following described tract:

Lot 3, Block 2, Briarview Addition to the City of Tulsa, Oklahoma.

10744

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) for permission to locate a mobile home in an AG District at 11311 South 177th East Avenue.

Presentation:

Don Thomason, 11311 South Lynn Lane, Broken Arrow, presented a brochure (Exhibit "F-1") and stated he proposed to place a double wide mobile home, similar to the one shown, on the seven acre tract. The mobile home will house the in-laws who are elderly. Mr. Thomason noted that the mobile home will not be visible from the road. The applicant stated that his home was also on the property and he presented a plat (Exhibit "F-2"). There are other mobile homes in the area. Mr. Thomason presented pictures (Exhibit "F-3") of the area.

10744 (continued)

Protestants:

Joe Blevins, 113th Street and Lynn Lane Road, questioned if the mobile home would be placed in the flood area. He advised that he lived across the road from the subject property for the past 10 years and the creek does flood in that area. Mr. Blevins questioned how the water and sewer would be handled for this subject tract.

Sandy Whittenborn, 11325 South Lynn Lane Road, advised that she lives to the south of the subject property and stated that, at this time, you can see the cleared land and she was sure that you would be able to see a mobile home on the property. Mrs. Whitmore noted that a 4" rain brings the creek water within 2' of her house and she expressed concern that an additional structure in the area would cause even more flooding. The protestant advised the Board that she had protested an earlier application on this piece of property; the application was granted, subject to the approval of the County Engineer before the Building Permit is issued.

Discussion:

Mr. Gardner advised that the Ordinance requires there not be more than one dwelling unit on a lot. The applicant could lot-split the subject tract and meet this requirement. He stated that if the applicant did not want to split the property then he would have to continue the application and advertise for a variance.

In response to Chairman Purser's question, the applicant stated he didn't feel the mobile home would be visible from the road, as the protestant had informed the Board. Mr. Thomason pointed out, on the pictures that were exhibited, the heavy equipment and trash pile of one of the protestants. These are visible from the road and the applicant advised that the home he proposed would look much nicer than that.

Mr. Gardner suggested the Case be continued to allow the applicant time to either lot-split the property, or return to the Board with a plot plan depicting the 3 sites in question and the area of land proposed for each structure. Chairman Purser stated she would also like to see more complete plans showing what the exterior of the structure would look like.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to continue Case No. 10744 to November 8, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and request the applicant return with plans as to the layout of the subject property, providing two acres for each dwelling unit, plans, picture, or exact replica of what the proposed home is to look like from the exterior, and flood maps of the area.

10745

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS-3 District at 6117 West 4th Place.

10.25.79:297(7)

10745 (continued)

Presentation:

Delmar Whiteside, 6117 West 4th Place, stated he would like to place a mobile home on the back of his property for his mother-in-law who is elderly and in poor health. There are other mobile homes in the area. Mr. Whiteside had talked with his neighbors and they had no objections.

Protests: None.

Board Action:

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

The West-half of Lot 11, Partridge Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

10746

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) for permission to operate a plumbing shop in a CS District at 2305 East 69th Street.

Presentation:

H. H. James, 4134 South 88th East Avenue, presented a plot plan (Exhibit "G-1") and advised he would like to build a low profile, 12' high metal building. The front of the building will be wood, stone and glass. The entire lot will be paved. There will be service trucks parked on the lot, but there will not be any outside storage of materials.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a plumbing shop in a CS District, as presented per plot plan submitted, no outside storage or work being conducted, on the following described tract:

Lot 4, Block 1, Lewis Village Addition to the City of Tulsa, Oklahoma.

10747

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1219 - Hotel, Motel and Recreation Facilities) to allow the operation of a tavern and private club in an IL District at 4921 South Memorial.



10747 (continued)

Presentation:

The Staff advised that the applicant had provided the wrong legal description and the item would need to be readvertised.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to continue Case No. 10747 to November 8, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10748

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 5' to 0' on the east side of Lot 16 to allow for an existing porch; and request for a variance of the side yard requirements from 3' to 1' for an accessory building on Lot 17; and request for a variance of the front setback from 25' to 21' and a variance of the side yard from 5' to 2' on the east and west of Lot 17 at 1235 East 27th Place.

Presentation:

Russ Roach, 1235 East 27th Place, presented a plot plan (Exhibit "H-1") and advised that Lot 17 is an unusual shape because of the curvature of the street. Another factor in the requested variance, was a 65' oak tree which caused difficulty in designing the house. The house was moved forward 4' in order to avoid destroying the tree. Mr. Roach exhibited sketch plans (Exhibit "H-2") and pointed out that with this style of house the porch is a very important design consideration. The applicant stated that, due to the curvature of the street, the front porch is not visible to any other house on the block. The applicant advised he had visited with his neighbors concerning the plans and he presented a petition (Exhibit "H-3") signed by 16 neighbors, stating that they had no objections to the application. It will be necessary to acquire a variance for the garage in order to have a more direct access from the street. Mr. Roach stated that he would sell his present home on Lot 16 and move into the new structure.

The applicant stated that the problem on Lot 16 had existed before he purchased the property and presented pictures (Exhibit "H-4") of the residence.

Protestant:

OdeLL Austin, 1225 East 27th Place, advised that his property was down the street from the subject tract. He informed the Board that the neighborhood has rules concerning the setbacks in the area. Mr. Austin felt the subject tract was very small for the proposed house. The protestant was concerned that the granting of these variances would set a precedent in the area.

10748 (continued)

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 5' to 0' on the east side of Lot 16 to allow for an existing porch; and request for a variance of the side yard requirements from 3' to 1' for an accessory building on Lot 17; and request for a variance of the front setback from 25' to 21'; and a variance of the side yard from 5' to 2' on the east and west of Lot 17, per plot plan submitted, on the following described tract:

Lots 16 and 17, Block 16, Sunset Terrace Addition to the City of Tulsa, Oklahoma.

10749

Action Requested:

Variance (Section 440.7 (c) - Special Exception Uses in Residential Districts - Requirements - Under the Provisions of Section 1670 - Variances) of the frontage requirements for a special exception in an RM-1 District located north and west of 71st Street and Lewis Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, advised that the request was for a variance of the frontage requirements for a tennis club located on approximately five acres. The Board denied the special exception to permit the tennis club and the application was appealed to the District Court. The Court authorized the use of the property for a tennis club. The problem that was not discussed in the law suit was that a special exception use is required to have 100' of frontage on a dedicated street. Mr. Johnsen stated that the tennis club use of the property was less intense from the standpoint of traffic than the apartment dwellings permitted by right. The subject tract does not meet the frontage requirements for special exception uses, but the applicant has purchased an access easement extending from the subject property to 71st Street, which is sufficient access for the tennis club.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve a Variance (Section 440.7 (c) - Special Exception Uses in Residential Districts - Requirements - Under the Provisions of Section 1670 - Variances) of the frontage requirements for a special exception use in an RM-1 District, on the following described tract:

A tract of land that is part of the W/2, W/2 of the SE/4 of Section 6, Township 18 North, Range 13 East, Tulsa County, Oklahoma, described as follows, to-wit: Beginning 563.05' North of the SW corner of the W/2 of the SW/4 of the SE/4; thence Northerly along the West line thereof for 322.07' to the NW corner thereof; thence Easterly along the North line for 660.01' to the NE corner; thence Southerly along the East line thereof for 325' to the SE corner; thence Westerly and parallel to the North line for 660.01' to the point of beginning.

10752

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to establish off-street parking for the staff and patients of St. John's Medical Center, northeast of 19th Street and Victor Avenue.

Presentation:

Charles Norman, 1100 Philtower Building, presented a site plan (Exhibit "I-1") and advised that the subject property was located between the existing St. John's parking and the Child Development Center. Mr. Norman presented pictures (Exhibit "I-2") of the area and noted there was an existing, commercially operated parking facility across the street from the subject property. Most of the subject tract will be used as driveway and will add only 14 additional parking spaces, but will make the parking area three lots wide from Victor to Wheeling Avenues.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to establish off-street parking for the staff and patients of St. John's Medical Center on the following described tract:

Lot 14, Block 3, Edgewood Place Addition to the City of Tulsa, Oklahoma.

10753

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to modify or remove the screening requirement where existing physical features provide visual separation of uses; and a 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 0' from an R District (Broken Arrow Expressway setback requirements from 75' to 0').

Presentation:

Roy Johnsen, 324 Main Mall, presented a site plan (Exhibit "J-1") and advised that the north boundary of the subject property is the Broken Arrow Expressway. Mr. Johnsen noted that the Expressway is zoned RS-3 and properties on both sides are zoned IL. The screening requirement, which was intended to protect residential developed property, is the Broken Arrow Expressway in this instance. The applicant is requesting a setback variance for a mini-storage building to extend to the expressway. Mr. Johnsen stated that only the eastern and western buildings extend to the expressway and the interior buildings are 25'.

Protests: None.

10.25.79:297(11)

10753 (continued)

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening requirement cannot be achieved; and a 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 0' from an R District as presented, (Broken Arrow Expressway) on the following described tract:

That part of the NE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, according to the U. S. Survey thereof, described as follows, to-wit: Beginning at a point in the West boundary of said NE/4, SE/4 381.00' from the SW corner thereof; thence South 89°-57'-53" East parallel to and 381.00' from the South boundary of said NE/4, SE/4, a distance of 330.00'; thence North 0°-02'-22" East parallel to the West boundary of said NE/4, SE/4, a distance of 229.23' to a point in the South right-of-way line of the Southeast Expressway right-of-way; thence along said South line as follows; thence North 55°-05'-17" West 0.00'; thence to the left along a curve of radius 2,772.63', a distance of 99.83'; thence North 57°-09'-04" West 0.00'; thence North 68°-27'-40" West a distance of 121.56'; thence North 57°-09'-04" West a distance of 159.43' to a point in the West boundary of said NE/4, SE/4; thence South 0°-02'-22" West 415.87' to the point of beginning, containing 2.434 acres, more or less.

10760

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 50' from the centerline of Memorial Drive to permit a drive through photo building at 2108 South Memorial.

Presentation:

Oscar Montemayor, 1010 West Mockingbird, Suite 164, Dallas, Texas, presented a plot plan (Exhibit "K-1") and advised that Fox Photo Corporation proposed to establish a photo island at the intersection of 21st and Memorial. There is an existing Dunkin Donut store on the subject tract. Mr. Montemayor presented a brochure (Exhibit "K-2") of the plans for the drive-through photo business. The applicant stated that the 110' setback would place the photo building where the donut shop is and the 50' is needed so the building would not interfere with the parking for the donut shop. The peak hours of use for the photo shop would be at 10:00 a.m. and pick up again from 3:00 - 5:00 p.m., therefore would not interfere with the rush hour traffic which would be early morning and again late in the evening. The structure is easily removable.

Protestants:

A protest petition (Exhibit "K-3") was received from Tom Ozawski, who was concerned about the increased traffic in the area.

10760 (continued)

Discussion:

Board member Thompson stated that he was part owner of the Dunkin Donut Shop and would vote only if the other members were supportive of the request; otherwise the item could be continued when there were 3 other members present.

Board Action:

On MOTION of WAIT, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 50' from the centerline of Memorial to permit a drive-through photo building, removal contract required, on the following described tract:

Lot 2, Block 18, a subdivision of part of Lot 1, Block 11,  
Michael Heights Extended Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

10342 - Plans For A Sign:

Richard Kidwell presented a plot plan (Exhibit "L-1") and plans for the proposed sign (Exhibit "L-2"). The sign will be lighted from the inside with constant light.

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve the sign, per plans submitted.

CDP #78

Mr. Jones advised that this CDP was approved some time ago and the Board also granted a five year extension from 1975.

Drake Cook, architect and one of the principals of the proposed development, stated that this is the last phase of CDP #78. The development is zoned for 125 apartment units and the applicant is proposing 100 patio homes. Mr. Cook advised they were attempting to develop a medium-density project within the price range of first time homeowners. The architect presented plans (Exhibit "M-1") and advised there will be no common patio walls. The units, however, will have common driveways and each will have a two-car garage and two visitor parking spaces. There will be a homeowner's association to maintain the common areas.

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve the plans for CDP #78 as presented, finding that the proposal meets the spirit and intent of the original approval and in fact the proposed use was more compatible with the area than the approved apartments.

10716 - Substitute Plot Plan:

Mr. Jones advised that the Board granted a variance of more than 40 units on one lot and approved an exception to permit apartments in a CS District in September 1979, per plot plan. The final plans showed an 800 square-foot

10716 (continued)

storage building for maintenance equipment and the Building Inspector would not issue the permit, since the storage building was not shown on the original plot plan. Mr. Jones presented a substitute plot plan (Exhibit "N-1") depicting the maintenance building.

On MOTION of THOMPSON, the Board voted 3-0-0 (Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to approve the substitute plot plan for Case No. 10716.

There being no further business, the Chair adjourned the meeting at 4:15 p.m.

Date Approved

November 29, 1979

Lyndon D. Purser

Chairman