

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 298
Thursday, November 8, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, November 6, 1979, at 2:40 p.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:45 p.m. and declared a quorum present.

MINUTES:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to approve the Minutes of October 11, 1979 (No. 296).

MINOR VARIANCES AND EXCEPTIONS:

10741

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements, and area requirements in an RS-3 District to permit a lot-split at 2838 North Lansing Place.

Presentation:

The Staff advised that the Planning Commission had approved the lot-split on November 7, 1979, subject to Board of Adjustment approval.

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 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements, and area requirements in an RS-3 District to permit a lot-split (L-14770) on the following described tract:

Lots 20, 21, & 22, Block 16, Standard Heights Addition to the City of Tulsa, Oklahoma.

10742

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot-split at 129th East Avenue and 122nd Street North.

Presentation:

Mr. Jones advised that the Planning Commission approved the lot-split, subject to Board of Adjustment approval, on November 7, 1979.

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 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot-split (L-14772) on the following described tract:

The West 165' of the West 330' of the East 528' of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 5, Township 21 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, LESS and EXCEPT the South 25' thereof for roadway.

UNFINISHED BUSINESS:

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.

Presentation:

The Staff advised that a letter (Exhibit "A-1") had been received from John Moody, attorney for the applicant, requesting a continuance of the application to November 29, 1979, due to a conflict of meetings on this date.

Protestant:

Mrs. Homer Hilst, 3336 East 46th Street, was present and stated she could return to the November 29, 1979 meeting.

Board Action:

On MOTION of Lewis, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to continue Case No. 10731 to November 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10606

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector - Appeal 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:

The Staff advised that a letter (Exhibit "B-1") had been received from the applicant requesting that the application be withdrawn.

Protests: None.

Board Action:

The Chair, without objection, withdrew Case No. 10606.

10679

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-3 District to permit a lot-split North of the NE corner of 19th Street and 79th East Avenue.

Presentation:

The Staff presented a plot plan (Exhibit "C-1") and advised that the Planning Commission had approved the lot-split, subject to Board of Adjustment approval.

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 grant 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-3 District to permit a lot-split (L-14750), per plot plan submitted, 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 Indian Base and Meridian; and the North 20' of the S/2 of the SW/4 of the SE/4 of the NE/4 of the SE/4 in Tulsa County, State of 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 Staff advised that the Case had been continued three times.

10723 (continued)

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 continue Case No. 10723 to November 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and directed the Staff to advise the applicant that the Case would be heard at that time.

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 NE of Atlanta Avenue and 51st Street.

Presentation:

The applicant was not present.

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 continue Case No. 10725 to November 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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, attorney for the applicant, presented a plot plan (Exhibit "D-1") and advised the Board that the maximum number of infants to be cared for at the center would be 14 and there will be 3 employees. There is 70' of hard surfaced driveway along the side of the building which will be utilized for parking with space to the south of the structure which could be used for parking in the future if it is needed. The hours of operation will be 6:30 a.m. to 6:30 p.m.; this will not be a 24-hour nursery.

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 an 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, subject to the presentation that no more than 14 infants will be cared for in the nursery with 3 employees; the hours of operation to be 6:30 a.m. to 6:30 p.m., per plot plan submitted, on the following described tract:

11.8.79:298(4)

10737 (continued)

The North 59.5' of Lot 15 and the South 65.5' of Lot 16, Block 5,
Houstonia Homesites, Tulsa County, 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; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five acre minimum for a mobile home in an AG District a 11311 South 177th East Avenue.

Presentation:

Don Thomason, 11311 South Lynn Lane, Broken Arrow, presented a plot plan (Exhibit "E-1") and explained to the Board that each of the three homes would be located on a two-acre tract. Mr. Thomason also presented aerial photos (Exhibit "E-2") and pictures (Exhibit "E-3") of the area. The applicant stated he proposes to place a double-wide mobile home on the property, will add porches and a carport; rock skirting will also be added to enhance the appearance of the exterior of the home and will be masonite with a cedar-type finish. A Corps of Engineers flood map (Exhibit "E-4") was presented and Mr. Thomason noted that part of the subject tract is in the strip pit; however, the modular home will not be located in the flood area. The applicant also presented a communication (Exhibit "E-5") from the Oklahoma State Department of Health Environmental Services stating that the percolation test assures that the subject tract will accept a septic tank.

Protestant:

Joe Blevins, 113th Street and Lynn Lane Road, stated he felt there was a question about the property actually owned by the applicant and suggested the deeds for the subject tract be reviewed.

Discussion:

The applicant stated there was a mistake on the deed which he has had corrected.

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 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five acre minimum for a mobile home in an AG District, per plot plan submitted, subject to the acknowledgement by the City Attorney's Office that the property does add up to six acres owned by the applicant, subject to the approval of the County Engineer of elevation above the 100-year flood, the exterior of the home to appear as presented and the elevation representations as to the exterior, on the following described property:

10744 (continued)

A tract of land in a part of Section 35, Township 18 North, Range 14 East, and Section 36, Township 18 North, Range 14 East, more particularly described as follows:

Beginning at a point on the West Line of Section 36, said point being 738.85' South of the NW corner of Section 36; thence South 13°-22'-00" West 265' to a point; thence due East 61.26' to a point on the West line of Section 36; thence South along the West Line of Section 36, 299.15' to a point; thence West 145.34' to a point; thence South 24' to a point; thence East 598.47' to a point; thence North 3°-22'-00" West 306.41' to a point; thence North 57°-42'-00" West 514.80' to the point of beginning, containing 4.7 acres more or less.

10747

Action requested:

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

Presentation:

John Wimbish, 1710 Fourth National Bank Building, presented a picture (Exhibit "F-1") of how the proposed building will appear, with the wood on the front to be stained darker than what is shown. Mr. Wimbish also presented a plot plan (Exhibit "F-2") and advised that the proposed club building will be 40' x 50'. There is a parking area which will be shared with an adjoining club.

Discussion:

The Chair questioned the applicant concerning the parking area and also informed him that if he does plan to use the parking for "Tuesday Morning," the area would need to be hard surfaced.

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 continue Case No. 10747 to November 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, with the applicant returning to the Board with a plot plan showing the parking area and the proposed solutions to the problem.

NEW APPLICATIONS:

10751

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 440.2 - Home Occupations) for a home occupation (for storage and maintenance of sand blasting equipment); and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit the storage and maintenance of sand blasting equipment in a residential district that has a storage building and no residence on it at 10205 South 137th East Avenue.

Presentation:

Rex Anglen, 714 North 4th Street, Broken Arrow, advised he has constructed a metal-type building, with baked on, green and white enamel finish which is 30' x 50' on the 150' x 180' lot. Mr. Anglen stated he planned to use this building for storage and maintenance of his sand blasting and cleaning equipment. An air compressor with a tank, mounted on a two wheel trailer, and a sand blaster, 18" across and 3½' tall, holds approximately 450 - 550 pounds of sand, has wheels of its own, will be utilized in the business. The applicant presented a petition (Exhibit "G-1") stating that the undersigned - seven neighbors, had no objection to the building or proposed commercial use on the subject property. Mr. Anglen stated he will build a house on the property as soon as possible. Mr. Anglen presented pictures (Exhibit "G-2") of the building and surrounding area.

Protestant:

David Nelson, representing Mrs. Velta C. Edwards, advised there are six homes in the subdivision with no other commercial or industrial uses in the area. Mr. Nelson stated there were many other areas where this type of building could be located and felt this business would devalue property in the neighborhood.

Discussion:

A Memorandum (Exhibit "G-3") was presented from Steve Carr, Chief of the Community Planning Division, advising that the Broken Arrow Board of Adjustment recommended approval of the application.

Board Member Smith stated he was not in favor of granting a home occupation when the owner did not live on the property or have a house on the property. The applicant informed the Board that the lady who protested the application has an oil tank and a barn on her own property. The applicant advised that he had two trucks and a pickup that he would like to store in the building to prevent vandalism.

The Chair stated she felt the applicant should have investigated the possibility of erecting a large building on the property before actual construction was undertaken. Mr. Lewis advised he wasn't sure he would be in favor of the application even if there was a house on the property and felt that, at this point, it was just like a large commercial building on the subject tract. Mr. Smith agreed with these statements and made a motion to deny the application. The applicant advised that it would be impossible to move the building since it is nailed up with screw nails with rubber heads. Other considerations are the existing septic tank, water well, well house and pump, and electrical wiring. After discussion, Mr. Smith withdrew his motion with the thought that the Board consider other alternatives for the applicant.

11.8.79:298(7)

10751 (continued)

Bob Gardner pointed out that even though there is not a house there now, there has been a house on the subject property and even though the applicant is not in a position to build a house at this time, he probably is not in a position to tear the building down either. Mr. Gardner stated that the Board could consider the case as a home occupation without giving final approval to use the property now for business purposes, and allow the applicant time to build a house on the subject tract.

Mr. Lewis questioned if the building itself is completely inappropriate for the neighborhood and felt the Board should view the neighborhood.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to continue Case No. 10751 to November 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the Board members time to visit the subject property and surrounding neighborhood.

10754

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on the West from 75' to 10' from an R District; and an Exception (Section 250.3 (c) - Modification of the Screening Wall or Fence Requirements) for an extension of time to erect a screen where properties, which are to be benefitted by the screen are undeveloped at 13802 East Apache Street.

Presentation:

The applicant was not present.

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 continue Case No. 10754 to November 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10755

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 10818 South Elgin Avenue.

Presentation:

Maurice Hill, P. O. Box 909, Jenks, stated he plans to build a home on the subject property and would like to live in the mobile home during construction. There are other mobile homes in the area. There is a residential subdivision across the street from the subject tract.

Protests: None.

10755 (continued)

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 1209 - Mobile Homes) to locate a mobile home in an AG District.

Following the Motion, and after the applicant had left the auditorium, a protestant asked to be heard.

Protestant:

Janice Hughes, 10709 South Elgin, advised that the mobile home had been moved in, septic tank installed and electricity and water secured, two weeks before she had received notice of the hearing. She stated she lived in the subdivision across the street, the homes in that area valued at \$50,000 - \$100,000. There is one other mobile home in the area that is surrounded by trees and has been in place for years. There is only one tree on the subject tract. The subdivision is within the Jenks City Limits, but the mobile home is outside the City.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to rescind the previous motion and continue Case No. 10755 to November 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and directed the Staff to notify the applicant of the action taken by the Board and ask him to return to the next meeting.

10756

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 4616 South 81st West Avenue.

Presentation:

Clifford Harrell, 4616 South 81st West Avenue, advised he would like to place a mobile home on the subject property to live in while he is building a home. There are other mobile homes in the 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 approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District, for a period of five years, on the following described tract:

The North 309' of the East 831.4' of the SE/4 of Section 25,
Township 19 North, Range 11 East, Tulsa County, Oklahoma.

10757

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1217 - Automotive and Allied Activities) for permission to operate a car wash in a CS District located southeast of 101st East Avenue and Admiral Place.

Presentation:

The Staff advised that this Case had been withdrawn.

Protests: None.

Board Action:

The Chair, without objection, withdrew Case No. 10757.

10761

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) for permission to erect two duplexes in an RS-3 District at the northwest corner of 35th Street and New Haven Avenue.

Presentation:

Thomas Burke, 4133 East 48th Place, advised that he proposed to construct two luxury duplexes on the subject tract. Mr. Burke presented plans, pictures of the area (Exhibit "H-1") and a Petition in Favor (Exhibit "H-2") signed by 17 property owners of the area stating they have no objections to the project.

Byron Burke, 2510 South Norfolk Avenue, partner in the construction of the duplexes, stated that one duplex would front on South New Haven and one would front on 35th Street. Mr. Burke advised there were many hard maple trees on the subject tract which they were trying to preserve.

Thomas Burke stated they did not feel it would be economically feasible to build single-family homes on the subject property. The proposed duplexes each containing 1,150 sq. ft. of floor space, will be \$400 plus per month rental units. It was Mr. Burke's feeling that this type of housing is needed in Tulsa. The duplex units will be 1½ stories, 2 bedroom, 2½ baths, one living room fireplace, eating space in the large kitchen and will be built at an approximate cost of \$30 - \$35 per sq. ft.

Protestants:

Mike Stutman, 2745 East Skelly Drive, attorney representing the neighborhood residents, presented a Protest Petition (Exhibit "H-3") signed by neighborhood residents and affidavits (Exhibit "H-4") of protest. Mr. Stutman noted that in addition to the increased traffic and congestion in the neighborhood, the rental duplexes will involve people who have no stake in the neighborhood and will represent an intrusion into the character of the area in which these residents live. The attorney advised that by adding these duplexes, the amount of rental property in the neighborhood will be tripled. Mr. Stutman pointed out that the modern design duplexes would not be in harmony with the 20-year old homes in the area.

Leonard Stevens, 3504 South New Haven Avenue, stated his prime concern was the safety in the area. He pointed out that, due to several through-streets, there was high-speed traffic in the neighborhood. Mr. Stevens also noted

10761 (continued)

that the 1½-story duplexes would not be in conformance with the one-story homes in the area and would cause devaluation of the property values.

Don Smith, 3926 East 34th Street, advised that he grew up in the neighborhood and was concerned that the proposed duplexes would change the character of the area and give it more the look of a rental-type area. He noted that the existing duplex was built 25 years ago and fits the architecture of the neighborhood.

Jane Halliwell, 3912 East 33rd Street, pointed out that the value of the existing homes in the neighborhood would be \$40 - \$47 per sq. ft., and she felt that the applicant could build single-family homes within that price range.

Mrs. Robert Fleming, 3903 East 34th Street, was one of the original owners in the neighborhood. The existing duplex was built and the owner occupied one side while the mother of the owner lived in the other half. After a number of years, the duplex was sold to a mother and her son. The mother is now deceased and the son is renting one side of the duplex.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "abstentions"; Thompson, Wait "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect two deuplexes in an RS-3 District, on the following described tract:

The South 180 feet of the East 137.5 feet of Block 30, Albert Pike Subdivision to the City of Tulsa, Oklahoma.

10762

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variance) of the back yard requirements from 20' to 10' at the NE corner of Joplin Avenue and 79th Place So.

Presentation:

Richard Raskin, attorney representing the applicant, presented a plot plan (Exhibit "I-1") and advised this was a dream home of the applicant and has been in the planning stage for many years. The property is located in Pleasant Valley Estates, the lot contains 12,320 sq. ft. This is a wooded lot and has an 11' easement on the east side which causes the hardship and a need for the variance. The variance is requested for the length of the garage to enable the applicant to have a garden area and a kitchen window looking onto the garden area.

Protests: None.

10762 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variance) of the back yard requirements from 20' to 10', per plot plan submitted, on the following described tract:

Lot 6, Block 4, Pleasant Valley Estates to the City of Tulsa, Okla.

10763

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Under the Provisions of Section 1680 - Special Exceptions) for permission to operate a motorcycle sales and service business in a CS District at the SE corner of 60th Street South and Peoria Avenue.

Presentation:

Connie Gruetzmacher, 4815 South Sheridan Road, stated this will be a national franchise facility operated by she and her husband. Mrs. Gruetzmacher presented a plot plan (Exhibit "J-1") and elevations (Exhibit "J-2") of the proposed facility. Three sides of the proposed 6,000 sq. ft. building will be of metal, with the front and sides having stone exterior and the front to also be of cedar wood. The property will be landscaped with shrubs. There will be one access from Peoria and one from 60th Street, with parking to be on the side. All service will be done inside the building, there will be no outside storage, and there will be a wooden fence extending from the sides to the back. The building will be used for showroom and storage. The applicant advised that people cannot ride dirt bikes on the street so all bikes will be brought on trailers and the only noise involved would be from the normal street bikes which drive up. The hours of operation will be 9:00 a.m. to 6:00 p.m., Monday thru Friday and 9:00 a.m. to 4:30 p.m. on Saturdays with a possible Thursday evening opening until 8:00 p.m. in the Christmas season.

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 710 - Principal Uses Permitted in Commercial Districts- Under the Provisions of Section 1680 - Special Exceptions) to operate a motorcycle sales and service business in a CS District, per plot plan and elevations submitted, as presented concerning the building materials and no outside storage or work on the following described tract:

Lot 2, Block 1, Willowick Park Addition to the City of Tulsa, Okla.

10764

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 the NW corner of 31st Place North and North Xanthus Place.

10764 (continued)

Presentation:

Norman Simpson, 1514 North Norfolk, stated he has talked with most of the area residents and they have no objection to placing a mobile home on the subject tract. Mr. Simpson advised that the homes in the area were very old and small; there are not many residents in the neighborhood.

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 (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:

Lots 8 and 9, Block 3, Murray Addition to the City of Tulsa, Okla.

10765

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 9000 North Delaware Avenue.

Presentation:

Sam Gardner, Box 172, Owasso, stated he would like to place his mobile home on a 28-acre tract. The mobile home would be 1,200 feet from the closest neighbor. There are 14-16 other mobile homes in the square-mile.

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 an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District, for a period of five years, on the following described tract:

The SW/4, NE/4 of Section 20, Township 21 North, Range 13 East, Tulsa County, Oklahoma; less the south 12 acres thereof.

10767

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS-1 District at 6735 West 26th Street.

Presentation:

Mildred Brewer, 6735 West 26th Street, advised she would like to retain a mobile home on the subject tract to avoid moving her three children who are taking special classes in school. She stated she did not realize she was in violation of the Code when she placed the mobile home on the tract. There is a mobile home across the street.

10767 (continued)

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 an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-1 District, for a period of one year, removal bond required, on the following described tract:

Lot 3, Block 2, Bridges Acres Addition to the City of Tulsa, Okla.

10768

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 the SW corner of 63rd Street North and Quincy Avenue.

Presentation:

M. L. Smith, 202 South 193rd East Avenue, stated he had purchased the property from his aunt whose home had burned down on the subject tract seven years ago and would like to place a mobile home on the property. There are other mobile homes in the area. Mr. Smith stated he planned to build a family room and a fireplace onto the mobile homes.

The Staff stated that the property is in the county and the Building Inspector may consider the mobile home to be a modular home and allow additions. The Board advised the applicant to contact the County officials before building onto the mobile home.

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 locate a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described tract:

Beginning at the NW corner of the E/2, SW/4, NW/4; thence East 300'; thence South 363'; thence West 300'; thence North 363' to point of beginning of Section 6, Township 20 North, Range 13 East.

10769

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS-3 District located south of 36th Street South and 32nd West Avenue.

10769 (continued)

Presentation:

Mrs. Eugene Coble, 3642 South 31st West Avenue, advised she would like to place a mobile home on the wooded lot behind her house for her daughter to live in. There is one other mobile home in the 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 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:

Lot 5, Block 9, of the Original Town of Red Fork Addition to the City of Tulsa, Oklahoma.

10770

Action Requested:

Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) of the frontage requirements on a dedicated street from 30' to 10'; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 35' to 25'; and a variance of the front yard requirements from 35' to 25' in an RS-1 District located SW of 47th Place and Birmingham.

Presentation:

John Moody, 7030 South Yale Avenue, Suite 902, representing the applicant, presented a sketch plan (Exhibit "K-1") and advised the property is 2.8 acres in size, 370' x 330'. The present zoning on the subject tract would permit development of 7.6 lots; the applicant is proposing the development of 6 lots, each of the lots conforming to the area requirements of the RS-1 zoning on the property. Mr. Moody stated that there are four large trees located on the subject tract and without the variances, the one, very large oak tree, would need to be removed. In order to save the trees, the proposed lots have handles which extend to East 41st Place for the purpose of street frontage and access. The development will have a private road which will be built to City specifications and maintained by private homeowners and so provided for in the Restrictive Covenants. The large oak tree will then be preserved in an island in the middle of the private cul-de-sac street. The location of the sanitary storm sewer is another reason for requesting the variance. The applicant is proposing 2,500 sq. ft. of living space in each home.

Mr. Moody pointed out that within 187' to the west of the subject property, the Board previously waived the frontage requirements to permit two lots, one with a 30' handle and one with a 70' handle. The Board also approved 8 lots with a 25' building setback on East 47th Place — all of the lots in Regency Manor Addition to the north of the subject tract. There are no drainage problems in the area. The Planning Commission approved the sketch plat of this development November 7, 1979.

The applicant, in an attempt to compromise with the concerns of the area residents, stated he would: 1) increase the square footage of the structures to 2,600 sq. ft.; 2) provide that the purchaser of one of the lots, Jim Bishop, be designated to approve all architectural plans so as to insure that the architecture of the homes would be compatible with the adjacent area, and 3) insure that each of the lots would have, excluding the handles, at least 13,500 sq. ft. of lot area.

Lindsay Perkins, applicant, stated that the original proposal was for 13,900 sq. ft. lots which included the handle portion and the pavement portion. The area residents then requested I review the plan with their concerns in mind. I consulted with the City Engineer's Office and then advised the protestants that I would be willing to make adjustments in the lot sizes to exclude the handle portion from the calculations. He stated that he would like to include the paved portion of the turn-around in Lot 2, and to swing the cul-de-sac as much to the south and west as possible because of the storm sewer and the trees.

Protestants:

Ken Allison, attorney representing homeowners across the street from the subject tract, advised that he felt the only property owners concerned were those who are immediately north of the subject property. There are four cul-de-sacs in the area, each with four houses and the lot sizes generally exceed one-half acre or about 22,000 sq. ft. Mr. Allison also noted that the houses were 3,000 sq. ft. or larger in this area. The protestant stated that he felt the real reason for the requested variances was to allow the applicant to build more houses in a smaller amount of space, not that of saving the trees as was presented.

Darwin Smith, 4718 South Atlanta Avenue, stated he lives on one of the cul-de-sac streets north of the subject property, and felt the proposed addition is not compatible with the existing homes and surrounding area. The existing homes are valued at 150,000-\$200,000, have swimming pools and other improvements which make the area a garden site. Mr. Smith advised that the house directly west of the subject tract was set back approximately 45'.

Mrs. Charles Baker, 4728 South Lewis Place, stated she was not as close to the area as the other protestants, but felt this application, if approved, may be setting a precedent.

She noted that there is a vacant lot directly across the street from her home which might be sold at some point and then a number of small homes could be built on that lot and would not be compatible with the area.

Lowell White, 4698 South Columbia Avenue, stated he had lived in the area the past 25 years. Mr. White was in agreement with the other protestants and felt this proposed addition would be a "letdown" from the adjoining area.

Discussion:

Mr. Allison noted that the applicant had not shown a hardship since the subject tract could be developed into five lots instead of the six and still retain the trees.

Bob Gardner advised that the RS-1 lot area requirement was 13,500 sq. ft. He also stated that if this development contained a dedicated street, the street would not count toward the 13,500, but it would count if it was not dedicated. Chairman Purser then asked Mr. Moody if the applicant would be able to meet the requirements if this was a dedicated street and he advised that the lot size requirements could be met for seven lots and added that if the Board did not want to include the handles in the computation, the lot size of 13,500 sq. ft. could still be met.

The applicant noted that the property creates a hardship due to the storm sewer, preservation of the trees on the tract, and the private street would provide a security aspect. He stated that the design could be rearranged and each lot would have 13,500 sq. ft., excluding any of the handles or the cul-de-sacs. Mr. Perkins advised that he felt his proposal would be the best way to insure an attractive addition.

Mr. Moody advised that the lots to the north of the subject tract contained 17,900 sq. ft., not one-half acre as the protestants had stated, and the cul-de-sac lots are less than 21,000 sq. ft. He also pointed out that a minimum 2,500 sq. ft. restriction, with a minimum building cost of \$40 per sq. ft., would assure a cost of \$100,000 just for the construction of a house not counting the cost of the lot.

Bob Gardner advised the Board that the subdivision plat would have to have a front building setback line shown on the interior measured from the paved area. Approximately 20' would be needed from the paved area to the building in order to get a full size automobile off the street.

Board member Smith stated he had seen this property subdivided three different times by three different engineers, one plan with seven lots and two plans with six lots, he had seen the property completely stripped of trees, one plan contained a 50' dedicated street with its setback lines and in all, this was the best plan he had seen.

Mr. Lewis advised that if the plan was redesigned and the large tree that is to be in the island of the cul-de-sac is not saved, he would not be in favor of the plan without reviewing the total application again.

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 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) of the frontage requirements on a dedicated street from 30' to 10'; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 35' to 25' in an RS-1 District, subject to the following conditions:

The lots along 47th Place show a 25' building setback; the houses to be constructed in the subdivision contain a minimum of 2,600 sq. ft. of living space excluding garages, and so stated in the

10770 (continued)

Covenants; the applicant to preserve the trees on the property to the best of his ability; the lots to be at least 13,500 sq. ft., in area excluding the handle portions; the applicant to return to the Board of Adjustment after the Planning Commission has given approval of the plat and the plat be in final form showing all dimensions, all easements, all building lines and curb line, and the Board review and approve the final layout before any Building Permits are issued, on the following described tract:

Part of the E/2 of the S/2 of the S/2 of the NW/4 of the SW/4 of Section 29, Township 19 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as beginning at the SE corner of the NW/4 of the SW/4 of Section 29; thence North 330'; thence West 373'; thence South 330'; thence East 373' to the point of beginning.

10771

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 30' from the centerline of 12th Street; and a Variance (Section 1320 (d) - Off-Street Parking and Loading - General Requirements - Under the Provisions of Section 1670 - Variances) of the required off-street parking spaces and required off-street loading berths not on the same lot containing the use for which the required spaces are to be provided at the NE corner of 12th Street and Trenton Ave.

Presentation:

Randy Strnad, attorney for Hillcrest Medical Center, Art Wilson and Britt Embry were present at the meeting. Mr. Strnad presented a site plan (Exhibit "L-1") and advised that the entire concept for the Hillcrest area was presented in 1969 and approval was given for the long-range plans. The provisions of that approval was that the attorney appear from time to time before the Board to request additional approval of variances and proposed changes. Approval of the tower was received in 1974 and the proposed building is an extension of that tower. After the larger building is approved, 550 additional parking spaces will be available. An updated copy of the long-range plans for Hillcrest were received for the file.

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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 35' to 30' from the centerline of 12th Street; and a Variance (Section 1320 (d) - Off-Street Parking and Loading - General Requirements - Under the Provisions of Section 1670 - Variances) of the required off-street parking spaces and required off-street loading berths not on the same lot containing the use for which the required spaces are to be provided, per plot plan submitted on the following described tract:

Lots 3, 4, 5, and 6, Block 2, Forest Park Addition to the City of Tulsa, Oklahoma.

11.8.79:298(18)

10772

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 12' in an RS-2 District; and 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 at 229 West Victoria Avenue.

Presentation:

Don Graham, 5146 East 22nd Street, presented the plot plan (Exhibit "M-1") and advised that the application was for construction of an additional bedroom. The house is built across the lot line.

Douglas Nelson, owner of the subject tract, stated that he had received a letter from Mrs. Leslie Rogers, owner of the four lots adjacent to the subject property, which advised she had no objections to the application.

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 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line, per plot plan submitted on the following described tract:

Lots 9 and 10, Block 7, Oak Cliff Addition to the City of Tulsa, Oklahoma.

10773

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements in Residential Districts from 30' to 23' at 5945 South New Haven Avenue.

Presentation:

Mike Kurloski, 4512 East 51st Street, friend of the homeowner and contractor, presented a plot plan (Exhibit "N-1") of the proposed bedroom addition. The contractor stated the addition will be glass and cedar, but there is no way of matching the brick on the existing house. The addition will match the same roof line.

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 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements in Residential Districts from 30' to 23', per plot plan submitted on the following described tract:

10773 (continued)

Lot 10, Block 1, Rustic Hills Addition to the City of Tulsa,
Oklahoma.

10774

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) of the five acre minimum for a mobile home in an AG District located NE of 161st Street and Yale Avenue.

Presentation:

Doyal Hoover, R. R. #3, Box 213-A, Sapulpa, stated he proposed to locate a mobile home on 2½ acres with the intention of building a permanent home in the future. There are three other mobile homes in the area. The mobile home will be placed on one side and to the front of the lot to allow space to build the new home.

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 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 five acre minimum for a mobile home in an AG District, for a period of five years, on the following described tract: Part of the SW/4, SW/4 of Section 22, Township 17 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as: Beginning 810' North of the SW corner of SW/4, SE/4; thence North 365'; thence East 325'; thence South 365'; thence West 325' to the point of beginning.

10776

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 19' in an RS-3 District at 2919 Woodward Boulevard.

Presentation:

Roy Comer, 1730 South Norfolk Avenue, presented a plot plan (Exhibit "0-1") and elevations (Exhibit "0-2") and advised that the proposed plan was to extend the front of the building 6' and construct a two-story addition.

Protests: None.

10776 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "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 19' in an RS-3 District, per plot plan submitted on the following described property:

Lot 14, Block 1, Indian Woods Addition to the City of Tulsa, Okla.

10783

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 100' to 52.5' from the centerline of Charles Page Boulevard and from 25' to 1.1' from the east property line of 3105 Charles Page Boulevard.

Presentation:

Tom Tannehill, 525 South Main Street, representing Baird Manufacturing Company, advised the Baird Company had been at this location for the past 54 years. The applicant proposes to build an 11' x 44' addition on the corner of the existing structure to allow room for a testing area for foreign purchasers of the product. None of the other lots in the area conform with the existing frontage requirement. Mr. Tannehill presented an aerial photo (Exhibit "P-1") showing the existing building and pointed out that most of the other buildings in the area encroach on existing setback lines. The applicant also presented a plot plan (Exhibit "P-2") of the proposed addition.

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 grant a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 52.5' from the centerline of Charles Page Boulevard and from 25' to 1.1' from the east property line, per plot plan submitted on the following described tract:

Lots 33 and 34, Block 11, Hale Subdivision to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Review of Plans for Case No. 8784:

The Staff advised that the Board had previously approved the application, subject to a plot plan. The Jenks School has now decided to add more classrooms and approval of the additional plot plan is needed at this time.

Blaine Imel, architect representing the Jenks School Board, advised that the Board proposes to add eight additional classrooms to Building A.

There were no protestants present.

Review of Plans for Case No. 8784 (continued)

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to approve substituting the amended plot plan for the original plan for Case No. 8784.

Plans for Case No. 10464:

James Carpenter, Street Maintenance Division, requested the legal description be amended on the Maintenance Center Facility at North Mohawk. The legal description, that was submitted at the time of application, included 200' of land which the Water Department now feels they may want to use in the future for expansion of the lagoon. Mr. Carpenter presented a plot plan (Exhibit "Q-1") with a 300' x 506' area and requested the legal description be amended to fit this description. The revised plan merely moves the facility 200' further to the east, which is also owned by the City.

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to approve the substitute plot plan and amend the legal description.

Plans for Case No. 10495:

Bobby Vaughn, Superintendent of Turley Children's Home, advised that since the original Board approval of May 25, 1979, to expand the vocational training program to include ice making, and ice carpentry and other skills, vending operations, it has been decided that the most feasible way to conduct the carpentry program is to build homes on the campus and then move the buildings. This will cut the cost of the program and provide a more satisfactory program for the students.

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to find that the original approval for carpentry vocational training would permit the building of homes on campus to be moved upon completion as presented.

There being no further business, the Chair adjourned the meeting at 6:35 p.m.

Date Approved

Athy Purser

December 13, 1979

Chairman