

BOARD OF ADJUSTMENT
MINUTES of Meeting (No. 299)
Thursday, November 29, 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 Off.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, November 27, 1979, at 11:00 a.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:35 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 25, 1979 (No. 297).

MINOR VARIANCES AND EXCEPTIONS:

10779

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 32.5' to permit a service station canopy at 2442 East 15th Street.

Presentation:

David Mount, P. O. Box 834, Sapulpa, presented a plot plan (Exhibit "A-1") and plans for the canopy (Exhibit "A-2") to be constructed. The applicant pointed out that the property is only 50' in depth; therefore, the space used to improve the site is very limited. The existing islands will be covered.

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 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 32.5' to permit a service station canopy, per plot plan submitted, subject to a removal contract, on the following described tract:

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

Minor Variances & Exceptions: (continued)

10802

Action Requested:

Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 50' from the centerline of Memorial to permit a pole sign at 4420 South Memorial Drive.

Presentation:

Ray Conard, contractor, 4420 South Memorial Drive, presented a plot plan (Exhibit "B-1") and advised that the applicant would like to bring the edge of the sign up to the property line.

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 grant a Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 50' from the centerline of Memorial Drive to permit a pole sign, per plot plan submitted, subject to a removal contract, on the following described tract:

Beginning 540' North and 50' West of the Southeast corner of the Northeast 1/4, Section 26, Township 19 North, Range 13 East; thence North 107.70'; thence West 215.74'; thence South 107.79'; thence East 215.74' to the point of beginning, in the City of Tulsa, Tulsa County, Oklahoma.

10804

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 4.1' in an RS-2 District at 7755 South Gary Place.

Presentation:

Mr. Jones exhibited a surveyor's plat (Exhibit "C-1") and stated he had advised the applicant they need not be present for the meeting. The variance is to clear the title to the subject property. The house has already been constructed.

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 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 4.1' in an RS-2 District, per plot plan submitted, on the following described tract:

Lot 5, Block 7, Walnut Creek Amended Addition to the City of Tulsa, Oklahoma.

10806

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 100' in an AG District to permit a lot-split at 53rd Street North and Osage Highway.

Presentation:

The Staff advised that the Planning Commission approved the lot-split on August 15, 1979, subject to the Board of Adjustment approval.

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 approve 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 100' in an AG District to permit a lot-split (L-14705), on the following described tract:

A tract of land beginning 165' South of the NE corner of the SW/4 of the SW/4 of Section 4, Township 20 North, Range 12 East; thence West 650' for the place of beginning; thence South 100'; thence West 350'; thence North 100'; thence East 350' to place of beginning, to the City of Tulsa, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

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 at 3027 South 140th East Avenue.

Presentation:

Mr. Jones advised he had notified the applicant that the Board would make a decision on the variance at this meeting. Bob Gardner noted that the applicant was at the original hearing and the request at that time was to waive the setback to 15'; the Staff and the Board suggested at that time that 15' was too much of a variance. The applicant has obviously changed the setback to 25' and has not appeared at the last three meetings.

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 strike application No. 10723.

Unfinished Business: (continued)

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, north-east of Atlanta Avenue and 51st Street.

Presentation

The applicant was not present. Mr. Gardner advised that he had been informed that the applicant's option had run out and recommended the Board dismiss the case.

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 remove, without prejudice, application No. 10725.

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 .385% in an OL District at 4555 South Harvard Avenue.

Presentation:

John Moody, attorney for the applicant, noted that the application had been continued from the previous meeting in order to determine if the building could be reduced in such a manner as to reduce the amount of the requested variance and to also examine possibilities of eliminating some of the drainage problems on the subject tract. The applicant reduced the length and depth of the building to give a reduction in the gross square footage of the building and amended the request for a floor area ratio of 37%. It was also determined that the property can be designed so as to restrict the flow of drainage to the same volume as would be released from it if it were developed with 25% floor area ratio. The primary reason for the applicant's request of 37% floor area ratio is the narrowness of the subject tract.

Mr. Moody advised that the parking on the reverse parking right-of-way could be eliminated; however, the applicant does not feel this would be desirable. He pointed out that the properties directly across the street, on the west side of Harvard, all have parking utilizing the right-of-way up to the sidewalks on Harvard.

Tom Kelly, applicant, stated that his lending institution would be willing to make the loan without the reverse parking, since the parking does meet the Zoning Code. Mr. Kelly advised that with a lot 100' deep, the only way to overcome the problem, aesthetically or rent-wise, is to build the structure deep enough to have a hallway in the middle of the building with offices on both sides.

Protestants:

Fred Boss, attorney, representing Pauline Black who resides east of the subject property, presented pictures (Exhibit "D-1") showing the water runoff in the area. Mr. Boss advised that the pictures are not current, the area has been sodded and there has been a trough run beneath the drains; however, the pictures do show what the back of the building looks like adjacent to Mrs. Black's property.

Homer Hilst, 3336 East 46th Street, advised that the last 4" rain flooded his property and nothing has been done to alleviate the problem on 46th Street. Mr. Hilst stated that the reverse parking allowed on Harvard is causing even more problems for area residents, since it is making it almost impossible to get onto Harvard Avenue. The protestant noted that the side street which exits onto 46th Street serves as ducts to carry all of the water from the parking lots onto 46th Street rather than on Harvard and he felt another parking lot would compound the problem even more.

Discussion:

Mr. Gardner advised that the Harvard Plan specified a certain number of access points along Harvard Avenue which were to be controlled through the platting process; however, one or two of the properties along Harvard Avenue were issued building permits without a resubdivision of land. A building permit was issued for the SE corner of the subject intersection without a replat. Since then, other replat requirements have been waived; therefore, the Harvard Plan has been modified as it relates to access controls. There is no prohibition of access on 46th Street.

In regard to the water problem in the area, Mr. Hilst advised that he and another property owner had installed 18" storm drains across the front of their properties and had berms put in which comply with the City Code.

Board member Lewis expressed concern that the lots were not properly replatted. He also stated he was not particularly concerned with the flooding problem since the subject property would be subject to City Engineering Department approving the drainage plan. In regard to Mr. Lewis' question concerning the parking on the subject tract, Ms. Miller, Building Inspector, advised that there is adequate parking on the tract for general office uses, but not for medical facilities. Mr. Gardner stated that he did not feel the applicant could build the type of facility proposed without obtaining the reverse parking from the City.

Board Action:

On MOTION of LEWIS, the Board voted 3-1-0 (Lewis, Smith, Wait "aye"; Purser "nay"; no "abstentions"; Thompson "absent") to approve the 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 .37 in an OL District, per plot plan submitted, subject to approval by the City Engineer's Office of the drainage plans as not providing any increased drainage or runoff as a result of this action, the applicant to record a Restrictive Covenant Agreement that there be no medical use of

10731 (continued)

the building, the location of the access point on 46th Street be approved by the City Traffic Engineer, on the following described tract:

Lot 7, Block 2, Villa Grove Heights Addition No. 1, 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 Drive.

Presentation:

John Wimbish, 1710 Fourth National Bank Building, presented a parking plan (Exhibit "E-1") and advised that he would pave (2" of asphalt) an area 45' x 150' to provide 41 additional parking spaces which will be more than adequate for the business. The traffic generated by this business will be primarily at night and, therefore, will not conflict with other business traffic in the area.

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 approve an 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, subject to the construction of an asphalt parking lot, 45' x 150', adjacent to the property and tie that portion of the property to the existing property under application by contract on the following described tract:

Lot 2, Block 1, Memorial Business Center, a resubdivision of Lot 4, Block 4, of Resubdivision of Second Research and Development Center, City of Tulsa, County of Tulsa, State of Oklahoma, according to recorded plat thereof.

10751

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) 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 Ave.

Presentation:

Rex Anglen, 714 North 4th Street, advised that he has a new accessory building on the subject property. This building has a water well and

10751 (continued)

a septic system as well as other utilities. Mr. Anglen stated that this building will be utilized as a storage and maintenance shop for his sand blasting equipment. A house will be built or moved onto the property to serve as the applicant's residence, as soon as possible.

Board member Lewis had visited the subject property and he advised that he felt the existing building would not be an inappropriate structure to have as an over size garage or an accessory building in conjunction with a house.

Protestants:

David Nelson, representing Mrs. Edwards, a homeowner in the area, pointed out that the area is becoming residential. The gravel road that serves the neighborhood is not of a quality to handle truck traffic. Mr. Nelson questioned if the well mentioned by the applicant is actually on the subject tract and also felt the utilities were only temporary.

Interested Party:

J. N. Witt advised that he owns the 74 acres adjacent to the subject tract. Mr. Witt stated that the applicant spent several months cleaning up the lot and now has the nicest building in the entire subdivision. He noted that the well was on a different lot; however, the applicant did drill the well and did so to help his neighbor. Mr. Witt urged the Board to approve the application stating that he would like to see Mr. Anglen remain as a part of the community.

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 an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for a home occupation to permit the storage and maintenance of sand blasting equipment in a residential district that contains a storage building and no residence, subject to compliance with all rules of a home occupation, with the requirement that a home be under construction on the subject property within the next two years, on the following described tract:

The East 150' of the West 360' of the South 180' of the North 590' of the NE/4 of Section 28, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

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.

11.29.79:299(7)

10754 (continued)

Presentation:

Paul Mauldin, 13804 East Apache Street, stated he felt the entire area will be industrial in the future and he didn't feel he would harm anyone with the reduced setback. Mr. Mauldin plans to erect an all steel screening fence which will be similar to the building. The applicant requested a one year's extension for erection of the screening fence. The nearest residence is several miles from the subject tract.

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 grant a 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 approve 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, with the extension of time not to exceed one year from this date, on the following described tract:

The West 240' of the East 880' of the N/2, NW/4, NE/4 of Section 28, Township 20 North, Range 14 East, Tulsa County, Oklahoma.

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, advised he would like to place a mobile home on a five acre tract in an agricultural area. There are two other mobile homes in the area and approximately 20 acres of vacant land across the street from the subject property. He noted that the development in the area is very old. Mr. Hill stated he plans to construct a home on the lot. The mobile home is located between two large oak trees on the property.

Protestants:

Janice Hughes, 10709 South Elgin Avenue, pointed out that this area is in the process of being developed. She noted that one of the mobile homes in the area is there on a "grandfather clause" and the second mobile home was placed on the property with a one-year variance and will be moved when the home is built.

A letter (Exhibit "F-1") was exhibited from the Jenks Planner, Richard Hall, stating that the City of Jenks would not object to the mobile home being placed on the property for a specified period of time if the occupants are planning to construct a frame home on the lot and eventually remove the trailer.

10755 (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 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 two years with the applicant having his home under construction, on the subject tract, at that time, on the following described tract:

The S/2, SE/4, NE/4, SW/4 of Section 25, Township 18 North, Range 12 East, Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

10766

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) to permit a water treatment plant in an AG District located NE of 170th Street North and 129th East Avenue.

Presentation:

Lewis C. Johnsen, representing Rural Water District No. 3, advised that the District serves approximately 2,300 suburban residents.

Weaver Christian, District Manager, stated that the water treatment plant was needed because of the growth factor in the area. This project will involve a new raw water intake into Oolagah Reservoir, a trunk line to the subject tract, water treatment plant to be erected on the subject property and new water towers and trunk lines in the District.

Otis Courtwright, engineer, presented a plot plan (Exhibit "G-1") and advised that there will be a 16" line from Oolagah Lake to the plant site with 10" lines from the plant into the territory. The water treatment plant was originally designed to be a two million gallon a day treatment plant with capabilities of expansion to six million gallons a day. There are approximately 10,000 people to be served with a projected population of 50,000 in the future.

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 approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) to permit a water treatment plant in an AG District as presented, per plot plan submitted, on the following described tract:

The S/2, SW/4, NW/4 of Section 9, Township 22 North, Range 14 East, Tulsa County, State of Oklahoma.

10775

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 3703 South 33rd West Avenue.

Presentation:

Pat Dooley, 3716 South 32nd West Avenue, advised that her daughter lives in the mobile home. This mobile home has been receiving Board approval on this location since 1976.

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 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 6, Block 21, Red Fork Addition to the City of Tulsa, Okla.

10777

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to permit the continued operation of a machine shop. (Applicant requests for a determination by the Board that the existing machine shop is a legal nonconforming use that has been operating since 1946 at 800 North 41st West Avenue.)

Presentation:

Mrs. J. E. French, 720 North 41st West Avenue, stated that her husband had operated a machine shop on the subject tract from 1957 to his death. Since that time, the machine shop has provided a supplemental income for the applicant.

Communications (Exhibit "H-1") were presented as evidence that the machine shop is a nonconforming use and has been in continuous use since 1946.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to reverse the decision of the Building Inspector and made a determination that this is a legal nonconforming use, on the following described tract:

The N/2, N/2, SE/4, NE/4, SE/4 of Section 32, Township 20 North, Range 12 East, Osage County, Oklahoma.

10778

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1214 - Shopping Goods and Services) to permit a dry cleaning plant, drapery making and sales in an IL District at 9520 East 55th Street.

Presentation:

Earl Thomas, 2932 East 45th Place, stated he was the President of the dry cleaning plant which is presently operating on the subject tract. He advised that he had been unaware that the business sales were in violation of the zoning restrictions. The drapery sales would constitute approximately 3% - 5% of the business. Mr. Thomas plans to employ 20 workers in the plant.

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 910 - Principal Uses Permitted in the Industrial Districts - Section 1214 - Shopping Goods and Services) to permit a dry cleaning plant, drapery making and sales in an IL District, as presented, on the following described tract:

Lot 5, Block 3, 5300 Commerce Park Addition to the City of Tulsa, Oklahoma.

10780

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 6617 West 51st Street.

Presentation:

Kay Sexton, 5014 South 55th West Avenue, advised that she plans to locate a mobile home on five acres in an area where there are many other mobile homes.

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 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:

The S/2, SE/4, SE/4, SE/4 of Section 30, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

10781

Action Requested:

Variance (Section 610 - Principal Uses Permitted in the Office District-Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670 - Variances) to sell antiques from a residence in an OM District on a part time basis at 1611 South Denver Avenue.

Presentation:

Paul Garrison, attorney, representing the applicant, stated that the property was purchased by the applicant under the mistaken impression that it was zoned to sell antiques. The applicant is employed by Southwestern Bell Telephone Company and desires to sell antiques from his home on a part-time basis. Mr. Garrison advised that the subject property was somewhat deteriorated when the applicant purchased it; he presented pictures (Exhibit "I-1") of the property to illustrate this fact. A petition (Exhibit "I-2") bearing 17 signatures of the property owners who do not oppose the application was presented.

Protestants:

Dwight Kurtzman, 1524 South Denver Avenue, advised that the antique business started one month ago and signs had been erected on the subject tract. Mr. Kurtzman noted that most of the people who have moved into the area, which is one of the oldest historical areas in Tulsa, have come in with the prime purpose of restoring the area. He felt that a business would destroy property values and destroy the historical nature of the property.

A letter of protest (Exhibit "I-3") was received from Tim E. Gillean.

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 a Variance (Section 610 - Principal Uses Permitted in the Office District - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670 - Variances) to sell antiques from a residence in an OM District on a part-time basis, on the following described tract:

Lot 14, Block 6, Stonebraker Heights Addition to the City of Tulsa, Oklahoma.

10782

Action Requested:

Variance (Section 620 (d)1 - Accessory Uses Permitted in the Office Districts - Under the Provisions of Section 1670 - Variances) of the size of a sign from 32 sq. ft. to 80 sq. ft. in an OM District (4' x 20' sign) at 4770 South Harvard Avenue.

Presentation:

Dr. Ted Little, Director of the Oklahoma School of Business, requested the variance in order to install an internally illuminated, single-faced sign on the front of the building. The sign would carry the name of the school, the school logo, and also list three of the major programs. Dr. Little noted that a 32 sq. ft. sign bearing the aforementioned lettering would be illegible from the street, and therefore, would present a hardship to the privately owned institution.

11.29.79:299(12)

10782 (continued)

The Rooney Real Estate Company occupies a portion of the same building; the Rooney Company has an existing sign near Harvard and also one sign on 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 a Variance (Section 620 (d) 1 - Accessory Uses Permitted in the Office Districts - Under the Provisions of Section 1670 - Variances) which would allow an additional 32 sq. ft. sign on Harvard Avenue (in addition to the existing Rooney sign) on the building, on the following described tract:

Lot 1, Block 1, Villa Grove Subdivision; a Resub of Lots 1, 2, 3 and 4, Block 1, Villa Grove Subdivision to the City of Tulsa, Oklahoma.

10784

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 NE corner of 61st West Avenue.

Presentation:

Edith Martin, 6210 West 61st Street, advised she plans to live in the mobile home at the proposed location. 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 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 10, Block 2, New Tanaha Addition to the City of Tulsa, Oklahoma.

10785

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 640 (8) - Special Exception Uses in Office Districts) for permission to operate a beauty shop in an OL District at 1519 South Utica Avenue.

Presentation:

Dottie Severson, representing the applicant, advised that the proposed beauty shop would be adjacent to a hardware store and a nursery. The proposed location is currently being utilized as a store which sells wood burning stoves. There is a graveled parking lot nearby which will

10785 (continued)

be utilized by the patrons. Ms. Severson noted that there were other parking lots in the area which are not hard surfaced. Dorotha Miller, from the Building Inspector's Office, advised that parking was not required prior to 1970 and consequently there wasn't hard surfaced parking required at that time; however, it would be required at this time in order to obtain an occupancy permit.

A statement (Exhibit "J-1") was received from Bernice Siders advising that she had no objection to the beauty shop.

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 approve an Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 640 (8) - Special Exception Uses in Office Districts) to operate a beauty shop in an OL District, subject to installation of a hard surface parking lot within 60 days after occupancy, on the following described tract:

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

10786

Mr. Jones advised that the application had been withdrawn. The application was published; however, the notices were not mailed. The applicant requested a refund of the filing fee.

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to refund the filing fee of \$50.00, to the applicant.

10787

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to make and sell ceramics in a residence at 1715 East 60th Place.

Presentation:

Jessie Prine, 1715 East 60th Place, advised he would like to operate a small hobby-business occupation in his home. There will be no signs or employees and no noisy equipment. The materials will be delivered and stored in the garage where the equipment is housed. The garage is brick and will be sound proof. The bulk of the products will be sold by contract and will involve two or three people coming to the home each week.

Protests: None.

10787 (continued)

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "abstentions"; Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to make and sell ceramics in a residence, to run with this owner only, as presented, no advertising, no yard signs, no advertisement in the yellow pages, no signs in the windows, no display area, no yard displays, on the following described tract:

Lot 14, Block 3, Southern Village Addition to the City of Tulsa, Oklahoma.

10788

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 150' to 100' in an IL District at Yale Avenue and 66th Street North.

Presentation:

Gene Buzzard, 907 Philtower Building, advised this is a railroad right-of-way, 100' wide, in the Cherokee Industrial Park. Mr. Buzzard stated that his client will build the railroad and then transfer it to the Santa Fee Railroad.

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 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 150' to 100' in an IL District on the following described tract:

Lot 3, Block 5, Cherokee Expressway Industrial District (100' Railroad Right-of-Way).

All that part of the N/2 of Section 3, Township 20 North, Range 13 East of the IBM, Tulsa County, Oklahoma, according to the Official U. S. Government Survey thereof; more particularly described as follows, to-wit:

Commencing at the NW corner of said N/2; thence South $1^{\circ}-25'-00''$ East along the East boundary of said N/2 a distance of 1,600.18'; thence North $88^{\circ}-45'-44''$ East a distance of 50.00' to the point of beginning; thence North $1^{\circ}-25'-00''$ West parallel to and 50.00' from the West boundary of said N/2 a distance of 24.57'; thence along a curve to the right having a radius of 450.00' a distance of 75.77'; thence North $88^{\circ}-45'-44''$ East a distance of 2,477.55'; thence on a curve to the left having a radius of 553.81' a distance of 872.38'; thence North $1^{\circ}-29'-33''$ West a distance of 873.72' to a point 70.00' from the North boundary of said Section 3; thence

10788 (continued)

North 88°-45'-44" East parallel to and 70.00' from the North boundary of said N/2 a distance of 100.00'; thence South 1°-29'-33" East a distance of 873.28'; thence on a curve to the right having a radius of 653.81' a distance of 1,029.91'; thence South 88°-45'-44" West a distance of 2,483.60' to the point of beginning; containing 430,681 square feet, or 9.88708 acres.

10789

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to sell and repair automobiles in an RS-3 District at the northeast corner of Pine Street and College Avenue.

Presentation:

W. G. Nelson, 3001 East Pine Street, presented a plot plan and picture (Exhibit "K-1") of the subject tract, noting that the property is fenced with a chain link fence and has a driveway off of Pine Street, which goes around the house and out on College Ave. Mr. Nelson advised that he buys, repairs, and sells cars. On occasion, the applicant will have as many as five cars which are for sale. There is an automotive parts store, Braums Ice Cream Store, filling station, laundry and a beauty salon in the immediate vicinity.

Protestants:

Clarence Morris, 1458 North Evanston Avenue, presented a petition (Exhibit "K-2") with 27 signatures of area homeowners who protest the application. Mr. Morris advised that he and the other residents of the neighborhood would like to protect the investment in their property. He pointed out that the other commercial business in the area was zoned many years ago. The protestant stated he viewed the operation as a used car lot and expressed concern that, if this application is approved, there will soon be other applications for business on Pine Street.

Henry D. Smith, 1303 North Evanston, advised he had been a neighbor of Mr. Morris for 27 years and agreed with his points of protest. Mr. Smith presented a petition of protest (Exhibit "K-3") bearing 19 signatures of area residents.

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 440.2 - Home Occupations) to sell and repair automobiles in an RS-3 District, on the following described tract:

The E/2, SE/4, SE/4, SW/4, SE/4, less the West 25' and the North 125' thereof, in Section 29, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

10790 (continued)

The East 62.5' of Lot 1, Block 1, Peebles Addition; and Lots 22 and 26, Block 5, Amended Brookside Addition, all in the City of Tulsa, Oklahoma.

10791

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 15' to permit a carport at 2127 South Sandusky Avenue.

Presentation:

Leo Fallon, 2127 South Sandusky Avenue, advised he had taken down his carport in order to widen the driveway and now would like to reinstall the carport. The carport will be 6' wider than before. Mr. Fallon presented a petition (Exhibit "M-1") signed by 14 homeowners in the area, who do not object to the carport. A Plat of Survey (Exhibit "M-2") was presented.

Protestants:

C. J. Massey, 2157 South Sandusky, advised that he had constructed the houses in this neighborhood. There is a 25' property setback on each garage and this is a neighborhood which does not need carports. Mr. Massey stated that he didn't think any neighborhood looks good with carports.

Bill Powell stated that there are a lot of used car salesmen and car hobbyists trying to move into the neighborhood. Mr. Powell expressed concern that approval of this application would set a precedent.

Howard Childers, representing his brother who lives at 2153 South Sandusky, advised that the homes in this area were brick, three bedroom or larger, and were constructed in the early 1950's. The homes all have attached garages and Mr. Childers stated he did not know of any way that a carport this large could blend in with the area. The protestant also objected to the clutter which will be in the carport and expressed a fear that the applicant will be working on old cars in the carport.

The applicant stated that he had always kept up his property. He advised that he installed steel siding on the house and when it was finished he planned to outline the carport in brown to blend in with the existing house.

Board member Smith noted that the applicant had not shown a hardship. Mr. Smith felt the carport was too large for the existing neighborhood.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) for permission to erect three duplexes in an RS-3 District; and a Variance (Section 207 - Street Frontage - Under the Provisions of Section 1670 - Variances) of the frontage requirements on a public street; and to permit a lot-split in the 1,000 Block of East 33rd Place.

Presentation:

Ben Royal, 4210 East 105th Place, advised that the subject property was landlocked until another piece of property was obtained in order to provide access. The lot-split was approved July 11, 1979, subject to Board of Adjustment approval. The applicant will provide a 15' access along the creek edge for maintenance of the creek bank. Mr. Royal presented a plot plan (Exhibit "L-1") and pointed out the location as just off of Riverside Drive, with the creek on the north side, apartments to the west, houses on the south side. A small house (rental property) will be removed to provide access to the subject tract. There are many large trees on the property and as many as possible will be saved during the construction. The applicant proposes to construct single-family attached housing in two-family configuration. We plan to build quality units which can be sold at a later date. The homes will be traditional style, gabled roofs, two bedroom, two bath, fireplaces, garage, 1,000 - 1,200 sq. ft. per living unit and will rent for \$350 - \$425 per month. Final plans for the units were not available; however, a plat of survey (Exhibit "L-2") was presented.

Mr. Royal stated that the homes would not have an apartment-type look, they will blend with other construction in the area and will be of good quality. The street providing access to the addition will be a private street.

The Board members advised the applicant that they would prefer to continue the case until such time as final plans are available.

Protestant:

Paul Williamson, Oklahoma City, advised that he is renting his former home located on 33rd Place and was very interested in the location of this proposed construction and the quality homes which will be built. Mr. Williamson noted that the house which will be removed to provide access to the development is one of the nicest looking houses on the block.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") and continued Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect three duplexes in an RS-3 District, to January 10, 1980, to allow the applicant to return to the Board with a plot plan and drawings of the proposed addition; and to grant a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) of the frontage requirements on a public street; and to permit a lot-split, on the following described tract:

10791 (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 deny 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 15' to permit a carport, on the following described tract:

Lot 2, Block 7, Mayo Meadows Addition to the City of Tulsa, Oklahoma.

10792

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; and a Variance (Section 208 - Single-Family dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot that has a residence on it at 5138 East Woodrow Place.

Presentation:

Margaret Castleberry, 860 North 92nd East Avenue, advised that the existing home on the subject tract was in need of repair. Ms. Castleberry is purchasing the property and plans to remodel the existing house. She would like to live in the mobile home while she is working on the house.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of one year, removal bond required; and grant a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot that has a residence on it, subject to only one dwelling unit on the property being lived in at one time, on the following described tract:

The East 430' of the S/2 of Lot 11; and the North 77½' of Lot 12, all in Block 1, S. R. Lewis Addition to the City of Tulsa, Oklahoma.

10793

Action Requested:

Variance (Section 420.2 (d) - Accessory Use Conditions Permitted in Residential Districts - and, Variance (Section 630.2 (d) - Accessory Use Conditions Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) of the sign requirements in an OM and RS-3 District for the Doctor's Hospital, at 2323 South Harvard Avenue.

Presentation:

Louis Levy, attorney representing Doctor's Hospital, presented two alternative sign plans (Exhibits "N-1 and N-2"); one reads Doctor's Hospital and the other Doctor's Medical Center. The applicant's preference would be the second alternative, Doctor's Medical Center. Mr. Levy advised that the hospital had identification problems, one being that the main entrance to the hospital is a residential street. The new sign program would help to solve this problem for the benefit of doctors, patients and visitors to the hospital. The letters on the proposed signs will be 2' tall, the sign will be non-illuminated.

Protestant:

Bernice Giles, 2429 South Knoxville Avenue, representing homeowners on South Knoxville, advised that their homes were at the back door of the hospital which is the front door of the residences. Mrs. Giles protested the signs or anything else which would make the area appear any more commercial than at present. The protestant noted that area residents would not protest the sign if the hospital would erect an 8' screening fence near the residential area.

Louis Levy advised that he was not aware of this problem; however, he assured the protestant that he would confer with the administration of the hospital tomorrow morning and clean up the area, notify the contractor to clean up his mess and the hospital will erect a fence.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve a Variance (Section 420.2 (d) - Accessory Use Conditions Permitted in Residential Districts) - and, Variance (Section 630.2 (d) - Accessory Use Conditions Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) of the sign requirements in an OM and RS-3 District for the Doctor's Hospital, to allow one sign, on the south side of the building, the sign to read Doctor's Hospital in 2' high letters in accordance with the drawing submitted; and the hospital to construct a wall or a fence on the east side of the property with the applicant returning to the Board with plans for the wall or fence, on the following described tract:

All of that portion of the S/2, S/2, NW/4, S/2, S/2, NW/4 of Section 16, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

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 located $\frac{1}{4}$ mile east of 33rd West Avenue and 111th Street South.

Presentation:

Randy Hunter, 3117 West 111th Street South, advised that he had purchased the subject property one month ago. The real estate agent who sold the five acre tract to Mr. Hunter assured him that in the County, if you owned more than 2½ acres, there would be no

10794 (continued)

problem moving a mobile home onto the property. The mobile home is in place at the present time. Mr. Hunter stated that he planned to build a home on the property; however, it may be 5 or 6 years before he would be financially able to do so. There are five other mobile homes in the immediate area.

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 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, for a period of five years, on the following described tract:

A tract of land in the SW/4 of Section 27, Township 18 North, Range 12 East, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the South boundary of said Section 27, 1,557.83' from the SW corner thereof; thence North, parallel to the West boundary of said Section 27, a distance of 820.00'; thence East, parallel to the South boundary of said Section 27, a distance of 265.61'; thence South 820.00' to a point in the South boundary of Section 27; thence West along said boundary a distance of 265.61' to the point of beginning, containing 5.00 acres, more or less.

10795

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) for permission to erect two duplexes in an RS-3 District; and a Variance (Section 440.3 (a) & (c) - Special Exception Uses in Residential District Requirements - Under the Provisions of Section 1670 - Variances) of the 9,000 sq. ft., lot area to 6,750 sq. ft. for a duplex; and request for a variance of the frontage requirements from 75' to 50' to permit a duplex at 7100 Block East Virgin Street.

Presentation:

Tom Burke, 4133 East 48th Place, representing his brother Byron Burke, presented a plot plan (Exhibit "0-1") of the proposed duplexes. The duplexes will be concrete block-type 1,200 sq. ft. per unit in the rental range of \$200 - \$225 per unit, per month. Mr. Burke advised that the plans presented were concept plans and he did not have elevations to submit at this time. The applicant stated he would return to the Board with final plans if the Board wished to continue the application.

Protests: None.

10795 (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 continue Case No. 10795 to December 13, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10797

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses - Airport) to use property for (airport use); a flying school; air-plane storage; and to erect a 40' x 40' two-story office building in an RS-2 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit same as above mentioned at 1403 South 135th East Avenue.

Presentation:

John Long, 1403 South 135th East Avenue, advised that he has been in flying business at Harvey Young Airport since 1968. Mr. Long stated that he had purchased this property last November, is now living in the house, and proposed to construct an office on the subject tract. He presented aerial photos (Exhibit "P-1") of the property, surveyor's plat (Exhibit "P-2") architect's drawings of the office and hangar (Exhibit "P-3") and a plot plan (Exhibit "P-4"). Mr. Long noted that the fate of Harvey Young Airport is in question due to the fact that the land was given to one of the local hospitals. Therefore, he plans to construct the office in such a manner that it could be used as a home in the event the airport closes in the future. The hangar is prefabricated construction that is bolted together on a concrete footing and slab which could be removed and taken somewhere else. The office will be basically steel construction with a rock facade. The applicant does not plan to install a Unicom station.

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 deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses - Airport) to use property for airport use); a flying school; air-plane storage; and to erect a 40' x 40' two-story office building in an RS-2 District; and grant a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit same as above mentioned, with the office remaining in use only as long as the airport is used as such; the metal building, or hangar, will be moved to another airport site whenever the airport ceases to operate, on the following described tract:

Lots 7 and 8, Block 9, Romoland Addition to the City of Tulsa, Oklahoma.

10797 (continued)

Chairman Purser noted that the applicant had approached the Board with full knowledge that the airport may be converted to residential use at any time.

10798

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit mini-storage buildings in a CS District; and an Exception (Section 250.3 (a) - Modification of the Screening Requirements) for permission to remove the screening requirement where existing physical features provide visual separation of the uses southeast of 11th Street and Mingo Valley.

Presentation:

Dennis Wood, 6436 South 87th East Avenue, presented a plot plan (Exhibit "Q-1") and advised that an Omelot Shoppe was adjacent to the north, an older mobile home park is located to the east, and there are metal industrial buildings to the south. The Mingo Valley Expressway is on the west side of the subject tract. Mr. Wood noted that the proposed use fits in well with the existing uses in the area. There are a number of apartments and mobile home parks in the area presenting a need for this type of storage units. Concerning the screening requirements, Mr. Wood advised that one of the units will be backing to the expressway providing a 10' high masonry wall. The units will be constructed of tilt-up concrete in earth tones, with each unit having one electrical light bulb. There will be an apartment provided for a live-in resident manager.

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 approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit mini-storage buildings in a CS District; and approve an Exception (Section 250.3 (a) - Modification of the Screening Requirements) to remove the screening requirement where existing physical features provide visual separation of uses, per plot plan submitted, with the units painted earth tones, on the following described tract:

The South 435' of the W/2 of Lot 3, Mingo Valley Acreage
Addition to the City of Tulsa, Oklahoma.

10799

Action Requested:

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 20' on the south and west at 4722 South Mingo Road.

10799 (continued)

Presentation:

Greg Allen, a partner in the application, presented a plot plan (Exhibit "R-1") and a drawing (Exhibit "R-2") of the proposed 10,000 sq. ft., precast concrete building. There will be offices in the front with small warehouses in the rear of the building. The tract abuts OM zoning on the west and south.

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 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 20' on the south and west, per plot plan and elevations submitted, on the following described tract:

Lots 5 and 6, Block 1, Regency Plaza Amended Addition to the City of Tulsa, Oklahoma.

10800

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 7' in an RS-3 District at 1360 East 25th Street.

Presentation:

Stephen Turner, Philtower Mezzanine, presented a plot plan (Exhibit "S-1") and advised that the application was for a room addition to the back of the existing house. This construction will include the demolition of the existing garage, and the addition of a garage and a master bedroom suite. The back yard will provide a play area for the children on the west side and a pool is proposed for the east side.

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 grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to the rear yard requirements from 25' to 7' in an RS District, per plot plan submitted, on the following described tract:

Lot 7, and the East 20' of Lot 8, Travis Heights Second Addition to the City of Tulsa, Oklahoma.

10801

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 10' to 3' from the west property line in an RS-1 District at 8164 East 17th Street.

Presentation:

John Harris, 8164 East 17th Street, presented a surveyor's plat (Exhibit "T-1") and advised that the lot-split had been approved by the Planning Commission and the Board; however, when the house was constructed it was infringing on the side lot line. Mr. Harris stated he owns the entire property.

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 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 10' to 3' from the west property line in an RS-1 District, on Tract I, per plat submitted, on the following described tract:

The East 71.25' of the North 175' of the East 86.25' of the West 172.5' of the East 622.5' of the North Half of Block 8, O'Connor Park, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

10803

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 0' on the north from an R District at 8545 East 41st Street.

Presentation:

James Unruh, attorney for Rutherford Publications, presented a plot plan (Exhibit "U-1") and advised that the subject tract was "pie-shaped," blocked off by the Broken Arrow Expressway to the north. The Company plans to expand their plant and the only feasible way would be to the rear and to the north. The proposed plant would be the same architecture as that of the existing structure and will project 20' past the existing 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 the 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' on the north from an R District (Broken Arrow Expressway); and approve an Exception (Section 250 (d) - Modification of the Screening Require-

10803 (continued)

ments) to remove the screening requirement where the purpose of the screening cannot be achieved, per plot plan submitted, on the following described tract:

Lot 1, Bond Addition to the City of Tulsa, Oklahoma.

10805

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a day care center in a church building at 223 East Virgin Street.

Presentation:

Richard Brackeen, Jr., 1157 North Denver, advised he would like to operate a day care center on the subject property which is owned by the church. The church also owns the property to the west of the subject tract; the house on that property is used for storage at the present time, but will be made into a parking lot in the future. There are three or four vacant lots to the east of the subject tract. The applicant stated he would need to construct a circle driveway on the property. The hours of operation would be 6:00 a.m. to 6:00 p.m.

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 approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center in a church building, subject to approval by the State Health Department, the hours of operation to be 6:00 a.m. to 6:00 p.m., and the applicant to construct a circular driveway, on the following described tract:

Lot 19, Block 1, Meadowvale Addition to the City of Tulsa, Oklahoma.

10807

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a day care center in an RS-3 District at 7707 East 28th Court.

Presentation:

The applicant was not present.

Alan Jackere, Legal Counsel, stated that the applicant had the burden of coming forward and since he had not, the Board could hear the protestants that were present and make their decision on the application.

10807 (continued)

Protestant:

Woody Hamilton, 7708 East 28th Court, presented a protest petition (Exhibit "V-1") signed by 24 area residents. There were four protestants present at the meeting who felt they did not want a commercial enterprise in the area. Mr. Hamilton advised that the subject tract was on a very busy corner, traffic-wise, and he also felt that his driveway would become a turn-around for the day care traffic.

Board Action:

On MOTION of LEWIS, 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 day care center in an RS-3 District, on the following described tract:

Lot 14, Block 29, Boman Acres Fourth Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

10399 - Request to substitute elevation plans:

The substitute plans were presented; however, the Board members decided to continue consideration of the plans to December 13, 1980, in order that the applicant could be present to advise them of the changes in the plans.

Substitute Plot Plan Case No. 9833 and No. 10619:

Bob Swanson, architect for Evangelistic Temple, advised that the Church proposes to raze a building and construct an additional building in the same area of the subject tract. The new construction will match the existing building. A substitute plot plan (Exhibit "W-1") was presented. There were no protests to this application.

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve the substitute plot plan for No. 9833 and No. 10619.

Discussion On Amendments to the Zoning Code:

Chairman Purser asked the other Board members to consider the Legal Advisor's suggestion that the Zoning Code be reviewed with the possibility of eliminating some of the various uses considered by the Board.

There being no further business, the Chair adjourned the meeting at 7:15 p.m.

Date Approved

Feb 7, 1980

Kathryn J. Purser
Chairman