

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 301
Thursday, January 10, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, January 8, 1980, 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.

MINOR VARIANCES AND EXCEPTIONS:

10833

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 south and west of Garnett and 126th Street North.

Presentation:

The Staff advised that the Planning Commission had approved the lot-split on December 5, 1979, subject to the approval of the Board. A plot plan (Exhibit "A-1") was exhibited.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot-split (L-14800), per plot plan submitted, on the following described tract:

The N/2, SE/4, SE/4, NE/4, of Section 6, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

10834

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in a Residential District - Under the Provisions of Section 1630 - Minor Variances) of the area requirements in a Residential District to permit a lot-split at 1702 East 72nd Street North.

Presentation:

The Staff advised that there were three existing structures on the subject tract. The lot-split will allow separate ownership on each structure. The Planning Commission approved the lot-split on December 5, 1979.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in a Residential District - Under the Provisions of Section 1630 - Minor Variances) of the area requirements in a Residential District to permit a lot-split (L-14798), per plan submitted, on the following described tract:

The W/2 of Lot 2 and the E/2 of Lot 3, Block 8, Golden Hill Addition to the City of Tulsa, Oklahoma.

10842

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line at 1319 South 74th East Avenue.

Presentation:

Mr. Jones advised that the applicant owned both of the 50' lots which are involved. A plot plan (Exhibit "B-1") was submitted.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in the 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 18 and 19, Block 11, Eastmoor Park Addition to the City of Tulsa, Oklahoma.

10856

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 30' from the centerline of Peoria Avenue to permit the erection of a pole sign at 123 South Peoria.

1.10.80:301(2)

10856 (continued)

Presentation:

W. M. Scott, 123 South Peoria Avenue, presented a drawing of the proposed sign (Exhibit "C-1") and advised that without the requested variance the sign would need to be placed in the middle of the driveway and would not be visible because of a large existing billboard. Mr. Scott exhibited pictures (Exhibit "C-2") of the subject property and existing billboard.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 30' from the centerline of Peoria Avenue to permit the erection of a pole sign, per drawing and pictures submitted, subject to a removal contract and subject to the applicant filing, within 10 days, a plot plan showing the location of the sign on the lot, on the following described tract:

Lot 11 and 12, Block 13, Lynch Forsythe's Addition to the City of Tulsa, Oklahoma.

10857

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 75' to 50' resulting from a lot-split at 1540 East 73rd Street North.

Presentation:

Elmer Looper, 401 Center Office Building, presented a plot plan (Exhibit "D-1") and advised that the original lot was 105'. This lot-split was approved by the Planning Commission on December 19, 1979, subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 75' to 50' resulting from a lot-split (L-14815), per plot plan submitted, on the following described property:

The East 50' of the E/2 of Lot 2, Block 6, Golden Hill Addition, to the City of Tulsa, Tulsa County, Oklahoma.

1.10.80:301(3)

UNFINISHED BUSINESS:

10758

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 5' to 0' on the north; variance of the front yard from 25' to 2'; variance of the rear yard from 20' to 5' in an RS-3 District at 24 South College Avenue.

Presentation:

Noah Root, 2527 South 109th East Avenue, advised that he was in need of reasonable setbacks on the subject tract in order to build something and use his land. Mr. Root asked that the Board give him some guidelines for the property and allow him to provide construction plans to meet the guidelines.

Protests: None.

Board Action:

On MOTION of WAIT, the Board voted 3-0-0 (Lewis, Purser, Wait, "aye"; no "nays"; no "abstentions"; Smith, 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 5' to 2' on the north; variance on the arc from 25' to 10'; and a variance of the rear yard (west) from 20' to 5' in an RS-3 District, subject to the applicant providing a new plot plan to the Board for review before the building permit is issued, on the following described tract:

Lot 20, Block 4, University Park Addition to the City of Tulsa, Oklahoma.

10790

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 Required - Under the Provisions of Section 1670 - Variances) of the frontage requirements on a public street; and to permit a lot-split in the 1000 Block of East 33rd Place.

Presentation:

The Staff advised that this application was continued from the November 29, 1979 meeting in order that the applicant could provide his final plans; however, the plans are not ready at this time and the applicant requested the case be continued to February 7, 1980.

Protestant:

Paul L. Williamson, Oklahoma City, stated that his rental property, was directly across the street from the subject tract. He advised that in view of the fact that his property was a rental property and none of the people who actually live in the area were protesting the application, he wished to withdraw his protest in the interest of harmony in the neighborhood.

10790 (continued)

Chairman Purser assured Mr. Williamson the Board was also concerned about the neighborhood and would help protect his interests.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to continue Case No. 10790 to February 7, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10813

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1208 - Multifamily Dwellings) for an exception to permit apartments in a CS District; and a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630 - Minor Variances) of the number of dwelling units on a lot from 40 to 250 units southeast of 31st Street and 145th East Avenue.

Presentation:

Roy Johnsen, representing the applicant, advised that he would like to continue the case in order that more Board members could be present.

Protestant:

Debra Gottschalk, representing the Sunwood Homeowner's Association, advised she has worked with the Barnett Range Corporation which has a contingency contract on the subject property. Ms. Gottschalk stated that the information she had concerning the project did not conflict with what the homeowners would like to see done in the area; however, they are concerned that the exception and variance will be granted and then Barnett Range Corporation will back out leaving someone else to take over and build something totally different than what was represented.

Bill Jones, representing the Barnett Range Corporation, advised that his client would like to have concept approval by the Board before expending a great deal of money for detailed site plans and drawings.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson, "absent") to continue Case No. 10813 to January 24, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1227 - Heavy Manufacturing and Industry) to permit a slaughter house in an IM District; a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 110' to 86' from the centerline of Yale Avenue and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split at 2011 North Yale Avenue.

Presentation:

Mr. Jones advised that this item had been continued previously in order to republish the legal description and include another tract of ground which the applicant had acquired.

Bob Gardner noted that the proposed construction would involve the modernization of the existing processing plant. The new addition will be farther from the street than the existing plant. A plot plan (Exhibit "E-1") was submitted.

Protests: None.Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1227 - Heavy Manufacturing and Industry) to permit a slaughter house in an IM District; a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 110' to 86' from the centerline of Yale Avenue; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split, per plot plan submitted, on the following described property:

Beginning at a point 292' North of the SW corner of the NW/4 of the NW/4 of the SW/4 of Section 27, Township 20 North, Range 13 East, Tulsa County, Oklahoma; thence Due North along the West line of said Section 27, a distance of 78.00'; thence North 89°-50'-31" East a distance of 208.99'; thence Due South, a distance of 142.46'; thence North 73°-00'-13" West a distance of 218.53' to the point of beginning, containing 0.529 acres.

NEW APPLICATIONS:

10827

Action Requested:

Variance (Section 620.2 (d) (1) - Accessory Uses Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) of the size from 32 sq. ft. to 40 sq. ft. in an OL District located SE of 19th Street and Wheeling Avenue.

Presentation:

Richard Moderon, representing St. John's Medical Center, presented a plot plan (Exhibit "F-1") and a plan (Exhibit "F-2") of the proposed sign to identify the entrance and the lot for visitor's parking. Mr. Moderon advised that a 2' x 20' sign is necessary in order to make the copy legible on the sign. The sign would be 40 sq. ft. total and would eliminate the need of a sign at the entrance area.

Charles Norman advised that he had represented St. John's Medical Center on the zoning of the subject tract. Mr. Norman noted that the sign will be located on Wheeling and span the 20' driveway. The back side of the sign will read "Entrance" and will identify, for the people one block away, that they will have to drive around to Wheeling in order to enter the property. The display area on the sign is in conformity with the restrictions; however, since the sign spans 20' it is greater than the area allowed.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait, "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 620.2 (d) (1) - Accessory Uses Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) of the size of a sign from 32 sq. ft. to 40 sq. ft. in an OL District, per plot plan and drawings submitted, on the following described property:

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

10828

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 85' to 58' from the centerline of Edison Street to permit the erection of a pump house for the Tulsa Country Club at 1301 West Edison Street.

Presentation:

James Unruh, representing Tulsa Country Club, presented a plot plan (Exhibit "G-1") and advised that the City of Tulsa had installed a water meter vault, 31' 4" from the centerline of Edison Street which brought the 10" line into the club property. The vault is approximately 2' - 3' above the level of Edison Street. If Edison is widened in the future, the vault would have to be relocated by the City. Mr. Unruh presented pictures (Exhibit "G-2") of the vault and a drawing (Exhibit "G-3") of the location for the proposed 16' x 12' pump house. The pump house door will be on the west side with shrubs to be planted on all sides except the north, which is to the interior of the Club. The pump house will be made of concrete blocks painted an earth tone.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 85' to 58' from the centerline of Edison Street to permit the erection of a pump house for the Tulsa Country Club, per plot plan and elevations submitted, on the following described property:

Beginning at the SE corner of the SE/4, SW/4, SE/4 of Section 34, Township 20 North, Range 12 East, Osage County, Oklahoma; thence North 150'; thence East 100'; thence South 150'; thence West 100'; to the point of beginning.

10829

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Residential Districts - Section 1206 - Single-Family Dwelling - Under the Provisions of Section 1670 - Variances) to have living quarters in an office building in a CH District at 1238 South Peoria Avenue.

Presentation:

J. T. Oakley, 8406 East 24th Street, stated he would like to construct a nice office building with an apartment in the rear. Mr. Oakley presented a plot plan (Exhibit "H-1") of the proposed building. He also exhibited pictures (Exhibit "H-2") of 6 existing businesses in front of residences in the same block. The proposed building would be brick with office space in the front and living quarters for Mr. Oakley in the rear.

Protests: None.

1.10.80:301(8)

10829 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to grant a Variance (Section 710 - Principal Uses Permitted in Residential Districts - Section 1206 - Single-Family Dwelling - Under the Provisions of Section 1670 - Variances) to have living quarters in an office building in a CH District, per plot plan submitted, on the following described property:

Lot 9, Block 5, Ridgewood Addition to the City of Tulsa, Okla.

10830

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 RM-1 District at 5520 East Xyler Street.

Presentation:

Sherman Mozingo, 5520 East Xyler Street, stated he had moved the mobile home to the subject property and then found he could not have the gas connected without approval of the Board. Mr. Mozingo advised he could not afford to pay for two living spaces during the two month interim before the Board hearing and therefore the mobile home was moved from the property. The applicant requested that the filing fee be refunded.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to withdraw Case No. 10830 and refund the filing fee (\$50.00) to the applicant.

10831

Action Requested:

Variance (Section 440.7 (d) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 2' 10" from an abutting R District at 10th Street and Rockford Avenue.

Presentation:

John Barhight, Trustee of the Church of Christ, advised the Board that the Church built a large addition, principally an auditorium, in 1954; in 1960 another wing was constructed for classrooms. At this time, additional classroom space is needed and the Church proposes the construction of a 30' addition. This addition will be steel frame with a brick finish that is as near the original building as possible. Mr. Barhight presented a plot plan (Exhibit "I-1").

Protests: None.

10831 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 440.7 (d) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 2' 10" from an abutting R District, per plot plan submitted, on the following described property:

Lots 1 through 8, inclusive, Block 6, East Lynn Addition to the City of Tulsa, Oklahoma.

10832

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (3) - Duplexes) for permission to erect seven duplexes in an RS-3 District; and a Variance (Section 440 (3) (c) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 75' to 73.85' and 75' to 15' for duplexes in an RS-3 District located north and east of 61st Street and 89th East Avenue.

Presentation:

The applicant advised that he was granted an exception two years previously and time ran out before the building permit was filed. A plot plan (Exhibit "J-1") was presented.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (3) - Duplexes) to erect seven duplexes in an RS-3 District; and a Variance (Section 440 (3) (c) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 75' to 73.85' and 75' to 15' ("flag lots") for duplexes in an RS-3 District, per plot plan submitted, on the following described property:

Block 1, Woodland View Park Court Addition to the City of Tulsa, Oklahoma.

10835

Action Requested:

Variance (Section 420.2 (a) (3) - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements of the side yard from 3' to 0' to allow an accessory building to remain in an RS-3 District at 5533 East 4th Terrace.

10835 (continued)

Presentation:

Donald Little, 5533 East 4th Terrace, presented a plot plan (Exhibit "K-1") and advised that the accessory building had been laying in his back yard for some time. Mr. Little stated that he decided to move the building in order to allow more garden space. He consulted his neighbor concerning the move and found that he had no objections. The applicant constructed the accessory building to house a car which had been setting in the yard.

Protestant:

Joe Gates, 5526 East 4th Terrace, stated that he lives across the street from the subject tract. He presented pictures (Exhibit "K-2") of the "tin shed" noting that the building had not been in the back yard prior to the applicant laying the slab for it. Mr. Gates was concerned that this case would set a precedent for other tin buildings in the area and noted that it was unappealing to the eye. The protestant advised that there are three sheds in the applicant's back yard at this time.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to deny a Variance (Section 420.2 (a) (3) - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements of the side yard from 3' to 0' to allow an accessory building to remain in an RS-3 District, with the applicant to remove the accessory building within 90 days from this date, on the following described tract:

Lot 6, Block 7, Bowlin Acres, an Addition to the City of Tulsa, Oklahoma.

10836

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exception) for permission to erect a duplex in an RS-3 District at 1421 East 56th Street South.

Presentation:

Barbara King, 1422 East 55th Place, presented a plot plan (Exhibit "L-1") of the proposed duplex and a picture (Exhibit "L-2") of the home in which she lives. The existing home is on the front part of the subject tract. The duplex will be built with cedar and rock to match the existing home. There are other duplexes in the area.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exception) - to erect a duplex in an RS-3 District, per plot plan submitted,

10836 (continued)

contingent upon a lot-split being obtained, on the following described tract:

The S/2 of Lot 3, Block 4, J. E. Nichols Addition to the City of Tulsa, Oklahoma.

10837

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 located north and east of 61st Street and 113th West Avenue.

Presentation:

The Staff advised that the applicant was an elderly woman. She was not present at the meeting. There is a mobile home park to the west of the subject tract and there are also other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, 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 property:

The West 67' of Lot 7, and the East 29' of Lot 8, Block 2, Buford Colony Addition to the County of Tulsa, Oklahoma.

10838

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 100' to 90' from the centerline of 41st Street at 1104 West 41st Street.

Presentation:

Bob Parmele, 1918 East 51st Street, advised that the applicant proposes to remove the existing metal building on the subject tract and replace it with another metal building with a higher roof eave using the same concrete slab.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, 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 front setback requirements from 100' to 90' from the centerline of 41st Street, on the following described property:

10838 (continued)

Tract 3 of the East 102' of the West 466' of the North 448.4' of the E/2, NW/4 of Section 26, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

10839

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 school for 3 and 4 year old children in a Residential District at 772 East 43rd St.

Presentation:

Jay Butler, Pee Wee Day Care Center, advised that he had a day care center around the corner from the subject tract, approximately one-half block away. The 30 children will be delivered and picked up at the existing center and also will eat their lunch at that location. They will be transported to and from the subject tract by bus. Mr. Butler stated that this facility will serve as a preschool and will operate on the same schedule as the Tulsa Public Schools.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait, "aye"; no "nays"; no "abstentions"; Smith, 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 school for 3 and 4 year old children in a Residential District, subject to the children being let out and picked up at the existing church location and bused to the subject tract, on the following described property:

Lot 3, Block 6, Suburban Acres Amended to the City of Tulsa, Tulsa County, Oklahoma.

10840

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 south and west of 110th Street North and Memorial Road.

Presentation:

Cecil Cox, 10908 North Memorial Road, advised that he had placed a mobile home on the 2.56-acre tract. There is another mobile home located on a 2½-acre tract to the south of the subject property.

Protests: None.

10840 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, 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; 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 property:

The South 166'; North 332'; East 660'; S/2; NE/4; SE/4 of Section 11, Township 21 North, Range 13 East, containing 2.52 acres, in Tulsa County, Oklahoma.

10841

Action Requested:

Variance (Section 1223.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) of the number of parking spaces from 10 to 6 spaces at 4153 South 87th East Avenue.

Presentation:

Jim Lindsay, 212 Beacon Building, advised that the subject property is 4,009 sq. ft. and is zoned industrial. There is a companion building to the north of the subject tract that is presently being used for light manufacturing and they employ 13 people. The building on the subject tract was formerly the site of a wholesale florist and is now being converted into a photographic studio. The studio will engage three employees to produce annual reports, advertising brochures and other commercial reports. The applicant is not involved in any type of portrait work. Mr. Lindsay requested that the use classification be interpreted as light manufacturing as it is in a companion building. Light manufacturing would require a maximum of four parking spaces.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to interpret the photographic studio is an IL use in this instance. Additional parking spaces based on the commercial use units are not required for this particular site. This ruling does not apply to building and land if the use changes.

10844

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 7117 West 51st Street.

Presentation:

Joe Swaffar, R. R. #16, Box #172, advised he planned to live in the mobile home. There are approximately 15 other mobile homes within one-half mile of the subject tract.

10844 (continued)

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, 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, on the following described property:

The NW/4 of the NE/4, lying North of 51st Street in Section 31, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

10843

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit vending machine sales and services in a CS District at 1535 South Sheridan Rd.

Presentation:

Lee Levinson, 35 East 18th Street, advised that R & M Music Company proposes to house their corporate offices on the subject tract and will also have light sales and a small repair shop in the back. The building will include 5,000 sq. ft. total, with over half of the area being utilized for office use. There will be no outside storage on the property.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit vending machine sales and services in a CS District, no outside storage allowed, on the following described property:

Lot 1, Block 1, 21st and Sheridan Center Fourth Addition to the City of Tulsa, Oklahoma; less the North 113'; South 168'; and less the West 128' of the North 66' thereof.

10845

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 740 - Special Exception Uses in Commercial Districts, Requirements - Section 1208 - Multifamily Dwellings and Similar Uses - Under the Provisions of Section 1680 - Exceptions) for permission to construct multifamily buildings in a CS District; and a Variance (Section 206 - Number of Dwelling Units On A Lot - Under the Provisions of Section 1630 - Minor Variances) to permit more than 40 units on one lot located north and east of 51st Street and 76th East Avenue.

Presentation:

Charles Norman, representing Lincoln Properties, presented a plot plan (Exhibit "M-1") and advised the 12.8-acre tract will be developed as apartments with 432 dwelling units. Mr. Norman exhibited pictures (Exhibit "M-2") of the area. A letter (Exhibit "M-3") from the architects, Vanfossen & Brase, stated that each unit will include 486 sq. ft. of livability space. There will be a total of 694 parking spaces. The buildings will be two-and three-story, wood and masonry construction.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 740 - Special Exception Uses in Commercial Districts, Requirements - Section 1208 - Multifamily Dwellings and Similar Uses - Under the Provisions of Section 1680 - Exceptions) to construct multifamily buildings in a CS District; and a Variance (Section 206 - Number of Dwelling Units On A Lot - Under the Provisions of Section 1630 - Minor Variances) to permit more than 40 units on one lot, per plot plan submitted, on the following described property:

A tract of land being a part of Lot 2, Block 1, Fontana Addition to the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit:

Commencing at the SE corner of said Lot 2, Block 1, Fontana; thence South $89^{\circ}-58'-33''$ West along the South line of said Lot 2, Block 1, a distance of 150.00' to the point of beginning; thence South $89^{\circ}-58'-33''$ West continuing along said South line a distance of 475.05'; thence due North a distance of 285.00'; thence North 24° East a distance of 184.26'; thence North 66° West a distance of 209.39' to a point on the Easterly right-of-way line of South 76th East Avenue; thence North 24° East along said East right-of-way line a distance of 489.16' to a point of curve to the right; thence along the curve to the right having a central angle of $66^{\circ}-00'-00''$ and a radius of 260.00', a distance of 299.50'; thence due East along the South right-of-way line of East 49th Street South, a distance of 80.80' to a point of curve to the right; thence along the curve to the right having a central angle of $6^{\circ}-54'-03''$ and a radius of 741.55', a distance of 89.32'; thence due South a distance of 645.64'; thence North $89^{\circ}-58'-33''$ East a distance of 135.00' to a point on the East line of said Lot 2, Block 1, Fontana; thence due South along said East line a distance of 188.39'; thence South $89^{\circ}-58'-33''$ West a distance of 150.00'; thence due South a distance of 300.00' to the Point of Beginning and containing 559,163.00 sq. ft., or 12.84 acres more or less.

10846

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RM-2 District at 1507 South 81st West Avenue.

Presentation:

Mrs. William Spellins, 1301 South Park, advised that her husband's mother is 82 years old, living alone and is determined not to give up her home. Therefore, the applicant proposes to move her mobile home to the subject tract in order to take care of her mother-in-law. There are other mobile homes in the area. A small storage building on the subject tract will be removed. A letter (Exhibit "N-1") was received from the Sand Springs Planner stating that the Sand Springs Planning Commission was unable to make a decision on this case since the applicant was not present at the meeting.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, 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 RM-2 District, for a period of one-year, removal bond required, on the following described property:

The North 50' of the South 100' of Lots 22, 23, 24, 25, 26, and 27, in Block 5, Second Lake Subdivision, Tulsa County, Oklahoma.

10847

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to operate a facility engaged primarily in the business of providing automobile lubrication and oil change services at the SE corner of East 69th Street South and South Sheridan Road.

Presentation:

Neil Bogan, attorney for the applicant, advised that a rapid lube and oil facility is proposed for the subject tract. A 32' by 60' Armco Tec-Line Building will be constructed and the primary use of the building will be related to furnishing automobile lubrication and oil change services. Mr. Bogan presented a plot plan (Exhibit "O-1") and noted that the facility will look similar to a service station, with two bays, office space, etc. The proposed building will be brown and tan.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a facility engaged primarily in the business of providing automobile

10847 (continued)

lubrication and oil change services, per plot plan submitted, on the following described property:

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

10848

Action Requested:

Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1670 - Variances) for permission to convert a portion of a welding school into dormitory purposes to house a maximum of 20 students for a 7-12 week training period in an IL District at 9363 East 46th Street South.

Presentation:

Wayne Sells, 10530 East 136th Street South, advised that he owns the AAA Welding School which is housed in a 24,000 sq. ft. building located on a 1½-acre tract. One end of this building is partitioned off with concrete blocks and was originally used as a locker room with showers, laboratories, stools and has electricity and heat. Mr. Sells proposed converting the partitioned area of the building into sleeping areas for the students of the welding school. Outside doors will be installed in the building. There will be no cooking facilities in the rooms.

There are approximately 50 students in the school, most of which are financed by low-income programs. The applicant presented a school catalog (Exhibit "P-1") and pointed out that students were enrolled in 7-12 week programs; therefore, the sleeping rooms would be rented on a temporary basis. Mr. Sells advised that the school is open from 8:00 a.m. to 11:30 p.m. He will be at the school during those hours and the man living adjacent to the property will help to supervise the building at night and on weekends. Mr. Sells plans to make periodic checks on the subject tract in order to control any outside activities around the building. The students will be charged \$50.00 per month for the sleeping rooms.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1670 - Variances) to convert a portion of a welding school into dormitory purposes to house a maximum of 20 students for a 7-12 week training period in an IL District, to run with this owner only, under the terms of conditions as presented, on the following described property:

A part of Lot 6, Block 1, Regency Industrial Addition to the City of Tulsa, Tulsa County, Oklahoma: Beginning at a point on the North Right-of-Way Line of East 46th Street South 319.86' NW of the SE corner of said Lot 6, Block 1, Regency Industrial Addition; thence NW along said boundary a distance of 230' to a point; thence

10848 (continued)

North 47⁰-59'-37" East a distance of 220' to a point; thence South 42⁰-00'-23" East parallel to the North boundary of East 46th Street South, a distance of 280' to a point; thence SE 220' to the point of beginning, containing 1.414 acres more or less.

10849

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to allow expansion of a sheet metal manufacturing facility on adjacent property at 1224 East 3rd Street.

Presentation:

Jack Bryant, 10 East 3rd Street, Suite 700, presented a location plan (Exhibit "Q-1") and advised that the existing building, adjacent to the subject tract, is occupied by Southern Specialities, a sheet metal manufacturing Company. The existing building contains 16,000 sq. ft. in two stories; the proposed addition will be two stories and contain 7,000 sq. ft.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to allow expansion of a sheet metal manufacturing facility on adjacent property, subject to the applicant returning to the Board with a plot plan on January 24, 1980, on the following described property:

Lots 7 and 8, Block 17, Berry Addition of the City of Tulsa, Oklahoma.

10850

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 126th Street North and Memorial Drive.

Presentation:

Jack Williamson, 1224 South Galveston Avenue, advised that he proposed to locate a mobile home on a 10-acre tract. There are other mobile homes in the area. A location map (Exhibit "R-1") was presented.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, 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 five years, on the following described property:

1.10.80:301(19)

10850 (continued)

The N/2 of the N/2 of the SE/4 of the NE/4 of Section 2, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

10851

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 10' to 5'3" on Lot 20, 10' to 9'5" on Lot 21 at 3907-09 South 131st East Avenue.

Presentation:

Wiley Bryant, III, 7223 South Gafford, Broken Arrow, presented two plot plans (Exhibits "S-1 and S-2") and advised that the City Building Inspector had allowed him to begin construction on the duplexes because of the weather. The odd-shaped lots create a need for the side yard variances.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, 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 5'3" on Lot 20 and 10' to 9'5" on Lot 21, per plot plan submitted, on the following described property:

Lot 20 and 21, Block 10, Park Plaza East III Addition to the City of Tulsa, Tulsa County, Oklahoma;

10852

Action Requested:

Special 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 2645 East 32nd Street North.

Presentation:

Pamela Vickers, 2426 North Erie Place, advised that she planned to live in the proposed mobile home. The mobile home will be located next to her grandmother's house so that she can take care of her grandmother and the property. There are no other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Special 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 property:

S/2 of E/2 of E/2 of NW/4, SE/4, NW/4 of Section 20, Township 20 North, Range 13 East, Less the South 25' thereof; City of Tulsa.

1.10.80:301(20)

Action Requested:

Variance (Section 204 - Limitation of Land Use - Under the Provisions of Section 1670 - Variances) requesting an interpretation of the Zoning Text or the grant of a variance to permit the addition of the floor area permitted under the OL zoning to the floor area permitted under the OM zoning to determine the maximum floor area permitted on the property located north and east of 61st Street and Lewis Avenue.

Presentation:

Charles Norman, representing the applicant, presented a plat of survey (Exhibit "T-1") and advised the subject property is in a single tract and contains 7.8 acres. The present zoning on the property is in two different zoning districts - OM and OL. The applicant is preparing plans for an office building on the tract and proposes to combine the floor area ratio in both districts, in calculating the size of the building. Mr. Norman stated that he was requesting either the interpretation or the granting of a variance which would permit the applicant to add the 50% floor area from the OM zoning tract to the 25% floor area in the OL tract to arrive at the maximum size of the building. He noted that the concern might be that if the OL density is used, with the building being located in the OM area, there might be a lot-split of the OL sometime in the future.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 204 - Limitation of Land Use - Under the Provisions of Section 1670 - Variances) to permit the addition of the floor area permitted under the OL zoning to the floor area permitted under the OM zoning to determine the maximum floor area that could be limited on the OM property, with the condition that no part of this tract, (especially OL portion), be split or sold without prior approval of the Board of Adjustment, on the following described tract:

A part of the SW/4 of the SW/4 of Section 32, Township 19 North, Range 13 East of the I.B.&M., Tulsa County, Oklahoma, being more particularly described as follows, to-wit:

Beginning at a point on the South line of said Section 32, a distance of 250' East of the SW corner of said Section 32; thence due East along the South line of said Section 32, for a distance of 539.21'; thence due North along the West line of Lot 1, Block 1, South Shore Addition, to the City of Tulsa, Tulsa County, Oklahoma, for a distance of 543.11'; thence North 54°-02'-58" West along the Westerly line of said Lot 1, Block 1, said South Shore Addition, for a distance of 291.06'; thence South 35°-57'-02" West for a distance of 63.42'; thence South 54°-22'-02" West, for a distance of 159.12'; thence South 65°-14'-21" West, for a distance of 165.20'; thence South 64°-05'-53" West, for a distance of 124.07'; thence South 60°-20'-20" West, for a distance of 136.64' to a point on the West line of said Section 32, a distance of 391.71' North of the SW corner thereof; thence South 0°-02'-13" West, along the West line of said Section 32, for a distance of 141.71'; thence due East for

10854 (continued)

a distance of 250'; thence South 0°-02'-13" West, for a distance of 250' to the Point of Beginning.

10855

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 35' to 25' in order that an existing porch might remain at 6133 West 8th Street.

Presentation:

Mrs. Thomas Bearrick, 4909 Greenan Drive, Sand Springs, advised that she had sold the subject tract. There is a building setback line on the plat which does not pertain to the zoning; however, the lending agency for the buyer requires approval of the structure.

Bob Gardner advised the Board that a letter should be sent to the bank stating that the zoning setback is only 10'.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to send a letter to the lending agency advising them that the zoning setback is 10' and to refund the filing fee to the applicant.

10858

Action Requested:

Variance (Section 620 - Accessory Uses Permitted in Office Districts - Section 620.2 (d) - Business Signs - Under the Provisions of Section 1670 - Variances) of the size of a sign from 32 sq. ft. to 64 sq. ft. in an OL District at 4300 South Harvard Avenue.

Presentation:

Howard Johnson, 4300 South Harvard Avenue, Suite 205, presented a plot plan (Exhibit "U-1") and a drawing (Exhibit "U-2") of the proposed sign. The applicant requested approval to place one sign, 8' x 8' on the subject tract in lieu of two smaller signs.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 620 - Accessory uses Permitted in Office Districts- Section 620.2 (d) - Business Signs - Under the Provisions of Section 1670 - Variances) of the size of a sign from 32 sq. ft. to 64 sq. ft. in an OL District, per plot plan and drawings submitted, on the following described property:

The East 155' of Lots 1 and 2, Block 1, Villa Grove Park Addition, to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Case No. 10727

Mr. Gardner advised that the applicant has acquired additional property since the original hearing on October 11, 1979, in order to square the building. Substitute plot plans (Exhibit "V-1") were presented. The legal description was also changed to include the additional area. No additional notification would be necessary.

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

Case No. 10410

Alan Jackere, Legal Department, advised that a communication had been received from Mr. Knight, a protestant, noting that there had been violations of the conditions of the Robert's sand operation. Mr. Jackere stated that he notified Mr. Knight that the violations should be reported to the zoning officials.

Case No. 10757

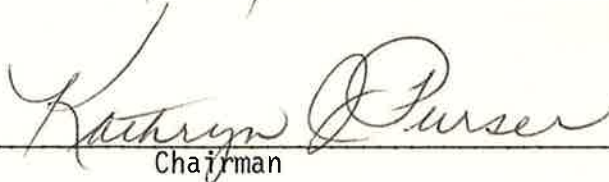
Mr. Jones stated that the applicant withdrew his application on the date of the hearing, November 8, 1979. He is now requesting a refund of his filing fee.

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to deny the request for a refund of the filing fee for Case No. 10757.

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

Date of Approval _____

2/21/80


Chairman