

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 304
Thursday, February 21, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman Smith Wait	Lewis Thompson	Gardner Johnson, D. Jones	Jackere, Legal Department Miller, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, February 19, 1980, at 11:36 a.m., as well as in the Reception Area of the TMAPC Offices.

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

MINUTES:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson, "absent") to approve the Minutes of December 13, 1979, (No. 300); January 10, 1980, (No. 301); and January 24, 1980, (No. 302).

MINOR VARIANCES AND EXCEPTIONS:

10892

Action Requested:

Variance - (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance of the setback requirements from 50' to 26' from the centerline of the street to permit the erection of a pole sign at 1701 North Lewis Avenue.

Presentation:

Mr. Jones advised that the applicant could not be present because he was getting married, but the sign has been in existence. The pole is there and a new sign is to be put up on the same pole for the B. F. Goodrich Company.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to continue Case No. 10892 to Thursday, March 6, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10893

Action Requested:

Variance - (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance of the number of dwelling units on one lot from 40 units to 240 units in an RM-1 District at the northwest corner of East 40th Street.

Presentation:

Scott Sherrill, representing Universal Construction Company, 4951 South Mingo, Suite "A", presented a plot plan (Exhibit "A-1") requesting more than 40 units on a lot located on property zoned RM-1 which adjoins duplex zoning on the north, apartments on the west and commercial on the south. Mr. Sherrill said they would be using half of the street right-of-way in their calculations which increases the land area by a considerable amount. The property currently has a fence along the entire northside with the exception of the rear lot lines of two of the duplexes; lighting would also be directed away from the duplexes.

Interested Party:

Don Knottley, 5311 South Delaware Place, representing the owner of two duplexes at 12712 through 12720 East 39th Street, just north of the property, asked how Mr. Sherrill was going to handle the north drainage in the area and stated that a slight ditch is already there. Mr. Knottley said that with all those extra buildings the north flow of water would be increased quite a bit.

Scott Sherrill stated those duplexes represent two of several duplexes that are there and they have taken that into consideration. He referred to the plot plan submitted and stated that the majority of the water would go down the center street that runs east and west and also that there is adequate storm sewers adjacent to the property to handle the water. Mr. Sherrill also stated that in the northwest corner is an existing inlet where most of the water now goes down the ditch. Another point which was taken into consideration was locating the buildings away from the north property line so they can build in a certain amount of retention in that area by means of a swale. Before the apartment project is approved, it must go through the City Engineer's Department and the Hydrology Department and they would more than adequately insure that there is no excess run-off at that point.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve a variance - (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630 - Minor Variances) - of the number of dwelling units on one lot from 40 units to 240 units in an RM-1 District, subject to the lighting being directed away from the north property line and confined to the proposed improvements; subject also to the Building Inspector being instructed to see that they do not exceed RM-1 standards and that the closest building be as shown on the plot plan which would be 40 feet away from the duplex zoning on the north, per plot plan submitted, on the following described tract.

Lot 1, Block 2, Park Plaza Square Addition to the City of Tulsa, Oklahoma.

10894

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) - Request for permission to locate a mobile home in an RS-2 District at 1628 East 76th Street North.

Presentation:

Beverly Flippen, 1416 East 73rd Street North, advised that the lot belongs to her dad and his name is Godd. Ms. Flippen stated her dad gave her permission to move the house on his lot if approved by the Board. Ms. Flippen stated there were other mobile homes in the area located at 1554 East 76th Street North; 1662 East 76th Street North; 1717 East 76th Street North; 1410 East 76th Street North; and one on the back street at 1620 East 75th Place North and all other mobile homes are within a two-block radius of the subject application.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) - to locate a mobile home in an RS-2 District for one-year with a removal bond required on the following described tract:

Lot 17, Block 1, Golden Hill Addition, to the City of Tulsa,
Tulsa County, Oklahoma.

10895

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) - Request for permission to erect two duplexes in an RS-3 District; and a Variance (Section 440.3 (a), (b), (c), Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances)) - Request for a variance of the area requirements for duplexes from 9,000 square feet to 7,000 square feet; and from 9,000 square feet to 6,300 square feet; for a variance of the frontage requirements from 75' to 50' and 75' to 45'; for a variance of the land area per dwelling unit of 5,000 square feet; and for a variance of the setback requirements from 95' to 45' from the centerline of 21st Street at the northeast corner of 21st Street and Florence Avenue.

Presentation:

Bob Gardner stated that both the applicant and protestants agreed to a continuance to March 6, 1980.

Gloria Huckaby stated that the reason for continuance was so that she could meet with the protestants to work out a plan that would be agreeable for both parties concerned.

Protestant:

Harry Solow, 1931 South College Avenue, speaking in behalf of the neighborhood, asked that case 10895 be continued to a later date.

2.21.80:304(3)

10895 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to continue Case No. 10895 to Thursday, March 20, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10901

Action Requested:

Variance - (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance of the area and frontage requirements in an AG District to permit a lot-split at 14016 West 31st Street.

Presentation:

Bob Gardner stated that the TMAPC is not recommending approval of this lot-split, but the Sand Springs Regional Planning Commission is recommending approval since they now have planning jurisdiction, through a joint agreement between the City Commission; Planning Commission and County Commission, which includes the power to subdivide land. However, they do not have zoning jurisdiction, the City of Tulsa does.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, 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 area and frontage requirement in an AG District to permit a lot-split (SSRL-14) on the following described tract:

The W/2, N/2, NW/4, NE/4, NW/4 of Section 21, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

Plans - Case No. 10319:

An application of Don Harrington for permission to erect apartments at 2506 East 21st Street. The Board of Adjustment approved his layout plans, but also wanted to see his landscaping plans.

Don Harrington, 2202 South Madison Avenue, presented his plans (Exhibit "B-1") showing his landscaping and fencing design for the planned condominiums; including a 5' fence on the north, east and west sides and landscaping in the front, to be constructed and in place prior to occupancy of the units.

Board Action:

On MOTION of WAIT, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve the plans for Case No. 10319 with the understanding that the previous approvals and conditions are still in effect, in addition to meeting the requirements of the City, to meet the setback requirements for waiving the City Ordinance. Board member Smith stated for the record that his employer platted the property for Mr. Harrington and since only three Board members were present and 3 votes are required to pass on the matter, he voted for the motion.

10375

Action Requested:

A request for permission to substitute a revised plot plan by the U-Haul Company.

Presentation:

Bill Marley, 6105 South Peoria Avenue, stated that they had met all the items of compliance except submittal and approval of a colored print of the elevations of that particular development, which was submitted to Mr. Jones. Mr. Gardner stated that (Exhibit "C-1") shows the advertisement of the area; (Exhibit "C-2") shows the way in which they now want to place the buildings on the property, which will be further away from the single-family dwellings to the south.

Protests: None.

Board Action:

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

10790

Action Requested:

Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) Request for a variance of the side yard requirements from 5' to 4' in an RS-3 District in the 1000 Block of East 33rd Place.

Presentation:

Mr. Jones stated that the Board approved these duplexes and the middle duplex did not meet the side yard requirements of 5' so the Board continued that portion of the request so the application would not have to go through the entire process again. Mr. Jones also stated that notices were mailed out for the minor variance.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve the 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 4' in an RS-3 District, on the following described property:

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

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) Request for a variance of the setback requirements from 85' to 65' from the centerline of Garnett Road on Lot 1, Block 1, Garnett Meadows; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) request for a variance of the frontage from 60' to 55' on Lot 1, Block 2, Garnett Meadows; and a request for a variance of the front setback from 25' to 20' on Lots 5, 6, & 7, Block 2, Garnett Meadows; and an Exception - (Section 1680.1 (g) - Special Exception) request for permission to permit off-street parking on Lot 1, Block 2, Garnett Meadows; and an Exception (Section 250.3 (d) request for a modification of the screening where the purpose of the screening cannot be achieved at 17th Place and Garnett Road.

Presentation:

Bobby Brummett, 3824 South 79th East Avenue, advised that they were doing the development plans for the project. When the sketch plans were made (Exhibit "D-1") they did not include the lot they are asking a variance of the frontage, since it wasn't part of the land owned by the developers.

The Planning Commission, however, requested they include the lot in the platting since it would leave a tiny sliver of unplatted land between platted properties. Since then they made arrangements to include the property and the intent of the owners of that particular property is to use it as a parking area to serve the office zoned property to the east of it. To further complicate it the owners of the property did not want to be a part of this development so they made arrangements to sell the property to the owners of Garnett Meadows Addition and with a possibility of a buy-back arrangement. They are also asking for a front building setback variance on the cul-de-sac lots in their duplex area. They are asking for a variance of the side yard building setback along Garnett Road (Exhibit "D-2") which would line up with the property to the north of them.

Bob Gardner stated that the Board should consider requiring a screening fence along the west and north sides of Lot 1, Block 2.

Protests: There were seven protestants at the February 7, 1980 Board of Adjustment meeting.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Thompson, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 85' to 65' from the centerline of Garnett on Lot 1, Block 1, Garnett Meadows; a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts) of the frontage from 60' to 55' on Lot 1, Block 2, Garnett Meadows, and a variance of the front setback from 25' to 20' on Lots 5, 6, & 7, Block 2, Garnett Meadows; an Exception - Section 1680.1 (g) - Special Exception) to permit off-street parking on Lot 1, Block 2, Garnett Meadows, and required fence on the west line of Lot 1, Block 2; the north line of Lot 1, Block 2; limits-of-no-access to be shown on the plat on Lot 1, Block 1, on the following described tract:

Lot 1, Block 1 and Lots 1, 5, 6, & 7, Block 2, Garnett Meadows
Addition to the County of Tulsa, Oklahoma

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) - Request for permission to use church property and building for a day care center at 3819 South Lewis.

Presentation:

Dr. David Griffin, Minister of Southside Christian Church, 3819 South Lewis, advised that they are asking for a day care center so that multi-handicapped children can become a part of the church's ministry. The maximum number of children they will care for is 32. The facility has been measured and is eligible for the number of children they are asking for and it was done by the licensing unit for the Department of Human Services. The space they are planning to use is their educational building which will be provided by the Church and be directed by Mrs. Sandy Brunson. The hours of operation will be from 7:00 a.m. to 7:00 p.m. and the fees will come from private sources and/or parents for funding to cover the overhead of the staff and the material needed for the day care center. The day care center is not a profit making organization. Changes will not need to be made because the facilities are adequate. The center will also have volunteers. They also have the Little Lighthouse which is a Christian guidance center for multi-handicapped children and on any given day there will be between 5 and 15 present in another part of the building. The day care center will augment their program, in that the children that are multi-handicapped would have a place to stay while their parents are at work and then also be close to a guidance center where they could increase their capacities of learning and motor skills. Many of the children are involved with the Children's Medical Center and other centers like that. The Board Chairman of the Church felt like the day care center is part of their ministry that they are extending to multi-handicapped children. Regular day care centers are not equipped to handle the special needs of the multi-handicapped children. Dr. Griffin also said they have no intention of providing child care for more than 32 children, and that external structural changes will not need to be made because of extended fencing already in existence. The parking lot has 2 exits and 2 entrances with 110 parking spaces of which 11 are used on a daily basis.

The Board reviewed letters of protests (Exhibit "E-1") and letters of support (Exhibit "E-2") before continuing the hearing.

Interested Party:

Carl Young, III, whose property borders the South Side Christian Church on the south, who is also a member of the Tulsa Metropolitan Area Planning Commission, asked for a two week continuance.

Protestants:

Leslie Brooks, 2410 East 38th Street, stated the Church is located south of his property and he objected to a continuance.

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions" Lewis, Thompson "absent") to hear Case No. 10885.

Protestants:

Bill Munsel, 2209 East 39th Street, lives on the corner of 39th and Lewis. Mr. Munsel stated the hours the students arrive and depart the school will pose a safety hazard. Mr. Munsel pointed out he has seen more than 32 students at the church.

Charlene Coffin, 2430 East 38th Street, informed the Board that her residence is directly north of the church parking lot and also objected to the hours of operation. Ms. Coffin went on to state that she plans to put her house on the market this spring and her real estate broker informed her the property value of her home could decrease from \$30,000.00 to \$50,000.00 if the center is opened. Ms. Coffin also objected the the application because of the noise factor involved.

Carl Young, III questioned who would have the authority to say how many people they can house in the center. Mr. Young stated the center is open for profit and that Ms. Brunson is trying to expand her business, and went on the say the church is zoned residential and wanted to know how the church was able to operate the Little Lighthouse. Mr. Young also stated that the present fence around the church is inadequate and he sees the center as a traffic burden and possible hazard. Mr. Young asked the Board to deny the application and asked that the Board put the church on notice that commercial business for profit should not be operated out of churches.

Interested Party:

Marsha Mitchell, Executive Director of the Little Lighthouse, 5812 East 79th Street, stated the Little Lighthouse is an educational program. It is a Christian guidance center for the handicapped. The hours of operation are from 9:30 a.m. to 1:00 p.m. Ms. Mitchell informed the Board the children are dealt with on an individual basis, and the maximum number of students who attend the program is 13-15. Their maximum growth potential is 30.

Protestants:

Leslie Brooks, 2410 East 38th Street presented petitions to the Board (Exhibit "E-3") which contained 52 signatures of opposition.

Jack Bryant, 10 East 3rd Street, attorney representing most of the homeowners in the area of the application, advised that the center is not consistent with the neighborhood. Mr. Bryant also stated the application was in one of Tulsa's oldest neighborhoods and it has, over the years, been able to maintain its stable character. Mr. Bryant asked that the exception be denied but if the Board decided to grant the exception there should be a number of restrictions imposed, such as: (1) restriction on any additional signs; (2) grant an exception for one year to determine the impact of the center on the neighborhood; (3) limit the number of children attending the center to 32; (4) grant the exception only after the center has met all the requirements of the regulatory bodies of day care centers; (5) approval from the City Traffic Engineer, prior to operation of the center.

Interested Party:

Joyce Singleton, 1991 East Skelly Drive, advised that she was a representative of the State and and she would see to it that the church complied with state requirements for a minimum of 6 to 8 employees.

The Board entered into discussion as to who would be operating and controlling the business of the day care center. Chairman Purser advised that the Board would need to see the guidelines for the center on paper before deciding on the exception request.

10885 (continued)

Marjorie Dordy, 2947 East 45th Place, stated that she felt that there were many misunderstandings. Ms. Dordy explained that under the licensing rules, the center cannot have more than 32 children enrolled.

More discussion ensued as to the governing body of the center by the Board members.

Mr. Gardner advised that several non-residential uses such as schools and churches are permitted by exception in an RS District provided they are appropriately located. He stated that the Board is charged with the responsibility of determining whether or not a request is appropriate and compatible with the neighboring area.

Board Action:

On MOTION of WAIT, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions" Lewis, Thompson "absent") to continue Case No. 10885 to Thursday, March 20, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center and required that the church clarify their relationship to the center and how it will operate through the presentation of written guidelines and at that time Mr. Bryant's suggested restrictions can also be reviewed again.

NEW APPLICATIONS:

10887

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) Request for permission to locate a mobile home in an RS-1 District; and a Variance - (Section 440.6 - Special Exception Uses in Residential Districts, Requirements-Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home on a lot where an existing residence is located, and a variance to permit the mobile home to remain for more than one year at a time, at 11702 East 76th Street North.

Presentation:

Lum Newberry, Pastor of the Church of the Nazarene, located in the vicinity of the application, advised that he is not directly involved with the application, but Mr. Baughn called home and asked that he appear before the Board to present his circumstances and to articulate his feelings better. Mr. Baughn consulted an attorney yesterday due to the action of the Owasso Board of Adjustment (Exhibit "F-1") who turned him down with a 4-0-0 vote on February 20, 1980. They have not had enough time to prepare a presentation for the Board since that action.

Protestant:

Christopher Delaflore, P. O. Box 331, Owasso, Okla., representing 16 people who own property in the area, stated that Mr. Baughn put the mobile home on the property and it came to the attention of the other property owners that no building permits were issued. They telephoned the Building Inspector, County and City offices and informed them that they would protest the application. Mr. Delaflore stated Mr. Baughn had in excess of two to three weeks to hire counsel in this matter. (7 protestants were present in addition to counsel.)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to continue Case No. 10887 to Thursday, March 6, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10888

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) Request for permission to maintain a mobile home in an RS-2 District at 11504 East 14th Street.

Presentation:

Mr. Jones advised the Board that the application has been before the Board twice and Mrs. Kocher mailed in a letter along with the application. The letter said her mother had passed away and her father still lives in the mobile home.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Thompson, "absent") to approve an Exception - (Section 410 - Principal Uses Permitted in Residential

10888 (continued)

Districts - Section 440 (6) - Mobile Homes) with a removal bond required on the following described tract:

The West-Half of Lot 3, All of Lot 4, Block 8, Elmhurst Addition to the City of Tulsa, Oklahoma.

10889

Action Requested:

Exception - (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) Request for permission to locate a mobile home in an AG District; and a Variance - (Section 340.2 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances); and a request for a variance of the five-acre minimum for a mobile home in an AG District to be located north and west of 121st Street and Okmulgee Bee Line.

Presentation:

Dean Dugger, whose mother is the applicant, advised that he would answer any questions the Board may have. Mr. Dugger said his mother is moving back from Houston because the State Highway Department took her house. The only adjacent property to the subject application is owned by her brother on the north; a brother on the south; and a sister on the southwest. There is one double-wide mobile home adjoining it on the next property to the north.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District; and a Variance - (Section 340.2 - 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 seven years, on the following described tract:

A tract of land located in the SE/4, SE/4 of Section 34, Township 18 North, Range 12 East of the I.B. & M., Tulsa County, Oklahoma; more particularly described as Beginning at a point 262.88' East and 219' South of the NW corner of the SE/4, SE/4; thence South 00°-07'-45" East a distance of 237'; thence South 89°-58'-58" East a distance of 700.15' to the West right-of-way line of U. S. 75; thence North 29°-10'-35" East a distance of 27.44'; thence on a curved line having a radius of 2181.68; and being the West right-of-way line of U. S. Highway 75, a distance of 225.14'; thence North 89°-58'-58" West a distance of 774.50' to the point of beginning, containing 4 acres, more or less.

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Special Exceptions) - Request for permission to operate a day care center in an RM-2 and RS-3 District north and east of Pine and Kingston.

Presentation:

Louise Gillespie, 6281 East Marshall Place, stated she would like for the exception to be granted so that she could build a day care center. Ms. Gillespie went on to say that she has two acres of land which faces Pine; the center would be open five days a week from 6:30 a.m. to 5:30 p.m; the building will be set back 150' from Pine Street and there will be a double circle drive in front which means no parking problems getting on and off of Pine Street. The building will accommodate 100 children (Exhibit "G-1"). Ms. Gillespie advised that across the street was another metal building and she also stated that the neighborhood was not that well-kept. Ms. Gillespie stated she submitted all the structural specifications (Exhibit "G-2") to the Board. The plot plan (Exhibit "G-3") is not exactly to scale but close.

Protestant:

Virginia Chapman, 1502 North Maplewood Avenue, said the Church across the street had a nice metal building. Ms. Chapman stated that her protest was the noise factor involved with the children playing outside on the swings behind her backyard. Ms. Chapman also felt the building would not look too pretty. Ms. Gillespie submitted pictures of the proposed building (Exhibit "G-4") to the Board and stated that the building will be white or blue in color, and that the rear of the building would be 250 feet from Pine and the playground equipment will be located in the center of the lot and enclosed by a chain link fence. Ms. Gillespie advised that a day care center is desperately needed in the area.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Special Exceptions) to operate a day care center in an RM-2 and RS-3 District, subject to the applicant meeting the paving standards for driveways and parking lots; limit the number of children occupying the building to 100; and suggested that the building be gold in color to make it more compatible with the area, on the following described property:

Reserve "A & B", Block 5, Douglas Court Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance - (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) Request for a variance of the setback requirements from 25' to 16' in an IM District, in order to permit an addition to an existing building at 5905 East 13th Street.

Presentation:

David Broach, 1018 Philtower Building, architect for the applicant, stated his clients were requesting a variance of the building setback requirements on the west side of the property from 55' to 46' from the centerline of South Joplin Avenue. He advised they planned to add a small, one-story 600 square foot addition to the existing office facility. Mr. Broach referred to the site plan (Exhibit "H-1") and said the addition will not protrude any farther to the west than the existing structure. The new addition will look exactly like the existing building.

Protestant:

John Alexander, President of Fidelity Van and Storage, owner of Lots 3 and 4, Block 3, and Executive Officer of Alexander Brothers, owner of Lots 5, 6 and 12, advised that he protested the change. Mr. Alexander also presented protests from Mr. Smith of Smith Mechanical Contractors, the owner of Lot 13; Mr. William Boldman and his wife, the owners of Lot 2. Mr. Alexander said upon examination of the information received, it was their determination that it would not serve a useful purpose to vary the building setback in the area, based on the concept of uniformity of other buildings in the area. They have all conformed to the setback requirements in all buildings constructed from the initial inception of this particular property. Mr. Alexander said he felt this application would adversely affect the area and set a precedent for other waivers.

Mr. Alexander withdrew his protest after clarification of the request by the Board.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve a Variance - (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 16' in an IM District, in order to permit an addition to an existing building, per plot plan submitted, on the following described property:

Lot 8, Block 3, C & C Industrial Park Addition to the City of Tulsa, Oklahoma.

10896

Action Requested:

Exception - (Section 710 - Principal Uses Permitted in Commercial Districts) - request for permission to operate an automotive repair service in a CS District; and an Exception - (Section 250.3 (b)) - Request for a modification of the screening requirement where an alternative screening will provide visual separation of uses at 2619 East Apache Street.

Presentation:

Sam Brown, 1722 East 26th Place North, advised that the reason for removing the screening fence is that he owns both the properties in the front and back (from Apache to 26th Place North) (Exhibit I-1), and wants to move the existing fence. The auto repair shop will be used strictly for mechanical repair, body work will not be involved. Mr. Brown stated there are several vacant lots surrounding the subject application, and he owns four vacant lots behind the subject tract on which he maintains a garden. Mr. Brown presently operates a janitorial service at the location and stated that his reason for wanting the fence moved, is due to the fact that he had had trouble keeping people out of his garden. Mr. Brown informed the Board that he would not use the vacant lots for storage of cars or anything else. The fence to be moved is made of wood.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve an Exception - (Section 710 - Principal Uses Permitted in Commercial Districts) to operate an automotive repair service in a CS District; an Exception - (Section 250.3 (b)) to permit a modification of the screening requirement, subject to no outside storage of parts or junk cars; no outside work on automobiles; the screening fence be erected on the 25-foot building setback line south of 26th Place in the RD portion and along the east and west property lines of the lots in the RD portion; stating the applicant is put on notice that he is not to use the RD portion (duplex portion) for commercial uses; and no access is permitted from 26th Place into the commercial area, on the following described property:

Lots 16, 17, 18 and 19, Block 14, Ben C. Franklin Addition to the City of Tulsa, Oklahoma.

10898

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) - Request for permission to locate a mobile home in an RS-2 District; and a Variance (Section 440.6 (b)- Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home on a lot that has a residence on it at 6035 North Lewis Avenue.

Presentation:

Kathleen Gilliam has lived at the same address for 30 years and requested that the mobile home that has been moved on the back half-acre (Exhibit "J-1") be permitted so that her niece can make her home there. Her niece

2.21.80:304(14)

cannot afford to live anywhere else. There are other mobile homes in the area of the application. Ms. Gilliam plans to fence and landscape the property. A trailer park is located across the street to the northwest. Ms. Gilliam stated she did not know there was a zoning ordinance prohibiting mobile homes without approval. She found out about it when she applied for utility service.

Ms. Gilliam also stated that there were barns, sheds and two business places in the back of other yards, and stated there were approximately 10 to 16 other mobile homes in a six block radius. The mobile home is sitting 70 yards behind an existing house, behind another mobile home. The mobile home is 14' x 70'. Ms. Gilliam stated she had a \$500.00 bond and that she was willing to go along with having the home there for 1-year.

Protestants:

James Salyers, (and his wife), 2408 East 61st Street North, stated Ms. Gilliam illegally trespassed across their property and they informed the applicant of that fact. Ms. Salyers stated she did not want a second mobile home behind them because when the land was platted it was platted for one house per acre. She stated she could stand in her living room and see Spring Valley Mobile Home Park and stand in their kitchen and see two mobile homes; she did not like that at all.

Bob Gardner stated that prior to 1970 there was no zoning prohibition on mobile homes located in the County. The niece, Kathy Hicks, 6535 North Lewis Avenue, stated that the land was given to her for her mobile home and she does not plan to live in the trailer forever, but plans to build a home there someday. Ms. Hicks stated she plans to put stone around the base of the mobile home.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, 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-2 District; and a Variance - (Section 440.6 (b) - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot that has a residence on it, and a reminder that the Board may not renew the application after one year, on the following described property:

Lot 9, Block 1, Rodden Acres Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) Request 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) request for a variance of the five-acre minimum for a mobile home in an AG District at 1002 East 86th Street North.

Presentation:

Shirley Carpenter, P. O. Box 30, Sperry, Oklahoma, stated she wished to move the mobile home onto the property to live in. Ms. Carpenter owns three acres and her mother owns the land next to her who also plans to move onto her property. Ms. Carpenter would like to construct a house on her property, but it would be at a later date. Ms. Carpenter also informed the Board there were no housing additions going on in the area.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District; and a Variance - (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five-acre minimum for a mobile home in an AG District, for a period of 5-years, on the following described property:

A tract of ground situated in the N/2 of the NE/4 of Section 25, Township 21 North, Range 12 East of the I. B. & M., Tulsa County, Oklahoma and being more particularly described to-wit: Beginning at a point on the North line of Section 25, 283.72' West of the NE corner, thereof; thence South a distance of 435.6'; thence West along a line parallel with the North line of Section 25, a distance of 214.52'; thence North a distance of 435.6' to a point on the North line of Section 25; thence East along said North line a distance of 214.52' to the point of beginning, containing in all 2.145 acres.

OTHER BUSINESS:

Communication Concerning Case No. 10476:

The application of Western National Bank at 49th Street and Lewis Avenue, requested a 180-day extension on the removal of a wooden sign (Exhibit "K-1"). Mr. Jones explained that the Board permitted two signs on the property, subject to the removal of all other signs that were existing.

Larry Wade with Amax Sign Company said the Sign Inspector was requiring the removal of the sign in compliance with the Board's action. However, the Bank is in the process of constructing a new building at the NE corner of 51st Street and Lewis Avenue and if we remove the sign too soon it will be confusing to the customers.

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve a 180-day extension toward removal of the sign.

Communication Concerning Signs for Skelly Stadium:

Mr. Jones read a letter from the University of Tulsa about a sign they have in front of Skelly Stadium. Mr. Jones informed the Board that the property was zoned U-3, which is equivalent to CH back in 1929, and the Tulsa Revised Ordinance picked it up in 1945. When the remapping was done in 1957 the CH classification was taken away and it was made residential classification. The sign was put up when it was zoned U-3 (CH).

Communication Concerning Signs for Skelly Stadium: (continued)

Mr. Gardner explained the school is putting up a new scoreboard. The scoreboard will be facing to the north from the south end-zone. The present sign can be read from both directions, east and west. They want to put that type of message sign up in back of the scoreboard, so the people can view the coming events.

The Board entered into discussion of the need for a public hearing and it was decided that the request should be advertised as an appeal.

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to advertise this item for Thursday, March 6, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Interpretation of Zoning Map #29:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to correct a mapping error in Comprehensive DISTRICT #6, CZM #29 to show CS zoning 100' deep instead of 50', on the following described property:

Lot 13, Block 1; Lots 13 and 14, Block 2; Lot 13, Block 3; East 95' of the South 50' of Lot 12, Block 3, of Kimlock Park and Lots 1 and 2, Block 1; Lots 1 and 2, Block 2 of Prospect Gardens, of the City of Tulsa, Oklahoma.

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

Date Approved

April 3, 1980

Lathryn J. Purser

Chairman