

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 305
Thursday, March 6, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Lewis
Purser, Chairman
Smith
Thompson
Wait

STAFF PRESENT

Gardner
Johnson, D.
Jones

OTHERS PRESENT

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, March 4, 1980, at 11:30 a.m., as well as in the Reception Area of the TMAPC Offices.

In the absence of the Chairman, Board member Lewis called the meeting to order at 1:35 p.m., after declaring a quorum present.

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:

Barry Moydell, Oil Capital Neon, representing his brother Mike Moydell, stated the variance requested is for the present setback on an existing pole which is 33' to put up a B. F. Goodrich sign and explained that they are requesting a 24' variance because the edge of the sign extends beyond the pole. Mr. Moydell presented a plot plan (Exhibit "A-1") and stated that the pole is 33' from the center of the street. The sign measures 5' x 16'.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to approve a Variance - Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 26' from the centerline of the street to permit the erection of a pole sign, subject to a removal contract on the following described tract:

Lots 488 and 489, Block 38, Tulsa Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

10897

Action Requested:

Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance to permit building across lot lines in an RS-3 District east of Utica Avenue, at 31st Place North.

Presentation:

Mr. Jones stated that the applicant, Joseph Lewis, submitted a plot plan (Exhibit "B-1") and explained that the applicant is building a house on three lots. The house will extend over the lot lines, and the primary house will be located on the middle lot.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across lot lines in an RS-3 District, per plot plan submitted, on the following described tract:

Lots 10, 11, & 12, Block 6, Murray Addition to the City of Tulsa, Oklahoma.

10899

Action Requested:

Variance - (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance of the floor area ratio from 25% to 30% in an OL District northeast of 71st Street and Canton Avenue.

Presentation:

Milton Berry, applicant, stated he is requesting a variance on property zoned OL to increase his lot coverage from 25% to 30%. Mr. Berry went on to state that the building would be an All State Insurance Company on a portion of the property and another building would go on the back of the All State building.

Protests: None:

Board Action:

On MOTION of Thompson, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the floor area ratio from 25% to 30% in an OL District on the following described tract:

The South 250' of Lot 1, Block 3, Burning Hills, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

10909

Action Requested:

Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance to permit building across a lot line at 546 North 38th West Avenue.

Presentation:

Mr. Jones stated that the applicant submitted a plot plan (Exhibit "C-1") and that the Board received a letter (Exhibit "C-2") from an adjoining property owner stating that she is in favor of the application.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line, per plot plan submitted, on the following described tract:

Lots 4 and 5, Block 2, Cooper's Addition to the City of Tulsa, Oklahoma.

10924

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 frontage and area requirements in an AG District to permit a lot-split at 46th Street North and Highway #97.

Presentation:

Charles Powell, 3503 Timberlane Ridge, Sand Springs, stated the area of the application is approximately 5½ miles north of Sand Springs and fronts onto Highway #97. There is an existing house on one of the lots. Mr. Powell stated that his reason for the request is to correct an error made back in 1931 by a surveyor. Mr. Powell presented a plot plan (Exhibit "D-1") of the property.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait, "aye"; no "nays"; no "abstentions") 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 and area requirements in an AG District to permit a lot-split (SSRL-15), per plot plan submitted, on the following described tract:

Commencing at the NW corner of said NW/4 of the NW/4, Section 14, Township 20 North, Range 11 East, Osage County, Oklahoma; thence South 87°-33'-04" East along Northerly line of said Section 14, for a distance of 997.00' to the point of beginning; thence South 36°-10'-17" West for a distance of 581.16'; thence Southeast along a curve to the right, having a radius of 868.51' for a distance of

999.92'; thence North 2°-13'-02" West for a distance of 1,320.64' to a point on the Northerly line of Section 14; thence North 87°-33'-04" West along the Northerly line of Section 14, for a distance of 313.78' to the point of beginning.

UNFINISHED BUSINESS:

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 more than one year at a time at 11702 East 76th Street North.

Presentation:

Mike Savage, attorney representing Mr. Baughn, stated that he felt the application should be approved for three reasons: (1) The use is a temporary use; (2) it does not hurt the RS-1 zoned area; and (3) it would bring an extreme hardship not to permit the use. Mr. Savage presented several affidavits from property owners in the area of the application (Exhibit "E-1") along with a statement from Mrs. Baughn's physician concerning her illness (Exhibit "E-2"). Mr. Savage stated that the Baughn's own three acres of land and the mobile home in question is 14' x 60'. The statement from Mrs. Baughn's physician states that because of her condition it was necessary for someone to be near to her at all times due to her medical problems. Since Mr. Baughn is away from home so much, the mobile home would be the residence of their son and daughter-in-law. Mr. Savage presented pictures to the Board (Exhibit "E-3").

Protestants:

Christopher DeLeFleur, P. O. Box 331, Owasso, attorney representing Mr. & Mrs. Powell; Mr. & Mrs. Kozzi; Mr. & Mrs. Cawthorne; Mr. & Mrs. Cramer; the Essinglers, protestants to the application in question. Mr. DeLeFleur stated that the son and daughter-in-law could live inside the residence on the property, and went on to say that the placement of the mobile home on the property would affect the fair market value of the other homes in the area of the application. Mr. DeLeFleur stated that the deeds of his clients all contain the restrictive covenant of no mobile homes on the property.

Albert Parker, 7524 North 119th East Avenue, Owasso, stated he owned 2.7 acres adjacent to Mr. Baughn's property. Mr. Parker stated he lived at the address since 1973, and had no knowledge of other mobile homes in the neighborhood.

Christopher DeLeFleur stated that granting the variance and the exception would definitely affect the neighborhood. Mr. DeLeFleur felt that personal problems should not be pushed off on neighbors especially when there would be a detrimental affect to the fair market value of the homes in the surrounding area of the application in question.

10887 (continued)

Applicant:

D. F. Baughn stated that he plans to fence his entire tract of land and that he feels there is ample room in the back yard to place the mobile home in question.

Board Action:

On MOTION of SMITH, the Board voted 3-1-1 (Lewis, Purser, Smith, "aye"; Wait "nay"; Thompson "abstaining") to deny an 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; and a Variance - (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) 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, on the following described tract:

Tract 4: The West 333.74' of the N/2 of the NW/4 of the NE/4 of the NW/4 of Section 32, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

10884

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1480.1 (g) - Off-Street Parking) Request for permission to establish off-street parking in conjunction with an industrial use at 44th Street and Rockford Avenue.

Presentation:

Louis Levy, attorney, representing the applicant, stated he was happy to inform the Board that this is the last of 36 lots acquired by the John Zink Company surrounding the plant. Mr. Levy stated a screening wall will be constructed which will be a continuation of an existing wall on 44th Street. The property will be paved with black top paving, with no access from 44th Street.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1480.1 (g) - Off-Street Parking) to establish off-street parking in conjunction with an industrial use as presented, concerning block wall and no access and, subject to all other parking requirements on the following described tract:

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

Action Requested:

Variance - (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) - Request for a variance of the size of an accessory building from 750 square feet to 900 square feet at 5737 East 24th Place.

Presentation:

Tom Tannehill, attorney, representing the applicant, stated the application requests the expansion of an existing attached garage an additional 330 square feet to enable the applicant to park a truck inside, which is now parked in front of his house. Mr. Tannehill presented pictures of the subject application (Exhibit "F-1"), which showed an eight foot wooden fence on the north and east boundaries of the property. A site plan was also presented (Exhibit "F-2"), and a letter from Mr. & Mrs. Miller (Exhibit "F-3") stating they had no objection to the application in question. Mr. Tannehill went on to state that his client, Mr. Wynn, is presently disabled and his hobby is working on cars in his garage. Mr. Wynn plans to convert his attached garage into a den, therefore, Mr. Tannehill asked the Board to grant the variance.

Protestants:

Steven Schuller, 5745 East 24th Street, stated the structure in question looks very large from the street and the homes in the area of the application are very nice homes. Mr. Schuller went on to state that he felt there was not any hardship or peculiar condition about Mr. Wynn's property that would justify a variance from the Board of Adjustment, and pointed to the noise factor involved with the applicant's work. Mr. Schuller stated the traffic problems caused by Mr. Wynn's work created a hardship on the neighborhood and that the applicant's back yard is fully paved.

Kirk Schakett, attorney, retained by Mrs. Ruth Grosswiler, 5738 East 24th Street, stated that his client's back yard abutts Mr. Wynn's. Mr. Schakett stated that his client feels that Mr. Wynn's hobby is becoming a nuisance and getting out of hand, running into a full-time business. Mr. Schakett presented letters of protest (Exhibit "F-4") and pictures of the applicant's property (Exhibit "F-5").

Matt Brown, 5743 East 24th Street, just east of the subject application stated that the neighbors in the area of the application preferred that Mr. Wynn not work on cars at all. Mr. Brown stated that he opposed the application in question because of the drainage problems he has experienced and because of the noise factor involved in Mr. Wynn's work.

George Young, 5734 East 24th Place, stressed that the neighborhood was single-family, modest type homes and the streets are narrow. Mr. Young stated that with the number of cars that are parked in front of Mr. Wynn's residence, on both sides of the street, limited the street to one-way traffic. Mr. Young also said that Mr. Wynn worked on cars sometimes until 12:00 a.m., at least three or four times a week during the racing season. The welding being done, the engines running and the grinding machine used by the applicant creates a lot of noise.

Interested Parties:

Sandy Davis, 5758 East 24th Place, lives across the street down four houses to the east of the subject application.

Jim Klutz, 5820 East 25th Place, lives 2½ blocks away from the subject property.

Bill Somotor, 5718 East 25th Place, lives directly across from Mr. Klutz. Each of the above mentioned persons stated they are in favor of the application.

Applicant's Comments:

Ralph Wynn stated that he lives on workmen's compensation and plans to complete his garage this summer. Mr. Wynn went on to say that his hobby is working on race cars and that he just helped two people maintain their race cars. The cars are kept at the owner's home. Mr. Wynn stated that he did not make any money for his services rendered. Mr. Wynn also explained that he uses a wench, bench grinder, drill press and air compressor in an insulated building.

Dorothy Miller, Building Inspector's Office, advised that a building permit was not necessary for paving a yard and stated that Mr. Wynn has not covered more than 20% of his required rear yard with buildings.

Bob Gardner advised that the Ordinance states that one must have 4,000 square feet livability space or grassed area, therefore, Mr. Wynn does not meet the requirements of the Ordinance if his entire back yard is paved.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait, "aye"; no "nays"; no "abstentions") to deny a Variance - (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 square feet to 900 square feet and required that the Building Inspector's Office inspect the premises to determine whether or not there is 4,000 square feet of livability space, on the following described tract:

Lot 21, Block 9, Mary Frances Addition to the City of Tulsa, Okla.

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) - Request for permission to establish off-street parking for church use at 4727 East 5th Place.

Presentation:

Larry Taylor, attorney, and a member of the Yale Avenue Presbyterian Church, advised that the subject application is located adjacent to existing parking lots. They want to raise the six houses on the property and construct a parking lot. The parking lot is necessary because of the increased Sunday Church attendance. Mr. Taylor went on to state that the reason the Church bought lot 20 was because it provided better drainage of rainwater runoff.

10903 (continued)

Protestant:

Kurk Sobek, 4723 East 5th Place, stated the construction of a parking lot in the area will bring the property values of the existing homes in the neighborhood down. Mr. Sobek went on to say that if the Church takes care of the drainage problem he has no objection to the application.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait, "aye"; no "nays"; no "abstentions") to grant an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to establish off-street parking for Church use subject to approval from the City Hydrology Department as to drainage; and a six foot wooden screening fence be erected between lots 7 and 8 and between lots 19 and 20, on the following described tract:

Lots 7 and 20, Block 4, Kendall View Addition to the City of Tulsa, Oklahoma.

10904

Action Requested:

Variance - (Section 620 (d) (1) - Accessory Uses Permitted in the Office Districts - Under the Provisions of Section 1670 - Variances) - Request for a variance of the size of a sign from 32 square feet to 70 square feet in an OM District at 6701 South Memorial Drive.

Presentation:

Max Westbrook, 7826 East 78th Street, presented a letter from the president of Woodland Bank (Exhibit "G-1") and a photo of the present sign on the Bank (Exhibit "G-2") and explained that patrons traveling down Memorial have trouble locating the Bank. Mr. Westbrook stated that the sign is a 7' x 10' lighted sign and presented a sketch of the proposed new sign (Exhibit "G-3"). He stated the lot has three street frontages.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant a Variance - (Section 620 (d) (1) - Accessory Uses Permitted in the Office Districts - Under the Provisions of Section 1670 - Variances) of the size of a sign from 32 square feet to 70 square feet in an OM District per plot plan, subject to the understanding of no additional frontage signs on the property located on the following described tract:

Lot 1, Block 3, Woodland Hills Mall, Resub. of Blocks 2, 3, 4 & 5, to the City of Tulsa, Oklahoma.

10905

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 25' to 20' on a corner lot on the SE corner of Richmond and 64th Place (house existing).

3.6.80:305(8)

10905 (continued)

Presentation:

Bob Pearson, 6234 South Fulton Avenue, owner of Manor Homes, Inc., built the home at the location of the application in the Livingston Park Addition for Mr. & Mrs. Hootz. At the time of closing, they discovered that the house was set on a slight angle on purpose, but the individuals who staked the house made an error and now one corner sets slightly over the front building line and presented a plot of survey of the property (Exhibit "H-1").

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") 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 25' to 20' on a corner lot (house existing), per plot plan submitted, on the following described tract:

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

10906

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) - Request for an exception to permit the erection of four duplexes in an RS-3 District; and a Variance (Section 440.3 - Special Exception Uses In Residential Districts - Requirements - Under the Provisions of Section 1670 - Variances) - Request for a variance of the frontage requirements from 75' to 60' in an RS-3 District to permit a duplex use on the northwest corner of Richmond Avenue and Newton Street.

Presentation:

Earl Cherry, 3828 South 118th East Avenue, advised that the property in question has been before the TMAPC zoning procedures requesting RM-2 multifamily zoning. The Planning Commission Staff recommended RD duplex zoning and the Planning Commission also recommended RD duplex zoning (Exhibit "I-1"). The City Commission acted on the RM-2 requested zoning, which was denied and referred him to the Board of Adjustment. Mr. Cherry stated that the density level would be the same as single-family housing and the area in question is RS-3 high density single-family. There is a precedent for this request, in that one block away duplex development exists via a past Board approval. Mr. Cherry explained that the utility service and water and sewer connection would not be a problem, and asked that the Board grant his requests. A plot plan was presented (Exhibit "I-2").

Protestants:

Harold Jollief, 1326 South Richmond Avenue, advised that the streets are not adequate enough for smooth traffic flow and stated that he was not given notice of the construction of the other duplexes in the area. Mr. Jollief went on to state that Mr. Cherry would not be able to hook up to the sewer system because it is presently overloaded. There are many older people in the neighborhood and Mr. Jollief feels that these people would

10906 (continued)

not be able to withstand the noise created by the residents of the duplexes. Mr. Jollief asked the Board to deny the application.

Everett Shroff, 1132 North Sandusky Avenue, advised that the neighborhood did not need any multifamily dwellings or duplexes in the area of the subject application.

James Andrews, 1307 North Sandusky, stated the sewers in the neighborhood could not carry the present hookups and that if it rains one inch or more the sewer backs up in his garage and comes up in the yard south of his property.

William Duggan, 1322 North Richmond Avenue, stated he could not handle the extra traffic problems created by the duplexes if granted. Mr. Duggan stated that the subject application would be overbearing to the roads and to the water and sewer system.

Interested Party:

Charles Tuttle, property owner at 1205½ North Richmond Avenue, stated that it would be a big advantage to the neighborhood if the Board granted the variance and exception. Mr. Tuttle feels that duplexes would upgrade the neighborhood.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to continue Case No. 10906 to Thursday, April 3, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order to give the applicant time to develop a plot plan for the duplexes.

10907

Action Requested:

Exception - (Section 710 - Principal Uses Permitted in Commercial Districts - (Section 1217 - Automotive and Allied Activities) - Request for permission to operate an automobile repair service in a CS District at 2412 East Mohawk Boulevard.

Presentation:

James Lewis, 2323 North Atlanta Avenue, stated there are eleven salvage yards and auto rebuilding yards in a ½-mile area surrounding the subject property. The applicant stated that he only used hand tools and he plans to do body work inside the existing building on the property. Mr. Lewis stated that he also plans to fence the property and store used tires.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate an automobile repair service in a CS District with the provisions that all repair work be done inside; and that the Environmental section of the City-County Health Department be satisfied with the operation; and the applicant is given 30-days to remove all outside storage of car bodies, tires and other materials, on the following described tract:

3.6.80:305(10)

10907 (continued)

A certain tract of land lying in the NW/4, NW/4 of Section 20, Township 20 North, Range 13 East, Tulsa County, Oklahoma, described as follows, to-wit: Beginning at a point on the Southerly right-of-way line of Mohawk Boulevard, said point of beginning being 50' East of the West line of said Section 20; thence North-easterly along said Southerly right-of-way line of Mohawk Boulevard a distance of 220' to the point of beginning; thence continuing Northeasterly along said Southerly right-of-way line a distance of 150' to a point; thence Southeasterly at a right angle a distance of 140' to a point; thence Southwesterly along a line parallel to said Southerly right-of-way line of Mohawk Boulevard a distance of 150' to a point; thence Northwesterly at a right angle a distance of 140' to the point of beginning.

10908

Action Requested:

Exception - (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) - Request for permission to erect and operate a car wash in a CS District; and a Variance - (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) - Request for a variance of the setback requirements from 100' to 70' from the centerline of Pine Street at the northwest corner of Pine Street and Yorktown Avenue.

Presentation:

T. C. Allen, 5101 East 33rd Street, explained that other businesses were located in the surrounding area. Mr. Allen presented a plot plan (Exhibit "J-1"). The hours of operation will be from 8:00 a.m. to 10:00 p.m.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant Exception - (Section 710-Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect and operate a car wash in a CS District, as presented; and a Variance - (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 70' from the centerline of Pine, per plot plan submitted, on the following described tract:

The East 140' of Lot 13, Block 2, Kinloch Park Addition to the City of Tulsa, Oklahoma.

10910

Action Requested:

Exception - (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exceptions) - Request for an exception to allow the operation of a Quick Lube in a CS District at 6105 East 21st Street.

10910 (continued)

Presentation:

Harry Wallace, 2873 East 77th Street South, stated that the request is for an exception to the CS zoning in order to utilize an Old Texaco station as an automotive repair. Mr. Wallace plans to change the color of the building from orange to yellow. Mr. Wallace also informed the Board that he is the builder not the operator.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exceptions) to allow the operation of a quick tune-up in a CS District providing that the use is minor auto repair as presented, and no outside storage or work be permitted, on the following described tract:

Being a part of the SW/4, SE/4, SE/4 of Section 10, Township 19 North, Range 13 East, and further described as follows:

Beginning at a point 50' North and 30' East of the Southwest corner of the SW/4, SE/4, SE/4 of Section 10, Township 19 North, Range 13 East, which point is the Northeast corner of the intersection of 21st Street and Lakewood Avenue; thence North along the East boundary line of Lakewood Avenue a distance of 125'; thence East and parallel to the North boundary line of 21st Street a distance of 150' to a point; thence South and parallel to the East boundary line of Lakewood Avenue a distance of 125' to a point; thence West along the North boundary line of 21st Street a distance of 150' to the point of beginning; property is commonly known as 6105 East 21st Street, City of Tulsa, Oklahoma.

10911

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) - Request for an exception to permit the erection of two duplexes in an RS-3 District north and west of 11th Street and Knoxville Avenue.

Presentation: The applicant agreed to a continuance in order to meet with the protestants.

Protestant:

Noble Manion, 835 South Knoxville Avenue, objected to hearing the application because of insufficient notice given to the property owners who live within 300' of the application.

Mr. Jones advised that he scaled out a map for the applicant who in turn took the map to the County Treasurer's Office for the list of property owners to receive notification and the notification was mailed.

10911 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to continue Case No. 10911 to Thursday, March 20, 1980, Langenheim Auditorium, City Hall, Tulsa Civic Center.

10912

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 10' to 5' from one side yard at 6417 South Quebec Avenue.

Presentation:

Lee Reeh, 6735 South Atlanta Avenue, advised that he and his wife bought a lot in the Livingston Park Addition in order to build a home. Mr. Reeh stated that the plans are based on a side line clearance of 5' on each side of the house to the property line. Mr. Reeh has since found out that the requirement was 5' on one side and 10' on the other, and tried to redesign the house to meet the requirements. Mr. Reeh said his hardship is that he would have to spend a considerable amount of money to redesign his house to meet the yard requirements. He submitted a plot plan (Exhibit "K-1").

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") 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', per plot plan submitted, on the following described tract:

Lot 3, Block 3, Livingston Park South Addition to the City of Tulsa, Oklahoma.

10913

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-3 District at 6024 South 60th West Avenue.

Presentation:

Donna Rogers, 6024 South 60th West Avenue, stated that he mother will be moving onto the lot which she owns. Ms. Rogers also stated that there are other mobile homes in the area of the application.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - (Section

10913 (continued)

410 - Principal Uses Permitted in Residential Districts - Section 440.6-Mobile Homes) to locate a mobile home in an RS-3 District for 1-year, with a removal bond required, on the following described tract:

Lots 26 and 27, Block 12, New Taneha Addition to the City of Tulsa, Oklahoma.

10914

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) - Request for permission to use property for church use, and a 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 25' to 5' from the Crosstown Expressway at the 500 Block of North Oxford Avenue.

Presentation:

Bill Morey, 1433 North Evanston Place, advised that he was Chairman of the Building Committee at The Faith Church of The Nazarene. Mr. Morey presented a plot plan (Exhibit "L-1") and stated that the Board approved the property directly to the north for church use subject to approval of a plot plan. Mr. Morey said his reason for the variance request is to permit more parking spaces and better visibility from the Crosstown Expressway.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use; and approve the plans; and denial of the Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 5' from the Crosstown Expressway, on the following described tract:

Beginning 94.2' South of the Northwest corner of Lot 3; thence South 33'; thence Northeast 161.84'; thence West 158.5' to the point of beginning; Lot 3, Block 14, Fairland Addition to the City of Tulsa, Oklahoma.

10915

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 - Mobile Homes - 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 1654 East 66th Street North.

10915 (continued)

Presentation:

Diane Hisson, 2422 North Darlington Place, advised that there are no other mobile homes in the area of the application. The application is located approximately ½-mile from Spring Valley Mobile Home Park. Ms. Hisson stated that her parents own two homes on the property, and that she plans to move to Missouri within the next year.

Don Hucks, Diane Hisson's father, stated there is a sewer next door to the trailer which he plans to hook onto.

Mr. Jones read a letter from a property owner in the area of the application stating their objection to the application (Exhibit "M-1").

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") 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; and a Variance (Section 440.6 - Mobile Homes - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot that has a residence on it, for one year, with a removal bond required, subject to the mobile home being hooked up to sanitary sewer rather than a septic tank, on the following described tract:

A tract of land in the E/2 of the West 19.68 acres of Lot 2, in Section 6, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, containing approximately 1-acre and described by metes and bounds as follows:

Commencing at the Northwest corner of said E/2 of the West 19.68 acres of said Lot 2 for a point or place of beginning; thence running due East a distance of 80' to a point; thence running due South a distance of 275' to a point; thence running due West a distance of 80' to a point; thence running due North a distance of 275' to the point or place of beginning.

10916

Action Requested:

Variance - (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) - Request for a variance of the setback requirements from 100' to 86' from the centerline of Lewis Avenue; and from 110' to 82' from the centerline of 21st Street to permit adding onto the present building now located on the property on the northwest corner of 21st Street and Lewis Avenue.

Presentation:

Brad Williams, Mazio's Pizza and Ken's Pizza, representing John Bumgarner, 4441 South 72nd East Avenue, advised that Mazio's Pizza request was to utilize the subject application as a Mazio's Restaurant. Mr. Williams presented a photo of the old Phillip's 66 Service Station (Exhibit "N-1") which they have acquired for the restaurant. Mr. Williams presented a plot plan of the proposed restaurant (Exhibit "N-2"); a sample of the earthtone colors to be used for the building structure (Exhibit "N-3") and a sketch of the proposed restaurant (Exhibit "N-4").

Protestants:

Karen Smith, 2502 East 19th Street, advised that she was speaking for herself and her family, and stated that 8-5 traffic flow would be less detrimental to the area neighborhoods and a lesser burden to an arterial which carries 25,000 cars daily. Ms. Smith also stated that Mazio's traffic will include late weekly and week-end traffic.

Mr. Parks, 2235 East 20th Street, stated that enlargement of the intersection is blocked on the east and cutting down on setback lines would not enable the City of Tulsa to widen the street. Mr. Parks objected to the application.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait, "aye"; no "nays"; no "abstentions") to grant a Variance - (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 86' from the centerline of Lewis Avenue; and from 110' to 82' from the centerline of 21st Street to permit adding onto the present building now located on the property, per plot plan submitted and as to colors and building materials represented, on the following described tract:

Lots 18, 19 and 20, Block 11, Woodward Park Addition to the City 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 Lot 5 for church use and parking; and (Section 420 - Accessory Uses in Residential Districts) - Request for permission to use Lots 4 and 5 for the storage of gasoline and gasoline pumps for church use on the northwest corner of 23rd Place and Maybell Avenue.

Presentation:

Pastor Carker, advised that Lot 4 has already been approved for church use by the Board. Pastor Carker stated that he had trouble with people cipherring the gasoline out of the bus gas tanks. A fence surrounds Lot 5 to park the buses for the church. The underground gasoline tanks will be on the lot where the Youth Pastor presently resides. Pastor Carker presented a plot plan (Exhibit "0-1").

Mr. Jones stated the reason the request is advertised to put the storage tanks on both lots is because the tanks may be on both lots.

Protestants:

Alvin Hughes, 921 West 23rd Place, presented pictures of the subject application (Exhibit "0-2") of the church property. Mr. Hughes stated that the buses parked on the street are not conducive to the neighborhood and that the gasoline storage tanks would create a safety question.

Gloria Pottiger, member of the West Tulsa Freewill Baptist Church, 911 West 23rd Place, advised that she is the caretaker and $\frac{1}{4}$ owner of the

10918 (continued)

property next to the parsonage. Ms. Pottiger protested the proposed gasoline storage tanks for the people in the surrounding area of the application and her son who lives on her property. Ms. Pottiger stated that she did not want to go against the wishes of the Pastor, but she feels very strongly against the proposed gasoline storage tanks because of the children who play in the area.

Discussion ensued between Board members and the applicant concerning the gasoline storage tanks.

Board Action:

On MOTION of PURSER, the Board voted 3-2 (Purser, Smith, Wait "aye"; Lewis, Thompson "nay"; no "abstentions") to deny an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use lot 5 for church use and parking; and (Section 420 - Accessory Uses in Residential Districts) to use Lots 4 and 5 for the storage of gasoline and gasoline pumps for church use on the following described tract:

Lots 4 and 5, Block 1, West Dale Addition to the City of Tulsa, Oklahoma.

10919

Action Requested:

Exception - (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) - Request for permission to operate a tire store in a CS District at 2329 East Mohawk Boulevard.

Presentation:

Leon Stevens, 2532 East 47th Place North, advised that he sold used tires and that he would not be doing any outside work. The building on the property of the application is 10' x 46'. A mobile home is also located on the property which is used as an office.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) - To operate a tire store in a CS District, subject to the condition of no outside storage of materials, on the following described tract:

Beginning 250' South and 50' West of the Northeast corner of the NE/4, NE/4, NE/4, of Section 19, Township 20 North, Range 13 East, Tulsa County, Oklahoma; thence South 200'; thence Southwesterly 163'; thence North 280'; thence East 158' to the point of beginning.

10920

Action Requested:

Exception - (Section 610 - Principal Uses Permitted in the Office District - Section 1208 - Multifamily Dwelling and Similar Uses) - Request for an exception use in an Office District as allowed under Section 640 - To comply with RM-2 Bulk and Area Requirements to construct 6 Townhouses. (Section 640 would allow 10 units).

Presentation:

Steve Turner, Turner - Fox Associates, Inc., (Architects), advised that the request is to construct six dwelling units as condominiums and submitted a plot plan (Exhibit "P-1") and stated that all fronts of the proposed condominiums will look alike (Exhibit "P-2") similar to the look of New England cottages.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - (Section 610 - Principal Uses Permitted in the Office Districts - Section 1208 - Multifamily Dwelling and Similar Uses as allowed under Section 640) - To comply with RM-2 Bulk and Area Requirements and to construct 6 townhouses, per plot plan submitted, on the following described tract:

Lots 6, 7, & 8, Block 7, Morningside Addition to the City of Tulsa, Oklahoma.

10921

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) - Request for permission to operate a children's day care center in an RS-1 District southwest of 91st Street and Canton Avenue.

Presentation:

Ruth Craven, 3837 South Winston, presented a plot plan (Exhibit "Q-1") and stated that there is a need for a day care center in the south Tulsa area. Ms. Craven has a fairly new 1650 square foot house, double concrete driveway and a surfaced parking area on the subject property. The state licensing department allows 15 children per toilet stool, but she would like to have 30 children in the center because she plans to enclose the porte cochere. Mr. Jones presented letters of approval from the property owners (Exhibit "Q-2").

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day care center in an RS-1 District per plot plan submitted, contingent upon seeing and approving the plans for the

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10921 (continued)

enclosure before a building permit is issued, on the following described tract:

Part of the Northwest Quarter of Section 22, Township 18 North, Range 13 East; beginning at a point 1,320' West of the Northeast corner of the Northwest Quarter of said Section; thence South 370'; thence East 156'; thence North 370'; thence West 156' to the point of beginning, less the North 50' thereof, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

10922

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 an R District from 75' to 61' in an IL District at 9832-C East 58th Street.

Presentation:

Gene Buzzard, 907 Philtower, stated that the property is located in the Southeast Industrial District on Mingo Road and 58th Street South. The area is screened and the residential area is sparse and unplatted. The variance is requested in order to provide adequate space between the buildings for trucks to park.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant a Variance - (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from an R District from 75' to 61' in an IL District, per plot plan submitted, on the following described tract:

Lot 7, Block 18, Tulsa Southeast Industrial District Extended to the City of Tulsa, Oklahoma.

10925

Action Requested:

Appeal - (Section 1650 - Appeals From the Building Inspector) - Appeal from a decision of the Building Inspector for refusing to permit the replacement of two signs in an RS-3 District; and a Variance - (Section 420.3 (d) - Accessory Uses in Residential Districts - Conditions - Under the Provisions of Section 1670 - Variances) - Request for a variance to permit the replacement of two signs in an RS-3 District on the north side of 11th Street, between Florence Avenue and Gary Avenue.

Presentation:

Larry Wade, Amax Sign Company, stated his Company sold the equipment to the University of Tulsa. Mr. Wade stated the old sign is presently being replaced, and the hardship is that the City of Tulsa has taken away the zoning for the sign in 1957. Mr. Wade presented plans for the new score-board which will be located down the hill (Exhibit "R-1"). The new score-board will be 19' closer to the street than the old sign.

10925 (continued)

Ray Green, Director of Physical Planning, University of Tulsa, advised that the back of the scoreboard will be blank and the new scoreboard will be electric.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to deny the Appeal - (Section 1650 - Appeals From the Building Inspector) from a decision of the Building Inspector for refusing to permit the replacement of two signs in an RS-3 District; and to approve a Variance - (Section 420.3 (d) - Accessory Uses in Residential Districts - Conditions - Under the Provisions of Section 1670 - Variances) to permit the replacement of two signs in an RS-3 District on the north side of 11th Street, between Florence Avenue and Gary Avenue, subject to the condition that the scoreboard have no message on the reverse side (11th Street), on the following described tract:

Lots 18 and 19, Block 29, College Addition to the City of Tulsa, Oklahoma.

There being no further business, the Chair adjourned the meeting at 7:00 p.m.

Date Approved

April 3, 1980

Kathryn D. Purser

Chairman