

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 306
Thursday, March 20, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Purser, Chairman Smith Wait	Thompson	Crowley 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, March 18, 1980, at 10:51 a.m., as well as in the Reception Area of the TMAPC Offices.

The Chairman called the meeting to order at 1:36 p.m., after declaring a quorum present.

MINOR VARIANCES AND EXCEPTIONS:

10927

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 16440 North Peoria Avenue.

Presentation:

Mr. Jones advised that the applicant had all the pertinent information contained in the file, along with a plot plan (Exhibit "A-1").

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - (Section 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 (L-14849), per plot plan submitted, on the following described tract:

A portion of the E/2 of the NE/4 of the NE/4 of Section 13, Township 22 North, Range 12 East, Tulsa County, Oklahoma, more particularly described as:

Beginning at the Southeast corner of the NE/4, NE/4; thence North 264' to true point of beginning; thence West 665'; thence North 264'; thence East 665' and South 264' to the point of beginning, containing 4 acres, more or less.

10928

Action Requested:

Variance - (Section 1221.5 (d) (5) - Business Signs and Outdoor Advertising - Use Conditions - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance of the aggregate display surface area from 396 square feet to 672 square feet at 10519 East 11th Street.

Presentation:

Mr. Jones stated that the same request was denied by the Board on April 17, 1975.

Protests: None

Board Action:

On MOTION of PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10928 to Thursday, April 3, 1980, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center.

10932

Action Requested:

Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance of the frontage and area requirements to permit a lot-split at 3003 West Cameron Avenue.

Presentation:

Mr. Jones advised that the applicant has supplied all the pertinent information for the file.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements to permit a lot-split (L-14850), on the following described property:

Lots 16 & 17, Block 7, Easton Heights Addition to the City of Tulsa, Oklahoma.

10935

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 60' to 40' from the centerline of Yale Avenue, and from 50' to 40' from the centerline of Pine Street to permit a sign on the southwest corner of Pine and Yale.

10935 (continued)

Presentation:

Willard Young, owner of Young's Tire Service, located on the corner of 48th Street and Pine Street, advised that a sign pole exists from an old service station and he would like to place a new sign on the existing pole for his business.

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 40' from the centerline of Yale, and from 50' to 40' from the centerline of Pine to permit a sign, subject to the filing of a removal contract, on the following described property:

Lot 1, Block 1, Highland Terrace Addition to the City of Tulsa, Oklahoma.

10940

Action Requested:

Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance of the area requirements to permit a lot-split on the northeast corner of 37th Place and 31st West Avenue.

Presentation:

Mr. Jones advised that all the pertinent information was contained in the file.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) - of the area requirements to permit a lot-split (L-14656), on the following described property:

Lot 4, Block 19, Original Town of Red Fork, (less the east 80' thereof), according to the recorded plat thereof.

10941

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 33' from the centerline of Denver Avenue at 1422 South Denver Avenue.

Presentation:

Mr. Jones presented a plot plan submitted by the applicant (Exhibit "B-1") and pictures of the subject application (Exhibit "B-2"), and stated a residence was being converted into an office.

3.20.80:306(3)

10941 (continued)

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10941 to Thursday, April 3, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10945

Action Requested:

Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance of the frontage requirements from 60' to 37.5' to permit a lot-split at 112 North Yorktown Avenue.

Presentation:

Mr. Jones stated that the TMAPC approved the lot-split subject to the approval of the Board.

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 60' to 37.5' to permit a lot-split (L-14862), on the following described property:

Lot 5, and the N/2 of Lot 6, Block 18, Cherokee Heights Addition to the City of Tulsa, Oklahoma.

10946

Action Requested:

Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance of the frontage requirements in an RS-3 District to permit a lot-split on the northwest corner of King Street and Yale Avenue.

Presentation:

Mr. Jones stated the TMAPC approved the lot-split, subject to the approval by the Board.

Susan Kippey, presented herself in the absence of the applicant.

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-3 District to permit a lot-split (L-14870), on the following described property:

3.20.80:306(4)

10946 (continued)

Lots 9 and 10, Block 2, Modern Heights Addition to the City of Tulsa, Oklahoma.

Interpretation:

Action Requested:

Request for an interpretation that the proposed building expansion is considered accessory and incidental to the principal school use.

Presentation:

Thomas J. Keleher, representing Cascia Hall as the architect, 2626 East 21st Street, advised that he was requesting the Board to find the proposed expansion to Cascia Hall School incidental and accessory to the existing principal school use. Mr. Keleher presented an aerial photo which depicted the campus area and the proposed science and math classroom addition, plus an expansion to the physical education building for a wrestling room and more locker space. Mr. Keleher advised that the proposed additions will look like the existing buildings on the subject property.

Mr. Jones of the Staff, advised that the Board did not make a blanket interpretation previously, referring to the Board Minutes of August 3, 1978, but the Board reviewed each school's plans making specific findings for each proposal.

Discussion ensued concerning the interpretation of the proposed building expansion between the applicant and Board members.

Alan Jackere, Legal Department, advised that the expansion required a public hearing and notification sent to the property owners.

Board Action:

The Chair then advised Mr. Keleher that he needed to file a formal application in order to have a public hearing and notify property owners.

UNFINISHED BUSINESS:

10885

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 Avenue.

Presentation:

Mr. Jones advised that the applicant and the protestants were asking for a continuance until April 3, 1980 because they have reached some agreement and are now entering into a contract.

Interested Parties:

Irvin Ungerman, attorney, representing South Side Christian Church, asked for a continuance in order to complete the contract between the Church and area neighbors.

John Moody, attorney, representing the protestants, agreed to the continuance.

3.20.80:306(5)

10885 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10885 to Thursday, April 3, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10895

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) - 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 sq. ft. to 7,000 sq. ft.; and from 9,000 sq. ft. to 6,300 sq. ft.- Request for a variance of the frontage requirements from 75' to 50' and 75' to 45' - Request for a variance of the land area per dwelling unit of 5,000 sq. ft. - Request for a variance of the setback requirements from 95' to 45' from the centerline of 21st Street on the northeast corner of 21st and Florence.

Presentation:

Gloria Huckaby, applicant, advised that she met with the protestants and they came to a compromise solution. As a compromise measure, instead of requesting two duplexes, Ms. Huckaby asked that the Board consider a single-family residence on the inside tract (Lot 24) and a duplex on the corner site (Lot 23). Ms. Huckaby asked if the Board could work from the previous application.

Chairman Purser informed the applicant that she would not have to file a new application.

Dorotha Miller, Building Inspector's Office advised that the single-family residence on Lot 23 would not need Board action if it met the setback requirements of that District. Ms. Huckaby advised that on Lot 24 they are requesting a 10' setback from the lot line with a 5' setback on the north side of the lot which would give a net building lot of 30' wide. Ms. Huckaby stated that the 10' setback is in line with the property to the west of the subject application. The duplex will be facing west. The applicant did not have a plot plan to present to the Board. East of the subject property are other duplexes; one duplex adjoining the subject property to the east; and one duplex on the corner one block west of the subject property.

The applicant stated that she was not aware of the Board requirements pertaining to the presentation of plot plans, etc.

Mr. Jones advised that he went over the application with the applicant and informed her of the Board requirements for the hearing.

10895 (continued)

Protestant:

Harry Solow, 1931 South College Avenue, representing one hundred forty one (141) property owners in the neighborhood of the subject application, advised that they are objecting to every request made in the original petition concerning Ms. Huckaby's application.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10895 to Thursday, April 3, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order to give the applicant time to bring an elevation and plot plan before the Board.

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:

Tom Williams, Route 1, Box 40, Catoosa, presented two plats of the subject property of the proposed building plans (Exhibit "C-1") and the proposed front elevation (Exhibit "C-2"), and advised that the character and style of the proposed dwellings are of a bungalow nature. Mr. Williams asked that conditions be placed on him if the application is approved, such as: (1) that the dwellings be at least 90% brick; (2) the gabled inns be constructed with stucco board; and (3) that the driveways be placed south of each duplex, leaving more green area between the proposed duplex and the residential area. Mr. Williams also advised that the proposed dwellings will look exactly alike and have 805 feet per side. The applicant then presented a plot plan (Exhibit "C-3"). A copy of a scale done by the Planning Commission was presented of the area in question (Exhibit "C-4"). Mr. Williams stated that he shaded those portions that appear to be more than one-family dwellings in red and the business uses in blue. A picture of the second lot in from the subject application was presented (Exhibit "C-5") that shows an upholstery shop in the rear yard of a residence. Pictures were presented of the commercial uses in the area of the subject application (Exhibit "C-6") along with pictures of other duplexes in the area (Exhibit "C-7"). Mr. Williams asked that the Board approve the application.

Mr. Jones advised that the County Treasurer's Office gave Mr. Williams the wrong block number for the mailing notification to property owners within 300 feet of the subject application.

Protestant:

Noble Manion, 835 South Knoxville, advised that she lived in the area of the subject application for 37 years. Ms. Manion explained that she wants to protect the neighborhood and that she appreciated Mr. Williams giving her information concerning his proposed dwelling units. Ms. Manion stated that she and her neighbors prefer single-family dwellings, but her main concern was with the traffic. Ms. Manion asked questions of the Board pertaining to the placement of the dwellings on the property.

10911 (continued)

The Chair answered questions for the protestant as to the placement of the dwellings and garages.

Ms. Manion advised that she is willing to go along with the proposed duplexes as long as the required conditions were met by the applicant.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to permit the erection of two duplexes in an RS-3 District, per plot plan and elevation plans submitted, subject to the following conditions: (1) that the duplexes be one-story; (2) that the duplexes be 90% brick; (3) that the duplexes have stucco gables; (4) that the duplexes have only one driveway per duplex on the south side of each building; (5) that the duplexes have two car garages constructed as located on the plot plan; also approval of a minor variance to build across lot lines, as per plot plan, on the following described tract:

Lots 18, 19 and 20, Block 6, Braden Heights Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

10923

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) - Request for an exception to use property for educational purposes and related off-street parking; and a Variance - (Section 1320 (d) - Off-Street Parking - General Requirements - Under the Provisions of Section 1670 - Variances - Request for a variance of the parking spaces on the same lot as use northeast of 5th Place and Florence Avenue.

Presentation:

Frank Hettinger, representing the University of Tulsa, advised that Board action has been taken on the lots previously, but they discovered at the Building Inspector's Office that the original use of the student activities building had been a fraternity house, therefore the exception was for a private club. The school has been using the subject property for a student activity center for many years. Mr. Hettinger, explained that the school plans to tear down the present building and an adjoining apartment house and build a new student activity center on the subject lot. He then presented a plot plan (Exhibit "D-1").

Dorotha Miller, Protective Inspections, informed the Board that the applicant did not have Board approval of all the lots included in the request.

Protests: None

10923 (continued)

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for educational purposes and related off-street parking; and a Variance - (Section 1320 (d) - Off-Street Parking-General Requirements - Under the Provisions of Section 1670 - Variances) of the parking spaces on the same lot as use, per plot plan submitted, on the following described tract:

Lots 19 through 24 inclusive, Block 8, College Addition to the City of Tulsa, Oklahoma.

10926

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 private club for the members of the American Airlines Worker's Social Club in an RS-3 District at 1511 North Frankfort.

Presentation:

Walter Banks, applicant, President of the American Airlines Worker's Social Club, advised that the request is a proposed meeting place for thirteen members (Exhibit "E-1") and families to meet and entertain themselves. The applicant advised that they do not plan to expand the club membership, and that American Airlines did not know that the club was using their name. The proposed club is an existing house owned by the applicant. The applicant stated that recreational activities would also take place at the proposed club.

Mr. Jones presented letters of protest from Urban Renewal and the Mount Rose Baptist Church (Exhibit "E-2").

Protestants:

Walter Flagg, 1528 North Frankfort Avenue, a property owner, two houses east of the subject application, presented petitions of protest from 144 property owners in the area (Exhibit "E-3"). Mr. Flagg advised that senior citizens live in the area of the subject application, and a club would only bring a lot of noise and trouble to the neighborhood. Mr. Flagg also advised that he and the other protestants present object to the application in question.

Rev. J. A. Brinkley, Area Council Chairman, Area B, Neighborhood Development Program Area, advised that according to the plans the Area Council Detail Planning Team, the area of the subject application is zoned residential. Rev. Brinkley asked the Board to deny the application.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to deny an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational

10926 (continued)

Facilities) to operate a private club for the members of American Airlines Worker's Social Club in an RS-3 District, on the following described tract:

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

10929

Action Requested:

Variance - (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1670 - Variances) - Request for a variance to permit a machine shop in an CS District - Exception - (Section 250.3 (b) & (d) - Modification of the Screening Requirements) - request for an exception to modify the screening on the west where an alternative screening will provide visual separation of uses; and request to modify the screening on the south where the purpose of the screening cannot be achieved at 3227 East Woodrow Avenue.

Presentation:

Glen Giddens, 3227 East Woodrow, advised that he has a precision grinding machine shop on the subject property and that he has been in the building for 5½ years. The applicant stated that there is no grievance about screening the west because the neighbor does not object to a fence being erected. Mr. Giddens stated that in the original denial from the Building Inspector's Office, the denial was due to the screening on the south, which would include the front of the property. The applicant then stated that his request is for the variance of use in the building, and that the building is concrete block with a brick frontage. Mr. Giddens presented one of the precision parts that he works on, and stated that very little noise is involved in the grinding process. A plot plan was presented (Exhibit "F-1") showing the proposed addition to the present structure. The applicant stated that he has three employees and that he does not plan any future expansion of his business. The proposed addition will be used as a warehouse to store materials and a truck, and the addition will set east and west on the lot. The applicant will fence from the front of the building to the back.

Protestant:

Mr. Jones read a letter of protest from Lloyd Floton, 3216 East Woodrow, a property owner in the area of the application in question (Exhibit "F-2").

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1670 - Variances) to permit a machine shop in a CS District; and to modify the screening on the south where the purpose of the screening cannot be achieved, subject to the following conditions: (1) That the business never increase in size or the density of the use; (2) that a 6-foot privacy fence be erected along the west property line and along the south extending from the SW corner of the building facing Woodrow west to the west property line and; (3) limit the number of employees to six, on the following described tract:

3.20.80:306(10)

10929 (continued)

The West 75' of Lot 2, Block 3, Becky Gailes Addition to the City of Tulsa, Oklahoma.

10930

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 and related off-street parking; and a Variance - (Section 1205.3 (a) 1 - Use Conditions - Under the Provisions of Section 1670 - Variances) - request for a variance of the minimum lot area of one acre and minimum lot width of 100' for a church; and a Variance - (Section 1320 (d) - Off-Street Parking and Loading - General Requirement - Under the Provisions of Section 1670 - Variances) - request for a variance of parking requirements not on the same lot as the use at 411 South Evanston Avenue.

Presentation:

Frank Hettinger, speaking on behalf of the New Hope Primitive Baptist Church, advised that the church building is located at 5th Street and Gary, which is where the University of Tulsa plans to construct its new engineering school. Mr. Hettinger stated the University of Tulsa and the New Hope Primitive Baptist Church worked out an agreement with the University paying the Church a sum of money to move the church building from the present location to between 4th Street and 4th Place. Mr. Hettinger advised that the Church will put a new front on the building with the addition of some restrooms. The parking lot immediately to the south of the proposed site of the building, owned, lighted, maintained and policed by the University, will be used by the Church on the regular meeting nights (Saturday nights and Sundays). A sketch of the church structure was presented showing the placement of the structure on the new lot (Exhibit "G-1"). The building without the proposed addition is about 36' x 26', and the total membership of the Church is 28, therefore it does not need an acre of ground or 100' of frontage as required in the Ordinance.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for Church and related off-street parking; and a Variance - (Section 1205.3 (a) 1 - Use Conditions - Under the Provisions of Section 1670 - Variances) of the minimum lot area of one acre and minimum lot width of 100' for a church structure; and a Variance - (Section 1320 (d) - Off-Street Parking and Loading - General Requirement - Under the Provisions of Section 1670 - Variances) of parking requirements not on the same lot as the use, as per agreement represented and per plot plan submitted, on the following described property:

The South Half of Lot 5, Block 9, Pleasant View Addition to the City of Tulsa, Oklahoma.

10931

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 2444 North Birmingham Place.

Presentation:

Sherri Sowell, representing her father, Seth Simons, advised that her dad is requesting the placement of a mobile home in a residential area. Ms. Sowell stated that her dad has lived in the neighborhood for 25 years and he has recently sold his home to her sister and family. Mr. Simon's wife past away not very long ago and since has sold his home, but would like to remain in the neighborhood. Ms. Sowell stated that the subject lot is vacant and that there are no other mobile homes in the area and the neighbors in the area do not object to the mobile home being placed in the residential area.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District for 1-year with a removal bond required, on the following described tract:

The North 50' of the South 147' of the Tract; beginning 1,635' East continuing 482' North of the SW corner of the N/2 of the NW/4; thence North 357' to the Railroad; thence Southwesterly 240'; thence South 208'; thence East 180' to the point of beginning, Section 29, Township 20 North, Range 13 East - Tracts in the City of Tulsa, Oklahoma.

10933

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 16.4' on Lot 2, Block 3; and from 25' to 15.6' on Lot 2, Block 1, southwest of 38th St., and Rockford Ave.

Presentation:

Edward Lienbach, applicant advised that he and his partner have purchased 200 apartment units in Brookside and propose to rehab them into condominiums. The problem is that they have two buildings that face onto Rockford Avenue, and they propose to change them to put on the new fronts, make new entrances, and add square footage to the units. Mr. Lienbach advised that back in February the City Commission closed Qunicy Avenue and 38th Place. A plot plan showing the location of the two buildings was presented (Exhibit "H-1"). The reason the streets are closed is because at the time the buildings were constructed, there were no parking standards in effect, therefore, the streets had to be closed to meet present off-street parking standards. Mr. Lienbach stated that the request is for an additional 5 feet. The applicant has notified the neighbors of the proposed plans.

3.20.80:306(12)

10933

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance - Section 430 - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 16.3' on Lot 2, Block 3; and from 25' to 15.6' on Lot 2, Block 1, per plot plan submitted, on the following described property:

Lot 2, Block 3; and Lot 2, Block 1, South Brookside Addition to the City of Tulsa, Oklahoma.

10934

Action Requested:

Variance - (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) - Request for a variance of the setback requirements from 50' to 25' from the centerline of 29th Street North, southeast of 29th Street North and Marion Avenue.

Presentation:

Neil Bogan, attorney, representing Tulsa Junior College, advised that the variance request is imposed by the Building Inspector's Office upon review of the school's plot plan for the construction of a new building on the northeast Campus. A greenhouse is presently in place on the subject area along with a mobile home that it utilized as the school's Horticultural building. The school is preparing to build a structure that is 122' x 60' in depth. A plot plan was presented (Exhibit "I-1"). Mr. Bogan advised that 29th Street North is serving as their property line and is not dedicated from their property line south. There is a street to serve the residences in the area. If the school adheres to the 50' setback requirement, the proposed new structure would abut the present greenhouse. The requested lot is needed for the proposed structure to maximize the effect of the sun, therefore the building on the requested lot is essential. A plan of the campus was presented (Exhibit "I-2").

Protestant:

Ennis Sumter, 1109 East 5th Street, Hutchinson, Kansas, advised that he presently owns three lots southwest of the subject property, and at present he has not had the property line surveyed. The protestant went on to say that at the time the school was being built, the school went over into his property area. A neighbor in the area informed the school that they were on private property. Mr. Sumter advised that he is objecting to the boundary lines of his property and that of TJC.

Board member Smith advised that in the Minutes of Case No. 8678, in 1975, when Mr. Sublett appeared before the Board, he stated that they would observe all of the building setback lines. Board member Smith feels that it's an imposition on the part of the College to build that close to the residences in the area of the application, therefore, moved to deny the application.

The Board members then entered into additional discussion concerning the placement of the proposed building on the lot. 3.20.80:306(13)

10934 (continued)

Interested Party:

Bill Goudek, HTB Architects, responsible in planning the new structure for TJC, advised that the building is located as requested so that it wouldn't cast a shadow onto the existing greenhouse. Mr. Goudek also explained that if the proposed building is built too close to the greenhouse the ventilation from the greenhouse would blow out against the proposed building.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to deny a Variance - (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 25' from the centerline of 29th Street North, on the following described tract:

The N/2, W/2, SE/4, SW/4, Section 21, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

10936

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) - Request for an exception to use property for church use that will include the following uses: Sanctuary, educational buildings, a recreation and fellowship center and a children's nursery buildings in an RS-3 District north and west of 81st Street and Memorial Drive.

Presentation:

Leon Ragsdale, representing Central Church of The Nazarene, advised that in the past the Church received permission from the Board to use the subject site for church use. Due to circumstances beyond their control, the Church was not able to build on the subject tract within the two year time limit. Construction of the church building will begin in late April or in early May. A sketch of the proposed building was presented (Exhibit "J-1"). The subject tract is 20 acres and fronts onto 81st Street. Mr. Ragsdale presented the master plans for the church building (Exhibit "J-2") and explained the phases of construction to take place. Mr. Ragsdale advised that he has met with the City Hydrologist in regard to the creek that is a floodway, but the tract in question is out of the floodplain and went on to explain that the sewers are adequate to carry the load from the water shed in the area. The main seating facility will be designed to expand in phases, each phase to accommodate between 600 and 700 people. If a balcony is added, the seating will accommodate 2,700 people. A site plan was presented (Exhibit "J-3") along with a floor plan (Exhibit "J-4"). The building sets back 120' from the face of the building to the main wall and 100' from the extensions from the centerline of 81st Street.

Mr. Ragsdale also advised that the Church has circulated a brochure to area residents (Exhibit "J-5") and has made many attempts to talk to the neighborhood in order to inform them of the proposed plans for the Church.

Interested Party:

Tony Wilson, homeowner in the Sweetbriar Addition, on the west side of the proposed plot plan advised that for the record, he has worked with the City Engineer in trying to get the City to work on the flood area on the northwesternmost corner of the plot. The City Engineer informed Mr. Wilson that the applicant had not given his permission to go in and straighten out the drainage ditch area which causes quite an inconvenience for homeowners in that particular corner. The applicant informed Mr. Wilson that the City Engineer has not asked for permission. Mr. Wilson advised that he would like to go on record as protesting the City Engineering Department's analysis of the floodplain area and he would also like to have the proposed Church plan subject to the City Engineering Department fixing the drainage area so that it drains properly. Mr. Wilson also requested that the City Engineer and City Hydrologist reanalyze their flow chart for the area in question.

Mr. Ragsdale advised that they did talk with the City Hydrologist, Charles Hart, and the City Engineer, and offered to permit them the access that is needed to come onto the property. They informed him that the City has another drainage problem to the north out of the Sweetbriar II Extended Addition, which is a sewer that is 3' below the flow line and they have asked for an easement to the creek to drain the storm sewer. The City is in negotiations now to drain the storm sewer. The Church will do everything possible to not add to the existing problems of the neighborhood.

Herb Henderson, Administrator for the Church of The Nazarene, advised that he has met with City officials concerning the drainage problems. Mr. Henderson also advised that the Church is willing to do anything that will relieve the drainage problem.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant an Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use the property for Church use that will include the following uses: Sanctuary, educational buildings, a recreation and fellowship center and a children's nursery buildings in an RS-3 District, subject to the approval of the following: Drainage plans by the City Engineer's Department; (2) dedication of street right-of-way, per the Major Street Plan, on 81st Street; (3) the granting of utility easements on the perimeter plus minimum front building setback line of 100' from the centerline of 81st Street; (4) dedication of streets stubbing into Rustic Meadows and Sweetbriar Extended (79th East Avenue and 74th Street); and (5) per the rendering; and (6) per plot plan submitted, on the following described tract:

The W/2, SW/4, SE/4, of Section 11, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

10937

Action Requested:

Variance - (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670 - Variances) - Request for a variance of the number of units permitted on a lot from 20 units to 24 units (two bedroom) in an RM-1 District in the 1100 Block North of 66th East Avenue.

Presentation:

Frank Wisner, representing R. E. Bright the applicant, submitted a site plan (Exhibit "K-1") noting the area in which the complex is to be built. The proposal is on the north side of town and Mr. Wisner advised that they are not building luxury dwellings, but plan to build two-bedroom size units to accommodate the students that attend the Spartan School of Aeronautics. Mr. Wisner also submitted pictures taken around the area of the subject application (Exhibit "K-2").

Protests: None

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance -(Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670 - Variances) of the number of units permitted on a lot from 20 units to 24 units (two bedroom) in an RM-1 District, per plot plan submitted, on the following described property:

The East 100' of the South 264' of Lot 2, Block 1, Aviation View Addition to the City of Tulsa, Oklahoma.

10938

Action Requested:

Exception - (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) - Request for an exception to permit sand extraction and ready-mix concrete plant in an AG District northwest of 131st Street and Sheridan Road.

Presentation:

Mr. Jones advised that the City of Bixby requested a continuance.

Interested Party:

Doug Inhofe, attorney, requested a continuance to a later date.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10938 to Thursday, April 17, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10939

Action Requested:

Exception - (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational

10939 (continued)

Facilities) - Request for permission to operate a day care center in an AG District in the 9100 Block of East 61st Street.

Presentation:

Bob Mason, realtor, representing Woodland Hills Church of Christ, advised that the request is for a day care center in an AG District. Mr. Mason also advised that the Church is selling part of the property to an investor who will build and lease to Tender Care Learning Centers. Tender Care is a large chain operation. Mr. Mason presented a picture of the building and explained that the property is smaller than the required 2 acres for an AG zoning, therefore, the request is for a variance on the size of the land to permit the construction of the Tender Care Learning Center.

Mr. Jones advised that the applicant would need to get a lot-split from the Planning Commission in order to get the variance and exception approved. Upon questioning, the applicant advised that the subject tract is 2 acres in size.

Board members and legal counsel entered into discussion as to the size of the tract in question and whether it met the requirements of the Ordinance.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10939 to Thursday, April 17, 1980, Langenheim Auditorium, City Hall, Tulsa Civic Center, in order to republish the notice.

10942

Action Requested:

Exception - (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) - Request for permission to operate a generator shop in a CS District at 6002 West 21st Place.

Presentation:

Walter Yost, advised that the request is for an addition to a generator shop so that the owner can work on cars inside. The generator shop has been in existence for at least four years. Dwellings set back on both sides of the subject application, and the building sets back 101 feet from the street. The owner is presently working on cars (alternators and generators) in his driveway. Mr. Yost advised that the owner of the shop works with him, and his employer (United Steel Erectors) will put the steel roof on the building. A plot plan was presented (Exhibit "L-1"). Mr. Yost stated that several other commercial uses were in the area of the application, and that there are presently three people employed at the shop.

Protests: None

10942 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant an Exception - Section 1217 - Automotive and Allied Activities) to operate a generator shop in a CS District, per plot plan submitted, to run with the owner of the generator shop, on the following described tract:

Lot 2, Block 8, Second West Tulsa View Acres Addition to the City of Tulsa, Oklahoma.

10943

Action Requested:

Exception - (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) - Request for an exception to operate a tube bending business in a CG District southwest of Union Avenue and Skelly Drive.

Presentation:

Walter Yost, representing Murrell Martindale, President of United Steel Erectors, his employer advised that the land is vacant. Mr. Martindale has an option to buy the land contingent upon Board approval of the use. A plot plan was presented (Exhibit "M-1"). Mr. Yost also stated that the Martindale building is located approximately 400' from the expressway. The new construction is a proposed 4200 square foot building, with 2400 square foot office in the front and the back would be strictly for storage.

Mr. Jones advised that the property is subject to being platted before a building permit can be issued.

Chairman Purser asked if the applicant would be in favor of moving the building further away from the CS zoning and Board member Smith advised that he would like to see the building moved off of the south line, 110' off the south line and 40' off the north line.

Mr. Yost explained that he was not at liberty to agree with the Board without consulting his employer, Murrell Martindale.

Bud Blust, realtor to handle the sale of the property in question, advised that the front lots in the area are so far below the grade of the service road that he doubts if egress and ingress could be provided from the service road. More discussion ensued as to the placement of the proposed building on the tract in question.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10943 to Thursday, April 3, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Dortha Miller, Protective Inspections, informed the Board that the Building Inspector field checked the livability space for Case No. 10902, which was denied by the Board on March 6, 1980, the total lot area is 7,420.2 square feet; the existing detached garage is 570 square feet; 2,094.25 square feet of paved areas and the proposed garage addition is 330 square feet. The residence has 1,654.75 square feet, and another little detached accessory building is 10' x 7' (70 sq. ft.). Ms. Miller advised that if the proposed 330 square foot garage expansion is constructed, Mr. Wynn would have 3,182.95 square feet of green area. Mr. Wynn is permitted to cover 20% of the required rear yard, if he built the proposed addition, he would cover 25% of the rear yard. Mr. Wynn previously covered 190 square feet which was less than the 20% permitted. With the new garage that he wasn't permitted to build, but has walls on it, he has 3,512.95 square feet of livability space. The Code requires 4,000 square feet.

There being no further business, the Chair adjourned the meeting at 5:45 p.m.

Date Approved

May 1, 1980

Larry Purser

Chairman