

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 308
Thursday, April 17, 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 | Gardner Johnson, D. Jones | Jackere, Legal Department Miller, Protec- tive Inspections |

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Monday, April 14, 1980, at 11:11 a.m., as well as in the Reception Area of the TMAPC Offices.

The Chairman called the meeting to order at 1:37 p.m. after declaring a quorum present.

MINUTES:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve the Minutes of February 7, 1980, No. 303.

MINOR VARIANCES AND EXCEPTIONS:

10986

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) - Request for a variance of area and frontage requirements in an AG District to permit a lot-split at 6436 North 131st East Avenue.

Presentation:

Mr. Jones advised that the applicant has submitted the pertinent information necessary for the file.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area and frontage requirements in an AG District to permit a lot-split (L-14669), on the following described tract:

10986 (continued)

A Tract of the NW/4 of the NW/4 of Section 4, Township 20 North, Range 14 East of the IB&M, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, described as beginning at a point 1,491.60' west and 439.40' south of the NE corner of the NW/4 of Section 4; thence south 439.40'; thence west 248.60'; thence north 439.40'; thence east 248.60' to the point of beginning.

10962

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 a residence across lot lines at 2528 North Frankfort Court.

Presentation: None.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to continue Case No. 10962 to Thursday, May 1, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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 Case No. 10885 has been withdrawn.

10895

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 the centerline of 21st Street to permit a single-family residence on the northeast corner of 21st Street and Florence Avenue.

Presentation:

Gloria Huckaby, applicant, presented a sketch (Exhibit "A-1") and advised that the subject application pertains to Lot 24, shaded in blue on the exhibit. The applicant advised that the request is for a waiver of the setback requirement from 21st Street to accommodate a single-family residence. Ms. Huckaby also advised that the sketch details the dimensions of all the other residential properties west of

the subject property on 21st Street and shows the setback measurements of those properties. The applicant also advised that at the last Board of Adjustment meeting, she was asked if she could line up the subject property with the property to the west. Ms. Huckaby advised that she could accept lining up with the property immediately to the west of the subject property, if this is acceptable to the Board. Upon questioning the applicant advised that the setback measured 49½ feet from the centerline of 21st Street.

The applicant also advised that she has not finalized her plot plan to build the single-family structure on the subject lot, but she is willing to present her plans to the Board at the next meeting.

Protests:

Harry Solow, 1931 South College Avenue, advised that he did not have time to look at the new revision presented by the applicant and asked for some extended time to look over the revisions for the single-family residence.

The Board advised that the applicant is willing to line-up with the structure to the west of the subject property and that the applicant could build any type of single-family structure desired.

Discussion followed between the protestant and the members of the Board concerning the proposed single-family structure.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variance) of the setback requirements from the centerline of 21st Street to permit a single-family residence to line-up with the house across the street to the west, and that the applicant return to the Board with plot plans (elevations and exterior) upon completion prior to building, on the following described tract:

Lots 23 & 24, Block 7, Florence Park Addition to the City of Tulsa, Oklahoma.

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:

Roy Johnsen, attorney, representing McMichael Concrete Company, the leasee of the Marks' property, owners of 20 acres located on the north side of 131st Street South, 1½ mile west of Sheridan, advised that the McMichael Company has leased 4½ acres of the 20 acres plus an adjoining 25-foot strip along the Arkansas Riverbed and the riparian rights to the sand within the Arkansas River which adjoins the Marks' property. An aerial photo was presented outlining the 4½ acre area in

red, and the 25-foot strip along the Arkansas River. The Stunkard property is the nearest dwelling to the subject application, which is 2,000' east of the tract in question. Mr. Johnsen also advised that 131st Street serves as the access road to the Stunkard property and the tenant dwelling on the Marks' property. Mr. Johnsen stated that many houses in the area of the subject application are tenant occupied. Immediately adjoining the subject property on the east is a tilled field. There is no urban subdivision in the general area. The applicant advised that a large area south of 131st Street and east of Sheridan has been zoned by the City of Bixby for industrial purposes. Mr. Johnsen went on to state that the proposed sand extraction operation is a dredge operation. A dredge boat will extract the sand and it will be pumped up to the bank, then it will go into a classifier which permits the various sizes of sand to settle out and then the sand will be put on conveyor belts to be stockpiled. The dredge has a diesel fired engine and it pumps (extracts) sand from the Riverbed. The sand is then trucked out from the site. The McMichael Company has a number of satellite ready-mix plants in Tulsa, and the surrounding area, therefore the proposed sand operation will serve those plants. Approximately 1/3 of the sand will go to the home plant at 21st bridge and the ready-mix plant at the Jenks bridge. The logical routing will be along 131st to Sheridan, from Sheridan north to 121st, then continue west along the river road. The applicant advised that the location is an excellent one for sand extraction. The applicant stated that very little noise is involved with the extraction of the sand, the truck noise will be the loudest factor. The County Commissioner for this District and the Tulsa Street Commissioner were consulted and they advised that they did not see any problems for the roads with the proposed sand operation. Mr. Johnsen stated that there is no safety question involved in the subject application, and that the dredging operation will not cause erosion of the river bank. The applicant advised that if the Board grants approval, he will be willing to accept the approval with conditions. Upon questioning, Mr. Johnsen advised that only the dredge will be used in the sand extraction and that the hours of operation will be 10-hours per day, 5 days a week and that the McMichael Company has a 5-year lease on the land.

Mr. Jones of the Board of Adjustment Staff, advised that the City of Bixby submitted a letter of protest against the subject application (Exhibit "B-1").

Protestants:

Doug Inhofe, Tulsa attorney, representing Don and Jeannie Browner and their daughter Judy Ingram (Judy and her mother own the land immediately east of the proposed concrete plant and sand extraction operation), advised that he is also representing Bill Walker, owner of the land immediately north of the Marks' property. Mr. Inhofe advised that other protestants were present in the room and that they would have input as to why the subject application should be denied by the Board. Mr. Inhofe also advised that the Town Council of Bixby voted (4-1-0) to recommend denial of the subject application to the Tulsa Board of Adjustment (Exhibit "B-1"). The protestant advised that the objections to the subject application are as follows: (1) Transportation problems, (2) environmental problems; and (3) land use development problems.

The representing attorney referred to the District 26 Plan, and stated that if the application is approved, the theory behind the VISION 2000 Program will have been gutted. Mr. Inhofe advised that according to the District 26 Plan, the sand extraction operation and concrete plant would totally disarray the theory of the Plan. Mr. Inhofe advised that the District 26 Plan stated that prevailing winds are from the south, and that the generation of traffic will be impacted throughout the entire district. The protestant quoted page 26-7 of the District 26 Comprehensive Plan concerning the District-wide policies:

1. "Offer a low-density option so that all residents of Tulsa have available a choice of lifestyles,
2. Maintain a predominantly single-family residential district, limiting commercial, multifamily residential and industrial zoning and uses to areas suitable for them in respect to natural and man-made characteristics,
3. Retain the residential character in harmony with the natural environment, taking advantage of the assets of the District (i.e., topographic diversity and wooded areas),
4. Encourage the consideration of development standards that support and enhance low-density residential development and provide for the retention of the natural amenities in the District.
5. Encourage the coordination of development with adjoining communities (i.e., Bixby, Broken Arrow and Jenks)."

Mr. Inhofe advised that contrary to Mr. Johnsen's statement concerning the subject area being appropriate for the sand extraction operation and concrete plant, the District 26 Plan states that industrial development should be limited to industrial research facilities encouraged to locate within designated corridors. And the only designated corridor in District 26 is the proposed Creek Expressway. Mr. Inhofe advised that the arterial streets surrounding the subject application have yet to be improved to handle the traffic generated by the proposed facilities. The attorney stated that the entire philosophy of the District 26 Plan is that it is targeted for high quality residential low-intensity use. The Comprehensive Land Use Map No. 62 shows that the entire area with the exception of nodules, are reserved exclusively for low-intensity use. Mr. Inhofe quoted the problem within the District as noted in the District 26 Plan: flooding; premature commercial zoning; and lack of road maintenance. The last problem is a problem of overlapping jurisdiction of the area.

Don Browner, whose wife Jeannie and daughter Judy own the property which would be passed on three sides by the trucks generated in the sand operation, advised that he feels the sand operation would adversely impact the present value of the land for agriculture and the future use. Mr. Browner advised that in the future he and his wife plan to build a house on his property in the area of the subject application. Upon questioning, the protestant advised that he owns 80 acres.

Bud Stunkard, representing the Stunkard family who own property in the area of the subject application, advised that he lives on the dirt road which will be used by the trucks to exit the area. The road is maintained by the residents in the area of the subject application. Mr. Stunkard advised that the river road cannot be traveled on, and that the City-County Health Department advised that if a sampler were put up and if 100 trucks travel down the dirt road, it would fail the State's clean air act.

Dr. Richard Defrese, professor and Ph. D in Civil Engineering of O.S.U., advised that several problems are involved in the subject application concerning the hydrology of the Arkansas River. Contrary to popular opinion, Dr. Defrese advised that Keystone Dam does not prevent flooding on the Arkansas River, and that the 100-year flood in the subject area is approximately 170,000 cubic feet per second. Dr. Defrese explained that the threat of flooding still exists and the area next to the river is needed for floodplain control and should not be disturbed in order to keep the flooding effects to a minimum. Secondly, Dr. Defrese explained, the riparian right goes to the medial line of the stream, in this case the medial line would be halfway between the cut banks. Dr. Defrese advised that in order to float the dredge to extract the sand, the low-flow channel in the area would need to be diverted. Once the low-flow channel is diverted, an attack on the bank would occur during flooding. Dr. Defrese advised that after the attack on the bank, the next flood will wash the bank away and the waters may leave the former channel. In summation, Dr. Defrese advised that if the sand extraction operation is granted, hazardous problems would exist that are not presently existent today. Discussion followed concerning the degree of erosion in the subject area.

Jim Dunlap, Planner for the City of Bixby, representing City Manager, Fred Keas, advised that the Bixby City Council met on April 7, 1980, and voted 4-1-0, to recommend to the Tulsa Board of Adjustment that Case No. 10938 be denied. The major concern being the adverse affects of such an operation on the substandard streets within the City of Bixby and also the tremendous flow of traffic on Memorial. Upon questioning, Mr. Dunlap advised that at present the City of Bixby hasn't had any development in the nearby zoned industrial area.

Applicant's Comments:

Mr. Johnsen advised that all of the land south of 131st Street, east of Sheridan is zoned industrial, and the northeast corner of 131st Street is pending commercial zoning. The applicant advised that the District 26 Planning Team recommendations referred to by Mr. Inhofe were various recommendations from the citizen planning team that were not adopted. The applicant advised that most of the land in the subject area is within a floodplain; therefore, there is no eminent residential development in the subject area. Mr. Johnsen advised that he feels the professor's statements concerning the erosion of the bank is purely a hypothesis, and that Mr. Browner is a nonresident owner of property in the area of the application in question. Mr. Johnsen also advised that Mr. McMichael plans to widen the section line road, making it into a two-lane road to service his tract of land and operation.

In summation, Mr. Johnsen advised that the McMichael Company has striven to find sites for sand extraction and asked the Board to grant the application, and reminded the Board that the application is in two parts, and asked if the Board members would consider the sand extraction operation and the ready-mix concrete plant separately. Upon questioning, the applicant advised that they have no other governmental agency approvals for the operations because first we need to know if the exception will be approved before attempting to receive other approvals. Mr. Johnsen also advised, in reference to Board member Wait's question as to what precautionary measures have been taken to protect the property to the south of the subject application, that they do not plan to make bank alterations or make significant tree removals, and therefore does not feel that the operation will adversely affect the property to the south. The applicant went on to state that the trucks will be covered when they leave the subject site; estimating 75 loads per day, making 150 trips for the sand operation. The ready-mix plant will operate 83 days a year; 25,000 yards of concrete per year; 33 loads a day, or 66 trips and some days there wouldn't be any trips. Also the ready-mix plant will require cement and aggregate to be brought in and will be kept in an overhead silo, and that the cement comes in a separate truck (125 loads per year).

Interested Party:

Jack McMichael, owner of McMichael Concrete Company, advised that his family has operated sand extraction businesses on the river since 1911 and he has yet to see any significant erosion take place due to the operation of his Company. Mr. McMichael stated that his Company has developed more land because of his sand operation, and that the sand is a disappearing resource; therefore, it needs to be extracted and used as quickly as possible.

Protestant's Comments:

Mr. Inhofe asked the Board for a continuance in order to make a formal hydrology report.

Applicant's Comments:

Mr. Johnsen advised that they had been in contact with the protestants prior to this meeting and he objected to another continuance since the Case was continued on March 20, 1980.

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 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) to permit a sand extraction operation and a ready-mix concrete plant in an AG District, subject to the following conditions: (1) That the operation meet all the applicable State, County and City Health Departments environmental requirements; (2) that the letters of approval be placed in the Board of Adjustment file prior to commencement of the operation; (3) that McMichael widen and improve that portion of 131st Street stated by Mr. Johnsen in his presentation (800' west of Sheridan, oil covering); (4) that the operation be limited to 10-hour days, 5-day work week for the activities; (5) that the number of truck trips for the sand operation be limited to 75 loads per day, or 150 trips;

10938 (continued)

(6) that the cement operation be limited and restricted to a maximum of 33 loads per day or 66 trips; for 85-days a year; (7) that loaded trucks be covered as they enter and exit the site; (8) that the operation be restricted to an area beginning 150' west of the present embankment along the west side of the subject tract; (9) that there be no significant tree removal along the riverbank; (10) that the sand extraction and ready-mix concrete plant operations run for the term of the 5-year lease; and (11) contingent upon the approval of the County Commissioner of District 3, as to widening and surfacing, on the following described tract:

That part of Section 3, Township 17 North, Range 13 East, Tulsa County, Oklahoma, described as follows:

The South 700' of Lot 8; and the West 25' of Lot 8, adjacent to and parallel to and extending along a line described as no established East Bank of the Arkansas River; and, those lands extending to the center of the Arkansas River which are riparian estates of and are adjacent to Lot 8.

10939

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) Request for permission to operate a day care center in an AG District; and a 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 to permit a lot-split in the 9100 Block of East 61st Street.

Presentation:

Bob Beeson, representing the Woodland Hills Church of Christ, advised that he is requesting permission to operate a day care center in an AG zoned district in order to construct a Kinder Care Learning Center. Mr. Beeson advised that the Church is selling the property in question to an investor who will build and lease the building to Kinder Care Learning Center. The applicant advised that a lot-split was approved by the Planning Commission, subject to approval of the Board. An amended plot plan and picture (Exhibit "C-1") were presented. Upon questioning, the applicant advised that a variance of the area requirements is also needed. The hours of operation will be from 7:00 a.m. to 6:00 p.m., Monday through Friday. The applicant also advised that the maximum number of children will be 100, 2-to 5-year old children, and that Kinder Care will be located on a ½-acre tract leaving approximately 2 acres for the Church. The applicant also advised that the size of the building is 4,700 square feet, and the only sign in the area will be on the building.

Bob Gardner advised the Board that a day care center is a business that is permitted in a residential area; therefore, conditions should be imposed by the Board in order that the facility will blend with the neighborhood.

Discussion by the Board followed concerning the red steeple used as a trademark of the Kinder Care Learning Centers. The applicant advised

10939 (continued)

that the Kinder Care Learning Center is willing to make the proposed building the same color as the Church including the steeple. The Chair advised that the Kinder Care facility should be build compatible with the Church and residential neighborhood.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-1 (Lewis, Purser, Smith "aye"; no "nays"; Wait "abstaining"; Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center in an AG District; and 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 to permit a lot-split (L-14887), subject to screening on the north and east; that the exterior of the building be brick (same color as the Church) and the steeple be the same color as the proposed building; the only sign allowed is the one shown on the submitted picture; and the hours of operation be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, on the following described tract:

A tract of land beginning at the SE corner of the SW/4 of the SE/4 of Section 36, Township 19 North, Range 13 East; thence North 209'; thence West 135'; thence South 209'; thence East 135' to the point of beginning.

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 SW of Union Avenue and Skelly Drive.

Presentation: None.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Smith, Wait "aye"; no "nays"; Smith "abstaining"; Thompson "absent") to deny an Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1225 - Light Manufacturing and Industry) to operate a tube bending business in a CG District because at some point after the application was previously before the Board, Mr. Martindale, the applicant's employer, asked Board member Lewis to go out and look at the subject tract. After going out and seeing the subject tract, Board member Lewis thought that the comments made by the Board at the first hearing were totally apropos, on the following described tract:

All that part of the NE/4 of the NE/4 of Section 34, Township 19 North, Range 12 East, Tulsa County, Oklahoma, which lies South of the Southerly right-of-way line of the U. S. Highway #66 Bypass (Interstate #44) less and except the West 200' thereof, and less and except the South 50' of said NE/4, NE/4 previously conveyed as street right-of-way.

4.17.80:308(9)

NEW APPLICATIONS:

10958

Action Requested:

Appeal (Section 1650 - Appeal From the Building Inspector - Appeal from a decision of the Building Inspector for refusing to permit an insurance and real estate office in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) Request for a variance to permit an insurance and real estate office in an RS-3 District at 5205 North Peoria Ave.

Presentation:

Mr. Jones read a letter submitted by the applicant advising of his request for a continuance to May 15, 1980 (Exhibit "D-1"), due to illness in the family.

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. 10958 to Thursday, May 15, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10968

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods and Services) Request for an exception to permit Use Units 12, 13 and 14 in an IL District; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) Request for a variance of the frontage requirements from 150' to 110' in an IL District to permit a lot-split in the 4400 Block of South Mingo Road.

Presentation:

John Sublett, applicant, advised that the area is zoned industrial on both sides of Mingo Road, and that the proposed use of the tract is for a service station which is a permitted use within the existing zoning. However, Mr. Sublett advised that the applicant proposes to have some convenience type food items for sale. Mr. Sublett also advised that the tract in question is 160' x 170' to be split from the balance of the tract. The applicant owns the 320' x 270' tract and the lot-split will leave only 110' of frontage on the balance. Mr. Sublett also advised that there is no present use for the remaining tract.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods

4.17.80:308(10)

10968 (continued)

and Services) to permit Use Units 12, 13 & 14 in an IL District; and to grant a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 150' to 110' in an IL District to permit a lot-split (L-14884) on the following described property:

A portion of the NE/4 of Section 25, Township 19 North, Range 13 East in the City and County of Tulsa, Oklahoma, more particularly described as: Beginning at a point on the East line of Section 25, 426' North of the Southeast corner of the NE/4; thence the following courses and distances:

South $89^{\circ}-57'-41''$ West 371.95'; thence North $0^{\circ}-07'-58''$ West 270.00'; thence North $89^{\circ}-57'-41''$ East 320.00'; thence South $11^{\circ}-27'-20''$ East 138.71'; thence North $89^{\circ}-51'-16''$ East 24.75' to the East line of Section 25; thence South $0^{\circ}-08'-42''$ East 134.08' to the point of beginning, containing 2.185 acres, more or less.

10969

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) Request for an exception to allow the Elks Lodge to use property for lodge use at the 1300 Block North, 81st West Avenue, Sand Springs, Oklahoma.

Mr. Jones advised that the Sand Springs Chairman of the Board of Adjustment sent a letter addressing the subject Case (Exhibit "E-1") stating that Sand Springs would encourage favorable consideration of the application by the Board.

Presentation:

Ray Milgrim, Sand Springs Elks Lodge, presented a plat (Exhibit "E-2") and advised that they are purchasing $7\frac{1}{2}$ acres, but much of the land is unusable. The applicant advised that the reason they are purchasing all of the land is because they will not have any future problems with a buffer zone. Mr. Milgrim advised that the right-of-way easement on the road is his idea because the land behind the property is undeveloped at this time. The easement will provide access to the property. Mr. Milgrim pointed out the proposed sewer line on the exhibit, and advised that on the subject tract they propose to build a ball diamond and a picnic area on the unusable land. Mr. Milgrim advised that the building is a proposed tilt-up concrete building or a metal building, but they will not begin building the proposed lodge for quite some time. The applicant also advised that he does not object to a requirement for a sewer line hook-up, and that the parking will be across the easement. Upon questioning, the applicant advised that they do not plan to ask Sand Springs for annexation.

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 an
4.17.80:308(11)

10969 (continued)

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to allow the Elks Lodge to use the property for lodge use, per the City of Sand Springs concerns (Exhibit "E-1"), on the following described property:

Surface only of a tract, or parcel, of land in the SE/4 of Section 1, Township 19 North, Range 11 East, Tulsa County, Oklahoma, more particularly described as:

Beginning at a point on the East line of said SE/4 200' South of the Northeast corner of the SE/4 of Section 1, Township 19 North, Range 11 East, Tulsa County, Oklahoma; thence South on the East line of said SE/4 of Section 1 a distance of 495'; thence West a distance of 660'; thence North and parallel to the East line of the said SE/4 a distance of 495'; thence East a distance of 660' more or less to the point of beginning, containing 7.50 acres, more or less.

Reserving to Grantor, nevertheless, their successor and assigns, a 60-foot strip along the North side of said tract for a roadway easement and reserving to the grantor for sewer purposes, an easement and right-of-way for sewer line, being 50' in width and 25' on either side of a centerline described as follows: Commencing on the North line of said tract 150' East of the Northwest corner thereof; thence Southeasterly a distance of 315' in a straight line to a point 280' East of the West line and 195' North of the South line of said tract; thence Southeasterly to a point on the South line of the said tract, being 225' West of the Southeast corner of said tract.

10970

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 front setback requirements from 25' to 15' & 7" to permit an addition to the present dwelling at 6631 East Reading Street.

Presentation:

Ray Gore, applicant, advised the Board that his request is to permit an addition to the front portion of his house. Mr. Gore also advised that he has talked with his immediate neighbors and they have no objections. The applicant also advised that the new addition will tie into the architecture of the existing house, and presented a plot plan (Exhibit "F-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 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 15' & 7" to permit the front porch to protrude 9' & 5", per plot plan submitted, on the following described property:

4.17.80:308(12)

10970 (continued)

Lot 8, Block 1, Spartan Court Second Addition to the City of Tulsa, Oklahoma.

10972

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Exceptions) Request for an exception to permit a Midas muffler shop in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670 - Variances) Request for a variance of the frontage requirements from 150' to 110' at 10920 East 21st Street.

Presentation:

Ted Griffin, applicant, presented a plot plan (Exhibit "G-1") and rendering of the proposed muffler shop (Exhibit "G-2") and advised that he has asked Midas Realty Corporation to construct the shop per plot plan. Mr. Griffin advised that the proposed project will not take away from the view from 21st Street. The applicant also advised that 25' setback is needed in order for the utility companies to get to the utilities, therefore, the front 25 feet of the property will be deeded to Midas, but Midas will deed Mr. Griffin back the right to use the property. Upon questioning, Mr. Griffin advised that Midas will not do any outside work. The Chair asked the applicant to inform Midas that no outside work is to be done on the property. Mr. Griffin also advised that he is the owner of the surrounding property of the subject tract.

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 an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Exceptions) to permit a Midas muffler shop in a CS District; and to grant a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 150' to 110', per plot plan and rendering, subject to no outside storage or work, on the following described tract:

A tract of land situated in the NE/4 of the NE/4 of Section 18, Township 19 North, Range 14 East, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof; commencing at the NW corner of Lot 1, Block 1, Tiffany Park Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; thence due East and along the North line of said Lot 1 for 170'; to the point of beginning; thence due East and parallel to the North line of said Lot 1 for 110'; thence South 0°-00'-56" East for 160'; thence due West for 110'; thence North 0°-00'-56" West for 160' to the point of beginning and containing 17,600 square feet or 0.4040 acres more or less.

10973

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670 - Variances) Request for a variance of the setback from 110' to 65' from the centerline of 21st Street at 6105 East 21st Street.

Presentation:

Harry Wallace, representing Yellow Builders, advised that they propose to enclose a canopy and that the existing building is an old Texaco station. The proposed use is to permit a "Tuner-Up" (automobile tune-up). Mr. Wallace presented a plot plan (Exhibit "H-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 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback from 110' to 65' from the centerline of 21st Street, per plot plan submitted, on the following described property:

Being a part of the SW/4, SE/4, SE/4, of Section 10, Township 19 North, Range 13 East, and further described as beginning at a point 50 feet North and 30 feet East of the SW corner of the SW/4 SE/4, SE/4, of Section 10, T-19-N, R-13-E, which point is the NE 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, commonly known as 6105 East 21st Street.

10974

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) Request for permission to locate three mobile homes in an AG District; and a Variance (Section 340 - Requirements For Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) Request for a variance of the five acre minimum for a mobile home in an AG District south of 136th Street North and 83rd East Avenue.

Mr. Jones advised that the Collinsville Board of Adjustment voted unanimously to recommend to the Tulsa Board of Adjustment that the subject application be approved as applied for (Exhibit "I-1").

Presentation:

Mark Keeter, applicant, advised that there are other 2-acre size lots in the addition and there are several mobile homes in the area of the application. Mr. Keeter does not feel that he will be setting a precedence by placing three mobile homes on a 3-acre lot. The applicant explained to the Board that he plans to live in the back mobile home and plans to

4.17.80:308(14)

10974 (continued)

lease the other two mobile homes. A plot plan (Exhibit "I-2") was presented. Mr. Jackere, Legal Department, advised that the applicant needed to prove hardship since approval by the Board would in effect be approval of a mobile home park.

Board member Lewis commented that since there was no hardship shown by the applicant, that only one mobile home should be considered for approval.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to deny an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate three mobile homes in an AG District and consider approving only one mobile home at the subject location.

Protestants:

Those present at the hearing: Elgin W. Harris, Hazel Mossen, Charlene Burd, James Sanders, advised that they had no objection to locating one mobile home on the subject tract.

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 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate one mobile home in an AG District; and approve a Variance (Section 340 - Requirements For Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the 5-acre minimum for a mobile home in an AG District south of 136th Street North and 83rd East Avenue, for a period of 7-years on the following described property:

Beginning at a point 659.44' East and 331.60' South of the NW corner of the NW/4 of Section 36, Township 22 North, Range 13 East of the Indian Base and Meridian, and proceeding Easterly 659.44' to a point; thence South 198.96' to a point; thence West 659.44' to a point; thence North 198.96' to a point of beginning, less the West 25' thereof, containing three acres more or less.

10975

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) Request for permission to locate a mobile home in an AG District at 13456 North Memorial Drive.

Presentation:

Richard Blanchard, III, applicant advised that his request is to place a mobile home on a 7½ acre lot in the Collinsville area. The applicant also advised that the City of Collinsville recommended approval (Exhibit "J-1").

Protests: None.

10975 (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 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate a mobile home in an AG District for a period of 7 years, on the following described property:

The East 990' of the N/2, S/2, NE/4, NE/4 of Section 35,
Township 22 North, Range 13 East, Tulsa County, Oklahoma.

10976

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 at 2828 South 49th West Avenue.

Presentation:

Linda McGowan, representing Ted Cole, advised that the application was made for the reason that Mr. Cole's mother was recently widowed and she is presently in frail health. Mr. Cole's mother wishes to place her mobile home on the subject property. Ms. McGowan advised that the neighbors in the subject area have been notified and they have no objections, and that other mobile homes are present in the area. Ms. McGowan informed the Board that Danny Thomas with the City County Health Department has been notified and a perk test was made two months ago. Mr. Thomas said that there would not be a need for another perk test and that the septic tank presently there is adequate for a mobile home hookup. Pictures of the subject property were presented (Exhibit "K-1").

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

The North 212' of the East 212' of the South 3 acres of the E/2 of the NE/4 of the SE/4 of the SE/4 of Section 17, Township 19 North, Range 12 East of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, containing 1.0 acres, more or less. Surface only.

10977

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) Request for permission to locate two mobile homes in an AG District; and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) request for a variance of the lot width from 300' for each mobile home east of Sheridan Road and South of 176th Street North.

Presentation:

Drucilla Blakey, applicant, advised that she is proposing two mobile homes on a 10-acre tract, and that she plans to locate each home on a separate 5-acre tract. Ms. Blakey, also advised that there are several other mobile homes in the immediate area of the subject application. A letter of recommendation for approval was submitted by the Collinsville Board of Adjustment (Exhibit "L-1").

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 an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate two mobile homes in an AG District; and to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the lot width from 300' to 165' for each mobile home lot, with the condition that one mobile home be placed on each 5-acre tract (one dwelling per 5-acre tract) for a period of 7-years; and that appropriate deeds for each 5-acre tract be recorded to reflect the above action, on the following described tract:

The W/2 of the W/2 of the NE/4 of the NW/4 of Section 11,
Township 22 North, Range 13 East, Tulsa County, Oklahoma.

10978

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 on the west from an OM District from 75' to 20' at 4720 South Mingo Road.

Presentation:

Edward Cox, applicant, presented plot plans (Exhibit "M-1") and advised that he proposes to set the building back 20' from the west instead of 75'. Mr. Cox advised that the proposed building is an automotive repair garage and the problem is that he is requested to setback 50' from the lot line on the front and the 75' on the back, which would leave him only 25' on which to build. The applicant went on to explain that he would like to align with the existing building next to the subject property, and that no outside storage or work will take place on the property in question.

Protests: None.

4.17.80:308(17)

10978 (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 a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on the west from an OM District from 75' to 20', per plot plan submitted, with the conditions that no outside work or storage take place on the following described tract:

Lot 4, Block 1, Regency Plaza Amended Addition to the City of Tulsa, Oklahoma.

10979

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) Request for permission to locate a mini-storage warehouse a distance of 5 feet from an adjacent RS-3 boundary at 6404 and 6406 East Archer Street.

Presentation:

A. C. Saint, applicant, presented a plot plan (Exhibit "N-1"), and advised that he would like to build a steel building for warehouse space and asked the Board to grant the variance. Upon questioning, the applicant advised that in 1976 he came before the Board with a proposed mini-storage plan, which the Board approved, but the applicant did not construct the building.

Dorothea Miller, Protective Inspections, advised that the Hydrology report shows that the subject property was field checked today and a wall that was constructed around the southeast and west portions of the property line has caused drainage to be restricted along the west property line area. The wall was not a part of the original submittal when drainage was stressed as critical to local drainage concerns. Since the wall has been constructed, the drainage characteristics have changed. Engineering Department will need to review the drainage of the site before the release of a building permit. Therefore, Ms. Miller explained that the applicant will have to go back to the Hydrology Department to get a release. Ms. Miller also advised that the applicant has two underground fuel storage tanks that should be a part of his plot plan with pumps that are 40' from his duplex to the south and 25' from the west property line.

Mr. Jones advised that the subject application was advertised only as a request for a variance of the setback requirements from an R District from 75' to 5'.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) to locate a mini-storage warehouse a distance of 5 feet from an adjacent RS-3 boundary, subject to the approval of the City Engineering Department of the

10979 (continued)

drainage plans and subject to the applicant drawing the fuel storage tanks on the plot plan, on the following described tract:

Lot 15, Block 2, Greenlawn Addition to the City of Tulsa, Oklahoma.

10980

Action Requested:

Variance (Section 710 - 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 35' from the centerline of Pine; and from 25' to 15' from Madison Place on the southeast corner of Pine Street and Madison Place.

Presentation:

Cecil Standfield, architect for the proposed church building, submitted a plot plan (Exhibit "0-1") and advised that the request is for permission to build the building 35 feet from the centerline of Pine Street. The new education building is for the Morning Star Baptist Church. According to Mr. Standfield, the measurement from the centerline of Pine Street to the education building is 35 feet. Mr. Standfield also advised that the proposed building will be a fellowship hall for the Morning Star Baptist Church. Upon questioning, Mr. Standfield advised that the proposed building is across the street from the Church site.

Protestant:

Sandra Alexander, attorney, advised that she is appearing as a member of the Board of Directors and the shareholders of the Alexander Building Corporation, which owns the property abutting the subject property on the east, located at 1044 and 1046 East Pine Street. Ms. Alexander advised that the Alexander Building Corporation is a small, closely held family organization consisting of the members of the Alexander family who have been in the subject neighborhood for the past 30 years, operating a business enterprise for the past 13 years. Ms. Alexander advised that the granting of the variance requested would result in poor site development and bad land use planning that would result in placing an unreasonable burden on the neighborhood as a whole and the Alexander property in particular. Ms. Alexander went on to advise that there is no hardship stated by the applicant as far as the character of the land is concerned, and that the applicant does not own and cannot purchase a significant amount of property in the subject area that would permit them to construct the proposed building in a manner that would be in compliance with the Zoning Ordinances.

Ms. Alexander explained that the granting of the subject variance would tacitly constitute a waiver of the off-street parking requirements of the Tulsa Zoning Code, which would place a great burden on the Alexander property. The proposed construction covers the lot except for a 5' setback on the north, south and east and 15' setback on the west. No provision has been made for off-street parking. Ms. Alexander said that the nearest available site for off-street parking by the patrons of the proposed fellowship hall would be the parking lot owned by the Alexander family which adjoins the subject property on the east. The applicant has not provided the necessary off-street parking to meet the needs of the existent land uses in the subject area. The applicant only has 44

10980 (continued)

marked parking spaces in their parking lot which is located across the street and to the north of the church building. Ms. Alexander explained that on any given Sunday all available on-street and off-street parking spaces in the area are used by the Church members. The protestant submitted pictures taken last Sunday, depicting the parking situation (Exhibit "0-2"). The protestant also stated that Mr. Prince Street, Jr., was present to protest, but he had to leave before the subject application was heard. Ms. Alexander advised that over the years her family has not objected to the Church using their parking lot because the usual Church activities took place on Sunday or in the evenings and did not interfere with the normal business hours of the enterprises occupying her family's building. However, the newly proposed fellowship hall, which is being constructed in a CS District raises the probability that it's activities will create conflicts for parking spaces in the area, therefore, Ms. Alexander asked the Board to deny the 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 deny a Variance (Section 710 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 35' from the centerline of Pine; and from 25' to 15' from Madison Place, on the following described tract:

Lot 24, Block 1, Liberty Addition to the City of Tulsa, Oklahoma.

10981

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) Request for permission to maintain a mobile home in an RS-3 District at 8625 South 33rd West Avenue.

Presentation:

Terry Keech, applicant, advised that she would like to maintain her mobile home on the subject location.

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

Beginning 330' South of the NW corner of the NW/4, SW/4 of Section 15, Township 18 North, Range 12 East, Tulsa County, Oklahoma; thence East 1,320'; South 165'; West 1,320'; North 165' to the point of beginning.

10982

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 50' to 48' from the centerline of the street at 11545 East 31st Street.

Presentation:

Wilfred Sanditen, representing Sanditen Investments, Ltd., advised they found that they were 2 feet over the setback when they decided to extend the shopping center and put in a storage area for a new tenant who plans to occupy the space. A plot plan was presented (Exhibit "P-1"). The property abuts a street which curves.

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 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 48' from the centerline of the street, per plot plan submitted, on the following described tract:

Beginning at the NE corner of Lot 1, Block 1, Garnett Square Addition to the City of Tulsa, Oklahoma; thence South 515'; West 244.71'; North 224'; West 175.29'; North 221.3'; East 138.32'; NE 290.12' to the point of beginning.

10983

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) Request for permission to place a mobile home in an RS-3 District at 5866 North Norfolk Avenue.

Presentation:

James Hardesty, applicant, advised that the request is for permission to locate a mobile home on the subject tract. The applicant stated that other mobile homes were present within 400' of the subject property, and that a house formerly existed on the subject tract which was destroyed by fire.

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 1209 - Mobile Homes) to place a mobile home in an RS-3 District, for a period of 1-year, removal bond required, on the following described tract:

10983 (continued)

Beginning at the Southwest corner of the SE/4 of the SE/4 of Section 1, Township 20 North, Range 12 East; thence a distance of 575' due East along the South boundary line; thence due North a distance of 1221' for a place of beginning; thence due North 100'; thence due West approximately a distance of 137'; thence running in a Southwesterly direction along the Midland Valley Right-of-Way a distance of approximately 105.8'; thence due East a distance of approximately 170.7' to the place of beginning, City of Tulsa, Tulsa County, Oklahoma.

10984

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) Request for permission to erect mini-storage buildings 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 10' to 1' on the east from an R District; and an Exception (Section 250.3 (b) - Modification of the Screening Requirements) Request for an exception to modify the screening requirements where an alternative screening will provide visual separation of uses at 6105 South Peoria Avenue.

Presentation:

Bill Marley, representing U-Haul Company of Tulsa, presented a plot plan (Exhibit "Q-1") and advised that an existing two-story mini-warehouse structure was completed 6 months ago located behind the old service station on the corner. The applicant advised that the subject application is a request to locate a one-story mini-storage structure behind the existing two-story building and he would like to construct the building 1' from the east property line. Mr. Marley advised that the rear wall of the proposed building is a solid concrete wall which needs no addition and that they are requesting permission to build an additional building on the lot to the south which is set 10' off the adjacent property line to be screened with a cedar fence. The fence on the north will be relocated to the south. The applicant advised that they have an agreement with the property owner of the adjacent property to the east (an apartment building to the east of the south lot). Upon questioning, the applicant advised that the modification of the screening is sought on the north lot behind the existing building. Mr. Marley advised that they are replacing the cedar fence screening with the rear of the proposed building. The applicant stated that the hardship is that with the present layout of the lot, they have to build to the 1' property line in order to construct the building, leaving ample drive access. The applicant also advised that at the present time there is not an attendant on duty 24 hours which was made a part of the motion on Case No. 10374.

Protestant:

Barlow Nelson, representing Mr. and Mrs. Greenwood and the Holman Corporation, advised that when the notification for public hearing on the subject application was mailed, they did not receive notification until very late. Mr. Nelson asked the Board to review the plot plans for the subject application, and asked for an explanation of the layout of the proposed building as it relates to the lot lines separating Lots 7 and 8. Mr. Nelson's clients are the owners of the west 170 feet of Lot 8, who operate a business called Calico Corner. Mr. Nelson said that from

10984 (continued)

the plot plan it looks like the applicant plans to put in a huge mini-storage building all along the south line and stated that he does not see any hardship.

Board member Lewis advised that the setback waiver is behind the present building, not adjoining the Calico Corners building.

Mr. Nelson advised that the plot plan does not show everything on the existing lot and in driving past the subject location one would be surprised that immediately outside the existing building, wall to wall, side by side are U-Haul rent trucks and on the curb are trailers parked one next to the other. Mr. Nelson feels that this is an obstruction to the visibility of Calico Corners and not consistent with present uses of the area. The protestant advised that at present there are a few cedar trees that have been knocked over and the landscaping provides no screening from the street.

Applicant's Comments:

Upon questioning, the applicant advised that he lived at the subject location prior to construction, living in a trailer behind the building. The applicant could not answer the Board as to how long the former attendant lived in the apartment on the subject premises. Mr. Marley explained that the duties of the 24-hour attendant are management duties day and night, and a new manager has just been acquired for the building, but was not moved in yet. Mr. Marley advised that it was their intent to landscape the subject property to meet the Board requirements, and explained the difficulty in displaying the U-Haul equipment in an orderly manner.

Bob Gardner, advised that the Building Inspector's Office has not gone out to see if the subject application meets the Board's previous approval. He advised that a large number of vehicles are stored on the property. Mr. Gardner advised that some of the vehicles are possibly on the City's right-of-way, and suggested that the TMAPC Staff and Building Inspector go out and obtain more information about the subject property.

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. 10984 to May 1, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10985

Action Requested:

Variance (Section 240.2 (d) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) Request for a variance to allow a cabana 493 square feet in size. (There exists a detached garage with 460 square feet; a greenhouse with 364 square feet; making a total of 1,317 square feet of accessory buildings.)

Presentation:

Lee Butler, Vice President of Allied Construction, representing Philip Kramer, the owner of the subject property, advised the request is to exceed the 750 square-foot maximum in order to build a cabana. Mr. Butler presented a plot plan (Exhibit "R-1").

10985 (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 grant a Variance (Section 240.2 (d) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) to allow a cabana 493 square feet in size, per plot plan, on the following described tract:

Lots 9 and 10, and the E/2 of Lot 11, Block 5, South Lewis Park Addition to the City of Tulsa, Oklahoma.

10987

Action Requested:

Variance (Section 1320 (d) - General Provisions - Under the Provisions of Section 1670 - Variances) Request for a variance of off-street parking not on the same lot as the use at 8175 East 46th Street.

Presentation:

Houston Hubbell, applicant, advised that his application was turned down by the Building Inspector because of inadequate parking. Mr. Hubbell admittedly advised that they did not have enough parking spaces. However, Mr. Hubbell stated that he owns the building on the west of the one where he intends to put the addition in. The applicant advised that if he could combine those two lots and two buildings into a tie contract, he would have adequate parking. Plot plans were presented (Exhibit "S-1").

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 1320 (d) - General Provisions - Under the Provisions of Section 1670 - Variances) of off-street parking not on the same lot as the use, per plot plan submitted, with the execution of a tie contract, subject to approval of the drainage plans by the Engineering Department, on the following described tract:

Lots 28 and 29, Block 2, Memorial Industrial Addition to the City of Tulsa, Oklahoma.

10990

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 on a corner lot from 25' to 24' in an RS-3 District at 7374 East 58th Court.

Presentation:

Charles Hurst, applicant, advised that the request is for a 1' variance. The applicant submitted a plot plan (Exhibit "T-1").

10990 (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 grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 25' to 24' in an RS-3 District, per plot plan submitted, on the following described tract:

Lot 1, Block 4, Woodland View Fifth Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Request for a Clarification of C.D.P. #33:

Mr. Jones advised that the Eastland Baptist Church wants to erect a duplex on their existing property to provide housing for veteran missionaries who are home on furlough. A letter of explanation was submitted (Exhibit "U-1").

Bob Gardner advised that the property on which the proposed duplex is to be built is not zoned for apartments, but the property containing the Church building and most of their property is zoned RM-1 for apartments. If they were to move the building over a few feet it would be in an apartment district and it would be permitted as a matter of right.

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 find that the request of the Eastland Baptist Church to erect a duplex on their existing property (to provide housing for veteran missionaries who are home on furlough) is within the spirit and intent of the original C.D.P. #33 approved.

There being no further business, the Chair adjourned the meeting at 6:30 p.m.

Date Approved: _____

Larry Purser

May 15, 1980

Chairman