

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 309
Thursday, May 1, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Lewis
Purser
Smith
Victor
Wait

STAFF PRESENT

Gardner
Jones
Johnson, D.

OTHERS PRESENT

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, on Tuesday, April 29, 1980, at 10:55 a.m., as well as in the Reception Area of the TMAPC Offices.

The Chairman called the meeting to order at 1:40 p.m. after declaring a quorum present.

MINUTES:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; Victor "abstaining") to approve the Minutes of March 20, 1980 (No. 306); April 3, 1980 (No. 307).

MINOR VARIANCES AND EXCEPTIONS:

10959

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 side yard requirements from 5' to 4'6" to permit an addition to the present structure at 1376 East 27th Street.

Presentation:

Dortha Miller, Protective Inspections, advised that the applicant no longer needs additional relief since he changed the location of the addition to his present structure and presently does not have any problem with the setback.

Protests: None.

Board Action:

The Chair advised that Case No. 10959 was to be stricken from the agenda since no additional relief is being sought. (The original request was approved at a previous meeting.)

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.

10962 (continued)

Presentation: None.

Protests: None.

Board Action:

On MOTION of WAIT, the Board voted 3-0-0 (Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to continue Case No. 10962 to Thursday, May 15, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and advised the applicant that the Board will take action at that time.

11000

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 rear yard requirements from 20' to 17' to permit an addition to present dwelling at 1821 South 119th East Pl.

Presentation:

Ralph Roberts, applicant, presented a plot plan (Exhibit "A-1") and advised upon questioning, that he has talked with his neighbors informing them of his proposed addition to his home. The applicant advised that the electric service, gas service and telephone service personnel have located his underground utilities.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait "aye"; no "nays"; Smith "abstaining") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 20' to 17' to permit an addition to the present dwelling, per plot plan submitted, on the following described property:

Lot 32, Block 2, Shannon Park Fourth Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

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.

Remarks:

Bob Gardner of the TMAPC, advised that the application before the Board is for an expansion of the existing U-Haul facilities. At the last Board meeting the property owner to the south had some objections to the particular use and also some questions were raised by the Staff and Board as to whether or not the applicant was meeting the requirements set by the Board on the first approval granted April 12, 1979. Mr. Gardner advised that the subject property was field checked April 21, 1980, and he found all trucks, trailers and car carriers stacked neatly on the applicant's own property. Attendant was on duty at the time and some landscaping had been added.

Board member Lewis advised that the required shrubbery looked like it had been trampled on, as he recalled, after viewing the subject site.

Presentation:

Stephen Smith, attorney, representing U-Haul, advised that prior to U-Haul's acquisition of the subject site, Phillip's Service Station occupied the building. Mr. Smith, also advised that the first application made by U-Haul was for a storage facility. Mr. Smith stated that at that particular time some requirements were imposed by the Board which were complied with. The applicant advised that the over-all area has been economically depressed, but U-Haul has been a very vibrant business, and they have done so well that they need additional space to relieve some of the congestion they presently have. Mr. Smith explained that there is not enough space to provide convenient parking and facilities, therefore, U-Haul requests to expand their operation to the south and acquire the additional land there, which is approximately 150' of frontage, to add more mini-warehouses. The attorney explained that the plot plan (Exhibit "B-1") shows an L-shaped structure which would contain one-story mini-warehouses and all the shaded area are buildings to be constructed with the consent of the Board. Mr. Smith advised that the request is for a variance of the building setback lines on the section which backs up to a vacant lot and that the remainder of the application complies with the CS zoning requirements. Mr. Smith explained that U-Haul has ample off-street parking to comply with the CS requirements and stated that U-Haul is compatible with the existing uses in the area of the subject application. Mr. Smith also advised that there is a problem in trying to find a 24-hour attendant to live at the subject site.

Protestants:

Barlow Nelson, attorney, representing Mr. and Mrs. Morgan Greenwood, property owners to the south of the subject application and the Holman Company, advised that the Holman Company runs Calico Corners which is a retail outlet attracting a nice trade of business into the area. Mr. Nelson advised that an additional mini-storage area immediately north of Calico Corners would not help the neighborhood. Mr. Nelson said that many customers driving down South Peoria indicate that they get to the corner and sometimes they see Calico Corners and sometimes they don't, therefore, U-Haul impairs the vision of Calico Corners as a retail establishment. Mr. Nelson advised that U-Haul does not conform to the present uses in the area of the subject application.

Interested Party:

George Abdo, advised that his aunt owns the property the U-Haul Company wishes to purchase. Mr. Abdo stated that the property was advertised for sale for several months and that many people sought to buy the property to set up a beer joint. Mr. Abdo stated that the subject area is a "rough" area and he feels that U-Haul could only improve the area.

Bob Gardner advised that the building setback as shown on the plot plan for the southernmost building is 25' from the property line and that the ordinance requires 100' from the centerline of the street, or 50 feet from the property line.

The Chair advised that she is not in favor of expanding the present use of the U-Haul Company, and Board member Smith advised that the U-Haul Company had not met the requirements imposed by the Board on the previous application.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to deny an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217-Automotive and Allied Activities) to erect mini-storage buildings in a CS District; and to deny a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 10' to 1' on the east from an R District; and to deny an Exception (Section 250.3 (b) - Modification of the Screening Requirements) to modify the screening requirements where an alternative screening will provide visual separation of uses, on the following described property:

Peoria Plaza Addition; and the West 170' of Lot 7, Block 1, less the West 20' and the North 15' thereof; Valley View Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

10988

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; and a Variance (Section 410-Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home on a lot that has a residence on it at 625 Loop Drive, Sand Springs.

Mr. Jones advised that the Sand Springs Board of Adjustment submitted a letter requesting a continuance until May 15, 1980 (Exhibit "C-1").

Charles Breshears, applicant agreed to the continuance request.

Lee Hoog, protestant, objected to a continuance.

Bob Gardner, explained that the Sand Springs Board of Adjustment is requesting a continuance because they did not have a meeting prior to the Tulsa Board of Adjustment meeting, therefore, they need a continuance so that they can meet to hear the subject application.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to hear Case No. 10988 this date.

Presentation:

Charles Breshears, applicant, advised that he placed the subject mobile home on his property three years ago in his back yard so that his mother-in-law could live in it. Mr. Breshears also advised that his mother-in-law lived in the mobile home for 2½ years prior to moving away 8 months ago to live with her sister. The applicant stated that he has left the mobile home empty in case he has to move his mother-in-law back in and about a month ago the neighbors started complaining about the mobile home. Upon questioning, the applicant advised that three years ago he did not know permission was needed to place the mobile home on his property, and that there are 15 other mobile homes in the surrounding area of the subject application.

Protestant:

Lee Hoog, 621 Loop Drive, Sand Springs, presented a petition of protest (Exhibit "C-2") and advised that the area residents do not like the idea of having a mobile home in the neighborhood. Mr. Hoog stated that now other neighbors are wanting to move mobile homes into the subject area. Mr. Hoog explained that when Mr. Breshears' mother-in-law moved out of the mobile home, the neighbors expected the applicant to remove the mobile home from the premises. Upon questioning, Mr. Hoog informed the Board that the area residents still object to the placement of the mobile home even if the mother-in-law decides to return to live in the subject trailer because she has had enough time to make up her mind as to where she wants to live.

Joe Inger, 629 Loop Drive, Sand Springs, advised that he owns the house on the west side of the Breshears' property.

10988 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to deny 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; and to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot that has a residence on it, on the following described tract:

Lot 7, Block 2, Valley View Estates Addition, Tulsa County, Okla.

10989

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses) Request for an exception to use property for cemetery property northwest of Admiral Place and Yale Avenue.

Presentation:

Charles Wilbanks, 6111 East Skelly Drive, with the architectural firm of Russell L. Magee and Associates, advised that his firm has been retained as the construction supervising architect working for a registered architect, whose home office is in New Orleans, Louisiana. Mr. Wilbanks explained that the registered architect has turnkeyed with the owner a contract for construction of a new mausoleum on the existing cemetery property. Mr. Wilbanks submitted plot plans (Exhibit "D-1") outlining the proposed mausoleum addition. The applicant advised that the cemetery was established in 1915 and their purpose for filing the special exception request is to allow future mausoleum expansions as long as they are in compliance with existing City of Tulsa Building Code requirements and zoning ordinances at the time the future mausoleums might be desired to be built. Mr. Wilbanks introduced Mr. Michael Carboni, Acme Marble and Granite Company, representing the design architect. Upon questioning, the applicant advised that the plans submitted are based upon an accurate legal survey delivered by the Cemetery Trust Authority.

Mr. Wilbanks, presented a detailed plot plan of the northern 18.9 acres of the subject tract (Exhibit "D-2") and advised that there is additional property which is presently owned by the cemetery, but undeveloped. Mr. Wilbanks again stated that the request is to approve the entire cemetery for a special exception use permit. Mr. Wilbanks also advised that there is no intention of future property acquisition by the cemetery.

Bob Gardner advised, that if they were concerned about the near single-family homes, then the Board could impose a condition that any building proposals within 90' of their north and northwest property lines would require Board of Adjustment approval.

Michael Carboni, Acme Marble and Granite Company, advised the Board upon questioning, that the proposed mausoleum will be 90' from the northern property line. Mr. Carboni stated that 90' from the property line for a mausoleum was appropriate, but 90' from the property line for in-ground burial was excessive. Mr. Carboni advised that in some

municipalities he has seen the setback as little as 10' from the property line.

Protestant:

Warren Stephens, 4676 East Independence, advised that he is concerned with the future acquisition of land by the cemetery. Mr. Stephens advised that he would also have objections to in-ground burials within 90' of the property line.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses) to use property for cemetery property, except the north 50' and the west 50' abutting the residences, on the following described tract:

Rose Hill Burial Park, Tulsa, Oklahoma, described as follows:

The SE, SE, SE, of Section 33, Township 20 North, Range 13 East, 10 acres; and Lots 1 and 2 of the NE/4 of Section 4, Township 19 North, Range 13 East; 39.08 acres, all situated in Tulsa County, Oklahoma, recorded in Book 179 at page 491 on December 28, 1915; AND

A tract of land located in the E/2 of the SE/4 of Section 33, Township 20 North, Range 13 East of the IBM, Tulsa County, Oklahoma, and more particularly described as follows:

Beginning at a point 659.68' North of the SE corner of Section 33; thence North along the East line of said Section 33, a distance of 749.02' to a point; thence South $78^{\circ}-43'$ West, a distance of 475.0' to a point; thence South $85^{\circ}-49'$ West a distance of 233.0' to a point; thence South $73^{\circ}-32'$ West a distance of 459.59' to a point; thence due West a distance of 180.0' to a point on the West line of the NW/4 of the SE/4 of the SE/4 of Section 33; thence South $0^{\circ}-05'$ West a distance of 510' to a point, being the SW corner of said NW/4 of the SE/4 of the SE/4; thence North $89^{\circ}-57.5'$ East a distance of 1,319.0' to a point of beginning, containing in all 18.9 acres, more or less, subject to a warranty deed to Tulsa County, recorded in Book 375, Tulsa County Clerk's Office and sewer easement to the City of Tulsa, recorded in Book 1225, page 307, Tulsa County Clerk's Office. Deed filed for record March 13, 1942, recorded in Book 1479 at page 131.

Action Requested:

Appeal (Section 1650 - Appeals From the Building Inspector) from a decision of the Building Inspector ~~ordering to stop work immediately~~ on the cleanout and reworking of prior producing oil and gas wells; and an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) Request for an exception to permit the cleanout and reworking of oil and gas wells in the vicinity of 71st Street and Elwood Avenue.

Presentation:

Charles Whitebook, attorney, representing Hale Oil Company, advised that Bill Hale is present and that the owners of the Jones' Lease, which is also one of the leases involved, requests the Board approve this application. Mr. Whitebook also introduced Allen M. Gallager, a consulting geologist who has worked on the leases for the Hale Oil Company, along with Ed Pace and Jack Riley, and O. M. West. Mr. Whitebook advised the Board that the area in question is not a residential area and all of the royalty owners have indicated no objections to the continuation of the production of the wells in question. Mr. Whitebook went on to explain that the original leases, on both of the well sites in question, were granted in 1915-16 and the wells have been in production on the Turkey Mountain lease continuously from that time to present. The attorney stated that the wells qualify as an existing nonconforming use under the law, located in an agricultural district, and producing 15 barrels of oil per day. Mr. Whitebook advised that it is necessary to cleanout wells periodically to keep them producing oil. Mr. Whitebook stated that on the Jones' lease there has been production continuously until "a number of years ago, Mr. & Mrs. Jones were unable to advise exactly how long, they thought it was at least four or five years." It was their understanding that the wells would be re-entered and produce. The wells have never been plugged, two were capped with a soft cap and one of them have pipes standing open. It is these wells that were re-entered to be cleaned out explained Mr. Whitebook. The only operation that is taking place at this time is to drill out the casing to lift out the debris that has fallen in, and the only time any milling is done is when the tools cannot lift the debris out. Mr. Whitebook advised that the Jones' sites have been completed and show that there should be a production of 10 to 15 barrels of oil per day. Mr. Whitebook stated that he believes the existing use under the Ordinance does not need Board of Adjustment approval or zoning approval for a special exception. Mr. Whitebook advised that 5 to 600 barrels of oil per month are expected from the Jones' lease, and at the present time no fumes or environmental problems exist. Mr. Whitebook asked the Board to grant the request.

O. M. West, Jr., advised that he has an abstract of the original lease and informed the Board that in 1920, 1921, 1922 and 1923 his father leased all of the property on Turkey Mountain all the way to Glenpool. Mr. West advised that the first lease was from John Tiger, a full-blood Creek Indian in 1921 and subsequently the West Petroleum Company was established. Upon questioning, Mr. West advised that the four (4) wells in question were drilled on 162 acres. Mr. West also advised that up until a month ago the subject wells were producing, then a stoppage took place to clean out the wells. Mr. West also advised that in 1965 the wells in question were not producing oil.

Mr. Gardner advised that if the Board finds that the requested use is a nonconforming use they would have jurisdiction. If the Board finds that it is not a conforming use then an exception could be granted; however, another City Ordinance prohibits drilling oil in the Tulsa City Limits.

Alan Jackere, Legal Department, advised that the City has a penal ordinance that prohibits drilling within the City Limits, unless it is a pre-existing use. Mr. Jackere advised that if the wells were abandoned for more than 90 days, they cannot reopen the well.

Mr. Whitebook advised that when the wells were shut down, it was the intention to rework the wells and come back in and begin production of oil. Mr. Whitebook said that plugging of the wells did not take place but a soft cap was used to close it down, and there was a delay in returning. Upon questioning, Mr. Whitebook stated that the wells were capped for approximately 6 to 8 months.

Bill Hale, operator of the lease and owner of the royalty on the Turkey Mountain lease advised that 36 wells were drilled on the Turkey Mountain lease over the years, but the well near the river bank on Turkey Mountain is the one that he was reproducing. The well located in the corner southeast of Section 2, directly west across the road from the Turkey Mountain lease is the other well in question. Upon questioning by the Board, Mr. Hale advised that oil production of the wells in question did not take place for approximately 5 years more or less, but 10 wells are currently in production on Turkey Mountain.

Upon questioning by Alan Jackere, Legal Department, Mr. Hale advised the Board that the reason for the temporary abandonment of the wells in question is because in the past a 5 barrel oil producing well was not very exciting, but today a 5 barrel well is worth \$200.00 per day. Mr. Hale went on to say that the area in question does not have any residential development present or planned for the future and that he is the royalty owner of half of the leases.

Interested Parties:

A. L. Bird, a 12-year resident of 6902 South Houston Avenue, advised that across 71st and Elwood on the east side, the wells have been in production, but the wells west of 71st and Elwood have not been in production since 1963.

Ron Dingman, 723 South Yorktown Avenue, owner of 4 acres at 68th and Elwood, advised that his concern is his interest in building a home on his property in later years. Mr. Dingman advised that before any drilling is done on his property he would want a signed contract stating how much would be drilled.

The Chair advised that the applicant would need Mr. Dingman's permission to drill for oil on his property and your property is not under application, your just within 300 feet of the property under application.

10991 (continued)

Maxine Beall, 310 West 71st Street, advised that about three months ago she saw a drilling permit for the Jones' lease that came from the Corporation Commission, granted to the Hale Oil Company. Ms. Beall also advised that in the drilling of the well the drilling Company had to go through 45 feet of rock which took approximately 2-weeks to complete.

Alan Jackere, Legal Department, advised that whether or not the intention of the owner/operator to abandon the well for all times is the pertinent question. Mr. Jackere referred to Section 1410, subsection (d) which states cessation of the use of the well for any reason for a 90-day period. Mr. Jackere advised that the Zoning Code is construed most liberally in favor of the landowner, and advised that all the case law he had dealt with, nonconforming uses and abandonment of those uses regardless of the Code provisions, refer to the intent of the user.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to reverse the Building Inspector and to grant the APPEAL (Section 1650 - Appeals from the Building Inspector) to cleanout and rework the 2 producing oil and gas wells; on the following described tract:

The SE/4, SE/4 of Section 2, Township 18 North, Range 12 East;
and the SE/4, SE/4, SW/4 of Section 1, Township 18 North,
Range 12 East, ALL in Tulsa County, Oklahoma.

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) Request for a variance of the 750 sq. ft., maximum to allow an accessory building of 1,680 sq. ft. in an RS-1 District at 8391 East 13th Street.

Presentation:

James Fryar, applicant, advised that he has purchased a 1½ acre tract of land and proposes to build a solar home. A plot plan was presented (Exhibit "E-1"). Mr. Fryar also advised that because of the design of the house it does not provide storage space in the attic, therefore, he advised that the proposed accessory building is for more storage area. The applicant stated that the subject lot is presently vacant and he plans to build the 2-car garage before building the house. Mr. Fryar advised that the garage is needed to be constructed first in order to store the building materials to be used for construction of the 2-story home. Upon questioning, the applicant informed the Board that the proposed use is residential. Bob Gardner advised that the request is for an accessory building, therefore, the applicant would need to construct the house first in order for the garage to be an accessory use.

Interested Party:

Jim Lloyd, owner of 5 acres across the street from the subject tract, advised that the lots in the subject area are very large and many contain barns, etc., throughout the area. Mr. Lloyd advised that he and his wife have no objection to the application in question.

Applicant's Comments:

Upon questioning, the applicant informed the Board that he plans to brick the subject garage to look similar to the proposed house.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant a Variance (Section 240.2 (e)- Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the 750 sq. ft. maximum to allow a residential accessory garage to contain 1,680 sq. ft. in an RS-1 District, as presented by the applicant, on the following described tract:

Lot 12, Block 4, Forest Acres Addition to the City of Tulsa, Okla.

NEW APPLICATIONS:

10993

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 as a public park with the following facilities: Swimming pool, recreation center, lighted tennis court, lighted baseball fields, lighted playfield, ballfield, restrooms, playground, jogging path, racquet ball courts, picnic shelter and parking southeast of 7th Street and 73rd East Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa, advised that McClure Park, located at 11th and Memorial, is 60 acres in size and is an existing nonconforming use. He stated they are requesting approval of the present facilities: Ball fields, swimming pool, and recreation center and the parking areas. Mr. Nicholson also advised that his immediate need is an expansion project for the park. A comprehensive plot plan was presented (Exhibit "F-1"). Referring to the plot plan, Mr. Nicholson advised that in the center of the park is the existing recreation center and 6 tennis courts; on the north side of the existing recreation center will be the addition of two racquet ball courts; to the east of the existing building is a proposal for a new play court. A large picnic shelter is proposed on the southwest corner of the subject site. Surfaced jogging trails are outlined on the plot plan along with the layout of a frisbee golf course. The frisbee golf course is a new recreation fad that utilizes a tee and a green containing a metal pole with a basket. The course is laid out like a golf course and the idea is to throw the frisbee from the tee to the hole in the fewest numbers of throws. The course is to be laid out by a firm from California which will be the first frisbee golf course for Tulsa. Mr. Nicholson also advised that the site plan has been in the Park Offices and encouraged people to come in to take a look at it. Presently, the City Engineering Department is considering the south-half of the subject tract for flood detention purposes, therefore, the facilities in that particular area are those of limited use.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property as a public park with the following facilities: Swimming pool, recreation center, lighted tennis courts, lighted baseball fields, lighted playfield, ballfield, restrooms, playground, jogging path, racquet ball courts, picnic shelter and parking, per plot plan submitted, on the following described tract:

A plot of land beginning at a point on the West line of the SE/4 of Section 2, Township 19 North, Range 13 East of the IBM, Tulsa Co., Oklahoma, said point beginning 334.78' North of the SW corner thereof; thence North along said West line of said SW/4 of said Section 2, Township 19 North, Range 13 East a distance of 984.34' to a point;

5.1.80:309(12)

10993 (continued)

thence East and parallel to the South line of Section 2, Township 19 North, Range 13 East a distance of 2,641.33' more or less to a point, said point being on the East line of said Section 2, Township 19 North, Range 13 East; thence South and parallel to the East line of said Section 2, a distance of 984.34' to a point, said point being 334.78' North of the SE corner of Section 2, Township 19 North, Range 13 East; thence West and parallel to the South line of said Section 2, a distance of 2,642.05' more or less to the point of beginning. Said plot of land contains 59.649 acres more or less.

10994

Action Requested:

Special Exception (Section 440 (2) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680 - Special Exceptions) Request for an exception to operate a home beauty shop in an RS-3 District at 1335 North 80th East Ave.

Presentation:

Shirley Bowman, 1335 North 80th East Avenue, advised that she would like to put in a home beauty shop. Ms. Bowman advised that she has built a double car garage in her back yard and that she plans to widen the driveway. The applicant also advised that she will not have that many customers, and that she plans to work on one customer at a time. Ms. Bowman advised that the shop will be located where her utility room was formerly located and a back door is presently there. The hours of operation will be 2 or 3 days a week, 8:00 a.m. to 5:00 p.m., and possibly on Saturday.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant a Special Exception (Section 440 (2) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680 - Special Exception) to operate a home beauty shop in an RS-3 District between the hours of 8:00 a.m. and 5:00 p.m. (not on Sunday) with the exception of one night per week to operate until 9:00 p.m.; and to run with the present owner only, on the following described tract:

Lot 6, Block 1, Annahlee Heights Addition to the City of Tulsa, Oklahoma.

10995

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) Request for an exception to permit a fire station in an RM-1 District at the southwest corner of Frisco and Edison.

Presentation:

Blaine Imel, architect, advised that they are proposing to relocate Fire Station #2 at 500 West Edison, on the east edge of Owen Park. A plot plan was presented (Exhibit "G-1"). Mr. Imel advised that the Station will have two levels and will be similar in architecture to the existing fire stations.

Chief Dudley, advised that the subject Fire Station is a relocation of an existing fire station that is presently located at the corner of Archer and Boulder. Chief Dudley advised that the reason was because of the changes in the downtown area and to better suit the needs of the community in the northwest section in providing adequate protection. Chief Dudley explained that the subject site is the ideal location and has been contemplated for three years. The subject request is also a part of the Master Fire Protection Plan which was recently developed and met all the approval processes (City Commission, County Commission and Planning Commission). The portion of Owen to be used is a portion that has not been used for park facilities before. The Chief advised that the relocation of the fire station will not affect Owen Park in any way, and for the good of the community the subject application should be approved.

Frenchie Loving, executive secretary to West O'Main Improvement Association also a member of the District 10 Planning Team, also asked to speak for Frank Keith, who concurs with her statements for approval of the fire station in question. She advised that West O'Main was very instrumental in getting the School Board to build the new Central High School on West Edison. One of the stipulations was that the City provide better fire protection. The only fire station in the area is located 8 or 10 blocks away with one pumper truck. Ms. Loving advised that it was the understanding of the School Board, City Commission and civic groups that better fire protection would be provided. Ms. Loving went on to state that the fire station in question will be an attractive asset to the community.

Protestant:

Bernard Hecht, veterinarian and homeowner immediately across the street from the proposed development, advised that he appeared before the Board some time ago to obtain an exception in regard to zoning his property and reduce the lot size for single-family dwellings. When it became public knowledge that he owned the property, Jack Tillman with DTU contacted him about getting some quality housing close to the downtown area. Subsequently, the property immediately across the street from the subject property has been platted for 62 townhouse dwellings. Mr. Hecht advised that he disapproved of the location of the subject fire station for the following reasons: (1) There is presently a fire station at Archer and Boulder which is approximately 45 seconds away from the proposed fire station (the relocation is five-tenths of a mile), (2) there is another fire station located at 41st Street (2-bay location). Mr. Hecht advised that he also objects to the location of the subject fire station because it takes away park land.

Applicant's Comments:

Chief Dudley advised the Board that the subject property was originally to be used by the Highway Department. The land was given back to the City Park Department because it abutted the park property.

10995 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to permit a fire station in an RM-1 District, per plot plan submitted, on the following described tract:

A tract of land lying in Section 2, Township 19 North, Range 12 East and being a part of Observation Heights Addition to Tulsa, Oklahoma. Said tract being more particularly described as follows, to-wit: Beginning at the Northeast corner of Lot 8 of said Observation Heights Addition; thence West along the North line of said Addition a distance of 246' to a point; thence continuing West parallel with and 60.0' South of the North line of said Section 2, a distance of 66.84'; thence South parallel with the West line of said Observation Heights Addition a distance of 175.0'; thence East a distance of 254.6' to the Southeast corner of said Lot 8; thence along the East line of said Lot 8 a distance of 187.65' to the point of beginning.

10996

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) Request for permission to operate a home beauty shop in a detached garage in an RS-3 District at 1803 East 16th Place.

Presentation:

Gerald McAtee, applicant, advised that his wife would like to operate a home beauty shop to take care of her old customers. Mr. McAtee advised that he plans to build a double car garage and use a portion of it for the proposed beauty shop and the remaining portion for a garage. Mr. McAtee advised that the hours of operation will be spotty, Monday thru Friday, finishing at 7:00 p.m., no Saturday work.

Protestants:

W. H. Simpson, 1816 East 16th Place, a resident in the neighborhood of the subject application since 1926, advised that she is concerned about the business addition to the neighborhood. Ms. Simpson advised that the existing business uses in the area presently dominate the parking spaces. The protestant advised that she is attempting to keep commercial businesses out of the area. Ms. Simpson also advised that she is also representing Remington Rogers, and Irene Williamson, who also protest the subject application. Ms. Simpson advised that there are no other beauty shops or home occupations in their neighborhood at the present time.

Jonita Crowe, 1812 East 16th Place, advised that if she had prior knowledge of a business coming into the neighborhood she would not have bought her present house. Ms. Crowe advised that she does not want to see her street turn into a commercial street and also advised that the street is a dead-end street.

Arita Sadler, 1807 East 16th Place, advised that she objected to the subject application for the same reasons stated by Ms. Crowe.

10996 (continued)

Board Action:

On MOTION of WAIT, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to deny Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a home beauty shop in a detached garage in an RS-3 District, on the following described tract:

Lot 1, Bungalow Court Addition to the City of Tulsa, Oklahoma.

10997

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) Request for a variance of the floor area ratio from 12,540 sq. ft. to 15,000 sq. ft., in an OM District to permit a basement located north and east of 51st Street and Lewis Avenue.

Presentation:

Donald McCormick, 2325 East 13th Street, applicant, advised that he is proposing to build a two-story office building on the subject tract. A plot plan was presented (Exhibit "H-1"). The applicant advised that the proposed building conforms to the existing zoning for the area, and that the parking is adequate. The basement is needed in order to get their mechanical equipment in. Mr. McCormick advised that the Building Inspector has added the basement floor area to the square footage. Upon questioning, the applicant advised the Board that the office building will be occupied by an oil company and not medical uses (which require more off-street parking).

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait "aye"; no "nays"; Smith "abstaining") to grant a Variance (Section 630-Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the floor area ratio from 12,540 to 15,000 sq. ft. in an OM District to permit a basement, subject to the condition that the basement not be used for office space, but for mechanical, storage space, etc., on the following described property:

A part of the SE/4 of the SW/4 of the SW/4 of Section 29, Township 19 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point 396' West of the SE corner of said SE/4 of the SW/4 of the SW/4; thence North 240'; thence West 130.55'; thence South 240'; thence East 130.55' to the point of beginning, less the South 50' for dedicated street.

10998

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) Request for an exception to use property for cemetery and related uses south-east of 91st Street and Harvard Avenue.

Presentation:

T. Austin Gavin, attorney, representing Catholic Cemetery Association, advised that about 50 years ago the Catholic Church decided to move its cemetery from the Philbrook area to this location. Mr. Gavin presented plot plans (Exhibit "I-1") and advised that according to the plot plan the proposed addition to the present mausoleum is 800 feet from any residential area.

Charles Wilbanks, Russell McGee and Associates, Architects, advised that the request is for a special exception for the total site which includes a certified copy of a survey locating the existing mausoleum (Exhibit "I-2"). Mr. Wilbanks explained that the building setback from the north property line is 897.53 feet, the setback to the west property line is 770 feet. The floodplain in the northwest corner of the site has an approximate elevation of 647.6 feet to 647.5 feet. Mr. Wilbanks stated that the request is that all mausoleums and similar related cemetery uses be allowed to be constructed on the subject site, and that that particular site be designated for cemetery uses, and that all future mausoleums be subject to Protective Inspection's review only.

Bob Gardner advised that the physical facts in the subject application are different than the Rose Hill Cemetery application since the Cemetery does not abut any single-family subdivisions.

Discussion followed concerning the 1½ acres of the subject application that belongs to the Rentie Grove Cemetery, a community cemetery.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait "aye"; no "nays"; Smith "abstaining") to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) to use property for cemetery and related uses, on the following described tract:

The NW/4 of Section 21, Township 18 North, Range 13 East, Tulsa County, Oklahoma; except for one acre tract in the SW corner thereof.

10999

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) Request for permission to operate a car wash in a CS District at 4825 South Union Avenue.

Presentation:

David Mount, applicant, advised that the north-half of the subject property was approved for a car wash on September 7, 1978. Mr. Mount advised that what we are presently proposing is to build not only on the north portion, but behind the existing building an additional 3-bay car wash. Therefore, Mr. Mount advised that the request is for approval of the entire CS property to be used for the car wash. Mr. Mount also advised that screening is required on the north and east property lines. A plot plan was presented (Exhibit "J-1"). Upon questioning, Mr. Mount advised the Board that the previous car wash was never built and that the subject property changed ownership. Mr. Mount went on to state the proposal for the entire site is that they plan to use the existing buildings for selling gasoline products and convenience items and the new buildings will be used to house the car wash equipment. Mr. Mount stated that the proposed car wash will be a coin operated, self service unit.

Mr. Mount also informed the Board that full-time attendants will be on duty as long as the station is open and advised that the station will probably stay open until 10:00 p.m. or 12:00 p.m. The applicant also advised that he plans to replace the metal fence on the east property line with a wooden fence, and that the north 150 feet is undeveloped land at present. Mr. Mount could not definitely inform the Board as to the restrictions that could be imposed by the Board for the car wash because he is the contractor, not the operator.

Protestant:

Gerald Bildy, 4760 South Tacoma Avenue, advised that half of the area that is proposed for the car wash is behind his place of residence. Mr. Bildy advised that, initially, he had no objections to the north 150 feet of the subject property being approved for a 4-bay car wash. Mr. Bildy advised that he talked with the original applicant of the property who informed him that he would construct a screening fence to keep the construction debris and noise out of his back yard. The protestant also advised that the fence in question is presently more or less torn down. The protestant advised that it is highly impossible to control an all-night car wash, and that about a block away from the subject property is a Quik Trip convenience store. Mr. Bildy also advised that $\frac{1}{2}$ block away is another car wash, and that he feels it will be extremely difficult to keep teenagers away from the property at night, drinking beer, etc.

Applicant's Comments:

Mr. Mount advised that the design of the proposed car wash will not allow a semi-trailer to use the facility.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case No. 10999 to Thursday, May 15, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order for the owner to appear before the Board.

11001

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) Request for a variance to permit a detached garage on a lot by itself at 2444 East 29th Place North.

Presentation:

Israel Harper, 2444 East 29th Place North, advised that his request is to build a one-story garage measuring 24' x 26', with 2 twin 9' doors, 7' in height. The applicant advised that the proposed garage will be used to store his tractor, car, truck, and his other equipment. A plot plan was presented (Exhibit "K-1").

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a detached garage on a lot by itself, with the condition that the applicant execute a tie contract, on the following described tract:

Lot 2, Block 7, Amos T. Hall Addition to the City of Tulsa, Okla.

11002

Action Requested:

Appeal (Section 1650 - Appeals From the Building Inspector - Appeal from a decision of the Building Inspector for refusing to permit a health club and retail sales in an RM-1 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 a health club and retail sales in a nonconforming DX Service Station on the northeast corner of 41st Street and Riverside Drive.

Presentation:

Steven Olsen, advised that his client Virgil Reese purchased the DX Service Station at 41st and Riverside with the idea that it would be turned into a jogging club for people who jog along Riverside Drive. Mr. Olsen advised that gas sales will continue at the location. Mr. Olsen stated that the inside 3-bay facility will be converted into locker space for joggers to change, and we will have sales of tennis shoes. A plot plan was presented (Exhibit "L-1"). Upon questioning, Mr. Olsen advised that the subject facility has 22 available parking spaces.

Virgil Reese, leasee of the subject property, advised that he will offer memberships for the health club without any restrictions. With the membership, Mr. Reese advised that exercise equipment will be available along with a shower for those who do not care to jog. Mr. Reese advised upon questioning, that he expects a small membership and that he does not have enough space to accommodate more than 22 people at a time without running into problems inside and outside.

11002 (continued)

Mr. Reese also advised that he is willing to offer lower membership fees for non-peak hour usage and encourage members to stagger their jogging time.

Mr. Gardner advised that the applicant meets the off-street parking requirements based on the square footage of the building.

Discussion ensued as to the parking facility at the subject location.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to deny the Appeal (Section 1650 - Appeals From The Building Inspector) thereby upholding the decision of the Building Inspector for refusing to permit a health club and retail sales in an RM-1 District; and to grant a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a health club and retail sales as described by the applicant (as opposed to building racquet ball courts) in a nonconforming DX Service Station, subject to the applicant providing the Board with a revised plot plan showing the 22 parking spaces and replace the present sign with an equivalent size sign, on the following described tract:

Part of Lot 8, beginning 43½ feet East of the centerline of Riverside Drive; thence East 100'; thence North 200'; thence West 100'; thence South 200' to the point of beginning in Section 24, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

OTHER BUSINESS:

Request from the Building Inspector of an interpretation on screening and fencing requirements in flood areas.

Dortha Miller, Protective Inspections, advised that they have a Building Permit application at 11th and Memorial which would require a screening fence on the north side of the property. It is abutting the property that was approved today for the Park Department (Application No. 10993) and the rear of the subject property is within a floodplain. The City Hydrology Department approved a floodplain development permit conditioned upon the fact that there be no screening fence there because it would restrict the flow of water. They would not permit them to build a fence without leaving at least a 4-foot opening. Ms. Miller asked if the applicant would need to come before the Board for the screening requirement where another condition in the City prohibits the screening.

Mr. Jones advised that along 11th Street the property is zoned CH. The park is on the north side and the applicant requests a permit to build on the commercially zoned land.

Discussion ensued concerning the request.

Request from the Building Inspector: (continued)

Alan Jackere, Legal Department, advised that the Board has no authority to vary the terms of the Code without having a public hearing, therefore the Board should require an application to be filed. The Board agreed and so advised the Building Inspector.

Clarification of the Minutes from Case #10914:

Mr. Jones advised that the Case involves a church that was approved by the Board in March, 1980, per plot plan. The architect called him and asked that the clarification be put on the agenda. Mr. Jones stated that the plot plan shows a setback on the north of 20' and it should be 25'. Mr. Jones said that the applicant wants to know, is this what the Board intended to show since the plot plan was approved.

The Chair advised that this was not the intention of the Board and found that the applicant would need to apply for a minor variance.

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

Date Approved

May 29, 1980

Charles D. Turner

Chairman