

BOARD OF ADJUSTMENT
MINUTES of Meeting 310
Thursday, May 15, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Lewis
Purser, Chairman
Smith
Victor
Wait

STAFF PRESENT

Gardner
Jones
Johnson, D.

OTHERS PRESENT

Jackere, Legal
Department
Miller, Protective
Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on May 14, 1980, at 11:20 a.m., as well as in the Reception Area of the TMAPC Offices.

The Chairman called the meeting to order at 1:32 p.m. after declaring a quorum present.

MINUTES:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve the Minutes of April 17, 1980, No. 308.

MINOR VARIANCES AND EXCEPTIONS:

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:

Mr. Jones advised that the information needed for the file has not been supplied by the applicant. Mr. Jones also advised the Board that the applicant was contacted and informed that he needed to appear before the Board today and also that the Board would make a decision regarding his application.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to dismiss the balance of the request of Case No. 10962 from the agenda.

11010

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 25' to 22' to permit an addition to the present residence at 4337 East 74th Place.

11010 (continued)

Presentation:

Lee Butler, applicant, representing Mr. and Mrs. Bailey, owners of the subject property, advised that they are requesting a 3-foot variance. A plot plan was presented (Exhibit "A-1"). Mr. Butler also advised that the architecture will tie into the architecture of the existing house.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Lewis, Purser, Smith, Victor "aye"; no "nays"; Wait "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 25' to 22' to permit an addition to the present residence, per plot plan submitted, on the following described tract:

Lot 5, Block 2 Southridge Estates 5th Addition Amended, City of Tulsa, Tulsa County, Oklahoma.

11019

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 60' to 50' from the centerline of 21st Street to permit a pole sign at 7901 East 21st Street.

Presentation:

Mike Moydell, applicant, Oil Capital Neon, presented a plot plan (Exhibit "B-1") and advised that the Pemco sign they would like to put up would be blocked out by the Brahams sign if a variance is not granted. But if the sign could be moved up to 50' then the problem will be solved because no sign would be blocked out.

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 Variance (Section 280- Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 50' from the centerline of 21st Street to permit a pole sign, per plot plan submitted, removal contract required, on the following described property:

The W. 150' of the W/2, S/2, S/2, SE/4, SE/4, SE/4 of Section 11, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

11023

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 front setback requirements from 25' to 20' in an RS-3 District at 4733 South Vancouver.

11023 (continued)

Presentation:

Edward Drake, applicant, presented a plot plan (Exhibit "C-1") and advised that his existing home has a foyer. To the north of the foyer, there is an existing porch. The applicant stated that he would like to align the porch with the foyer.

Upon questioning, the applicant advised that the subject property is still being used as church property and that residences exist to the north of the subject tract.

Bob Gardner, advised that the property line is not where the property line is shown on the plot plan. Mr. Gardner advised that an additional 5' has been dedicated. Mr. Gardner advised that the record should reflect, if the subject application is approved per plot plan, that they will be approximately 39' from the centerline, instead of 50'.

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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the front setback requirements from 50' to 39' from the centerline of Vancouver, per plot plan submitted, on the following described tract:

The North 148' of Lot 6, Block 1, Greenfield Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

11026

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 setback requirements on the corner lot from 25' to 20' on the southeast corner of Oxford and Haskell Place.

Presentation:

Bill Hewgley, Hewgley Construction Co., representing Faith Church of the Nazarene, advised that the request is for a 5' variance according to what their plot plan (Exhibit "D-1") shows. Mr. Hewgley advised that when the plot plan was drawn the architect was misinformed by the Building Inspector's Office. Upon questioning, the applicant advised that there is no property immediately abutting the subject tract.

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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements on a corner lot from 25' to 20', per plot plan submitted, on the following described tract:

Lot 2, Block 14, Fairland Addition to the City of Tulsa, Oklahoma.
5.15.80:310(3)

UNFINISHED BUSINESS:

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.

Presentation:

Ray Bates, applicant, advised the Board that his business does not create a lot of traffic. Mr. Bates advised that his neighbors have complimented him on the way he has maintained the subject property. Mr. Bates also advised that he is operating an insurance and real estate office at the subject location. The applicant advised that the property in question is on an access road, facing North Peoria, and that he has provided 10 off-street parking spaces for his business. Mr. Bates informed the Board that he has worked with the Vision 2000 Program and that he started his business on the basis of his interpretation that the District 25 Planning Team has adopted an amendment in their Plan to include his business to be allowed on North Peoria. Currently, Mr. Bates feels that it is very difficult in trying to get businesses to locate in North Tulsa. The applicant also advised that he felt his business was best suited for the corner site rather than a single-family dwelling. Upon questioning, the applicant advised that to the north, south and east are single-family residential structures.

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 deny an 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 to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit an Insurance and Real Estate Office in an RS-3 District; and the applicant has 45 days to vacate and relocate the present use, on the following described tract:

Lot 21, Block 3, Northridge Addition to the City of Tulsa, Okla.

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:

W. L. Smith, owner of the property, advised that the subject case was first heard by the Board when he was out of town. Mr. Smith advised that the property contains an existing 3-bay DX Service Station that was built in 1965. Mr. Smith purchased the property one year ago to convert the present structure into a mini-mart self-serve gasoline

station & car wash. When Mr. Smith purchased the property it was already zoned CS and had approval for a 6-bay car wash on the north 150 feet. Mr. Smith advised that his request is to permit 4-bays to the north and 3-bays to the east. Mr. Smith referred to the protestant present at the Board hearing on May 1st, who was concerned with loitering of teenagers. Mr. Smith advised that a full-time attendant will be on duty at all times for the car wash. A plot plan was presented (Exhibit "E-1"). Mr. Smith also advised that the trash is taken care of by the attendant on duty.

The Chair commented that there is concern about the placement of the bays on the property.

Mr. Smith advised that there is a 6' screening fence at the rear of the subject property and another 150 feet before any residences. Upon questioning, Mr. Smith advised that there would always be someone on duty at the car wash that would also be taking care of the mini-mart and gasoline self-service station. Mr. Smith stated that presently a metal 4-foot fence exists that could be extended 2 more feet.

Protests: One protestant was present at the May 1, 1980 hearing.

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 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car wash in a CS District, per plot plan, subject to the conditions that the car wash when in operation have an attendant on duty at all times; the operation be restricted to no later than midnight on the 4-bay portion, and no later than 10:00 p.m. on the 3-bay portion with the understanding that if the conditions change, the applicant can always come back and change the restrictions when appropriate, and that the lighting be directed away from the RS zoned property, on the following described tract:

The South 290 feet of Lot 3, Block 3, Suburban Highlands Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

11003

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1030 - Floodway Zoning District - Special Exception Uses) request for an exception to permit off-street parking; use an existing building for commercial use for automobile sales and service; and have business signs; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1670 - Variances) request for a variance to permit the same as above at 1253 South Memorial.

Mr. Jones advised that the subject property is in a floodplain.

11003 (continued)

Presentation:

Gino Coccioli, applicant, advised that he would like to use the existing building on the property for business purposes. Mr. Coccioli advised that he has no plans for any new construction. The applicant stated he might put in an antique shop or garage if the Board approves his application.

Bob Gardner advised that the applicant filed a zoning application, and the City Hydrologist discovered that almost all of the property is in a floodplain. Mr. Gardner advised that new construction cannot take place in a floodway. Upon the determination of the subject property being in a floodway, the applicant was advised to file a Board of Adjustment application to utilize the existing structure for business purposes, which would include possibly used car sales. Mr. Gardner also advised that parking is permitted in a floodway, but the ordinance does not permit the development of new buildings. The utilization of an existing building could be accommodated by the Board.

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 continue Case No. 11003 to Thursday, May 29, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center in order for the applicant to advertise for permission to have retail Use Units 13, 14 and 15.

11004

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 on the south from 25' to 5' at the northeast corner of 4th Street and Lewis Avenue.

Presentation:

R. G. Mercer, applicant, advised that he is proposing to build a retail supermarket on the corner of 4th Street and Lewis Avenue. Mr. Mercer advised that the property is limited, as far as space, therefore, he is requesting a setback from 25' to 5' to provide more parking on the north.

The applicant advised that an existing building on the north side is being torn down. A plot plan was presented (Exhibit "F-1"). Mr. Mercer also advised that an old Warehouse Market existed at the subject location. Upon questioning, the applicant advised that the construction proposed for the new building is masonry, and the requested setback would be closer to the street than the residential structure on the east.

Discussion followed concerning the setback of the building from the street. The Board commented that 4th Street is too narrow to grant a setback from 25' to 5'.

Protests: None.

11004 (continued)

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 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on the South from 25' to 13', per plot plan submitted, on the following described tract:

Lots 8 through 17, inclusive, Block 6, R. T. Daniel Addition to the City of Tulsa, Oklahoma.

11005

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1215 - Other Trades and Services) request for permission to operate a pawn shop in a CS District at 1531 South Harvard Avenue.

Presentation:

John Graves, applicant, 3123 Woodward Boulevard, advised that he has entered into an agreement with the present owners to purchase the commercial property, contingent on approval of the subject application by the Board. Mr. Graves stated that if the application is approved, he will establish a jewelry store and that he feels the capability of being able to loan money will help insure the success of the business. Mr. Graves stated that he has extensive plans to renovate the existing structure and completely improve its appearance. Mr. Graves also advised that if the application is approved by the Board, his plans will improve the property. Upon questioning, the applicant advised that the existing structure on the property is a duplex presently being operated as commercial property. Mr. Graves also advised that in addition to jewelry, he will possibly have customers pawning stereos and cameras, preferably high dollar items.

Protestant:

Harold Clark, owner of the property south of the proposed pawn shop, advised that his concern is where Mr. Graves' customers will be parking. Mr. Clark advised that his parking lot is next door to the property in question and its difficult keeping Mr. Graves' customers out of his parking lot. Pictures were presented by Mr. Clark taken at 11:00 a.m., depicting the parking situation (Exhibit "G-1"). Upon questioning, the protestant advised that if the parking problem is corrected, he has no objection to the proposed pawn shop.

Applicant's Comments:

Mr. Graves advised that he has parking spaces for two cars in front of the building. The applicant advised that there is space in the driveway for three cars and that he is tearing down the garage and plans to asphalt the entire area which should provide ample parking for fourteen cars. Mr. Graves stated that he would be happy to post a sign describing the proper area to park, keep a closer eye on the customers, and work with Mr. Clark to prevent the parking from becoming a problem in the future. The applicant also advised that if the portable signs being used on the property were removed, he would have one more parking space.

11005 (continued)

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 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a pawn shop in a CS District, on the following described tract:

Lot 7, Block 1, Sunrise Terrace Addition to the City of Tulsa, Oklahoma.

11006

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 4102 West 57th Street.

Presentation:

W. E. Byfield, representing his daughter Paula, the applicant, advised that last year he purchased a mobile home and received approval from the Board to maintain the mobile home. Mr. Byfield also advised that he is asking for an extension of the mobile home for another year.

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 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 one year, removal bond required, on the following described property:

Lot 1, Block 7, Doctor Carver Addition to the City of Tulsa, Okla.

11007

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential District- Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 50' to 16.4' on the south; and from 50' to 10' on the east at 8130 East 12th Street.

Presentation:

Gerald Snow, 800 North Lynn Lane, advised that he proposes a 16 unit apartment complex. The applicant stated that he was not aware of the 50' setback and that he has talked to the neighbors to the south and to the east who stated that they have no objections to his proposal. A plot plan was presented (Exhibit "H-1") and two statements from property owners stating that they have no objections to Mr. Snow's proposal (Exhibit "H-2").

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 Variance (Section

11007 (continued)

430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 16.4' on the south; and from 50' to 10' on the east, per plot plan submitted, contingent upon a 6' privacy fence being in place before the parking lot is open for use, on the following described property:

The West 173.81' of Lot 16, Block 3, Forest Acres Addition to the City of Tulsa, Oklahoma.

11008

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 100' to 91' to permit an addition to the present building at 2648 North Cincinnati Avenue.

Presentation:

George Bell, applicant, advised that he is still building the same addition that was approved by the Board in 1977. A plot plan was presented (Exhibit "I-1"). Mr. Bell advised that he received a renewal from the Building Inspector's Office on his building permit before it was brought to his attention that he needed Board approval again.

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 a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 91' to permit an addition to the present building, per plot plan submitted on the following described property:

Lot 1, Block 1, Archer Heights Addition to the City of Oklahoma.

11009

Action Requested:

Exception (Section 220 - Height Exceptions) request for an exception to erect a 200' high tower for a television transmitter in an IL District; and request for a modification of the setback requirements to permit the tower 33' from an R District at 7422 East 46th Place.

Presentation:

John Moody, representing Tulsa 23, which will be a new UHF television station in the City of Tulsa, advised that FCC has approved their application for Tulsa. The principles involved in Tulsa 23 are: John H. Williams, Robert Thomas, Walter H. Helmerich, III, C. W. Clint, Jr., Charles Williams, Joseph Parker and a number of attorneys connected with Mr. Moody's firm. The applicant advised that the group was pleased to acquire a transmission site, north of Coweta, near Oneta, Oklahoma for their transmitting tower. Mr. Moody advised that in order to transmit, Tulsa 23 must have a location in the City of Tulsa to locate their studios. They will have a direct transmission line to that tower. Mr.

Moody stated that the location of the subject site was the result of study by Mr. Lavenstein and his chief engineer. James Lavenstein will be the general manager of the station. Mr. John Moody informed the Board that the property for the tower is located in an industrial district. However, the rear property line does abut an RM-1 District and the tower will be located 360' from an RS-3 District to the west. Mr. Moody advised the Board that the tower must setback 2' for each 1' of height in excess of 15', therefore, his application is for a waiver or modification of the setback requirement from the south line to permit the tower to be located within 33' of the south property line and a request to locate the tower within 360' or a 10' modification of the setback requirement from the west property line. Mr. Moody said that the particular site for the subject tower is summarized by a letter that was read, written by Mr. Lavenstein to Mr. Moody who stated:

"First of all, it will give us a direct line of site from the studios to transmitting facilities at Oneta. And it will do so without degradation of the signal which would happen if it were located in other areas in the City of Tulsa."

Mr. Moody also stated that Tulsa 23 is able to locate their studio in a building that will meet the requirements for the grid and weight of the studio lighting. Therefore, the building or structure itself is one of few such buildings that they could lease. Mr. Moody submitted a plot plan (Exhibit "J-1") and advised that the configuration of the building makes it impossible to locate the tower at any other location than at the rear of the building. Immediately to the south of the subject location is the Villa Fontana Apartments, actual structures located approximately 108' from the tower. The studio will be utilizing 18,005 sq. ft. of the existing building which has a total area of 31,560 sq. ft. There is adequate parking for the studio use, which is another reason why the location is favored by Tulsa 23. Mr. Moody stated that the people in the neighborhood have been contacted, and the people spoken to were not opposed to the application. Additionally, the tower is being constructed at a standard that could withstand a 50 pound wind load which would withstand winds in the approximate range of 120 to 125 miles an hour. The standards under the 200' tower that is being constructed are the ones that are normally used for much larger towers with heavier equipment on the top of them. Tulsa 23 feels that they have built in an additional safety factor which one would not normally see. A 6' disc which is included within the height requested, will be on top of the actual tower structure, with a concrete base.

Bob Hardy, 202 S. 193rd E. Ave., Chief Engineer of Tulsa 23, sketched the proposed tower on the blackboard and advised that the tower is a structure similar to an oil derrick, it will be 3-legged. The tower will be very narrow at the top (about 2 feet). At the bottom, Mr. Hardy advised, they expect the tower to be 17 to 18 feet from one leg to the other. The pylons will go down into the concrete, which will be constructed by a tower company. The structure below the ground is assured that it will go to a depth that is necessary to make the tower a 50 pound wind load tower. Mr. Hardy explained that a 50 pound wind load is explained in the RS regulations, which are government regulations, which state that the definition of a 50 pound wind load tower is somewhere in the vicinity of 120 to 125 mile per hour winds at which the structure would be able to withstand before it would topple.

11009 (continued)

Upon questioning, Mr. Hardy advised that they asked the engineering company contracted to make the tower a 50 pound wind load tower. The 50 pound wind load specification is one that is set by the government and the company that builds the tower follows their regulations. Mr. Hardy stated that 120-mile an hour winds would wipe out the entire district before toppling the tower.

Discussion followed concerning the setback of the tower from the property line, and the insurance coverage protecting the neighboring residential areas. Mr. Moody advised that insurance coverage was somewhere between \$500,000.00 and 1 million.

Mr. Gardner advised that the Ordinance was written to restrict ham radio operators and C.B'ers., to 60-foot maximum height towers in residential areas. Mr. Gardner then explained that according to the Zoning Ordinance, there are no height restrictions in industrial areas.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-2 (Lewis, Purser, Victor "aye"; no "nays"; Smith, Wait "abstaining") to grant an Exception (Section 220 Height Exceptions) to erect a 200' height tower for a television transmitter in an IL District; and of the setback requirements to permit the tower 33' from an R District, per plot plan submitted, on the following described tract:

Lot 3, Block 2, Industrial Equipment Center Third Addition to the City of Tulsa, Oklahoma; less the East 86' thereof.

11011

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for an exception to permit converting a carriage house into an office for the Tulsa Arts Council, and in the alternative; a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1670 - Variances) request for a variance for same at 2210 South Main Street.

Presentation:

Jim Graver, representing Stephen Olsen, advised that the request is from the Tulsa Chapter of American Institute of Architects, which is a member of the Arts and Humanities Council, who have for some time negotiated with the Arts and Humanities Council and Harweldon to relocate their offices in Tulsa within Harweldon, since they make use of the structure for meetings and programs. Mr. Graver explained that a plot plan has been drawn to rennovate the rear of Harweldon building into AIA offices (Exhibit "K-1"). Upon questioning, Mr. Graver advised that the maximum number of people expected per day would be 2 and that 1 secretary and one part-time employee would be occupying the office on a daily basis. Mr. Graves stated that the only time a number of people would be present is in the evenings and at night.

11011 (continued)

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 permit converting a carriage house into an office for the Tulsa Arts Council, to run in behalf of the Arts and Humanities Council only, (not the land) on the following described property:

Harwelden Addition to the City of Tulsa, Oklahoma.

11012

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to operate a party specialty consisting of permitting flowers, and designs for weddings in an RS-3 District (in a detached garage) at 1510 East 19th Street.

Presentation:

David Thornton, representing Alyce Heinrich, read a letter (Exhibit "L-1") was written to the neighbors, particularly those who received notices of the subject application. She stated in the letter that she would be rendering consultation services at her home, not entering into a full fledged business operation in her home. Mr. Thornton stated that most of Ms. Heinrich's work will be taken care of over the phone. Upon questioning, Mr. Thornton advised that Ms. Heinrich has operated the business from her home for 6 years.

Protestants:

Lee Selby, 1352 East 18th Street, President of the Swan Lake Homeowners Association, advised that they are opposing the subject application for a number of reasons. In addressing Ms. Heinrich's letter, Mr. Selby stated that the letter itself points out why they don't care to have the business in their neighborhood being that the applicant has conducted her business illegally for 6 years from her place of residence. The fact that Ms. Heinrich admits as to what is going on is why the residents of the neighborhood would like to see the application denied, stated Mr. Selby. Mr. Selby advised that doing something illegally for 6 years does not justify continuation of the business. Five years ago the applicant put a sign in her front yard and widely advertised her business operation. A complaint was made then which cut down on the advertising and the applicant pulled up her sign. Mr. Selby advised that they wanted the business closed down, but the cost involved in retaining an attorney was too high, therefore they did not pursue the matter. Mr. Selby said that the request also would set a precedent for their neighborhood if the subject application is approved. Mr. Selby presented a petition (Exhibit "L-2") signed by 34 residents of the immediate neighborhood.

Ed Lotus, homeowner 3 doors to the east of the subject application, advised that he opposes the application for attempting to make exceptions in a quality neighborhood that is 50 years old.

11012 (continued)

Ronald Wood, 1346 East 19th Street, approximately 1 block west of the subject application, advised that he and his wife opposed the application and asked the Board to reject the application. Mr. Wood stated that granting the application would set a precedent in the neighborhood, and increase the traffic flow in 19th Street.

Three other protestants were present in the room.

Applicant's Comments:

Mr. Thornton presented pictures (Exhibit "L-2") of the subject property to the Board and advised that there is ample parking on the property. Mr. Thornton also stated that the Board did not have the authority to deny the telephone consultation service.

Alyce Heinrich stated that for the 6-years that she operated the business from her home she did not receive any complaints from her neighbors concerning the operation. Upon questioning, Ms. Heinrich stated that the business started because she needed the extra income and after this past Christmas she moved the operation to another location. Ms. Heinrich said that her property is one of the largest properties in the neighborhood, and advised that she feels most of the complaints stem from professional jealousy. Upon further questioning, Mr. Heinrich stated that she had no idea that she needed a permit to operate a home occupation until April of this year. The applicant explained that most of her work is done with the phone and the only reason someone would come to her house would be to look at pictures, which would probably be the bride and her mother.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to deny a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a wedding and party consultation service in her home (application as amended) in an RS-3 District on the following described tract:

Lot 20, Block 28, Park Place Addition to the City of Tulsa, Okla.

11013

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 5400 South 65th West Avenue.

Presentation:

Billie Carroll, 5400 South 65th West Avenue, advised that his request is to renew his permission to maintain his mobile home for another year.

Protests: None.

11013 (continued)

Board Action:

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

Lots 1, 2, 3, 4, 5, 60, 61, 62, 63 & 64, Block 34, New Taneha Addition to the City of Tulsa, Oklahoma.

11014

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 1205 - Community Services, Cultural and Recreational Facilities) request for an exception to use property for church use and parking; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance to permit building across lot lines at 7216 East Admiral Place.

Presentation:

Byron Salsman, representing Calvary Baptist Church, presented a plot plan (Exhibit "M-1") and advised that according to the Code they are not required to have all their lots changed unless they intend to build on it and one lot which has not received a variance has already been paved and he would like to straighten out the problem. Mr. Salsman advised that the subject land rises from south to north and he was told by Mr. Brown, a neighbor, that the inlet for the storm sewer does not carry off the water after a heavy rain. The proposed drainage solution would be to build a curb around the parking lot that is adjacent to the residential properties and engineer area drains. The new construction will be flat roof construction and they intend to take the water off the flat roof construction either by interior down spouts or exterior down spouts into the storm drain line. Mr. Salsman advised that there is a house on Lot 9, which is owned by the Church and a house on Lot 8, which is not owned by the Church. He stated that he has advised the Church in his master plan that they provide parking spaces for approximately 200 cars; however, Mr. Salsman said that he would prefer not to build on Lot 9 and isolate the house next door between parking lots.

Protestants:

Don Brown, 43 South 73rd East Avenue, advised that James Daugherty, resident on the southeast corner of the block in question, is disabled with a very severe heart condition and he cannot withstand to be inundated any more by flood water. Mr. Brown advised that he did not like the runoff water either and stated that in the past heavy rainstorm's runoff water has come over his property because it wasn't accepted by the storm sewer. Mr. Brown stated that his concern stems from his past experiences with contractors for the Church not doing right. Upon questioning, Mr. Brown advised that a curb below the privacy fence would help keep the water off his property.

11014 (continued)

Gary Underwood, representing Bernadine Lindsay, advised that Ms. Lindsay lives on Lot 8, which will be surrounded by the parking lot. Ms. Lindsay is an older lady who cannot get around too well. Ms. Lindsay is afraid of putting a parking lot around her house for fear that it would lower the property value of her home when she decides to sell it, therefore she opposes the application.

Applicant's Comments:

Mr. Salsman advised that they are not trying to isolate themselves from the neighborhood, and stated that Lot 9 would not be conducive for a parking lot at this time. The lots immediately north of her would need a variance because of the Family Life Center. Again Mr. Salsman advised that they will curb the adjacent line between the parking lot and the residential property, and that they will redesign all the parking lots they build to carry the water on the Church owned land into their own lines and to be carried to the storm sewer.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (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 the property for church use and parking (except Lot 9) and; to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across lot lines; provided the storm drainage plans are subject to review and approval by the City Hydrology Department; 6' wooden fence be erected and maintained by the Church on both sides of the fence (painting, upkeep), with the finished side towards the homes, not the Church; the perimeter of the fences next to residence not be used as back stops for tennis, etc.; lighting be low lighting directed away from the residences, on the following described property:

Lots 7, 9, 13 and 14, Block 4, Crestview Estates Third Addition to the City of Tulsa, Oklahoma, and Lot 2, Block 5, Tommy Lee Addition to the City of Tulsa, Oklahoma.

11015

Action Requested:

Exceptions (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to operate a real estate office in a residence at 4633 South Urbana Ave.

Mr. Jones advised that he had received a letter of protest (Exhibit "N-7").

Presentation:

Ruth Davis, applicant, 4633 South Urbana Avenue, advised that she has been a real estate associate for two years, and stated that she would like to operate a real estate office in her home. Ms. Davis stated that she is aware of the regulations of the operation of a home occupation, and that she does not anticipate a lot, if any, traffic. Upon questioning, the applicant advised that the area of the application is a residential area and that the closings will be held in the offices of various mortgage companies. Ms. Davis also said the home occupation request is in order to have a place to write contracts.

Protestants:

Richard Amatucci, 4644 South Vandalia Avenue, owner of the adjacent property to the subject application, advised he is concerned about the exception requested in a residential area. Mr. Amatucci advised that many small children live in the neighborhood and that the immediate street adjacent to the property is used quite frequently and approving the application would only increase the present traffic flow into the area. Inadequate parking facilities exist in the area of the application, therefore the cars would have to park on the street making it a safety hazard to children. A petition of protest was presented (Exhibit "N-2") with 100 signatures opposing the subject application. Mr. Amatucci asked the Board to deny the application.

Sally Williamson, 4658 South Urbana Avenue, advised that she has been a sales associate in real estate for 8-years. Ms. Williamson stated that she is aware of the long hours and the 7-day work week schedule of real estate agents, and that all cash closings are handled in the real estate company's offices with sometimes 10 to 15 people present for the closing.

Donald Peacock, 4635 South Urbana Avenue, submitted a letter of protest (Exhibit "N-1") and advised that he and his wife oppose the application primarily because if approved, a crack in the door would be open and it would be very hard to close later on. Mr. Peacock stated that he does not want the peace and tranquility of a residential neighborhood upset.

Richard Loring, 4633 South Urbana Avenue, advised that the applicant is a recent purchaser of her home. She must have had the business in mind when she purchased the home, and therefore, she should have purchased a home in an area where commercial zoning is permitted. Mr. Loring asked the Board to deny the application.

Wayne Whited, property owner behind the subject property, advised that the hours are long in the real estate business because he is a real estate associate and real estate appraiser. Mr. Whited advised that he doubts that Ms. Davis would turn away possible customers from her home.

Applicant's Comments:

Ruth Davis advised that the reason she would like to have a home occupation is because her husband is 73 years old, in poor health and she would like to be as near him as possible.

Protestant:

Patricia CheChe, 4644 South Vandalia, advised that she has seen Mr. Davis working in the yard moving several bushes from the front to the back. Ms. CheChe stated that Mr. Davis did not seem to be in poor health to her.

Board Action:

On MOTION of WAIT, the Board voted 3-0-1 (Purser, Victor, Wait "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2- Home Occupations) to operate a real estate office in a residence, on the following described tract:

Lot 11, Block 4, Greenhills Addition to the City of Tulsa, Okla.

11016

Action Requested:

Exceptions (Section 610 - and 1680 - and Variances - Sections 207 - 1800-1670.1 - Applicant's request for exceptions, variances and use variances to permit a townhouse development with attached and detached dwelling units on individual lots located on private streets in an OL District north and west of 49th Street and Lewis Avenue.

Presentation:

Gary LaGere, applicant advised that he is the owner of the subject property and that the request is a reapplication of a previous Board approval. Mr. LaGere advised that this particular project was approved by the Board in September of 1977, and there has not been any changes in the plans for the development. The 2-year time limit merely lapsed.

Protests: None.

Board Action:

On MOTION of VICTOR, the Board voted 3-0-1 (Purser, Victor, Wait "aye"; no "nays"; Smith "abstaining"; Lewis, "absent") to grant an Exception (Section 610 - and 1680 - and Variances - Sections 207 - 1800 - 1670.1) - to permit a townhouse development with attached and detached dwelling units on individual lots located on private streets in an OL District; subject to all of the conditions of Case No. 9627, on the following described property:

Proposed Bolewood Townhouse Addition:

A tract of land in the E/2 of the SE/4 of Section 30, Township 19 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma; more particularly described as follows, to-wit:
Commencing at a point on the East line of Section 30, said point being 889.17' North of the SE corner of Section 30 and 100' South of the SE corner of the N/2 of the N/2 of the SE/4 of the SE/4; thence South 89°-48'-13" West and parallel with the South line of the N/2 of the N/2 of the SE/4 of the SE/4, a distance of 594.50' to the point of beginning; thence continuing South 89°-48'-03" West a distance of 197.27' to a point; thence along a curve to the right with a central angle of 30°-00'-00" and a radius of 91.96' a distance of 48.15' to a point; thence North 60°-11'-57" West a distance of 20' to a point; thence along a curve to the left, with a central angle of 30°-00'-00" and a radius of 131.96' a distance of 69.09' to a point; thence South 89°-48'-03" West a distance of 400' to a point, said point being the SE corner of Lot 1, Block 2, Bolewood Park Amended, according to the recorded plat thereof; thence North 00°-25'-00" West a distance of 390' to a point; thence North 89°-48'-39" East a distance of 660.00' to a point; thence North 00°-25'-00" West a distance of 50' to a point; thence North 89°-48'-39" East a distance of 66.25' to a point; thence South 00°-22'-30" East a distance of 479.86' to the point of beginning and containing 6.817 acres, more or less.

11018

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 from 55' to 52.2' from the centerline of

5.15.80:310(17)

11018 (continued)

25th Place, and a variance of the side yard from 10' to 6.6' at 2227 East 25th Place.

Presentation:

Standley Hall, applicant advised that they have already made improvements to the residence and the request is to clear up any future problems in the sale of the house. The problem was found when they had the survey made for the mortgage company. Mr. Hall presented a plat (Exhibit "0-1") of survey.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis, "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 from 55' to 52.2' from the centerline of 25th Place, and a variance of the side yard from 10' to 6.6', per plat of survey on the following described property:

All that part of Lots 17 and 18, Block 5, Wildwood, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; beginning at a point on the South line of Lot 17, 35' Westerly from the SE corner of Lot 17; thence Northerly on a straight line to a point on the North line of Lot 17, 32' Westerly from the NE corner of Lot 17; thence Easterly along the North line of Lots 17 and 18 a distance of 82' to a point on the North line of Lot 18, 50' Easterly from the Northwest corner of Lot 18; thence Southerly on a straight line to a point on the South line of Lot 18, 54' Easterly from the SW corner of Lot 18; thence Westerly along the South line of Lots 18 and 17, a distance of 89' to a point on the South line of Lot 17, 35' Westerly from the SE corner of Lot 17; Street Address: 2227 East 25th Place.

11020

Action Requested:

Exception Section 630 - Bulk and Area Requirements in the Office Districts - request for a special exception to permit a two-story building with 35% floor area ratio in an OL District; and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements to permit building 25' from Edison Street at 25th West Avenue and Edison Street.

Presentation:

John Moody, representing Gilcrease Hills Bank, presented a plot plan (Exhibit "P-1") and advised that the bank's charter has been approved and also received FDIC approval. Mr. Moody stated that the bank has acquired lots 7 through 10 of Easton Heights Second Addition, the vacated portion of 25th West Avenue and part of the Monticello Addition. Mr. Moody advised that the structure of the building fronts 25th West Avenue and Edison Street and also fronts onto Easton Court;

therefore the property has a double frontage situation. Edison which is a designated major street which requires a 50' setback and Easton, is a minor residential street and requires a 25' setback. Mr. Moody informed the Board that access from Easton is not being requested at this time although the plot plan shows access. The plot plan shows what would ultimately be needed if there is a change in the residential neighborhood. Mr. Moody said that they are proposing a two-story structure and requesting a 35% coverage allowance in order to leave space available for parking and drive-in facilities planned for the future.

Bob Gardner advised that, from a planning standpoint the property in question is part of a difficult major street intersection since it is developed in a mixed land use. The northwest corner is developed single-family residential and the homes back up to the intersection. The northeast corner is developed commercial and the southwest and southeast corners have presented a problem as far as what type of land uses should be permitted. Mr. Gardner advised that office use is ideal and probably the most compatible use with the existing uses in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis, "absent") to grant an Exception (Section 630 - Bulk and Area Requirements in the Office Districts) to permit a two-story building with 35% floor area ratio in an OL District; and to grant a Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670 - Variances) of the setback requirements to permit building 25' from Edison, per plot plan except for the southwest access point and per plat of survey submitted, on the following described tract:

Lots 7, 8, 9, and 10, Block 1, Easton Heights Second Addition; and Lot 1, Block 3, Monticello Addition; and that portion of the vacated South 25th West Avenue lying west of Lot 1, Block 3, Monticello Addition; all in the City of Tulsa, Oklahoma.

Action Requested:

Appeal (Section 1650 - Appeals From the Building Inspector - Appeal from the decision of the Building Inspector for refusing to permit the operation of an Art Museum Center in an RS-1 District; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for an exception to permit an Art Gallery and Museum with related activities in an RS-1 District at 2727 South Rockford Avenue.

Presentation:

Lynn Meyer, Plan Director of GEO-Plan, representing the City of Tulsa Southwest Art Association, advised that they applied for a building permit for an addition to Philbrook and the permit was denied. Mr. Meyer advised that the request is for an exception to permit an art gallery and permitted activities in an RM-1 zoned area. Upon questioning, Mr. Meyer informed the Board that the present structure is about

11022 (continued)

90' from the property line, and the reason the request is being made is to make additions to the art center with future projects that fall within the same line of things that need to be done for the art center to continue. Mr. Meyer also stated that the proposed building contains offices and a receiving dock for art supplies. They will also have a cooling tower which will not be located in the immediate area, but setback further northeast in a secluded area within 50' from the property line. The proposed building will have the same type of architecture as the present structure.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis, "absent") to grant an Appeal (Section 1650 - Appeals From the Building Inspector) to permit the operation of an Art Museum Center in an RS-1 District; and to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit an Art Gallery and Museum with related activities in an RS-1 District; contingent upon the applicant returning to the Board with sketches and plot plans before a building permit is issued; that a 50' building setback line be imposed on the perimeter of the property; and any exceptions to the 50' setback line be brought to the Board's attention, with the exception of the construction of the proposed cooling tower and to continue with the present architecture of the existing building, on the following described property:

Philbrook Addition to the City of Tulsa, Oklahoma.

11027

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Requirements) request for permission to remove the screening requirements where the purpose of the screening cannot be achieved at 7941 East 11th Street.

Presentation:

Bill Marley, with Aztec Building System from Norman, Oklahoma, representing U-Haul advised that he is before the Board due to a conflict of requirements from within the City. Mr. Marley advised that the planning department requires a screening on the north property line between the present CH zoning and the residential zoning of the park immediately north. However, Hydrology will not allow them to construct the screening fence because the property is in a flood area particularly the northeast corner. A plot plan was submitted (Exhibit "Q-1").

Protests: None.

11027 (continued)

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis, "absent") to grant an Exception (Section 250.3 (d) - Modification of the Screening Requirements) to remove the screening requirements where the purpose of the screening cannot be achieved on the northeast corner of the project only, on the following described property:

A tract of land in the SE/4 of the SE/4 of Section 2, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to-wit: Commencing at the Southeast corner of Section 2; thence North $0^{\circ}-08'-28''$ West along the East line of said Section 2 a distance of 334.74' to a point; thence due West a distance of 35.0' to the point of beginning; thence South $0^{\circ}-08'-28''$ East a distance of 35.0'; thence due West a distance of 30.0'; thence South $0^{\circ}-08'-28''$ East along the Westerly right-of-way line of Memorial Drive a distance of 160.0'; thence South $32^{\circ}-24'-26''$ West a distance of 78.16' to a point on the Northerly right-of-way line of East 11th Street; thence Northeasterly along the Northerly right-of-way line of East 11th Street around a curb to the right having a radius of 5,664.58' a distance of 397.00' to a point of reverse curb; thence continuing along the Northerly right-of-way line of East 11th Street around a curb to the left having a radius of 5794.58' a distance of 149.97'; thence North $0^{\circ}-05'-38''$ West a distance of 246.04'; thence due East a distance of 617.5' to the point of beginning.

There being no further business, the Chair adjourned the meeting at 6:00 p.m.

Date Approved

June 26, 1980

Harry Purser
Chairman