

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 311
Thursday, May 29, 1980, 1:30 p.m.
City Commission Room, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman Smith Victor Wait	Lewis	Gardner Jones Johnson, D.	Jackere, Legal Department Miller, Protective Inspections

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, on Tuesday, May 27, 1980, at 3:34 p.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the Minutes of May 1, 1980, (No. 309).

MINOR VARIANCES AND EXCEPTIONS:

11025

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1630 - Minor Exceptions) request for permission to make an addition to the school at 2520 South Yorktown Avenue.

Presentation:

Thomas Keleher, representing Cascia Hall, advised that the request is for an exception in accordance with the adopted resolution of Minor Variances and Exceptions on April 3, 1980. Mr. Keleher pointed out where the two new additions will be located on his map and asked that the additions not be tied specifically to the plot plan because the addition to the gym may be constructed anywhere along the north line of the present building. Upon questioning, Mr. Keleher advised that most of the schools in the City of Tulsa are not on property specifically zoned for a school, therefore the adoption of the Statement of Policy of Minor Variances and Exceptions would be used to address this problem. The requests for the facilities are additions to existing buildings and therefore in keeping with the Policy.

Protests: None.

11025 (continued)

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 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1630 - Minor Exceptions) to make two additions to the school, as indicated schematically on the site plan submitted, on the following described property:

The SW/4 of the NE/4 of Section 18, Township 19 North, Range 13 East, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

11038

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance to permit building across a lot line at 2252 East 30th Street.

Presentation:

Mr. Jones advised that a residence is going to be built across a lot line and the applicant owns most of the lots in the addition. A plot plan was submitted (Exhibit "A-1"), along with the other information needed for the file.

Protests: None.

Board Action:

On MOTION of WAIT, the Board voted 3-1-0 (Purser, Victor, Wait "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building across a lot line, on the following described property:

Lots 7 and 8, Block 20, Resubdivision of Block 20, Forest Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

11041

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 20' to permit enclosing a patio at 5120 South Kingston Avenue.

Presentation:

Donald Brown, applicant, advised that he would like to add an enclosure across the rear portion of his house. Mr. Brown stated that he would like to make the addition a 12' enclosure and he has found that the restriction on the building line is 25', therefore Mr. Brown asked the Board to grant approval of his minor variance.

11041 (continued)

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 1630 - Minor Variances) of the rear yard requirements from 25' to 20' to permit enclosing a patio, on the following described tract:

Lot 2, Block 1, Sheridan Plaza Third Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

10374

Action Requested:

Mr. Jones advised that this matter refers to U-Haul of Tulsa and the applicant is to show the Board his landscaping plans of a U-Haul operation at the southeast corner of 61st Street and Peoria Avenue.

Presentation:

Bill Marley, Aztec Building Systems, Norman, Oklahoma, presented his landscape plans for the Board's review. Mr. Marley stated that if his landscape plans are approved, he will have them reproduced in an 8½" x 11" scale for the file. Mr. Marley advised that his plans show the total proposed layout to be achieved at a future date, and that their present landscaping would come to a line 20' from the edge of the existing building. All of the plants and trees have been determined through consultation with Cox Nursery. There is a variety of plants, and all the 5 gallon trees are a flowering crabapple along the right-of-way, except for an existing redbud. Mr. Marley advised that they are using a durable plant as an image for screening that grows to a reasonable size with a coloring that enhances the property. Mr. Marley stated that they plan to rejuvenate an existing planter on the corner and the top level would be filled with a holly and the lower level would have a variety of another plant in a variety of colors. Along the front line they will use a lavender colored plant. They will rework the grass area. There are several berms in the area, which will be removed and leveled off. Mr. Marley stated that they presently have a drainage wash coming in off Peoria, which they plan to convert into a storm drain. This has been brought to the attention of the Hydrology and Engineering Departments, who are going to look at it to see what can be done about the drainage problem. Upon questioning, Mr. Marley advised that the landscaping plans are proposed for immediate completion upon approval by the Board.

Protests: None.

10374 (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 approve the landscaping plans submitted, with the stipulation that the landscaping be maintained for the first year; all plants that die be replaced; and that the landscaping be maintained as long as the property is owned by U-Haul, on the following described tract:

Peoria Plaza - A Resubdivision of Lots 5 and 6, Block 1,
Valley View Addition, Section 6, Township 18 North, Range
13 East, Tulsa County, Oklahoma.

11003

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1030 - Floodway Zoning District - Variance - Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1660 - Variances) request for permission to operate Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 15 - Other Trades and Services; and Use Unit 17 - Automotive and Allied Activities at 1253 South Memorial Road.

Presentation:

Gino Coccioli, 940 South 129th East Avenue, applicant, advised that he is requesting permission to operate a business at the subject location. Upon questioning, Mr. Coccioli stated that he does not plan to live at the subject location and did not know the specific use, but requested Use Units 13, 14, 15 and 17.

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 410 - Principal Uses Permitted in Residential Districts - Section 1030 - Floodway Zoning District - Variance - Section 410 - Principal Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) to operate Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 15 - Other Trades and Services; and Use Unit 17 - Automotive and Allied Activities, subject to the review by the City Hydrologist, prior to any permanent use being made on the property (no new buildings or additions permitted), on the following described property:

Lot 5, Block 3, Forest Acres Addition to the City of Tulsa
Oklahoma.

NEW APPLICATIONS:

11017

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 72'; and a variance of the frontage requirements to permit a lot-split on the northwest corner of 15th Street and Utica Avenue.

Presentation:

Roy Johnsen, attorney, advised that he represented the applicant, Mr. Thomas, a realtor, and a convenience grocery who is under contract to purchase the subject property. He advised that the frontage on Utica, the south 100' is zoned CH and the north 50' is zoned CS. On the 15th Street frontage 60' is zoned CH and 50' is zoned CS. Mr. Johnsen advised that if a lot is all zoned CS the Ordinance requires 150' of frontage, and if the property is all zoned CH there is no frontage requirement. Technically, Mr. Johnsen advised that they seek the variance of the frontage requirement, and they they meet all the setback requirements from 15th Street, but the proposed structure would be slightly closer to Utica for the CS portion. Mr. Johnsen presented a plot plan (Exhibit "C-1") and stated that the setback, under the Code, would be 100' from the centerline of Utica for the portion zoned CS. Of the CH portion the only setback would be 50' from the centerline. The structures proposed are not in the future right-of-way, but a portion of the building would be within 76' of the centerline of Utica, where the variance is sought. The proposed structure will have a greater setback than the existing structures in the vicinity. Mr. Johnsen advised that the subject property was under application in 1978 and the Board approved the operation of a car care center approximately 61' from the centerline of Utica.

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 approve 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 76' from the centerline of Utica Avenue; and to allow a variance of the frontage requirements to permit a lot-split (L-10153), subject to the approval of the drainage plans by the City Engineer, on the following described property:

The South 150' of Lot 14, Block 5, Terrace Drive Addition
to the City of Tulsa, Oklahoma.

11021

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 320 - Accessory Uses in the Agriculture District) request for permission to operate a home beauty shop in an accessory building in an AG District at 9602 North 97th East Avenue.

11021 (continued)

Mr. Jones advised that he has received a communication from Owasso Board of Adjustment advising that they are supporters of the application (Exhibit "D-1").

Presentation:

Blanche McLaughlin, applicant, advised that she would like to put a beauty shop in a 12' x 24' metal building and that she is aware of the regulations stated in the Home Occupation Ordinance. Ms. McLaughlin presented a plot plan (Exhibit "D-2").

Mr. Gardner advised that the rules of a home occupation will be the same in an AG District as they are in the RS District when the Zoning Code is amended in July.

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 310 - Principal Uses Permitted in the Agriculture District - Section 320 - Accessory Uses in the Agriculture District) to operate a home beauty shop in an accessory building in an AG District, subject to all the rules governing the home occupation use as set forth in Section 440.2; and to run with the present owner only and not with the land, on the following described property:

The S/2, E/2, SE/4, SE/4, of Section 13, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

11028

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) request for an exception to permit automobile repair in a CS District at 10532 East 12th Street.

Presentation:

Donald Batchelor, applicant, advised that he is requesting permission to change the use on the subject tract to automotive repair. Mr. Batchelor advised that the previous owner of the tract was granted permission to use the property for Use Unit 15. Mr. Batchelor advised that no outside storage or work will be done, and in the lease there will be a restriction for the operator of the repair shop to limit the number of cars to no more than 3 parked outside of the building that he is working on. A plot plan was presented (Exhibit "E-1").

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 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit automobile repair in a CS District, subject to insertion in

11028 (continued)

the lease that the property not be used for junk or salvage automobiles or any outside storage work or repair, and that the Board be furnished a copy of the lease for the file, on the following described property:

N/2, E/2 of Lot 6, Mingo Valley Acreage Addition to the City of Tulsa, Oklahoma.

11029

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS-3 District at 2629 North Quincy Avenue.

Presentation:

R. B. McDaniel, Contractor for the applicant, 735 East 47th Place North, advised that a residence once existed on the subject lot and that he is requesting permission to locate a mobile home 14' x 30' on the property for one year, until construction of a new residence is completed. Mr. McDaniel presented a petition of approval for placement of the mobile home, bearing 11 signatures from residents in the area of the application (Exhibit "F-1").

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

Lot 7, Block 2, Cliff View Addition to the City of Tulsa, Oklahoma.

11030

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1680 - Special Exceptions) request for permission to display and sell portable buildings in a CS District north of 19th Street on the west side of Sheridan Road.

Presentation:

Lloyd Rose, applicant, advised that he has portable barns and buildings that are all made of wood and stated that he would like to display them on the subject location between the new Safeway and Service Merchandise. Upon questioning, Mr. Rose advised that he has a two month lease, and will receive a 30-day notice. Mr. Rose advised that the portable buildings are 10' x 12' and 12' x 12' and that the buildings are built near Lake Keystone. Mr. Rose advised that his displays at the fair will be sold and shipped from the site. Upon questioning, Mr. Rose advised that the buildings will set back 60' from the curb

11030 (continued)

and presented a copy of his handout advertisement of the portable buildings (Exhibit "G-1").

Protests: None.

Board Action:

On MOTION of WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1680 - Special Exceptions) to display and sell portable buildings in a CS District, until January 1, 1981; that the setback from the centerline of Sheridan be 100'; no construction on the lot, on the following described property:

Part of Lot 2, Block 2, Lynn Addition (situated in Section 10, Township 19 North, Range 13 East) a subdivision in Tulsa County, Oklahoma, according to the official recorded plat thereof, to-wit: Beginning 574.24' south of the Northeast corner of Lot 2; thence Westerly 200'; thence Northerly 150'; thence Easterly 200'; thence South 150' to the point of beginning.

11031

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS-1 District north and west of 96th Street and Nogales Avenue.

Presentation:

Larry Creekmore, Box 131, Jenks, advised that his request is for permission to temporarily locate a mobile home on the subject tract until he can build a residence. Upon questioning, the applicant advised that no other mobile homes are in the neighborhood, and notices were sent to property owners within 300' of his application.

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

Beginning 33' North and 334.4' West of the Southeast corner of the SE/4, NW/4; of Section 23, Township 18 North, Range 12 East, Tulsa County, Oklahoma; thence North 463.6'; thence West 262'; thence South 463.6'; thence East 262' to the point of beginning.

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses - Under the Provisions of Section 1670 - Variances) request for a use variance to permit a horticultural nursery storage warehouse in an RS-2 District; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit a horticultural nursery in an RS-2 District at 6000 North Evanston Avenue.

Presentation:

Frank Harkey, 2807 East 61st Street North, advised that he has plans to build a new all metal building at the subject location. Mr. Harkey advised that the reason for the requested location is that they are outside the City Limits of Tulsa, on Skiatook water and they have a well at the location and cannot get additional water taps for the nursery. Upon questioning, Mr. Harkey advised that there is no traffic, they strictly grow the material and store it until landscaping jobs are bid. There will not be any retail sales and Mr. Harkey stated that he would not object to being restricted to having no retail sales. Mr. Harkey presented letters from two adjoining property owners stating that they have no objections to the proposed nursery (Exhibit "H-1") and pictures of the subject property (Exhibit "H-2"). Mr. Harkey stated that within ½-mile east of the property there is no development and that the subject tract is 3 acres surrounded by property that he owns. The applicant also stated that he has 9 employees and 3 or 4 cars parked on the property. A plot plan was presented (Exhibit "H-3").

Bob Gardner advised that a similar application was approved by the Board in Osage County and the Board put a 3-year time limit on the approval. Mr. Gardner stated that in this particular area there may be barns similar in size as the one proposed by the applicant.

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 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses - Under the Provisions of Section 1670 - Variances) to permit a horticultural nursery storage warehouse in an RS-2 District; and to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses - Under the Provisions of Section 1680 - Exceptions) to permit a horticulture nursery in an RS-2 District, subject to no retail sales from the property, and no signs permitted on the property or leading off the road to the property; and for the use of horticultural nursery storage and no other use, to run with the present owner only, on the following described property:

11032 (continued)

A tract of land in the NW/4 of the SE/4 of Section 5, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows: Beginning 470' East and 210' South of the Northwest corner of said NW/4, SE/4 of said Section 5, T-20-N, R-13-E; thence South a distance of 420'; thence West a distance of 210'; thence North a distance of 420'; thence East a distance of 210' to the point of beginning.

11033

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to operate a fishing reel repair as a home occupation. (The repair shop will be located in an accessory building.)

Presentation:

W. R. Bookout, applicant, advised that he has two outside buildings, one metal, one wood. The wooden building will be used to repair the fishing reels and small appliances. Mr. Bookout advised that he is willing to live by the rules governing a home occupation, and does not plan to advertise the business with signs. Mr. Bookout said that he anticipates not more than 3 cars at a time, and plans to be open 5½ days a week. Upon questioning, Mr. Bookout advised that he also plans to have an electric line installed in order to have an overhead light. The applicant stated that he had liability insurance to relieve the City of any responsibility.

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 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a fishing reel repair and small appliance repair as a home occupation, to be conducted under the rules governing a home occupation; to operate Monday to Saturday noon; to run with the present owner only, on the following described property:

Lot 22, Block 3, Louisville Heights Addition, to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for permission to use property for church use and related activities; and a Variance (Section 420.2 (d) 1 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the sign requirements from 12 sq. ft. to 32 sq. ft. at 12025 East 15th Street.

Presentation:

Orville Hendryx, 11634 East 27th Street, advised that he is requesting permission to construct a new church building which will be a 40' x 60' metal building. The property was formerly owned by Emanuel Assembly of God who still owns 2 acres of the property. They had requested to build a church on the subject property and were granted permission to build in 1968 by the Board. Mr. Hendryx advised that he is representing the Calvary Pentecostal Church and presented a plot plan (Exhibit "J-1"). The applicant stated that they already have a building permit for the parsonage and that the church would be facing 121st, but the entrance will be off 15th Street. Mr. Hendryx again stated that the church building will be a metal building and eventually he would either rock or brick the building. Upon questioning Mr. Hendryx advised that there are no other metal buildings in the immediate area and that the parsonage will not be made of metal. Of the 2 remaining acres of the property, Emanuel Assembly of God will give the Calvary Pentecostal Church the opportunity to be the first to purchase the tract. Mr. Hendryx advised that they have a 4' x 8' sign made of solid oak which is 32 sq. ft. and about 6' high, setting 2' from the ground, and sets back 20' from the street. The applicant stated that the sign is only placed temporarily to let people know that they are building a church. The church will be used for services on Wednesday nights, Sunday mornings and Sunday nights.

Protestants:

Virgil Hurford, 11953 East 15th Street, advised that he has no objections of the church, but would like to know about the sign, parking lot and when the church will be bricked or rocked, and how large of a congregation will be attending the proposed church.

Marian K. Wood, advised that the church will be facing directly across from her house whenever she opens her door. Ms. Wood advised that metal buildings could not exist in the neighborhood that exceeded the top of a 6' screening fence. Ms. Wood stated that her concerns are pertaining to the metal building proposed for the church since all the homes in the immediate area are constructed of brick.

The Chair advised that the applicant is required to have a hard surfaced parking lot and that the church will be rocked or bricked some time in the future according to the applicant.

Applicant's Comments:

Mr. Hendryx advised upon questioning, that the proposed sanctuary when completed would hold approximately 750 people. However, the church at present is a home mission church and the congregation consists of (two) families. The applicant stated that he felt the metal building would be nice in the neighborhood and advised that the building would be 52' from the street and the building could be setback further from the street. The proposed building will have 12' walls with a cathedral ceiling. Mr. Hendryx advised that Ms. Miller, Protective Inspections had the pictures depicting the metal building to be constructed and the building is gold with a white roof.

Discussion ensued by the Board as to what the metal building will look like, the need for detailed plot plans for the subject application, and what options were for sewerage use.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 11034 to Thursday, June 12, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center in order to allow the applicant to present renderings of the proposed church building along with a list of materials to be used on the exterior of the building; a plot plan which shows the placement of the church on the property and the topography of the property.

11035

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance to permit building across lot lines; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback on a corner lot from 51st Street to be from 25' to 19.6' on the south and from 25' to 17.3' on the east at 2903 West 51st Street.

Presentation:

Wanda Glover, 2903 West 51st Street, advised that she is adding on to an existing building, therefore her request is for a variance of the setback requirements in a residential area. Ms. Glover advised upon questioning, that she will not be any closer to the street than any of the other structures in the area. A plot plan was presented (Exhibit "K-1").

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 1630 - Minor Variances) to permit building across lot lines; and to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback on a corner lot from 51st Street to be from 25' to 19.6' on the south, and from 25' to 17.3' on the east, per plot plan submitted, on the following described property:

Lot 14, & 15, Block 13, Carbondale Addition to the City of Tulsa, Oklahoma.

11036

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) request for a special exception to modify the screening requirements where an alternative screening will provide visual separation of uses at 4416 South Harvard Avenue.

Mr. Jones advised that there is an application pending for a modification of the screening requirements on the property just to the north of the subject application to be heard next meeting.

Presentation:

Jo Anderson, Dr. Anderson's wife, also an assistant in Dr. Anderson's clinic, 4416 South Harvard, advised that the request is for a variance of the screening requirement. Ms. Anderson stated that she was not aware of a screening problem and she thought that the shrubbery would provide adequate screening on their commercial property from the residential property to the west. Ms. Anderson advised that at present they have thick shrubbery that remains green all year, approximately 12' to 16'

tall on the back line of her property. The natural drainage of the property drops at the back of the property, and it runs down through the shrubbery into a drainage swale between the properties. Ms. Anderson stated that she understands that the screening requirement is a 6' solid fence, and at this time a 6' fence at the back of the property, with the length of the lot, and the height of the clinic and the height of the houses behind the clinic, the residential structures would be able to see over the 6' fence because the houses are set lower. Ms. Anderson presented pictures of the subject shrubbery (Exhibit "L-1") and advised that they are evergreen.

Protestants:

L. L. Webb, attorney, advised that several members of the Villa Grove Subdivision Association are present today, and many others against this request were not able to be present. Mr. Wait advised that when the property in question was rezoned from residential to OL, one of the requirements was that a 6' fence be in place, but the fence was never constructed on the property. Mr. Wait advised that the purpose of the fence is to keep commercial customers from going through a residential area or otherwise being seen. Mr. Wait stated that the pictures presented by the applicant were not of the shrubbery on her property, but were taken on someone else's property and those shrubs presently on the subject property are not well-maintained by the applicant. Mr. Wait also felt that the applicant has not presented a hardship case and he could not see why she cannot meet the requirements of the Code.

Arthur Lubinski, 4469 South Gary, advised that the back portion of his property faces toward the back of Harvard. Mr. Lubinski advised that since the time Harvard has been rezoned, it has caused him a lot of anxiety, and that he also feels that granting approval of the subject application would be very dangerous to the neighborhood because a precedent would be set.

Emma Muckleroy, 4431 South Gary, advised that the property in question overlaps her rear property line slightly to the north and the hedges that she sees are trivets and do not keep their leaves through the severe Oklahoma winters. Ms. Muckleroy advised that she can see through the hedges at any given time and see the back of the clinic. Upon questioning, Ms. Muckleroy advised that she would prefer a 6' wall instead of the shrubbery and the water from the property in question drains onto her property. Ms. Muckleroy advised that when the subject location was zoned residential she did not have the amount of water draining onto her property as she does now.

Josephine Bell, 4415 South Gary, advised that the rear portion of her property, just north of the property in question, has a few trees that serve as a hedge, but no other hedges presently exist. Upon questioning, Ms. Bell advised that one house separates her property from the subject tract, and because of all the drainage her house settled and she has had to jack up part of her house.

Other Protestants Present:

Roma Lubinski, 4469 S. Gary Avenue
Chloe Lane, 4470 S. Gary Avenue
Jean Frizzell, 4415 S. Gary Avenue

Barton Perrui, 4424 S. Gary Ave.
Delta Harper, 4455 S. Gary Ave.
Jack Harper, 4455 S. Gary Ave.

11036 (continued)

Applicant's Comments:

Ms. Anderson advised that an engineering company was contacted to survey the property to show the boundaries. Ms. Anderson stated that all the drainage from her property goes west and south.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) to modify the screening requirements where an alternative screening will provide visual separation of uses; and that the applicant erect a fence, and for the applicant to check with the Hydrology Department before the fence is erected, on the following described tract:

The South 80' of Lot 2 and the North 20' of Lot 3, Block 2,
Villa Grove Park Subdivision to the City of Tulsa, Oklahoma.

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 rear yard requirements from 20' to 11' in order that an existing patio cover might remain at 9044 East 40th Street.

Mr. Jones advised that 22 notices were mailed out and 15 of those were returned and that the Staff received a note from an adjoining property owner concerning the drainage of the water running onto her property that's created from the canopy.

Presentation:

Bryan Bazay, applicant, representing Richard Gilemma, advised that he is the contractor that built the patio cover and that his request is for approval of the patio cover to remain at the subject location. Upon questioning, Mr. Bazay advised that to the best of his knowledge, the subdivision has been existence for 15 years. Mr. Bazay advised that he was not aware of the 20' rear yard requirements. Mr. Bazay stated that he built a patio cover from the existing patio and the eave may possibly overhang about 16". A plot plan was presented (Exhibit "L-1"). Mr. Bazay also stated that he obtained his list of property owners from the County Assessor's Office.

Protestant:

Ester Voidston, advised that she lives directly behind the structure in question in the first house facing east on 42nd Street. Ms. Voidston said that the subdivision has been in existence since 1966 and that she couldn't understand why so many of the notices were returned because many of the same people are still living there. Ms. Voidston advised that the land runs north and south at a slant and that all of the rainwater comes from 40th Place onto her property. Ms. Voidston stated that she has a wooden fence in her back yard on the north and west sides of the property. When it rains, Ms. Voidston informed the Board that she gets all of the rainwater in her back yard which eventually becomes stagnant and full of mosquitos. The protestant also stated that the roof of the subject patio cover is right on the line where the water would come over into her yard during a rain and the subject property is approximately 6 to 8 inches higher than her yard. Ms. Voidston informed the Board that she thinks that patio cover was built further out than the patio.

Dortha Miller, Protective Inspections, advised that the applicant built a patio cover without a building permit and received a cease and desist notice.

Mr. Jones advised that Betty Overton with the Building Inspector's Office informed him that the patio cover was 11' from the property line.

Applicant's Comments:

Mr. Bazay advised that Mr. Maxwell with the Building Inspector's Office, gave him the okay to go ahead with the patio cover since he had already started construction. Upon questioning, the applicant advised that the subject structure is 3' from the property line and the overhang comes within 16" of the fence. Mr. Bazay advised that he could put guttering on the patio cover to divert the water from going onto Ms. Voidston's

11037 (continued)

property if that is in fact what's happening.

Board Action:

On MOTION of VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 11037 to Thursday, June 12, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center in order that the Building Inspector may inspect and report their findings on the subject application and establish where the canopy is located in relation to the adjoining property owners.

11039

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 25' to 10' from the North property line; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) request for an exception to remove the screening requirement where the purpose of the screening requirement cannot be achieved at 5757 South Peoria Avenue.

Presentation:

Dennis Wood, applicant, advised that he is withdrawing his request for a variance of the setback because they decided to build a two-story building, therefore the present required setback will be met. However, the applicant advised that they are requesting a waiver of the requirement for a site proof fence on the north side of the property because there is already a substantial 6' wooden fence already there. Mr. Wood presented pictures of the present screening (Exhibit "M-1") and a plot plan of the proposed two-story structure (Exhibit "M-2"). Upon questioning, Mr. Wood advised that if he could not negotiate with the owner of the wooden fence to split the cost, he would take the responsibility of the upkeep and maintenance of the fence.

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 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening requirement cannot be achieved, as long as the existing fence is maintained by the applicant and the property owner adjacent to the north; failure to negotiate with the property owner, the applicant will provide maintenance of the fence; at which time the fence is destroyed, the applicant will erect his own fence, on the following described property:

Block 2, less the North 140' thereof, Riverside South Complex
Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1215 - Other Trades and Services) request for an exception to permit an electrical contractor in a CS District; and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) request for a modification of the screening requirement where the purpose of the screening cannot be achieved at 10705½ East 11th Street.

Presentation:

Jim Barton, Barco Construction Company, presented a plot plan (Exhibit "N-1") of the proposed new warehouse to be built behind their existing building. The existing building is not feasible for the business, therefore, they are requesting an exception to permit an electrical contractor business at this location. The screening waiver requested is due to the fact that the area in question abuts a creek to the north and undeveloped property. Upon questioning, Mr. Barton advised that there will be very little storage on the outside, and that he is the agent and contractor for the owner. The applicant stated that a hardship would be presented if the electrical contractor was not allowed to have outside storage because he leases lights for shopping centers which use 40' steel poles. Mr. Barton stated that Lot 11 is 595' deep and 275' of the total depth is zoned CS commercial. The back is zoned RS-3 residential.

Protestant:

Richard Hockett, owner of the apartment complex immediately west of the subject property, asked if the zoning application covers just the work going on behind the lighting building or all of the acreage.

Applicant's Comments:

Mr. Barton advised that the only portion of the lot affected by the request before the Board today is the property behind the existing Lease Light building.

Protestant:

Mr. Hockett also asked that the Board request the applicant to provide screening on the rear portion of his property across from the apartment building.

Applicant's Comments:

Mr. Barton advised that his client is apt to have a need for a lot of material stored in the rear yard.

Bob Gardner advised that the property would require screening on the entire west and north boundaries that abut the residentially zoned areas excepting any access points to the cul-de-sac street.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 11040 to Thursday, June 12, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center to allow Mr. Weiss to be present to give the details of the proposed business.

OTHER BUSINESS:

Building Inspector Request for a Clarification of Case No. 10936:

Mr. Jones advised that Case No. 10936 refers to the Central Church of the Nazarene located northwest of 81st Street and Memorial Road.

Mr. Gardner advised that on this particular application there was no specific reference in the Minutes as to a height variance, although there was an elevation showing the height of the structure. The requirements of the height limitation would apply unless specifically addressed by the Board. Normally, structure height is measured from the ground to the top of the top plate, and a 2-story structure would normally fit within the 26' limitation. Mr. Gardner advised that the Building Inspector had a problem with the height of the structure since it was not specifically mentioned in the Minutes of the public hearing.

Dortha Miller advised that the height of the building proposed by the Church is 59.3' to the top plate and that the Church is using some of the required front yard for parking.

Mr. Jackere, Legal Department, advised that a specific variance must be requested and advertised before the variance on the height is approved.

Presentation:

Herb Henderson, Central Church of the Nazarene, advised that the building height is necessary so that a balcony can be added because the building is designed for internal expansion. Upon questioning, Mr. Henderson advised that in the surrounding area of the Church are residential dwellings and the Church structure will setback 150' from the street.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 10936 to Thursday, June 12, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center to allow readvertising for the height variance.

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

Date Approved

June 26, 1980

Kathryn Purser
Chairman