

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 312
Thursday, June 12, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Purser, Chairman Victor Wait	Smith	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 June 10, 1980, at 10:50 a.m., as well as in the Reception Area of the TMAPC Offices.

After declaring a quorum present, the Chairman called the meeting to order at 1.32 p.m.

MINOR VARIANCES AND EXCEPTIONS:

11044

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 on a corner lot from 35' to 29.8' on the east and from 35' to 32.1' on the south at 5923 East 96th Court.

Mr. Jones advised that the house is already built and the request is made to clear title; however, a plot plan has not been submitted by the applicant.

Bob Gardner advised that if the Board is inclined to approve the application, it could be approved subject to a plat of survey for the file.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait, Smith "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback on a corner lot from 35' to 29.8' on the east and from 35' to 32.1' on the south, subject to a plat of survey submitted for the file, on the following described property:

Lot 8, Block 1, Sun Meadow IV Addition to the City of Tulsa, Okla.

11053

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements in a CS District to permit a lot-split north and west of the northwest corner of 71st and Memorial.

Mr. Jones advised that the Planning Commission has not heard the lot-split, but will hear it on June 18, 1980.

Presentation:

Roy Johnsen, attorney, advised that the property is a little less than 3 acres in size and is a part of a larger tract situated at the northwest corner of 71st and Memorial, the K-Mart site. Mr. Johnsen advised that adjacent to the tract is some undeveloped ground, and the transaction that is pending is the sale of the leasehold. Mr. Johnsen stated that Clark Development Company would end up owning the interior 3 acres that lies west of Memorial and north of 71st Street. Under a strict and technical reading of the Zoning Code, the tract does not have either 50' of frontage on a nonarterial street, or 150' on an arterial street. Mr. Johnsen advised the Board that at the time of development of the property, there was a declaration and agreement of easements entered into by Kresge Company (K-Mart) and Clark Development Company and another tract, which provides all parties involved with mutual access easements across these properties. The properties will not be landlocked, but as a technical matter does not have frontage on the street, therefore a minor variance is required to permit the split to proceed. Mr. Johnsen advised that he has a lot-split pending before the Planning Commission and asked the Board to grant approval, subject to approval by the Planning Commission.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Victor, "aye"; no "nays"; Wait "abstaining"; Smith "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in the Commercial District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in a CS District to permit a lot-split (L-14929), subject to the approval by the TMAPC, on the following described tract:

The North 250.71' of the West 525' of Lot 1, Block 1, Clark Plaza Third Addition to the City of Tulsa, Oklahoma.

11056

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 in an RS-3 District southeast of 42nd Street and 35th West Avenue.

Presentation:

Gerald Snow, 800 North Lynn Lane, Broken Arrow, applicant, advised that he has six 25' lots and he would like to make them three 50' lots and build one house on each of the 3 lots. Mr. Snow presented a plot plan (Exhibit "A-1").

6.12.80:312(2)

11056 (continued)

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to 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 in an RS-3 District, on the following described property:

Lots 19, 20, 21, 22, 23 & 24, Block 23, Yargee Addition,
Tulsa County, Oklahoma.

11057

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements from 300' to 164.5' in an AG District to permit a lot-split at 3817 East 111th Street.

Mr. Jones advised that all pertinent information has been submitted for the file, and that the Planning Commission approved the lot-split, subject to the approval by the Board.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; Smith "absent") to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 300' to 164.5' in an AG District to permit a lot-split (L-14918), on the following described property:

The E/2 of the SW/4 of the SE/4 of the SW/4 of Section 28,
Township 18 North, Range 13 East, Tulsa County, Oklahoma.

11060

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements to permit two "Flag Lots" with 20' frontages and to permit a lot-split at 3450 South Atlanta Place.

Mr. Jones advised that the Planning Commission approved the lot-split, subject to approval by the Board.

Presentation:

Don Kirberger, applicant, 5817 South Joplin Avenue, advised that he proposes to build two houses behind his father's present residence, one for his brother and one for himself. Mr. Kirberger advised that

the proposed homes will not be for sale, but for personal use, and that there is adequate space to place the houses on the property. Mr. Kirberger advised that he had to make one lot an irregular shape because he had to put in a sewer line extension, but basically the two lots are about the same size. Upon questioning, Mr. Kirberger advised that entrance to the lots will be to the east on Atlanta Place, adjacent to the existing lot. Mr. Kirberger stated there will be an easement on the south side of the lot a total of 40' wide, and each lot will have a 20-foot handle. The front door of the first house will face southeast, the second house, to be built in 2 years, will face directly east. Mr. Kirberger stated that the proposed residences will conform with neighboring houses.

Protests:

Herb Beattie, 2445 East 36th Street, advised that his house faces south onto 36th Street, such that the proposed new homes will be immediately north of the back of his house. Mr. Beattie advised that his first concern is the number of lots being subdivided; secondly, the subject property is uphill from his home, therefore, he is concerned about the presence of a potential drainage problem; thirdly, the consistency of the density of housing on the subject lot and that he is concerned about the distance that would exist between the property line and the proposed new road.

Bob Gardner advised that when an applicant files for a lot-split, if he does not meet the area requirements of the zoning, he must request a variance of the area requirements. The applicant is able to meet the area requirement of 13,500 square feet per lot in this instance, but not the 100-foot frontage minimum for each lot in an RS-1 District. Mr. Gardner stated that the driveway to each lot would be placed across the handles and would provide access to both lots. The driveway would probably be 16' wide and centered between the two 20-foot handles.

Alan Jackere, Legal Department, advised that a hardship must be presented before the Board can approve the subject application.

Bob Gardner advised that the Ordinance permits a lot to have 30' of frontage on a dedicated street and the average width of the lot is determined by measuring at the building line.

Applicant's Comments:

Don Kirberger advised that the contour shows a low spot at least 20 to 30 feet from a retaining wall and he proposes to place the residences at least 20 to 30 feet from the property line. Mr. Kirberger repeated that they had to add a service line for a sewer, therefore, that is why one of the lots has an irregular shape.

Board's Comments:

Board Member Lewis stated he is concerned with splitting the tract into three lots. Mr. Lewis stated that splitting the lots into two lots would be more consistent with the neighborhood.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Victor "aye"; no "nays"; Wait "abstaining"; Smith "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under

11060 (continued)

the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit two "Flag Lots" with 20-foot frontages per lot-split (L-14918), on the following described property:

Lot 5 of Block 4, in Oakview Estates Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

11034

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 square feet to 32 square feet at 12025 East 15th Street.

Presentation:

Orville Hendryx, applicant, 11634 East 27th Street, stated that his request is to construct a church on the subject property. Mr. Hendryx advised that at the last hearing he was advised that the Board would need to see a new plot plan and discussed the exterior of the metal building. Mr. Hendryx presented a new plot plan (Exhibit "B-1") and advised the Board that the metal building now sets back 60' from the street, and the sign has been moved back to 40' from the street. Mr. Hendryx advised that his sewer line will come up 5' (5' of fall), and therefore, he would not like to set the building back any farther because he would like to save space to add on to the church at a future date. Mr. Hendryx presented pictures of metal buildings used by other churches and of his present sign (Exhibit "B-2"), and stated that he plans to brick the exterior of the proposed church building. Color brochures of metal buildings were also presented (Exhibit "B-3").

Protestants:

Virgil Hurford, 11952 East 15th Street, advised that his home will face the proposed church. Mr. Hurford stated that there is vacant land west and north of the subject property, and if the applicant is granted permission to place a metal building other people will probably come in with other metal buildings in his neighborhood. Mr. Hurford also referred to the statement made by the applicant to brick the building at a later date and asked specifically when the bricking will be done.

Marian K. Wood, 11944 East 15th Street, advised that her house is directly across the street from the proposed church building. Ms. Wood also stated that the Assembly of God who sold the property to the Calvary Pentecostal Church still owns 2 acres adjacent to Mr. Hendryx. Ms. Wood stated that if it's not decided as to when the proposed church will be bricked, the neighborhood is subject to have a metal building on the entire corner. Ms. Wood presented pictures of the neighborhood and advised that the homes from 15th Street South are 10 years old and older and the homes on 121st Street are approximately 1-year old with the exception of one residence (Exhibit "B-4").

Applicant's Comments:

Mr. Hendryx advised the Board upon questioning, that he could afford to brick the church if required. Again Mr. Hendryx advised that he plans to enlarge the proposed church and asked if he had to brick the end of the building where the expansion to be constructed facing west, therefore, he would be bricking 3 sides of the church. At the present time, Mr. Hendryx advised that he has enough money to finance the proposed church and now has six families in his church. Mr. Hendryx stated that he has built a very large church in Mississippi and several other churches throughout the country.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and related activities per the new plot plan submitted, with the provision that the exterior of the church building be all rock or brick except for the west end, which does not need to be bricked until the addition is put on the church, at which point it will all be bricked and 1-year to complete the bricking; that the Board approve the building plans for the proposed church structure and a building permit will not be issued until the complete building plans are in the file; and to grant a Variance (Section 420.2 (d) 1 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) of the sign requirements as per the plot plan and photograph of the sign submitted, subject to the location of the sign being located 40' from each corner, on the following described property:

The South 285.87' of the E/2 of Lot 5, and the South 285.87' of Lot 6, Block 10, Elm Hurst Addition 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.

Presentation:

Bryan Bazay, applicant, advised that there is nothing he can do to stop the water from draining onto the protestants property, although he has already installed the guttering on the subject patio cover.

Mr. Jones advised that this application has been continued in order for the Building Inspector's Office and the Staff to make an inspection of the subject property.

Alan Jackere advised that he discussed the subject application with the Building Inspector, who originally denied the application because of the encroachment in the rear yard. The Building Inspector, Mr. Irwin, has since that time reversed his decision for the following reason: The section that is applicable is Section 420.2, which covers

11037 (continued)

carports. There is nothing in the Code that covers patio covers, except if a patio cover were considered a building. However, the Code definition for building, rules out a patio cover as a building. Mr. Jackere stated that he and the Building Inspector felt that the patio cover is like a carport and can encroach into a required rear yard, and the subject patio cover is in the rear yard of the subject property. Mr. Jackere advised that Mr. Irwin asked the Board to consider a refund of fees to the applicant because of the inappropriate decision on his application.

Protests:

Ms. Violdston advised that the statement relayed from the Building Inspector's Office is not what she was told, and feels that the Inspector's decision does not solve her water drainage problem.

Mr. Jackere advised again that the subject structure, in the Building Inspector's opinion, is more like a carport which is an exception to the provision.

Bob Gardner advised that the subject patio cover is treated like a porch from a setback standpoint since the setback is based and measured from the side lot line to the nearest building wall, not to the edge of a porch or the patio cover in this instance.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to refund the filing fee for Case No. 11037 to the applicant.

11040

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 at 10705½ East 11th Street; 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:

Mike Weiss, Lease Lights, electrical contractor, advised that his request is to build a warehouse on the subject property. Mr. Weiss advised that he has agreed to fence the entire area and that he and his father own the property. Upon questioning, Mr. Weiss advised that some trucks and some outside storage is required for the 40' poles and 15' arm fittings, etc., all other materials will be stored in the warehouse, such as equipment and trucks. The applicant advised that he plans to construct the warehouse as soon as a building permit can be issued, and only plans to use and fence the commercially zoned property.

11040 (continued)

Bob Gardner advised that the Ordinance does provide that the kinds of uses requested by the applicant can be approved by exception. The Staff went out to field check the site and felt that a screening fence is necessary. Mr. Gardner advised that outside storage should be limited to poles and arms in storage racks.

Protestant:

Richard Hockett, owner of the apartment complex immediately west of the subject property advised that he is not present to protest the application, but to protest the waiver for the screening fence which has now been withdrawn. Mr. Hockett advised that his concern is that if the proper screening is not erected to screen what is to be stored behind the building, it will then devalue his property. When the prospective tenant drives in to rent an apartment and finds out that he will have to look at what's stored across the street he may not rent. Mr. Hockett advised that he wants the proposed fence to protect him and be maintained properly after its construction.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit an electrical contractor in a CS District, per plot plan submitted, with the screening fence to be constructed all around the building as drawn on the submitted plot plan, with access being also screened, (gates) as shown on the plot plan; no outside storage shall exceed the height of the screening fence; outside storage limited to lighting poles and arms, on the following described property:

The North 450.65' of Lot 11, Block 2, East Eleventh Park Subdivision to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

10936

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 height requirements from 26' to 59' 3" to permit a church located north and west of 81st and Memorial.

Presentation:

Leon Ragsdale, representing Central Church of the Nazarene advised that he thought the Church had approval of the height variance when the application was previously presented and approved by the Board.

Mr. Ragsdale advised that the application has met all other requirements set by the Board. Mr. Ragsdale stated that the earthwork is in the process of being done to take care of the drainage problems. A diagram of building elevations showing the Church height in reference to the surrounding residences was presented. Mr. Ragsdale stated that the height became a question because of the north end of the building. Due to the plan configuration, which uses a large octagon as the principal structure, a smaller choir structure is to be built on the north end. The roof slopes up to a center point which is approximately over the pulpit area. The majority of the building walls slope up with the principal elevation being on 3 sides (east, south, west) at the 40' level, much of which is cut down to 33' above ground because of the 7-foot berm. Another factor to be considered, advised Mr. Ragsdale, is that the proposed building has been sited in the center of a 660' frontage on 81st Street which places the closest houses approximately a city block away from the building. Mr. Ragsdale advised that other churches in neighborhood areas which exceed or are equal to the height variance requested are Kirk of the Hills and the New Haven Methodist Churches and approximately 6 more. The reason for the height requirements being exceeded is that if a balcony is placed in a church, the height required under the balcony level and the slope will require approximately 30' to 35' ceiling space inside.

Protestants:

Theodosia Lachterman, 7841 South 72nd East Avenue, advised that her residence abuts the Church property and that she has spoken with Mr. Steel concerning the design of the Church. Ms. Lachterman stated that she viewed the proposed Church structure and felt that it was a very nice structure. Ms. Lachterman advised that she received the notification that the Church would be 59' in height and with the steeple it will be 90' high. Most of the houses in her neighborhood are single-family structures that are a maximum of 24' in height. Ms. Lachterman advised that she feels the request is rather exceptional, and asked about the drainage problem.

The Chair advised that the previous application was subject to the approval of the drainage plans by the City Engineer's Office.

Nancy Vyhnal, 7837 South 72nd East Avenue, advised that her back yard abuts the Church. Ms. Vyhnal advised that the flight pattern should be considered in the approval of the height variance.

Bill Lachterman, 7841 South 72nd East Avenue, advised that Mr. Steel did approach he and his wife with pictures of the proposed Church, but by an act of omission did not advise them of the proposed height of the Church. Mr. Lachterman stated that there was a problem with constructing a high-rise apartment on the subject location which was defeated by the residents. Mr. Lachterman stated that the proposed structure is too high, therefore, he advised that he opposes the height of the Church building and not the Church itself.

Interested Party:

David Steel, 7929 South 72nd East Avenue, advised that his property is adjacent to the Church property and he is the closest property owner and also a member of the Church. Mr. Steel advised that he personally talked with some of the neighbors about the proposed structure and felt that they had some idea of the height involved with a structure of this size. Mr. Steel stated that a main power line cuts between the Church's property and the houses which are very high power poles estimated to be 90' in height, therefore, feels that the height variance requested by the Church poses no problem to the neighborhood.

Applicant's Comments:

Mr. Ragsdale advised that he has designed over 275 churches and those churches will exceed the bulk and area requirements in an RS-3 District. Mr. Ragsdale upon questioning, advised that the Church structure at 69th and Sheridan to the top of the spiral is approximately 50' and the site is close to 4 acres. Mr. Ragsdale went on to state that the majority of the subject building is 33' high and that it was designed to accommodate the visual affect of the neighborhood. Mr. Ragsdale stated that there are probably 50 other steeples in Tulsa that exceed the height requested by the Church.

Herb Henderson, Administrator of the Central Church of the Nazarene, advised that the Church has made a good effort to keep the neighbors posted on what the Church is doing. Not only were the people within the 300' perimeter advised, the Church also sent out 2,000 invitations to the ground breaking ceremony. Mr. Henderson advised that the Church was not trying to deceive anyone, but the Church has been designed for internal expansion.

Bob Gardner advised that the Board very seldom receives a request for an exception for the height, but most churches exceed the height requirements. Mr. Gardner also advised that the 26' height requirement is the wall height for a residential structure, not the height of the roof.

10936 (continued)

Board Action:

On MOTION of VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the height requirements from 26' to 59' 3" as per elevations and all other prior approvals, on the following described tract:

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

11042

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the front setback requirements from 50' to 47'; and a request for a variance of the side yard requirements from 5' to 3' to permit the erection of an attached garage at 3019 South Madison Ave.

Presentation:

Frank Lawrence, 3019 South Madison Avenue, advised that the applicant is Norma Lawrence, not Morman Lawrence. Mr. Lawrence advised that the request is for a variance of 1½' from the centerline of Madison Avenue and 2' on the east property line to build additional space. Mr. Lawrence stated that his driveway needs to be dug up and that he would also like to add a terrace to the residence. Mr. Lawrence presented his plot plans signed by several neighbors stating their approval along with pictures of the residence in question (Exhibits "C-1" and "C-2") respectively.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 50' to 47'; and of the side yard requirements from 5' to 3' to permit the erection of an attached garage, per plans submitted, on the following described property:

Lot 2, Block 2, Adams & Reddin, Resub. of Blocks 2 & 3, Southmoor Addition to the City of Tulsa, Oklahoma.

11043

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 front setback requirements from 100' to 96' from the centerline of the street to permit enclosing a canopy at 9026 East 31st Street.

11043 (continued)

Presentation:

Ronald Dean, applicant, 1225 East 29th Street, advised that he is requesting a variance of the setback requirements in order to enable him to enclose an existing canopy to make it a part of the existing structure. Mr. Dean presented plot plans (Exhibit "D-1") and advised that he needed a 4' variance in order to enclose the existing canopy. Upon questioning Mr. Dean advised that the existing building is presently vacant and it was a Derby Service Station.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the front setback requirements from 100' to 96' from the centerline of the street to permit enclosing an existing canopy, per plans submitted, on the following described property:

A part of Lot 1, Block 1, Briar Village Addition, more particularly described as follows: Beginning at the North boundary line of Lot 1, 30' East of the Northwest corner of Lot 1; thence East along the North line 150'; thence South 93'; thence West 150'; thence North 93' to the point of beginning, Tulsa County, Oklahoma.

11045

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) request for an exception to permit the installation of an office, storage facilities, and assembly facilities; (Assembly of components to make centrifuges and a device known as the W. L. Walker Oil Thief) at 24 East 11th Street.

Presentation:

R. D. Bonnell, attorney, representing Arthur Walker and W. L. Walker Co., 1009 West Main Street, who has been in business for 50 years, advised that their chief business in the past has been an assembly known as the W. L. Walker Oil Thief. They also assemble tool trays to carry the thief and centrifuges. Mr. Bonnell brought along a thief and tool tray for the Board's review. The largest centrifuge would be approximately the size of the overhead projector. Mr. Bonnell advised the Company is also involved in the wholesale of glassware and gaging equipment used in the oil industry. The W. L. Walker Company does not do any foundry work, casting, or welding, they only have a collection of components and they assemble them at their plant. A diagram of the subject property was presented (Exhibit "E-1") and pictures of the subject building structure (Exhibit "E-2"). Upon questioning, Mr. Bonnell advised that the oil thief is used to go down into oil tanks to get samples of oil at various levels. Upon questioning, Charles, with the W. L. Walker Company advised that the Company uses a 16" lathe, and a few milling machines, which will also be used in the new building. The remainder of the building on 11th Street will be used for warehouse space.

6.12.80:312(12)

11045 (continued)

Protests: None.

Board Action:

On MOTION of WAIT, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to permit the installation of an office, storage facilities, and assembly facilities, limited to using equipment that is not larger or heavier than the products shown and represented to the Board at this date, on the following described property:

The West 25' of the North 4' of the vacated alley, and the West 25' of the West 50' of Lot 1, Block 202, Original Townsite of Tulsa, Oklahoma.

11046

Action Requested:

Variance (Section 430 - Bulk and Area Requirements - Under the Provisions of Section 1670 - Variances) request for a variance of the setback from the centerline of Zenith from 50' to 43' 6" and from 85' to 46' from the centerline of 41st Street at 4016 South Zenith Avenue.

Presentation:

Richie Cochran, 4016 South Zenith Avenue, advised that his request is to widen his residence from 24' to 30' and add an addition on the rear portion of his present structure. Upon questioning, Mr. Cochran advised that he will line up with the other structures in his neighborhood. A plot plan was presented (Exhibit "F-1").

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 430 - Bulk and Area Requirements - Under the Provisions of Section 1670 - Variances) of the setback from the centerline of Zenith from 50' to 43' 6" and from 85' to 46' from the centerline of 41st Street, per plot plan submitted, on the following described property:

Lot 12, Block 11, Clinton Heights Addition to the City of Tulsa, Oklahoma.

11047

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-2 District at 709½ Valley Drive, Sand Springs, Oklahoma.

Mr. Jones advised that the Sand Springs Board of Adjustment has made a recommendation to the Board for approval of the subject application.

Presentation:

Susan Marshall, 709½ Valley Drive, Sand Springs, advised she recently moved in her mobile home about 3 weeks ago and that a mobile home previously existed on the subject property, therefore, she thought it was alright to place her mobile home on the lot. When the applicant applied for utility services, she was advised that she needed Board permission to place the mobile home. Ms. Marshall advised that she plans to tie down the mobile home.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-2 District as represented for a period of 1 year, removal bond required, on the following described tract:

The North 80' of Lot 13, Block 17, Charles Page Home Acres No. 2, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) request for an exception to rebuild antique and classic automobiles in a CS District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance to rebuild antique and classic automobiles in an RM-1 District, and in the alternative; Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to rebuild antique and classic automobiles in an RM-1 District at 11313 East 13th Street.

Presentation:

Julie Lamprich, representing Douglas Gibbons, presented a plot plan and pictures (Exhibit "G-1 and G-2") of the area. She advised that the plot plan is somewhat deceiving because 13th Street is not a through street, but has been dedicated but never developed. Ms. Lamprich advised that he client's home is located on the very western portion of his property and his property then extends east several hundred feet. A significant portion of her client's property is in a floodplain. The very western portion of the subject property is zoned CS and the other portion is zoned RM-1. Ms. Lamprich advised that her client's business is the restoration of 1958 Chevrolets and other antique automobiles. The business is conducted completely within his garage located at his residence. However, in order to conduct his business, advised Ms. Lamprich, her client needs permission to park some of the automobile outside and he intends to use the easternmost portion of his property, which is totally within the RM-1 zoning for that purpose. Ms. Lamprich stated that a variance may not be what is needed to give her client relief, therefore, a home occupation is requested in the alternative. Ms. Lamprich stated that her client has stated some self-imposed conditions that he could live with as follows:

(1) a 6' screening fence on the entire north and southeast boundaries of his property to screen the parked automobiles; (2) agrees to park any automobiles on the easternmost portion away from the creek in case of flooding of the creek. Ms. Lamprich advised that the applicant is aware of the regulations governing a home occupation, and that his is not a retail business operation. Ms. Lamprich stated that her client restores automobiles with the intent to take the cars to various automobile shows for sale and auctions. There are no signs on the premises advertising the business. Upon questioning, Ms. Lamprich advised that her client did not plan to sell parts from the site and that some prospective buyers come to his residence to purchase cars on an average of 10 to 20 people on a Sunday.

Mr. Gibbons, applicant, advised upon questioning that he does strip some of the cars to put parts on other cars, but whenever he is finished with the car he disposes with the remainder of the car within 1 day. Mr. Gibbons advised that he has approximately 85 cars presently on his property, a 5-horse compressor and impact wrenches. Mr. Gibbons advised that he could operate his business with a minimum of 50 cars on his property.

Julie Lamprich advised that the applicant came to her late in December because he had been served with a violation notice and at that time she began to bring Mr. Gibbons into compliance with the Zoning Code. Ms. Lamprich advised that her client bought the subject property from someone who was selling used cars from the subject site, therefore, the applicant assumed that he could operate his business without any problems. The property was purchased in 1977.

Board's Comments:

After reviewing the complaint reports received by the Building Inspector's Office (Exhibit "G-3"), Board member Lewis asked the applicant if he recalled talking with someone from the Building Inspector's Office advising him that he should appeal his case to the Board of Adjustment. The applicant could not recall speaking to anyone from the Building Inspector's Office. Chairman Purser advised that she would be hesitant in granting approval to someone who couldn't remember speaking to the Building Inspector's Office in 1977.

Dortha Miller advised that Mr. Zimmerman from her office talked with the applicant who informed him that he was requesting rezoning via the Board of Adjustment.

Applicant's Comments:

Upon questioning, the applicant advised that he restores cars no later than 1960 models, and that he could screen the property on the north, south and east. Mr. Gibbons advised that he works on 2 cars at a time and that he owns 3 personal automobiles, a 7-car transport trailer and a motor home. The applicant stated that he could operate his business with a minimum of 25 to 30 cars present on the property. Ms. Lamprich advised that the exception requested could be obviated.

Alan Jackere, Legal Department, advised that the applicant could not receive approval for a home occupation from the Board because it does not meet the requirements of the Ordinance. It would have to be approved under the variance provision, and Mr. Jackere stated that the

applicant might have a problem meeting the screening requirements because of the floodplain.

Discussion ensued concerning the number of complaints received by the Building Inspector's Office and the screening requirements.

Julie Lamprich advised that her client's request is for a use variance to run with the present owner, not the land; to utilize the double attached garage for his restoration of antique and classic automobiles and also to allow for the storage of not more than 25 automobiles on the easternmost 175' of his property, and the said 175' to be totally screened on all 4 sides with a 6' screening fence, subject to approval by the City Hydrologist as to drainage.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances), subject to the followings conditions: Approval run with the present owner only, that it expire 3-years from this date, or when this owner ceases to own the property, whichever comes first, provided the owner could reapply at the end of 3-years if he chooses; that no more than 3 personal automobiles and the motor home owned by the applicant be parked on subject property near the residence; that the vehicles stored and repaired be 1960 or earlier model vehicles; no night work on any vehicles; that all work on the vehicles take place in the garage at the residence; not more than 25 vehicles stored at one time on the property, other than the personal automobiles and motor home; that the 25 stored vehicles be confined to the easternmost 175' of the property, that said easternmost 175' be totally screened (perimeter) with a 6' screening fence, subject to the approval of the City Hydrologist; (if the City Hydrologist reduces the area that can be screened it will be acceptable to the Board and if there are any other problems with the screening, the applicant must return to the Board); the car carrier be stored within the screening fence except when it is in use; no selling of parts from the premises; no selling of vehicles from the premises; 90-days to meet the Board's requirements on the following described property:

A tract of land described as beginning at a point 150.00' East of the SW corner of Lot 4, Block 1, Carousel Concourse III, an Addition in Tulsa County, Oklahoma; thence North $0^{\circ}-28'-30''$ West, parallel to the West line of Lot 4, 140.085'; thence North $89^{\circ}-44'-09''$ East a distance of 100.00'; thence South $0^{\circ}-28'-30''$ East, parallel to the West line of Lot 4, 140.088'; thence South $89^{\circ}-44'-15''$ West along the South line of Lot 4, 100.00' to the point of beginning; and

A tract of land described as beginning at the SE corner of Lot 4, Block 1, Carousel Concourse III, an Addition in Tulsa County, Oklahoma; thence South $89^{\circ}-44'-15''$ West along the South line of Lot 4, 359.53'; thence North $0^{\circ}-28'-30''$ West, parallel to the West line of Lot 4, 140.088'; thence North $89^{\circ}-44'-09''$ East 359.53'; thence South $0^{\circ}-28'-15''$ East along the East line of Lot 4, 140.10' to the point of beginning, Less and Except a 30' easement across the West end thereof.

11049

Action Requested:

Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1670 - Variances) request for a variance to use the upper level of a home as a residence; and the lower level as the offices and studios of an FM fine arts radio station; with parking invisible from 136th East Avenue; and screened by landscaping from 96th Street North; property located at 9610 North 136th East Avenue.

Mr. Jones advised that the applicant has withdrawn his application.

Presentation: None

Protests: None.

Board Action: The Chair declared the application withdrawn.

11050

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 front setback requirements from 110' to 108.17' at 11666 East 21st Street.

Presentation:

Troy Johnson, F & M Bank, advised that the request is to build a 24-Hour Teller on the shopping center parking lot 1.3' closer to 21st Street than the Code requires. A plot plan was presented (Exhibit "H-1").

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 110' to 108.17' from the centerline of 21st Street, on the following described property:

Lot 1, Block 1, Burris Square Addition to the City of Tulsa,
Tulsa County, Oklahoma.

11051

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1219 - Hotel, Motel and Recreation Facilities; and (Section 1220-Commercial Recreation: Intensive) request for an exception to operate the following in an IL District: Oklahoma School of Gymnastics; Tulsa World of Gymnastics; and Tulsa Twisters Trampoline and Tumbling at 7246 East 38th Street.

Presentation:

Vernon Mudd, owner of the property, advised that a warehouse building is under construction on the property which is 110' deep, a typical warehouse structure. Mr. Mudd advised that he has made the application on behalf of the Gymnastics School which is currently housed across the street to the north about 600' in the Expressway Center, and that the purpose of the move is to provide a larger facility for the School. Mr. Mudd stated that the School has applied to become a tenant in the proposed warehouse structure and he has found that an exception is needed in order to operate the School in the warehouse building. A plot plan was presented (Exhibit "I-1"). Upon questioning, Mr. Mudd advised that in the front portion of the building where the school will be located is a parking lot that is double-sided that is 65' in width, and they will have 240' for parking spaces exclusively for the School. In addition to that, on the back portion of the building they will have 36 spaces. Mr. Mudd advised that the School will hold meets only on the week-ends and the other tenants at the location will be closed.

Discussion ensued concerning the parking facilities and the number of parking spaces required for the proposed warehouse and whether or not the application has been properly advertised.

Bob Gardner advised that the Building Inspector calculated that the applicant has room for 96 parking spaces and if the entire building was divided by 225', the more restrictive requirement, it would require only 76 parking spaces.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1219 - Hotel, Motel and Recreation Facilities; and (Section 1220 - Commercial Recreation: Intensive) to operate the following in an IL District: Oklahoma School of Gymnastics; Tulsa World of Gymnastics; and Tulsa Twisters Trampoline & Tumbling, on the following described property:

A tract of land that contains 1.9008 acres and that lies in the N/2 of the SW/4 of the SE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, Oklahoma; said tract of land being described as follows, to-wit: Starting at a point on the Westerly line of said N/2 of the SW/4 of the SE/4, said point being 30' Southerly of the Northerly line thereof; thence South 89°-57'-53" East, and parallel to said Northerly line for 36.41' to the "Point of Beginning" of said tract of land; thence continuing South 89°-57'-53" East and parallel to said Northerly line for 184'; thence South 0°-02'-22" West for 450'; thence North 89°-57'-53" West for 184'; thence North 0°-02'-22" East for 450' to the "Point of Beginning" of said 1.9008 acre tract of land.

11052

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) request for permission to place a mobile home on property for security purposes at 13810 East 121st Street.

Presentation:

Gene Vosberg, applicant, 5758 South Garnett Rd, representing Acme Sand, advised that instead of the Company giving their dispatcher a raise they decided to place his mobile home on the subject property and pay his bills so that he could keep an eye on the property. Upon questioning, Mr. Vosberg advised that the subject mobile home is their dispatcher's permanent home and did not expect the mobile to be placed on the property more than 5 years.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant an Exception (Section 310 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) to place a mobile home on the property for security purposes, for a period of 5-years or at the cessation of the extraction operation on the property, whichever is less, on the following described property:

The East 19.58 acres of Lot Two (2), and the East 1/2 of the SW/4 of the NE/4 of Section 4, Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

11054

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 front setback requirements from 50' to 34' from the front property line; and a Variance (Section 1219.4 - Hotel, Motel and Recreation Facilities - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) request for a variance of the parking requirements; and an Exception (Section 1680 (g) - Special Exception) request for an exception to establish off-street parking in an RS-3 District; and an Exception (Section 250.3-Modification of the Screening Requirements) request for permission to modify the screening requirement where an alternative screening will provide visual separation of uses at 114 East Skelly Drive.

Presentation:

Hubert DeGase, representing the owner, Shipment Investments, advised that they propose to build a 40-unit motel on the subject lot. Mr. DeGase advised that the request is for a variance of the front setback due to a hardship we learned of after procuring the property. The Transportation Department, State of Oklahoma, owns the entire front portion of the property, which was not reflected on the plats in the Courthouse. Mr. DeGase advised that the parking variance is requested subject to procuring a lease from the State Transportation

Department to use their land to park on. Mr. DeGase stated that the portion of the property (an alley) which is zoned RS-3, has been vacated and that portion of the property will be used as secondary parking with the primary parking being the lease property in question. Mr. DeGase advised, upon questioning, that the privacy fence screening is included on the plot plan next to the residential lots, not the north side of the alley as the Code requires. Mr. DeGase advised that the secondary parking is requested so that they could option to park on the RS-3 on the rear portion of the property in case the Transportation Department did not renew their lease. A plot plan was presented (Exhibit "I-1"). Mr. DeGase informed the Board that they have provided 8 more parking spaces than the Code requires, and that the Transportation Department acquired the land when they proposed an expressway up to Riverside. Mr. DeGase stated that the Transportation Department advised him that they have no plans for the subject property.

Interested Party:

Ken Berryhill, 41 East 51st Street, advised that he would like to clarify that the RS-3 portion is not an alley and that his residence and the other residences do back up to the Skelly Bypass. Mr. Berryhill asked if the variance is approved would that create parking behind the motel?

The Board advised that the interested party that the granting of the variance would not prohibit parking in the rear of the motel.

The protestant advised that he and other property owners do not want to encounter a lot of noise from people slamming car doors, etc. Mr. Berryhill also advised that the property needs to be cleaned up.

Bob Gardner advised that property zoned residential can not be used for either access or for parking unless the Board grants approval. The Board could limit approval for access only, no parking.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 50' to 34' from the front property line; and to grant an Exception (Section 1680 (g) - Special Exception) to establish off-street parking in an RS-3 District for fire lane use only, no parking; and to grant an Exception (Section 250.3 - Modification of the Screening Requirements) to modify the screening requirement where an alternative to permit screening to be on southern boundary of property instead of alley, contingent upon the applicant returning to the Board with the changes stated and the filing of his plans in the file, on the following described tract:

The West 295' of Lot 19, Block 1, Vonnie Joe Acres Addition to the City of Tulsa, Oklahoma, and the vacated alley located South of Lot 19.

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 a care home (St. Simeon's Episcopal Home) at 3701 North Cincinnati.

Presentation:

Mary Jane McClure, 3701 North Cincinnati Avenue, advised that the Home is adding on 20 additional patient rooms and that they presently have 70 rooms at the location. A plot plan was presented (Exhibit "J-1").

Bob Gardner advised that when the Home was first constructed it was permitted as a matter of right and when the new Ordinance was adopted in 1970, it permitted the use as a matter of exception under the system. Mr. Gardner suggested that the Board grant approval of the subject application without a specific plot plan because they were specifically zoned for a care facility originally.

Protests: None.Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for care home use, on the following described property:

A part of the SW/4 of the SW/4 of Section 13, Township 20 North, Range 12 East of the Indian Base and Meridian, according to the U. S. Survey thereof, all being in Tulsa County, Oklahoma, described as follows, to-wit: Beginning at the NW corner of the SW/4 of the SW/4; thence Southerly along the West line of said Section 13, a distance of 545.98'; thence due East a distance of 330.93'; thence due South a distance of 175'; thence due East a distance of 255'; thence South 35° - 23.7907' East a distance of 150.89'; thence due East a distance of 648.76' to the East line of said SW/4, SW/4; thence Northerly along said East line a distance of 843.14'; thence Westerly along the North line of said SW/4, SW/4 a distance of 1,323.10' to the point of beginning, containing 22.51 acres, more or less.

OTHER BUSINESS:Case No. 10877 - Eastwood Baptist Church - Joe Coleman

Request to substitute a plot plan - Case No. 10877: Joe Coleman, representing Eastwood Baptist Church, advised that the Church has redesigned their north and south entrances and that the Church proposes to build a new gymnasium as approved by the Board. The existing gymnasium will be used for other purposes. The Church is also proposing to build a new two-story classroom addition as previously approved.

Case No. 10877 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Wait "aye"; no "nays"; Victor "abstaining"; Smith "absent") to approve the request to substitute a plot plan for Case No. 10877, per plot plan submitted.

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

Date Approved

7-10-80

Adrian M. Smith, Jr.
for Chairman