

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 313  
Thursday, June 26, 1980, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT

Lewis  
Purser, Chairman  
Smith  
Victor  
Wait

STAFF PRESENT

Gardner  
Jones  
Johnson, D.

OTHERS PRESENT

Jackere, Legal  
Department  
Miller, Protective  
Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, June 24, 1980, at 11:07 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.

MINUTES:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor "aye"; no "nays"; no "abstentions"; Smith, Wait "absent") to approve the Minutes for May 15, 1980 (No. 310) and May 29, 1980 (No. 311).

MINOR VARIANCES AND EXCEPTIONS:

11065

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 35' to 34.1' at 8808 South 65th East Place.

Mr. Jones advised that the residence has already been built and the request by the applicant is to clear up a title and that the applicant had submitted a plot plan (Exhibit "A-1").

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 35' to 34.1', per plot plan submitted, on the following described tract:

Lot 76, Block 4, Chimney Hills South Addition to the City of Tulsa, Tulsa County, Oklahoma.

11066

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 2239 South Rockford Avenue.

Mr. Jones advised that the residence will cross the lot line and that the structure will be covering a lot and a half according to the applicant's plot plan (Exhibit "B-1").

Alan Jackere, Legal Department, advised that the only technical variance that the Code requires is an exterior side yard requirement. Mr. Jackere stated that the applicant's exterior side yard meets the requirements of the Code. He stated that the Building Inspector will issue building permits to build over interior lot lines in the future so long as the applicant meets all other requirements under the Code.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to refund the applicant's filing fee for Case No. 11066.

UNFINISHED BUSINESS:

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 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:

Mr. DeGase, applicant advised that as a result of the previous hearing, he has moved his fence within 2' of his property line which is the vacated alley zoned RS-3. Mr. DeGase advised that he is able to contain the parking on the site without using the property owned by the Transportation Department.

Mr. Jones advised that the applicant was to return to the Board with a new set of plans for the proposed motel structure showing the changes suggested at the June 12th hearing.

Protests: None.

11054 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait "aye"; no "nays"; Smith "abstaining") to approve the plans submitted by the applicant, subject to the condition that the alleyway be used only for emergency vehicles, on the following described property:

The West 295' of Lot 19, Block 1, Vonnie Joe Acres and vacated alley on the south, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

11058

Action Requested:

Special Exception (Section 250.3 (a) Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) request for a special exception to modify the screening requirement where existing physical features provide visual separation of uses (on the north and the west) at 4412 South Harvard Ave.

Presentation:

Ron Leding, applicant, presented pictures of the area in question (Exhibit "C-1") and advised that a 6' fence presently exists and that the shrubbery is between 12' and 20' high in areas. Mr. Leding advised that he has not changed the building in any way, but has up-graded the appearance of his existing structure.

The applicant advised that the west hedge on his property is ever-green. Mr. Jones advised that the north property also requires screening because it is zoned RS-3.

Protestants:

T. L. Webb, advised that there has been no change in the conditions in their neighborhood as far as business operations meeting the requirements of the Zoning Code. Mr. Webb stated that there is some screening on the applicant's property and advised that Ms. Muckleroy inspected the subject property.

Ms. Muckleroy, 4431 South Gary Avenue, advised that the subject lot adjoins her neighbor's lot, who is out of town at this time, and that most of the shrubbery on the applicant's property is voluntary growth and it will loose leaves as soon as the weather turns cold and is easily penetrated. Ms. Muckleroy advised that the residents of her neighborhood would like to have a screening wall for security purposes.

T. R. McCullen, 4421 South Gary Avenue, advised that his lot is practically directly behind the applicant's building and that the property in question slopes, therefore drains onto his property. Mr. McCullen advised that since the shrubbery is voluntary he will cut it down because he plans to plant a garden. The protestant stated that the noise from the business operation is disturbing to the neighborhood and takes away from his privacy, and that the applicant is presently grading the property for parking. Mr. McCullen also stated that the applicant did not have any type of fence up.

Mr. Webb, advised that he does not want to see a precedent set in his neighborhood and felt a precedent would be set if the subject application was granted approval. Mr. Webb advised that he feels that it is only fair that the applicant adhere to the Zoning Code Requirements.

Robert Kenney, 4404 South Gary Avenue, advised that there has been a zoning change in his neighborhood and that he was informed that the businesses would be required to meet the requirements of the Zoning Code. Mr. Kenney stated that the Code requires some type of division between commercial and residential property.

Applicant's Comments:

Mr. Leding advised that the protestants are confusing his property with that of another chiropractor in the neighborhood. Mr. Leding advised that he has a 6' chain link fence around his entire property and the shrubbery that provides the screening is located on his property which was set in place by a landscaper. Mr. Leding stated that parking on his property is provided on the front portion of his property. The applicant advised that most of his work is done in the homes of his clients because he runs an insurance agency.

Board Action:

On MOTION of LEWIS, the Board voted 3-2-0 (Lewis, Purser, Smith, "aye"; Victor, Wait "nay"; no "abstentions") to grant a Special Exception (Section 250.3 (a) Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) to modify the screening requirement where existing physical features provide visual separation of uses subject to the following conditions: (1) To run with the present owner only; (2) exist as long as there are no external changes or additions to the building presently on the property or any new buildings; (3) no parking or driveway of any kind to the rear of the building; (4) that the shrubbery is maintained to remain the same quality as shown in the pictures presented today by the applicant to provide the screening; and (5) so along as the present owner is the user of the premises for the same use existing today, on the following described tract:

The North 100' of Lot 2, Block 2, Villa Grove Park, City of Tulsa, Tulsa County, Oklahoma.

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 30.5' from the centerline of the street at 3115 South Winston Ave.

Presentation:

J. M. Wilkinson, architect, advised that the subject property is the old Skelly Dance Studio and that many commercial type structures are located within the 3200 block. Mr. Wilkinson advised that his request is to use a few columns to support a canopy since the building is a totally flat faced building and being an old structure it needs support. There will be parking in front of the building in a limited amount. Mr. Wilkinson submitted a plot plan (Exhibit "E-1").

11059 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant 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 30.5' from the centerline of the street, per plot plan submitted, on the following described tract:

The South 23.5' of Lot 1; and the North 76.5' of Lot 2,  
Block 1, Conway Park Addition to the City of Tulsa, Okla.

11061

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 and maintain a 2' x 3' sign in an AG District at 9000 North Cincinnati Avenue.

Mr. Jones advised that Sperry submitted a transmittal advising that they have no objections to the subject application (Exhibit "F-1"), and that if the Board grants approval that some conditions should be imposed.

Presentation:

Frank Baumgarten, applicant, submitted letters from residents within 1/4 mile of his property stating that they have no objections to his application (Exhibit "F-1"). Mr. Baumgarten advised that he is aware of the rules governing a home occupation and that he would like to display a sign advertising the beauty shop operation, 2' x 3'.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 320 - Accessory Uses in the Agriculture District) to operate a home beauty shop and maintain a 2' x 3' sign in an AG District, subject to the rules governing a home occupation with the exception of sign requirement to allow the applicant a 2' x 3' unlighted sign (1 only to be a low type sign not on a pole), on the following described property:

A tract of land beginning 500' South of the NE corner of the NE/4 of the SE/4 of Section 23, Township 21 North, Range 12 East, Tulsa County, Oklahoma; thence 700' West; thence 100' South; thence 700' East; thence 100' North to the point of beginning.

11062

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) request for permission to locate two mobile homes in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variance) request for a variance of the 5-acre minimum for a mobile home in an Agriculture District north of 136th Street North and east of Sheridan Rd.

Mr. Jones advised that the Collinsville Board of Adjustment recommends the approval of the application (Exhibit "G-1").

Presentation:

Vivian Toothman, applicant, advised that her request is to place one mobile home for she and her husband and one mobile home for her daughter to help her take care of her husband who is very ill. Ms. Toothman advised that one mobile home is new and the other mobile home is approximately 2 years old.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate two mobile homes in an AG District; and to grant a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variance) of the 5-acre minimum for a mobile home in an Agriculture District, for a period of 5 years, on the following described tract:

The NW/4, NE/4, NE/4, SW/4 of Section 26, Township 22 North, Range 13 East; and the NE/4, NE/4, NE/4, SW/4 of Section 26, Township 22 North, Range 13 East, Tulsa County, Oklahoma.

11063

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses) request for an exception to permit the erection of apartments in a CS District northwest of 107th East Avenue and 12th Street.

Mr. Jones advised that the applicant is requesting a continuance until July 24, 1980 because he does not have his layout plans ready.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to continue Case No. 11063 until Thursday, July 24, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

6.26.80:313(6)

11064

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) request for permission to locate two mobile homes in an AG District; and a Variance (Section 340 - Requirements For Special Exception Uses in the Agricultural District - Under the Provisions of Section 1670 - Variances) request for a variance of the 5-acre minimum for a mobile home in an AG District west of Highway 97 and 50th Street North.

Mr. Jones advised that the Sand Springs Planning Commission has sent a communication advising him that the Sand Springs Planning Commission approved the lot-split for the applicant, subject to approval by the Tulsa Board of Adjustment (Exhibit "H-1").

Presentation:

Patrick Pischel, applicant, advised that he would like to place one mobile home on the eastern portion of his lot and one mobile home on the western portion of his lot. The applicant advised that there are 4 other mobile homes on the street. Mr. Pischel advised that he and his father-in-law are buying the 5 acres and having the lot split into 2½ acre lots and that he has approval of his lot-split by the Sand Springs Planning Commission.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate two mobile homes in an AG District on the east 1/2 and the west 1/2 of Lot 6, Meadow Lake, Osage County, west of Highway #97 and 50th Street North; and to grant a Variance (Section 340 - Requirements For Special Exception Uses in the Agricultural District - Under the Provisions of Section 1670 - Variances) of the 5-acre minimum for a mobile home in an AG District, on the following described tract:

Lot 6, Block 1, Meadow Lake Subdivision to Osage County, Oklahoma.

11067

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 the centerline of 11th Street; from 50' to 40' to permit gasoline pumps; from 50' to 35' to permit the erection of a screening fence on the west; and from 50' to 35' to permit a pole sign at 416 East 11th Street.

Presentation:

Jon Myers, applicant, advised that her request is to put in a convenience store and presented a letter from the Elm Park Homeowners Association advising their approval of the subject application (Exhibit "I-1"), pictures of the surrounding property of the proposed convenience store (Exhibit "I-2") and a plot plan (Exhibit "I-3").

6.26.80:313(7)

11067 (continued)

Ms. Myers advised that she has approval from the Fire Marshal subject to approval from the Board of Adjustment and that the proposed convenience store will align with the other buildings in the area.

Protestant:

P. F. Cominy, advised that a filling station has been there for many years and asked what type of gas station is proposed.

The Board advised that the station will be gasoline pumps in front of a convenience store.

Wayne Alberty advised that a removal contract should apply to each item if the Board grants approval of the variance.

Board Action:

On MOTION of VICTOR, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from the centerline of 11th Street; from 50' to 40' to permit gasoline pumps; from 50' to 35' to permit the erection of a screening fence on the west; and from 50' to 35' to permit a pole sign, subject to removal contracts for each item requested, on the following described tract:

The South 45.4' of Lot 1 and all of Lot 2, less the following described tract: Beginning at the NW corner of Lot 1; thence Southerly along the West line of Lot 1 a distance of 5'; thence Easterly on a line parallel to the north line of Lot 1 a distance of 40' to the point of beginning; thence Southerly on a line parallel to the West line of Lot 1 a distance of 15'; thence Southeasterly to a point on the South line of Lot 1, said point being 60' East of the SW corner of Lot 1; thence Southerly a distance of 50' to a point on the South line of Lot 2, said point being 60' East of the SW corner of Lot 2; thence West 60' to the SW corner of Lot 2; thence Northerly along the West lines of Lots 2 and 1, a distance of 95'; thence Easterly a distance of 40' to the point of beginning, Block 4, Elm Park Addition, an Addition to the City of Tulsa, County of Tulsa, Oklahoma.

11068

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Requirements) request for permission to remove the screening requirements where the purpose of the screening cannot be achieved at 1430 South Boulder Avenue.

Presentation:

Lynn Meyer, representing United Way, presented a plot plan (Exhibit "J-1") and advised that the Code requires that a screening fence be installed between the CH zoning of United Way and the RM-2 zoning to the west. The RM-2 zoning is presently being used for a parking lot that the United Way is using for their parking. The building is located on the property line and the fence cannot be located there.



11068 (continued)

The alley is used for ingress and egress from United Way to the parking lot, therefore, the request is that they be allowed permission to remove the screening requirement.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith Victor, Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 250.3 (d) - Modification of the Screening Requirements) with the stipulation that as long as the RM-2 property is used by the United Way for parking and to run with the present owner and present use only, on the following described tract:

Lots 22 and 23, Bayne Addition to the City of Tulsa, Oklahoma.

11069

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 2233 North Birmingham Pl.

Presentation:

Dennis Hopkins, 2233 North Birmingham Place, advised that his request is to place a mobile home on a lot that his residence existed on before it was destroyed by fire. Mr. Hopkins advised that he plans to rebuild his residence in the near future, and that the burned structure is still present on his lot.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of 1-year, contingent upon the burned structure being removed within 60 days and if the permanent structure is rebuilt prior to the expiration of the permission for the mobile home, the mobile home will then be removed, removal bond required, on the following described property:

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

11070

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) request for an exception to permit used car sales and car auctions in a CS District southeast of 9th Street and Mingo Road.

Mr. Jones submitted a floodway map (Exhibit "K-1").

Presentation:

Wallace Davis, 4009 East Xyler, applicant, advised that he proposes to operate car sales and car auctions at the subject location. Mr. Davis advised that he feels that the subject location is a good choice because there is 7 acres on the tract, but his request is for approval of the south 150' of the property. The applicant advised that the auction will be outside where the general public can auction their cars on a commission basis on Thursday nights from 7:00 p.m. to 10:00 p.m. Mr. Davis stated that a portable building will be used as an office that measures 10' x 24' on the property and that he plans to start his operation with 35 to 40 cars. Also the public address system will be self contained in a 1-ton van.

Protestant:

Ron Bennett, attorney, 2431 East 51st Street, representing Dorothy and Gilbert Bennett, who own property directly south of the subject application advised that the property is known as Elms Court, which is a trailer court with tenants. Mr. Bennett advised that his clients also live in the trailer court and the back of their trailer would be next to the proposed car auction. Mr. Bennett stated that Elms Court has been in existence since 1941 and his clients have a license to operate the trailer court. Mr. Bennett informed the Board that the subject application would be right next to where 9 people presently reside, and feels that the car auction will create a noise factor with the use of a loudspeaker and the type of lighting the applicant will be using, and the dust factor involved in the application when the general public enters the property with the vehicles. Mr. Bennett advised that on behalf of the owners of the property and the tenants he objects to the subject application. Upon questioning, Mr. Bennett advised that he felt his clients and their tenants could live with restrictions on the car auction, and that presently a 6' wooden fence exists, but from the trailer the subject tract can be seen.

Applicant's Comments:

Mr. Davis advised that as far as the lights are concerned there will be a street light on the corner at the driveway going onto Mingo, and may possibly have some flood lights on the south boundary of the property, which will shine north, away from the adjacent property. As far as the question of dust is concerned, Mr. Davis advised that rock had been laid and packed like concrete.

The Board advised the applicant that his parking surface would have to be asphalt or concrete.

Upon questioning, the applicant advised that his car lot would be open until 7:00 p.m., and at present he has no water problems. The applicant also stated that there will not be any type of work done on the cars, no washing, no painting, just selling.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit used car sales and car auctions in a CS District on the west 150' of the south

11070 (continued)

150', Lot 2, subject to the following conditions: That the City paving requirements be met; sound system be no greater than described by the applicant, that any speakers from the sound system be directed toward the north; that any lighting be directed internally on the lot, not toward the adjoining property; any car auctions held on the property terminate no later than 10:00 p.m., and approval of the drainage plans by the City Hydrologist, on the following described property:

The West 150' of the South 150' of Lot 2, Block 1, Willey's Addition to the City of Tulsa, Oklahoma.

11071

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Duplexes) request for permission to convert the present dwelling into a duplex; and a Variance (Section 440.3 - Special Exception Uses in Residential Districts - Requirements - Under the Provisions of Section 1670 - Variances) request for a variance of the lot area from 9,000 sq. ft. to 8,308 sq. ft.; and a variance of the frontage requirements from 75' to 55' for a duplex at 435 South Indianapolis.

Presentation:

Robert Casey, 8728 East 27th Street, applicant, advised that he would like to convert a house into a duplex at the subject location. Within 400' of the present structure there is a minimum of 9 duplexes. Mr. Casey advised that he does not plan to make any exterior changes to the house with the exception of making the single car attached garage into a bedroom. The garage door will be finished with siding to match the house. The duplexes will have separate entrances to the units. The applicant submitted a map outlining the other duplexes presently in the area of his application (Exhibit "K-1") and advised that most of the duplexes outlined to the west have only 7,000 sq. ft. Mr. Casey advised that his lot has a little over 8,300 sq. ft. and has 151' of frontage on the west. A plat of survey was presented (Exhibit "K-2").

Protestant:

Mark Lyons, 454 South Indianapolis Avenue, advised that he has talked with a number of people who reside on the street of the application who shared his objections. Mr. Lyons advised that he is concerned with the tenants occupying the rental property and the number of children who live and play in the area of the application. Mr. Lyons advised that he did not know how the applicant's driveway could hold more than 2 cars and feels that South Indianapolis is inadequate for off-street parking and that the house is inadequate for duplex purposes. The house in question is a poorly maintained house. The garage area has rotting rafters and facing. Mr. Lyons stated that there is 8 to 10 ft., between the back of the house that is proposed for the duplex and the lot line. An addition has been added on and it is inadequate for a duplex. Mr. Lyons advised that the Board may want to come out and view the subject site before acting on the application.

11071 (continued)

Applicant's Comments:

Mr. Casey advised that the driveway is a double width driveway and 4 cars could easily park there. Mr. Casey proposes to put another driveway in if necessary and there would be no problem with additional parking space and that he just recently purchased the property. The property will be used as rental property even if his request is not approved by the Board. The applicant also stated that he does not plan to construct a garage.

Wayne Alberty advised that the applicant has to have a requirement of 2,500 sq. ft., per dwelling unit, which would be 5,000 sq. ft. of livability space if the house is converted into a duplex. Mr. Alberty advised that the 4 parking spaces is necessary (2 spaces per dwelling unit).

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to continue Case No. 11071 to Thursday, July 10, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, so that the applicant could return to furnish the Board with more information and to allow the Board members to field check the property in question.

11072

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) request for permission to locate a mobile home in an AG District at 6245 North Troost.

Presentation:

Juana Fisher, applicant advised that her request is for approval to locate a mobile home on North Trenton and that 3 other mobile homes presently exist on North Utica Avenue and 2 on Utica Place. Ms. Fisher advised that she does not plan to reside in the mobile home for more than a 5-year period and that her mobile will be in addition to a residence on the 10-acre subject property, which is owned by her father. Ms. Fisher advised that her mobile home is necessary for her to live in town because of her job.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District, for a period of 5 years, on the following described property:

The East 299' of the SE/4 of the NW/4 of Section 6, Township 20 North, Range 13 East, Tulsa County, 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 a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1670 - Variances) request for permission to operate a flea market at 4051 North Cincinnati.

Presentation:

Ruth Rich, applicant, advised that the Lord has instructed her to help people who need help and that she goes around to auctions to purchase items that she feels someone would need and either gives the merchandise away or sells it. Ms. Rich advised that she is a minister and would like to use her large home for church use. The applicant presented an article describing the type of work that she does (Exhibit "M-1"), and that she displays the purchased merchandise on her property so that people will know what she has to offer which is kept orderly. Ms. Rich advised that her property is located between Cincinnati Avenue and St. Paul's Episcopal Church and that she feels that a steepled church is not necessary in order to worship God.

Interested Party:

Mrs. Austin, St. Jude's Thrift Store, advised that she and her partner started the store to help St. Jude's Cancer Research Hospital. Mrs. Austin advised that Ms. Rich has been very generous in donating merchandise for her store, and that there is some misconception as to Mrs. Rich's operation in calling it a flea market because no other people come onto her property to sell their merchandise.

Protestants:

Clyde Boyd, attorney, representing homeowners in the area of the subject application presented pictures of the property in question (Exhibit "M-2") and two petitions of protest signed by residents of the neighborhood (Exhibit "M-3"). Mr. Boyd advised that there is not a need for another church in the area because 2 presently exist. Mr. Boyd advised that upon viewing the subject property he found a lot of junk and garbage on the subject site in the front yard, and an advertisement sign measuring 4' x 6' and another sign that reads "honk for service." Mr. Boyd stated that the traffic situation on North Cincinnati is hazardous because of constant speeding and blind spot in turning north onto the applicant's property. If the Outreach Ministry is continued it will create additional fatalities on Cincinnati, therefore Mr. Boyd asked the Board to deny the application.

Ms. Boatright, 4012 North Cincinnati Avenue, advised that she lives 1½ blocks away from the subject application. Ms. Boatright advised that when the applicant moved in, she brought all the junk in North Tulsa along with her. Just recently one of her neighbors sold their home and had to take a \$3,000.00 loss in the sale of their home. The applicant's house was made over from an old oil field house and is somewhat small and Ms. Boatright advised that the advertising signs are obstructing traffic.

11073 (continued)

Applicant's Comments:

Ms. Rich advised that she is an asset to the neighborhood because she has upgraded the property, and feels that she is being discriminated against by her neighbors.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use; and to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1670 - Variances) to operate a flea market, and the applicant has 30 days to remove the items from her property, on the following described tract:

Beginning 300' South and 400' West of the NE corner of the NE/4, SE/4 of Section 14, Township 20 North, Range 12 East, Tulsa County, Oklahoma; thence South 261.3'; thence Northwesterly along Cincinnati to a point 300' South of the North line of the NE/4, SE/4; thence East 215' to the point of beginning.

11074

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to operate a home barber shop in an RS-3 District at 1202 South Jamestown Avenue.

Presentation:

Amos Mason, 1202 South Jamestown Avenue, applicant, presented a petition bearing signatures of (19) homeowners in his neighborhood stating that they have no objections to his application (Exhibit "N-1"), and advised the Board what has happened to his barber business within the last 10 years stating that people have started wearing their hair longer, therefore, a large number of barbers are no longer needed. Mr. Mason advised that he has tried unsuccessfully to find a building for his barber business for quite some time. The applicant advised that he is constructing a one chair barber shop adjacent to his present residence and that he is requesting off-street parking for approximately 3 cars. Mr. Mason informed the Board that his business would operate on an appointment basis only, and that two other home occupations are presently in operation in the neighborhood. Mr. Mason advised that he started to build a 2-story addition, but decided to build a one chair barber shop and a two car garage because he could not afford to rent a commercial building. Upon questioning, the applicant advised that the barber business is his only means of support. The applicant then stated that he has a building permit for a four car garage out of concrete block and that he was told that he could make the addition as large as he wanted to as long as he stayed within the boundaries. The business will operate 5-days a week from 7:30 a.m. to 5:30 p.m., with the exception of Mondays and Sundays.

Protestants:

Howard Dolph, 1207 South Indianapolis Avenue, presented a plot plan of the applicant's addition (Exhibit "N-2") that was submitted for his building permit and advised that the residents do not want the barber shop in their neighborhood. Mr. Dolph also presented a petition of protest bearing 114 signatures of homeowners in the neighborhood, objecting to the subject application (Exhibit "N-3"). Mr. Dolph informed the Board that off-street parking for such a large business operation would be detrimental to the neighborhood.

Mike Bagby, 3427 East 12th Street, advised that according to the rules stated in the home occupation manual the property must be owner occupied and that the applicant lives next door to the property. Mr. Bagby stated that no exterior alterations can be made to the house when operating a home occupation. Mr. Bagby stated that the applicant deceived the Building Inspector's Office saying that he was building a one car garage 30' x 48' and the building under construction is 1,040 sq. ft. The applicant does not have electrical permits and the entire building is being made of concrete blocks, which is totally out of character with the neighborhood. When the application for a building permit was made the applicant advised that the proposed structure would be constructed with wood. Mr. Bagby asked that the construction be tailored back to a two car garage and asked the Board to deny the applicant's request.

Rajagopal Raghavan, 3515 East 12th Street, advised that he lives 300' from the subject application and presented pictures of the subject property (Exhibit "N-4"). Mr. Raghavan advised that the building being constructed is totally out of line with the other residences in the neighborhood. The protestant asked that the Board deny the application.

Harley Teal, 3614 East 12th Place, advised that he lives further away from the other protestants, but he is in agreement with the protests because the building being constructed is a monstrosity. Mr. Teal advised that presently two other barber shops exist in the neighborhood.

Discussion ensued concerning the livability space of the subject property and the apparent error made in issuing a building permit for the building under construction.

Applicant's Comments:

Mr. Mason advised that when he was issued a building permit he was not informed that the exterior of the building needed to have siding or be made of wood.

Board Action:

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

Lot 1, Block 3, Harvard Heights 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 side yard requirements from 5' to 3.3' in an RS-2 District (residence existing) at 4804 East 84th Street.

Mr. Jones advised that the applicant's request is to clear up a title and the house is already built. The applicant has submitted a plot plan (Exhibit "0-1").

Protestants:

Mr. & Mrs. Basnett, 14820 East 36th Street, presented pictures of the subject property (Exhibit "0-2") and advised that because the applicant thought he had 5' he has dug into their lot and started a retaining wall which is not finished. In the last rain the protestants lost about 1½' of dirt because of the incompleteness of the retaining wall. Mr. & Mrs. Basnett advised that they would like to have the retaining wall completed because they have already dug into their trees and ruined them. The protestants advised that in the future there will probably be a drainage problem, and the retaining wall is probably 2.8' away from their property.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor Wait "aye"; no "nays"; no "abstentions") to continue Case No. 11075 to Thursday, July 10, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

The Board entered into discussion concerning the substitution of plot plans for cases that have previously been heard and approved.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to adopt the policy that any time someone wishes to substitute a plot plan for a case which has previously been before the Board and approved, the Building Inspector's Office should determine whether or not the applicant has made a substantial change and if so, they should so advise the Board to advertise the application, without prejudice to the Board's right to ask that subdivision requirements be advertised if the Building Inspector does not require readvertising.

Request to Substitute a Plot Plan - Case No. 10686:

Mr. Jones advised that the request is to substitute a plot plan (Exhibit "P-1"), which are the final plans on a 10-acre tract located on the southwest corner of 96th Street and Delaware Avenue. Part of the property was zoned FD and a portion OM.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Wait "aye"; no "nays"; Smith "abstaining"; Victor "absent") to accept the request to substitute the new plot plan.



Request for a Clarification of Case No. 5065 :

Mr. Jones advised that the property is located on the north side of 11th Street, between Canton and Darlington Avenues.

Presentation:

Michael Burnham advised that he is representing Mr. Morrison who is the owner of Dial-A-Car, and who would like to lease some property from Fred Jones at 5200 East 11th Street and continue the operation of that property in the same format that it had been used for until the property was vacated by Fred Jones. Mr. Morrison would like to operate his Dial-A-Car business at the subject property. The request is for an extension of permission for the use of the property which has cedar fencing around it, which will be repaired. Pictures of the subject property were presented (Exhibit "Q-1"). Mr. Jones advised that Fred Jones had an agreement with the neighbors on the protective screening and landscaping.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Victor "absent") to interpret the approved action on Case No. 5065 as not running with the original applicant only, but with the owner of the property.

Request to Substitute Plot Plan - Case No. 10937:

Mr. Jones advised that the applicant had to rearrange the placement of the units, but did not have to alter the size, number, or mix of units to be built upon the site covered under their previous approval by the Board.

Frank Wisner, representing R. E. Bright, the applicant, submitted his substitute plot plan (Exhibit "R-1") and advised that one of the apartments required an inside access therefore, he made 3 eightplexes instead of the original designed building that was planned. Mr. Wisner advised that he eliminated one of the drives which gives him more livability area which was marginal in the original plot plan.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Victor "absent") to accept the substitute plot plan for Case No. 10937.

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

Date Approved

August 7, 1980

Hataryn Purser

Chairman