

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 315
Thursday, July 24, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, July 22, 1980, at 2:45 p.m., as well as in the Reception Area of the TMAPC Offices.

After declaring a quorum present and in the absence of the Chairman, Board member Lewis called the meeting to order at 1:50 p.m.

MINOR VARIANCES AND EXCEPTIONS:

11090

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 50' to 35' from the centerline of 11th Street to permit the erection of a pole sign at 3002 East 11th Street.

Mr. Gardner advised that the sign is on the applicant's property, but within the Major Street Right-of-way Plan and a removal contract would be required if the application is approved.

Presentation: None.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor "aye"; no "nays"; no "abstentions"; Purser, Wait "absent") to grant a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Avriances) of the setback requirements from 50' to 35' from the centerline of 11th Street to permit the erection of a pole sign, removal contract required, on the following described tract:

Lot 24, E. N. Adams Addition to the City of Tulsa, Oklahoma.

11106

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the front setback requirements from 50' to 45' from the centerline of 150th East Avenue at 3541 South 150th East Avenue.

Presentation:

Don Kelleon, 1216 North 31st Street, Broken Arrow, advised that he is the contractor for the owner and the structure footings were poured 5' too close to the front property line. Presently there are residences on each side of the subject structure, but they do not face the same direction. Stan Webb of Monarch Homes was the builder who misread the tape in surveying the property. Pictures and a plat of survey were presented (Exhibit "A-1").

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor "aye"; no "nays"; no "abstentions"; Purser, Wait "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the front setback requirements from 50' to 45' from the centerline of 150th East Avenue on the following described property:

Lot 2, Block 9, Sunwood Hills II Addition, Tulsa County, Okla.

11110

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 a lot-split at 1620 West 41st Street. Mr. Gardner advised that the Planning Commission approved the lot-split on June 18, 1980, subject to approval by the Board. All information is contained in the file.

Presentation: None.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor "aye"; no "nays"; no "abstentions"; Purser, Wait "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split (L-#14944), on the following described property:

Beginning at a point on the North line of Section 26, Township 19 North, Range 12 East, Tulsa County, Oklahoma; said point being 287.5' East of the NW corner of the NW/4; thence South 661.5'; thence East 190.5'; thence North 456.5'; thence North 24°-36'-46" West 136.79'; thence North 80'; thence West 135.5' to the point of beginning; less the North 50' thereof, & less that part in the SE corner deeded to the City of Tulsa.

7.24.80:315(2)

11111

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 a lot-split at 5217 South 36th West Avenue.

Bob Gardner advised that the Planning Commission approved the lot-split on July 2, 1980, subject to approval by the Board.

Presentation: None.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor "aye"; no "nays"; no "abstentions"; Purser, Wait "absent") to grant a 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 a lot-split (L-#14912) on the following described property:

Lot 3, Block 1, Southwest Gardens, City of Tulsa, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

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.

Bob Gardner advised that the applicant has withdrawn his application and would like a refund of his \$50.00 application fee. Mr. Gardner advised that advertisement for the public hearing amounts to \$25.00 of the \$50.00 fee; therefore, a \$25.00 refund to the applicant could be approved.

Presentation: None.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor "aye"; no "nays"; no "abstentions"; Purser, Wait "absent") to withdraw the application and grant a refund of \$25.00 to the applicant for Case No. 11063.

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 setback requirements from 25' to 5' on the east; and from 25' to 12' on the south; and from 25' to 0' on the west; and request for a variance of the frontage requirements from 20' to 18' to permit a townhouse development in an RM-3 District at 8th Street and Norfolk Avenue.

Presentation:

W. G. Franklin, 9800 South Sheridan Road, advised that he is waiving his request for a front setback from 18' to 20' because the City Engineer's curb requirements are not flexible. A plot plan was presented (Exhibit "B-1").

The applicant advised that all other requests are needed. Mr. Franklin advised that he has agreed with the City Engineer to dedicate 5 additional feet off the south of his property to the City of Tulsa and increase the lots from 18' to 20'. In doing so, he has lost one unit in the application.

Protestant:

Tom Surber, 728 South Norfolk Avenue, advised that he owns Lot 4 and his father owns Lot 3. Mr. Surber advised that his father's house is one house south of the applicant's proposed project and the granting of the requested variance on the south would affect his father's house.

Interested Party:

Joe Allen Kitchell, 1307 South Galveston, advised that on behalf of the American Legion, he is requesting a 2-week continuance. Mr. Kitchell advised that a lot of congestion presently exists in the neighborhood and granting the application would worsen the present condition in the area.

Bob Gardner stated that the Technical Advisory Committee has reviewed the proposed plot plan and the required changes are depicted on the applicant's revised plot plan. One of the things the applicant mentioned at the last meeting is that the building is "L" shaped in the front and one car would be able to pull off the street and the other car would be able to park underneath on the second-story of the building. Two off-street parking spaces are required by the Zoning Code.

Board Action:

On MOTION of SMITH, the Board voted 3-0-1 (Lewis, Smith, Victor "aye"; no "nays"; Wait "abstaining"; Purser "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 5' on the east; and from 25' to 12' on the south; and from 25' to 0' on the west; subject to the approval of the subdivision plat and requirements of the City Engineering Department and that 20' of parking depth be provided for 2 autos regardless of the building line; subject to site plan review prior to issuance of a building permit, on the following described tract:

The South 100' of Lot 1, All of Lot 2, Block 3, Oaklawn Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

11092

Action Requested:

Variance (Section 620.2 (d) - Accessory Uses Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) request for a variance to permit a 3' x 5' sign on a lot that has three other signs in an OL District at 4515 South Harvard Avenue.

Dorotha Miller, Protective Inspections, advised that the fourth sign is in violation of the Zoning Code, but the applicant has permission for the three other signs. Ms. Miller advised that the fourth sign was erected without a building permit being issued.

Protestant:

Cathy Bogarde, 3331 East 45th Street, advised that the subject sign is in violation of the Code and that she is concerned with the aesthetics of the neighborhood. Ms. Bogarde stated that on a one acre lot, two businesses have been erected and three other signs presently exists on the subject property.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to deny a Variance (Section 620.2 (d) - Accessory Uses Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) to permit a 3' x 5' sign on a lot that has three other signs in an OL District, on the following described tract:

Lot 1, Block 2, Villa Grove Heights No. 1 Addition to the City of Tulsa, Oklahoma.

11095

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) request for permission to locate three 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 - Variances) request for a variance of the five acre tract size for each mobile home in an AG District at 11601 East 126th Street North.

Presentation:

Mrs. D. H. Tate, 11601 East 126th Street North, advised that she owns five acres of land and would like to place three mobile homes on the subject tract. The applicant advised that her home sets on a two-acre tract and has three acres surrounding her residence. Ms. Tate advised that her grandson has five children and he cannot find any residence to rent, therefore he would occupy one of the mobile homes if granted. The other two pads would be rented out to help pay her expenses. The applicant advised that the Collinsville Board of Adjustment recommended approval of the application since it is next door to a mobile home park.

Alan Jackere, Legal Department, advised that under the advertising for a variance the Board could grant approval of the subject application.

7.24.80:315(5)

11095 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate three 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 - Variances) of the five acre tract size for each mobile home in an AG District, for a period of five years; to run with the present owner only, on the following described tract:

A part of the SE/4 of the SW/4, Section 32, Township 22 North, Range 14 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point on the West line of the SE/4 of the SW/4 of said Section 32, said point being 418' North of the SW corner of said SE/4 of the SW/4; thence North along the West line a distance of 418'; thence East and parallel to the South line of said SE/4, SW/4, a distance of 418'; thence South and parallel to the West line of said SE/4, SW/4, a distance of 209'; thence West and parallel to the South line of said SE/4, SW/4, a distance of 209'; thence South and parallel to the West line of said SE/4, SW/4, a distance of 209'; thence West and parallel to the South line of said SE/4, SW/4, a distance of 209' to the point of beginning, containing 3 acres, more or less; AND

Beginning at the SW corner of the SE/4, SW/4; thence North 418'; thence East 209'; thence South 418'; thence West 209' to the point of beginning, LESS .07 acre for road, Section 32, Township 22 North, Range 14 East, 1.93 acre.

11097

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 and related off-street parking at 1621 North Sheridan Road. (The proposed use is to convert an existing dwelling into a youth recreation center.

Presentation:

Frank Rowell, Jr., 207 Franklin Boulevard, Broken Arrow, representing Sheridan Avenue United Methodist Church, advised that the Church owns the entire block of the subject property and the Church parsonage is located on the southeast corner of the block. The Church has acquired a new parsonage, therefore the request is to use the old parsonage for a youth recreation center. The subject structure is a frame dwelling, measuring approximately 1,000 sq. ft. Parking facilities presently exist on the subject property. The social activities that will take place in the youth center will be supervised by not less than two adults, the youth involved will be under 17 years old. Mr. Rowell

11097 (continued)

advised that during a social event not more than 20 youths would be present at the center. Some of the activities will be religious movies and other supervised parties. No noise will be involved in the planned activities to be held on Friday and Saturday nights to run not later than 11:00 p.m. for the youth. The only activities that would go on during the week days at the subject center would probably be some church activities, but the center would be used primarily as a youth recreation center.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "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 and related off-street parking for a period of 18 months, to be continued to 1st meeting on December 10, 1981 in order to monitor the use as proposed, for up to and not more than 30 children, limited to 10:30 p.m. any evening, on the following described property:

The East 97.5' of the South 135' of Block 3, Spartan Court
Second Addition, City of Tulsa, Oklahoma.

11098

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 100' to 86' from the centerline of Lewis Avenue at 5936 South Lewis Avenue.

Presentation:

Don Edwards, Architect, representing Osage Oil and Transportation, Inc., advised that the Company has been involved in merchandising gasoline for over thirty years. The subject location is a defunct gas station which was improperly merchandising gasoline. Mr. Edwards advised that the area of South Lewis does not have enough gasoline to supply the neighborhood. Pictures of the new gas station were presented (Exhibit "C-1") along with a plot plan (Exhibit "C-2") showing the vehicular circulation on the subject lot. Mr. Edwards advised that the proposal would not create any hazards to the public, and the proposed station would be a credit to the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 86' from the centerline of Lewis Avenue, subject to the pictures and plot plan presented, on the following described property:

11098 (continued)

Lots 1 and 2, Block 1, L & M Square Addition to the City of Tulsa, Oklahoma.

11099

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from an R District from 114' to 56.9' to permit the erection of a five-story office building in an OM District at 6793 South Yale Avenue.

Presentation:

Bob Hale, Construction Development and Realty Corporation, 5001 East 68th Street, advised that he has requested a building permit for the proposed structure. The variance is needed because the site is heavily wooded and they would like to save as many of the trees as possible and disturb the terrain as little as possible. Therefore, the proposed building is being moved back closer to the east property line. A plot plan was presented (Exhibit "D-1").

Bob Triplett, Mr. Hale's partner, 5001 East 68th Street, presented a snap shot of a rendering which shows a better view of the proposed project (Exhibit "D-2"). Mr. Triplett advised that there are six reasons for the request; (1) the Sooner Federal Center does not face true north, south, east and west, and the request is to build a twin building to the present structure to cut energy costs; (2) because of the topography of the land, the building would be placed on virgin soil; (3) to tie into the existing parking area for ingress and egress; (4) ability to save some trees; (5) less expensive for the developer; and (6) will give the occupants of the structure a better view because it will sit on the highest point. The residential property to the east will have a fence to be used as a divider. Part of the parking lot is on RS-3 zoned property. The proposed twin building is 5' larger on each side than the first building.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from an R District from 114' to 56.9' to permit the erection of a five-story office building in an OM District, per plot plan and renderings presented, on the following described property:

Beginning at the SW corner of Lot 1, Block 1, Burning Hills, an Addition to the City of Tulsa, Tulsa County, State of Okla., according to the recorded plat thereof; thence due North along the West line of said Lot 1, Block 1, a distance of 100.00'; thence South 33°-38'-24" East a distance of 90.26'; thence South 89°-50'-08" East parallel to and 25.00' perpendicularly distant from the South line of Lot 1, Block 1, Burning Hills, a distance of 225.00' thence due North a distance of 90.18'; thence due East a distance of 15.00'; thence due North a distance of 40.00';

11099 (continued)

thence due West a distance of 15.00'; thence due North a distance of 175.00' to the North line of said Lot 1, Block 1; thence South 89°-50'-13" East along said North line a distance of 324.62' to the NE corner of said Lot 1, Block 1; thence due South a distance of 330.20' to the SE corner of Lot 1, Block 1; thence North 89°-50'-08" West a distance of 599.62' to the point of beginning and containing 115,339.00 square feet or 2.648 acres, more or less.

11100

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the front setback from 50' to 37' & 10" from the centerline of the street to permit the erection of a carport at 437 South 70th East Avenue.

Presentation:

Curtis Gray, 437 South 70th East Avenue, presented a plot plan (Exhibit "E-1") and advised that his request is to attach a carport onto his present residence. The proposed carport will match the existing architect of the residence upon completion. Carports are present in the neighborhood and 5 or 6 other carports measure smaller than the one he is proposing.

Protests: None.

Board Action:

On MOTION of VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback from 50' to 37' & 10" from the centerline of the street to permit the erection of a carport, according to the drawing submitted and attached statements concerning the building materials to be used, on the following described property:

Lot 15, Block 10, 3rd Crestview Estates, City of Tulsa, Okla.

11102

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance to operate an automotive clutch repair service in an RM-1 District at 2923 West 40th Street.

Presentation:

Tom Gann, representing Billy Cowett, owner of L & S Specialty Company, an automotive clutch repair service, advised that for more than 40 years the subject tract has been used for commercial purposes, and the property in question consists of two small lots with a one-story concrete block building placed on the tract. The subject site was previously used for a convenient store and gas station. A petition

11102 (continued)

of approval was presented (Exhibit "F-1") signed by residents within a city block of the subject property in favor of the application and who have been fully advised of the proposed use. Mr. Cowett's operation services many truck owners. The clutches after being taken off the trucks are brought into the shop for repair then returned to the owners. The hours of operation are from 8:00 a.m. to 4:30 p.m., Monday through Friday. On a busy day the applicant would not expect more than 5 customers. In the repair of the clutches a small lathe and grinder are used. The noise level is very minimal. A few alterations will be made to the present structure and the applicant advised that the repair service is willing to live by any Board restrictions. The hardship stated by the applicant is that the commercial building is not suitable for residential use and asked the Board to grant the application. The pickup truck owned by the applicant will be parked inside at night.

Billy Cowett, 3701 South 61st West Avenue, applicant, advised that the largest piece of equipment he uses is a surface grinder and he presently has 3 employees. Six property owners were present in the room in favor of the application.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to operate an automotive clutch repair service in an RM-1 District, subject to run with the present owner only from 8:00 a.m. to 4:30 p.m., 5 days a week, no outside storage; no storage of vehicles to be worked on; pickup truck to be parked inside at night; and all work is to be performed inside, on the following described property:

Lots 16 & 17, Block 38, Redfork Addition to the City of Tulsa, Oklahoma.

11104

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Mobile Homes) request for permission to locate a mobile home in an RS-3 District at 2327 South 63rd West Avenue.

Presentation:

J. B. Brewer, 2327 South 63rd West Avenue, advised that his request is to move a mobile home onto his property for his father-in-law to live in. He has talked with his neighbors and they have no objection to the placement of a mobile home on his property. 15 other mobile homes are present within a two block radius.

Protests: None.

11104 (continued)

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of one year, removal bond required on the following described property:

Lots 7 and 8, Block 4, West Tulsa View Acres Addition to the City of Tulsa, Oklahoma.

11107

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) request for permission to use property for church use, and related activities; and a Variance (Section 1205.3 (a) - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1670) request for a variance of the one-acre minimum for a church in an AG District at 3347 North 129th East Ave.

Presentation:

Ira Edwards, 1606 First National Bank Building, representing Langley Baptist Church advised that the request is to use the subject property for church use and other related church activities. The people in the Langley addition have acquired a lease on the property and have been holding church services in a portable building at the subject location. The lessor of the property has given permission to use his existing driveway and adjacent land for access and parking for the Church. Pictures of the subject Church were presented (Exhibit "G-1"). Mr. Edwards also advised that they have two, one (1) year options to purchase the subject property. The Church plans to build a permanent structure on the property depending on the growth of the Church.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and related activities; and to grant a Variance (Section 1205.3 (a) - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1670) of the one-acre minimum for a church in an AG District, so long as adequate parking facilities are provided on the following described property:

Beginning at a point on the West boundary of Section 21, Township 20 North, Range 14 East, Tulsa County, Oklahoma, said point being located along said boundary South 1,030.88' from the NW corner of said Section 21; thence along said boundary of Section 21, South 130' (to the Public Service Power Line);

11107 (continued)

thence East 145' (parallel to the Power Line); thence North 130'; and thence West 145 feet to the point of beginning; all being within the W/2, NW/4, NW/4 of Section 21, Township 20 North, Range 14 East, Tulsa County, Oklahoma more commonly known as 3347 North 129th East Avenue, Tulsa Oklahoma.

11108

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) request for permission to erect two duplexes in an RS-3 District; 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 following; (1) minimum lot area from 9,000 sq. ft. to 7,000 sq. ft.; (2) minimum frontage from 75' to 50'; (3) minimum land area per dwelling unit from 5,000 sq. ft. to 3,500 sq. ft.; and (4) minimum livability space per dwelling unit from 2,500 sq. ft. to 1,700 sq. ft. north and west of 11th Street and Knoxville Avenue.

Presentation:

Norman Cass advised that he is in the process of purchasing 3 lots and planned to construct a single-family residence on one of the lots and two duplex structures on the other two lots. Mr. Cass has talked with the neighbors and they don't particularly favor his proposal, and a compromise has been reached with area residents to construct a duplex on the south end of the subject property, near 11th Street, and the two single-family structures on the inside lots. The applicant used the blackboard to present a sketch depicting the subject property.

Wayne Alberty advised that the City Commission denied duplex zoning last year and referred the applicant to the Board of Adjustment.

Interested Parties:

John Leiber, 840 South Knoxville Avenue, advised that about a year and a half ago the subject tract containing 3 lots were sold and the owner appeared before the Board requesting permission to construct three duplexes and was granted permission to construct two duplexes. After receiving permission to construct two duplexes the owner sold the land and they are presently back to square one. The applicant has been very helpful in advising the neighbors of the proposal and in reaching an agreement to build a duplex on Lot 18 and single-family structures on Lots 19 and 20. Mr. Leiber asked the Board to provide a stipulation on approval of the subject application that if progress on the single-family structures has not begun within a limited time-frame, the approval of the application would be revoked.

Noble Manion, 835 South Knoxville Avenue, advised that she agrees with Mr. Leiber and with Mr. Cass' proposal for construction of one duplex and two single-family structures. Ms. Manion advised that if the Board agrees to approve the construction of one duplex on the south lot and two single-family structures on the inside lots, she would also be in favor of the application.

11108 (continued)

Alan Jackere advised that the application, if approved, would stand as it was presented by the applicant and the construction of the proposed structures would need to be completed within a 2-year time period. If construction is not completed within 2-years then the permission granted for the application would be revoked.

Wayne Alberty advised that the Board could grant approval of the application, subject to construction of the single-family structures prior to construction of the duplex on the subject property.

Applicant's Comments:

Upon questioning, the applicant advised that as soon as he receives his building permits for the proposed structures, he will begin construction immediately. Mr. Cass advised that he plans to build the proposed structures at the same time.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect one (1) duplex in an RS-3 District; and to grant a Variance (Section 440.3 - Special Exception Uses In Residential Districts - Requirements - Under the Provisions of Section 1670 - Variances) to permit; (1) minimum lot area from 9,000 sq. ft. to 7,000 sq. ft.; (2) minimum frontage from 75' to 50'; (3) minimum land area per dwelling unit from 5,000 sq. ft. to 3,500 sq. ft.; and (4) minimum livability space per dwelling unit from 2,500 sq. ft. to 1,700 sq. ft.; subject to one (1) duplex being built on lot 18 (south end); one (1) single-family structure each on Lots 19 and 20; the building permit when issued to be utilized simultaneously; the construction of the structures to run concurrently (all three (3) structures will be under construction at the same time; or in the alternative, that the duplex be the last of the three (3) structures to be built; the three (3) structures be 90% brick, one-story structures and that the Board of Adjustment review the final building plans prior to a building permit being issued, on the following described property:

Lots 18 and 19, Block 6, Braden Heights Addition to the City of Tulsa, Oklahoma.

11109

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 10' to 6' & 8" in an RS-2 District at 4019 East 82nd Place.

Presentation:

Clarence Barker, 4019 East 82nd Place, advised that his request is for a variance of the side yard requirements to erect an addition to his present residence on the east. A site plan was presented (Exhibit "G-1"). Mr. Barker advised that he had talked with his neighbors concerning his proposed addition. At the present time there are no drainage problems in the area. The proposed addition will be guttered and

11109 (continued)

the architecture will tie into the present architecture of the existing residence.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1670 - Variances) of the side yard requirements from 10' to 6' & 8" in an RS-2 District, subject to the gut- tering being installed on the north side addition to the house, on the following described property:

Lot 16, Block 5, Forest Creek II Addition to the City of Tulsa, Oklahoma.

11112

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1680 - Exceptions) request for an exception to allow church use in an AG District north of 111th Street and Yale Avenue.

Presentation:

Beverly Barge, Priest in charge of the Church of the Holy Spirit Episcopal, advised that the request is to permit construction of a church. A plot plan was presented (Exhibit "H-1") along with a rendering of the proposed church (Exhibit "H-2"). Rev. Barge advised that they presently have 3½ acres of land with an option to buy an additional ½-acre. Plans for construction will begin as soon as a building permit is issued. Rev. Barge advised that their plans are based on anticipated growth of the Church, and the parking conforms to the requirements under the Code by adding an additional parking lane behind the Church.

Interested Party:

John Johnson, 10924 South Yale Avenue, advised that he lives across the street from the proposed church and asked the Board if approval of the application would change the present AG zoning of the district to commercial.

Board member Lewis advised that granting approval of the application would not change the AG zoning of the area. Wayne Alberty explained to the applicant that within the Zoning Code churches, schools and parks are community service uses which are permitted with Board approval by an exception.

Board Action:

On MOTION of VICTOR, the Board voted 3-0-1 (Lewis, Victor, Wait "aye"; no "nays"; Smith "abstaining"; Purser "absent") to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District- Under the Provisions of Section 1680 - Exceptions) to allow church use in an AG District, subject to plot plan and rendering submitted, on the following described property:

11112 (continued)

A tract of land being in the SW/4 of the SW/4 of Section 27, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beginning at a point which is the NW corner of the SW/4 of the SW/4 of said Section 27, T-18-N, R-13-E; thence South $89^{\circ}-50'-03''$ East a distance of 508.20'; thence South $0^{\circ}-20'-26''$ West a distance of 300.00'; thence North $89^{\circ}-50'-03''$ West a distance of 508.20' to the West line of Section 27, T-18-N, R-13-E; thence North $0^{\circ}-20'-26''$ West along said West Section Line a distance of 300.00' to the point of beginning and containing 152,459 square feet or 3.50 acres, more or less.

11113

Action Requested:

Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance to permit two pole signs 25' from the centerline of Pine; and request for a variance to permit a canopy 45' from the centerline of Pine; and a variance from 100' to 65' to permit a building 65' from the centerline of Pine; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 25' to 21' on the east and west at 2505 East Pine Street.

Presentation:

Ray Conard, 4343 South Memorial, advised that the property is an old service station and two old houses that his client bought, who proposes to construct a new service station. The lot is only 95' deep, but the building sets back far enough to meet the building requirements under the Code. The canopy would be 50' from the street. A waiver is needed on two signs, but the applicant advised that he already has a waiver for one of the signs. A plot plan was presented (Exhibit "I-1"). Mr. Conard advised that they will have 8 pumps on 4 islands, a service office in the middle and a canopy over the entire unit. A 6' privacy fence will be placed across the back portion of the property.

Protestants:

Ed Honeywell, 1511 North Atlanta Avenue, advised that he lives behind the subject property and that about one month ago he encountered a problem with a truck driver who was dispensing gasoline with the engine of his truck running, which is a safety hazard. The fumes can be smelled at least three houses down the street from the gasoline with the truck running. If there was a fire, the protestant advised that his house would be the first house to be burned down. Mr. Honeywell asked the Board to require the trucks dispensing gasoline be turned off if the application is approved. Mr. Honeywell asked the Board to close the alley between his property and the subject property and to deny the variance requested.

11113 (continued)

Theola Robbins, 1520 North Atlanta Place, advised that the applicant could put his station somewhere else besides in their residential neighborhood across the street from the Springdale School. The service station would decrease the property values of their homes, cause traffic problems and the fumes from the gasoline would be a safety hazard. Ms. Robbins asked the Board to deny the application as requested.

Applicant's Comments:

Mr. Conard advised that his client plans to remove the old station and put in a new station that will enhance the entire area. The station will handle the flow of traffic. Pacer Oil Company is the operator of the station. A 6' wooden fence and a 15' alley would serve as a buffer between Mr. Honeywell's property and the subject property.

Wayne Albery advised that this particular section of Pine does not have 50 feet of dedication to the City of Tulsa, and also the use is not a question before the Board.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) to permit two pole signs 25' from the centerline of Pine; and a request for a variance to permit a canopy 45' from the centerline of Pine; and a variance from 100' to 65' to permit a building 65' from the centerline of Pine; and 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 25' to 21' on the east and west, subject to the north entrances on the east and west sides be subject to the approval of the Traffic Engineering Department; removal contract required for the signs and canopy; and suggested deleting the air and vacuum from the north side of the business adjacent to the residences; subject to the approval by the Fire Marshal of the gasoline storage tanks, on the following described tract:

Lots 684, 685, 686, and 687, Block 59, Tulsa Heights Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Interpretation of Zoning Map CZM - 37 - Part of Utica Square:

Wayne Alberty advised that some zoning errors were made in 1969 and 1970 in translating the zoning maps. An error was made in the dimension of the boundary of the CH boundary of Utica Square. An area was approved for CH zoning, less and except the west 230'. The area mapped was much greater than the area approved and described by the Board. A copy of the map was presented.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") that on Case #1879 there was an error made on the map drawn depicting the CH zoning area for Utica Square, less and except 230' and find that the line was drawn in error as a result thereof and it should be less and except the west 230' instead of the line drawn on the map.

Request for a Clarification of Case #10797:

Dorothea Miller advised that Mr. Long, applicant, came before the Board on November 29, 1979, requesting to build a hangar and a 40' x 40' office building on his property which was approved. Mr. Long would like to consolidate the office building with the hangar to make one structure. Ms. Miller advised that she denied the application because of the action taken by the Board on the original application. Construction of the hangar was approved so long as the airport remained.

Presentation:

Mr. Long, applicant, advised that when construction began on his approved plans, he did not realize the cost factors involved. A substitute plot plan was presented (Exhibit "J-1"). The applicant advised that most people came to the airport to view the airplanes, therefore he decided to move his office to a different location. Mr. Long advised that his proposed 30' x 60' 2-story addition to his present structure (the hangar), would fit his needs better than his original proposed 40' x 40' 2-story structure.

Mr. Long advised that his new proposal could be converted into a residence by removing the hangar from the premises.

Discussion by the Board followed concerning the future residential use of the area in question. Board member Lewis advised that he would like to see photographs of the existing structure.

Applicant's Comments:

Mr. Long advised that a two week continuance would be detrimental to his plans and that the completed structure would look as nice as the rest of the neighborhood and better than some of it.

Board Action:

On MOTION of VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve the substitute plot plan for Case #10797 and find the revision within the spirit and intent of the previous Board approval.

Letter Submitted by C. Arnold Brown, concerning Case #7730, and #9785:

Alan Jackere advised that the letter submitted should go to the Building Inspector's Office because the Board does not handle zoning complaints and enforcement.

The Chair advised that the letter for Case #7730 be referred to the Building Inspector.

There being no further business, the Chair adjourned the meeting at 5:15 p.m.

Date Approved

Sept. 4, 1980

Walter D. Purser

Chairman