

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 317
Thursday, August 21, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Lewis
Purser, Chairman
Smith
Victor
Wait

STAFF PRESENT

Gardner
Howell
Jones
McBride

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, August 19, 1980, at 4:00 p.m., as well as in the Reception Area of the TMAPC Offices.

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

MINUTES:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor "aye"; no "nays"; no "abstentions"; Smith, Wait "absent") to approve the Minutes for July 10, 1980 (No. 314) and July 24, 1980 (No. 315).

MINOR VARIANCES AND EXCEPTIONS:

11129

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 100' to 90' and a variance of the lot area requirements from 13,500 sq. ft. to 12,800 sq. ft. in order to permit a lot-split at 8968 East 13th Street.

Presentation:

Perry Isom, 8968 East 13th Street, advised that he proposes to split a large lot measuring 100' x 305'; however, the lots fall 10' short of the 100' frontage requirements under the Zoning Code because we must have a 10' strip extending to 13th Street for utilities. The northern tract has an existing house and the southern tract is for the future development of his residence. Mr. Isom noted that, although dedication exists on 13th Place, the 10' handles are necessary to reach existing water and sewer lines. This application was continued at the previous meeting to allow the Board members and Staff to field check the property. Mr. Isom advised that there is a dedication on 13th Place and he proposed to put in a private driveway, not a street.

11129 (continued)

Protestant:

A letter (Exhibit "A-1") was exhibited from Earl Youree, an attorney from Wagoner, Oklahoma, who appeared on behalf of his clients at the previous Board meeting. The letter stated that Mr. Youree had met with his clients following the last meeting and they were of the opinion that if the 10-foot extensions on both of the applicant's lots are restricted to utility easements and roadway access is not permitted across same, that such a division would not adversely affect materially their property values.

Applicant's Comments:

Board Member Victor questioned who would assume the responsibility of maintaining the private drive. Bob Gardner advised that 13th Place is dedicated, but it would be the responsibility of the property owners to improve and maintain the street. Mr. Gardner stated that there is not much potential for development in the area and, therefore, just a paved driveway to reach the development would be sufficient. If, in the future, there is a need for a full-paved street, the abutting owners would need to form a street assessment district for improvement of the street.

Gary Victor advised that he did not feel this was the appropriate use for the subject tract.

Bob Gardner pointed out that the dedication of the street was made and, with the exception of the utilities, the applicant would not need to apply for a variance. The 10' handles are for the purpose of providing utilities to the lots and if they were not required, sufficient frontage and lot area requirements would be available.

Board Action:

On MOTION of SMITH, the Board voted 4-1-0 (Lewis, Purser, Smith, Wait "aye"; Victor "nay"; 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 frontage requirements from 100' to 90', and a variance of the lot area requirements from 13,500 sq. ft. to 12,800 sq. ft. in order to permit a lot-split (L-14954), subject to the 10' handles being used for utility purposes only and not for ingress and egress, the maintenance of the driveway to be the applicant's responsibility, on the following described property:

Part of the NE/4, of the SW/4 of the NE/4, Section 12, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

11164

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from the centerline of 106th Street South from 60' to 58.7' in order to permit a residence at 6906 East 106th Street.

11164 (continued)

Presentation:

Doug Burton presented a plot plan (Exhibit "B-1") and advised that the structure is on a slab and has been framed. After this much was completed it was found that one corner of the house sets 1.3' over the building line.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Wait, Victor "aye"; no "nays"; Smith "abstaining") to grant a Variance (Section 340-Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from the centerline of 106th Street South from 60' to 58.7' in order to permit a residence, on the following described tract:

Lot 20, Block 4, Forest Trails, a Subdivision in Tulsa County, State of Oklahoma.

UNFINISHED BUSINESS:

11100

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 5' to 11" on the north side to permit a carport at 437 South 70th East Avenue.

Presentation:

Curtis Gray, 437 South 70th East Avenue, stated that he proposes to construct a two-car carport. The carport will be attached to, and will match the architecture of the existing residence. The carport will have rain gutters. Mr. Gray advised that he has three cars, one of which he is restoring, which is kept in the existing garage. There are other carports in the neighborhood, five or six on the applicant's street which are similar to the one he proposes to construct.

Gary Victor stated he felt 11 inches was too close to the property line and he would favor a one-car carport.

Mr. Lewis pointed out that there are other carports in the neighborhood with several also on the property line. He noted that the neighbor adjacent to the subject property had not voiced any objection to the proposed carport.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-2-0 (Lewis, Purser, Wait "aye"; Smith, Victor "nay"; no "abstentions:") 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 5' to 11" on the north side to permit a carport on the following described tract:

11100 (continued)

Lot 15, Block 10, Crestview Estates Third Addition to the City of Tulsa, Oklahoma.

11120

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to allow a child development center in an RS-3 District. (The proposal is to convert an existing residence into a child development center.)

Presentation:

The applicant was not present.

Board Member Victor advised that he had looked at the proposed site for the child development center. The residence is located on a large corner lot, on a short block. There would be room in front for a circle drive with a large rear yard. Mr. Victor expressed concern that there is a "For Sale" sign on the subject property.

Protestants:

There were several protestants at the meeting, but they did not present their objections again.

Board Action:

On MOTION of VICTOR, the Board voted 4-0-1 (Purser, Smith, Wait, Victor "aye"; no "nays"; Lewis "abstaining") to deny a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to allow a child development center in an RS-3 District, on the following described tract:

Lot 5, Block 14, Harvard Hills Addition, to the City of Tulsa, Tulsa County, Oklahoma.

11124

Action Requested:

Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1670 - Variances) to use part of the house as a residence, part as the offices and studios of an FM radio station, with an addition to accommodate several offices, and an attached two-car garage. Off-street parking will not be visible from East 106th Street North, but will be screened by landscaping. The property is located at 9909 East 106th Street North.

Presentation:

Charles Norman, representing John Major, advised that a license has been granted by the Federal Communications Commission to install and operate an FM radio station, KCMA, at Owasso. The concept of the station is to be a full-time classical music station, the first in the Tulsa market area. It has been licensed to operate at the maximum allowable FM power of 100,000 watts. Due to technical considerations

it will be necessary to locate the transmitter in one location and the station within the City of Owasso, or the annexed fenceline for Owasso. The transmitter is to be located a certain distance away from other existing transmitters in the Tulsa and surrounding market areas.

Mr. Norman gave the Board a topographical map (Exhibit "C-1") showing the location and elevation of the site and the surrounding area. The signal of this station will be strong enough to serve the entire area shown in the circle around Talala, which will be a major communication asset in this area. The applicant is requesting a variance to operate the studio within his home. A copy of the Owasso Board of Adjustment meeting on August 6th was presented, which showed that the Board recommended that this Case be approved (Exhibit "C-2"), subject to the recommendation of your staff. Mr. Norman stated that there were no drainage or flooding problems in the area covered by the application. Mr. Norman gave the Board a floor plan (Exhibit "C-3") showing that the entrances to the studio would be from the rear side. The property would be landscaped and the parking lot would be to the rear and screened from view from the front and that the antenna for the microwave would be located to the rear of the property. The corner where the German Church is located is about a mile and a quarter to the northeast. The corner is 696', almost 40' higher than the subject tract, consequently, the tower to support the microwave length must be high enough at the studio site to clear that ridge and reach the transmitter at Talala. The height of the tower on the site would require between 85'-90'. The antenna would be triangular in shape with on-site guide wires and with a microwave dish on the top directed toward Talala.

Protestants:

Charles L. McMahan, Jr., stated he owned the adjoining property east of this applicant and felt that his request is creating spot zoning as an office and a studio. The other owners of land have constructed single-family dwellings and spot zoning would adversely affect the price of their homes.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve a Variance (Section 310 - Principal Uses Permitted in Agriculture Districts - Under the Provisions of Section 1670 - Variances), subject to the following conditions:

1. Per plot plan and site plans submitted;
2. all traffic to use the existing drive off 106th Street North;
3. all parking to be on a hard surfaced lot and screened from the abutting properties to minimize impact, as per the plot plan and renderings;
4. antennas to be located as set forth on the plot plan, the relay tower not to exceed 90' in height;
5. no more than one sign, not larger than 6 sq. ft. with no flashing lights - to carry the call letters of the station only;
6. no additional detached buildings shall be permitted;

11124 (continued)

7. any future alterations, other than the submitted enlargement of the existing house in the site plan, shall not be allowed without Board of Adjustment hearing and approval;
 8. maximum of four employees at this location; and
 9. approval to run with this owner only;
- all on the following described property:

The West 198' of the SE/4 of the SW/4 of the SW/4 of Section 7,
Township 21 North, Range 14 East, Tulsa County, Oklahoma.

11126

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 rear yard requirements from 40' to 0' to permit a three-story building; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) to remove the screening requirement where the purpose of the screening requirement cannot be achieved. This property is located at 2816 East 51st Street.

Remarks:

This matter was continued from the last regular meeting in order for the applicant to bring a revised plot plan and the Board did approve a variance of the floor area ratio on this property.

Presentation:

Vernon Mudd, 2816 East 51st Street, stated that he has with him Mr. Louis Levy who will be assisting him with technical questions that might come up. Mr. Mudd presented measurements of the existing buildings in the immediate area and a report that has been obtained from the Traffic Engineer regarding 51st improvements and a map depicting the building setbacks in the area (Exhibit "D-1").

Protestants: None.

Applicant's Comments:

The four-story building you questioned me about is 82' from the centerline of 51st Street. Immediately west of us and occupying the entire balance is property owned by Mr. Ernest Moody. It is the property that he occupies as his home and you have in your records a letter from Mr. Moody stating that he approved of all three of our requested variances. I did not take a measurement of his house, I measured only commercial buildings. The screening variance is requested because I see no need to screen between parking lots (office and apartments).

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to grant a Variance (Section 630 - Bulk and Area Requirements In The Office Districts - Under the Provisions of Section 1670 - Variances) of the front setback from 100' to 82'; and an Exception (Section 250.3 (d)- Modification of the Screening Wall or Fence Requirements - Under the

11126 (continued)

Provisions of Section 1680 - Exceptions) to waive the required screening, per plot plan, on the following described property:

The North 150' of Lots 1 and 2, Block 8, Villa Grove Gardens
Addition to the City of Tulsa, Oklahoma.

11131

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; and a Variance (Section 440.6 (c) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the one-year time limitation for a mobile home; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to store disabled automobiles in an RS-2 District, at 7037 North Peoria Avenue.

Presentation:

Applicant was not present.

Protestants:

Glenna Cooley, 7128 North Peoria, which is across the street from the subject property, presented a petition (Exhibit "E-1") and stated that if a larger petition is needed, I can get it. We are not inconsiderate of these people being in business. However, the mobile home has been there for quite some time and the junk automobiles have been there for quite some time. We do not protest the mobile home, as such, but we do protest the junk automobiles. We appeal to this Board that you consider the type of business requested.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to permit a mobile home for one-year, with a removal bond required, and to deny the balance of the application; and a Variance (Section 440.6 (c) - Special Exception Uses in Residential Districts, Requirements - Under the Provision of Section 1670 - Variances) of the one-year time limitation for a mobile home; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to store disabled automobiles in an RS-2 District, subject to the applicant removing the junk and inoperative vehicles from the property within 60-days, on the following described property:

Lot 7, Block 9, Golden Hill Addition to the City of Tulsa, Okla.

11132

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; and a Variance (Section 440.6 (c) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the one-year time limitation for a mobile home. This property is located at 123 S. 34th W. Ave.

8.21.80:317(7)

11132

Presentation:

Elbert B. Kennedy, 123 South 34th West Avenue, stated that he would like to put a mobile home on the property because his house blew up and now he has none. The former house remains have been removed and they would like to stay there, but he doesn't feel he can afford to rebuild and would like to put the mobile home in. The place has been cleared to make room for the mobile home. There is a two-car garage on the property. There is a mobile home about one block from their location. He stated he has talked to the neighbors and they have no objection to his putting a mobile home there.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted In Residential Districts - Section 440.6 - Mobile Homes) to permit a mobile home; and a Variance (Section 440.6 (c) - Special Exception Uses In Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit the mobile home for a period of two-years, on the following described property:

Lot 27, Block C, Joe Subdivision to the City of Tulsa, Oklahoma.

11133

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 47.6' from the centerline of the street in an RS-3 District. This property is located on the northwest corner of Woodrow Place and Garrison Avenue.

Presentation:

David Loop, representing Tulsa Urban Renewal Authority, requested a variance in the front setback so we can move a home in from the airport area (Exhibit "F-1").

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) from 50' to 47.6' from the centerline of the street, subject to the plot plan, on the following described property:

Lot 80, Block 4, Brookdale Investment Company's Resubdivision of Brookdale Addition to the City of Tulsa, Tulsa County, Oklahoma.

11134

Action Requested:

Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to allow Use Unit 15, Other Trades and Services,

11134 (continued)

and Use Unit 17, Automotive and Allied Activities in a CS District. This property is located south and west of 51st Street and Mingo Road.

Presentation:

John Moody, 4100 Bank of Oklahoma Tower, stated that there are mixed land uses in this area. It is becoming very heavily industrialized, particularly on the east side of Mingo Road. Additionally, this particular area is surrounded by industrial and warehousing-type operations. Don Walker, one of the owners, advised that there would be no outside storage or sales.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; Smith "abstaining") to approve an Exception (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit Use Units 15 and 17 in a CS District, subject to no auto washes, no outside storage, or sales, no vehicle repair and service, no mobile home sales, no camper sales, no heavy equipment sales, on the following described property:

Lots 1, 2, 3, 4, & 5, Block 1; Lot 6, less the North 100' thereof; and Lot 8, Block 1, 51st and Mingo Commercial Center Addition to the City of Tulsa, Oklahoma.

11135

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Exceptions) request for an exception to allow off-street parking in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit mini-storage in an RS-3 District. This property is located at 10711 East 11th Street.

Remarks:

The Staff stated that most of this property is in a floodway district. The City Hydrologist said they would not permit any buildings in the floodway.

Presentation:

Don Hammer, 205 Denver Building, representing the owners, Mr. John Stutzman and Mr. Gene Oliver, presented a topo map (Exhibit "G-1"). The application is for the back part of Lot 11 and all of Lot 10 of Block 2, East 11th Park Subdivision. All of Lot 10 was included in the notice for the purpose of giving as much notice as possible. The proposed use is the rental of storage space. On the back part of Lots 10 and 11, security fencing spaces would be marked off, numbered and made available to the public for rental of outside storage. The storage of vehicles (boat, motor and trailer, automobiles, vans, campers, and etc.) probably comes within the exception of off-street parking since it is off-street parking for a fee. There is to be no industrial storage. We propose to build a screening fence on the west boundary, between the back part of the two lots and the apartment units. To the rear of the two lots is a tributary to Mingo Creek.

11135 (continued)

Phase two is to install a mini-storage facility which would have to be commenced within two years. Access to this property is available through a cul-de-sac at the southwest corner of the property. The property does slope from the property to the Creek. We are willing to work with the City Hydrologist to install berms with traps at the rear of the property to create a slow-down in the runoff, so as to not cause problems down stream. Mr. Hammer presented some pictures (Exhibit "G-2") to the Board.

Steve Sharple, representing Charles Hart, City Hydrologist, stated that about the front 200' of the property is the only portion that is not within the floodplain. A new engineering study indicates a portion of this property is in the floodway. The Corps of Engineers also indicates the same type of situation. The depth of a flood could vary from 3' to 5' on the subject property.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye") to deny the Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit mini-storage in an RS-3 District; and denied a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Under the Provisions of Section 1680 - Exceptions) to permit off-street parking in an RS-3 District, on the following described property:

The North 350.65' of Lot 11 and all of Lot 10, Block 2, East Eleventh Park Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

11136

Action Requested:

Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Under the Provisions of Section 1680 - Special Exceptions) request for a special exception to allow oil and gas mining in an AG District. This property is located west of Cincinnati Avenue and south of 56th Street North.

Presentation:

D. Kenyon Williams, Jr., attorney for the applicants, Mr. Richard Collins and Mr. Ellison Perkins, stated that the subject property is a 75-acre oil and gas lease located approximately 1,200' west of 56th Street North and North Cincinnati Avenue, on the south side of the road. The property is zoned AG. The oil and gas leasees were operating outside the City Limits of Tulsa and were not aware of any zoning requirements. They obtained a permit from the Corporation Commission to drill a well and did drill a well to completion. Said well, was completed and is presently producing oil. The existing well is located approximately 660' from the north boundary of the lease and approximately 1,200' from the west boundary. Mr. Williams showed some pictures of the well (Exhibit "H-1") and tank battery. The well was completed June 13th of this year. Prior to the time his

11136 (continued)

clients entered into this lease agreement and proceeded to drill this first well, the lease premises was an overgrown, very rough pasture land. The tank battery is located approximately 250' from the fence-line of the school by Corporation Commission regulations and our well must be, and is in excess of 165'. Mr. Williams stated the well is approximately 175' from the fence line. The Board asked how many more wells could be drilled on the property. Mr. Williams stated that based on the information they have, there is room for five more wells at the most. We don't necessarily plan to drill that many. The saltwater is collected and hauled away. We hope to drill a disposal well and dispose of the water. At present, there is an open pit collecting the saltwater.

Protestants:

Norma Camper, 131 West 50th Court North, stated that she lives south of this lease. What safety precautions will be taken to insure property owners that their lives and homes will not be in danger? I am talking about homes north and south of this.

Eva Mae Gibson, 235 West 56th Street North, advised that she lives just across the street from where they are drilling. I feel that if they develop an oil and gas field it will be very hazardous. I feel the well is too close to the school for it to be safe for the children.

Keith Berry, 208 East 52nd Street North, stated that the value of our homes will drop even worse than it is now. What compensation can we get?

Glen Alsay, 303 West 56th Street North, stated that we are concerned about the safety of our school children. It also takes away from the beauty of our neighborhood.

Applicant's Comments:

There are two oil companies operating in this area. The wells that the one lady complained about are not ours. As to who is responsible, we carry insurance to cover accidents. The investment these men have in the property will cause them to keep it as safe as possible. We will agree to fence in the well and tank battery site. It is our intention to fence in the north boundary of this property. We plan to put up a cyclone fence, 6' high. The greatest danger in an oil lease, in regard to fires, is from the service companies. Part of the operator's duties is to make sure the service companies don't set fire to the place while they are welding, servicing, etc.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye") to continue Case No. 11136 until September 9, 1980 at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center, and requested that the Fire Marshal or someone from his office be present to discuss the possible fire hazard.

11137

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to maintain a mobile home in an RS-3 District; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit an existing mobile home for a period of more than 1-year at a time. This property is located at 3721 West 6th Place.

Presentation:

Howard Freemyer, 529 South 38th West Avenue, advised that the mobile home is directly behind his home and he owns most of the lots around it. Last year when he presented an application, it was for his uncle who was 85 years old. His uncle is living in this mobile home and last year Mr. Freemyer presented petitions from all the neighbors stating they had no objections to the mobile home.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to permit an existing mobile home in an RS-3 District; and to approve a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts - Section 1670 - Variances) to permit the existing mobile home for a period of 5 years, or so long as the present occupant lives there, whichever is shorter, on the following described property:

Lots 1 through 4, Block 2, Exchange Addition to the City of Tulsa, Oklahoma.

11138

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-3 District at 7707 East 15th Court.

Presentation:

David Weaver requested a waiver of the side yard because the duplex was built too close to the lot line. We still have 11' & 1" between the two buildings.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait "aye"; Smith "abstaining") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 5' to 3' & 3" in an RS-3 District, per plot plan, on the following described property:

Lot 3, Block 1, Woodchuck Addition to the City of Tulsa, Oklahoma.

8.21.80:317(12)

11139

Action Requested:

Variance (Section 240.2 - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) request for a variance of the size of an accessory building from 750 sq. ft. to 1,325 sq. ft. to permit the erection of a detached garage at 4407 East 46th Street.

Presentation:

Steve Olson, 324 East 3rd Street, advised that he was Mr. Thomas' architect for this addition. The Board asked what the building was going to be used for. Mr. Olson stated it was a garage with a storage space at the south end, rather than a single garage-type building. He wanted to include the storage space in the building instead of moving in a temporary metal-type building. This is a three-car garage. All the neighbors are aware of what is being done and have no objections to it.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve a Variance (Section 240.2 - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 sq. ft. to 1,325 sq. ft. to permit the erection of a detached garage, subject to the applicant signing a Restrictive Covenant and filing it with the County Clerk's Office, that the building will not be used for a business, on the following described property:

Lot 27, Block 6, Patrick Henry Addition to the City of Tulsa, Oklahoma.

11140

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) request for an exception to permit an auto polishing business in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 150' to 100' to permit a lot-split at the SE corner of 101st East Avenue and Admiral Place.

Remarks:

The Planning Commission will hear the lot-split on September 3, 1980.

Presentation:

Don Walker, one of the owners of the property, advised that the buyer of the property will build the building. The business is plasticizing, a finish treatment for autos. Across the street is a shopping center and the Ford agency is located to the northwest. To the west is undeveloped land and to the east, across the access street, is an apartment project and farther east is a Dairy Queen store. No other structures are located on this frontage property at this time.

Protestants: None.

8.21.80:317(13)

11140 (continued)

Board Action:

On MOTION of WAIT, the Board voted 4-1 (Lewis, Purser, Victor, Wait "aye"; Smith "absent") to continue Case No. 11140 until September 4, 1980, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center, to await Planning Commission's action on the lot-split.

11141

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RM-1 District, at 63 North Zunis Avenue.

Mr. Jones submitted a letter (Exhibit "J-1") from an interested party.

Presentation:

Becky Rivas, 63 North Zunis Avenue, stated that she would like to put a mobile home on the back of her lot for rental purposes.

Protestants:

There were about 15 protestants present, but the Board did not call on them.

Board Comments:

Mr. Lewis stated that the Board had never permitted a mobile home in a residential area for a rental purpose and I can't see any reason why we should start now.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; Smith "absent") to deny the Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RM-1 District, on the following described property:

Lot 42, Block 3, Eastland Addition to the City of Tulsa, Oklahoma.

11142

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to maintain a mobile home in an RS-2 District at 1553 East 73rd Street North.

Presentation:

Frank Watts advised that he owns the property at 1553 East 73rd Street North. My mother is going to move into the mobile home and I want to put another years permit on it.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait "aye"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to maintain a mobile home in an RS-2 District for one year, removal bond required, on the following described property:

11142 (continued)

Lots 11 and 12, Block 3, Golden Hill Addition to the City of Tulsa, Oklahoma.

11143

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 86' from the centerline of the street to permit enclosing a canopy at 9026 East 31st Street.

Presentation:

John Walton advised that this same application was submitted a month ago, but there was a 10' error on the plot plan in one dimension. The property has an existing service station on it, which is to be converted to a flower shop and the existing canopy is to be enclosed.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 100' to 86' from the centerline of the street to permit enclosing a canopy, per plot plan, on the following described property:

A part of Lot 1, Block 1, Briar Village, a Sub. of Briarwood Center; beginning at the North boundary line of Lot 1; 30' East of the NW 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.

11144

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1670 - Variances) request for a variance to permit the erection of a 3,000 sq. ft. storage building in a CS District; and an Exception (Section 250.3 (b & c) - Modification of the Screening Requirements) for a modification of the screening requirements to either; (1) grant an extension of time to erect a screen where properties which are to be benefitted by the screen are undeveloped; and in the alternative; (2) modify the screening where an alternative screening will provide visual separation of uses. This property is located south and west of 69th Street and 66th East Avenue.

Presentation:

John LaPlant, 10197 South 77th East Avenue, stated that his request was made to permit storage of party supplies, mixes, beverages, sale and promotional material, etc. A 3,000 sq. ft. concrete block or pre-cast structure similar to McCartneys is proposed for Beverage Mart. The parking lot at the rear of Welch Realtors abuts the property on the north and across the street to the east is an undeveloped office tract. The existing CS zoning would permit them to utilize the 3,000 sq. ft.

for storage space, only if they built a retail front on the building, which would necessitate building an additional 3,000 sq. ft. across the front of the proposed store and conducting retail sales at that location. The owners would rather not make this additional investment until such time that sales volume necessitates it. All traffic would enter to the building from the alley at the rear of the Skyview Center. Only deliveries that would normally be made to the existing Beverage Mart building would be diverted to the new building. Therefore, no additional traffic would be created in the area and retail sales would remain in their present location, next door to the south. All storage would be inside storage. The hardship is that they don't have enough storage space as it now stands, and this building would give them that extra space; (Exhibit "K-1", Building Plans and, Exhibit "K-2", Site Plan).

Mr. Lewis stated he wasn't inclined to grant the variance, but if they approved anything he would be inclined to interrupt under these specific facts that the use was accessory to the Beverage Mart, and if for any reason the building was not used for Beverage Mart, such storage would not be permitted.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor Wait "aye") to deny the Variance (Section 710 - Principal Uses Permitted In Commercial Districts - Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1670 - Variances) to permit erection of a 3,000 sq. ft. storage building in a CS District; and to approve an Exception (Section 250.3 (b & c) - Modification of the Screening Requirements) to remove the screening requirement and to find that the 3,000 sq. ft. storage building requested is accessory to the principal Beverage Mart provided it be used only for that use, on the following described property:

A tract of land located in a part of Lot 3, Block 1, "Plaza Village", an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, being more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Lot 3, Block 1; thence southeasterly along the northeasterly property line of said Lot 3, and along a curve to the left having a radius of 680.00' an initial tangent bearing of South 17°-06'-14" East a central angle of 8°-36'-24" a distance of 102.12'; thence due West a distance of 181.81'; thence North 0°-05'-37" West a distance of 95.01' to a point on the North property line of said Lot 3, Block 1; thence due East along the North property line of said Lot 3 a distance of 144.71' to the point of beginning, containing 15,388.10 sq. ft. more or less.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial District - Section 1214 - Shopping Goods and Services) request for permission to operate a retail use (Use Unit 14 - Shopping Goods and Services) in an IL District; and a Variance (Section 1214.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) of the number of off-street parking spaces; (1 per 225 sq. ft. of floor area). This property is located at 4300 Block South Mingo Road.

Presentation:

Roy Johnsen, stated the property under application is presently zoned IL. It contains an existing building which is a multi-tenant building situated on the west side of Mingo Road, just south of the Broken Arrow Expressway. He represented Mr. Joe Shuman, who is the owner of Imperial Sound. The business of Imperial Sound is the selling of high quality stereo components systems. In conjunction with the business they have their warehousing operation and service operation, called Tech Service, which services some of the equipment that they sell. Under the technical reading of the Code, in an IL District, the part of the operation which is retail, would fall within Use Unit 14 and can be approved by this Board as a special exception. Mr. Shuman has entered a lease agreement of approximately 11,500 sq. ft. of that building. The building totals 28,500 sq. ft. approximately. Of the 11,500 sq. ft. being leased, the salesroom would be approximately 3,400 sq. ft.; the service operation would be approximately 2,000 sq. ft. There would be 1,100 sq. ft. of office space, which would be for both operations and approximately 5,000 sq. ft. of warehouse space; (Exhibit "L-1", site plan). Space A and B is the part Mr. Shuman is leasing.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1214 - Shopping Goods and Services) to operate a retail use (Use Unit 14 - Shopping Goods and Services) in an IL District; and a Variance (Section 1214.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) of off-street parking spaces, as presented, on the following described property:

A tract of land in the E/2 of the E/2 of the NE/4 of Section 25, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit:

Commencing at the SE corner of the NE/4 of Section 25, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma; thence North 0°-08'-44" West along the East line of Section 25, a distance of 1,281.50' to a point, said point being on an extension of the Southerly right-of-way line of the Broken Arrow Expressway; thence North 67°-01'-44" West a distance of 108.73' to the point of beginning, said point being the point of intersection of the Southerly line of the Broken Arrow Expressway and the Westerly

11145 (continued)

right-of-way line of South Mingo Road; thence South 0°-08'-44" East a distance of 270.71' to a point; thence South 89°-52'-02" West a distance of 229.96' to a point; thence North 0°-07'-58" West a distance of 368.79' to a point on the Southerly line of the Broken Arrow Expressway; thence South 67°-01'-44" East a distance of 249.95' to the point of beginning.

11146

Action Requested:

Exception (Section 1680.1 (g) - Special Exception) request for a special exception to permit off-street parking use of property to be used by abutting office and commercial uses.

Due to protestants being out of town, Gene Kelly, 6539 East 31st Street, Suite 2, representing Mr. and Mrs. Brooks requested a continuance.

Mr. Norman had no objection to the request.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to continue Case No. 11146 to Thursday, September 4, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

11147

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home in a CH District.

Presentation:

Robert Leaver, 514 North 92nd East Avenue, advised that the reason he was asking to put a mobile home on the property is for his grandparents, who live there now. They are both real ill and need someone in the evenings to take care of them and help my grandmother, who is bedfast. I have a letter from their doctor (Exhibit "M-1") stating their situation.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variances) to permit a mobile home in a CH District for a period of 5 years or until the McCandless' are no longer living there, whichever is less, on the following described property:

A part of the N/2, SE/4, SE/4, NE/4 of Section 27, Township 20 North, Range 13 East, Tulsa County, Oklahoma; more particularly described as beginning at the SE corner of the NE/4, of said Section 27; thence North along the East line thereof, a distance

11147 (continued)

of 330' to the point of beginning; thence West 26'; thence North 164.11'; thence East 260'; thence South 164.11' to the point of beginning, less road right-of-way of record.

11148

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for an exception to allow a day care center in an RM-1 District at 1615 West 59th Street.

Presentation:

Juanita Mansker, 7064 East 30th Street, with Head Start, 764 East Virgin Street, requested an exception to locate a Head Start Center in the Community Center Building at Parkview Terrace Housing Complex. We originally thought we would transport the children to Sand Springs, but we have found enough children there and have reached an agreement with Tulsa Housing Authority that we can use the Community Center in the mornings when they are not using it, free of charge.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to allow a day care center for the Head Start Program in an RM-1 District, on the following described property:

The East 300' of the West 900' of Lot 2, Block 2, Parkview Terrace Addition to the City of Tulsa, Oklahoma.

11149

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 30' to 12' to permit an addition of the front of the existing house. This property is located at 1362 East 26th Place.

Presentation:

The applicant requested that this Case be withdrawn.

Board Action:

The Chair stated that Case No. 11149 be withdrawn, per the applicant's request.

11150

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 37.5' to 31.9' from the centerline of the street; and a variance of the setback from an R District from 75' to 6'; and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) for modification of the screening requirements where the purpose of the screening cannot be achieved. This property is located on the southwest corner of 7th Street and Troost Avenue.

Presentation:

Larry Heinen, 12220 East 38th Street, stated that the same variance was granted in 1977 for the identical size building. The time limit expired.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670 - Variances) of the setback requirements from 37.5' to 31.9' from the centerline of the street and a variance of the setback from an R District from 75' to 6'; and an Exception (Section 250.3 (d) - Modification of the Screening Requirements) to waive the screening requirement where the purpose of the screening cannot be achieved, on the following described property:

Lots 1 and 2, Block 2, Park Dale Addition to the City of Tulsa, Oklahoma.

11151

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential District - Section 440.6 - Mobile Homes) request for permission to allow two mobile homes at 4949 South 65th West Avenue; and a Variance (Section 440.6 (b) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to allow two mobile homes on one lot.

Presentation:

Kevin Kelly, 4949 South 65th West Avenue, stated that they own one and one-half lots, which is approximately one and one-third acres. We have outgrown the mobile home we live in now and we are wanting to buy another one and put it on the back side of this half lot. The utilities can not be reached from the other mobile home, so we want to put another on the back side and keep the one where we presently have it. The area is zoned AG all around except for this one area. Our neighbors within the immediate area have three houses and three mobile homes within 300' of us.

The Board questioned the need of two mobile homes. The applicant stated they would probably rent one.

11151 (continued)

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Smith, Purser, Victor, Wait "aye") to grant an Exception (Section 410 - Principal Uses Permitted in the Residential District - Section 440.6 - Mobile Homes) for one mobile home, removal bond required and denied a Variance (Section 440.6 (b) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to allow two mobile homes on one lot, on the following described property:

The S/2 of Lot 5, Lot 6, Block 1, John Hale Subdivision to the City of Tulsa, Oklahoma.

11152

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities); and Section 440.6 - Mobile Homes)) request for permission to locate a mobile home on the property to be used for church classrooms for a period of one year; and for an exception to use the property for church use. This property is located at 9123 East 22nd Place.

Presentation:

Mark Smith, Pastor of Heritage Baptist Church, stated they have been in operation for about 5 years. We also have a Christian Day School connected with our Church. We go through the sixth grade. Both the Church and school are full-up at this time and this year we will be devoted to building a 90' x 100' building at the back of the Church that will have 8 classrooms and a gymnasium for our Christian School. During this construction phase we need a variance so that we can put the Church classes and the school classrooms in a temporary mobile home unit. Jerry Halbrook, who is in my Church, owns Admiral Mobile Homes and we are having one especially built. It has three code fire doors, pop out windows and fire extinguishers in each room and outside access to each classroom. There are only four houses within about a six square block area. Indian Acres is not developed, so there is no problems as far as an eyesore or anything.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") approval of Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities); and Section 440.6 - Mobile Homes) to permit a mobile home for a period of one year for temporary classrooms and approved a Church use, subject to plans being submitted within 60-days; (the plans should be brought back on October 2, 1980), on the following described property:

Lots 8 and 9, Block 2, Memorial Acres Addition to the City of Tulsa, Oklahoma.

11153

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) request for a variance of the rear yard requirements from 40' to 34' in an AG District. This property is located in the 9100 Block of East 61st Street.

Presentation:

Robert Beason, Realtor, representing Woodland Hills Church of Christ, advised that this same parcel was before the Board a few months back when they approved the site for Kinder Kare Day Care Center. At that time we were not aware that we would need a rear yard variance from the 40' as required in the AG zoning. The character of the neighborhood and the characteristics of the lot basically coincide with the RS-3 zoning, which requires only a 20' rear yard setback, therefore, we are asking that we be granted the additional six-foot variance.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) from 40' to 34' in an AG District, on the following described property:

A tract of land beginning at the SE corner of the SW/4, SE/4 of Section 36, Township 19 North, Range 13 East, Tulsa County, Okla.; thence North 209'; thence West 135'; thence South 209'; thence East 135' to the point of beginning.

11154

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 2' in an RS-2 District at 6131 East 53rd Street.

Presentation:

Russell Robinson, 6131 East 53rd Street, stated he was asking for a variance to convert a garage to another family area and build a swimming pool. The present house and the garage is in the back and if I put the pool in and convert the garage to living quarters, there is no where else to put the new garage. I have talked to my neighbor and as long as I stay off the building line he doesn't care where it is. He has seen the plans and there is no problem. I have talked to everyone else on our street and I see no problems.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to approve 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 2' in an RS-2 District, on the following described property:

8.21.80:317(22)

11154 (continued)

Lot 7, Block 3, Amended Carter Plaza Addition to the City of
Tulsa, Oklahoma.

11155

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 50' to 45' from the centerline of the street. This property is located at 10022 East 46th Place.

Presentation:

The applicant was not present.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye") to continue Case No. 11155 to Thursday, September 4, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

11156

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 50' to 40' from the centerline of 47th Street; and from 50' to 45' from the centerline of 101st East Avenue. This property is located at 4690 South 101st East Avenue.

Presentation:

The applicant was not present.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye") to continue Case No. 11156 to Thursday, September 4, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

11157

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios) request for a use variance to permit light office use in an RS-3 District. This property is located at 1444 South Norfolk Avenue.

Presentation:

D. Kenyon Williams, Jr., representing Pat Hewitt and H. D. Hewitt, owners of the subject property requested approval of an office variance. The subject property is located in an area that is zoned RS-3 residential. The applicants requested the granting of an OL office variance for a two-story structure. This application comes before the Board not only because of a hardship, which the applicants will set forth in more detail, but also because of a denial for an OL application for rezoning

before the Tulsa Metropolitan Area Planning Commission. The property is a two-story residential structure, which contains approximately 3,200 sq. ft., with a free-standing garage apartment to the west side of the property. The property is located on the northwest corner of 15th Street and South Norfolk Avenue. Both the two-story building and the free-standing garage structure are built with an attractive brown brick and are complementary to each other. The area where the property is located, particularly north of 15th Street, has been a lovely residential area. The applicant's hope is to utilize the two-story structure for light offices. The building lends itself to four offices upstairs and four offices downstairs. The free-standing structure is presently rented as a residential apartment and will continue to be rented to provide not only additional income to the applicants, but also provide additional security for the building. The major basis for the applicant's hardship in regard to this property can be viewed in these photographs (Exhibit "N-1"). I have attached a copy of a proposed restrictive covenant (Exhibit "N-2") limiting changes to the exterior of the structure. We would like to construct two small brick monument-type signs. We would limit ourselves to 8 parking spaces and no on-street parking would be allowed. If any lighting would be necessary in the parking area, it would be a gas light not to exceed 5' in height, and the parking area would be made in compliance with all conditions of the Board.

Protestants:

Frank Kelly, 1504 South Newport Avenue, submitted a petition that includes the signature of 90 homeowners within a three-block radius who protest the change in the property. The applicants propose 8 parking spaces for 8 offices to exit onto 15th Street. Can you imagine those cars getting on and off 15th Street at 8 a.m., or 5 p.m. each day? We are talking about slicing off a little bit of the neighborhood here and there. We are trying to maintain the integrity of the residential neighborhood.

Lynn Kelly, 1504 South Newport Avenue, stated, I am a homemaker and mother, and I look at this house from my breakfast table every morning. I work on my house daily, renovating it. This is an older neighborhood that is getting younger by the day with the energy and vitality and the hopes of young families like us and this is what we all call home. We believe in the neighborhood. I am confident that the traffic count on 15th Street will be lessened by the opening of the interstate. I am confident that the neighborhood will return to the charming and graceful place the builders and original owners envisioned in 1919, provided these families are assured that it will remain residential. I know that at least 90 of my neighbors feel as I do. Those north of 15th, as well as south of 15th Street don't want a business in the neighborhood at all.

Sally Kant, 319 East 18th Street, stated she is the president of the Maple Ridge Association, which represents 1,200 families in the Maple Ridge area. On June 25th at a TMAPC hearing the applicant was denied a change in zoning on the historic residence at 1444 South Norfolk Ave. The denial was made in concurrence with the TMAPC Staff Recommendation. Despite the denial, work has continued on the 1920 vintage house. Mr. Williams stated that others have businesses in their houses, but I assure you that each of these businesses that come to the attention

11157 (continued)

of the Maple Ridge Association will be fought tooth and nail, just as this is being fought. We are intent on preserving the historic single-family residences. As president of the Maple Ridge Association I ask, on behalf of our neighborhood Association, that you aid us in our efforts to preserve one of the last remaining intact historical residential areas in Tulsa. There is a true renaissance going on in this area with much labor being put in by young families often on their own and very much on a shoestring economically. If 15th Street west of Peoria is allowed to become another strip of offices, shops and fast food franchises, the historic area of Maple Ridge will again be threatened.

Mr. Hewitt has said previously that he has invested a great deal of money in the conversion of this house. We sympathize with Mr. Hewitt, but he should have investigated the zoning on the property before beginning conversion. We note that Mr. Hewitt lives in a far southeast neighborhood where he may be unaware of the tremendous effort families in our area have put into preserving the beauty of the historical Maple Ridge. Even a variance in this case is a threat. The area west of the house will be landscaped as parkland. The nearest office building is one block away on the northeast corner.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye") to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios) to permit light office use in an RS-3 District, on the following described property:

Lot 4, Block 13, Broadmoor Addition to the City of Tulsa, Okla.

10854

Action Requested:

Request for interpretation of Section 1320. (e), Case No. 10854.

Presentation:

Miss Miller, advised that she had a problem with an office building which the Board approved in an OL and OM District. They have 431 parking spaces on the lot. Section 1320. (e) states that required off-street parking, if enclosed, does not count toward floor area. However, the applicant meets the required parking with surface parking and therefore the enclosed parking is not required; and therefore, reduces the size of the office floor area.

Mr. Norman stated that in the OL District there is a floor area limitation of 50% and there are requirements for off-street parking that are based on the number of square feet of area. The Code states that if required off-street parking is enclosed, then that enclosed parking structure does not count against your allowed floor area. In this particular instance our building is 49% of the floor area and we have 84 covered parking spaces out of 400 plus. The Code would actually require 395, so what the Building Inspector has done, is count the covered parking spaces as surplus rather than as required, and in effect is saying that you have to reduce the size of the office building. Which would mean that if you provide structure parking you are penalized in floor area. In this instance, if we are willing to delete

10854 (continued)

from our plans the surplus surface parking we would meet their interpretation. I think the intent of the Code was that structure parking ought to be counted as required and what is on the surface over required is surplus.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait "aye"; no "nays"; Smith "abstaining") to interpret that the Code counts the structural parking as the required parking first and any surplus non-structural parking would not reduce the size of the permitted office floor space.

There being no further business, the Chair declared the meeting adjourned at 6:25 p.m.

Date Approved _____

October 16, 1980


Chairman