BOARD(S) OF ADJUSTMENT
MINUTES of Meeting No. 319
Thursday, September 18, 1980, 1:30 p.m.
Langenhiem Auditorium, City Hall
Tulsa Civic Center

CITY BOARD PRESENT	COUNTY BOARD PRESENT	STAFF PRESENT	OTHERS PRESENT
Lewis	John F. Crowley	Alberty	Jackere, Legal Department
Purser, Chairman	Ed Dubie	Gardner	
Smith	William M. Martin	Jones	Miller, Protective Inspections
Victor	Roland L. Walker	McBride	
Wait	W. E. Wines		

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, and the County Clerk's Office, County Administration Building, on Tuesday, September 16, 1980, at 12:46 p.m., as well as in the Reception Area of the TMAPC Offices.

After declaring a quorum present Chairman Purser called the meeting to order at 1:40 p.m.

There were no minutes ready to be approved at this time.

Chairman Purser introduced Tulsa County Commissioner Terry Young, District 2, to the Boards and to the audiance. Commissioner Young introduced Mr. Andrew Allen from the District Attorney's office and then introduced the members of the new County Board of Adjustment. Dr. John F. Crowley and Mr. Ed Dubie, members at large, will serve for a term of 1 year. Mr. W. E. Wines, District 1 appointee, will serve for a term of 3 years. Mr. Roland L. Walker, District 2 appointee, will serve for a term of 2 years. Mr. William M. Martin, District 3 appointee, will serve for a term of 2 years.

Commissioner Young acted as temporary Chairman for the purpose of election of officers for the County Board of Adjustment. Commissioner Young asked for nominations for Chairman. Dr. Crowley nominated Mr. Dubie for Chairman, it was seconded. Dr. Crowley then moved that nominations be closed and that Mr. Dubie be approved by acclamation.

On MOTION of CROWLEY, the Board voted 4-0-0 (Crowley, Martin, Walker, Wines, "aye"; no "nays"; "Dubie not voting") for Ed Dubie to serve as the Chairman of Tulsa County Board of Adjustment for Fiscal Year 1980-1981.

Commissioner Young then called for nominations for a Vice-Chairman. Mr. Martin nominated Dr. Crowley, it was seconded and nominations closed.

On MOTION of MARTIN, the Board voted 4-0-0 (Dubie, Martin, Walker, Wines "aye"; no "nays"; "Dr. Crowley not voting") for Jack Crowley to serve as the Vice-Chairman of Tulsa County Board of Adjustment for Fiscal Year 1980-1981.

Commissioner Young asked for nomination for Secretary. Mr. Martin nominated Mr. Ron Walker, it was seconded. Crowley moved that nominations be closed and that Mr. Walker be elected Secretary by acclamation.

Elections: (continued)

On MOTION of MARTIN, the Board voted 4-0-0 (Crowley, Dubie, Martin, Wines "aye"; no "nays"; "Mr. Walker not voting") for Mr. Ron Walker to serve as the Secretary of the Tulsa County Board of Adjustment for Fiscal Year 1980-1981.

The Chair called for a nomination as to the date in which they should meet monthly the time and the place. It has been suggested that the Board meet on the Third Tuesday of each month, at 3:00 p.m., in the County Commission Meeting Room.

On MOTION of CROWLEY, the Board voted 5-0-0 (Crowley, Dubie, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions") to have the County Board of Adjustment meet on the 3rd Tuesday of each month, at 3:00 p.m., in the County Commissioners Meeting Room.

The Chair stated it was necessary that we establish a fee schedule. It has been suggested that Appeals from County Inspector be $25.00; Variances and Exceptions be $50.00; Minor Variances and Exceptions be $35.00.

On MOTION of CROWLEY, the Board voted 5-0-0 (Crowley, Dubie, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions") to set the fees at $25.00 for Appeals from County Inspector, $50.00 for Variances and Exceptions and $35.00 for Minor Variances and Exceptions.

On MOTION of SMITH, The City Board of Adjustment voted 5-0-0 (Lewis, Purser, Smith, Victor and Wait, "aye"; no "nays"; no "abstentions") to refund the fees collected from three Application Numbers, 11177, 11181 and 11189 (Agenda Items 2, 3 & 4), which are no longer within the City of Tulsa jurisdiction and to transfer these Cases to the County Board of Adjustment for disposition.

On MOTION of CROWLEY, the Board voted 5-0-0 (Crowley, Dubie, Martin, Walker, Wines, "aye"; no "nays"; no "abstentions") to accept Applications 11177, 11181 and 11189 under their jurisdiction, collect the appropriate fees and advertise these Cases for public hearing October 21, 1980, 3:00 p.m., County Commission Meeting Room, County Administration Building.

Chairman Dubie stated there was no other business to conduct at this time and declared the meeting adjourned at 1:48 p.m.

OTHER BUSINESS:

11173

Action Requested:

Mr. Roy Johnsen was requested by the Board to prepare a written explanation (Exhibit "A-1") of the complicated action requested and approved by the Board at their September 4, 1980 meeting.

Protestants: None.

Presentation:

The document was given to Mr. Jackere to review. Mr. Jackere reviewed the document and stated all was in order.

11173 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to accept the written explanation and to have it recorded in the Minutes of September 4, 1980.

11160

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Under the Provisions of Section 1680 - Special Exceptions) request for an exception to allow a wholesales sandwich manufacturing plant (Use Unit #15) in a CS District, on the southeast corner of 11th Street and Mingo Road.

Presentation:

Mr. Cliff Wilson, 6286 South Hudson Avenue, presented the Board with the plans for decorating the front of the building (Exhibit "B-1"). When asked by the Board what color the brick was going to be, Mr. Wilson stated he did not know since he was not the builder, but any color sounded good to him.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exception) to permit wholesale sandwich manufacturing plant (Use Unit #15) in a CS District, subject to the condition that the brick veneer be of an earthtone color, on the following described property:

That part of Lot 1, Section 7, Township 19 North, Range 14 East, of the Indian Base and Meridian according to the U. S. Government Survey thereof. Described as follows to-wit: Beginning at the NW corner of said Lot 1; thence in a Southerly direction and on the West line of said Lot 1, a distance of 1,270' to a point 50' North of the South line of said Lot 1; thence in an Easterly direction and parallel to the South line of said Lot 1; a distance of 355.98'; thence in a Northerly direction, and parallel to the West line of said Lot 1; a distance of 1,270'; thence Westerly along the North line of said Lot 1; a distance of 355.98' to the point of beginning.

MINOR VARIANCES AND EXCEPTIONS:

11187

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 110' to 55' from the centerline of the street, at 7901 East 21st Street.

Presentation:

David Mount, 418 East Jackson, Sapulpa, stated he was representing the owner. In this project we have already remodeled an existing building. We want to put a facia on the existing canopy to match the existing

11187 (continued)

building that we have finished. In doing this it will increase the width and height of the building. I have given Mr. Jones a removal contract, subject to the approval of the Board (Exhibits "C-1 & C-2", Plot Plan submitted).

Protestants: None.

Board Action:
On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 55' from the centerline of 21st Street, subject to a removal contract, on the following described Property:

The East 125' of the West 155' of the North 115' of the South 165' of the SW/4, SE/4, SE/4, SE/4 of Section 11, Township 19 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma.

11206

Action Requested:
Variance (Section 330 - Bulk and Area Requirement in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage and area requirements in an AG District to permit a lot-split. This property is located north and west of 121st Street and Sheridan Road.

The Planning Commission approved a lot-split (L-14995) on September 3, 1980, subject to the approval of the Board.

Presentation:
Joseph McCormick stated that this application involves a tract of property which the lender has foreclosed on, and we need the approval of the Board in order to record our deed. The house is already there with a well and septic system that has been working quite adequately.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG Districts to permit a lot-split (L-14995), on the following described property:

The W/2, W/2, W/2, SE/4, SE/4, of Section 34, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

10336

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1670 - Minor Variances) request for a variance of the front setback requirements to permit building 25' & 4" from the centerline of the street, located north and east of 36th Place and Louisville Avenue.

Remarks:

Casper Jones, Staff member, informed the Board that the Minutes of the previous meeting were included in the agenda and that the Board approved a duplex on this piece of property, subject to the applicant returning with his final construction plans. He now has his final plans for the duplex, (Exhibit "D-1").

Presentation:

Robert Crowe, stated he had nothing to add, but did submit his plans. He stated he has been working with the City Hydrologist, and since that visit he has moved the location of the building.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to continue Case No. 10336, until Thursady, October 2, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

11146

Action Requested:

Exception (Section 1680.1 (g) - Special Exceptions) request for a special exception to permit off-street parking use of property to be used by abutting office and commercial uses. This property is located north and east of 21st Street and St. Louis. This matter was continued from the last regular meeting so the applicant could amend his plot plan.

Presentation:

Chairman Purser relinquisted the Chair to Lewis for this Case.

Charles Norman, representing Helmerich and Payne, the owners of the property, submitted his amended plot plan (Exhibit "E-1"). We are proposing to move our west boundary of the subject lot at the rear of Lot 6 and 7, 5.35 feet to the east, which would then create a 20-foot rear yard adjacent to the house facing St. Louis and would increase the existing side yard of the house facing 21st Street to something over 9' from the present 3.7'. That would increase the lot size on those two lots to 11,624 feet.

Protestants:

Steve Clark, 1408 East 20th Street, stated that as home owners in the area they would be willing to support his plan, if he would be willing to give us something a little more binding than a statement of his current intention. Our concerns are (1) access from 19th Street and St. Louis, (2) runoff water. The storm system is not adequate now and with

more asphalt it would be worse, and (3) the fencing and lighting. Basically, we are concerned that this is just another step in taking away the buffer we need to protect our homes. We object because we have not been given any binding statement that they will not go further with this.

Larry Young, 1553 East 19th Street, stated that Mr. Clark has stated their case very well. It has been pointed out that there will be a screening fence used, but most of these houses are two-story homes and anyone from the second-story will look out and see a sea of asphalt and cars. It has been stated that the trees will be left, but they were also left in the other parking lot and most of those trees have died because their feeder roots have been covered with asphalt. We are concerned that the houses along St. Louis stay in good condition and as a buffer.

Mike Kelly, representing Mr. and Mrs. Brooks, stated his clients are concerned that their property will be asphalted in. The access to 19th and St. Louis still worries them. The storm sewer system is another serious problem.

Interested Party:

Mr. Fred Beasley, Vice President of Real Estate and Development for Helmerich and Payne, stated the current plans are for the houses to remain residential. We are painting them and keeping them up. We would not be doing this if we planned to do something else with them. We have nothing in our plans for any other use.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 1680.1 (g) - Special Exceptions) to permit off-street parking use of the property to be used by abutting office and commercial uses, subject to (1) solid 6' screen fence on north and west, decorative 36" wall on South 21st Street; (2) lighting directed to interior; (3) drainage plan with approval of the City Hydrologist, and (4) no access to St. Louis or 19th Street. Mr. Lewis and Ms. Purser approved with the understanding that the houses on the rear will be kept up and in good condition, on the following described property:

All that part of Block 27, Park Place Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof; more particularly described as follows, to-wit:

The West 50.0' of the East 100.0' of the South 152.3' of Lot 9; and the East 101.5' of the West 177.0' of Lot 7; and the East 226.5' of Lot 6; less the North 5.0' of the East 125.0'.

11165

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 the centerline of East

11165 (continued)

56th Place to be from 55' to 43' in an RS-2 District. This property is located at 3333 East 56th Place.

Mr. Jones stated that the applicant has a plot plan and letters from neighbors stating they do not have any objections (Exhibits "F-1 & F-2").

Presentation:
R. E. Couch, 3333 East 56th Place, stated he needed a variance to permit an extension to the present garage.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirement from the centerline of East 56th Place from 55' to 43' in an RS-2 District, subject to a plot plan, on the following described property:

Lot 11, Block 2, Lou North Woodland Acres 5th Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

11179

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 55' to 40', and a variance of the rear yard requirements from 25' to 18.4'. This property is located at 6215 South Oswego Ave.

Presentation:
Kenneth Robins, 5215 South Oswego Avenue, stated he wanted to build a garage on the north end of his house. It will be brick like the rest of his house. He is requesting the same setback as the house (Plot Plan, Exhibit "G-1").

Protestants: None.

Board Action:
On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback from 55' to 40'; and a variance of the rear yard requirements from 25' to 18.4', subject to the Plot Plan presented, on the following described property:

Lot 3, Block 2, Lou North Woodland Acres Addition in the City of Tulsa, Tulsa County, Oklahoma.

11180

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exceptions) request for permission to allow duplex dwelling in an RS-3 District. This property is located at 1216 South Birmingham Avenue.

Presentation:

Pete Marucheck, stated that the existing structure was made into a duplex and was used as such until 8 years ago. I am simply asking for permission to close off the doorway to permit me to rent it as a duplex again.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exceptions) to allow a duplex dwelling in an RS-3 District, on the following described property:

The South 45' of Lot 4, and the North 25' of Lot 5, Block 1, Foresman Addition to the City of Tulsa, Oklahoma.

11182

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 to be 15' from the property line, and a variance of the side yard requirements from 5' to 1' to allow the erection of a carport. This property is located at 9110 East Marshall Place.

Presentation:

Robert L. Jones, representing Nation-Wide Builders Supply, stated he was wanting to build a 20' x 20' carport for W. E. Gregory. He submitted a plot plan (Exhibit "H-1"). The carport needs to be set over so far because that is where the driveway is located. They need a carport to cover two cars.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback to be 15' from the property line, and a variance of the side yard requirements from 5' to 1' to allow the erection of a carport, on the following described property:

Lot 16, Block 4, Layman Acres Addition, Tulsa, Tulsa County, Oklahoma.

11184

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Requirements) request for a modification of the screening requirement where an alternative screen will provide visual separation of uses on the east property line. This property is located at 3324 East 46th St.

Presentation:

Robert Hammett, 3324 East 46th Street, stated they wanted to move the fence requirement from the east property line which abuts the residential zoning adjacent to them on the east side, to a position immediately adjacent to the off-street parking, in order to comply with the intent of the Code which is to screen the parking from the view of the residences. If we put the fence on the property line as required, it would completely block Mr. Hilts view, who lives next door to us on the east, from seeing out of his driveway. Plot Plan submitted (Exhibit "I-1").

Interested Party:

Homer Hilts, the adjacent property owner, asked that the Board approve what is being requested because otherwise my driveway will become a nightmare from a traffic standpoint.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 250.3 (b) - Modification of the Screening Requirements) to modify the screening requirement on the east property line to screen the parking lot, per plot plan submitted, leaving a gap in the fencing for access to utility meter between the house and the parking lot, on the following described property:

Lot 3, Block 3, Villa Grove Heights Addition to the City of Tulsa, Oklahoma.

11185

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 as a playground for school age children in supervised programs and some staff parking. (Future swimming pool might be constructed on the site.) This property is located at 51st Place North and Owasso Avenue.

Presentation:

Windy Teel, Executive Director of the Tulsa Y.W.C.A., submitted a plot plan (Exhibit "J-1"). The Y.W.C.A. has the option to purchase 1.3 acres of land between 52nd Street North and 51st Place North on the west side of Owasso Avenue. The north portion of that large area is already zoned commercial. We are asking for an exception to use the 27,000 square feet of land that is adjacent to Owasso Avenue, zoned RM-1, for recreational purposes.

11185 (continued)

Protestant:

Allen Sparker, 1060 East 51st Place North, wanted to know exactly what they are planning to do with the property. Will it be fenced, or just what is their plan?

Remarks:

Mr. Gardner advised that he felt the question the protestant was asking, is the swimming pool going to be fenced, where will it be located, what are the hours of operation, etc. The Board suggested that the "Y" come back with a plot plan when they are ready to build the swimming pool.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use the property as a playground for school age children in supervised programs and some staff parking, (future swimming pool might be constructed on the site), subject to the applicant's returning to the Board with any future plans for buildings and pool, subject to the Board's approving such plans prior to the issuance of the building permit, on the following described property:

The West 150' of the East 300' of the North 180' of the South 255' of the SE/4, of the NE/4 of Section 12, Township 20 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma.

11186

Action Requested:

Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to operate a home beauty shop in an RS-3 District. This property is located at 3804 East 21st Place.

Presentation:

Dee Ann Spain, 3804 East 21st Place, stated that she was a licensed hair stylist. I work part-time and I am proposing to put a beauty shop in may home. I plan to convert my garage into a shop which is connected to my house. The days of operation would be Wednesday, Thursday, Friday and Saturday, daytime hours except for Thursday evening to 7:00 p.m., and Saturday until noon. I have talked to all my neighbors and they are all in agreement. I have a double driveway and will have room for three cars at one time.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) to permit a home beauty shop in an RS-3 District, the approval to run with this owner only, and subject to the only change to be made in the exterior of the structure is to install a side door to the garage, but not remove the automobile door as far as outside appearance, on the following described property:

11186

Lot 11, Block 6, Jefferson Terrace Addition to the City of Tulsa, Oklahoma.

11188

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS-1 District. This property is located south and east of Admiral Place and 177th East Avenue.

Presentation:

Sam Chandler, 3316 South 131st East Avenue, stated he wanted to put the mobile home there for a residence for an employee. At present the tract is vacant.

Remarks:

Mr. Gardner stated that the property is coming up for zoning next week by the Planning Commission and the applicant is planning to build a business there, provided he gets the zoning, and he wants the employee to live there.

Applicant's Comments:

Even if I do not get the zoning the employee would still live there. North of the property is residences. Further down is a new industrial tract. This is a used mobile home I plan to put on the property.

Protestants:

Virginia Maddox, 18005 East Admiral Place, stated that they are opposing the application for the trailer that has already been pulled in across the street. I have pictures (Exhibit "K-1") to show the residences and types of houses that will be facing this place of business. I also have a letter (Exhibit "K-2") from Mr. Chandler telling us that this mobile unit is to be used for an office and later they plan to have a portable building for sales and a storage area. I have also brought pictures (Exhibit "K-3") to show what Mr. Chandler has at another address right now where his business is located.

Oscar Frommel, 17929 East Admiral Place, stated he lives right across the street from this property. We had no idea what was going on there. After Mr. Zimmer came out and talked to them, the applicant then put up the big yellow signs. We feel they were trying to sneak in. The first sign said it was a business and when they heard that we were going to protest, they said they wanted a mobile home for a residence. The letter states differently.

Applicant's Comments:

Mr. Chandler stated he had tried to contact the protestants, but was unable to communicate with the people in the area. At first, I was planning to make an office, but since then I decided that it would be better for the young man to live there. I have outgrown the other location.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to deny the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-1 District, on the following described property:

11188 (continued)

A tract of land located in a part of Lot 5, in Section 1, Township 19 North, Range 14 East of the Indian Base and Meridian, County of Tulsa, State of Oklahoma, according to the U. S. Government Survey thereof, and more particularly described as follows, to-wit: Beginning at a point 40' South and 748' East of the NW corner of said Lot 5; thence East 572' more or less to the East line of said Lot 5; thence South and along the East line of said Lot 5 for 350'; thence West 572' more or less to a point 390' South and 748' East of the NW corner of said Lot 5' thence North 350' to the point of beginning.

11190

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Section 1670 - Variances) request permission to place a mobile home in an IL District, for security purposes at 3332 South Santa Fe.

Presentation:

Mrs. Earl D. (Mary Jo) Williamson, 3332 South Santa Fe, stated that she and her husband own five lots at the address and they wish to put a mobile home on part of the property for security purposes. To the south there is a body shop and a diesel truck repair. To the back of us is an equipment storage area. We have to go through a lot to get to our property. We come in from the side street. There has been thievery in the past and we want to protect our property.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 910 - Principal Uses Permitted In Industrial Districts - Under the Provisions of Section 1670 - Variances) to permit one mobile home in an IL District, on the following described property:

Lots 20, 21 and 22, Block 4, Fuller Walter Addition to the City of Tulsa, Oklahoma, less and except that portion dedicated to the State for right-of-way, that being: Red Fork Expressway.

11191

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1670 - Variances) request for a variance of the rear yard requirements from 25' to 17' in an RS-1 District, to permit an addition to the present dwelling. This property is located at 4230 East 107th Street.

Presentation:

Mr. Walter Timpinsky representing Tim Deleo, submitted plot plans (Exhibit "L-1") requesting to extend his present living room into the back yard of his property. His lot is very narrow and the proposed addition would extend into the required 25' setback approximately 8'. The design of the proposed addition would be compatible with the existing structure. Just the one corner extends over the line.

11191 (continued)

Protestant:

Tony Kilgore, 10717 South Quebec Avenue, advised that he lives directly behind this property and I respect the desire of my neighbor to make an addition to his house; however, one of the reasons we like the area is the distance between houses and the openness of the area. We believe any encroachment over the setback line is detrimental to the open feature of the development. Our houses now, due to the irregular shape of the lots tend to come together. The closest part of his house is five or six feet further from the setback.

Board Action:

On MOTION of SMITH, the Board voted 4-1-0 (Lewis, Purser, Smith, Wait, "aye"; Victor "nay"; no "abstentions") to deny a Variance (Section 430-Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 17' in an RS-1 District, to permit an addition to the present dwelling, on the following described property:

Lot 12, Block 6, Shady Oaks Estates Addition to the City of Tulsa, Oklahoma.

11192

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 85' to 75' from the centerline of 51st Street. This property is located at 7004 East 50th Place.

Presentation:

Mr. Densel Williams, representing Bill and Ann Lesal, stated that the property backs up to 51st Street. There is a 2' block or brick retaining wall at the back of the property, with 15 or 20' to the Street, so we are not encroaching on anyone behind us and we have letters (Exhibit "M-1") from the neighbors around us saying that they have no objection to this addition. There is 20 feet from the back of the new addition to the brick wall. It is a one-story addition and will not pose any visual problems and does not enfringe on any easement, so that you can still get in to work on utility lines, etc.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear setback requirements from 85' to 75' from the centerline of 51st Street, per plot plan submitted, (Exhibit "M-2") on the following described property:

Lot 3, Block 10, Park Plaza Seventh Amended Addition to the City of Tulsa, Oklahoma.

11193

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Exceptions) request for an exception to allow church, and church related activities. (This request is to include elementary, and junior high classrooms, and nursery facilities.) This property is located at 8621 South Memorial Drive.

Presentation:

Lynn Meyer, GeoPlan, was present representing Grace Fellowship Church. He stated that the Church received a special exception in 1973 to allow them to erect a church building. In our discussion with the Building Inspector we determined that this was not adequate for their proposed church building expansion and school activities. They are requesting to build a larger sanctuary plus classroom space above that sanctuary. The Church wishes to have a school that goes from Kindergarten to 12th Grade. The building setback is 95' from Memorial Drive. We have flood problems on the property, but our building is not in the flood area. We have been to Charles Hardt, City Hydrologist, for advise.

Protestant:

Christ Pisias, 8771 South Memorial, stated he lives directly south of the area and has for 52 years. When they applied for a church use, I did not protest, however at this time I am protesting because for the past three years they have been operating a school with a hundred and some students. During that time I have been harassed and sneered by the students. I operate a small farm and have animals at that location. The students don't have any playground, they have approximately 3 usable acres which includes parking and the building. Memorial is in the process of being widened and that widening will take part of their existing parking. At the present time they are exceeding these parking areas and are parking in a developing residential area across Memorial. I have pictures here (Exhibit "N-1") to varify their trespassing and their harassment and their inadequate parking facilities. At the present time they have to have policemen there to guide the traffic. Their building is about 15' from my property. I put up "No Trespassing" signs and they did not heed them, plus the signs have disappeared. I personally inspected my fence and found it mashed down.

Applicant's Comment:

The parking that the Church has now is adequate accordingly to the Code, but in reality it is not enough. I did not know that there was any trouble with the children from the school. We are trying to solve part of the parking problem by restriping the parking lot for compact size cars. We are also considering using the floodplain portion of our property (Haikey Creek) for parking. We have discussed with Charles Hardt about building low-water bridges and regrading the retention area and use it for a parking lot. If the gravel surface presented a problem, we would asphalt the area.

Board Comment:

The Board asked Mr. Pisias about his problem with the children. Mr. Pisias stated he had sent the Church a letter, which he has a copy of. The Board asked Mr. Pisais what the reaction of the Church was at the time the letter was mailed. Mr. Pisais stated that they tried, but with the children out there unsupervised there wasn't much done.

11193 (continued)

Applicant's Comment:
With regard to the playground. During the week there are only about 20 cars in the parking lot and the children use the back parking lot for playing. I believe we have a solution to the parking with the low-water parking.

Board's Comment:
Commissioner Victor stated it seemed that the Church has been operating a school without Board approval at this time. If there is a problem with the children and the neighbors now, wouldn't more building and classrooms make the problem worse? I would like to have someone from the school come and speak to us.

Board Action:
On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstention") to continue Case No. 11193 until Thursday, October 2, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

11194

Action Requested:
Variance (Section 430 - Bulk and Area Requirements in Residential District-Under the Provisions of Section 1670 - Variances) request for a variance of the side yard requirements from 5' to 0' on the east; and a variance of the rear yard requirements from 25' to 8' to permit enclosing a swimming pool. This property is located at 4029 East 53rd Street.

Presentation:
Jacob Graybill, 4029 East 53rd Street, stated he proposed to cover an existing swimming pool with rough cedar and clear acrylic. I have talked to the neighbor at the back and he is in agreement with this. Plot Plan (Exhibit "O-1") submitted. The pool will be connected to the house. The roof will have skylights which will open in the summer.

Interested Party:
Paul Brenchle, 4022 East 52nd Place, was concerned that the proposal would cause more back-up of water to come onto the neighboring properties.

Applicant's Comment:
Mr. Graybill stated he would not want to build anything that would dissatisfy any of his neighbors.

Board Action:
On MOTION of VICTOR, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to deny 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 0' on the east; and a variance of the rear yard requirements from 25' to 8' to permit enclosing a swimming pool, on the following described property:

Lot 9, Block 16, Tanglewood Addition to the City of Tulsa, Oklahoma.

11195

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS-3 District. This property is located at 3621 South Nogales Avenue.

Presentation:

Jesse Cobb, 3619 South Nogales Avenue, stated he wanted to put a trailer in his yard. There are two down the street from him. He stated he has two lots and he wants to put a mobile home on one to provide an income due to the fact he is injuried and is going to be put on disability. He had a brand new septic tank put on the lot.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Home) to permit the mobile home in an RS-3 District with no time limit and no removal bond required, on the following described property:

Lot 6, Block 1, First McBirney Subdivision, City of Tulsa, Tulsa County, Oklahoma.

11196

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 requirement from 6' to 1' & 11" in order that an existing residence might remain. This property is located in 4000 Block of South 89th East Avenue.

Presentation:

Joe Donaldson, JB Engineering Company, stated the house was constructed on the lot too close to the side lot line. The house is about 11' from the nearest house.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirement from 5' to 1' & 11" in order that an existing residence might remain, on the following described property:

Lot 19, Block 6, Millwood Estates Addition, to the City of Tulsa, Oklahoma.

11197

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) request for an exception to permit Use Unit #15 in a CS District, (office-warehouse). This property is located at 19th Street and Garnett Road.

Presentation:

Ron Lunny, representing the owners of the property, advised that they have a piece of property that is quite deep and interior in location. To the south is a Use Unit 15, to the north is a church, to the east is a creek and to the west is commercial along Garnett Road. We just rezoned this property to CS commercial in order to build this use on the property. We propose to build a group of nice looking masonary buildings that would be comparable to what has been built to the south of us. They will be landscaped and look nice. Plot Plan (Exhibit "P-1")

Protestants: None.

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; Smith "abstaining") to grant an Exception (Section 710-Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit Use Unit #15 in a CS District, (office-warehouse), on the following described property:

The E/2, S/2, N/2, SW/4, SW/4, of Section 8, Township 19 North, Range 14 East, City of Tulsa, Tulsa County, Oklahoma.

11199

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 10' from the Broken Arrow Expressway. This property is in the vicinity of 26th Street and Jamestown Avenue.

Presentation:

Warren Morris, stated that this property is just east and south of the Harvard Apartments. It is a triangular shaped piece of property which sides up to the bypass from the south. It is within 10' one way and 12' the other way from the concrete forming of the bypass. It will have 5 dwelling units. Plot Plan (Exhibit "Q-1") submitted.

Protestants: None.

Board Action:

On MOTION of VICTOR, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve 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 10' from the Broken Arrow Expressway, per plot Plan, on the following described property:

Part of Block 2, Kirkmoore Addition to the City of Tulsa, Oklahoma; described as beginning at the SE corner of Block 2; thence North 173'; thence West 215.1'; thence Southeast 274.4' to the point of beginning.

11200

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 on a corner lot from 35' to 8' from the south property line, to permit an addition to residence. This property is located at 4735 South Victor Avenue.

Mr. Jones submitted a letter of protest (Exhibit "R-1")

Presentation:

Bill Knowles, representing Mr. Gilbert Grubbs, stated his client proposed to build two additions to his home. The north addition is not before you because it meets all the requirements. However on the southern addition, we do proposed to add a 7' x 26' addition to their master bedroom area. The reason for the variance is because of extensive mechanical and plumbing on the east side of the building does not permit us to add onto this area economically. The area is inside the 15' building setback on the south side. In the plat we got from the County we were unable to determine exactly that setback line. We propose to come out into the side yard 7'. We propose to build in an area that is similar in construction to the existing building, which is a brick veneer and shake shingle roof.

Protestants:

J. M. Wickersham, 4738 South Wheeling, stated the reason he was protesting is that this is a "U" shaped block. There are only two houses on the inside of this block. My son lives in the one behind it to the east and his setback is normal and this would make this one 8' further toward the street. All the others meet the setback requirement, I don't think this would look good.

Jean Duncan, 4804 South Victor Avenue, stated she represented Timberlane Condominiums, about a block away. There is a problem in this area concerning the setback of a fence. I was sent down to make sure a precedent was not set. There is a neighbor that is trying to move a fence and we were not well enough informed to know if this case had any bearing.

Applicant's Comment:

My client did not know there was any objection. This is a surprise to him and if this presents a problem we will withdraw our application.

Board Comment:

The Chair without objection withdrew Case No. 11200.

11201

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts-Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1670 - Variances) request for a variance to permit a church, and church related activities, and for a variance of the parking requirements. This property is located at 8516 East 41st St.

11201 (continued)

Presentation:
Rev. Richard W. Priest, 4311 South Canton Avenue, stated we have reached negotiations on this building and desire to move our church into it. We have already, as per attached letters (Exhibit "S-1") to our proposal, arranged for extra parking so that we would not be presenting a problem as to parking.

Protestants: None.

Board Comment:
What is the variance of the parking requirement that you desire?

Applicant's Comment:
There are 55 parking spaces on the property. We have made arrangements for up to 50 more across the street so that we would meet parking requirements. The letters are attached for the agreement.

Remarks:
Mr. Jackere stated the one agreement was fine, but the agreement from Mr. Rutherford is not a binding agreement. It is not a proper corporate execution.

Mr. Gardner, TMAPC Staff, mentioned that one of the things that is going to be changed in the new Zoning Code, which the Legal Department is having published, is the fact that Use Unit #5 will be an exception in an IL District rather than a variance. So probably the next time you have a Board Meeting it will not require a hardship finding, so I don't think it would be a necessity here.

Board Comment:
Mr. Lewis asked what sort of use they intend for this property.

Applicant's Comment:
At the moment our 150 member church will be enlarging to seat up to 450 people in the new building, we also have a Kindergarten through High School with 61 students.

Board Action:
On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to continue Case No. 11201, until Thursday, October 2, 1980, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Board Interpretation:
Mr. Lewis stated that at some point in time the Board is going to have to determine what is considered church related and what is not.

Mr. Gardner, TMAPC Staff, stated that schools are in the same Use Unit, but when you specifically ask for church use, a school is not considered an accessory use.

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to interpret that church related activities do not include a school, the type which offers a compulsory curriculum, as opposed to a Sunday School.

11202

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Section 1680 - Exceptions) request for an exception to use part of existing elementary school as a non-profit day care center at 1740 North Harvard Avenue.

Presentation:

Marilyn McCorkle, on behalf of the Board of Directors of Celia Clinton Child Care, Inc., stated they are a non-profit organization. They want to use the vacant classrooms in an existing and operating public school for before and after school day care. The middle part of the day will be for the Kindergarten children and two classes of pre-school.

Protestants: None.

Board Action:

On MOTION of VICTOR, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Section 1680- Exceptions) to use part of an existing elementary school as a non-profit day care center, on the following described property:

The East 50' of the N/2 of the SE/4 of the SE/4 of Section 29, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Okla.

11203

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to erect a duplex dwelling in an RS-3 District. This property is located at 3715 Riverside Drive.

Presentation:

Robert W. Grisham, President of the Sapulpa Home Builders and on the Board of Directors for the Tulsa Chapter, stated that the subject property is on Riverside Drive and is owned by his brother-in-law. He is asking me to build a duplex for him. He is going to live in one side. The property next door to him is a duplex, two lots north is an eight-plex. I presented his plans to the Board (Exhibit "T-1"). The home on the property now is pretty old and he wants to tear it down and build the new duplex. It will be approximately 1,300 sq. ft. per side.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings - Under the Provisions of Section 1680 - Special Exceptions) to erect a duplex dwelling in an RS-3 District at 3715 Riverside Drive, per plot plan submitted, on the following described property:

11203 (continued)

Part of the S/2 of Lot 5, beginning 645' West and 295' South of the NE corner of the S/2 of Lot 5; thence South 75'; thence West 133' to the East line of Riverside Drive; thence North 11°-25' West 76.51'; thence East 148.15' to the point of beginning in Section 24, Township 19 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma.

11204

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 30' from the centerline of 5th Street, and 31' from the centerline of Quincy Avenue. This property is located at 1332 East 5th Place.

Presentation:

Linda Barton Lawrence, stated that the property in question is located on 5th Place, between Quaker and Quincy Avenues. We want to enclose what is now a vacant area and make it into a warehouse building. This addition will require two walls and a roof structure. As you can see the adjacent buildings are all built up against the sidewalks. The original building was built 30' from the street and is right on the property line.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 30' from the centerline of 5th Place, and 31' from the centerline of Quincy Avenue, per plot plan (Exhibit "U-1") submitted, on the following described property:

Lot 6, Block 2, Sunset Addition; and Lots 11 and 12, Block 2, Factory Addition to the City of Tulsa, Tulsa County, Oklahoma.

11205

Action Requested:

The applicant requested a continuance until the next regular scheduled meeting because the individual representing him is out of town. The interested parties do know about the request and are in agreement to a continuance to the next regular meeting.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to continue Case No. 11205 until Thursday, October 2, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

MTTA Request:

Interpretation:

MTTA requested an interpretation of what Use Unit a bus shelter would fall in.

Presentation:

Ms. Miller stated that she has several applications (31 at this time), for bus shelters in various zoning districts including residential, office and commercial zoned areas. I am requesting a Use Unit classification for a bus shelter, the type which includes a sign. The City Commission has approved, in principal, the construction of bus shelters with signs in the City right-of-way, subject to obtaining a building permit.

Mr. Jones stated that there was an application previously for a similar type thing and the Board of Adjustment granted it for a period of two years. There was 30 some locations on bus stops, but they were for benches with signs on them.

Imogene Harris, Assistant City Attorney for MTTA, stated the MTTA is a Public Trust and the City is the Beneficiary of the Trust and the City has contracted with the Authority to place these signs and letters next to the sidewalks. MTTA has assigned that right to the Public Transit Shelters, Inc. Mr. Crawford is the Vice President of Public Transit Shelters, Inc., from Oklahoma City and will answer any questions.

Gary Crawford, Vice President of Public Transit Shelters, Inc., stated there had not and would not be any put in anyone's front yard.

Remarks:

Mr. Gardner stated that he realized they would not be located in anyone's yard, but what about areas like 31st Street and Lewis Avenue, 41st Street and Lewis Avenue, 61st Street and Harvard Avenue, 71st Street and Harvard Avenue, etc. There are at least 1/2 dozen major intersections that are residentially zoned on all four corners. I have a problem with the lighted signs, not necessarily the benches.

Applicant's Comment

I brought all our Master Plans (Exhibit "V-1"), which are site drawings for each location. To the best of my knowledge we have none in residential areas. The intersections that Mr. Gardner is speaking of, we have none in those areas.

Remarks:

Mr. Gardner stated there is no question as to the Use Unit for benches, that is Use Unit 1. However, commercial signs and lights do raise a zoning question. Commercial signs are permitted as a matter of right in a commercial and industrial zone. If you are zoned residential, commercial signs are not permitted. An office zoning permits only a small sign.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to interpret that benches and bus shelters are Use Unit 1. However, shelters with commercial signs and lighting are accessory only in "C" Districts and "I" Districts. Board

MTTA Request: (continued)

judgement will be withheld in all other districts until the site has been viewed and the physical factors examined in each case. The Traffic Engineer should be consulted in all locations.

There being no other business before the Board, the Chair declared the meeting adjourned at 6:15 p.m.

Date Approved October 16, 1980

Chairman