

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 321  
Thursday, October 16, 1980, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT

Lewis, Chairman  
Smith  
Victor  
Wait

STAFF PRESENT

Alberty  
Gardner  
Hubbard  
Jones

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 Wednesday, October 15, 1980, at 9:08 a.m., as well as in the Reception Area of the INCOG/TMAPC Offices.

After declaring a quorum present, the Chairman called the meeting to order at 1:45 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser, Smith "absent") to approve the Minutes of August 21, 1980, (No. 317) and September 18, 1980, (No. 319) with the Minutes of September 18, 1980, being amended to reflect the actual statements and representations that were made by Mr. Norman and Mr. Beasley in the Board's discussion with them.

The minutes of September 18, 1980, (No. 319), as amended, are as follows:

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.

"Board member Lewis asked Mr. Beasley what Helmerich and Payne's intent is as to the houses along St. Louis Avenue.

Mr. Fred Beasley, Vice President of Real Estate and Development for Helmerich and Payne, advised that 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 in the immediate future. We have nothing in our plans for any other use and we have no long range plans other than what they're being used for at this time.

Board member Lewis stated that, based on the assurances that Mr. Beasley and Mr. Norman have given as far as the fact that Helmerich and Payne has no intention other than to maintain the residential character of the houses along St. Louis and, in fact, do intend specifically to maintain them and keep them in good condition and so forth, I move that the application be approved as it has been amended

applying to all but the west 5.35' of the subject tract, and subject to the conditions as have been presented, which I will enumerate.

- (1) that there be a solid screening fence a minimum of 6' on the west and north boundary; and there be a 36" decorative wall on the 21st Street side as per the plot plan;
- (2) that any lighting be low and directed to the interior;
- (3) that the drainage plan in the file be implemented; and,
- (4) subject to there not being any access at all to South St. Louis Avenue or 19th Street.

Chairman Purser stated that she would like the Minutes to reflect that she would be voting for the motion with the same concerns that Mr. Lewis enumerated.

Board member Smith stated that the drainage portion be not only implemented, but first submitted to and approved by the City Engineer and Hydrologist. This was acceptable to Mr. Lewis."

Board Action:

On MOTION of LEWIS and SECOND by SMITH, 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 the above stated conditions.

END OF AMENDED MINUTES OF SEPTEMBER 18, 1980, (No. 319)

MINOR VARIANCES AND EXCEPTIONS:

11228

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the area and frontage requirements in an AG District to permit a lot-split.

Protestants: None.

Staff Comment:

Mr. Jones stated that the Planning Commission approved the lot-split, subject to the approval of this Board.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area and frontage requirements in an AG District to permit a lot-split (L-15033), per site plan, on the following described property:

The S/2, N/2, S/2 of the NW/4, SW/4 and the N/2, N/2, S/2, S/2 of the NW/4, SW/4, Section 12, Township 18 North, Range 12 East, of the IB & M, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof; AND the North 120' of the West 436.48' of the South 247.50' of the SW/4, NW/4, SW/4 of Section 12, Township 18 North, Range 12 East, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

11237

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the front setback requirements from the property line to be from 25' to 21.2' to allow a residence to remain.

Presentation:

Lenora Ludlow submitted the plot plan (Exhibit "A-1") to the Board.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the front setback requirements from the property line to be from 25' to 21.2' to allow a residence to remain, on the following described property:

Lot 77, Block 16, Regency Park Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

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, junior high, and senior high classrooms, and nursery facilities).

Staff Comment:

Mr. Jones stated that this application was continued from the last regular meeting of the Board to allow the applicant to submit additional (new) information concerning off-street parking and building expansion.

Presentation:

Mr. Gayle Reynolds, attorney for Grace Fellowship, addressed the Board. He clarified that the application was not for expansion of the Church, its buildings, or expansion of a sanctuary, but for the use of the Church and its buildings for Church-related activities. He presented to the Board an amendment of the application which stated, "Supplementing a 1973 Special Exception granted Grace Fellowship to permit church use of the Congregation's present ten-acre tract, this request is solely for permission to also use the Church's property for the conduct of a Christian school," (Exhibit "B-1"). Mr. Reynolds advised that the Church has suspended its plans to expand the sanctuary and has no plans to do so until they have more fully researched available sites and alternative methods of enlarging facilities for the meetings of the Church.

Board Comments:

On the subject of future expansion, Mr. Wait asked how much expansion was being considered—enough only to accommodate present enrollment, or future enrollment as well. Mr. Reynolds replied that present enrollment was approximately 170 and that the maximum enrollment should be no more than twice that figure. Mr. Reynolds stated that expansion would probably entail a 10,000' addition on two floors.

Protestants:

Lee Garrett, representing the Chimney Hills Homeowners' Association, submitted a letter to the Board (Exhibit "B-2") signed by Donald A. Odell, President of the Chimney Hills Homeowners' Association. Mr. Garrett stated that at the present time, considerable overflow parking for Grace Fellowship has occurred on the west side of Memorial in their residential area, and it was the general consensus of the Association that expansion of the Church facilities without proper provision for additional off-street parking would further aggravate that situation. He further stated that on the previous Sunday and Wednesday, the homeowners counted 125 vehicles parked on their residential streets. When asked by Mr. Lewis if he was certain the cars were the result of church-related activities, Mr. Garrett replied that they were, indeed.

Randy Smith, 8814 South 69th East Avenue, representing the Southeast Tulsa Homeowners' Association, stated that their primary concern was the traffic, parking, and safety problems involved. Mr. Lewis reminded Mr. Smith that the Board had heard these concerns before, and that there was no need to become involved in further discussion.

11193 (continued)

Christ Pisas, 8771 South Memorial, stated that the 100-year floodplain was misconstrued because the 100-year floodplain that Mr. Reynolds was speaking of was actually an annual floodplain.

Board Comments:

Mr. Wait asked Mr. Reynolds what the present square footage was. Mr. Reynolds replied that the present square footage of the entire building was 22,000'. He then asked Mr. Reynolds what the footage was for the student classrooms. Mr. Reynolds replied that the students used almost all of that 22,000 square feet during the week in some manner.

Mr. Victor stated that he would like to predicate a motion by saying that this Board has no authority over setting the required number of parking spaces for building projects, and if that created a problem, it would have to be taken up with another authority besides this particular Board. He indicated that the concern of the Board would be strictly limited to the compliance with other building code and zoning ordinances.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an 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) to allow church and church-related activities (this request is to include elementary, junior high, and senior high classrooms, and nursery facilities) with the following provisions:

- (1) That construction of a fence along the south boundary extending from the front property line east to the floodway be accomplished within a period of 90 days;
- (2) that lighting provided for parking be directed downward and away from adjoining neighbors;
- (3) that children's play activities be supervised; and,
- (4) that no building expansion of either sanctuary or school facilities be made without obtaining Board approval;

on the following described property:

The N/2 of the N/2 of the NW/4 of the SW/4, Section 13, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

11220

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) appeal from a decision of the Building Inspector to correct and remove storage of vehicles in an RS-3 District and CS District; and a

Variance (Section 710 - Principal Uses Permitted in Commercial Districts; and a Variance (Section 410 - Principal Uses Permitted in Residential

11220 (continued)

Districts - Under the Provisions of Section 1670 - Variances) request for a variance to permit storage of vehicles in an RS-3 and CS District.

Presentation:

James E. Lytal, 3101 West 61st Street, was not present to address the Board. Mr. Jones stated that Mrs. Lytal came by the office the previous day with a note from Mr. Lytal stating that he would be out of town on the 16th and would not be able to appear.

Mr. Gardner stated that this particular application was an appeal and had a lengthy history. He further stated that the Board had approved this operation subject to several restrictions which, based upon the Building Inspector's review of the operation, he has not met. Mr. Lytal requested a continuance of the application. Following a brief review by Ms. Miller of the violations, the Board suggested that the continuance be denied and the application be heard in order of appearance on the agenda.

Mr. Jackere volunteered to call Mr. Lytal and inform him that his case would be heard by the Board. The call was placed, and Mr. Jackere informed the Board that Mr. Lytal had gone to Mannford to pick up an engine and would not be present.

Ms. Miller stated that the Board previously approved vehicle repair subject to no outside storage, no salvage operation, and no outside storage of materials. Since that time, Mr. Lytal has repeatedly violated these conditions according to checks by the Building Inspector's Office.

Mr. Lewis read a statement from protestants (Exhibit "C-1" and Exhibit "C-2" were included in this packet) to the Board attesting to the abusive use of the property by the property owner.

Protestants:

A group of protestants from the community were present.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to uphold the appeal of the Building Inspector due to the fact that the application was made in an untimely manner (15 days rather than the allotted 10 days) and to deny the Variance (Section 710 - Principal Uses Permitted in Commercial Districts; and the Variance of (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit storage of vehicles in an RS-3 and CS District, and to revoke and withdraw the Board's previous approval on May 17, 1973, and to direct the City Attorney's Office to take the necessary steps to file an action to cease the business, on the following described property:

Lots 17, 18, 19, 20, Block 2, Summit Parks Addition to the City of Tulsa, Oklahoma.

11221

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) request for an exception to permit automobile repair and vehicle storage in a CS District.

Presentation:

Charlotte Sumner, 13110 East 11th Street, was present to address the Board. Mrs. Sumner stated that she and her husband would like to erect a new building in which to perform their operation of automobile repair.

Protestants: None.

Board Comments:

Mr. Lewis asked Mrs. Sumner if all work was presently done inside, to which she replied, "yes". He then asked her if all work would continue to be performed inside, to which she again replied, "yes".

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit automobile repair and vehicle storage in a CS District, subject to the conditions that (1) no outside storage of vehicles, parts, or materials be allowed; (2) that all work be performed inside; and, (3) that the screening requirement be met on the following described property:

Beginning at the NW corner of the E/2 of the NE/4 of the NW/4 of the NW/4 of Section 9, Township 19 North, Range 14 East, Tulsa County, Oklahoma; thence East 128'; thence South 229'; thence West 128'; thence North 229' to the point of beginning.

11223

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to operate a machine shop in a CH District.

Presentation:

Letha Reaves, 6301 East Easton, was present to address the Board. She stated that a machine shop is presently being operated by she and her husband nearby, but the building is too small to operate the enlarged business in. They would, therefore, like to move the operation to a building at the subject location.

Mrs. J. W. Tudor, co-owner of the property, briefly informed the Board of the type of work involved, the noise intensity of the machines involved in the operation, and explained that no work was performed outside the building.

Protestants: None.

11223 (continued)

Board Comments:

Mr. Lewis asked Mrs. Tudor if there would be any storage of cars outside the building and she replied that there would not be--the only cars would be those short-term parked cars of customers and there would be ample space provided for those.

Mr. Lewis then asked about the location of surrounding buildings and businesses. Mrs. Tudor submitted a plot plan (Exhibit "D-1") to the Board and advised that there were no windows and doors on the west side of the building next to the insurance office. The proposed machine shop's entrance will be from Third Street.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exceptions) to operate a machine shop in a CH District, all work to be performed inside the building, on the following described property:

Lots 3 and 4, Block 17, Lynch & Forsythe Addition to the City of Tulsa, Oklahoma.

11224

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Exceptions) request for an exception to place a mobile home in an RS-3 District.

Presentation:

Henry Eaton, 5611 East 71st Street, a close personal friend of the applicant, was present to address the Board. He stated that Anna McMahan, the applicant, owned the property and had previously had a mobile home located on said property from 1968 to 1979. He stated that, due to a recent divorce, Ms. McMahan needs time to get back on her feet and she feels that she can handle this best by moving a mobile home onto this lot and living in it. He further stated that Ms. McMahan had a daughter in her senior year of high school and would like to finish the year at her present school. This could be accomplished by moving the mobile home onto the lot.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Exceptions) to place a mobile home in an RS-3 District for a period of one year, removal bond required, on the following described property:

The South 100' of the North 500' of the E/2 of the E/2 of the SE/4 of the SE/4 of Section 16, Township 18 North, Range 13 East, LESS the West 25' for roadway purposes.



11226

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 from 35' to 25' from the property line in order to build a porte cochere.

Presentation:

Tully L. Dunlap, Jr., 8649 South 66th East Avenue, was present to address the Board.

Protestants: None.

Board Comments:

Mr. Smith asked if the part that would face 88th Street would be open except for the supportive columns. Mr. Dunlap indicated that there would be two supportive columns and the remaining portion would be open.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback from 35' to 25' from the property line in order to build a porte cochere, per plot plan (Exhibit "E-1"), on the following described property:

Lot 1, Block 3, Woodhill Estates, an addition to the City of Tulsa, Oklahoma.

11227

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 the centerline of East 13th Street South to be from 50' to 40' & 6".

Presentation:

Reverend Fred Millender was present to address the Board. He stated that a foundation was started by the Crockett Development Company in 1969 and he plans to build a three-bedroom home on the property.

Interested Party Comments:

Guy Duffield, 12808 East 13th Street, stated that the piece of property in question was a large, double lot, so Reverend Millender was not talking about "squeezing" a home onto a small piece of land. He further stated that the applicant owns land one block long facing 129th Street which gives him ample land on which to build a home. Mr. Duffield informed the Board that the foundation is in its beginning stages and there would be no trouble moving it. He indicated that his only concern would be that he wanted to make certain the building would be used as a residence and that there are no plans to utilize it for a day-care center.

11227 (continued)

Board Comments:

Mr. Smith asked Reverend Millender if the quality of this future home would be equal to those in the neighborhood, to which Reverend Millender replied that it was above the quality of the other homes.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") 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 the centerline of East 13th Street South to be from 50' to 40' & 6" for the construction of a residential three-bedroom home as presented (Exhibit "F-1"), on the following described property:

Beginning at a point 1,500' South and 50' West of the NE corner of Section 8, Township 19 North, Range 13 East; thence 140' West; thence 140' South; thence 140' East; thence 140' North to the point of beginning.

11229

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) request for a variance to allow a detached accessory building in the rear yard with 1,152 square feet of floor area (two-story). (Ordinance permits 580 square feet.)

Presentation:

Ruth Loche, 1420 South Florence Place, was present to address the Board. Ms. Loche stated that she had lived at this address for 32 years; her husband has passed on, as well as her parents, and she has a considerable amount of their belongings that she doesn't wish to part with. She plans to house two of her three cars in the first story of this two-story garage, and those belongings in the upper story. She stated that entrance to the second story will be gained from the inside, and that the quality and appearance of this two-story garage will be compatible with the surrounding neighborhood homes. Ms. Loche submitted plans of the proposed building (Exhibit "G-1"), as well as a list of signatures from area residents stating "no objection to construction" (Exhibit "G-2").

Protestants: None.

Board Comments:

Mr. Smith asked Ms. Loche if plumbing would be installed in the upper floor and Ms. Loche replied that there would be none. Mr. Lewis asked if the structure would be livable and Ms. Loche again replied that it would not.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) to allow a detached accessory building in the rear yard with 1,152 square feet of floor area (two-story) on the condition that the structure will not be used as a habitable area, on the following described property:

10.16.80:321(9)

11229 (continued)

Lot 5, Block 9, East Lawn Addition to the City of Tulsa, Oklahoma.

11230

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 5' to permit an addition to existing residence.

Presentation:

Steve Turner, Architect for Turner and Fox Associates, doing business at the Philtower Building, was present to address the Board. Mr. Turner submitted to the Board a site plan of said residence and property (Exhibit "H-1") and explained that the darker shaded area indicated the existing two-story frame house and two-car carport. The residents wished to convert the existing carport into guest quarters. He stated that they were going no further to the property line than the existing structure is, but they will be conforming with the existing 5' side yard on the north, and extending the existing carport 18' to the east, which will result in the structure standing 78' from the curb.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Turner if the resident to the north had been consulted, to which Mr. Turner replied "yes," and he stated that the resident did approve.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") 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 5' to permit an addition to an existing residence, per plot plan submitted, on the following described property:

Lot 19, Block 7, Bren Rose Addition to the City of Tulsa, Oklahoma.

11231

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 a residence.

Presentation:

Gilbert Grubbs, 4735 South Victor, was present to address the Board. He stated that he wished to add 7' onto the south side of his house where the present bedroom is located. He has spoken with his neighbors and all are in agreement and believe that the addition will add value to the property. He informed the Board that there had been one gentleman who previously protested the application only because he was uncertain as to what construction was going to be performed. This elderly

11231 (continued)

gentleman thought Mr. Grubbs was going to build within 8' of the street, which is not correct. The proposed construction will occur within 8' of the property line. Mr. Grubbs stated that he had spoken with this gentleman and his son and all misconstrued beliefs had been resolved. Mr. Grubbs further informed the Board that the addition would be done in an attractive manner and in the brick that was used in the construction of the original house. It will, additionally, be landscaped as the original house is. Mr. Grubbs submitted to the Board pictures (Exhibit "I-1") of the existing structure, as well as the site plan (Exhibit "I-2").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 35' to 8' from the south property line to permit an addition to residence, per plot plan submitted, on the following described property:

Lot 5, Block 2, Bolewood Manor Addition to the City of Tulsa, Okla.

11232

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 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot where an existing residence is located.

Presentation:

James G. Lewis, representing the applicant (Dora M. Lewis), was present to address the Board. He informed the Board that most of the homes in the area are 35 to 40 years old and are modest homes, and that most of the homes are located on plots of from two to five acres. He stated that the better part of the residents of these homes are elderly persons. He further stated that there is a home on said property in which his 85 year old mother lives and she does have health problems. He explained that this property is a two and one-half acre plot of ground and does have an additional small home which was the original home (in addition to the home presently occupied by his mother). The two homes are on two separate plots of ground, with the plots adjoining one another, running about a block on 73rd Street on the south and Quincy on the west. He informed the Board that the family was reluctant to build on the property, due to the fact of the type of home they could afford would not be compatible with other homes in the area. Mr. Lewis stated that the other alternative would be locating a mobile home on the property for a period of time that Mrs. Lewis remains alive or until the time she is unable to care for herself and moves in with family. He further indicated that once Mrs. Lewis is no longer able to reside in the mobile home, the mobile home will be removed and the older, smaller home will be demolished.

11232

Protestants: None.

Board Comments:

Commissioner Lewis asked Mr. Lewis where the mobile home would be placed. Mr. Lewis replied that his mother lived on the southwest corner facing Quincy and that the smaller home on the other piece of property was about 100' east of that facing south. They would like to place the mobile home on a small hill about 50' to 75' east of the smaller home.

Commissioner Lewis then asked Mr. Lewis (representing applicant) what was located across the street, to which Mr. Lewis replied "nothing."

Mr. Lewis (Board member) proceeded to ask Mr. Lewis (representing applicant) what was located on Lot 7 to the north. Mr. Lewis stated that an elderly couple resided on a two to three acre area in a modest home, that it had been discussed with them, and that there was no objection.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS-2 District, for a period of one year with removal bond required, and to approve a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot where an existing residence is located, for a period of one year with removal bond required, on the following described property:

Lot 8, Block 1, River Grove Addition to the City of Tulsa, Okla.

11233

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for an exception to use property for church use and a possible day-care center in an OL District.

Presentation:

Aaron W. Walker, Pastor of the Maranatha Assembly of God Church, was present to address the Board. Mr. Walker stated that about six years ago, the Church obtained the property from a Union, which had used it for offices and a meeting place, and that the Church has occupied said property for those six years.

Protestants: None.

11233 (continued)

Board Comments:

Mr. Lewis asked about the portion of the application which stated utilization for a possible day-care center. Mr. Walker replied that, in the future, a day-care center might be considered.

Mr. Lewis then asked Mr. Walker if he had objections to reappearing before the Board at such a time that a day-care center might be considered, and Mr. Walker replied that he did not have any objections to reappearing.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use the property for church use in an OL District, on the condition that the property is not used for a day-care center until the applicant returns to the Board for that specific portion of the application in the event a day-care center is considered, on the following described property:

Lot 16 through 24 inclusive, Block 12, Eastmoor Park Addition to the City of Tulsa, Oklahoma.

11234

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 to be from 10' to 3' to allow the erection of a carport.

Presentation:

John Thompson, 148 North Delaware, was present to address the Board. Mr. Thompson stated that he wished to erect a carport where an existing single car garage is and make a passageway in the rear of the carport to an additional garage in the back of the property. He wishes to expand the side of the carport an additional 2' to allow room for a washing machine to stand where a 5' side yard is.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Gardner if this used to be a 5 foot side yard. Mr. Gardner replied that multifamily zoning requires a 10' and a 5' side yard, but that this is probably an area in which several single-family houses were built and that single-family houses only require 5' side yards.

Mr. Lewis asked Mr. Thompson how many feet his neighbor to the north is from the property line, to which Mr. Thompson replied, "5'."

Mr. Smith asked Mr. Thompson if the carport will have a roof that overhangs. Mr. Thompson stated that it did. Mr. Smith then asked how many feet the overhang was, and Mr. Thompson stated that the overhang was 5'.

11234 (continued)

Mr. Smith stated that his only concern was that the neighbor might receive drainage water spillover onto his roof or property. Mr. Thompson replied that this would not occur.

Mr. Smith then asked if the neighbor had been consulted, and Mr. Thompson replied that he had been consulted and that there were no objections.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") 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 to be from 10' to 3' to allow the erection of a carport, subject to the construction of the carport in such a manner so that no storm water is diverted onto the neighbor's property, on the following described property:

Lot 4, Block 3, Reddin Addition to the City of Tulsa, Oklahoma.

11235

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1670 - Variances) request for a variance from the Major Street Plan setback from 60' to 50' to allow the erection of an office building.

Board Comments:

Mr. Victor wished to state for the record that he had received from the applicant's architect the previous day, a letter regarding this particular application. He further stated that the letter reflected no specific technical aspects of the application, but he felt the correspondence was unnecessary due to the fact that there was a record-keeping official (Mr. Jones). He felt that any correspondence regarding applications should be sent to Mr. Jones who, in turn, was responsible for routing relevant information to the Board members. He stated that any correspondence of a technical nature from an applicant or an applicant's representative could result in an abstention in voting on the behalf of any member of the Board.

Mr. Wait stated that he, too, had been contacted by a representative of the applicant, and had requested that any information presented to him be sent to all Board members in the form of a letter. He concurred with Mr. Victor on the request that all information, technical or otherwise, be sent through the Board of Adjustment Office, rather than directly to the Board members.

Presentation:

Charles Norman, representing Helmerich and Payne, Inc., was present to address the Board. He submitted to the Board a site plan of the proposed office building (Exhibit "J-1"), as well as a packet of proposed typical roadway sections (Exhibit "J-2"), and Mr. Norman discussed these with the Board. He explained that Helmerich and Payne is asking permission to set the proposed building back 25' from the present right-of-way line. Mr. Norman stated that he had researched records and

11235 (continued)

discovered that on October 2, 1980, the Board approved a waiver of the Major Street Plan setback from 50' to 44' from the centerline of 15th Street to accommodate a structure near 15th Street and Lewis Avenue. He stated that in that case, the Major Street Plan calls for 100' of right-of-way width but the actual physical development is considerably closer to the street than that.

Mr. Norman informed the Board that he had consulted Mr. Bill Thomas, City Traffic Engineer, and Mr. Thomas had advised Mr. Norman that he had no objection to this application. Mr. Norman further stated that Mr. Thomas indicated that, in his own opinion, 21st Street would never be widened beyond its present width west of Yale Avenue and will probably never be widened west of Memorial Avenue.

Board Comments:

Mr. Lewis asked Mr. Norman how far west the turning lanes would run in the proposed intersection improvements at 21st Street. Mr. Norman replied that they would proceed to about 40' west of the existing Helmerich and Payne building, which would be in front of the proposed building site, and then they would taper back to the existing pavement width.

Mr. Smith asked Mr. Norman if Mr. Thomas foresaw any traffic circulation problem with the proposed building. Mr. Norman replied that Mr. Thomas did not foresee any problem from this particular project. Mr. Norman further indicated that the proposed driveways to the building will be moved further west to alleviate any turning movement congestion problems.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1670 - Variances) from the Major Street Plan setback from 60' to 50' to allow the erection of an office building, per plot plan, on the following described property:

All that part of Lot 4, Block 27, of Park Place, an Addition in the City of Tulsa, Tulsa County, Oklahoma, according to the Official Recorded Plat thereof; more particularly described as follows to-wit: Commencing at a point on the south line of said Lot 4, 18.79' from the SE corner thereof (and 131.45' from the SW corner thereof); thence due North a distance of 25.00' to the point of beginning; thence due West, parallel to and 25' from the south line of said Lot 4 a distance of 127.10' to a point 4.20' from the West line of said Lot 4; thence North 0°-11'-11" East a distance of 106.80' to a point 3.88' from the West line of said Lot 4; thence due East a distance of 107.75'; thence due South a distance of 3.74'; thence due East a distance of 19.00'; thence due South a distance of 103.06' to the point of beginning; containing 13,484 square feet or 0.30955 acres.



OTHER BUSINESS:

Plans - 10094

Staff Comments:

Mr. Jones stated that this was the application of the Bibleway Church of God in Christ, and that the application had been approved by the Board on August 17, 1978, subject to the applicant returning to the Board with a plot plan showing parking and elevation of the proposed building.

Presentation:

Richard Sims, representing the Bibleway Church of God in Christ, was present to address the Board and submitted the plot plan (Exhibit "K-1"). He stated that the proposed building was no higher than 20' and the number of parking spaces reflected in the Plans is 62.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve the Plans submitted with the stipulation that the building be moved back 30' from the south property line.

Interpretation - Section 1670.4 and 1680.4

Staff Comments:

Mr. Jones informed the Board that an interpretation was needed on Sections 1670.4 and 1680.4. He informed the Board that the present ordinance states there is a time limit on utilizing an exception or variance -- that time limit provides a two-year period. The ordinance has now been amended to provide three years. Mr. Jones stated that the question at hand was whether or not the previous actions will be two years or three years under the amended ordinance.

Board Comments:


Mr. Lewis stated that he felt unless the ordinance implies otherwise, or legal counsel advises otherwise, a previous action would come under the ordinance time period which was in effect at the time of action.

Mr. Jackere stated that he felt any application that has been approved and has not expired, has three years from the date the application was approved.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to interpret Sections 1670.4 and 1680.4 to mean the three-year time limitation on the utilization of Special Exceptions and Variances be extended to those applications previously approved and not expired as of the action date.

There being no further business to come before the Board, the Chairman adjourned the meeting at 4:05 p.m.

  
Chairman

Date Approved

November 6, 1980

10.16.80:321(16)