

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 322
Thursday, November 6, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman Smith Victor Wait	Lewis	Gardner Hubbard Jones	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, November 5, 1980, at 8:40 a.m., as well as in the Reception Area of the INCOG Office.

After declaring a quorum present, Chairman Purser called the meeting to order at 1:35 p.m.

MINUTES:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Smith, "absent") to approve the Minutes of October 2, 1980 (No. 320).

11257 David Weaver - 2502 South Yale Avenue

Mr. Jackere advised the Board that this case would not be heard today, since the written notice was insufficient. The Chair without objection continued Case No. 11257 to November 20, 1980.

11152 Heritage Baptist Church - 9123 East 22nd Place

Mr. Jones advised the Board that this case had been continued from August, and that the Board permitted a mobile home on the property for one year to house the Christian School. Mr. Jones explained that Reverend Smith stated that it would be some time before plans were submitted and he would return to the Board and reapply. Mr. Jones stated that the request for Church approval should be withdrawn from public hearing at this time. The Chair without objection declared the Church use portion of Case No. 11152 withdrawn.

MINOR VARIANCES AND EXCEPTIONS:

11244

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 side yard requirements from 5' to 4' on the east and from 5' to 4.7' on the west in an RS-3 District.

Presentation:

Terry Sells, L & S Development, 6927 South Canton, was present to address the Board. Mr. Sells stated that the overbuilding on the subject property was a mistake on behalf of the sub-contractor, who was

trying to build as far away from the root system of a large tree as he could. He further stated that, upon discovering the problem, they applied for the variance.

Board Comments:

Mr. Victor asked Mr. Sells if the house was totally constructed at the present time, and Mr. Sells replied that it was pretty far along--the only thing lacking was the brick on the exterior and the sheetrock on the interior. He further stated that construction had been stopped on the corners in question as soon as the problem was discovered and the structure tagged by the building inspector.

Protestants:

David Sobel, an attorney representing one of the neighbors of the property in question, advised the Board that his client did not consider this a minor variance. He felt that L & S Development was building far too close to the property line and they were in violation in at least three of the four sides. Mr. Sobel advised the Board that it is the feeling of his client that this is a deliberate scheme on the part of L & S to make extensive use of the property in question and that there is no hardship involved.

Mr. David Fell, 1261 East 28th Street, advised the Board that he was the property owner of Lot 7, Block 19 and was the first to notice the violation. Upon discovering the violation of the Code, he notified the City Board of Inspections to check if they had a variance in the building permit and they did not. On that day, October 6, the building inspector inspected the building and tagged it, notifying the developers that they would have to apply for a variance. A copy of the tag (Exhibit "A-1") was submitted to the Board and placed in the file. Dr. Fell advised the Board that his property line is four feet from the house as it stands presently on the east side, and once the brick is added, it will stand three feet and seven inches. He stated that, although there is not a home built on that property, if he should decide to build, he would have to move it further from the property line.

Dr. Fell further advised the Board that he was present on behalf of the other abutting neighbor, Mr. Craig Ferris, Lot 27, Block 19, who was out of town and unable to attend this meeting to protest this variance. Dr. Fell submitted a notarized letter of proxy (Exhibit "A-2") from Mr. Ferris dated November 3, 1980, indicating his objection to the granting of a variance on this application.

Ms. Purser stated that she thought David Sobel lived on Lot 7. Dr. Fell explained that Mr. Sobel was his attorney and was representing him at this meeting. Dr. Fell further explained that Lot 8 and Lot 9, Block 19, were owned by Mr. Stidham, and that he was building the house in question on Lot 8, but lives on Lot 9.

Gordon Cecille owner of Lot 4, Block 19, approached the Board and advised that he was present for the sole purpose of joining in the protest of the granting of the variance.

Applicant's Comments:

Mr. Sells responded to comments by the protestants by stating that the violation was not deliberate or malicious, and that he took full responsibility since he should have been supervising the sub-contractors more closely. He advised that the main intention was to preserve the large trees on this piece of property, and they were trying to avoid destroying them.

Board Comments:

Mr. Victor asked Mr. Sells what the length of the eave overhang was at the points in question. Mr. Sells replied that they were 18 inches from the house as it stands now, and that they would be 14 inches once the brick is added. He further stated that it would be a 4-inch brick line and not a 6-inch brick line.

Mr. Smith asked Mr. Sells about the building permit that called for 6 feet on one side. Mr. Sells explained that the application calls for 6½ feet off the side in question and that it had been moved. Mr. Smith stated that there was more than one side in question--at least two sides and that without the lot-split, it is not possible to be 6½ feet off any line, or even 5 feet off any line with this particular house.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 4' as it applies to the east side of the property and have the builder bring the house into conformance with the 5' building setback line on the east, and permit the variance on the west to 4.7' as requested, on the following described tract:

All that part of Lot 8, Block 19, Sunset Terrace Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT a part described as follows, to-wit: Beginning at a point on the Westerly line of the said Lot 8, a distance of 50' Southerly of the Northwest corner of the said Lot 8, thence Southeasterly a distance of 81.1' to a point on the Southerly line of said Lot 8, said point being 9' Northeasterly of the Southwest corner of the said Lot 8, thence Northwesterly along the Westerly line of said Lot 8 a distance of 80.62' to the point of beginning.

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 setback requirements on a corner lot from 25' to 20' in an RS-3 District.

Presentation:

The applicant was not present to address the Board. Mr. Jones submitted to the Board a plot plan (Exhibit "B-1").

11245 (continued)

Protestants:

John Parker, 6515 East 87th Place, stated that he had no information as to how this lot will be used so he was concerned that it might lower the value of his property.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue this application to November 20, 1980, for a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements on a corner lot from 25' to 20' in an RS-3 District.

11260

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 35' to 30' from the property line to allow a porte cochere to remain.

Presentation:

Jim Boyd, 7953 South Lakewood, was present to address the Board. He stated that the property in question is a piece he sold and closed on last month, and the new owners have requested that Mr. Boyd have the variance cleared so that when they sell the house at a future date, they will not have to appear and attempt to change the variance themselves. He advised Board members that the house had been custom-built for him by Bill Haddock Construction, and that the original plot plan did not show the porte cochere being over the variance line. Mr. Boyd informed the Board that the house sits on a corner lot, and there are no infringements on the houses on either side.

Protestants: None.

Board Comments:

Ms. Purser asked Mr. Boyd how long the house had been built, to which Mr. Boyd replied, "approximately three years."

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the front setback requirements from 35' to 30' from the property line to allow a porte cochere to remain, per survey submitted (Exhibit "C-1"), on the following described property:

Lot 4, Block 8, Brookwood Addition, an addition in Tulsa County, Oklahoma.

NEW APPLICATIONS:

11236

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to maintain a mobile home in an RS-1 District.

Presentation:

Rex Wakefield, 17417 East 15th Street, was present to address the Board. Mr. Wakefield requested approval from the Board to maintain the mobile home for another year.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to maintain a mobile home in an RS-1 District for a period of one year, removal bond required, on the following described property:

Lot 3, Block 8, Lynn Lane Estates Addition to the City of Tulsa, Oklahoma.

11238

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1204 - Public Protection and Utilities Facilities and Temporary Open Air Uses) request for permission to sell Christmas trees during the month of December, 1980.

Presentation:

J. D. Spitzer, the applicant, was present.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1204 - Public Protection and Utilities Facilities and Temporary Open Air Uses) for permission to sell Christmas trees during the month of December, 1980 on the following described property:

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

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670 - Variances) request for a variance to permit two signs. (Size of sign on house is 39" x 8½"; size of sign on front is 32" x 6" at top and 22½" x 6" on bottom).

The applicant was not present to address the Board. The owner of the property, Mr. John Hubbard, volunteered to call Ms. Sharon Powell, the applicant, and remind her of the hearing of her case.

Board Comments:

Ms. Purser suggested that the case be passed until later in the meeting and try to reach the applicant by telephone. The case was passed for 45 minutes.

Presentation:

John Hubbard, 5505 South 67th East Avenue, owner of the property, was present to speak for the applicant, who was unable to attend. He stated that Dr. Powell made this application after she had moved into a residential home which is rented to her on a residential basis. Mr. Hubbard advised the Board that, because of finances, she wished to attempt to see additional patients on her days off and in the evenings. He advised that the signs were already located on the property. Mr. Hubbard further explained that Dr. Powell was not requesting a rezoning of the property, but only wished to see additional patients in her home until she is financially able to open her own office.

Protestants:

Kent Renfrow, 5435 South Zunis Place, submitted to the Board a petition (Exhibit "E-1") signed by 30 area homeowners from the Rondo Valley Addition. Mr. Renfrow stated that the property value in the area will decrease if commercial or business activity is allowed in the residential area. Mr. Renfrow advised the Board that McGraw-Breckinridge, a leading realtor, had confirmed this. Further, Mr. Renfrow advised the Board that the proposed entrance and exit of said office would be on Gillette Avenue, just west of Lewis Avenue, where a great many children play.

Marilyn Greenough, 5425 South Gillette Avenue, stated that she resided in the house just south of the property in question. Ms. Greenough informed the Board members that her kitchen window overlooked the driveway of said property, and stated that she felt it would not be beneficial to her to have a chiropractor's office located in the area due, in part, to the fact that certain drugs are kept on the premises of a doctor's office.

Sharon Renfrow, 5435 South Zunis Place, stated that it was her feeling that Dr. Powell had a present office which is the proper place to examine patients — not a residential area.

Applicant's Comments:

Mr. Hubbard advised the Board that Dr. Powell could not arrange to see additional patients at her present office due to the fact that she shared the business with another doctor. He further explained to the

11239 (continued)

Board that, for a great number of years, the children in the neighborhood have played in the driveway of the subject property.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny the Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670 - Variances) to permit a chiropractor's office in an RS-3 District with two signs, on the following described property:

Lot 7, Block 1, Rondo Valley Addition to the City of Tulsa, Oklahoma.

11240

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1219 - Hotel, Motel and Recreational Facilities - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit a motel in an IL District.

Presentation:

Byron Salsman, Architect for the applicant, Kathy Burleson, was present to address the Board. Mr. Salsman submitted to the Board a plan pack (Exhibit "D-1") of the proposed motel. Mr. Salsman stated that the proposed motel will consist of 55 units, with one parking space per unit as required by Use Unit 19. In addition, the motel will have a manager's apartment on the second level over the office area.

Protestants: None.

Board Comments:

Ms. Purser asked Mr. Salsman if the Southwestern Bell property was property only, or if there was a building located on it. Mr. Salsman replied that there was a building on the property, but that it was considerably closer to Admiral and quite a distance from the proposed motel site.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1219 - Hotel, Motel and Recreational Facilities - Under the Provisions of Section 1680 - Exceptions) to permit a motel in an IL District, per plot plan submitted, on the following described property:

The East 140.4' of the West 640.4' of Lot 4, Section 2, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

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

Presentation:

Juanita Hunt, 3838 Southwest Boulevard, was present to address the Board. Ms. Hunt stated that she was requesting a variance to permit the location of a mobile home for security purposes, and further explained to the Board that she owned a tire shop at the location and has had recent bouts of vandalism at her shop. She advised the Board that her sister and her brother-in-law would be living in the mobile home. Ms. Hunt indicated that it was her belief that there was nothing located on the lots behind her.

Protestant:

William Farris, 3828 Southwest Boulevard, stated that he owned the lot adjoining the subject lot where the mobile home would be placed. He advised the Board that the lot was not vacant, but that there is a building at the front of the lot. Mr. Farris further informed the Board that the mobile home in question has already been moved in and partially hooked up to utilities.

Board Comments:

Ms. Purser asked Mr. Farris to clarify "partially hooked up," and Mr. Farris indicated that the sewer system and electricity were operable. Ms. Purser then asked Mr. Farris to describe the other businesses in the vicinity other than the tire shop. Mr. Farris stated that to the west there is a motel, to the east is a ceramic shop, and his house is on Lot 11. Ms. Purser asked Mr. Farris if there were other homes in the area, and Mr. Farris replied that the Phillips' lived to the west of him, but that the remaining area was nearly all industrial property.

Protestants:

Domnick Phillips, representing his parents, the ceramic shop owner, and himself, stated that when the mobile home was moved in, he had called in a violation on it due to the fact that it was moved in without a permit. Mr. Phillips advised the Board that the mobile home had been hooked up, and that he had discovered that the persons residing in the mobile home were paying \$150 per month rent. Mr. Phillips then pointed out that he felt that was in total conflict with the reason Ms. Hunt wished to locate the mobile home on the property (security reasons). Mr. Phillips indicated that it was his feeling the mobile home would be detrimental to the area in that he has spent a considerable amount of time and money trying to better his property and that of his parents.

Applicant's Comments:

Ms. Hunt informed the Board that the \$150 per month rent is not for rent, but is for payment of the utilities involved in locating the mobile home, which are in Ms. Hunt's name.

11241 (continued)

Board Comments:

Ms. Purser asked Ms. Hunt what type of mobile home she had and Ms. Hunt replied that it was a two-bedroom, living room, and kitchen mobile home. Ms. Purser asked if there had been any robberies since Ms. Hunt owned the store, to which Ms. Hunt replied, "yes."

Mr. Smith asked if there were any other mobile homes in the area, and the protestants and the applicant indicated that there were none to their knowledge.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny the Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variances) for permission to locate a mobile home in a CH District for security purposes, and to have the mobile home removed in 30 days, on the following described property:

Lots 8 and 9, Block 3, Clinton Heights Addition to the City of Tulsa, Oklahoma.

11242

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) request for an exception to allow a .32 floor area ratio and a two-story building in an OL District.

Presentation:

Lynn A. Meyer, Planning Director of Geoplan, 5359 South Sheridan, was present to address the Board, and advised that he was representing the National Association of Insurance Women. Mr. Meyer informed the Board members that the location of the subject property was 1847 East 15th Street, approximately three or four houses west of the Villa Theresa School. He stated that most of the homes in the vicinity are two-story and exceed the floor area allowable in OL zoning. Mr. Meyer submitted photos of the existing structure which houses the National Association of Insurance Women (Exhibit "F-1") and stated that the building exceeds the floor area ratio; however, the building is functionally obsolete and has structural problems and, therefore, a new structure has been proposed and plans have been drawn up. Mr. Meyer submitted the plans (Exhibit "F-2"), as well as photos of the artist's rendering (Exhibit "F-3") to the Board. Mr. Meyer informed the Board that the reason for the request was that, although the proposed structure is a one-story building, a loft gives the appearance of being a two-story structure and, with the loft, the Building Inspector's Office considers the structure a two-story building. In addition, the outline of the building is actually less than the .25 allowed in OL zoning, but the loft area, which will be used as temporary space, increases the floor area ratio to .32.

11242 (continued)

Board Comments:

Mr. Jackere asked Mr. Meyer what the temporary nature of the loft would be. Mr. Meyer explained that it would be solely for overflow business (i.e., meetings, etc.), and that the daily business procedures would be conducted on the base floor.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Victor, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) to allow a .32 floor area ratio; and a Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670 - Variances) to allow a two-story building in an OL District, in accordance with the drawings submitted, to be of brick construction (exterior), on the following described property:

Lot 14, Block 4, A subdivision of Block 5, Terrace Drive
Addition to the City of Tulsa, Oklahoma.

11243

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from the centerline of Harvard Avenue from 100' to 70' to allow the erection of a self-service gasoline station; and a Variance (Section 280 - Structure Setbacks from Abutting Streets - Variances) request for a variance to permit signs and light poles over the major street setback.

Presentation:

Bill Hartman, Chattanooga, Tennessee, was present to address the Board. Mr. Hartman explained that the home office of Kayo Oil Company was in Chattanooga, and he was representing the Company. Mr. Hartman advised the Board that Kayo was proposing a new structure for the purpose of operating a self-service gasoline station. Mr. Hartman further explained that Kayo had owned and operated a service station at the subject location since the mid-1950s, and just recently removed the original structure to allow for the erection of the new structure. Mr. Hartman submitted to the Board a plot plan of the proposed structure (Exhibit "G-1").

Protestants: None.

Board Comments:

Ms. Purser asked Mr. Hartman about the landscaping shown on the plot plan which would separate the service station from the residence at the rear property line. Mr. Hartman explained that the tree line was an existing natural barrier and there were no plans to destroy the tree barrier.

11243 (continued)

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from the centerline of Harvard from 100' to 70' to allow the erection of a self-service gasoline station; and a Variance (Section 280 - Structure Setbacks from Abutting Streets - Variances) to permit signs and light poles over the major street setback, per plot plan submitted, subject to the fencing requirements per Code, and with the sign setback subject to the customary removal contract, on the following described property:

Lots 1, 2 and 3, Block 1, Thirty Sixth Street Subdivision, Tulsa County, Oklahoma.

11246

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Exceptions) request for permission to use property for church use and off-street parking.

Presentation:

Fred Williams, 1402 North 24th West Place, Pastor of Easton Heights Baptist Church, was present to address the Board and submitted a plot plan (Exhibit "H-1"). Mr. Williams advised the Board that off-street parking has been desperately needed for many years for Easton Heights Baptist Church.

Protestants: None.

Board Comments:

Ms. Purser asked Mr. Williams what was located on two lots next to the proposed parking site and Mr. Williams answered that there were residences on the lots and that the residents had been consulted and had no objections.

Mr. Wait asked Reverend Williams what other type of church use the subject property would be utilized for. Reverend Williams replied that it would be used for recreational purposes such as basketball, etc.

Staff Comments:

Mr. Jones explained to the Board that when the application was filed, it was the suggestion of the Staff that the portion of the application stating "church use" be included so that in the event that the Church wished to erect a building for church purposes in the future, they would not have to reappear before the Board.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural

11246 (continued)

and Recreational Facilities - Under the Provisions of Section 1680 - Exceptions) for permission to use property for Church off-street parking only, no buildings, on the following described property:

Lots 9 and 10, Block 7, Easton Heights Addition to the City of Tulsa, Oklahoma.

11247

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to use property for church use and parking.

Presentation:

Mr. Byron Salsman, Architect, was present to address the Board, and submitted a plot plan (Exhibit "I-1"). He explained that he would have to reappear for the approval of an exception on Lot 9 since it was not advertised.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exceptions) to use property for church parking use only, per plot plan, on Lot 8, and to continue the Lot 9 portion of the application until December 4, 1980, on the following described property:

Lot 8, Block 4, Crestview Estates Third Addition to the City of Tulsa, Oklahoma.

11248

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to maintain a mobile home in an RM-2 District; and a Variance (Section 440.6 (c) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the one year time limitation for a mobile home.

Presentation:

Ellen Evans, 1913 East Marshall Avenue, was present to address the Board, and stated that she wished to maintain a mobile home on the subject property and further, wished to request a variance of the one-year time limitation for the mobile home.

Protestants: None.

Board Comments:

Ms. Purser asked Ms. Evans if there were other mobile homes, to which Ms. Evans replied, "yes." Ms. Evans stated that there was a mobile home located behind her lot.

11248 (continued)

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to maintain a mobile home in an RM-2 District; and a Variance (Section 440.6 (c) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the one-year time limitation for a mobile home, for a period of five years on the following described property:

Lot 16, Block 4, Berry Hart Addition to the City of Tulsa, Oklahoma.

11249

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 Braden Place from 55' to 40' to allow the erection of a carport.

Presentation:

Martin Brown, an architect representing the owner of the subject property, Mary Fogley, was present to address the Board. He advised the Board that he had retained to design and oversee the construction of the carport on the plan submitted (Exhibit "J-1"). Mr. Brown stated that the purpose for the proposed carport is two-fold: (1) The Fogley's have an existing two-car garage which is used in part for storage and in part to house a classic car; and, (2) the Fogley's own two additional cars that they would like protected from the elements and it was felt that the erection of a carport would best suit that need. Mr. Brown further stated that Mr. Fogley had a history of heart trouble and it was a hardship on him to enter a car that has been overheated by the elements.

Board Comments:

Ms. Purser asked Mr. Brown if the proposed structure had siding, or was an open carport on supports. Mr. Brown indicated that the structure was to be open and on supports--a wood structure with 340 pound composition shingles, just as the existing house looks. Ms. Purser asked Mr. Brown if the roof line for the carport was compatible with that of the existing residence, to which Mr. Brown replied, "yes."

Protestants:

Elizabeth Craig, 3725 South Braden Place, submitted a petition signed by nineteen residents in the vicinity of the subject property (Exhibit "J-2"). Ms. Craig advised the Board that the signatures represent twelve residences on the street in question. Ms. Craig informed the Board that the neighborhood consisted of fairly large homes--all with two-car garages--and the major objection of the homeowners in the neighborhood was the precedence that would be established if a carport should be erected. In addition, Ms. Craig stated that none of the other homes in the area extend beyond the building line that has been set for the street.

11249 (continued)

J. R. Byers, 3713 South Braden Place, stated that, although he had not seen the plans for the proposed structure, he could only assume that the design of the carport would need to be somewhat unusual due to the fact that the driveway has a steep incline. Mr. Byers further voiced the same concern over a precedence being established over the introduction of carports into the neighborhood.

Bobbie Braswell, 3755 South Braden Place, stated that she had lived in the neighborhood for two years, and feels that if a carport is allowed, it will degrade the neighborhood and decrease the value of her property.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from the centerline of Braden Place from 55' to 40' to allow the erection of a carport, on the following described property:

Lot 9, Block 1, Max Campbell Sixth Addition, Tulsa County, Okla.

11250

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 RM-2 District; and, a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home on a lot where an existing residence is located.

Presentation:

Mr. Jones submitted to the Board a petition of protest (Exhibit "K-1"). Connie Fields, 1111 South 58th West Avenue, was present to address the Board, and stated that she wished to locate a mobile home on her property in the back yard. Ms. Fields advised the Board that there were other mobile homes in the area. She further explained that Esther Stone, the applicant, was her mother and could not be present to address the Board. Ms. Fields stated that she resided in the existing house on the subject property and that her brother would be residing in the mobile home, which was already in existence on the property, but not hooked up to any utilities.

Protestants: No protestants listed on the above-mentioned petition were present.

Board Comments:

Ms. Purser asked Ms. Fields if the mobile home would be visible from the front of the property. Ms. Fields advised that the mobile home would be visible from the front only from the south side of the house. Ms. Purser asked for the location of the other existing mobile homes in the vicinity, and Ms. Fields stated that one was located on the corner, two houses from her own residence, and another was located on the opposite side of the street at the property of the second house. Ms. Purser informed Ms.

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Fields that the petition stated that the mobile home was a potential fire hazard and that the yard was unkept and asked Ms. Fields to explain. Ms. Fields advised that the yard was kept up and she could not address the fire hazard complaint. Ms. Purser then asked who lived with Ms. Fields in the existing residence, and Ms. Fields replied that she and her daughter lived there, but that her brother was staying there temporarily until approval of this application. Ms. Purser went on to ask if an additional person would be living in the mobile home with Ms. Fields' brother, to which Ms. Fields replied that only he would reside in the mobile home.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RM-2 District for a period of one year, removal bond required, on the following described property:

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

11251

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 the centerline of East 47th Place from 50' to 40' to allow a lumber yard to rebuild structures, (destroyed by fire).

Presentation:

David Cameron, attorney for M & M Lumber Company, the applicant, was present to address the Board and submitted a plot plan (Exhibit "L-1"). Mr. Cameron advised the Board that they took possession of the subject premises in 1965 and, at that time, constructed three storage shelters which bordered on 47th Place and were 40' from the centerline. Mr. Cameron further stated that, in 1965 this property had not yet been annexed into the City of Tulsa; hence, they were not constructed 50' away from the centerline. Mr. Cameron advised the Board that full use of these three structures was made for fifteen years until they were destroyed by fire earlier this year. Mr. Cameron informed the Board that M & M Lumber Company was seeking permission to construct new facilities which would replace those structures that were destroyed by fire in the same location. Mr. Cameron advised that the reason for the requested variance was to ensure that the distance between the new structures and the main facility in the lumber yard is sufficient to ensure an adequate passage area for delivery trucks that come into the yard and pass between the new structures and the main facility.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances)

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of the setback requirements from the centerline of East 47th Place from 50' to 40' to allow a lumber yard to rebuild structures which were destroyed by fire, per plot plan, on the following described property:

Block 1, a resubdivision of part of Block 23, 24 and 26, Alsuma Addition, Tulsa County, Oklahoma.

11252

Action Requested:

Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1680 - Exceptions) request for permission to construct related warehousing for an existing nonconforming electrical manufacturing and fabrication activity; and, a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 100' to 80' from the centerline of Pine Street; and a request for a variance of the floor area ratio to permit 31.5 square feet over 50%.

Presentation:

Phillip Eller, attorney for Electric Specialities Company, the applicant, was present to address the Board. Mr. Eller submitted to the Board a Case Report (Exhibit "M-1"), as well as a plot plan (Exhibit "M-2"). Mr. Eller advised that the property was comprised of two lots--both very narrow--55½ feet by 150 feet on one, and 56 feet by 150 feet on the other. He stated that the lots front on Pine Street and that the current structure contains 3,858 square feet, is very old, and is in very poor condition. Mr. Eller submitted photographs to the Board (Exhibit "M-3"). Mr. Eller further advised that the structure would be utilized as an electrical light manufacturing business which would involve electrical work, light fabrication and designing of small electrical devices. He stated that only hand tools were utilized and that no smoke, pollutants, or noise was involved in the operation. Mr. Eller advised the Board that the surrounding area is mixed zoning--to the north, IL; to the east, CH; to the south, CS, with some RS-3 to the southwest, but not abutting; and, to the west, CS. Mr. Eller explained to the Board the proposed use is to combine a renovation of the existing structure and the addition of a related attached warehousing structure for storage. Mr. Eller stated that the elevation shows the combined renovation by adding a facade to the front of the existing structure and the warehouse would be attached to the west. He further stated that the new addition would be a steel building to be constructed by Thomas Construction Company and will be painted in an earth-tone, neutral color. Regarding footage, Mr. Eller informed the Board that the structure would be 4,536 square feet.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1680 - Exceptions) to construct related warehousing for an existing nonconforming electrical manufacturing and fabrication activity; and

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to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 80' from the centerline of Pine Street; and to approve a variance of the floor area ratio to permit 31.5 square feet over 50%, per drawings submitted, on the following described property:

Lots 4 and 5, Jennings Addition to the City of Tulsa, Oklahoma.

11253

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Duplexes - Under the Provisions of Section 1680.1 - Exceptions) request for a special exception for duplex use in an RS-3 District; and for an Interpretation (Section 1660) - of the Zoning Text.

Presentation:

Rick Passo, attorney, representing the applicants, Mr. and Mrs. Garnet Rich, briefly reviewed the past history of the subject property. Mr. Passo stated that an application for an exception was approved on July 21, 1977 for the erection of a duplex in an RS-3 District, subject to a plot plan, which was submitted at that time. Mr. Passo further stated that the builder at that time violated virtually all of the conditions of approval the Board had made. Mr. Passo advised that, on May 18, 1978, the approval of the application was revoked by the Board, and that around the first of May, the Rich's had applied to buy the property and the property was purchased without any knowledge that the approval was to be revoked.

Interested Party Comments:

Marie Arkeketa stated that she resided next door to the subject property, and that in April of 1978, there was extensive litigation over the subject property. Ms. Arkeketa further stated that when the duplex was being built, she was not notified, but did protest at previous Board of Adjustment hearings when she had an opportunity. Ms. Arkeketa advised that she was not protesting Mr. and Mrs. Rich because they have been lovely neighbors and she realizes the hardship that has been bestowed upon them, but she did want the record to reflect that she was present at this meeting.

Board Comments:

The Board discussed among themselves and Mr. Jackere the past history of this application and the avenues that could be taken in order to clear up the violation for the sake of Mr. and Mrs. Rich as innocent victims.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Section 440.3 - Duplexes - Under the Provisions of Section 1680.1 - Exceptions) for duplex use in an RS-3 District, the motion being made in consideration of the people who bought the property and does not in any way reflect the Board's approval of the

11253 (continued)

manner in which the project was constructed, on the following described property:

The East 78' of Lot 6, Block 5, Brookside Addition, according to the Amended Plat, to the City of Tulsa, Oklahoma.

11254

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance to maintain a mobile home that is being used for a residence, and an office for security purposes in conjunction with a golf driving range in a CS District.

Presentation:

Willie Morrison, 9911 East Skelly Drive, was present to address the Board, and stated that when he purchased the driving range, there had been a mobile home on the subject property. Mr. Morrison advised that, unknowingly, he placed another mobile home on the property thinking that he was not in violation; however, when he proceeded to have utilities hooked up, he was informed by the Building Inspector that he would need a variance. Mr. Morrison advised that the mobile home is primarily used for the business and the majority of the mobile home is used as a display area. Mr. Morrison further stated that his place of business had been broken into seven times in the past year and, therefore, he will be using the mobile home for security purposes as well by residing in it.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Morrison if the property was leased, to which Mr. Morrison replied, "yes." Mr. Smith then asked for the length of time the lease is in effect. Mr. Morrison stated that it was for a period of one year.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances) to maintain a mobile home that is being used for a residence and an office for security purposes in conjunction with a golf driving range in a CS District, for a period of three years, or the expiration of the lease, whichever presents itself first, removal bond required, on the following described property:

Lot 1, Block 2, Magic Circle Center Addition to the City of Tulsa, Oklahoma.

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 permission to use property for church use, and church-related activities; and, permission to use property for school use for grades Kindergarten through College, and school-related activities; and, accessory uses to the church and school to permit bus maintenance and service facilities, with underground gasoline storage tanks.

Presentation:

Larry Johnston, Architect for Coleman-Ervin Associates, was present to address the Board as a representative of Coleman-Ervin.

Mr. Johnston submitted to the Board a plot plan (Exhibit "N-1"), as well as a letter to the Board of Adjustment representing a Case Report (Exhibit "N-2"). Mr. Johnston reviewed the plot plan with Board members.

Protestants: None.

Board Comments:

Ms. Purser asked Mr. Johnston if the land around the proposed bus parking area and tract was developed, and Mr. Johnston stated that it was not. Ms. Purser then asked Mr. Johnston where the underground gasoline storage tanks would be located, and Mr. Johnston advised that they would have to be located underground near the bus parking area.

Mr. Smith asked Mr. Johnston what the start date for construction of the proposed facility was, and Mr. Johnston replied that there was no set date, but that construction would start as soon as feasibly possible.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; Victor "abstaining"; Lewis "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) for permission to use property for church use and church-related activities; and, permission to use property for school use for grades Kindergarten through College and school-related activities; and, accessory uses to the church and school to permit bus maintenance and service facilities, with underground gasoline storage tanks, per plot plan submitted and subject to a subdivision plat, on the following described property:

The West 2,244' of the S/2, SW/4, of Section 3, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) request for permission to erect two duplexes in an RS-3 District; and, a Variance (Section 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 20' to 10'; and a request for a variance of the setback requirements from 85' to 65' from the center-line of Riverside Drive.

Presentation:

David Weaver, 4325 East 51st Street, was present to address the Board. Mr. Weaver stated that this application was basically a renewal of an application that was presented to the Board two years ago, and he was unaware that Board approval was valid for only two years. Mr. Weaver further advised that the project has not changed significantly, and the only change that would probably occur would be the cost of constructing the duplexes. Mr. Weaver stated that the only plans he had to submit were those submitted two years ago (Exhibit "0-1").

Considerable discussion ensued as to which duplex plans would be constructed on which lots, and which plans were approved by the Board two years ago.

Protestants:

Riger Goodhead, 12 East 25th Street, stated that the major complaint of the protestants is that Mr. Weaver plans to construct California Contemporary structures and that there are no California Contemporary in the vicinity; therefore, the proposed structures will not be compatible with the other residences in the neighborhood.

Hudson Wallis, 6 East 25th Street, stated that his major point of protest was the incompatibility of the proposed structures with the residences in the neighborhood. Mr. Wallis further stated that it was his feeling that Mr. Weaver is attempting to overbuild on the two lots.

Ann Pestel, 20 East 25th Street, also voiced her concerns over the introduction of California Contemporary structures in the neighborhood, and stated that she lived three lots down from the subject property in a two-story, English Tudor style home.

Applicant's Comments:

Mr. Weaver commented that he felt the neighborhood was of mixed housing styles--Colonial, English Tudor, Spanish, Early American. Mr. Weaver further stated that it was not his intention to build structures that were incompatible with the neighborhood residences.

Board Comments:

Mr. Victor stated that he had reservations about approving an application without seeing some type of proposed plans for construction.

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Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue this application for an Exception and a Variance to December 18, 1980, to allow the applicant time to prepare elevation and site plans for both lots on the proposed structures for presentation to the Board.

11257

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes - Under the Provisions of Section 1680-Exceptions) request for permission to erect three duplexes in an RS-3 District; and, a Variance (Section 440.3 (a) and (c) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) request for a variance of the minimum lot area of 9,000 square feet to 8,000 square feet; and for a variance of the minimum frontage of 75' to 61'; and, for a variance of the setback requirements from the centerline of Yale to be from 85' to 65'.

Comments from Legal Counsel:

Mr. Jackere advised the Board members that the applicant agreed to a continuance because not all property owners were notified of the public hearing. New notice should be published.

Board Action:

The Chair, without objection, set the Case for hearing November 20, 1980, and instructed the Staff to readvertise giving proper notice.

11258

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit a transmitting tower in an OM District.

Presentation:

Roy Johnsen, representing the applicant, Dalstate, Inc., advised Board members that the applicant concerned the Shell Oil Company property at 65th Street and Yale Avenue, and submitted a color photo of the artist's rendering (Exhibit "P-1"), a technical description of the device to be installed (Exhibit "P-2"), and plot plans (Exhibit "P-3") to the Board. Mr. Johnsen explained that an earth station is being proposed for installation on the south side of the existing building. Mr. Johnsen further explained that, in communication terminology, an earth station is an antenna in the shape of a flashlight reflector which is pointed toward a satellite and receives and transmits signals. Mr. Johnsen further stated that this transmitting tower will permit Shell Oil Company to tie in to their computer operations in Houston, Texas. Mr. Johnsen advised the Board that Shell Oil Company had contacted property owners and businesses in the vicinity as to the proposed transmitting tower. Mr. Johnsen stated that the proposed tower will be 33' in diameter and, in its proper tilted position, will measure 32' in height. Mr. Johnsen further advised that the proposed station will be on such

11258 (continued)

a high frequency that there will be no interference with radio and television frequencies.

Board Comments:

Mr. Smith asked Mr. Johnsen if there would be any type of sign or logo printed on the transmitting tower, and Mr. Johnsen stated that it had not been decided.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Section 1680 - Exceptions) to permit a transmitting tower in an OM District, per plot plan, and description on the following described property:

Beginning at the SW corner of said Lot 2, said point of beginning being the SW corner of the E/2, NE/4, Section 4, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; thence North 0°-03'-56" West along the West boundary of said E/2, NE/4 a distance of 657.53' to the NW corner of said Lot 2; thence South 89°-57'-29" East a distance of 1,270.49' to the NE corner of said Lot 2; thence due South parallel with and 50' from the East boundary of said E/2, NE/4 along the East boundary of said Lot 2 a distance of 661.77' to the SE corner of said Lot 2, said SE corner being in the South boundary of said E/2, NE/4; thence North 89°-46'-00" West along the South boundary of said Lot 2 and said E/2, NE/4 a distance of 1,269.74' to the point of beginning, containing in area, 19.234 acres.

11259

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Exceptions) request for exception to permit a mobile home in an RM-1 District.

Presentation:

Glenda Lewin, 2023 North Darlington Place, was present to address the Board. Mrs. Lewin advised the Board that she and her husband wished to locate a mobile home on the four lots south of the lot they presently reside on.

Protestants: None.

Board Comments:

Ms. Purser asked Mrs. Lewin if she and her husband have plans to rent the mobile home, and Mrs. Lewin replied that her daughter and son-in-law would live in the mobile home.

Mr. Smith asked if there were other mobile homes located in the vicinity, and Mrs. Lewin stated that there was a mobile home one block south and one block east, and another mobile home approximately one and-a-half blocks south on Darlington.

11259 (continued)

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Exceptions) to permit a mobile home in an RM-1 District, for a period of one-year, removal bond required, on the following described property:

Lots 19, 20, 21 and 22, in Block 23, Original Townsite of Dawson, Tulsa County, Oklahoma.

11261

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) request for a variance of the size of an accessory building from 750 square feet to 1,538 square feet in an RS-3 District (proposes a two-car garage with a work shop and a studio loft).

Presentation:

Rose Tomlin, 506 North 71st East Avenue, was present to address the Board and submitted a plot plan (Exhibit "Q-1"), a General Warranty Deed for two lots of property adjoining each other (Exhibits "Q-2 and Q-3") and a Plat of Survey (Exhibit "Q-4"). Mrs. Tomlin advised the Board that she and her husband are proposing a two-story garage to replace an existing, small garage that is too small for any of their vehicles.

Board Comments:

Ms. Purser asked Mrs. Tomlin if the existing garage would be used as living space once the proposed garage is constructed, or if vehicles would be stored there, to which Mrs. Tomlin replied that the existing structure would be used as additional storage space, but would not be used to store any vehicles. Ms. Purser then asked Mrs. Tomlin if the proposed workshop and loft area would be used for any commercial purposes and Mrs. Tomlin stated that she painted and the loft would accommodate her supplies and that her son would like to put his weights in the loft as well. Ms. Purser asked what the ground floor would be utilized for, and Mrs. Tomlin advised that it would house two cars and her husband's tools and reloading equipment (for shotgun shells), as well as children's bicycles.

Discussion ensued as to the footage of the entire structure as opposed to the footage of the ground floor and loft separately, and whether or not the loft constituted a second story.

Protestants:

Mary Lou Poulos, 505 North 70th East Avenue, submitted a letter from the Northeast Tulsa Homeowners' Association (Exhibit "Q-5") and three pictures of the subject property (Exhibit "Q-6") to the Board. Ms. Poulos advised the Board that the property is littered all of the time with vehicles (such as dune buggies, cars, bicycles, motorcycles, and an empty camper shell) and open waste cans, and it was the wish of the homeowners in the immediate vicinity that the property not be cluttered additionally.

Shirley Henderson, 512 North 71st East Avenue, stated that she was concerned Mr. and Mrs. Tomlin would convert the upper loft into a garage apartment and that auto repair work would be performed in the ground floor portion of the structure.

Barbara Eidschun, 7122 East Easton Place, stated that it was her feeling that the subject property would not appear any less littered if the Tomlins had a large garage in which to store their belongings due to the fact that the Tomlin's did not keep any part of their property or residence clear of litter.

Lois Hall, 512 North 71st East Avenue, advised the Board that there was an extreme amount of noise generated from the Tomlin's residence in the form of loud music, motorcycles, etc. Ms. Hall further advised that if the garage is to be erected for the purpose of performing repair work on cars, the noise no doubt would increase.

W. B. Odor, 7108 East Easton Place, stated that when there is a wind coming from a westerly direction, all of the Tomlin's trash blows onto his property. He further indicated that when the wind comes from a southerly direction, the residents to the north of the Tomlins acquire the scattered trash. Mr. Odor stated that the property is not kept up.

Brenda Wathon, 7104 East Easton Place, indicated that she was opposed to the construction of the garage due to the fact that the Tomlins began erecting a fence that is still unfinished. She stated that it was her feeling that the proposed garage would remain in the same unfinished state, and this would just add to the disorderly state of the property.

John Hall, 512 North 71st East Avenue, reaffirmed earlier statements concerning noise and trash problems.

Applicant's Comments:

Mrs. Tomlin advised the Board that she and her husband would like all of the litter and machinery removed from the premises, and they feel this can best be accomplished by building the proposed garage. Mrs. Tomlin addressed the trash situation by stating that the trash men would not pick up their trash if it was placed in the rear of the property; therefore, the waste cans had to be placed toward the front to ensure trash pick-up.

Board Comments:

Mr. Victor noted the small shed-type accessory building in the photograph exhibit and asked Mrs. Tomlin if that building was to be removed, and Mrs. Tomlin replied that it would be removed. Mr. Victor then asked Mrs. Tomlin if the camper shell would be removed, and Mrs. Tomlin stated that within approximately a week, the shell would be replaced on the pick-up truck. Mr. Victor inquired of Mrs. Tomlin if there would be any type of plumbing facilities installed in the proposed garage, and Mrs. Tomlin stated that she knew of no plans to install plumbing facilities.

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Ms. Purser asked Mrs. Tomlin how long she and her husband had resided on the property, to which Mrs. Tomlin replied, "three years in October." Ms. Purser asked if the Tomlins paid for backyard trash pick-up and didn't receive it, and Mrs. Tomlin stated that they did pay for it and did not receive it.

Mr. Wait asked Mrs. Tomlin and her son, James Tomlin, if they would ensure that the proposed garage would be built as in the plans submitted and the two agreed that the plans would be followed.

Mr. Smith asked Mrs. Tomlin if she was aware that no business could be operated out of either the proposed garage or the home, and that any portion of the proposed garage could not be used as a residence, and Mrs. Tomlin replied that she was aware of that.

Ms. Purser asked the Building Inspector, Dorothea Miller, what circumstances could take place if the Board approved the construction plans without plumbing. Ms. Miller stated that the Tomlins could install plumbing at a later date without approval; however, if they wished to install bathroom facilities, that would require an interior remodeling permit, which would require approval by the Building Inspector.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions- Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 square feet to 1,538 square feet in an RS-3 District (proposes a two-car garage with a work shop and studio loft) per plans submitted, with no business operation or residence allowed, on the following described property:

Lot 6, Block 1, of the resubdivision of Lots 1, 2, 3 and 4, Block 1; Lots 1 and 2, Block 2; Lot 1, Block 3; and Lots 1, 2 and 3, Block 4, of Polston Acres Addition, Tulsa County, Oklahoma.

11262

Action Requested:

Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit Use Unit #15 (retail sales of manufacturing equipment such as lathes, drill presses, etc.) in a CS District.

Presentation:

Jerry Chenoweth, an attorney representing Mr. Thomas Hunter, the applicant, was present to address the Board and submitted photographs of the types of machinery to be located (for sale) in the building (Exhibit "R-1"), as well as a plot plan (Exhibit "R-2"). Mr. Chenoweth advised the Board that Mr. Hunter intends to utilize the building as a retail sales building. Mr. Chenoweth advised that directly across the street there was a Dairy Queen, to the south and next door is a convenience store.

Board/Staff Comments:

Ms. Purser asked Mr. Gardner what the difference was between retail clothing sales and this type of retail sales. Mr. Gardner stated that Use Unit #15 was categorized "sales and service" and stated that it was a higher classification due to the fact that there is a service aspect to it. Mr. Gardner stated that Mr. Hunter's business may not necessarily be performing service on the machinery, but the Ordinance does not make allowances for that. Mr. Gardner further stated that there were heavier trucks usually involved for shipping, etc. Ms. Purser inquired of Mr. Hunter as to how this business will differ from a retail clothing store and other retail sales stores.

Applicant's Comments:

Mr. Hunter advised that his business was to sell to the machine tool industry (i.e., machine shops, etc.). He further advised that sales involved basically new machinery--that probably five percent was used equipment. Mr. Hunter stated that no service was performed at the building. He stated that the building interior would be set up as an office and showroom floor.

Ms. Purser asked Mr. Hunter whether delivery was involved when a purchase was made, and Mr. Hunter stated that he did deliver the equipment, or had a company make the delivery; the purchaser does not come to the establishment and pick up the equipment.

Mr. Wait asked Mr. Hunter to clarify his earlier statement concerning service calls and voiced a concern over having someone else come in to perform service on a piece of machinery. Mr. Hunter stated that no service was performed at the site location. Any service calls would be made at the location of the inoperable machine.

Ms. Purser asked Mr. Hunter what was to the north and south of the subject property. Mr. Hunter replied that to the south was a convenience store and to the north he believed was a piece of rental property, probably single-family dwelling, and that further north of the dwelling was a vacant lot, and even further was a church parking lot and church. Ms. Purser asked what was located across the street, and Mr. Hunter stated that directly across the street was a vacant lot and catty-cornered and across the street was a Dairy Queen.

Mr. Jackere asked Mr. Hunter if the equipment displayed will be operable, and Mr. Hunter explained that the machinery could be turned on, but that there would be no cutting of materials, etc.

Ms. Purser asked what noise level would be created when the machinery was in operation. Mr. Hunter stated that the noise level would be very minimal due to the fact that 99 percent of the equipment was never turned on for a demonstration.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 -

11262 (continued)

Exceptions) to permit Use Unit #15 (retail sales of manufacturing equipment such as lathes, drill presses, etc.) in a CS District, per plot plan submitted, on the following described property:

Lots 16, 17 and 18, Block G, Crest View Estates Addition to the City of Tulsa, Oklahoma.

11263

Action Requested:

Variance (Section 1340. (D) - Design Standards for Off-Street Parking Areas - Under the Provisions of Section 1670 - Variances) request for a variance of the hard surfaced all-weather material requirement for a parking area to permit 6" of gravel for the parking area.

Presentation:

Jerry Chenoweth, attorney representing Ed Trumble, the applicant, was present to address the Board, and stated that construction of this property was underway. Mr. Chenoweth advised the Board that the Building Permit reflected one stipulation, that being, that all parking and loading was required to be on asphalt or concrete surface; no gravel access or parking permitted or loading berth area. Mr. Chenoweth stated that his client was requesting a variance of the asphalt/concrete requirement. Mr. Chenoweth submitted to the Board photographs (Exhibit "S-1") representing several parking areas in the vicinity of the subject property which have only gravel.

Protestants: None.

Board Comments:

Ms. Purser asked what business Mr. Trumble was proposing for construction. Mr. Chenoweth stated that the business was a light manufacturing business dealing with welding and fabricating of steel parts, small exchangers, etc.

Ms. Purser asked Mr. Chenoweth to explain his views on the substandard streets in the vicinity. Mr. Chenoweth explained that the streets were very narrow, without curbs, and not dust free.

Brief discussion ensued as to the gravel surface on the property next to this subject property and whether or not that company was in violation due to the fact that the gravel surface was being used for a parking area.

Applicant's Comments:

Ed Trumble addressed the dust level problem and stated that the concerns of the Board were understandable. Mr. Trumble stated that there would be no daily traffic of customers, etc., and the traffic on the gravel surface would be that only of employees in the morning and evening.

Ms. Purser stated that her primary concern was that there did not seem to be a justifiable hardship that was required with a request for a variance and the Board concurred.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent")

11263 (continued)

to deny the Variance (Section 1340. (D) - Design Standards for Off-Street Parking Areas - Under the Provisions of Section 1670 - Variances) of the hard surface all-weather material requirement for a parking area to permit 6" of gravel for the parking area, on the following described property:

The W/2, SW/4, NE/4, SW/4, SE/4, LESS No. 25' and LESS the West 25' of Section 26, Township 20 North, Range 13 East, Tulsa County, Okla.

11264

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts- Section 1219 - Hotel, Motel and Recreational Facilities- Under the Provisions of Section 1680 - Special Exceptions) request for an exception to permit a motel in an IL District.

Presentation:

Leola Farmer, representing Residence Venture Corporation, was present to address the Board and submitted a plot plan (Exhibit "T-1") and a color photograph (Exhibit "T-2"). Ms. Farmer advised that the proposed structure would be an executive motel and comes under Use Unit #19 as requested exception.

Protestants: None.

Board Comments:

Ms. Purser asked Ms. Farmer if the proposed structure would be next to an access road to the expressway, to which Ms. Farmer replied, "no, it would be on 41st Street."

Mr. Smith asked Ms. Farmer what was west of the subject property and Ms. Farmer stated that Thomas Cadillac was to the west which extended to the corner. Mr. Smith asked what was to the south; Ms. Farmer stated that it was an auto sales business.

Ms. Purser asked Ms. Farmer what was located to the east of the subject property; Ms. Farmer advised that Southwestern Bell Telephone Company had offices to the east.

Mr. Smith asked how many units were in each one of the individual buildings that were proposed and Ms. Farmer stated that there would be eight units in each building. When asked by Mr. Smith if the landscaping would be per plot plan, as shown, Ms. Farmer replied that the landscaping would be identical. Ms. Farmer advised that the proposed structure would have the appearance of an apartment complex, and further advised that, to the best of her knowledge, the buildings would be constructed without much variation. When asked about the square-footage of each unit, Ms. Farmer replied that there would be 504 square feet each in six of the units and 739 square feet in two of the units, to make up a total of 4,502 square feet for the entire two floors of a building. Ms. Purser asked Ms. Farmer if kitchenettes were planned for each unit and Ms. Farmer indicated that she believed kitchenettes were proposed for each unit.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1219 - Hotel, Motel and Recreational Facilities - Under the Provisions of Section 1680 - Special Exceptions) to permit a motel in an IL District, per plot plan submitted, on the following described property:

All that part of Lot 3, Block 1, of the amended plat of Bond Second Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows to-wit: Beginning at the Southeast corner of Lot 3, Block 1; thence due West along the South Boundary line of said Lot a distance of 339'; thence due North a distance of 578.64'; thence North $89^{\circ}-57'-43''$ East a distance of 337.86' to a point on the East Boundary line of said Lot; thence South $0^{\circ}-6'-47''$ East along said East Boundary line a distance of 578.87' to point of beginning.

OTHER BUSINESS:

Request for a Clarification of Case No. 9576.

Presentation:

Mr. Jones advised that the subject property was located at 1502 South 79th East Avenue. Mr. Jones further explained that the applicant, David Weaver, was asking for a clarification of the minutes in regard to the screening and landscaping. Mr. Jones stated that this involved a duplex development on the west corner of 15th Street and 79th East Avenue.

Chuck Norris, representing David Weaver, was present to address the Board. Mr. Norris stated that recently there was a protest of the fencing on the subject property, and it was brought to their attention that berms were to have been placed on the north side. Mr. Norris explained that they were unaware of the requirement of placing a 3-foot high berm with shrubbery on top of the berm on the north side and that Mr. Weaver was acting under the assumption that that was not a requirement. Mr. Norris submitted a letter from Mr. Weaver stating the reasons for the request for placement on the agenda (Exhibit "U-1").

Protestants:

Tom Ozaski, the neighbor to the south of the subject property, stated that he was present at the July 7, 1977, meeting when this application was approved, and further stated that the motion that was made at that time was clear and concise in regard to the screening requirements made.

Board Comments:

Ms. Purser asked Mr. Ozaski what his feelings were toward the screening requirements. Mr. Ozaski stated that he was not terribly supportive of the berm requirement due to the fact that a berm is not practical. He further stated that he did object to the rough side of the fence facing 15th Street and felt that the more attractive side should face 15th.

Ms. Purser stated that that would have to be corrected in accordance with the fencing requirements.

Case No. 9576: (continued)

Mr. Gardner stated that it was his feeling that it was meant for the berm to be located on 15th Street only if screen fencing could not be erected. The minutes could be in error, or the motion may have been mistated. I recall discussion for fencing or berming along 79th East Avenue.

Mr. Jackere suggested that possibly the most feasible means of clearing this application up would be to resubmit an application for the same relief that is being requested, and for the Board members to view the subject property. Mr. Jackere advised that the minutes were perfectly clear, even though they might be in error, and did not need clarification in their present state.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the substitution of a 6' high privacy fence, finished side toward 15th Street, that has been erected, in place of the berm and shrubbery as originally approved by the Board, but that the other privacy screening requirements as originally approved be followed.

Request for Clarification of Case No. 3872:

Presentation:

Mr. Jones advised the Board that this subject property was located at 5625 South Garnett Road and had a house located on it that was moved there in 1964 when the Tulsa County Highway District No. 3 Garage first opened. Mr. Jones stated that the house was used as a residence for the night watchman until 1975, when that position was discontinued, and since that time has been used primarily for storage. Mr. Jones submitted a letter from Tulsa County Commissioner Lewis Harris (Exhibit "V-1") stating that, due to increased vandalism and theft of County property, the Board of County Commissioners has decided to reinstate the position of night watchman in an effort to protect County property. Therefore, the Board of County Commissioners is requesting approval due to the fact that the intended use of the house will be for a residence and the area is now zoned IL.

Board Comments:

Mr. Smith stated that he had no objection to the request, and felt that a night watchman would be an asset to the area.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to clarify the minutes of Case No. 3872, indicating that the original Board approval did not effect the use of the house for residential purposes.

Request for a Clarification of Case No. 5002-A:

Presentation:

Mr. Jones advised the Board members that in their agenda packets there was a copy of the Minutes from April 1966, stating that the Board granted duplexes on the lots indicated on the map provided. Mr. Jones explained that all the duplexes had been built except for one, and that

Case No. 5002-A: (continued)

the applicant, Anderson Development Company, had been refused a Building Permit to build the one remaining duplex.

Board Comments:

Mr. Smith asked why Anderson Development was refused the permit, and Ms. Miller explained that Betty Overton had refused the permit because the last duplex had been built twelve years ago and the area was completed with the exception of this particular lot 12 years ago. Ms. Miller further explained that it was the feeling of Ms. Overton that if Anderson Development had wanted to complete all the duplexes, they would have completed them twelve years ago and not allowed these past twelve years to pass without building the additional duplex.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to allow Anderson Development Company to finish the construction of the duplexes under the original approval.

Request for a Clarification of Case No. 10432:

Presentation:

John Sublett, Attorney, was present to address the Board, and submitted a letter from Smith Construction Company (Exhibit "W-1"). Mr. Sublett advised that on April 26, 1979, he presented an application for this subject tract located at the southwest corner of Fourth Place and Yale Avenue. He stated that there had been a service station on this tract of land which had operated since 1917, or for approximately 60 years, to the best of his knowledge, and in April of 1979 the proposal was to remove the obsolete service station and replace it with a newer, more modern facility that would sell gasoline and incidentals. Mr. Sublett further explained that the Minutes of April 26, 1979, reflected just the opposite--that the proposed plans were to remove the quick mart & replace it with a new service station facility. Mr. Sublett advised that Ms. Miller had notified him of some problems she encountered with the Minutes of the April 26, 1979, meeting.

Ms. Miller stated that one of her concerns was that the Board had approved, in April, a variance of from 55' to 52' on Fourth Place; however, in reality, the plot plans that were submitted to the Board were the same, but by taking the area and the size of the building, there are only 44.33' to the centerline of Fourth Place, not 52'.

In addition, Ms. Miller stated that she had a concern over the fact that a portion of the existing underground fuel storage tanks and pumps are located within the major street setback. Ms. Miller stated that the proposed underground fuel storage tanks are within the major street setback, which she could not approve without this Board's approval. Ms. Miller further advised that they have four of their required parking spaces within the major street setback, and that presents itself as a concern to her.

Case No. 10432 (continued)

Board Comments:

Ms. Purser asked Mr. Jackere if a readvertisement would be needed. Mr. Jackere replied that he could see no other alternative since the variance was advertised as 52' and they have gone to 44'.

Mr. Sublett argued that the Board has the power to approve more than has been advertised, and Mr. Jackere stated that the Board did not have the power to approve more than was advertised--only up to what was advertised in the notice.

Ms. Purser explained to Mr. Sublett that, in the past, it had been the policy of the Board to request that the applicant readvertise if the request is more injurious than what is advertised.

Discussion ensued as to the underground fuel storage tanks and the Board agreed that they could permit these tanks since they were merely replacing tanks and the parking spaces could be redesigned.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to have the application readvertised properly with the correct distances as indicated on the drawing; and,

on MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to claify the Minutes, with the intention of allowing the replacement of the existing underground storage fuel tanks with new tanks, on the following described property:

Lot 1, and the North 95.7' of Lot 2, Block 1, Kendall View Addition to the City of Tulsa, Oklahoma.

Request to Substitute a Plot Plan for Case No. 10795:

Presentation:

Byron Burke, 3336 East 32nd Place, was present to address the Board, and submitted a plot plan (Exhibit "X-1"). Ms. Miller advised that she had reviewed the plot plan with the applicant and had no concerns regarding a substitution.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the substitution of the plot plan for Case No. 10795.

Request to Amend Legal Description and Substitute a Plot Plan in Case No. 10592:

Presentation:

Jerry Cantrell, applicant, was present to address the Board and submitted a plot plan (Exhibit "Y-1").

Protestants: None.

Board Remarks:

The Board discussed the fact that the new proposal included land not originally advertised.


Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to have the application readvertised according to the revised legal description as submitted by the applicant, on the following described property:

The South 250' of the West 170' of the E/2 of Block 9, O'Connor Park Addition, to the City of Tulsa, Tulsa County, Oklahoma.

The Board adjourned the meeting at 8:00 p.m.

Date Approved _____



Chairman