

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 325
Thursday, December 18, 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 Dept. Miller, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, December 16, 1980, at 8:47 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the Minutes of November 6, 1980, (No. 322).

MINOR VARIANCES AND EXCEPTIONS:

11300

Action Requested:

Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 50' to 35' from the centerline of 51st Street to permit the erection of a sign. This property is located at 2109 East 51st Street.

Presentation:

Mr. Jones advised the Board members that this application had been continued from the December 4 meeting to allow the applicant to be present. Mr. Jones further advised that he had spoken with the applicant, Steve Sembritsky, and that Mr. Sembritsky had assured him that he would be present or have someone else present.

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 Case No. 11300 until January 8, 1981, to allow for the presence of the applicant.

The Board further requested that the applicant be notified that action would be taken at the January 8 meeting, and that no further continuances would be granted.

11315

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 to be from 30' to 24' from the front property line. This property is located in the 2700 Block on East 56th Pl.

Presentation:

Jack Appleton, 4614 South Jamestown, was present to address the Board and submitted a plot plan (Exhibit "A-1").

Board Comments:

Mr. Smith asked Mr. Appleton if the better portion of his rear lot was taken up with the Joe Creek easement. Mr. Appleton stated that it was.

Ms. Purser asked Mr. Appleton if he had consulted his neighbors about the application. Mr. Appleton replied that he had.

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 the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the front setback requirements to be from 30' to 24' from the front property line, per plot plan, on the following described property:

Lots 9 and 10, Block 1, Fair Oaks Addition to the City of Tulsa, Oklahoma.

11318

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the front setback requirements to be from 30' to 28' from the front property line. This property is located at 4806 South Knoxville Avenue.

Presentation:

Phyllis Stokely, 4806 South Knoxville Avenue, was present to address the Board and submitted a plot plan (Exhibit "B-1") and a plat of survey (Exhibit "B-2"). Ms. Stokely stated that she wished to extend her living room wall out to the edge of the existing porch which is 28' from the front property line.

Protestants: None.

Board Comments:

Ms. Purser asked Ms. Stokely if her neighbors had been made aware of the proposed change. Ms. Stokely stated that they had been notified.

11318 (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 a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the front setback requirements to be from 30' to 28' from the front property line, per plot plan, on the following described property:

Lot 2, Block 3, Patrick Henry Fourth Addition to the City of Tulsa, Oklahoma.

11323

Action Requested:

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 50' to 35' from the centerline of Lewis Avenue to permit the erection of a pole sign. This property is located at the southeast corner of 15th Street and Lewis Avenue.

Presentation:

Joani Siffing, 416 South Memorial, was present to address the Board and advised that it was necessary to place the pole sign 5' from the west property line because it would be located in the middle of the gas pumps otherwise.

Protestants: None.

Board Comments:

Mr. Victor asked Ms. Siffing how large the sign would be. Ms. Siffing replied that the sign would be the standard-size U-Totem sign. Ms. Purser asked if there were other signs in the immediate vicinity that were located that close to the centerline. Ms. Siffing stated that there were.

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 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 35' from the centerline of Lewis to permit the erection of a pole sign, removal contract required, on the following described property:

Lot 5, Block 2, McDonnells Subdivision to the City of Tulsa, Okla.

11325

Action Requested:

Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 50' to 40' from the centerline of Utica to permit the erection of a double-face sign 42" x 192" on two poles. This property is located at 1150 North Utica Avenue.

11325 (continued)

Presentation:

Lee Wheeler, 5702 East Fourth Terrace, representing Dowell, was present to address the Board and submitted a plot plan (Exhibit "C-1"), as well as details of the proposed sign (Exhibit "C-2"). Mr. Wheeler advised that the variance of 10' was needed due to the fact that the sign would infringe upon Dowell's parking and drive area if the sign was placed in accordance with the required setback.

Protestants: None.

Board Comments:

Mr. Victor asked Mr. Wheeler what the height of the sign would be. Mr. Wheeler advised that the proposed sign would be approximately 6.8' to 7' tall.

Mr. Smith asked Mr. Wheeler if there would be sufficient site distance under the sign. Mr. Wheeler replied that the sign would be placed above a brick wall and that a person would not be able to see through it. Mr. Smith asked Mr. Wheeler if that would create problems to traffic entering and exiting the Dowell premises. Mr. Wheeler stated that it would not be a problem since access to the premises was gained from approximately 200 feet further down from the proposed sign.

Ms. Purser asked Mr. Wheeler if there were other signs on the property. Mr. Wheeler stated that there were no other signs on the Dowell 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 approve a Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 40' from the centerline of Utica Avenue to permit the erection of a double-face sign 42" x 192" on two poles, removal contract required, on the following described property:

The North 160' of the South-Half of the SE/4 of the NW/4 of Section 31, Township 20 North, Range 13 East, to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

11256

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 centerline of Riverside Drive. This property is located between 24th and 25th Streets, east of Riverside Dr.

Presentation:

Mr. Jones advised the Board that this case had been continued from the November 6 meeting in order for Mr. Weaver to supply the Board with plot plans. David Weaver, 4325 East 51st Street, Suite 110, was present to address the Board and submitted two separate sets of plot plans (Exhibits "D-1 and D-2"), one for each lot, as well as two photographs (Exhibit "D-3") of homes on the next street.

Protestants:

Roger Goodhead, 12 East 25th Street, stated that the neighborhood had reviewed the plans that Mr. Weaver had submitted and stated that the two major concerns that remained were: (1) the duplexes appeared to be two individual structures; and (2) that there are no other structures in the neighborhood which have requested the variations that Mr. Weaver is requesting. Mr. Goodhead further stated that it was the general feeling of the neighborhood that the proposed duplexes would be detrimental to the area because the approval of the variance would allow Mr. Weaver to build closer to 25th Street and 24th Street than any other residences are built on those two streets.

Ms. Purser explained to Mr. Goodhead that Mr. Weaver was requesting a variance of the rear yard setback and the setback from Riverside--not a front yard setback.

Hudson Wallis, 6 East 25th Street, stated that it was his feeling that the structures, once built, would create a safety hazard for drivers entering onto Riverside from 24th Street or 25th Street. Mr. Wallis further stated that he was concerned over the parking of vehicles belonging to owners of the proposed structures on the narrow 24th and 25th Streets, which would create additional safety hazards. Mr. Wallis concurred with Mr. Goodhead's feeling that these would not be duplexes, since there would be four structures.

Applicant's Comments:

Mr. Weaver stated that he felt there would not be any parking problem. Mr. Weaver stated that the structures would be built with two double car garages and driveways which would be adequate in size to accommodate off-street parking for four cars. Mr. Weaver further stated that he felt the structures would not be any closer to Riverside than most of the other structures along Riverside Drive.

Board Comments:

Ms. Purser asked Mr. Weaver if the ratio of covered area to yard area for the proposed structures was in compliance with the requirements for duplexes. Mr. Weaver replied that he was in compliance.

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 1207 - Duplex Dwellings) to permit the erection of 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) of the rear yard requirements from 20' to 10'; and a variance of the setback requirements from 85'

11256 (continued)

to 65' from the centerline of Riverside Drive, per plot plans and elevations submitted, on the following described property:

Lots 7 and 8, Block 9, Riverside Drive Addition to the City of Tulsa, Oklahoma.

11295

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts-Under the Provisions of Section 1680 - Exceptions) request for an exception of the floor area ratio from .25 to .38 in an OL District; and, a Variance (Section 630 - Bulk and Area Requirements in the Office Districts-Under the Provisions of Section 1670 - Variances) request for a variance of the one-story height requirements to allow a two-story office building in an OL District. This property is located north and east of 45th Street and Harvard Avenue.

Presentation:

Mr. Jones submitted to the Board a letter of protest from Leslie B. Bury and Hattie M. Bury (Exhibit "E-1").

James Seawright, 200 Center Plaza, was present to address the Board and submitted two site plans (Exhibits "E-2 and E-3"). Mr. Seawright advised that the request for a two-story building rather than a one-story building was in order to preserve as many trees as possible on the property. Mr. Seawright explained that the building had not yet been designed; therefore, he had no specific building plans to submit to the Board. Mr. Seawright advised the Board that the building to the north, as well as the one directly across the street, were both two-story. Mr. Seawright stated that the proposed building would be somewhat lower in elevation in height than a normal two-story building due to the fact that the building would be depressed into the ground on the Harvard side--probably down to the windowsills.

Protestants:

Kathy Bogart, 3331 East 45th Street, stated that she had three major objections to the construction of the proposed structure: (1) lighting; (2) privacy; and, (3) drainage of stormwater. Ms. Bogart advised that the two-story structure to the north provided her property with enough light that "you can see to read a newspaper in my backyard." Ms. Bogart stated that she was concerned that the lighting created by the proposed two-story structure would result in additional light being directed toward her residence. Ms. Bogart explained that with such a high elevation, she was concerned about privacy of the homeowners in the area who might find their living rooms and bedrooms on view to office building tenants. Ms. Bogart advised that the drainage problem was her major concern, and that the majority of the drainage problems which occur presently have been the result of the two-story structure to the north and an 8' concrete retaining wall that is in existence. Ms. Bogart continued by stating that if there is an existing problem with water runoff, she observes little that can be done to minimize the problem if other structures of the proposed type are erected.

11295 (continued)

Board Comments:

Ms. Purser explained to Ms. Bogart that the neighborhood might be better off with a two-story structure, in that it would cover less ground area. Ms. Bogart stated that that might be correct, but that there were no detailed building plans as yet to review.

Ms. Purser asked Mr. Victor to read Exhibit E-1 into the record.

Applicant's Comments:

Mr. Seawright explained that he doubted there would be outside lighting and, if there was, it would be minimal. Mr. Seawright further explained that the landscaping of the trees would screen any light that would be given off and the trees, in addition, would provide water retention. Mr. Seawright advised that roof drains could be installed in the proposed two-story structure which would direct the water runoff onto Harvard Avenue.

Ms. Purser and Mr. Smith both voiced their concern over approving an application that only has tentative plans and nothing concrete. Ms. Purser further stated that she had a concern over the trees representing the only hardship.

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 deny the Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Exceptions) of the floor area ratio from .25 to .38 in an OL District, on the following described property: and

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 a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the one-story height requirements to allow a two-story office building in an OL District, subject to final approval of the exterior elevations and design of the building and that the project satisfy the City Engineering Department in regard to drainage and/or any other requirements made by the City, and, in addition, that when the applicant returns with elevations and design that he present substantiated data that this project complies with City Engineering requirements, on the following described property:

Lot 10, Block 1, Villa Grove Heights No. 1, Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

11304

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the rear setback from the centerline of Fulton from 50' to 44'. (residence erected) This property is located at 5463 East 66th Street.

12.18.80:325(7)

11304 (continued)

Presentation:

Jack Arnold, representing Design Properties, 7320 South Yale Avenue, was present to address the Board and submitted a plot plan (Exhibit "F-1"). Mr. Arnold stated that he was requesting a variance on the subject property, and that the structure was already in existence. Mr. Arnold explained that the property was very difficult to build on and that the structure was built over the setback line inadvertently. Mr. Arnold further advised that he had waivers from neighbors in the immediate vicinity and submitted those 13 signatures to the Board (Exhibit "F-2").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Purser, Victor, Wait, "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear setback from the centerline of Fulton from 50' to 44' (residence erected), on the following described property:

Lot 10, Block 1, Warrenton South Addition to the City of Tulsa, Oklahoma.

11305

Action Requested:

Exception (Section 440 (Special Exception Uses in Residential Districts, Requirements - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to permit a home beauty shop in an RS-3 District. This property is located at 2012 West Easton.

Presentation:

Diann Fry, 2012 West Easton, was present to address the Board. Ms. Fry advised the Board that she would be open five days a week--Tuesday thru Saturday--from 7:00 a.m. to 9:00 p.m. Ms. Fry further advised that she would like the business in her home in order to be at home with her daughter during the day.

Board Comments:

Ms. Purser asked where the shop would be located in the home, and Ms. Fry stated that it would be in the back of the home. Ms. Purser then asked Ms. Fry how many patrons she would be handling. Ms. Fry stated that she could only handle three at a time, and that she had a long driveway the patrons could park in, in addition to parking at the front of the house. Ms. Fry explained that if the parking provided was not sufficient, she could move her fence and clientele could park in the yard. Ms. Purser advised Ms. Fry that parking was not allowed on any area other than hard surface areas.

Protestants:

Kenny Smith, 227 North Yukon, stated that he was concerned over having a business operating in a strictly residential area from 7:00 a.m. to 9:00 p.m. Mr. Smith further advised that he was somewhat concerned over the parking area "in front" that Ms. Fry alluded to, and explained

that the only area he observed in front of the residence was on-street parking and, further, he did not believe that Easton was wide enough to permit on-street parking for a home occupation.

Applicant's Comments:

Ms. Fry advised the Board that there were other businesses in the vicinity and, as a one-person business, she did not feel that the business generated would result in an increased amount of parked automobiles. Mr. Smith asked Ms. Fry where her sign would be placed. Ms. Fry replied that she had not intended to have a sign--only a small plaque on her door. Mr. Jackere advised Ms. Fry that a home occupation does not permit a sign or plaque of any type.

Mr. Smith asked how many automobiles Ms. Fry's driveway would accommodate. Ms. Fry stated that, in addition to her own automobile, the driveway would accommodate three more.

Mr. Wait asked Ms. Fry what other businesses she referred to previously. Ms. Fry stated that there was a Quik-Trip approximately four blocks away. Mr. Wait asked about other home occupations in the vicinity. Ms. Fry stated that she knew of none. Ms. Purser explained that that was of concern to the Board because the proposed home occupation was in a residential area and the Quik-Trip was in a commercial District.

Ms. Purser asked Ms. Fry if she would be willing to limit her hours to a shorter period so there would not be a driveway full of customers automobiles after regular working hours. Ms. Fry stated that she would not have many customers after six in the evening.

Mr. Smith asked Ms. Fry if she owned the residence. Ms. Fry replied that she was buying it. Mr. Smith then asked Ms. Fry if her equipment had already been purchased and installed. Mr. Fry advised that the equipment was purchased but not installed.

Mr. Jackere asked Ms. Fry if she would be taking customers by appointment only. Ms. Fry replied that she would. Mr. Jackere then suggested that Ms. Fry schedule the appointments in such a manner that there are very few, if any, overlaps. Ms. Fry explained that she had intended to schedule in that manner.

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 440 - Special Exception Uses in Residential Districts, Requirements - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) to permit a home beauty shop in an RS-3 District, subject to the following conditions:

- (1) That the hours of operation be between the hours of 8:00 a.m. and 8:00 p.m.; (2) that customer on-street parking not be allowed; (3) that all rules and regulations as set out in the Zoning Code for home occupation be complied with; and, (4) that this approval run for a trial period of 18 months, on the following described property:

West 10' of Lot 3, and East 30.9' of Lot 4, Block 13, Irving Place Addition to the City of Tulsa, Oklahoma.

11306

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 RM-1 District. This property is located at 2315 North Canton.

Presentation:

Ruth Hudson, 2410 North Canton, was present to address the Board. Ms. Hudson advised that her son would be residing in the mobile home and would like to locate it on the subject property.

Protestants: None.

Board Comments:

Ms. Purser asked if there was anything else located on the subject tract of land. Ms. Hudson replied that there was nothing. Ms. Purser then asked Ms. Hudson if her son planned on residing in the mobile home permanently and Ms. Hudson stated that he would eventually like to make the mobile home a permanent one. Ms. Purser asked if there were other mobile homes in the area and Ms. Hudson replied that there was one down the street and on the next block.

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 - Exceptions) to place a mobile home in an RM-1 District, for a period of one year, removal bond required, on the following described property:

The North 45' of Lot 10, Block 5, Industrial Addition to the City of Tulsa, Tulsa County, Oklahoma.

11307

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 5' on the north, and from 10' to 5' on the south. This property is located at 1037 North Gary Avenue.

Presentation:

Charles Moore, 1037 North Gary Avenue, was present to address the Board and submitted a plot plan (Exhibit "G-1"). Mr. Moore advised that he wished to build a room onto the back of his house and, with the present Code, a variance is required.

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 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 5' on the north and from

12.18.80: 325(10)

11307 (continued)

10' to 5' on the south, per plot plan, on the following described property:

Lot 9, Block 2, Archer Addition, resub of Garden Acres Addition to the City of Tulsa, Oklahoma.

11308

Action Requested:

Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Section 1680 - Special Exceptions) request for an Exception to allow a retail furniture store (Use Unit #14) in an IL District. This property is located at 7519 East Pine St.

Presentation:

William Robison, 10759 East Admiral Place, was present to address the Board and submitted a plot plan (Exhibit "H-1"). Mr. Robison stated that he wished to locate a retail furniture store at this location. Mr. Robison further stated that there was a Quik-Trip operating in the immediate vicinity, as well as a man operating as a mechanic out of his garage directly next door. In addition, Mr. Robison advised, there is a day-care center to the east, and two fence companies to the east.

Protestants: None.

Board Comments:

Ms. Purser asked Mr. Robison about parking areas. Mr. Robison referred to the plot plan, wherein the parking area was laid out. Mr. Robison advised that approximately 45% of the parking would be at the front of the building and the rest would be in the rear of the building, as is required by the Zoning Code for this type building.

Mr. Wait asked Mr. Robison if he would be operating this business. Mr. Robison stated that he would not be--that the building would be leased out as a retail furniture business.

Mr. Victor asked Mr. Robison what type of retail furniture would be sold. Mr. Robison stated that it would be new retail furniture, and that the prospective tenant was Snow's Furniture, presently located at Harvard and Pine. Mr. Victor then asked Mr. Robison if display would be limited to the interior. Mr. Robison replied, "yes."

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 Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Section 1680 - Special Exceptions) to allow a retail furniture store (Use Unit #14) in an IL District as described, per plot plan submitted, on the following described property:

The West 100' of the W/2, E/2, SE/4, SW/4, SE/4 less the North 165' thereof of Section 26, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

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-1 District. This property is located at 504 South 49th West Avenue.

Presentation:

Shirley Dodson, 14 West 34th, Sand Springs, Oklahoma, was present to address the Board and stated that she wished to locate a mobile home on the subject property for the following reasons: (1) The close proximity of the property to her husband's place of employment; (2) the lot is owned by Mrs. Dodson's parents and she and her husband would maintain the lot; and (3) Mrs. Dodson's 70 year-old aunt lives near the subject property and requires transportation and periodic checking, which can be provided by Mrs. Dodson if the exception is approved.

Board Comments:

Ms. Purser asked Mrs. Dodson where her aunt lived. Mrs. Dodson replied that her aunt lived at 432 South 47th West Avenue--approximately two blocks from the subject property. Ms. Purser then asked Mrs. Dodson if there were other mobile homes in the area. Mrs. Dodson stated that there was one on South 49th West Avenue, close to the expressway. Ms. Purser asked Mrs. Dodson if she planned on locating the mobile home as a permanent residence. Mrs. Dodson stated that she did.

Mr. Victor asked Mrs. Dodson what the size of the mobile home was. Mrs. Dodson advised that the mobile home was 14' x 80', 1981 model.

Protestants:

Esther A. Lester stated that she lived one lot directly north of this property. Ms. Lester further stated that she did not want to have any mobile homes located in the area. Ms. Lester submitted to the Board a letter of protest from two additional neighbors (Exhibit "I-1").

Bobbie East, representing Grace United Methodist Church, 519 South 49th West Avenue, submitted a letter of protest (Exhibit "I-2"). Ms. East read the contents of the letter to the Board.

Mrs. Fred Loving, 432 South 51st West Avenue, stated that she was the Executive Secretary to the West of Main Improvement Association. Mrs. Loving advised that the Association has been strongly opposed to the location of any mobile homes in established single-family residential areas.

James Winford, 508 South 49th West Avenue, advised that he had maintained the subject property for the past year--mowing, trimming, cleaning it up, etc.--because no one else maintained it. Mr. Winford further stated that he did so with the feeling that the property would be sold to him, and that this was his first knowledge regarding a mobile home being located on the property.

Mr. Smith asked Mr. Winford if he would object to a mobile home being placed on the property and stated that the lot would probably be kept up if there was a resident on it. Mr. Winford stated that he did object to a mobile home being located on the property.

11309 (continued)

Raymond Son, 601 South 50th West Avenue, stated that he did not want to see mobile homes located in the area, and that approval of this application would, he feared, result in an increase in mobile homes in the area.

F. E. Campbell, 441 South 49th West Avenue, stated that he lived diagonally across from the subject property. Mr. Campbell further stated that he did not wish to see mobile homes encroaching on the residential area.

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 Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RM-1 District, on the following described property:

Beginning 660' South and 24' West of the Northeast corner of the SE/4, of the SE/4; thence South 66'; thence West 293'; thence North 66'; thence East 293' to the point of beginning, less the West 143' thereof of Section 5, Township 19 North, Range 12 East, of Smith Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

11310

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 Norwood Avenue to be from 50' to 38' to allow an addition to the existing residence. This property is located at 527 North Norwood Avenue.

Presentation:

Joe Hague, Cassetty General Contractors, was present to address the Board and submitted a plot plan (Exhibit "J-1"). Mr. Hague advised the Board that Cassetty Construction would be performing the proposed construction. Mr. Hague further advised that the proposed construction consisted of the addition of a porch which would extend 6' from the existing front of the residence. Mr. Hague continued by saying that the applicant would be satisfied with a 4' porch rather than the proposed 6' porch, which would result in a variance of 40' rather than 38'.

Protestants: None.

Board Comments:

Ms. Purser asked Mr. Hague if the other residences along Norwood sat close to the street. Mr. Hague stated that the other residences were in alignment, and that if his Company constructed the porch at 4' rather than 6', the residence would extend 4' further than the other residences.

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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of

11310 (continued)

the front setback requirements from the centerline of Norwood Avenue to be from 50' to 40' to allow an addition to the existing residence, on the following described property:

Lot 12, Block 13, Fairland Addition to the City of Tulsa, Okla.

11311

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670 - Variances) request for a variance of the front setback requirements from 25' to 20' for garage portion of dwelling on Lots 5 through 14, Block 1; and a variance of the rear yard setback requirements from 25' to 15' on Lots 5 through 12, Block 1, all in Bolewood Place Addition. (The rear yard setback request is for all one-story structures; all two-story structures will observe the 25' setback.) This property is located north and west of 49th Street and Lewis Avenue.

Presentation:

Gary LeGere, one of the owners of the property, was present to address the Board and submitted a letter from the Architectural Committee of the Bolewood Place Addition attesting to the support of the proposed variances (Exhibit "K-1"), as well as a copy of the plat (Exhibit "K-2"). Mr. LeGere explained that the original developer of Bolewood Place Addition had agreed to a 25' rear yard setback on the residences on the north side of that development. Mr. LeGere further explained that that agreement created an unusual situation for his Company in that a one-story structure could not be placed in the Addition within those requirements. Mr. LeGere advised that the neighborhood will retain the right to approve all house plans that are proposed.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Purser, Victor, Wait, "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 20' for garage portion of dwelling on Lots 5 through 14, Block 1; and a Variance of the rear yard setback requirements from 25' to 15' on Lots 5 through 12, Block 1, all in Bolewood Place Addition (the rear yard setback request is for all one-story structures; all two-story structures will observe the 25' setback), on the following described property:

A tract of land in the E/2 of the SE/4 of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit:

Commencing at a point on the East line of Section 30, said point being 889.17' North of the SE corner of Section 30 and 100' South of the SE corner of the N/2 of the N/2 of the SE/4 of the SE/4; thence South 89°-48'-03" West and parallel with the South line of the N/2 of the N/2 of the SE/4 of the SE/4, a distance of 594.50' to the point of beginning; thence continuing South 89°-48'-03" West

11311 (continued)

a distance of 197.27' to a point; thence along a curve to the right, with a central angle of 30°-00'-00" and a radius of 91.96' a distance of 48.15' to a point; thence North 60°-11'-57" West a distance of 20' to a point; thence along a curve to the left, with a central angle of 30°-00'-00" and a radius of 131.96' a distance of 69.09' to a point; thence South 89°-48'-03" West a distance of 400' to a point, said point being the SE corner of Lot 1, Block 2, Bolewood Park Amended, according to the recorded plat thereof; thence North 00°-25'-00" West a distance of 390' to a point; thence North 89°-49'-39" East a distance of 660.00' to a point; thence North 00°-25'-00" West a distance of 50' to a point; thence North 89°-48'-39" East a distance of 66.25' to a point; thence South 00°-22'-30" East a distance of 479.86' to the point of beginning, and containing 6.817 acres, more or less.

11312

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exceptions) request for permission to allow a beauty shop as a home occupation in an RM-1 District. This property is located at 7348 East 50th Place.

Presentation:

Jay Smith, 7348 East 50th Place, was present to address the Board and submitted a plot plan (Exhibit "L-1"). Ms. Smith advised the Board members that the present location of the beauty shop will be converted into the Villa Fontana Apartments leasing office and management wished to move the beauty shop to a new location approximately three blocks away.

Protestants: None.

Board Comments:

Ms. Purser asked Ms. Smith if the previous beauty shop was operated as a home occupation. Ms. Smith replied that it was not. Ms. Purser then asked Ms. Smith if there would be a sign at the new location, and Ms. Smith stated that signs were not allowed and that there would be none. Ms. Smith advised the Board that she would be working 4½ days during the week and no nights. Ms. Purser asked Ms. Smith if she would be residing at the proposed location. Ms. Smith stated that she would be and that the salon would be separate and apart from the living quarters. Ms. Purser asked Ms. Smith if she had operated the previous beauty salon. Ms. Smith replied that she had, and that she had operated it for five years. Ms. Purser then asked Ms. Smith if the previous beauty salon had other employees besides Ms. Smith. Ms. Smith stated that she had two other employees, but that under the home occupation regulations, that was not allowed and that she would be the sole employee at the salon's new location. When asked by Ms. Purser where the clientele would park, Ms. Smith advised that there were six free carport parking spaces at the proposed location, but that they would not all be in use at once since she would be scheduling no more than three customers at one time.

Board member Smith asked Ms. Smith the length of her lease. Ms. Smith stated that management informed her that they would give her a five-year lease if the special exception was approved.

11312 (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 Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exceptions) to allow a beauty shop as a home occupation in an RM-1 District, subject to all home occupation regulations and to operate under this lessee only, on the following described property:

Lot 24, Block 1, Cambridge Hills Addition to the City of Tulsa, Oklahoma.

11313

Action Requested:

Variance (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) request for a variance to permit a portion of a retail building, (convenience grocery) to be located within an OL District. This property is located at the NW corner of St. Louis Avenue and Apache Street.

Presentation:

Mr. Jones advised the Board that this application had been withdrawn. The Chair, without objection, agreed to allow the application to be withdrawn.

11314

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 following requirements: (1) Waiver of lot frontage on a dedicated street from 60' to 30'; (2) waiver of lot dimensions to be 18' on Lot 3; (3) variance of the front setback to be from 25' to 15'; (4) variance of the side yard requirements to be from 5' to 1'; and (5) variance of the rear yard requirements to be from 20' to 10'. This property is located south and west of 35th Street and Pittsburg Ave.

Presentation:

Warren G. Morris, P. O. Box 45551, was present to address the Board and submitted a plot plan (Exhibit "M-1").

Board Comments:

Mr. Smith explained to Mr. Morris that Board of Adjustment approval would not be required if the RM-T and PUD that he had filed with the TMAPC were approved. Mr. Morris stated that he had filed with both the TMAPC and the Board of Adjustment because he was uncertain which would be the best avenue to pursue.

After brief discussion, the Board agreed that the application could either be denied, or withdrawn by the applicant. The Board asked Mr. Morris which alternative he preferred. Mr. Morris stated that he would prefer to withdraw the application.

Board Action:

The Chair, without objection agreed to the withdrawal of the application.

11316

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the rear yard setback to be from 20' to 10' in an RS-3 District. This property is located at 535 South 101st East Ave.

Presentation:

Bill Montague, 535 South 101st East Avenue, was present to address the Board and submitted a plat of survey (Exhibit "N-1"). Mr. Montague advised the Board that he was requesting the variance in order to build a room addition on the existing structure.

Protestants: None.

Board Comments:

Ms. Purser asked Mr. Montague if he had consulted his neighbors about the proposed room addition. Mr. Montague replied that he had and that there were no objections.

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 Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard setback from 20' to the revised 14' in an RS-3 District, on the following described property:

Lot 8, Block 15, of Blocks 11 through 22, Amended Rosewood Addition to the City of Tulsa, Oklahoma.

11317

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS-3 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 of the one-year time limitation for the mobile home in an RS-3 District. This property is located at 212 North 91st East Avenue.

Presentation:

Ida Kendall, sister of Virgie Thomas, the applicant, was present to address the Board. Mrs. Kendall gave her address as 6328 East Seventh Street. Mrs. Kendall advised that she and her husband would like to locate a mobile home on Ms. Thomas' property in which to reside so that transportation and aid will be available to Ms. Thomas. Mrs. Kendall explained that her sister has been recently widowed.

Protestants: None.

Board Comments:

Ms. Purser asked Mrs. Kendall if there were other mobile homes in the area. Mrs. Kendall replied that there was one on the property adjoining Mrs. Thomas' property, as well as a mobile home park approximately 1½ blocks east of the subject property.

Interested Party Comments:

Ben Blair, 215 North 91st East Avenue, stated that he wished to voice his concerns over the maintenance of the property and mobile home on which the existing mobile home is located--that property which adjoins Mrs. Thomas' property. Mr. Blair advised that a chicken ranch was being operated on the property and that the septic system was "oozing" onto the property.

Ms. Purser briefly discussed that particular mobile home application with Mr. Gardner, and it was discovered that the application was approved with a one-year time limitation in 1975 and was, therefore, in violation. Mr. Gardner advised that the Building Inspector's Office would be the authorized Department to follow through on the violation. Ms. Miller was asked to handle Mr. Blair's complaint.

Ms. Purser asked Mr. Blair if he had objections to the subject application. Mr. Blair advised that he did not as long as the property and mobile home were both well-maintained.

Mr. Gardner suggested that the City-County Health Department be asked to investigate the septic system on Case No. 8726.

Board Comments:

Ms. Purser asked Mrs. Kendall if a septic system was proposed. Mrs. Kendall advised that there would be one. Ms. Purser then asked the size of the proposed mobile home. Mrs. Kendall replied that it would be 14' x 60' and that it was a 1981 model.

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 Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District for a period of one-year, removal bond required, and to continue the Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the one-year time limitation for the mobile home in an RS-3 District until December 17, 1981, on the following described property:

Lot 9, Block 1, Moses Subdivision to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) request for an exception so that a duplex, presently located on the property may continue to be used as a duplex. (Erected in the 1950's and has been utilized as a duplex since that time.) This property is located at 3526 East Fifth Place.

Presentation:

Kenny Smith, attorney for Larry Lawrence, the applicant, was present to address the Board.

Brief discussion ensued as to the legality of duplex use when the structure was erected. Mr. Jones observed that the structure, when erected, could be used as a duplex as a matter of right, if the lot had 14,000 sq. ft. and half of the street could be included in computation of the lot area.

Mr. Jackere asked Mr. Smith if he had the figures on the size of the lot. Mr. Smith stated that the lot was over 12,000 sq. ft. and that the portion of the street was not included in that figure. Mr. Smith further observed that, with the portion of the street figured into the lot dimensions, he felt it would be well over 14,000 sq. ft.

Mr. Smith submitted to the Board nine (9) photographs of the subject property (Exhibit "O-1"). Ms. Purser observed that one-half of the duplex appeared to have been built at a later date than the other half, as the construction materials appeared to be of different types. Mr. Smith advised that it was his understanding that the entire structure had been built at one time--in the 1950's--and that he had not viewed the structure in person.

The applicant, Larry Lawrence, addressed the Board and stated that the original house was built in the 1930's and that an addition onto the rear was made in the early 1950's. Mr. Lawrence further explained that both the front and back of the structure have two entrances.

Brief discussion ensued as to whether documented proof could be established that the structure was a nonconforming use. Mr. Gardner advised that it might be more difficult to prove a nonconforming use than it would be to grant an exception if determined appropriate.

Protestants:

Herb Roberts, 3534 East 6th Street, advised the Board that the subject property was an eyesore and that the property was not well-maintained. Mr. Roberts further advised that the property appeared to be a gathering place for "undesirables," especially in the summer season.

Board Member Smith asked Mr. Roberts what type of "undesirables" gathered at the location and if he had ever had occasion to call the police. Mr. Roberts stated that the "undesirables" gathered at Turner Park and Recreation Center located across the street from the subject property and "they spin their wheels, block the street, and just a little bit of everything." Board Member Smith asked Mr. Roberts if the occurrences at Turner Park had anything to do with the duplex in question. Mr. Roberts replied that it was across the street. Mr. Smith then asked if any of the activities described took place on the subject property. Mr. Roberts stated that it seemed to be a gathering place for them. Mr. Smith then asked if the people lived there and Mr. Roberts stated that some of them did and some of them came and went.

Mr. Jackere asked Mr. Roberts how long he had lived in the neighborhood. Mr. Roberts advised that he had lived there 31 years. Mr. Jackere asked Mr. Roberts if the subject structure had been used as a duplex when it was built. Mr. Roberts stated that he believed that the structure was moved into the neighborhood and then added on to.

11319 (continued)

Ms. Purser asked Mr. Roberts if he knew when that occurred and Mr. Roberts stated that he was uncertain, but he believed in the late 1950's or early 1960's. Ms. Purser asked Mr. Roberts if the house was added on to at the same time that the structure was moved into the neighborhood. Mr. Roberts stated that the addition was made soon after it was moved to the location.

Gary Neal, supervising attorney for Mr. Smith, advised the Board that he wished his applicant to be in compliance with the Zoning Ordinances and the reason for applying to the Board was due to the fact that he was of the opinion that a nonconforming use prior to 1953 could not be established.

Mr. Victor asked Mr. Lawrence if there were other duplexes in the area. Mr. Lawrence advised that there were two other duplexes on the same block. Mr. Lawrence further advised that the "undesirables" that Mr. Roberts had referred to were students from Will Rogers High School, and that the residents of the subject structure and the one next to it were in no way connected with the activities at Turner Park. Mr. Lawrence stated that he would be moving into the subject structure in order to upgrade and remodel it.

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 the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) so that a duplex, presently located on the property may continue to be used as a duplex (erected in the 1950's and has been utilized as a duplex since that time) with the record to show that the motion was made because it does not seem that a nonconformity can be proven to exist, and that this motion does not set a precedent for any further duplex development in the area, on the following described property:

A tract of land in the NW/4 of the SW/4 of Section 4, Township 19 North, Range 13 East of the Indian Base and Meridian, described as follows: Beginning at a point on the South line of East 5th Place 46.67' East of the NE corner of Lot 1, Block 5, Chula Vista First Addition to the City of Tulsa, Oklahoma, according to the recorded plat thereof; thence East along the South line of said East 5th Place, a distance of 227.55' to a point on the East line of "Turner Park;" thence due South to a point 130' due South of the South line of East 5th Place; thence West and parallel to the South line of said East 5th Place a distance of 227.5' to a point on the South line of said Lot 1, Block 5, Chula Vista First Addition, said point being 31.44' West of the SE corner of said Lot; thence North a distance of 130' to the point of beginning, being a part of Lot 1, Block 5, Chula Vista First Addition, part of vacated Indiana Boulevard and part of "Turner Park," all in the City of Tulsa, Tulsa County, Oklahoma.

11320

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 from abutting R District to be from 75' to 45'; and, an Exception (Section 205.3 (d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to remove the screening requirement where the purpose of the screening requirement cannot be achieved. This property is located at 5146 South 94th East Avenue.

Presentation:

Harold Lloyd, 4119 South 88th East Avenue, was present to address the Board and submitted a plot plan (Exhibit "P-1"). He stated that the property backed up to the Memorial Park Cemetery.

Protestants: None.

Remarks:

The Staff pointed out that the Board has removed the screening requirement on the southern lots.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-1 (Purser, Victor, Wait, "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback from abutting R District to be from 75' to 45'; and, an Exception (Section 205.3 (d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Special Exceptions) to remove the screening requirement where the purpose of the screening requirement cannot be achieved, on the following described property:

Lot 3, Block 1, Skyland Amended Addition to the City of Tulsa, Tulsa County, Oklahoma.

11321

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 30' to 23'; and a variance of the side yard requirements from 5' to 4.4' to permit the erection of a carport. This property is located at 138 East 24th Street.

Presentation:

Roy Blacker, 138 East 24th Street, was present to address the Board and submitted a plot plan (Exhibit "Q-1").

Protestants: None.

Board Comments:

Ms. Purser asked Mr. Blacker if the proposed carport would be compatible with the existing residence when completed. Mr. Blacker advised that

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11321 (continued)

it would look as if it was built when the rest of the house was. Ms. Purser then asked if Mr. Blacker had consulted with his neighbors about the proposed carport. Mr. Blacker stated that he had and that there was no objection.

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 1670 - Variances) of the front setback requirements from 30' to 23'; and a variance of the side yard requirements from 5' to 4.4' to permit the erection of a carport, on the following described property:

Lot 1, Block 2, Riverside View Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Request for Clarification of Church Property in C.D.P. No. 29

Presentation:

Leon Ragsdale, representing Community Baptist Church, was present to address the Board. Mr. Ragsdale advised that Pastor Culver was present, as well as Gene Reeves, Chairman of the Building Committee of the Church. Mr. Ragsdale explained that application for a building permit was made for the construction of a two-story educational building to adjoin the existing facility, which was constructed originally in 1971. Mr. Ragsdale advised that he was under the impression that the Church had the proper zoning and approval for the use of the site for a church facility, such as was designed and submitted for the building permit. It was discovered, Mr. Ragsdale explained, that this was not so due to the fact that C.D.P. No. 29, was not renewed and it apparently has to be renewed. Mr. Ragsdale advised that he was asking for clarification as to the actual intent of the C.D.P. as it relates to the use of this property for church use.

Ms. Purser asked Ms. Miller if she wished an opinion from the Board, or if she felt that another public hearing was needed. Ms. Miller advised that she did not feel another public hearing was necessary. Ms. Miller further advised that the issue to be clarified is how to handle building permit expansions within C.D.P.'s. that were approved in the past for a use without the requirement of a specific plot plan, site plan or restriction.

Mr. Gardner recommended that the Board find that within any approved C.D.P., permitted uses approved and built under the C.D.P. could expand or enlarge--if the approval was not tied to a specific plot plan. The Building Inspector could then issue a building permit providing all other conditions of the Zoning Code are met. Mr. Gardner stated that if the approval time had elapsed and nothing had been built, the applicant would need to file a new application to expand.

Request for Clarification of Church Property in C.D.P. No. 29 (continued)

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 interpret that within an approved C.D.P., any uses approved or built could expand, provided the use was not conditioned upon a specific plot plan or other specific restrictions, and provided all Zoning Code requirements are met. (This interpretation would allow the Building Inspector to issue the church expansion permit for C.D.P. No. 29.)

Chairman's Discussion on Board Policies

The Chair, without objection, tabled this item of business until such time that the full Board is present.

There being no further business to come before the Board, the meeting adjourned at 4:17 p.m.

Date Approved

Feb 5, 1981

Henry Purser
Chairman