

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 327
Thursday, January 22, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman Lewis Victor Wait	Smith	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 Monday, January 19, 1981, at 1:50 p.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 1:30 p.m.

MINUTES:

There were no minutes ready for approval.

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 that this application had been continued from the January 8th meeting in order to allow the City of Tulsa Traffic Engineering Department to review and approve it. Mr. Jones submitted to the Board a letter from Bill Thomas, City of Tulsa Traffic Engineer, stating that the Traffic Engineer's Office had reviewed the proposal and found no cause for undue hazard for traffic traveling on 51st Street and, therefore, did not object to the sign location (Exhibit "A-1").

Steve Sembritsky, Audio-Visual Enterprises, was present to address the Board and submitted a plot plan (Exhibit "A-2"), an artist's rendering of the proposed sign (Exhibit "A-3"), and four photographs of the subject location (Exhibit "A-4"). Mr. Sembritsky advised the Board that he was requesting a variance of the 50' setback requirement from the center of 51st Street for placement of a sign for Audio-Visual Enterprises. Mr. Sembritsky explained that a sign 50' from the centerline of 51st Street would place the proposed sign in the middle of the parking lot.

Protestants: None.

11300 (continued)

Board Comments:

Mrs. Purser asked Mr. Sembritsky what the dimensions of the proposed sign were. Mr. Sembritsky replied that the top portion of the sign would be 10' wide by 5' high and that the bottom portion would be 3' wide by 14' high. Mrs. Purser stated that she was concerned over the fact that Board approval would set a precedent for the other businesses in the area that have the same problem of sign location. Mrs. Purser stated that, from the January 8th meeting, the Board had received information that the sign would be placed on the grass berm along 51st Street. Mr. Sembritsky advised that that was not so and pointed to the sign location on the plot plan.

Mr. Wait asked Mr. Sembritsky if the lower portion of the proposed sign could not be changed to a skeletal structure to allow proper visibility of 51st Street. Mr. Sembritsky advised that the sign location was of a sufficient distance back from 51st Street and visibility was not hampered.

Mrs. Purser asked Mr. Sembritsky if there were any free-standing signs for Audio-Visual Enterprises on the subject property. Mr. Sembritsky replied that there was a temporary sign which would be removed if the Board approved this application.

Board Action:

On MOTION of LEWIS and SECOND by WAIT, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "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 35' from the centerline of 51st Street to permit the erection of a sign, per plot plan and artist's rendering, subject to a removal contract, on the following described property:

The SW/4 of the SE/4 of the SE/4 of Section 30, Township 19 North, Range 13 East and the north right-of-way of 546.50 feet; thence East 150 feet; thence South 410 feet; thence West 50 feet; to the City of Tulsa, Oklahoma.

11326

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 42' from the centerline of 11th Street to permit a pole sign that will overhang 8'. This property is located at 947 South Erie Street.

Presentation:

Mr. Jones advised the Board that this application had been continued from the January 8th meeting because the applicant was not present.

The applicant was not present to address the Board.

Protestants: None.

11326 (continued)

Board Action:

The Chair, without objection, continued Case No. 11326 until February 5, 1981.

11331

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements in an AG District to permit a lot-split. This property is located to the north and west of 111th Street and Quebec Avenue and 111th Street and Sandusky Avenue.

Presentation:

Mr. Jones advised the Board that the TMAPC, on December 10, 1980, approved lot-splits (L-15067 and L-15068) on these tracts of land, subject to the approval of this Board, and submitted the Minutes and lot-split diagram of that meeting (Exhibit "B-1").

Ted Sack of Sizemore, Sack, and Sizemore, representing the applicant, Patrice Paul, was present to address the Board and advised that his company had prepared the plats for those lot-splits.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit lot-splits (L-15067 and L-15068), per lot-split diagram, on the condition that the property be subject to all of the restrictions and requirements imposed upon an RS-2 zoned piece of property, on the following described property:

The West 228' of the South 477.63' of the SW/4 of the SE/4 of Section 28, Township 18 North, Range 13 East; and the East 330' of the South 330' of the SW/4 of the SE/4 of Section 28, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

11343

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 30' to 24' to permit the erection of a carport. This property is located at 2539 East 24th Street.

Presentation:

Don Rogers, representing Central Air Distributors, 8920 East Admiral Place, and the applicant, Chapen B. York, was present to address the Board, and submitted a plat of survey (Exhibit "C-1"). Mr. Rogers stated that Central Air Distributors believed there was more distance in which to build the carport, but through the survey, discovered there was less distance.

11343 (continued)

Protestants:

Hobart Dickson, 2524 East 24th Street, advised the Board that construction of the carport began without prior issuance of a building permit, and that construction had been halted by the Building Inspector's Office for that violation. Mr. Dickson submitted nine photographs depicting the structure in its present state and the surrounding residences (Exhibit "C-2"). Mr. Dickson stated that he felt approval by the Board, of this application, would set a precedent for future applications of this type and would, therefore, decrease the property value of the neighborhood.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to deny 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 30' to 24' to permit the erection of a carport, on the following described property:

The E/2 of the South 140' of the North 305' of the following tract to-wit: The W/2 of the E/2 of Lot 6 and the East 10' of the W/2 of Lot 6 in J. P. Harters Subdivision now an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and known as 2539 East 24th Street.

11348

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements from 150' to 100' and 117' in a CS District. This property is located south and west of 51st Street and Mingo Road.

Presentation:

Mr. Jones advised the Board that the TMAPC, on January 21, 1981, had approved a lot-split (L-15092), subject to the approval of this Board. The applicant was not present.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 150' to 100' and 117' in a CS District, on the following described property:

The West 217' of Lot 8, Block 1, 51st & Mingo Commercial Center to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 18804

Action Requested:

Variance to build a detached garage that would cover more than 20% of backyard. SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 2606 E. 22nd Pl.

Presentation:

Joe Collins, 1927 S. Boston, Ste. 207, stated he was the owner's representative, and designer. He stated that he was trying to provide the owner with a two-car garage and it was not possible because of the limited width of the lot. To provide for safety in backing out, the garage would need to be built as far back as possible in the backyard, and it would take up 25.6% of the rearyard.

Comments and Questions:

Ms. Turnbo commented that the hardship would be that the house was built before the zoning code. Mr. Dunham noted that setting the garage back further would be safer.

Protestants:

None.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to build a detached garage that would cover more than 20% of backyard, finding the hardship to be the age of the house, the safety, the zoning changes being considered, and that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 7 and W 25' of Lot 8, Block 2, Harter's 4th Re-subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18805

Action Requested:

Minor Variance of side yard requirement of 5' down to 4', for a pre-existing structure. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2512 S. Evanston.

Presentation:

Karen Barron, 2512 S. Evanston, stated that she and her husband want to connect the house to the garage. She pointed out that the structure was pre-existing. She stated that connecting the two structures would secure the pool area for safety purposes and allow them to add a breakfast room and utility room. There would not be any change in the width of the sideyard.

UNFINISHED BUSINESS:

11338

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 .32 in an OL District. This property is located to the north and east of 45th Street and Harvard Avenue.

Presentation:

Mr. Jones advised the Board that, on December 18, 1980, they had denied an exception to allow .38 floor area ratio and approved a variance of the one-story height requirements to allow a two-story building on this same property.

Mr. Jones further advised that this case had been continued from the January 8th meeting to allow Charles Hardt, City Hydrologist, to review the plans and attend this meeting.

David Detrick, 2202 East 52nd Place, representing the applicant, James Seawright, was present to address the Board. Mr. Detrick briefly summarized the past action of the Board, as well as the concerns that have been voiced by the Board and the protestants, and submitted an artist's rendering (Exhibit "D-1"), an artist's rendering of elevations (Exhibit "D-2"), a site plan (Exhibit "D-3"), and a plot plan (Exhibit "D-4").

Protestants:

Kathy Borchardt, 3331 East 45th Street, reiterated her earlier concerns, specifically, the drainage problems.

Remarks:

Charles Hardt, City Hydrologist, advised that his Department was aware of the drainage problems in the area, but that little could be done to remedy the situation. Mr. Hardt covered several runoff methods which could be used in the construction of the building, but advised that not all of the water could be directed toward Harvard Avenue. He advised that the roof drainage could be directed to Harvard and a portion of the west end of the lot. The remaining water would be drained on site for controlled runoff to the southeast. In addition, Mr. Hardt recommended that the construction include a higher curb than exists at the Physician's Building to the north and erect a privacy fence set back from that curb which would attempt to act as a buffer for the impact of point source discharges.

Mr. Hardt advised that he knew of no proposal to alleviate the drainage problems in the area.

Mr. Jackere asked Mr. Hardt if an improvement in the drainage situation would be possible if construction of a one-story, more lot coverage building occurred, rather than a two-story, less lot coverage building. Mr. Hardt explained that a substantial coverage of asphalt would occur in either situation, and that asphalt has the same runoff characteristic as a roof; therefore, he could see no way to improve the situation with either construction process.

11338 (continued)

Mr. Jackere asked Mr. Hardt if, under the drainage criteria, the Hydrologist's Office could restrict the amount of parking. Mr. Hardt advised that his Department could not--all he was authorized to do was to regulate any runoff generated.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an 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 .32 in an OL District, subject to the following conditions: (1) That it comply with all plans, renderings, and drawings submitted; (2) that the drainage plan be approved by the City Hydrology Department; and (3) that the two-story structure be no higher than 20' at the front from the ground to the top of the parapet, on the following described property:

Lot 10, Block 1, Villa Grove Heights No. 1, a subdivision in the City of Tulsa, Oklahoma.

11324

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback to be from 25' to 0' to allow a carport to remain. This property is located at 1504 East 49th Place.

Presentation:

Mr. Jones advised the Board that this application had been continued from January 8 meeting to allow them to view the subject carport.

Leo Schumacher, 1504 East 49th Place, was present to address the Board and submitted three photographs (Exhibit "E-1") of the carport. Mr. Schumacher stated that he was unaware that a building permit was needed and that the company that erected the carport did not apply for one, either.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Schumacher if there were other carports in the area. Mr. Schumacher replied that there were. Mr. Lewis asked how near the other carports were to his property, and Mr. Schumacher replied that he could think of four within a one-block area. Mr. Lewis asked Mr. Schumacher if the other carports had setbacks similar to his. Mr. Schumacher replied that the other carports did not differ in the distance that they set back from the street.

Mr. Jackere asked Mr. Schumacher the name of the construction company that erected the carport. Mr. Schumacher replied that Custom Awnings of Tulsa had performed the construction.

Mr. Jackere advised the Board that he would be in contact with Custom Awnings of Tulsa in regard to obtaining proper permits before construction occurs.

11324 (continued)

Board Action:

On MOTION of LEWIS and SECOND by WAIT, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback to be from 25' to 0' to allow a carport to remain, on the following described property:

Lot 1, Block 10, Bellaire Acres Addition Extended, Addition to the City of Tulsa, Oklahoma.

11327

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts- and, an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwellings and Similar Uses - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit apartments in OL and CS Districts; and, a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630 Minor Variances) request for a variance of the number of dwelling units on one lot. This property is located to the north and west of Seventh Street and Memorial Drive.

Presentation:

Mr. Gardner advised Board members that this application had been continued from the January 8th meeting due to the fact that some concerns had been raised by the Staff and the Board about the design of the layout of the buildings on the property. Mr. Gardner briefed the Board on these concerns, as follows: (1) There were approximately 111 parking spaces immediately adjacent on the west boundary, abutting the residences on the west and the noise aspect of the parking area adjacent to the fence was of concern to the Staff; (2) drainage was a concern along with closing 6th Street to through traffic and (3) the applicant was required to move a few structures back which were too close to the centerline of Memorial Drive. Mr. Gardner advised that the applicant was requested to return with a revised plot plan addressing the above concerns.

Hayden Crawford, 1714 First National Building, was present to address the Board and submitted a revised plot plan (Exhibit "F-1"), addressing all concerns as set out by the Board and Staff. Mr. Crawford further stated that there had been some concerns voiced about the drainage in the area, and felt that Mr. Hardt, City Hydrologist, could better address those concerns.

Mr. Hardt advised that he had reviewed the site plan and had found it to be very compatible with the drainage pattern in the area. Mr. Hardt stated that, where Sixth Street has been blocked off, there should be no restriction of the flow of water coming onto the subject property in the form of elevating the grades, constructing curbs, or placement of a screening fence too low to the ground.

Mr. Hardt further advised that the applicant had indicated a willingness to construct an inlet at the end of Sixth Street where there is a man-hole that would intercept some of the flow of water. Mr. Hardt

also advised that, in the grading plan, the water is not to be restricted from coming onto the subject property and that it be transferred down to Seventh Street and Memorial Drive.

Mr. Gardner reminded the Board members that they had raised a concern about having access to Seventh Street and that the Staff had pointed out that access would be necessary in order to maintain a good flow of traffic. Mr. Gardner advised that there could be no access to Sixth St.

Protestants:

Marshall Harris, 8010 East Sixth Street, stated that he had three concerns: (1) The direction of lighting; (2) noise generation; and, (3) water pressure.

Mrs. Purser advised Mr. Harris that he has a private legal remedy on noise, and stated that restrictions on lighting would be set out as a requirement if the application was approved.

Board Comments:

Mr. Lewis asked Mr. Crawford what the lighting situation would be. Mr. Crawford stated the lighting would be directed inward and that he had no objection to lighting restrictions being a condition of approval.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 610 - Principal Uses Permitted in the Office Districts; and, an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwellings and Similar Uses - Under the Provisions of Section 1680 - Exceptions) to permit apartments in OL and CS Districts; and, a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630-Minor Variances) of the number of dwelling units on one lot, per plot plan, subject to approval by the City Hydrologist and subject to all lighting being directed inward, on the following described property:

Legal Description of land parcel containing approximately 6.7 acres on South Memorial running North from East 7th Street as follows: A tract of land in the SE/4 of Section 2, Township 19 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the East line of said SE/4 a distance of 1445' North of the SE corner of said SE/4; thence North along the East line of said SE/4 a distance of 876.68'; thence West a distance of 357'; thence South parallel to the East line of said SE/4 a distance of 1,001.68'; thence East 257'; thence North 125'; thence East 100' to the point of beginning, LESS and EXCEPT the South 35' dedicated for East 7th Street and the East 50' dedicated for South Memorial Drive; and part of the NE/4 of the SE/4 beginning at the SE corner of the NE/4 of the SE/4; thence North 125'; thence West 100'; thence South 125'; thence East 100' to the point of beginning; LESS the East 50' and LESS the South 35' for streets, Section 2, Township 19 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey.

NEW APPLICATIONS:

11340

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage and area requirements in an AG District to permit a lot-split; and, an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) request for permission to maintain mobile homes in an AG District. This property is located at 3000 North Sheridan Road.

Presentation:

Mr. Jones advised the Board that, on October 1, 1980, the TMAPC approved a lot-split (L-11340), subject to the approval of this Board.

Kathy Borchardt, attorney for the applicant, James McGehee, was present to address the Board and submitted the Minutes of the October 1 TMAPC action on Lot-Split L-11340 (Exhibit "G-1"), as well as a plot plan (Exhibit "G-2"). Ms. Borchardt advised that the request was for approval of the necessary variances to permit this as a nonconforming use of agricultural land.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split (L-11340); and, an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to maintain mobile homes in an AG District, per submitted Exhibits "G-1" and "G-2", on the following described property:

The N/2 of the E/2 of the NW/4 of the NW/4 of the SE/4 of Section 22, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

11341

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for permission to operate a children's day care home in an RS-3 District. This property is located at 2123 South 102nd East Avenue.

Presentation:

Deborah White, 2123 South 102nd East Avenue, was present to address the Board and submitted two letters of endorsement (Exhibits "H-1 and H-2"), a statement signed by three neighbors stating that there was no objection to her operation of a day care home (Exhibit "H-3"), and a photograph of the front yard of the residence (Exhibit "H-4"), depicting the driveway, which provides ample parking.

Protestants: None.

11341 (continued)

Board Comments:

Mr. Victor asked Ms. White if the driveway pictured in Exhibit "H-4") was a circular drive. Ms. White stated that it was, and that it provided parking for four automobiles.

Mrs. Purser asked Ms. White how many children her State license allowed her to care for. Ms. White advised that she was licensed to care for five children. Ms. White stated that she had only one child and cared for four others, thus meeting the requirement.

Mr. Lewis asked Ms. White if she was familiar with the Home Occupation Regulations. Ms. White replied that she was, and that she had no signs and had not changed the exterior appearance of the structure. Ms. White further advised that the children were not allowed to play in the front yard--only the back yard, which is fenced.

Board Action:

On MOTION of LEWIS and SECOND by WAIT, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day care home in an RS-3 District, subject to all Home Occupation Regulations and approval to run with this owner only, on the following described property:

Lot 15, Block 1, Charyl Lynn Acres Addition to the City of Tulsa, Oklahoma.

11342

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 875 square feet to permit the erection of a barn in an RS-3 District. This property is located at 4625 East 91st Street.

Presentation:

Mr. Jones advised the Board that the applicant, Dorothy Ann Donovan, had informed him that she would be in the hospital on this date and, therefore, requested a continuance until February 19, 1981.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by WAIT, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case Number 11342 until February 19, 1981.

11344

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS-3 District. This property is located on the SW corner of Oswego Avenue and Latimer Place.

Presentation:

Claudine McClendon, Kellyville, Oklahoma, was present to address the Board, advised the Board that she and her husband would like to move their mobile home onto a lot in Tulsa, which is 50' x 150', and has all the necessary utilities. Mrs. McClendon stated that the mobile home was 12' x 65' and had three bedrooms.

Board Comments:

Mr. Lewis asked if there were other mobile homes in the area. Mrs. McClendon replied that there were two or three in an area that is approximately two blocks from the subject property.

Protestants:

Joycetta Bark, 1133 North New Haven Avenue, stated that she felt that the value of the homes in the neighborhood would decrease if mobile homes were allowed to be maintained there.

Mr. Lewis asked Mrs. Bark if she knew of any mobile homes in the area, to which Mrs. Bark replied, "Not that I know of." Mr. Lewis then asked Mrs. Bark if she was familiar with the mobile homes that Mrs. McClendon had spoken of. Mrs. Bark stated that she and her husband had resided in the neighborhood for seven years and that she was not aware of them.

A. J. Bellis, 6023 South 72nd East Avenue, advised that he owned the residence at 1130 North New Haven Avenue and that his concerns were essentially the same as those voiced by Mrs. Bark -- depreciation of the property.

Applicant's Comments:

Mrs. McClendon stated that, as much as she would like to see the application approved, she would prefer not to move to a location where she and her husband would not be wanted. Mrs. McClendon advised that the location is to the liking of she and her husband because it is close to their church and their places of employment.

Board Comments:

Mr. Victor asked Mrs. McClendon if she and her husband had purchased the subject property. Mrs. McClendon advised that the lot was owned by Al Sweat and that Mr. Sweat had informed them that Board of Adjustment approval was required before the mobile home was placed on it.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District, on the following described property:

Lot 1, Block 5, Federal Heights Second Addition to the City of Tulsa, Oklahoma.

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 25' to 8' to permit the erection of a porte cochere. This property is located at 6007 South Irvington Avenue.

Presentation:

John Olson, 6007 South Irvington Avenue, was present to address the Board and submitted a plot plan (Exhibit "I-1"), a roof framing plan (Exhibit "I-2"), and front elevations (Exhibit "I-3"). Mr. Olson advised that the house, when originally laid out by the architect, was designed with the entry to the garage from the front, and the original owner decided that he would rather have entry from the side. Mr. Olson explained that the dimensions do not allow entry to the garage from the side and, further that he had a second automobile that was too large for the entry. Mr. Olson added that the driveway is located on the side property line and, therefore, no structure can be erected to the side.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Olson if there were other front roof lines in the neighborhood that extend out as far as the proposed porte cochere. Mr. Olson replied that he did not believe there were any that extended that distance. Mr. Lewis then asked Mr. Olson if he had consulted with his neighbors about the proposed carport. Mr. Olson advised that he had spoken with the neighbors, and that he had encountered no objection.

Mrs. Purser asked Mr. Olson if the carport would appear as if it was constructed with the rest of the house. Mr. Olson advised that every attempt to erect it as such was being made, but that there would be some variations largely due to the fact that if the original roof line of the house was followed, that would bring the roof down to the ground.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 8' to permit the erection of a porte cochere in concept, subject to final approval by the Board of a revised drawing which would better tie the roof line into that of the residence, on the following described property:

Lot 39, Block 12, Park Plaza Addition to the City of Tulsa, Tulsa County, Oklahoma.

Z-13346

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1213 - Convenience Goods and Services) request for an exception to permit Use Unit #13 - Convenience Goods and Services. This property is located on the southwest corner of 55th Place and Mingo Road.

Presentation:

Don Butterworth of Haas and Bauer, Inc., Realtors, representing the applicant, Harold W. Burlingame, was present to address the Board and submitted a plot plan (Exhibit "J-1"). Mr. Butterworth advised the Board that the subject tract of land measured 300' x 200' and the square footage of the proposed building was 2,400 square feet.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Gardner what the Staff concerns were regarding the close proximity of the proposed convenience store to the residences in the vicinity. Mr. Gardner replied that the Ordinance does not permit retail uses as a matter of right in industrial districts, but that there are some instances in which retail uses are acceptable and the Board has a right to approve those by exception. Mr. Gardner pointed out that in this particular industrial district the uses are primarily light industrial in nature and primarily 8 to 5 operations. There are single-family homes immediately south of the subject property. Mr. Gardner stated that it was his belief that the owners of these residential properties would be adversely affected by the proposed development, and such approval would lead to retail strip zoning in the future. Mr. Gardner pointed out that the subject lot has no access to Mingo Road, or 56th Street without amendments to the subdivision plat and zoning district.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to deny an Exception (Section 910 - Principal Uses in the Industrial Districts - Section 1213 - Convenience Goods and Services) to permit Use Unit #13 - Convenience Goods and Services, on the following described property:

Lot 29, Block 1, 5300 Commerce Park Addition to the City of Tulsa, Oklahoma.

11347

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements to permit the construction of an office building 40' from the right-of-way line of East Skelly Drive. This property is located on the south side of Skelly Drive, between Braden Street and 46th Street.

Presentation:

Don Wiechmann, of Prichard, Norman, & Wohlgemuth, was present on behalf of Charles Norman to address the Board and submitted a combination site plan/lobby plan (Exhibit "K-1"), a plot plan (Exhibit "K-2"), and a letter from Charles Norman addressed to the Board, dated January 19, 1981 (Exhibit "K-3"). Mr. Wiechmann advised the Board that a substantial drainage easement existed between the property line and the expressway, and therefore, the building encroachment would not affect the line of sight.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements to permit the construction of an office building 40' from the right-of-way line of East Skelly Drive, per plot plan, on the following described property:

All of Block 1 of Admiral Benbow Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS and EXCEPT that part of said Block 1 of Admiral Benbow Addition, more particularly described by metes and bounds as follows, to-wit: Beginning at the Northernmost corner of Block 1 of Admiral Benbow Addition, said corner (SW/c) of the intersection of the right-of-way lines of East Skelly Drive (I-44) and East 46th Street South; thence South 40°-51'-07" East along the Southerly right-of-way line of East 46th Street South a distance of 161.64' to the SW corner of the intersection of the right-of-way lines of East 46th Street South and South Darlington Avenue; thence South 49°-08'-53" West along the West right-of-way line of South Darlington Avenue a distance of 9.60' to a point of curve to the left; thence along said curve to the left having a central angle of 49°-03'-53" and a radius of 150' a distance of 128.45'; thence South 0°-05'-00" West a distance of 14.43' to a point of intersection of the West right-of-way line of South Darlington Avenue and the North line of the SW/4 of Section 27, Township 19 North, Range 13 East; thence South 0°-01'-54" East along said West right-of-way line of South Darlington Avenue a distance of 22.12'; thence South 49°-08'-53" West and parallel to the Southerly line of East Skelly Drive a distance of 159.77'; thence North 40°-51'-07" West and perpendicular to said Southerly right-of-way line a distance of 167.84' to a point of intersection with the North line of the SW/4 of Section 27, Township 19 North, Range 13 East; thence continuing North 40°-51'-07" West a distance of 73.16' to a point of intersection with the Southerly right-of-way line of East Skelly Drive (I-44); thence North 49°-08'-53" East along said Southerly right-of-way line a distance of 306.60' to the point of beginning, and containing 65,600.798 square feet or 1,506 acres, more or less.

11349

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Duplexes) request for permission to convert a residence into a duplex in an RS-3 District; and, a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements) request for a variance of the area requirements from 9,000 sq. ft. to 8,000 sq. ft. This property is located at 4745 East Ninth Street.

Presentation:

Bill Mecom, 4745 East Ninth Street, was present to address the Board, he advised that his plans had been destroyed in a fire on January 12, 1981. Mr. Mecom sketched his residence on the blackboard and attempted to explain to the Board members how he proposed to convert the structure into a duplex.

Discussion ensued as to proposed method of conversion between Board members and Mr. Mecom.

Protestants:

Mark Baldrige, 4746 East Eighth Street, advised the Board that he had objections to Mr. Mecom's proposed conversion and would like some time to get the neighborhood together and sign a protest petition. Mr. Baldrige stated that Turnlawn Heights Addition was a single-family residential neighborhood and did not wish to see apartments and duplexes encroach upon those single-family residences.

Board Comments:

Mrs. Purser asked Mr. Baldrige if there were any multifamily dwellings of any type in the Turnlawn Heights Subdivision. Mr. Baldrige advised that there were none to his knowledge.

Discussion ensued.

Board Action:

On MOTION of LEWIS and SECOND by WAIT, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case Number 11349 until February 5, 1981, in order for the applicant to return with a more detailed dimensional layout.

11350

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts); 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 lot coverage requirements from .500 to .545 in a commercial and office district. This property is located in the 8500 Block on East 61st Street.

Presentation:

Dennis Wood, 6436 South 87th East Avenue, was present to address the Board and submitted a plot plan (Exhibit "M-1"). Recalculation of the floor area ratio was figured and Mr. Gardner advised the Board members that, after deleting to outside stairwells and the passageway portion of the building which connected the offices, the floor area ratio came to .508.

1.22.81:327(15)

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office Districts); and, a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the floor area ratio requirements from .500 to .508 in a commercial and office district, per plot plan, thereby waiving the floor area of the two exterior stairway projections and the passageway portion (core) connecting the two buildings from the computation of the floor area ratio, on the following described property:

The West 290' of the following described property; LESS the North 50' of the West 290'.

A tract of land located in the N/2 of the NW/4 of Section 1, Township 18 North, Range 13 East, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Commencing at the Northwest corner of said Section; thence South 89°-56'-00" East along the North boundary of said Section 1, a distance of 1076.4' to the point of beginning; thence South 0°-3'-42" West a distance of 452.0'; thence South 89°-56'-00" East a distance of 537.76' to a point on the Westerly right-of-way of South 86th East Avenue; thence Northerly along the West right-of-way of South 86th East Avenue to a point on the North boundary of said N/2 of the NW/4; thence Westerly along the Northerly boundary of said N/2 of the NW/4 a distance of 492.77' to the point of beginning.

OTHER BUSINESS:

- Case No. 10930 - Request to Substitute Plot Plan:

Presentation:

Mr. Jones advised the Board members that this was a church that the University of Tulsa had purchased and moved to its present location.

J. W. Gentry, 7423 East Third Street, was present to address the Board and submitted a copy of the proposed substitute plot plan (Exhibit "N-1"). Mr. Gentry advised that he was a deacon and a trustee of the subject church, New Hope Primitive Baptist Church. Mr. Gentry further advised that when a building permit was applied for in order to build a 22' x 22' dining room, it was denied.

Ms. Miller advised the Board that the application for a building permit for the dining room was denied on the basis that the Board of Adjustment had approved a Variance on March 20, 1980, per plot plan and that the 22' x 22' dining room was not included on that approved plot plan.

Protestants: None.

Case No. 10930 (continued)

Board Comments:

Mrs. Purser asked if a large portion of the lot would not be taken up with the proposed dining room. Ms. Miller advised that a sufficient rear yard setback of 36' would be created.

Mrs. Purser asked Ms. Miller if the Building Inspector's Office would have had any objection to the substitute plot plan if the Board had not approved a Variance per plot plan previously. Ms. Miller advised that her Office would have had no objection to the substitution.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve the substitute plot plan submitted for Case No. 10930, on the following described property:

The S/2 of Lot 5, Block 9, Pleasant View Addition to the City of Tulsa, Tulsa County, Oklahoma.

- Interpretation: The Building Inspector Requests an Interpretation for Sale of Propane for Automobile Fuel.

Presentation:

John Sublett was present to address the Board and advised that he was requesting an interpretation from the Board that Use Unit #16 permit not only the retail sale of gasoline and diesel fuels, but also the retail sale of propane. Mr. Sublett briefly summarized for the Board the variety of uses of propane fuel. Mr. Sublett stated that there are several fleets of vehicles in the Tulsa area that have been converted for use of propane fuel and, further, that several of the outlying communities were considering the conversion of fleet vehicles for propane use. Mr. Sublett provided the Board members with several pieces of literature concerning propane fuel.

Mr. Gardner advised the Board that safety hazards appeared to be the major issue in making an interpretation and urged the Board to consider safety precautions when making an interpretation.

Board Comments:

Mr. Victor suggested that the Board, in addition, consider making an interpretation to include vehicular fuels rather than only propane, due to the fact that many other gases/fuels would be considered in the future for fuel uses (i.e., methane).

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to interpret Use Unit #16 to include all vehicular fuels, providing the quantities, location, and type of storage facilities meet the approval of the Fire Marshal.

- Interpretation from the Building Inspector as to whether an Electrical Generating Windmill is Accessory to a Residential use and Commercial Use.

The Board, without objection, continued this item of business to February 5, 1981, in order to allow for more time to receive information.

There being no further business to come before the Board, the Chair declared the meeting adjourned at 5:17 p.m.

Date Approved February 19, 1981

Harvey D. Purser
Chairman