

CITY BOARD OF ADJUSTMENT
MINUTES (No. 332)
Thursday, April 2, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman Smith Victor Wait	Lewis	Gardner Hubbard Jones	Jackere, Legal Department Miller, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, March 31, 1981, at 9:26 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

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 Minutes of March 5, 1981, (No. 330).

MINOR VARIANCES AND EXCEPTIONS:

11416

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 25' to 21'. This property is located at 6575 South Fulton Avenue.

Presentation:

Kenneth Klein, 6575 South Fulton Avenue, was present to address the Board and submitted a plat of survey (Exhibit "A-1"). Mr. Klein advised the Board that the residence was under construction and that he did not anticipate that the structure would be over the building line. Mr. Klein further advised that he did not believe that there was more than a 3-foot encroachment at any location on the lot and that he had spoken with the property owner to the south and that the owner did not object.

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 1630 - Minor Variances) of the front setback requirements from 25' to 21', per plat of survey, on the following described property:

Lot 3, Block 2, Warrenton South Addition, Tulsa County, Tulsa, Oklahoma.

11419

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 frontage requirements to permit a lot-split. (Proposes to split duplexes.) This property is located at 7711 and 7714 East 15th Court.

Presentation:

Mr. Jones advised the Board that the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-14145) on this property on March 18, 1981, subject to the approval of the Board of Adjustment.

The applicant was not present.

Protestants: None.

Remarks:

Mr. Gardner advised the Board that the purpose of the lot-split was to enable the sale of each side of an existing duplex together with the land on which it is located.

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 1630 - Minor Variances) of the frontage requirements to permit a lot-split (L-14145), on the following described property:

Lots 2 and 7, Block 1, Woodchuck Addition to the City of Tulsa, Tulsa County, Oklahoma.

11421

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 frontage requirements to permit a lot-split; and, a variance of the setback requirements to permit the splitting of duplexes. This property is located northwest of 60th Street and Rockford Avenue.

Presentation:

Mr. Jones advised the Board that the Tulsa Metropolitan Area Planning Commission approved lot-splits (L-15158 and L-15159) on this property on April 1, 1981, subject to the approval of the Board of Adjustment.

Protestants: None.

Remarks:

Mr. Gardner advised that this was the same type of application as that of Case No. 11419.

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 1630 - Minor Variances)

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of the frontage requirements to permit lot-splits (L-15158 and L-15159), and, a Variance of the setback requirements to permit the splitting of duplexes, on the following described property:

Lots 1, 2, 3, Block 1, Touche Villas South Addition to the City of Tulsa, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

10383

Action Requested:

Exception (Section 250.3 (a), (b), (d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) request for a modification of the screening requirements for the following reasons: (1) Where existing physical features provide visual separation of uses; (2) where an alternative screening will provide visual separation of uses; and, (3) where the purpose of the screening requirement cannot be achieved. This property is located south and west of 21st Street and Columbia Avenue.

Presentation:

Lynn Meyer was present to address the Board and advised that on April 1, 1981, the Tulsa Metropolitan Area Planning Commission had waived the 60' right-of-way to the plat, and that he would like to discuss the possibility of approval of a revised site plan to recapture the 10-foot of right-of-way.

Protestants: None.

Remarks:

Mr. Jackere advised that, since the notice did not advertise the request for approval of a revised site plan and since that request was not reflected on the posted agenda, there were two potential notice problems--the main problem being compliance with the Open Meeting Law.

Mr. Meyer explained that there were existing trees on the property which screened the site from the residential area to the south and stated that the lots to the south were extremely deep--approximately 330' deep. Mr. Meyer further explained that there was at least a 300-foot separation between the structures on the subject property and the residences. Mr. Meyer submitted to the Board two color photographs of the area (Exhibits "B-1" and "B-2"). Mr. Meyer addressed the issue of modifying the screening requirement where the purpose of the screening requirement cannot be achieved by stating that the residences were 8' to 10' higher than the proposed structure and that the topography at the property line was 20' lower than the finished floors of the residences. Therefore, Mr. Meyer explained, a screening fence would not serve any useful screening purpose. Mr. Meyer also advised that, in speaking with Charles Hardt, City Hydrologist, Mr. Hardt requested that an overland drainage be kept open at the southwest end and that a fence would block that overland drainage that is required by the City Hydrologist's Office.

Board Comments:

Mrs. Purser asked Mr. Meyer if he was asking for a waiver of the screening requirement only along the south property line. Mr. Meyer replied

10383 (continued)

that he was, and asked that he be allowed to use an alternate screening method in the form of pine trees instead.

Mr. Victor asked Mr. Meyer how large the pine trees would be when planted. Mr. Meyer advised that he had not given it much thought, but that they would probably be approximately 5' tall when planted.

Interested Party Comments:

Mrs. William Fell, 2643 East 22nd Street, stated that she liked the idea of screening by landscaping rather than by a fence and asked Mr. Meyer how far from her property line the pine trees would be planted. Mr. Meyer stated that a 10' separation would be provided from the property line to the road and that the trees would be planted in that 10' area. Mrs. Fell explained that a great deal of the existing vegetation consisted of wild grape vines and that they were entwining upward into utility service lines. Mrs. Fell stated that she would like to see them removed, but that they were on the subject property. Mr. Meyer advised that he would rid the property of the vines during construction.

Remarks:

Mr. Gardner advised the Board that, on March 5, 1981, the Board approved the balance of this application, subject to a subdivision plat, which requires review of the drainage. Mr. Gardner asked Mr. Meyer if he had drainage plans to be approved by the City Hydrologist's Office. Mr. Meyer stated that only preliminary drainage plans had been drawn up and reviewed by the Hydrology Department. Mr. Gardner asked if the site was small enough that drainage plans are not required. Mr. Meyer explained that the site was located in the 100-year floodplain designated area and a floodplain development permit will be required, along with an earth change permit. Mr. Gardner advised Mr. Meyer that an approved drainage plan would be required in order to obtain a drainage plan permit.

Mrs. Miller advised that all properties on which a new building or an expansion of a building is proposed requires drainage plan approval prior to the issuance of a building permit.

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 Number 10383 to April 16, 1981, in order to allow the applicant time to submit a revised site plan, a cross-section of the proposed landscaping plan, and any other plans necessary to determine how screening will be accomplished.

11369

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Agricultural Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) request for an exception to use the property for church use; and, an Exception (Section 310 - Principal Uses Permitted in Agricultural Districts - Section 1209-Mobile Home Dwelling - Under the Provisions of Section 1680) request for an exception to allow a motor home to be used as a watchman's quarters and office in conjunction with a church. This property is located in the 1500 Block of West 71st Street.

Presentation:

The applicant was not present. Mr. Jones advised the Board that this Case has been continued twice and that there had been no effort on the part of the applicant to appear before the Board after the first continuance. Mr. Jones further advised that the applicant has been contacted following the March 19th meeting and had been informed that the Board would take action on his application at this meeting.

Protestants:

W. R. Heath, 6905 South Union Avenue, stated that the motor home that had been on the property for a considerable length of time had been removed on March 31st, but that a truck trailer remained on the premises and has been there for approximately three years. In addition, Mr. Heath explained that the trash and building materials remained on the property. Mr. Heath advised that he had a concern over how the sewage generated from the proposed church would be accommodated, since there was no sewer system in the area and all residences were on septic systems. Mr. Heath stated that he had attempted, unsuccessfully, to have the materials and trash removed from the site by the Health Department.

Remarks:

Mr. Jackere advised that if the Board wished they could transmit a letter to the Mayor and Board of Commissioners advising them that the Health Department had been contacted in an attempt to have the materials and trash removed from the site, but all attempts had been unsuccessful to date.

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 an Exception (Section 310 - Principal Uses Permitted in Agricultural Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) to use the property for church use; and, an Exception (Section 310 - Principal Uses Permitted in Agricultural Districts - Section 1209 - Mobile Home Dwelling - Under the Provisions of Section 1680) to allow a motor home to be used as a watchman's quarters and office in conjunction with a church, without prejudicing the right of the applicant to refile with a plot plan, and to request the Legal Department to transmit a letter to the Health Department asking for their aid in ridding the property of building materials and trash, on the following described property:

The W/2 of the SE/4 of the SW/4 of the SW/4 of Section 2, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, LESS highway right-of-way and being more particularly described as follows, to-wit: Commencing at the Southwest corner of Section 2, Township 18 North, Range 12 East, Tulsa County, State of Oklahoma; thence South 89°-41'-56" East along the South line of Section 2 a distance of 663.96' to the Southwest corner of the W/2 of the SE/4 of the SW/4 of the SW/4 of Section 2; thence North 0°-01'-21" West along the West line of said W/2 of the SE/4 of the SW/4 of the SW/4 a distance of 24.75' to the Point of Beginning; thence continuing North 0°-01'-21" West a distance of 634.91'; thence South 89°-42'-02" East a distance of 331.85'; thence South 0°-02'-01" East a distance of 584.67' to a point 75' North of the South line of Section 2; thence North 89°-

11369 (continued)

41'-56" West and parallel with the South line of Section 2, a distance of 208.30'; thence South 45°-18'-04" West a distance of 71.06' to a point 24.75' North of the South line of Section 2; thence North 89°-41'-56" West a distance of 73.13' to the Point of Beginning, and containing 198,995.18 square feet, or 4.568 acres, more or less.

11383

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) request for a variance of the setback requirement to be changed from 25' to 20' & 4" to allow an addition to an existing building. This property is located at 6004 South Sheridan Road.

Presentation:

Harry Wallace, 2973 East 77th Street, was present to address the Board and submitted a plot plan (Exhibit "C-1"). Mr. Wallace advised that he proposed to construct an additional storage area to an existing Popeye's Chicken establishment on the subject property. Mr. Wallace explained that the proposed addition would occur within the confines of a planting bed on the north side of the existing building and would not restrict traffic flow in any manner.

Protestants: None.

Board Comments:

When asked by Mr. Victor if the proposed addition would be compatible with the existing structure, Mr. Wallace replied that it would. Mr. Victor then asked if the height of the proposed addition would equal that of the existing building. Mr. Wallace stated that it would.

Mr. Smith asked if Mr. Wallace intended to extend the addition on to the front of the building at any time. Mr. Wallace stated that he did not.

Mrs. Purser asked Mr. Wallace if he could not erect the addition behind the building and Mr. Wallace explained that construction on to the back of the structure would result in disruption of traffic flow in the rear of the property. Mr. Wallace further stated that all delivery trucks for the establishment serviced the structure from behind the building and that there would be no entrances on any portion of the addition--all servicing to the addition would be accomplished from the interior of the building.

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 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the setback requirement to be changed from 25' to 20' & 4" to allow an addition to an existing building, on the condition that the addition match the existing structure in building materials and height, and in accordance with the submitted plot plan, on the following described property:

11383 (continued)

Lot 27, Harter's Second Addition and Lot 2, Block 2, Voight
Addition; all to the City of Tulsa, Oklahoma.

error
**PARK PLAZA CENTER EXTENDED
L.3, B.1**

NEW APPLICATIONS:

11411

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680) request for an exception to permit sales and services of Toyota Forklift Trucks, FMC Sweepers, 2-wheel power hand trucks, dock plates, and related items. This property is located at 1707 North Lewis Avenue.

Presentation:

Charles Whitebook, attorney representing the owner of the building out of which this operation will be performed, was present to address the Board and submitted a photograph layout consisting of four color photographs of the immediate area (Exhibit "D-1"), as well as a plot plan (Exhibit "D-2"). Mr. Whitebook advised that directly across the street from the subject site was a shopping center in which there was an OTASCO store and service station dealing in and performing the same services as those requested. Mr. Whitebook stated that there would be no outside storage or work, no sales or storage of gasoline, and no changes or modifications to the building. Mr. Whitebook explained that the B. F. Goodrich operation which was presently located in the structure had been there since 1960 and had operated in almost identically the same manner with the same services.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680) to permit sales and services of Toyota Forklift Trucks, FMC Sweepers, 2-wheel power hand trucks, dock plates, and related items, per plot plan, on the condition that there be no outside work performed and that there be no outside storage of equipment other than the rolling stock, on the following described property:

Lots 487, 488 and 489; Block 38; Tulsa Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

11412

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Home Occupations - Under the Provisions of Section 1680) request for an exception to permit auto repair as a home occupation in an RM-1 District. This property is located at 574 East Ute Street.

11412 (continued)

Presentation:

Carlton Clardy, 574 East Ute Street, was present to address the Board and stated that he would like to perform light auto repair out of his home. Mrs. Clardy was also present. Mr. Clardy advised that he owned six additional lots surrounding the subject property, and stated that he would be working on no more than two cars a week.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Clardy how extensive the auto repair would be. Mr. Clardy stated that most work would be tune-up work, etc., and that there may be a transmission or engine pulled on occasion. Mr. Smith then stated that he was concerned over the possibility of the area taking on the appearance of a salvage operation in the event that dismantled cars are stored on the property. Mr. Clardy stated that he maintained almost immaculate property and that there was little chance that the property would take on a disheveled appearance.

When asked if there would be any other employees at the site, Mr. Clardy stated that he employed one other man only when the workload became heavy, but that he could operate without him if required by the Board.

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 420.1 - Home Occupations - Under the Provisions of Section 1680) to permit auto repair as a home occupation in an RM-1 District, to run with this owner only, on this lot only, subject to all home occupation rules, on the following described property:

Lot 6, Block 7, Meadowbrook Addition, City of Tulsa, Tulsa County, Oklahoma.

11413

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Special Exception Uses in Residential Districts, Requirements) request for an exception to permit the erection of two duplex dwellings; and, a Variance (Section 440.3 (c) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) request for a variance of the frontage requirements from 75' to 67.5' and 64.5' for a duplex; 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 setback requirements on a corner lot from 25' to 8' & 9". This property is located on the northeast corner of 55th Street and Quincy Avenue.

Presentation:

George Abdo, 2548 East 67th Street, was present to address the Board and submitted a site plan (Exhibit "E-1"). Mr. Abdo advised that he was proposing to erect two duplex dwellings with 2,100 square feet in each. Mr. Abdo stated that there were several duplexes on lots within a block to the east of the subject property, as well as four-plexes or

11413 (continued)

six-plexes in the area. In addition, Mr. Abdo stated that a church owned the majority of the property across the street to the west and to the north was a residence. Brief discussion ensued as to the 8' & 9" setback requested.

Protestants:

Mrs. Harry Letzkus, 5505 South Quincy, stated that she and her husband owned the duplex to the south of the subject property and that there was one blind corner in existence due to the screening fence on the property of the Evangelistic Temple. Mrs. Letzkus also stated that she did not wish to see two duplexes erected on the subject lot.

Applicant's Comments:

Mr. Abdo advised that the lot would be split and each lot would have 9,000 square feet, thus meeting the requirement for a duplex.

Board Comments:

Mr. Smith voiced his concern over the proposed duplexes giving the lot the appearance of being overcrowded. Mrs. Purser concurred with Mr. Smith's concerns and, in addition, stated that she was concerned over the close proximity to the street the duplexes would be.

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 440.3 - Special Exception Uses in Residential Districts, Requirements) to permit the erection of two duplex dwellings; and, a Variance (Section 440.3 (c) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 75' to 67.5' and 64.5' for a duplex; and, a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 25' to 8' & 9", on the following described property:

Lot 10, Block 2, Nichols Subdivision to the City of Tulsa, Okla.

11414

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements on corner lots from 25' to 15' in an RS-3 District. This property is located to the south and west of 91st Street and Mingo Road.

Presentation:

Jack Cox, 1323 South Baltimore, representing the property owner, Clem Rinkemeyer, was present to address the Board and submitted a plat (Exhibit "F-1"). Mr. Cox advised the Board that he was requesting a variance of the setback requirements from 25' to 15' on certain corner lots of the Woodland Glen Fourth Addition.

Protestants: None.

11414 (continued)

Board Comments:

Mrs. Purser asked Mr. Cox if all of the 15' setbacks requested would become side yards of residences. Mr. Cox stated that they would and that it would be stated in the covenant that garages on the side yards must be set back a minimum of 20' from the property line.

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 setback requirements on corner lots from 25' to 15' in an RS-3 District, in accordance with the final plat of Woodland Glen Fourth, to apply to the following properties: Block 1, Lot 4, Block 2, Lots 1 and 10; Block 3, Lot 4; Block 4, Lots 1 and 9; Block 5, Lot 37; Block 6, Lots 1, 5, 16, 19, 20, 26, 27, and 32; Block 7, Lots 11, 16, and 27; Block 8, Lots 1, 10, 11 and 21; Block 9, Lots 14, 15, and 31; Block 10, Lots 1, 19, 20 and 30; Block 11, Lots 16, 17, and 35; Block 12, Lots 4, 5, 14, 15, and 25; and, Block 13, Lot 1, of Woodland Glen Fourth Addition, to the City of Tulsa, Tulsa County, Oklahoma.

11415

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1206 - Single Family Dwellings - Under the Provisions of Section 1680) request for an exception to permit a residence in a CH District. This property is located at 6155 East Admiral Place.

Presentation:

Joe Robson, P. O. Box 3224, was present to address the Board and advised that the owners of the subject property were residing in an existing residence on Lot 9, were selling that property and buying Lot 7, and wished to move the existing structure to Lot 7. Mr. Robson indicated on an Atlas Map what would occur on the pieces of property and submitted that as a plot plan to the Board (Exhibit "G-1").

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1206 - Single family Dwellings - Under the Provisions of Section 1680) to permit a residence in a CH District, per plot plan, on the following described property:

Lot 7, LESS the South 150' of the West 50', Block 2, Greenlawn Addition to the City of Tulsa, Oklahoma.

11417

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Home Occupations - Under the Provisions of Section 1680) request for an exception to permit a home occupation, hand-painted and printed signs, in an RS-3 District. This property is located at 3144 West Easton Place.

Presentation:

Joe Dunegan, 3144 West Easton Place, was present to address the Board and advised that this would be a proof-press operation and that there would be no electrical signs made--only metal magnetics and postor board signs. Mr. Dunegan stated that the largest sign that could be made would measure 28" x 44".

Protestants: None.

Board Comments:

Mr. Wait asked Mr. Dunegan if any roller or spray paint equipment would be used. Mr. Dunegan advised that he would be using a brayer for the signs rather than roller or spray equipment.

Mr. Smith asked Mr. Dunegan what was located to either side of his property. Mr. Dunegan replied that there were residences on either side and that the neighbors had no objections.

Brief discussion ensued as to whether or not a magnetic sign would be permitted on Mr. Dunegan's truck or whether or not a sign outside of the neighborhood would be permitted. It was determined that a magnetic sign attached to Mr. Dunegan's truck could be used outside of the neighborhood, but would have to be removed when the truck was parked in the driveway of the subject property. It was also determined that a Yellow Page advertisement could be used, but a sign directing traffic into the neighborhood would be defeating the purpose of retaining a neighborhood-like appearance.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Home Occupations - Under the Provisions of Section 1680) to permit a home occupation, hand-painted and printed signs, in an RS-3 Districts, subject to all Home Occupation regulations and to run with this owner only, on the following described property:

Lot 2, Block 5, Easton Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

11418

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680) request for permission to permit a heliport in an RS-3 District. This property is located on the NE corner of 21st Street and Utica Avenue.

4.2.81:332(11)

11418 (continued)

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board and submitted a combination site and lighting plan (Exhibit "H-1"). Mr. Norman advised that the heliport was in existence and would be used for air ambulance service. Mr. Norman further advised that the heliport was situated on the south side of the new north tower and on the east side of the new main lobby entrance, thus isolating it from the Utica Bank Building and the neighborhood to the north. Mr. Norman stated that the heliport had been approved by the Federal Aviation Administration for air ambulance service and is limited to the operating conditions imposed by the FAA.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680) to permit a heliport in an RS-3 District, per plot plan, on the following described property:

A tract of land located in the SW/4, SW/4, SE/4 of Section 7, Township 19 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the SW corner of the SW/4, SW/4, SE/4 of Section 7; thence East 300'; thence North 300' to a point of beginning; thence West 60'; thence North 60'; thence East 60'; thence South 60' to the point of beginning.

11420

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit multifamily use in a CS District; and, an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) request for a modification of the screening requirements; and, a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1670 - Variances) request for a variance to permit more than 40 units on one lot; 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 setback requirements. This property is located south and east of 31st Street and 145th East Avenue.

Presentation:

Mr. Jones submitted to the Board a letter from Roy Johnson (Exhibit "I-1") stating that he had withdrawn from this Case, a letter from William Jones, the new attorney in the Case (Exhibit "I-2"), and a letter from the applicant, Russell Barnett, requesting a continuance of Case Number 11420 (Exhibit "I-3"). Mr. Jones advised that the applicant was uncertain as to when the Case would be ready to present, and that he would republish the Case when the application was ready for presentation to the Board.

Protestants: None.

11420 (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 table Case Number 11420 until such time that the applicant is ready to proceed with the application.

11423

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for an exception to permit a mobile home in an RM-1 District. This property is located at 435 North Quaker Avenue.

Presentation:

Joseph Neville, representing the applicant, Randel Mason, was present to address the Board and advised that he was requesting to locate a mobile home on the subject property until such time that a decision is made on whether to rebuild where a residence had burned. Mr. Neville further advised that there were no other mobile homes in the area that he was aware of, but that there was a fenced piece of property across the street which contained parked cars, which appeared to be either cars to be worked on or junk cars.

Protestants:

Doyle Deschamp, 736 North Quincy Avenue, stated that his property was across the alley and that Mr. Mason's residence had burned approximately five years previously and that the City had cleaned up the property on several occasions. Mr. Deschamp further stated that there was a structure on the property which was "loaded to the attic with everything you can imagine." Mr. Deschamp advised that the windows had been boarded up once at the request of the City, but the boards had since been removed. Mr. Deschamp stated that the condition of the property had steadily deteriorated since the residence burned and that he did not feel that a mobile home would enhance the appearance of the property in any way, especially since Mr. Mason has continued to let the property deteriorate.

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

Lots 25 and 26, Block 11, Capitol Hill Addition to the City of Tulsa, Oklahoma.

11424

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 95' to 59' from the centerline of Lynn Lane; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services,

11424 (continued)

Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Special Exceptions) request an exception to permit a church in an RS-1 District. This property is located at 17717 East 12th Street.

Presentation:

Dr. Dalton Young, representing Lynn Lane Baptist Church, was present to address the Board and submitted a set of detailed plans (Exhibit "J-1"). Dr. Young advised that the Church was in existence and that an additional building had been built in 1965 which the Church was proposing to add on to.

Remarks:

Mrs. Miller explained that she had asked Dr. Young to appear before the Board to clear up any problems that he might have on the property or any future expansions that might be anticipated.

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 setback requirements from 95' to 59' from the centerline of Lynn Lane; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Special Exceptions) to permit a church in an RS-1 District, per plot plan, on the following described property:

Lots 1 thru 10, Block 4, Lynn Lane Drive Addition to the City of Tulsa, Oklahoma.

11425

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 35' to 18.5' to permit an addition to the existing residence. This property is located at 10441 South Knoxville Avenue.

Presentation:

Larry Stone, 10441 South Knoxville Avenue, was present to address the Board and submitted a plot plan depicting the proposed addition (Exhibit "K-1"). Mr. Stone advised that when he purchased the residence, the structure was apparently already built over the 8' setback requirement and that he wished to add on to the front of the residence a master bedroom and garage. Mr. Stone further advised that he had spoken with his neighbors and that there were no objections.

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

11425

Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 35' to 18.5' to permit an addition to the existing residence, per plot plan, on the following described property:

Lot 2, Block 3, Council Oak Estates Addition to the City of Tulsa, Oklahoma.

11427

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1679) request for a variance to permit duplex (townhouse) type use in an RM-2 District that does not meet the frontage and area requirements. This property is located south and west of 58th Street and Quincy Avenue.

Presentation:

Don Fitzwater, 7868 East 59th Street South, was present to address the Board and explained that, until a zoning classification is cleared up, this would be a technical matter which all applicants for townhouses in RM-2 Districts would need to appear before the Board. According to the Zoning Code a townhouse must have 3 attached units to qualify, not just two units.

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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1679) to permit duplex (townhouse) type use in an RM-2 District that does not meet the duplex frontage and area requirements for conventional duplexes, but does meet frontage requirements for townhouses, on the following described property:

Baystone Addition, to the City of Tulsa, Tulsa County, Oklahoma.

11431

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts- Under the Provisions of Section 1670) request for a variance of the setback requirements from an R District from 75' to 55.2' in an IL District. This property is located southwest of 55th Place and Mingo Road.

Presentation:

Mr. Jones advised the Board that, on May 19, 1981, the Board of Adjustment denied a variance of the setback requirements from an R District from 75' to 27.2' on this same property (Case Number 11391).

Bruce Downer, 3740 East 39th Place, representing A-Max Sign Company, was present to address the Board and submitted a plot plan (Exhibit "L-1"). Mr. Downer advised that he had done some research and discovered that, on May 4, 1978, the Board had granted a variance of the setback requirements from 75' to 50' from an R District on Lot 29, Block 1, 5300 Commerce

11431 (continued)

Park Addition (Case Number 9954) and proceeded to list the similarities of that application and this Case.

Protestants: None.

Board Comments:

Mr. Smith pointed out that the differences in the two lots was that the subject lot (Lot 27) backed up to a residential area and Lot 29, was far enough removed from a residential neighborhood to allow for its approval.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 2-2-0 (Victor, Wait, "aye"; Purser, Smith, "nay"; no "abstentions"; Lewis "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from an R District from 75' to 55.2' in an IL District, per plot plan. The motion failed due to the fact that there were not three affirmative votes.

OTHER BUSINESS:

11008 - Request to Amend the Legal Description and Substitute a Plot Plan.

Presentation:

Mr. Jones advised that the Board had received a request to amend the legal description and to substitute a plot plan for Case Number 11008.

Remarks:

Mr. Jackere asked if the new legal description would involve sending notice to persons other than those who had received it before.

Mrs. Miller explained that the amended legal description would consist of an additional 22' which would provide for adequate parking only, and not for extension of the building that is on the lot. It was determined by the Board that the applicant would not have to readvertise or refile for the amended legal description or substitution of the plot plan.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the amended legal description and to substitute the plot plan for Case Number 11008.

There being no further business to come before the Board, the Chair adjourned the meeting at 4:08 p.m.

Date Approved

May 14, 1981

Jackery J. Purser
Chairman