

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 333
Thursday, April 16, 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, April 14, 1981, at 10:15 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

There were no minutes ready for approval.

Mr. Jones requested a clarification by the Board in regard to the Minutes of April 26, 1979 for Case Number 10427 located at 3302 East 56th Place (B). Mr. Jones advised that the Board had approved the application for a period of two years only and that the applicant wished to know if another application would need to be filed or if the Board wanted only to review the initial application.

Mr. Jackere advised that if the Board grants approval for a specific period of time, then that approved use must cease at the end of the period of time, and that the applicant would need to reappear before the Board with a new application.

The Chair, without objection, directed Mr. Jones to notify the applicant that a new application must be filed.

MINOR VARIANCES AND EXCEPTIONS:

11435

Action Requested:

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance for a sign from 60' to 54' from the centerline of East 41st Street. This property is located at 6301 East 41st Street.

Presentation:

Ray Toraby, President of Craig Neon Sign Company, 4939 East Admiral Place, was present to address the Board on the behalf of Jimmie Johnson, the owner of the subject property. Mr. Toraby advised that the size of the sign had been changed since the application had been filed and that the new sign would overhang 3' less than the original sign, making the setback 57' rather than 54'. Mr. Toraby submitted to the Board a plot plan (Exhibit "A-1"), a copy of an application for a sign permit (Exhibit "A-2"), and a copy of the City Atlas Map depicting the location of the proposed sign (Exhibit "A-3").

11435 (continued)

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 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a sign from 60' to 57' from the centerline of East 41st Street, subject to a removal contract, on the following described property:

That part of the South 16 acres of the SE/4 of the SE/4 of Section 22, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, lying Southerly of the South Right-of-Way line of Interstate Highway #44 and west of a line which line begins at a point on the South Section line of said Section 22, 932.39' West of the SE corner of said Section; thence running North and parallel to the East line of said Section 22, to the point where said line intersects with the South boundary line of said Interstate Highway #44.

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:

Mr. Jones advised the Board members that this Case had been continued from the April 2 meeting, in order to allow for submission of a substitute plot plan, landscape plans, or any additional information that would aid the Board in making its decision.

Lynn Meyer, 5359 South Sheridan Road, was present to address the Board and submitted a revised site plan (Exhibit "B-1") and a drainage and grading plan (Exhibit "B-2") depicting the area to be landscaped. Mr. Meyer advised that the modification of the screening requirement was being requested largely due to the fact that the residential area to the south of the property was located approximately 300' from the proposed structure and, further, that there was a topography change on the property, as well as a considerable amount of vegetation. Mr. Meyer stated that he was proposing to screen the property on the south in the form of additional trees and stated that these would be pine trees with a beginning height of 5' to 6' and a full-grown height of 30' to 35'.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser,

10383 (continued)

Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions) for a modification of the screening requirements in accordance with the landscape plan and substitute plot plan submitted, on the following described property:

Lot 27, Harter's Second Addition and Lot 2, Block 2, Voight Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plats thereof.

NEW APPLICATIONS:

11422

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 420.1 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to permit the operation of a resale shop as a home occupation in an RS-3 District. This property is located at 1202 East 33rd Street.

Presentation:

H. L. McCoggons, 2976 East 45th Place, was present to address the Board in the capacity of owner of the subject property. Mr. McCoggons advised that the property was located at the end of a cul-de-sac and was isolated on the north and west by a creek running through that particular section of Brookside. Mr. McCoggons further advised that the only other dwellings in existence on this dead-end street were two houses, two garage apartments, and one duplex dwelling. Mr. McCoggons stated that the house on the subject property has six rooms and two bathrooms on the ground floor and five rooms and a bathroom on a basement level. Mr. McCoggons explained that the ground floor area had been converted into an apartment and that a couple resided there and, further, that he (Mr. McCoggons) and his wife had moved the stock of an antique shop into the basement level and had been showing and selling on a low-key basis since approximately mid-December, 1980. Mr. McCoggons advised that his wife was at the property about three days a week, from 10:00 a.m. to 5:00 p.m., and occasionally by appointment, and that most customers have been people for whom he and his wife shop for particular items requested. Mr. McCoggons stated that there were normally just two cars parked in the driveway during the business hours. Mr. McCoggons also advised that it was his intention to use the residence as a home for he and his wife in the future, with the antique business remaining.

Remarks:

It was determined that Mr. McCoggons would need a variance for the home occupation due to the fact that he did not reside at the location, and that the Board could not find a hardship needed to approve a variance.

Protestants:

Louise Potter, 1214 East 33rd Street, stated that the neighborhood was zoned residential and that she did not wish to see a business of any type in the area.

11422 (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 deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) to permit the operation of a re-sale shop as a home occupation in an RS-3 District, on the following described property:

Lot 4, Block 5, Brookside Amended Addition to the City of Tulsa, Tulsa County, Oklahoma.

11426

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to permit the operation of a beauty shop as a home occupation in an RS-3 District. This property is located at 12308 East 18th Street.

Presentation:

Nancy Batchelor, 12308 East 18th Street, was present to address the Board and stated that she was a licensed beautician and wished to operate a business out of her home. Ms. Batchelor advised that there would be no other employees, no changes in the exterior appearance of the home, and no signs other than her license which would be displayed inside the home. Ms. Batchelor further advised that since she would be the only operator, there would only be a maximum of three customers at any one time and that they would park in the double-wide driveway. Ms. Batchelor stated that her working hours would be Monday through Saturday, by appointment only.

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 420.1 - Home Occupations - Under the Provisions of Section 1680 - Special Exceptions) to permit the operation of a beauty shop as a home occupation in an RS-3 District, subject to all Home Occupation regulations, six days a week, to run with this owner only, on the following described property:

Lot 24, Block 1, Stacey Lynn Fourth Addition, City of Tulsa, Tulsa County, Oklahoma.

11428

Action Requested:

Exception (Section 250.3 (d) - Modification of Screening Wall or Fence Requirements - Under the Provisions of Section 1670) request for an exception to remove the screening requirements where the purposes of the screening requirement cannot be achieved. This property is located at 623 South Peoria Avenue.

11428 (continued)

Presentation:

Carlos Cornwell, 623 South Peoria Avenue, was present to address the Board and submitted a photograph of the parking area behind a new addition to his business (Exhibit "C-1"). Mr. Cornwell advised that the Board had approved this addition, subject to the screening at the back along the alley. Mr. Cornwell explained that screening the building would not only prohibit parking in the area provided behind the addition, but would also create a problem for tenants residing in the apartment complex that back out into the alley from their parking spaces in that the tenants would run into the screening fence.

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 250.3 (d) - Modification of Screening Wall or Fence Requirements - Under the Provisions of Section 1670) request for an exception to remove the screening requirements where the purposes of the screening requirement cannot be achieved, on the following described property:

Lot 18, Block 1, East Lynn Addition to the City of Tulsa, Tulsa County, Oklahoma.

11429

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the front setback requirements from 25' to 15' to permit the erection of a porte cochere. This property is located at 6665 East 60th Place South.

Presentation:

Jim Parker, representing Mr. and Mrs. Kenneth Hagin, 71st and Kenosha, Broken Arrow, Oklahoma, was present to address the Board and submitted a plot plan (Exhibit "D-1") of the proposed porte cochere. Mr. Parker advised that the porte cochere would be primarily for parking. Mr. Jones submitted to the Board a letter from Mr. and Mrs. David W. Bryant, 6677 East 60th Place, stating that they had no objection to the proposed porte cochere (Exhibit "D-2").

Interested Party Comments:

Harrison E. Shipman, 6659 East 60th Place, advised the Board that he was only interested in viewing the plot plan and, upon doing so, had 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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 25' to 15' to permit the erection of a porte cochere, per plot plan, on the following described property:

Lot 4, Block 1, Executive Estates Addition, to the City of Tulsa, Tulsa County, Oklahoma.

11430

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts- Section 1218 - Drive-In Restaurant - Under the Provisions of Section 1680) request for an exception to permit a drive-in restaurant in an IL District. This property is located on the northeast corner of 46th Place and South Mingo Road.

Presentation:

Robert Waller, 9960 South Quebec Avenue, was present to address the Board and submitted a plot plan (Exhibit "E-1"). Mr. Waller advised that there was a mixture of commercial and industrial in this particular area.

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 910 - Principal Uses Permitted in Industrial Districts - Section 1218 - Drive-In Restaurant - Under the Provisions of Section 1680) to permit a drive-in restaurant in an IL District, per plot plan, on the following described property:

Lots 3-12, Block 8, Alsuma Addition, to the City of Tulsa, Tulsa County, Oklahoma.

11432

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from an O District from 75' to 0'; and, an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) request for a modification of the screening requirements where the purpose of the screening cannot be achieved. This property is located in the 1200 Block of North Gary Place.

Presentation:

Dave Bagley, Fourth National Bank Building, was present to address the Board in the capacity of attorney for the Hinderliter Energy Equipment Corporation, owner of the subject property, and submitted a plot plan (Exhibit "F-1"), as well as a layout of the property owned by the Hinderliter Corporation which depicted in color outline the various zoning of same property (Exhibit "F-2"). Mr. Bagley explained that the Hinderliter Corporation was seeking approval of a variance for the purpose of expansion in the form of a small covered loading dock which is presently under construction, and asked that the Board accept the ownership by Hinderliter of the surrounding property as a hardship. In addition, Mr. Bagley explained that the exception to the screening requirements was being requested for basically the same reason--that Hinderliter owned the surrounding property and a small RS-3 zoned piece of property that was owned by the Corporation, was used mainly as a buffer and not for residential purposes.

Protestants: None.

11432 (continued)

Board Comments:

Mrs. Purser asked Mr. Bagley if the houses on Gary Place faced the property owned by Hinderliter. Mr. Bagley advised that they did.

Mrs. Purser stated that she did not have any problem with modification of the screening requirements on the subject property, but would have a concern about that modification if Block 6 underwent further development in the future.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from an O District from 75' to 0'; and, an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements, subject to the applicant returning to the Board at such time that further development of Block 6 is proposed in order to again review screening requirements, on the following described property:

All that part of the NE/4, NE/4 and the N/2, N/2, SE/4, SE/4 of Section 32, Township 20 North, Range 13 East, Tulsa County, Oklahoma, lying South of the St. Louis and Santa Fe Railway, EXCEPT a tract 160' North and South and 286.5' East and West lying in the SE corner; and, ALL of Tract 6, Tulsa Garden Acres Addition to the City of Tulsa, Oklahoma, EXCEPT the South 5' and the East 5' of the South 94.85' of Tract 6.

11433

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Under the Provisions of Section 1680) request for an exception to permit a duplex in an RS-3 District; and, a Variance (Section 440.3 (a, b, c, d))- Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) request for a variance of the frontage requirements from 75' to 50'; and, a Variance of the 9,000 square feet of lot area to 6,700 square feet of lot area for a duplex. This property is located in the 1400 Block on East 21st Street.

Presentation:

John McQuade, representing the applicant, Cheryl Temple, was present to address the Board and advised that he was aware that the neighborhood was primarily a single family dwelling residential area, but stated that within the area there were many rental and duplex dwellings--both single family and multifamily. Mr. McQuade stated that the proposed duplex would be constructed with a Georgetown look which would be compatible with the area, but could not prove a hardship required with a request for a variance. Mr. McQuade presented plans of the proposed duplex, as well as elevations.

Remarks:

Mr. Jackere asked Mr. McQuade if he had inquired as to the feasibility of obtaining a lot-split approval since it is the intention to sell each side separately. Mr. McQuade replied that he had not.

11433 (continued)

Protestants:

Steve Clark, 1408 East 20th Street, President of Swan Lake Homeowners' Association, stated that he, the Association, and several other residents in the area were opposed to the request for several reasons. Mr. Clark advised that the inevitable detrimental impact which would result from higher density housing encroaching into a neighborhood which is primarily single family residential was one of the factors in opposing the application. Mr. Clark further advised that the second and primary objection to the application was that the applicant had failed to satisfy those requirements that are set forth in the Zoning Code (i.e., failing to prove a hardship).

Mrs. Harold Mullenax, 1507 East 21st Street, stated that she and her husband had lived at that location for twenty years and, to her knowledge, there were no rental dwellings along 21st Street between Peoria and Utica Avenues, with the exception of possibly two homes that are leased. Mrs. Mullenax further advised that she had spoken with the residents on 21st Street between Peoria and Utica Avenues and that all of those with whom she spoke were opposed to the application.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680) to permit a duplex in an RS-3 District; and, a Variance (Section 440.3 (a, b, c, d)) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the frontage requirements from 75' to 50'; and, a Variance of the 9,000 square feet of lot area to 6,700 square feet of lot area for a duplex, on the following described property:

Lot 9, Burns Subdivision of Lots 5 and 6, Block 28, Park Place Addition to the City of Tulsa, Tulsa County, Oklahoma.

11434

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements of the front from 100' to 65' from the centerline of Apache Street; and, a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1227 - Heavy Manufacturing and Industry - Under the Provisions of Section 1670) request for a variance to permit a salvage yard in an IL District. This property is located at 851 East Apache Street.

Presentation:

P. T. Rentie, 502 East Tecumseh Avenue, was present to address the Board and submitted a plot plan (Exhibit "G-1"), a copy of an Application for Floodplain Development Permit (Exhibit "G-2"), and a copy of an aerial photograph of the subject property (Exhibit "G-3"). Mr. Rentie advised that what he was operating was not exactly a salvage yard due to the fact that he repaired old cars by removing operable parts from one car and using those parts to make other cars operable. Once that task is performed and an old car is no longer usable, Mr. Rentie explained that it was hauled away to a salvage yard or junk yard.

4.16.81:333(8)

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Rentie if, once the proposed building was constructed, all work could be performed on the interior and all parts could be stored inside. Mr. Rentie stated that there would be some cars parked on the exterior of the building while awaiting the work to be performed on them, but only until the parts are salvaged, at which time the cars will be hauled off. Mrs. Purser asked Mr. Rentie if those cars would be wrecked automobiles. Mr. Rentie replied that they would be. Mrs. Purser advised Mr. Rentie that it would then be considered a salvage operation. Mrs. Purser then asked Mr. Rentie if the construction for the proposed building had commenced. Mr. Rentie stated that it had not, but that the money had been borrowed for the construction. Mrs. Purser asked why the building would have to be constructed so close to the street. Mr. Jones responded to Mrs. Purser's question by advising that the rear of the property was in a flood zone.

Mrs. Purser asked Mr. Rentie to describe the surrounding area. Mr. Rentie stated that there was a construction company with outside equipment storage across the street, and to the north was a rubber tire manufacturing company. Mr. Jones directed the attention of the Board members to the aerial photograph provided to view the surrounding property.

Mr. Smith advised that he had viewed the property earlier in the day and stated that there was a considerable amount of "junk" on the property, as well as quite a number of cars. Mr. Rentie stated that the cars were hauled off twice a week, and that presently there were approximately three cars on the lot and stated that the property would have to be cleaned up considerably in order for construction of the building to occur.

Mrs. Purser asked how large the proposed building would be. Mr. Rentie stated that the building would be a metal 50' x 75' building, and stated that 90% of the building was laying out on the property which Mr. Smith had referred to as "junk." Mr. Smith pointed out that there was a boxcar on the property. Mr. Rentie stated that the boxcar would be removed because it had been sold.

Discussion ensued as to consideration of conditions which could be included in the approval.

Mrs. Purser asked Mr. Rentie if the parking lot on the property was used for the wrecked cars. Mr. Rentie stated that the parking lot was a requirement for employees and customers. Mrs. Purser asked how many employees Mr. Rentie had, and he replied that just he and his son were employed. Mrs. Purser then asked Mr. Rentie if he plans to expand in terms of additional employees. Mr. Rentie stated that he did not.

Mr. Wait asked Mr. Rentie the maximum number of wrecked automobiles he anticipated having parked outside on the property at any one time. Mr. Rentie advised that he did not believe he would have more than ten at any one time.

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")

11434 (continued)

to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements of the front from 100' to 65' from the centerline of Apache Street; and, a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1227 - Heavy Manufacturing and Industry- Under the Provisions of Section 1670) to permit a salvage yard in an IL District, subject to the following conditions: (1) There shall be no more than ten (10) salvage-type automobiles stored on the property at any given time; (2) that the storage of those salvage-type automobiles be done in a neat and orderly fashion so as not to present an unsightly appearance; (3) that the boxcar salvage operations cease and not be permissible on this property; and, (4) that salvage-type automobiles be parked behind the front building line and that none be in the front of the building, on the following described property:

A tract of land located in the SE/4, SW/4, SE/4 of Section 24, Township 20 North, Range 12 East, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point on the West line of the Midland Valley Railroad Right-of-Way line and the Southerly line of Section 24; thence West 105'; thence Northerly and parallel with the Railroad Right-of-Way a distance of 205'; thence East 105' to the Railroad Right-of-Way; thence Southerly 205' to the point of beginning.

NOTE:

Mrs. Miller stated for the record that Mr. Rentie would need to make a new application for a building permit, inasmuch as he applied over a year ago and plans are no longer on file in the Building Inspector's Office.

11436

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office District- Under the Provisions of Section 1670) request for an exception of the lot coverage limitations from 25% to 29% on Lot 2; 38% on Lot 3, 32% on Lot 4; 34% on Lot 5; 34% on Lot 6, 32% on Lot 7. This property is located on the southeast corner of 71st Street and Trenton Avenue.

Presentation:

Gary VanFossen, representing the owners of the property in the capacity of an architect, was present to address the Board and submitted a plot plan of the subject property (Exhibit "H-1"), a Phase One plot plan of the proposed development (Exhibit "H-2"), and a table consisting of calculated figures on Lots 1 through 7 for Phase One and Phase Two of the development (Exhibit "H-3"). Mr. VanFossen explained that the development involves one tract of land which is being divided up into seven lots, thus giving permission for sale as condominiums if desired at some point. Mr. VanFossen advised that it would be developed as one concept or two phases. Mr. VanFossen further advised that the Joe Creek area abutts the property abutts the property on the east, duplexes abutt the property on the south, and apartments abutt the property across the street on both Trenton Avenue and 71st Street. Mr. VanFossen stated that the project would be a one-story office concept with all buildings being of a similar nature.

Protestants: None.

11436 (continued)

Board Comments:

Mr. Victor asked Mr. VanFossen if there were plans to landscape the area in any way. Mr. VanFossen advised that there were plans to do that and proceeded to point the areas to be landscaped to the Board members on the exhibited plans.

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 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670) of the lot coverage limitations from 25% to 29% on Lot 2; 38% on Lot 3; 32% on Lot 4; 34% on Lot 5; 34% on Lot 6; and 32% on Lot 7, per plans submitted on the following described property:

Lots 2 through 7 inclusive, Block 1, of the proposed plat of Cambridge Place, a resubdivision of Block 2 of "Blocks 1 and 2, Kensington II" an addition to the City of Tulsa, Tulsa County, Oklahoma.

11437

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office District-Section 1211 - Offices and Studios - Under the Provisions of Section 1670) request for a variance of the front setback requirements from 110' to 85' from the centerline of 21st Street; and, an Exception (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1680) request for an exception of the floor area requirements from .25 to .31. This property is located at 2442 East 21st Street.

Presentation:

Richard Geren, representing the property owner, Fore Properties, was present to address the Board in the capacity of legal representative and partner. Mr. Geren submitted a site plan consisting of building detail and north and east elevations (Exhibit "I-1"). Mr. Geren advised that the portion of the application requesting a variance of the front setback requirements dealt with an addition to an existing structure, which would extend 8' out from the existing front setback. Mr. Geren further advised that there was more than adequate parking space and that landscaping would occur. Mr. Geren stated that the building would be of the Cape Cod-type construction.

Protestants: None.

Interested Party Comments:

Jim Hurley, legal representative for Texaco, 2421 East 21st Street, stated that Texaco had no objection to the application. Mr. Hurley advised that Texaco originally had two concerns about the application--one being an overhang from the roof of the proposed addition, and the other being dedication of property to the City for right-of-way.

Remarks:

Mrs. Miller stated that the right-of-way had been dedicated and that her office had received a new set of plans depicting no roof overhang onto the property of Texaco.

11437 (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 630 - Bulk and Area Requirements in the Office District - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) of the front setback requirements from 110' to 85' from the centerline of 21st Street; and, an Exception (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1680) of the floor area requirements from .25 to .31, per plot plan, with the stipulation that the building will not overhang the property to the west, on the following described property:

The West 91' of the East 147.4' of the North 150' of Lot 31, Harters Second Subdivision to the City of Tulsa, County of Tulsa, Oklahoma.

11438

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1206 - Single-Family Dwelling - Under the Provisions of Section 1680) request for permission to erect a single-family dwelling in a CS District. This property is located at 8312 East 11th Street.

Presentation:

Terry Garrett, representing the applicant, Governor Garrett, 8312 East 11th Street, was present to address the Board and submitted a plot plan (Exhibit "J-1"). Mr. Garrett stated that the property presently consists of a business structure which is an antique shop and one single-family dwelling in which his parents reside. Mr. Garrett stated that he wished to erect an additional single-family dwelling behind the one in existence.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Garrett to describe the surrounding area. Mr. Garrett stated that across the street was a business, to the west was a single-family residence, to the east are two or three structures which are intermittently used as commercial and are zoned CS.

Mr. Smith asked if the majority of the residential dwellings in the area were constructed of rock veneer. Mr. Garrett replied that they were. Mr. Smith then asked if the property was in a floodplain district. Mr. Garrett advised that it was and that he had contacted the City Hydrologist who had placed a stipulation as to floor height on the construction.

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 Dwelling - Under the Provisions of Section 1680) to erect a single-family dwelling in a CS District, subject to the applicant meeting the requirements of the City Hydrologist, on the following described property:

Lot 3, Block 2, Forrest Acres, an addition to the City of Tulsa, Okla.

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670) request for a variance of the setback requirements from an R District from 18' to 10' (building height 19'); and, an Exception (Section 250.3 (a) - Modification of Screening Wall or Fence Requirements - Under the Provisions of Section 1680) request for an exception to modify or remove the screening requirement where existing physical features provide visual separation of uses. This property is located on the southeast corner of 73rd Street and Yale Avenue.

Presentation:

Mel Waldorf, 6623 East 88th Place, was present to address the Board and submitted a site plan (Exhibit "K-1") and three color photographs on which ink scetches of the proposed building line has been made (Exhibit "K-2"). Mr. Waldorf advised that he had plans to erect an office building at the subject location. Mr. Waldorf explained that the lot had a drop-off of approximately 18" to the rear and that was why he was seeking a variance. Mr. Waldorf stated that the property backed up to the Woodcrest Hills Condominiums and that his proposed building would be less in height than those condominiums and felt that his building would be attractive enough so as not to require a screening fence or wall.

Protestants:

Lewis O'Conner, a resident of the Woodcrest Hills Condominiums, stated that approval of the setback would result in his view being blocked, as well as the view from the patio homes in the area. Mr. O'Conner further stated that there were no other two-story office buildings in the immediate area and did not wish to see one erected. Mr. O'Conner advised that he felt approval of an exception to the screening requirement would not be acceptable either, since he and other residents of Woodcrest Hills would have to look at it from their homes.

Carol Taylor, 2570 South Harvard Avenue, was present on behalf of her husband and read aloud a letter from him requesting the Board to take action to require the normal setback requirements and screening wall requirements between an office and an adjacent single-family residence or to continue the case until such time as a zoning change from OM to RS-3 can be completed. Mrs. Taylor stated that the property directly across the street from the property that she and her husband owned was zoned OM. Mrs. Taylor further advised that a proposed building to be constructed on that property was acceptable to she and her husband in that it was to be bermed and landscaped to their satisfaction.

Jerry Caple, a resident of Woodcrest Hills Condominiums, stated that his home was directly south of the proposed structure. Mr. Caple advised that he wished to see screening required, adding that the value of his home would decrease if screening was not a requirement. Further, Mr. Caple stated that he was concerned with the setback request in that he could not envision without proper plans and details just how close to his home the proposed building would be located.

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 a Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670) of the setback requirements from an R District from 18' to 10' (building height 19'); and, an Exception (Section 205.3 (a) - Modification of Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to modify or remove the screening requirement where existing physical features provide visual separation of uses, on the following described property:

Lot 10, Block 2, Nob Hill Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Residential Districts - Section 1206 - Single-Family Dwelling) request for permission to maintain living quarters on second floor of a nonconforming commercial building; and, an Exception (Section 1680 (g) - Special Exceptions) request for permission to establish off-street parking in an RM-1 District (Lot 22); and, an Exception (Section 250.3 (c) & (d) - Modification of the Screening Wall or Fence Requirements) request for an extension of time to erect a screen where properties which are to be benefited by the screen are undeveloped, and/or request to remove the screening requirement where the purpose of the screening cannot be achieved; 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 50% floor area ratio to permit a 52% floor area ratio; 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 front setback requirements from 100' to 44' from the centerline of Pine Street to permit a line-up with the existing building. This property is located at 802 East Pine Street.

Presentation:

J. L. Wilson, 802 East Pine Street, was present to address the Board and submitted a set of plans consisting of a site plan, wall detail, footing plan, first floor plan, second floor plan, north elevation, south elevation, and east elevation (Exhibit "L-1"), as well as a plot plan of the subject property (Exhibit "L-2"). Mr. Wilson advised that he had purchased the property approximately 35 years ago in order to be near his mother-in-law who, since becoming extremely ill, has moved in with Mr. Wilson. Mr. Wilson stated that, many years ago, he resided in the back two rooms of the first floor and had the television repair shop in the front room of the structure. At a later date, Mr. Wilson received permission from the City of Tulsa to build a second story onto the structure.

Protestants: None.

Board Comments:

Mr. Smith advised that he had viewed the property earlier in the day and that the property was extremely well-maintained. Mr. Smith asked Mr. Wilson if he had plans to build anything next to the existing building. Mr. Wilson replied that he did not.

11440 (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 approve an Exception (Section 710 - Principal Uses Permitted in Residential Districts - Section 1206 - Single-Family Dwelling) permission to maintain living quarters on the second floor of a nonconforming commercial building; and, an Exception (Section 1680 (g) - Special Exceptions) to establish off-street parking in an RM-1 District (Lot 22); and, an Exception (Section 250.3 (c) and (d) - Modification of the Screening Wall or Fence Requirements) for an extension of time to erect a screen where properties which are to be benefited by the screen are undeveloped; and, a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the .50 floor area ratio to permit a .52 floor area ratio; and, a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 100' to 44' from the centerline of Pine Street to permit a line-up with the existing building; on the following described property:

Lots 22, 23, 24, Block 2, Rosedale Addition to the City of Tulsa, Tulsa County, Oklahoma.

11441

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the rear setback requirements from 20' to 11'. This property is located at 2238 South Hudson Place.

Presentation:

Debbie Gulley, 2238 South Hudson Place, was present to address the Board and submitted a plot plan consisting of the floor plan, foundation plan, north elevation, south elevation, and west elevation (Exhibit "M-1"). Mrs. Gulley advised that she and her husband wished to build an addition onto their existing residence in order that their two boys may have additional entertainment space.

Protestants: None.

Board Comments:

Mrs. Purser asked Mrs. Gulley if the proposed addition would resemble the existing residence in the way of construction and building materials. Mrs. Gulley replied that it would.

Mr. Smith asked Mrs. Gulley if there was an easement on the rear of the lot. Mrs. Gulley advised that she was uncertain, but assured that she would check into the matter of an existing easement before building.

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) of the rear setback requirements from 20' to 11', per plot plan, on the following described property:

Lot 13, Block 3, Mary Francis Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 440.3 (a, b, c, d) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) request for a variance of the frontage requirements from 75' to 50.66'; and, a Variance of the area from 9,000 square feet to 6,720.556 and, a Variance of the minimum land area per dwelling unit of 5,000 square feet; and, a Variance of the livability space per dwelling unit of 2,500 square feet; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) request an exception to allow a duplex to remain. This property is located at 1203 South 74th East Avenue.

Presentation:

L. G. Harrison, 3430 South 213th East Avenue, Broken Arrow, Oklahoma, was present to address the Board and submitted a set of documents consisting of copies of building permits, notice of violation from the Building Inspector's Office, front elevation, details of construction, and floor plan (Exhibit "N-1"), as well as a site plan of the property (Exhibit "N-2"). Mr. Harrison advised that the duplex was in existence and was completed and, further, that there were other duplexes and commercial buildings surrounding the structure. Mr. Harrison stated that there was a duplex to the south, a church in the back, a commercial building on the north side, a single-family dwelling on the west side, and a paint shop next to the single-family dwelling.

Remarks:

Mrs. Miller advised the Board that the duplex was built through a permit obtained by misrepresentation and that Mr. Harrison was to have built a single-family dwelling. Mrs. Miller stated that the violation was encountered when the inspector observed two hot water tanks and two gas meters. Mrs. Miller advised that a cease and desist order was issued on March 18, 1981, and that the plans that were approved by the Inspector's Office were those attached in Exhibit "N-1".

Board Comments:

Mrs. Purser asked Mrs. Miller if, in her opinion, the plans approved by the Inspector's Office for the building permit was sufficient in showing her Office that the intentions of the builder were to construct a single-family dwelling. Mrs. Miller advised that since there were not two kitchens depicted in the approved plans and that there were two bathrooms, three bedrooms, a den, and a family room, the approved plans constituted a single-family dwelling on which the approval was based.

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 continue Case Number 11442 to April 30, 1981, in order for the applicant to return with adequate information and to allow an opportunity for the Board members to view the property and duplex.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1215 - Other Trades and Services - Under the Provisions of Section 1680) request permission for an exception to permit a ceramic operation in a CS District. This property is located at 1330 East 11th St.

Presentation:

Eugene Dixon, 6719 East 6th Street, e.b.a. Nancy's Ceramics, was present to address the Board and submitted a plot plan (Exhibit "0-1"). Mr. Dixon advised the Board that there was no zoning classification for ceramic shops and that the occupied property was formerly a motel consisting of a separate owner/manager home and separate cottages. Mr. Dixon stated that the original home was used for the shop and had expanded under a previous Board ruling and that three of the cottages had been in residential use for quite some time and the remaining four cottages were used by Mr. Dixon for storage purposes. Mr. Dixon explained that, recently, he had applied for a building permit to build a seaparte storage building for the ceramic molds and, at that point, discovered that he was not properly zoned for the ceramic operation. Mr. Dixon advised that Don Irwin and Mrs. Miller, both of the Building Inspector's Office, had visited the operation and recommended that they apply for an exception for a Use Unit 15.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Gardner if he was familiar enough with the application to support the information presented by Mr. Dixon. Mr. Gardner replied that he was and that the legal description before the Board was that of all the pieces of property owned by Mr. and Mrs. Dixon, and that the request for the ceramic operation dealt with only the northern section of the legal description zoned CS. Mr. Gardner continued by saying that the particular portion of 11th Street in question was a mixture of different types of commercial businesses and that a general commercial-type business in the area would be consistent.

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 1215 - Other Trades and Services - Under the Provisions of Section 1680) to permit a ceramic operation in a CS District, on the following described property:

Beginning at the NW corner of the NE/4 of the NW/4 of Section 9, Township 19 North, Range 14 East, Tulsa County, Oklahoma; thence South at right angle to the North line of Section 9, a distance of 495' to a point; thence East a distance of 264' to a point; thence North a distance of 165' to a point; thence West a distance of 66' to a point; thence North a distance of 330' to a point; thence West a distance of 198' to the point of beginning, containing, containing 2.5 acres more or less, LESS the West 20' thereof for roadway purposes.

11444

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from 50' to 25' from the service road; and, a Variance of the floor area ratio from .50 to .56 in a CS District. This property is located at 8502 East 27th Street.

Presentation:

Mr. Jones advised that the existing structure on the property was presently an office building that the applicant wished to convert into a motel.

H. D. DeGase, 4510 East 31st Street, representing the owner, Shipman Investment Company, was present to address the Board and submitted a set of plans consisting of the rear elevation, the right elevation, details of the second story addition, first floor plan, second floor plan, and site plan (Exhibit "P-1"), as well as a plat of survey (Exhibit "P-2"). Mr. DeGase advised that the existing building was a two-story structure and that the lower floor extended further out than the upper floor. Mr. DeGase explained that he wished to bring the upper floor out into alignment with the lower floor and that the footprint of the building would not be expanded in any way.

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 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670) of the setback requirements from 50' to 25' from the service road; and, a Variance of the floor area ratio from .50 to .56 in a CS District, per plans submitted, on the following described property:

Tract 2: Part of Lot 7, Block 2, Tri Center Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the duly Recorded Plat thereof, more particularly described as follows, to-wit: Beginning at the Northerly corner of said Lot 7; thence South 2°-23'-25" East a distance of 260.15' to the Southerly corner thereof; thence North 48°-34'-30" East along the Southeasterly line of said Lot 7, a distance of 200.00' to the Easterly corner thereof; thence North 45°-25'-35" West along the Northeasterly line of said Lot 7, a distance of 151.06' to a point of curvature; thence Northwesterly along the Northeasterly line of said Lot 7 around a curve to the left having a radius of 75.00' and a central angle of 45°, a distance of 58.67' to the point of beginning, containing 22,086 sq. ft., more or less.

11445

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) request for a variance of the frontage requirements; and, a

Variance of the floor area maximum; and, an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) request for an exception to modify the screening wall requirements. This property is located at 6500 South Lewis Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, was present to address the Board in the Capacity of attorney for the purchaser and submitted a plot plan (Exhibit "Q-1"). Mr. Johnsen advised that the property in question contained a bit over three acres and was on the west side of Lewis, having 200' of frontage on Lewis and extends 640' on the north boundary back to the improved Joe Creek. Mr. Johnsen further advised that the property is zoned CS presently and that an office park is proposed within that CS District. Mr. Johnsen stated that the CS zoning would permit a little more than 71,000 square feet in floor area and, further, that his proposal would require a lesser figure than 71,000. Mr. Johnsen explained that the intention was to develop individual lots that would essentially be the boundaries of buildings that would be constructed with a small amount of additional lot space. Mr. Johnsen continued by saying that the office park would have common-area drives and parking and that these lots would not have frontage on a public street; therefore, a variance was being sought on the frontage requirement that access to a public street is gained. Mr. Johnsen advised that the location of the request for modification of screening requirements was along the west boundary, which is Joe Creek, and that west of Joe Creek is Graham Park. Mr. Johnsen stated that the Board had granted a special exception modifying and removing the screening requirements on the property to the south and that the property to the north is zoned CS and consisted of a Western Sizzlin Steak House. Mr. Johnsen explained that there were no residential uses in the area. He further explained that it was necessary for the property to be platted; therefore, any refinements would occur during the preliminary plat. Mr. Johnsen advised that one technical problem would be in the floor area, which would be somewhat less than 60,000 in total floor area, and further, that he would like to request the 60,000 which is less than the CS District permits because it would allow for more flexibility within lots. Calculating on a per lot basis, Mr. Johnsen explained, the floor area ratio would be above .5, but that the total floor area ratio for the entire property would be below .5. Mr. Johnsen requested approval of a floor area ratio of up to 1.5 within each lot, and in the aggregate not to exceed 60,000 square feet, which would be well below the potential under a CS classification.

Protestants: None.

Board Comments:

Mr. Victor asked Mr. Johnsen if he was advertised for the variance of the floor area ratio. Mr. Johnsen replied that he was.

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 the Commercial District - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) of the frontage requirements; and, a Variance of the floor area maximum so that the individual lot coverage of

11445 (continued)

of the individual buildings would be allowed to exceed the floor area maximum of their respective lots, as long as the total aggregate floor area of the project does not exceed the floor area maximum for the property as shown on the submitted plot plan; and, an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to modify the screening wall requirements by eliminating the screening requirements, on the following described property:

Lot 15, Pecan Acres, City of Tulsa, Tulsa County, Oklahoma.

11446

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from 50' to 20' from the property line; and, an Exception (Section 1680.1 (g) - Off-street parking use of property located within a Residential District when the property is abutting an Office, Commercial, or Industrial District) request for an exception to permit off-street parking in an RM-2 District. This property is located on the NW corner of Third Street and Nogales Avenue.

Presentation:

Rodney Buck, 111 West Fifth Street, representing the owner of the property, was present to address the Board and submitted six 8" x 10" color photographs depicting the surrounding area (Exhibit "R-1"). Mr. Buck advised that the property owner would like to market the property to persons who wish to erect an office building structure on the subject lots. That party, Mr. Buck explained, would need some provision for off-street parking to accommodate employees and customers of the proposed office building. Mr. Buck stated that there were no plot plans to present at this stage due to the fact that he wished to obtain approval before drawing up any plans. Mr. Buck advised that the topography of the property was unusual in that it was approximately 8' to 10' above street level. Mr. Buck further advised that it was the intention of the third party to put in approximately 9,000 square feet of office space without building two stories, in that a two-story office structure would interfere with the pleasant view of downtown Tulsa's Skyline. Mr. Buck stated that he would like the proposed office building to line up with a nursing home that is located on Lots 8, 9, and 10. Mr. Buck explained that he was uncertain how the nursing home obtained approval of their present setback.

Remarks:

Mr. Jones explained that the nursing home was built at the time that the property was zoned residential and that it did have approval of the Board of Adjustment.

Protestants: None.

Interested Party Comments:

James D. Armstrong, 216 South Nogales, stated that he felt the proposed building would be an asset to his property. Mr. Armstrong asked how access would be made to the proposed parking on Lot 5.

11446 (continued)

Mrs. Purser explained that the applicant did not have specific plans to present, but that if approval was granted by the Board, it would be granted on the condition that the applicant return to the Board with specific plans for approval.

Billie Armstrong, 216 South Nogales, stated that she was concerned with erosion that might occur to the surrounding lots with the construction of the proposed building on the subject property. Mr. Buck advised that there were no plans to build up the land or an embankment which would create run-off and erosion problems to the surrounding lots.

Board Comments:

Brief discussion ensued as to access to the parking lot from either Charles Page Boulevard or Nogales Avenue.

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 the Commercial Districts - Under the Provisions of Section 1670) of the setback requirements from 50' to 20' from the property line; and, an Exception (Section 1680.1 (g) - Off-Street Parking Use of Property Located Within a Residential District When the Property is Abutting an Office, Commercial, or Industrial District) to permit off-street parking in an RM-2 District, subject to the following conditions: (1) Lining up with the existing nursing home to the west; (2) submission of plot plan of the proposed development; (3) that access to the property be from Charles Page Boulevard rather than Nogales Avenue; and, (4) as interested parties in attendance at this meeting, Mr. and Mrs. Armstrong be notified of the date and time certain when the applicant will return to the Board with specific plans for approval, all on the following described property:

Lots 5, 6 and 7, Block 2, Crosbie Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

11447

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 18' to permit an addition to the existing residence. This property is located at 12012 East 33rd Place.

Presentation:

Lavera Thomas, 12012 East 33rd Place, was present to address the Board and submitted a Plat of Survey (Exhibit "S-1"), a Site Plan (Exhibit "S-2"), a partial floor plan (Exhibit "S-3"), and a set of plans consisting of a partial floor plan, elevation, and building details (Exhibit "S-4").

Mrs. Thomas stated that she wished to add on to the existing residence a garage that would line up with the garage next door and stated that the addition would conform with the existing residence.

Board Comments:

Mrs. Purser asked if the proposed garage would be constructed of wood siding as is the existing structure. Mrs. Thomas stated that it would

be constructed of rock. Mrs. Purser pointed out that Mrs. Thomas' plans reflected wood siding. Mr. Thomas stated that, although the plans reflected wood siding, the garage would be constructed with rock.

Brief discussion ensued as to whether or not the garage would line up with the garage next door. Mrs. Thomas stated that the west side would be somewhat closer to the street than the garage next door, but that the east side would line up.

Protestants:

Katherine Braley, 1542 South 75th East Avenue, stated that approval of the application would result in a "tunneled" appearance of her home and would block her view. In addition, Mrs. Braley advised that the property has been used for quite some time as a pool business. Mrs. Purser advised Mrs. Braley that she would need to file a complaint with the Building Inspector's Office on that specific item.

The Chair, without objection, directed Mrs. Miller to file a notice to have the property investigated.

Board Comments:

Mrs. Purser asked Mrs. Thomas if there was an original garage still in use. Mrs. Thomas explained that there was an original garage, but that she had plans to convert it. Mrs. Purser stated that she would, in effect, have a three-car garage until such time that the original garage is converted.

Mr. Smith asked if the office would be located in the original garage. Mrs. Thomas advised that it would not be--that the office was located in the kitchen.

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 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 18' to permit an addition to the existing residence, on the following described property:

Lot 20, Block 4, Briarglen Extended Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Request for an Interpretation of CZM #45.

Presentation:

Mr. Jones advised that when the new County Comprehensive Zoning Maps were adopted, there were a few drafting errors made. Mr. Jones stated that he was seeking approval from the Board to allow staff the authority to change the drafting errors where the zoning classification is missing.

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 authorize the Staff to make required drafting corrections to the CZM #45

Request for an Interpretation of CZM #45 (continued)

and any additional City CZM's with drafting errors (zoning classifications missing) as a result of adoption of the County CZM's.

Communication Concerning Case Number 11400:

Presentation:

Mr. Jones advised that he had received communication concerning Case No. 11400, an application which was approved by the Board at its March 19th, 1981, meeting for placement of a mobile home at 3229 North Harvard Avenue. Mr. Jones further advised that the applicant had requested a variance of the one-year time limitation, but that the Board had denied that request and approved the mobile home for a period of one year only. Mr. Jones submitted to the Board a letter dated April 1, 1981, from Mr. and Mrs. Hansel M. Newton (Exhibit "T-1") which stated that the Newtons did not receive notice of the March 19th Board of Adjustment Meeting, nor did Mrs. Bessie M. Barnes.

Remarks:

Mr. Jackere advised that, by reading the correspondence from the Newtons, it appeared that the Newtons were not entitled to notice of the March 19th Hearing in that they were not owners of property, but in the process of purchasing property. Mr. Jackere further advised that, in accordance with the Open Meeting Law, the Board could not take action on this item of business, but could merely acknowledge their complaint.

It was determined that Mr. and Mrs. Newton and Mrs. Barnes should have received notice of the March 19th Hearing and that their grievance was with the applicant for failure to supply a complete list of property owners to the Board of Adjustment Office for mailing the notices. Mr. Jackere advised the Newtons and Mrs. Barnes they could either hire an attorney and file a suit in District Court or they could wait until the one year time period for the mobile home had expired and, at that time, appear before the Board to protest any request for additional time.

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

May 14, 1981

Victor J. Purser