

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 334
Thursday, April 30, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Purser, Chairman Smith Victor Wait	None	Gardner Hubbard Jones	Jackere, Legal Department Miller, Protective Insp's.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Thursday, April 29, 1981, at 9:15 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 5-0-0 (Lewis, Purser, Smith, Victor Wait, "aye"; no "nays"; no "abstentions") to approve the Minutes of March 19, 1981, (No. 331).

UNFINISHED BUSINESS:

11442

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 for an exception to allow a duplex to remain. This property is located at 1203 South 74th East Avenue.

Presentation:

Mr. Jones advised the Board that he had received a letter from Roy Johnsen who was acting in the capacity of legal counsel for the applicant, L. G. Harrison, requesting a continuance of Case Number 11442 in that the applicant had been hospitalized. Mr. Jones submitted the letter to the Board (Exhibit "A-1").

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser,

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Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to continue Case Number 11442 until May 14, 1981.

NEW APPLICATIONS:

11449

Action Requested:

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 for permission to allow duplex use in an RS-3 District on the southwest corner of 49th Street and Norwood Place.

Presentation:

Mr. Jones submitted to the Board a petition of protest which had been filed with the Board of Adjustment Office on April 28, 1981, at 11:00 a.m., containing fifteen (15) signatures (Exhibit "B-1").

Terry Troxell, 3507 West 43rd Place, representing the applicant, David Benson, was present to address the Board and submitted a plot plan (Exhibit "B-2").

Mr. Troxell, President of T-Troxell Builders, advised that the Company had contracted to purchase four lots in Park Plaza and would like to build duplexes on those lots. Mr. Troxell explained that the size and construction of the proposed duplexes would be compatible with the residences in the area, and that all four duplexes would be different. Mr. Troxell stated that the square footage of each side of the duplexes would be a minimum of 1,861.

Protestants:

Mary Thetford, 6225 East 49th Street, stated that she was opposed to the proposed duplexes and advised that she had done a considerable amount of research and did not know of any other neighborhood with a price range of this type where duplexes were allowed.

William D. Hunt, P. O. Box 35502, attorney for one of the abutting landowners and spokesman for a group of homeowners in the immediate area, advised that the homeowners did not wish to see duplexes encroach into their neighborhood due to the fact that their property value would decrease.

Remarks:

Mr. Gardner advised that the Staff was quite familiar with the subject property and that at one time it had apparently been a community homeowners' pool association. Mr. Gardner asked the homeowners if the property was as run-down as it once was.

James Carpenter, 6129 East 49th Street, advised that he was not a homeowner in the area, but a renter, and that he had served on the board of the pool at the time the pool association was dissolved. Mr. Carpenter explained that in the two years prior to the closing of the recreation area and pool, a considerable amount of vandalism had occurred and that high maintenance costs resulting from that vandalism prohibited the continued operation of the recreation area. Mr. Carpenter advised that the homeowners owned the

11449 (continued)

property for the length of time that it was used as a pool, but that at such time that use of the pool ceased and the property was no longer utilized for community recreational purposes, the land reverted back to the original owner, the Anderson Development Company. He advised that all structures had been removed, the pool filled and the site is grassed.

Board Comments:

Mrs. Purser asked Mr. Troxell if the duplexes would eventually be sold to individuals for ownership or if the Company anticipated full ownership and operation. Mr. Troxell explained that a decision of that type would greatly depend on the money market and that the Company would certainly hope to retain ownership if financing permitted such.

Mrs. Purser asked Mrs. Thetford if there were duplexes at any location in the neighborhood. Mrs. Thetford replied "no."

Mr. Lewis asked Mrs. Thetford if the lots on the subject property were appropriate in size to accommodate a single-family dwelling. Mrs. Thetford stated that the lots were 76' x 118' she believed, and had ample room to accommodate single family dwellings. Mrs. Thetford advised that her single family lot was 75' x 110'. She advised that the vacant subject property was no longer a detriment to the neighborhood.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to deny 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) to allow duplex use in an RS-3 District, on the following described property:

Lot 1, Block 8, Park Plaza 5th Addition to the City of Tulsa, Tulsa County, Oklahoma.

11450

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from 75' to 61' from the centerline of the street on a cul-de-sac, at 2410 West Oklahoma.

Presentation:

Charles Hensley, 3204 East Woodrow Avenue, was present to address the Board and submitted a plot plan (Exhibit "C-1") and a sketch of detailed building lines, the curb line, and the property line (Exhibit "C-2"). In the meantime, Mr. Jones submitted to the Board a letter dated April 28, 1981, from Floyd Zook of 2406 West Oklahoma, to the effect that Mr. Zook had no objection to the request for a variance of the setback requirements, and noted that it was filed in the Board of Adjustment Office on April 29, 1981, at 9:10 a.m. (Exhibit "C-3").

Mr. Hensley advised the Board that he had attempted to obtain his building permit from the City of Tulsa several months previously and had been informed that the property was in Osage County. Mr. Hensley then went to the proper authorities in Osage County and was informed that Osage County

11450 (continued)

did not require building permits. At that time, Mr. Hensley explained, he commenced pouring the footing for the proposed addition and his neighbors advised Mr. Hensley that they would like him to obtain a permit, but they had no objection to his construction. Mr. Hensley learned from his neighbors that the property had been annexed into the Tulsa City Limits approximately two years earlier. Mr. Hensley advised that the house across the street had an addition which set approximately two feet closer to the centerline of the street than he was requesting and that he wished to add a garage onto the existing residence. Mr. Hensley further advised that the construction materials to be used for the proposed addition would be compatible with the existing residence.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 75' to 61' from the centerline of the street on a cul-de-sac, per plans submitted, on the following described property:

Lot 14, Block 2, Gilcrease Hills Village I, Osage County, Oklahoma.

11451

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the side yard requirement from 10' to 6' in an RM-1 District, south and east of 5th Street and 44th West Avenue.

Presentation:

Walter Yost, 124 South 41st West Avenue, was present to address the Board and submitted a plot plan (Exhibit "D-1") and a copy of the City Atlas Page depicting the subject tract of land (Exhibit "D-2"). Mr. Yost advised that he was the owner of the subject property and wished to build a residence on it.

Protestants: None.

Remarks:

Mr. Gardner explained that the area was zoned for multifamily dwellings and that Mr. Yost wished to build a single family dwelling. Mr. Gardner advised that if the property was in an RS-3 District, the side yard setback requirement would be 5' and, further, that since the property was blanket-zoned for multifamily dwellings and Mr. Yost wished to erect a single family dwelling, the 6' side yard requested by Mr. Yost would not be a detriment to the area.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirement from 10' to 6' in an RM-1 District, per plot plan, on the following described property:

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11451

Lot 21, Block 14, Verndale Addition to the City of Tulsa, Oklahoma.

11452

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1680) request for an exception to operate a sand extraction and concrete manufacturing plant in an AG District, at 10050 South Delaware Avenue.

Presentation:

Steve Schuller, 909 Kennedy Building, attorney for Anchor Concrete Company, was present to address the Board and submitted a City Atlas Page of the subject location (Exhibit "E-1"), as well as a rendering of the proposed construction when completed (Exhibit "E-2"). Mr. Schuller advised that a sand and concrete plant had been operated on the premises since the 1950's and that Anchor Concrete Company had purchased the plant in the 1970's. Mr. Schuller further advised that there was an existing two-story office building which served as the corporate headquarters around which a one-story addition was being proposed, along with minor exterior improvements, such as rock veneer. In addition, Mr. Schuller explained that the tallest structure on the property--a sand plant--would be removed, as would a mobile ready-mix plant, and that a dispatcher office building would be relocated to the rear of the property. Mr. Schuller continued by saying that he believed that Anchor Concrete intended to screen by means of vegetation in the form of bushes and trees along Delaware Avenue to screen the view of the plant from the street.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Schuller if sand extraction and concrete manufacturing would cease with the removal of the two existing structures utilized for those purposes. Mr. Schuller explained that he believed the sand extraction and concrete manufacturing operations would continue, but that the use of the structures was no longer needed.

Remarks:

Mr. Gardner pointed out that the intersection would be zoned CS according to the Comprehensive Plan at some point in the future and that the Board should take into consideration any improvements that are being made on the subject property when taking action on the application.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1680) to operate a sand extraction and concrete manufacturing plant in an AG District, per plot plan, on the condition that the two structures to be removed as stated in the presentation are removed and on the condition that no additional structures of any type, excepting those on the plot plan, be added to the site without further Board of Adjustment approval, on the following described property:

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The South 702' of Lot 8, and the river bed of the Arkansas River adjacent thereto (to the centerline of the main channel), Section 20, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma.

11453

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1680) request for an exception to permit the basement of the subject property to be used as an office and parking per plot plan, at 1320 and 1324 South Cheyenne Avenue.

Presentation:

Leon Ragsdale, 3025 East Skelly Drive, Suite 400, was present to address the Board and submitted a sub-basement floor plan (Exhibit "F-1") and a plot plan (Exhibit "F-2"). Mr. Ragsdale advised the Board that his company was under contract to purchase the existing building on the subject property and explained that the structure was originally constructed as a Jewish temple in 1917 and is presently occupied by the First Church of Religious Science. Mr. Ragsdale advised that the structure is presently on the Oklahoma Landmarks Inventory and was of historical significance. Mr. Ragsdale stated that it was the opinion of the Historical Preservation Commission that the building is a candidate for the National Historical Site Registries. Mr. Ragsdale explained that it was his intent when purchasing the property and building to prevent any major exterior structural changes or tearing down the building. Mr. Ragsdale advised that the sub-basement portion of the building would serve as office space for his company and that the upper portion of the building would continue to be used for religious purposes, as it is now being used. Mr. Ragsdale stated that there was parking along the back of the church and he intends to extend the parking along the rear of the church in the same manner. Mr. Ragsdale stated that there was an existing two-story residence with a partial basement on the property, as well, and that in the future he hoped to renovate it in order to bring it up to the standard of renovation being done in the area. Mr. Ragsdale advised that he had received several phone calls from the South Carson Homowners Association asking that the residential structure be preserved and remain intact. Mr. Ragsdale explained that the residence was presently being used by the Church as an educational building and would be used for office space when renovation was completed.

Interested Party Comments:

Lorraine Harper, 1310 South Cheyenne Avenue, stated that the existing residence on the subject property was in a total state of disrepair and that a fence now separated the residence from her rental property located at 1314 and 1314½ South Cheyenne, which she hoped would remain. Ms. Harper advised that she had hoped the residence would be removed from the property and replaced with additional parking provisions.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1680)

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to permit the basement of the subject property to be used as an office and parking per plot plan, per plans submitted, on the following described property:

Lots 5 & 6, Block 5, Friend Addition to the City of Tulsa, Tulsa County, Oklahoma.

11454

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in a Residential Districts - Under the Provisions of Section 1670) request for a variance of the rear yard requirements from 25' to 6' in an RS-2 District, at 4043 East 48th Place.

Presentation:

Roy Reeves, 4043 East 48th Place, was present to address the Board and submitted the following:

- . Contract by Higgins Construction Company, cancelled checks, and copies of work done to repair structure damage to the northwest section of residence in 1977 (Exhibit "G-1");
- . four (4) color photographs of area in question indicating northwest section of home still settling and destroying brick veneer, fireplace, and sub-footing (Exhibit "G-2");
- . bid proposal dated March 20, 1981, from Multicraft Construction Company of Tulsa to repair existing damage in the amount of \$14,135 (Exhibit "G-3");
- . plat of survey and existing residence with proposed addition depicted in red (Exhibit "G-4"); and, an
- . engineer's blueprint by Multicraft Construction of proposed addition (Exhibit "G-5").

Mr. Reeves advised that his father-in-law will be residing with he and his wife and the proposed addition would provide the additional space needed. Mr. Reeves continued by stating that, since the repair work to be done will be costly, he would prefer to go to the expense of improving the property by building an addition which will consist of a combination den and bedroom. Mr. Reeves advised that the proposed addition would have to be constructed to the north of the existing rear wing rather than east because there was a swimming pool to the east.

Protestants:

George Schwabe, Jr., 3764 East 48th Place, submitted a petition of protest containing 20 signatures (Exhibit "G-6"), a petition of protest containing 11 signatures (Exhibit "G-7"), and a copy of pages 140 and 141 of the City Directory (Exhibit "G-8"). Mr. Schwabe advised that Mr. Reeves had built the swimming pool the previous year and that, possibly, the pool could have contributed to Mr. Reeves' water seepage problems. Mr. Schwabe further advised that the protestants were fearful that Mr. Reeves' plans to enclose the garage would result in expansion of Mr. Reeves' hobby--that of dealing in antiques. Mr. Schwabe noted that an 18-wheel truck had been parked in front of Mr. Reeves' residence the previous week delivering or picking up

11454 (continued)

what Mr. Schwabe speculated as being antiques. Later that day, Mr. Schwabe advised that a smaller van in front of the house with an antique barber's chair and a brass baby bed was in the driveway. Mr. Schwabe explained that Mr. Reeves' garage was full of antiques to the point that the garage could no longer be utilized for garage purposes and that four cars--three of which normally remained parked on the street--are parked outside. Mr. Schwabe stated that it was the general feeling of the protestants that approval of Mr. Reeves' request for a variance would decrease the value of the property in the area.

Jack Clinkscales, 3706 East 48th Place, stated that approval of Mr. Reeves' request would be granting Mr. Reeves a privilege that no other property owners in the neighborhood is entitled to.

Applicant's Rebuttal:

Brad Beasley, attorney representing Mr. Reeves, advised that, while Mr. Reeves would be making expensive repairs on his home, with a few added expenses he could make an improvement to his home as well. Mr. Beasley further advised that Mr. Reeves was not conducting an antique business, but was an investor in and a collector of antiques. Mr. Beasley continued by saying that Mr. Reeves did not sell his antiques, but restored them, and that Mr. Reeves' investments in antiques was irrelevant to the application before the Board. Mr. Beasley stated that Mr. Reeves intended to erect an 8' privacy fence along the north property line.

Board Comments:

Mrs. Purser asked Mr. Reeves if he was conducting a business out of his home. Mr. Reeves replied that he was not and stated that he invested in antiques and rented storage buildings in which to place his stock of antiques.

Mr. Smith asked Mr. Reeves if he could use the garage for its intended use at the present time. Mr. Reeves stated that he could not.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to deny a Variance (Section 430 - Bulk and Area Requirements in a Residential District - Under the Provisions of Section 1670) of the rear yard requirements from 25' to 6' in an RS-2 District, on the following described property:

Lot 5, Block 32, Patrick Henry Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

11455

Action Requested:

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 for an exception to permit the erection of two duplex dwellings; and, a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) request for a variance of the frontage requirements from 75' to 67.6' and 64.6' for a duplex, located north and east of 55th Street and Quincy Avenue.

Remarks:

Mr. Jackere noted that, on April 2, 1981, the Board denied an exception to permit the erection of duplexes and a variance of the frontage requirements on this same piece of property and further noted that the application presently before the Board appeared to be for the same requests at the April 2nd meeting.

Mr. Jones advised that, in addition to the exception and variance being requested in this application, the April 2nd application consisted of several other variances.

Mr. Jackere advised the Board members that they had the authority to determine whether or not this was basically the same application as was before them and denied on April 2nd.

Board Comments:

Mrs. Purser asked George Abdo, the applicant, if the duplexes had been redesigned. Mr. Abdo replied that the duplexes had been redesigned and, in addition, a green area had been located in the center of the duplexes.

It was determined by the Board that the application was significantly different and would be heard.

Presentation:

Roy Melernee, 5409 South Quincy, owner of the subject property and an architect representing the applicant, was present to address the Board and submitted a site plan (Exhibit "H-1"), a copy of Page 564 from the Atlas of Tulsa (Exhibit "H-2"), a color photograph of a like duplex (Exhibit "H-3"), and elevations of the proposed duplexes (Exhibit "H-4"). Mr. Melernee advised that Mr. Abdo was under contract to purchase the property from him contingent on approval of the duplex. Mr. Melernee pointed out that the proposed duplexes would be under one roof, but would be separate with separate outside walls. Mr. Melernee further noted that only one of the units of the duplexes would be a three-bedroom unit.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve 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) to permit the erection of two duplex dwellings; and, a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the frontage requirements from 75' to 67.6' and 64.6' for a duplex, per plans submitted, on the following described property:

Lot 10, Block 2, J. E. Nichols Addition, to the City of Tulsa, Oklahoma.

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 front setback from 50' to 25'; and, a Variance of the side yard setback along the west property line from 10' (plus 2' per foot of building over 15' in height) to 0.0'; and, a Variance of the setback along the north property line from 10' (plus 2' per foot of building over 15' in height) to 11'. This property is located on the north side of 71st Street and Utica Avenue.

Presentation:

Jack Cox, 1323 South Baltimore Avenue, representing the owner of the subject property was present to address the Board and submitted a plot plan (Exhibit "I-1"), a location map with the subject property depicted in red (Exhibit "I-2"), a site plan of the proposed construction (Exhibit "I-3"), and a plat of survey (Exhibit "I-4"). Mr. Cox advised that the subject property was an unusually shaped piece of property measuring 200' x 500' and that OM zoning was currently being requested. Mr. Cox requested that action taken on this application be predicated on approval of the OM zoning. Mr. Cox advised that Joe Creek was located to the west of the property and that a dedicated street is to be constructed along the east side of the property adjacent to the Southbridge Office Park. Mr. Cox noted that no access from the property to 71st Street was proposed and that access would be gained from Utica Avenue. Mr. Cox advised that there was undeveloped property to the north of the subject property and that he had been in contact with that property owner and was working with him.

Protestants:

Charles Gilmore, 6520 South Lewis Avenue, advised that he had no objections to either the use of the property or any portion of the application other than the 25' setback along 71st Street requested by Mr. Cox. Mr. Gilmore explained that he objected to the request due to the fact that 71st Street was a major arterial and that no precedence had been set in variances of the Zoning Code requirement that structure setback be 50' from any major arterial. Mr. Gilmore advised that he was the developer of Southbridge Office Park and owner of several pieces of property in the area and that Southbridge set back 60' from 71st Street. Mr. Gilmore asked if the property would be platted. Mr. Jones advised that the property was in the process of being platted at this time.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670) of the side yard setback along the west property line from 10' (plus 2' per foot of building over 15' in height) to 0.0'; and, a Variance of the setback along the north property line from 10' (plus 2' per foot of building over 15' in height) to 11'; and to deny a Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670) of the front setback from 50' to 25', on the following described property:

A tract of land in the SW/4 of the SE/4, described as beginning at the SW corner of the SE/4; thence North 563.05'; thence East 199.97'; thence South 563.05'; thence West 200.1' to the point of beginning, LESS the South 60' thereof, ALL in Section 6, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

11457

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) request for a variance of the size of a detached accessory building from 750 square feet to 1,196 square feet, at 6645 East 107th Street.

Presentation:

Gary Burton, 6636 East 106th Place, was present to address the Board and submitted a complete set of detailed plans (Exhibit "J-1"), as well as a site plan of the proposed construction (Exhibit "J-2"). Mr. Burton advised that the detached accessory building would be in the form of a pool cabana and that it was the general consensus of the neighbors that the large size of the lot (approximately 3/4 of an acre) would warrant a much larger accessory building than allowed by the Zoning Code. Mr. Burton advised that the pool cabana would house pool equipment, therapy equipment to be used in the therapy area in the residence, and would have storage space. Mr. Burton stated that the cabana would look almost like the home in architectural appearance and design.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of a detached accessory building from 750 square feet to 1,196 square feet, per plans submitted, on the following described property:

Lot 9, Block 6, Forest Trails Addition to the City of Tulsa, Tulsa County, Oklahoma.

11458

Action Requested:

Variance (Section 1217.3 (a) - Use Conditions - Under the Provisions of Section 1670) request for a variance of the use conditions of the erection of a screening fence; and, an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) request for an exception to remove the screening requirement where the purpose of the screening requirement cannot be achieved. This property is located at 5200 East 11th Street.

Presentation:

The applicant was not present. Mr. Jones advised the Board that, on December 4, 1980, the Board denied a variance of the use conditions of the erection of a screening fence and an exception to remove the screening requirement where the purpose of screening cannot be achieved on the subject property (Case Number 11277).

Remarks:

Mr. Jackere advised the Board that on December 4, 1980, the Board denied an application for the same relief on the subject property. Mr. Jackere further advised that the applicant, Frank Morrison, had filed an appeal of the Board's decision approximately three months after the December 4th Hearing, which had been dismissed for failure to file within the proper

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time of ten days. Mr. Jackere stated that he was advised that the materials for the screening fence were on the property and that the fence had not been erected as he had been assured by Mr. Morrison's attorney at the time the appeal was dismissed. Mr. Jackere explained that he had withheld any action for prosecution on the basis of Mr. Morrison's attorney's assurances that the fence would be erected in a matter of days following dismissal of the appeal.

Protestants:

There were a number of protestants present, none of whom addressed the Board, but who conferred with Mr. Jackere off the record.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to deny the Variance (Section 1217.3 (a) - Use Conditions - Under the Provisions of Section 1670) of the use conditions of the erection of a screening fence; and, an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements- Under the Provisions of Section 1680) to remove the screening requirement where the purpose of the screening requirement cannot be achieved, with the record reflecting that the application was not denied on its merits, but due to the fact that this same request had been heard previously and had been denied by the Board, on the following described property:

Lot 9, Block 28, White City Addition to the City of Tulsa, Tulsa County, Oklahoma.

11459

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in a Commercial District- Under the Provisions of Section 1670) request for a variance of the side yard requirements from 10' to 8' on the west portion of the subject property. This property is located at 7915 East 17th Street.

Presentation:

Becky Johnson, 7915 East 17th Street, was present to address the Board and advised that ABC Child Care Center was proposing an addition to the west side of the Center.

Protestants: None.

Board Comments:

Mr. Lewis asked Ms. Johnson what was located to the west of the subject property. Ms. Johnson replied that vacant land was to the west. Ms. Johnson explained that the Center was in the process of purchasing that property to the west which measured 90' x 120' and that it would be used for playground area.

It was explained to Ms. Johnson that the Center would require Board of Adjustment approval for the purchased property to the west if it would be utilized in any way in connection with the Day Care Center.

Brief discussion ensued as to whether a continuance would be appropriate in order for notice to be filed requesting an exception for the use of the purchased property to the west, or whether to approve this portion of the application and continue the balance until the May 28th meeting.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 730 - Bulk and Area Requirements in a Commercial District - Under the Provisions of Section 1670) of the side yard requirements from 10' to 8' on the west portion of the subject property; and, to continue the balance of the application until May 28, 1981, to allow for advertising for the use of the adjoining property, with the record to reflect that the Center cannot build greater than the .5 floor area ratio permitted in a CS District, on the following described property:

The W/2 of the SE/4 of the SE/4 of the NE/4 of the SE/4, LESS the East 25.00' thereof of Section 11, Township 19 North, Range 13 East, of the IB&M, Tulsa County, more particularly described as follows: Beginning at a point 190.04' West of the SE corner of the NE/4 of the SE/4; thence North 0°-0'-00" East a distance of 330.01'; thence South 89°-37'-00" West a distance of 140'; thence South 0°-0'-00" West a distance of 330.015'; thence North 89°-37'-00" East a distance of 140' to the point of beginning, containing 1.060 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Communication From the Tulsa Metropolitan Citizens' Crime Commission Regarding the Placement of Signs on Residential Property to Promote Awareness of the Project:

Presentation:

Susan Savage, Director of the Tulsa Metropolitan Citizens' Crime Commission, was present to address the Board and distributed a packet of information of the awareness project (Exhibit "K-1"). Considerable discussion ensued as to whether it would be appropriate to give blanket approval for the erection of the Alert Neighbors signs for property owners who so desire. Ms. Savage explained that it would be most impractical to appear before the Board for each request for an exception to the Zoning Code for placement of these signs on property if the demand for the signs is great. Ms. Savage advised that a survey is being taken in the block groups of homeowners to determine the level of interest in the signs.

Mr. Jackere advised that, presently, the Zoning Code only permits certain kinds of specific signs in residential districts and that the only means of approving an individual's request for the type of sign the Alert Neighbors project provides is by a variance. Mr. Jackere continued by saying that the City Commission would be the appropriate body to make an amendment to the Zoning Code allowing for blanket approval for erection of signs of this type in residential districts as a matter of right with certain guidelines, or by allowing the signs in the residential neighborhoods by special exception.

Communication From the Tulsa Metropolitan Citizens' Crime Commission (continued)

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to explore the possibility of a Zoning Code Text Amendment through the Tulsa Metropolitan Area Planning Commission, and to direct Mr. Jones to draw up a letter to that effect to the Planning Commission.

There being no further business to come before the Board, the Chair adjourned the meeting at 3:59 p.m.

Date Approved May 14, 1981

Anthony J. Purser
Chairman