

CITY BOARD OF ADJUSTMENT
MINUTES (Meeting Number 337)
Thursday, June 11, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis, Vice-Chairman Purser, Chairman (in at 1:34 p.m.) Victor Wait (out at 4:03 p.m.)	Smith	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, June 9, 1981, at 10:00 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Vice-Chairman Lewis called the meeting to order at 1:32 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve the Minutes of May 14, 1981, (Meeting Number 335).

MINOR VARIANCES AND EXCEPTIONS:

11504

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the rear yard from 20' to 18' in an RS-3 District. This property is located at 10633 East 18th Street.

Presentation:

Lawrence Baer, 10633 East 18th Street, was present to address the Board and submitted a plat of survey (Exhibit "A-1").

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) of the rear yard from 20' to 18' in an RS-3 District, per plot plan submitted, on the following described property:

Lot 15, Block 14, Magic Circle Addition to the City of Tulsa, Oklahoma.

11512

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 50' to 38' from the centerline of Peoria Avenue to permit a pole sign in a CH District. This property is located at 815 North Peoria Avenue.

Presentation:

Harold Hawkins, 915 North 33rd West Avenue, was present to address the Board and advised that placement of the sign at the 50' setback line would put the sign in the middle of the driveway, causing inconvenience. Mr. Hawkins further advised that poles and wiring for a sign were existing from a previous sign at the 38' setback line that he was requesting.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 38' from the centerline of Peoria Avenue to permit a pole sign in a CH District, removal contract required, on the following described property:

Lots 20 thru 24, Block 5, Capitol Hill Addition to the City of Tulsa, Oklahoma.

11514

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements in an RS-3 District to permit a lot-split. This property is located at 1412 East 32nd Place.

Presentation:

Mr. Jones advised the Board that, on June 3, 1981, the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-15210) subject to the approval of the Board of Adjustment.

Mr. Gardner advised the Board that there was a residential dwelling on the portion of the tract being split and that the basis for the odd configuration of the split was due to utility and sewer main easements and extensions and, further, that the split lots had ample area.

Eric Stiller, 1425 East 32nd Place, was present to address the Board and submitted a plot plan (Exhibit "B-1"). Mr. Stiller advised that the reason for the split was to provide a common driveway which can be used by occupants of both tracts of land. Mr. Stiller stated that both lots exceeded area requirements for RS-3 zoning.

Protestants: None.

6.11.81:337(2)

11514 (continued)

Board Comments:

Mr. Lewis asked Mr. Stiller the reason for leaving the small strip of land at the far southeastern section of the property. Mr. Stiller explained that the strip of land provided the only access to hook into a sewer and that eventually a residential dwelling would be developed on the northern tract of land.

For the Record:

A letter was received from Lillian Dorris, 1343 East 33rd Street, on June 10, 1981, advising the Board of Adjustment Office that she had no objection to the request for a lot-split. This letter was entered into the file as Exhibit "B-2".

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630-Minor Variances) of the frontage requirements in an RS-3 District to permit a lot-split (L-15210), per plot plan, on the following described property:

Part of the E/2 of Lot 1, Section 19, Township 19 North, Range 13 East, in Tulsa County, State of Oklahoma, more particularly described as: Beginning at a point 165' North of the SW corner of the E/2 of Lot 1; thence East 198' to a point; thence North 275' to a point; thence West 198' to a point on the West line of the E/2 of Lot 1; thence South 275' to the point of beginning.

UNFINISHED BUSINESS:

11472

Action Requested:

Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Section 206 - Number of Dwelling Units on a Lot - Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1670) request for a variance in livability space from 1.76 acres to 1.70 acres; and, a Variance in land area from 5.455 acres to 4.91 acres; and, a Variance to permit 128 dwelling units, all in Phase I of the project. This property is located northeast of 31st Street and 129th East Avenue.

Presentation:

Mr. Jones advised the Board that this application had been continued from the May 28th meeting to allow the applicant time to attempt to rearrange the structures depicted on the plot plan.

Stan Ewing, 5550 South Lewis, was present to address the Board, submitted a plot plan (Exhibit "C-1"), and summarized the discussion of the May 28th meeting, as well as reiterating the protestant's concerns. Mr. Ewing advised that, as a solution to the protestant's concerns of locating multifamily dwelling units next to a single family area, additional buffering on the north and east perimeter adjacent to the single family area in the form of a 10' landscaped buffer strip had been added and submitted a site plan depicting such (Exhibit "C-2"). Mr. Ewing explained that this solution had been used in similar situations in buffering an RM-2 zoned area, which is a higher density living area than would be this project, and single family areas. Mr. Ewing stated that the project itself was anticipated to be a condominium conversion; therefore, utility facilities, etc., would be contained in the buildings and that, possibly, a part of that conversion would require a carport situation in the form of covered parking for the owners. A situation of this type, Mr. Ewing explained, would allow for honoring the 10' building setback around the perimeter to eventually provide the carport facilities to go with the condominiums. Mr. Ewing stated that Phase I would be completed and then development would begin on Phase II, the parcel of land to the northwest of Phase I, and that the two would be connected. Mr. Ewing further stated that there would be a 10' landscaped buffer along the eastern boundary of Phase II where it abutts single family housing. Upon questioning by Mr. Victor, Mr. Ewing advised that pedestrians could gain access between the two Phases by the connecting passageway at the corners of the parcels of land.

Protestants:

Charles Koke, 13120 East 30th Street, advised that Mr. Ewing had addressed and/or corrected many of the concerns he had voiced at the May 28th meeting; however, he still had a concern over the location of trash dumpsters and felt it was a valid concern in that he lived directly north of the property and winds prevailed from the south to the north during the summer which resulted in the stench of garbage. Mr. Koke further advised that a very strong screening fence would need to be constructed due to the fact that the winds are extremely strong--strong enough to uproot large maple trees on his property. Mr. Koke stated that he had been concerned over water runoff, but that Mr. Ewing had assured him that there would be no problem because necessary drainage improvements would be made as required by the City. Mr. Koke also made reference to the Overland Drainage Easement and the Sanitary Sewer Easement belonging to the City of Tulsa on which ball fields and tennis courts were to be developed by stating that it presently is not maintained.

Board Comments:

Discussion ensued as to who should be required to maintain the easements in question located on the north end of Phase II of the project--the property owners/developers or the City of Tulsa? It was the opinion of Mr. Jackere that, since the owners/developers of the property would have access to and use of the easement area, they should maintain the area. Discussion also surrounded the possibility of conditioning the approval with the requirement that the easement area be utilized to avoid a large area of land that would be unmaintained and overgrowing with weeds.

Applicant's Comments:

Mr. Ewing advised that it would not be logical for dumpsters to be located inside the landscaped strip which abutted the single family area and stated that he would not be opposed to a condition of that type being made a part of the motion.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Section 206 - Number of Dwelling Units on a Lot - Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1670) in livability space from 1.76 acres; and, a Variance in land area from 5.455 acres to 4.91 acres, and, a Variance to permit 128 dwelling units; all in Phase I of the project, as presented on the submitted site plan with the following restrictions: (1) A restrictive covenant be filed for the portion identified as Phase II limiting it to the development of 384 living units (intensity is not to exceed the permitted RM-1 density of the combined tracts); (2) that a "green strip" be developed along the north and east boundary lines adjacent to the abutting single family area; (3) the "green strip" be maintained by the owners of this development; (4) pedestrian access between the two parcels of property be located in the said "green strip"; (5) garbage dumpsters are not to be located on the landscaped strip abutting the single family residential area; and, (6) pedestrian access may be provided from Phase I through the drainage area as long as it is not in an automobile area, all on the following described property:

All that part of the SW/4 of the SW/4 of Section 16, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, according to the original Government Survey thereof, more particularly described as follows, to-wit:

Beginning at the NW corner of said SW/4 of the SW/4; thence South $89^{\circ}-59'-06''$ East along the North Boundary of said SW/4 of the SW/4 a distance of 899.20' to the NW corner of Lot 28, Block 2, Eastpark, an Addition in Tulsa, Tulsa County, Oklahoma, according to the Official Recorded Plat thereof; thence along the West, South and West Boundaries of Eastpark as follows:

The South $00^{\circ}-04'-22''$ West a distance of 795.00'; thence South $44^{\circ}-57'-22''$ East a distance of 35.34'; thence South $89^{\circ}-59'-06''$ East a distance of 395.00'; thence South $00^{\circ}-04'-22''$ West a distance of 500.58' to the SE corner of said SW/4 of the SW/4; thence North $89^{\circ}-58'-47''$ West along the South Boundary of said SW/4 of the SW/4 a distance of 444.80' to a point 875.00' from the SW corner thereof; thence North $00^{\circ}-05'-56''$ East parallel to the West Boundary of said SW/4 of the SW/4 a distance of 500.00'; thence North $89^{\circ}-58'-47''$ West parallel to the South Boundary of said SW/4 of the SW/4 a distance of 875.00' to a point in the West Boundary of said SW/4 of the SW/4 500.00' from the SW corner thereof; thence North $00^{\circ}-05'-56''$ East along the West Boundary of said SW/4 of the SW/4 a distance of 820.48' to the point of beginning, containing 960,843 square feet or

11472 (continued)

22.05792 acres, and Tract 1, a portion of the above described tract more particularly described as follows, to-wit: Beginning at a point, said point being the SE corner of said SW/4 of the SW/4 of Section 16, Township 19 North, Range 14 East, Tulsa County, Oklahoma, and running thence North 89°-58'-47" West a distance of 444.80' to a point; thence North 00°-05'-56" East a distance of 500.54' to a point; thence South 89°-59'-06" East a distance of 444.57' to a point; thence South 00°-04'-22" West a distance of 500.58' to the point of beginning and containing 5.11 acres, more or less.

11480

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) request an exception to permit church use and a day nursery on the property; and, a Variance (Section 1205.3 (a) .1 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1670) request for a variance of the lot area of one acre. This property is located on the southeast corner of 47th Street and Union Avenue.

Presentation:

Mr. Jones advised the Board that this application had been continued from the May 28th meeting in order for the applicant to provide the Board members with a plot plan.

Henry Penix, 4145 South Rockford Place, was present to address the Board and submitted a floor plan of the proposed structure with the parking layout design attached (Exhibit "D-1"). Mr. Penix advised that the proposed day nursery would operate from 7:00 a.m. to 5:30 p.m., with accommodations for 15 to 20 children.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Penix if the nursery would be a profit-making public facility. Mr. Penix explained that proceeds from the nursery would be channeled into church funds, but would not be utilized solely during church service times--that children of working parents would be placed in the nursery.

Remarks:

Mr. Gardner noted that the key consideration to granting the variance of the lot area of one-acre was the size of the auditorium, since that space was the determining factor in calculating the number of parking spaces required. Through quick calculation, Mr. Gardner estimated the number of parking spaces needed to be approximately 46, and that the applicant would be building to the maximum on the site and would encounter considerable problems if expansion was to occur in the future.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith

11480 (continued)

"absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) to permit church use and a day nursery on the property; and, a Variance (Section 1205.3 (a) .1 - Community Services, Cultural and Recreational Facilities - Under the Provisions of 1670) of the lot area of one-acre, per plot plan submitted, with the hours of operation of the day nursery to be from 7:00 a.m. to 6:00 p.m., with a maximum number of children to be 20, on the following described property:

The West 125' of Lots 16 and 17, Block 3, Suburban Highlands Addition to the City of Tulsa, County of Tulsa, Oklahoma.

11484

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 on the corner lots from 25' to 15' (front yard) in an RS-3 District; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Special Exception Uses in Residential Districts, Requirements (duplex use) - Under the Provisions of Section 1680) request for an exception to permit duplex use in an RS-3 District. This property is located in the 6700 block east on 79th Street South.

Presentation:

Mr. Jones advised the Board that this application had been continued from the May 28th meeting due to the fact that the legal notice needed to be republished.

Roy Johnsen, 324 Main Mall, representing Mr. and Mrs. Roger McWilliams, was present to address the Board and submitted a plot plan of Deer Hollow Estates II, a resubdivision of Deer Hollow Estates, (Exhibit "E-1"). Mr. Johnsen advised that Mr. and Mrs. McWilliams had acquired approximately 9 acres which had been platted as Deer Hollow Estates and, that in May of 1978, the Board granted an exception to permit duplex use on fourteen (14) of the lots originally platted. Mr. Johnsen explained that this particular application encompassed the remainder of the lots within Deer Hollow Estates which had been replatted from what was initially 15 single family lots into 12 lots, and that the duplex use was being sought as it had been in May of 1978. Mr. Johnsen further stated that, of the 14 lots that had previous approval of duplex use, two lots had completed duplex dwellings on them and a third lot had a duplex dwelling nearing completion on it; otherwise, the remaining lots are undeveloped. Mr. Johnsen cited several areas in which duplex use property in, near, and adjacent to single family neighborhoods exists. Mr. Johnsen advised that the area to the north, Sheridan Valley, was undeveloped to date, but that he had been advised by the owners of those lots that there would be no objection on their part of duplex use as proposed in Deer Hollow Estates II. Mr. Johnsen advised that property further south, PUD #222, had been designated for shopping, and that the property immediately south of the property under application for duplex use were four lots in which two had existing

homes, one had a dwelling under construction on it, and the fourth was vacant. He further advised that across 69th Street South was a home under construction and further east was the Sweetbriar Addition, of which four lots with existing residences backed the subject Deer Hollow Estates II property. Mr. Johnsen submitted color photographs of the two completed duplexes and the duplex under construction located in Deer Hollow Estates (Exhibit "E-2") and brief discussion ensued as to the possibility of a transition of Lot 7, Block 1 of the subject property, since it was distinguished from the others by "siding up" to a piece of property not under application. Discussion also centered around certain restrictive requirements which might be placed on approval for duplex use, such as floor area requirements, masonry requirements, etc.

Protestants:

Warren G. Morris, P. O. Box 45551, was present in the capacity of attorney for a number of protestants in the Briarview Addition and addressed the Board on their behalf. Mr. Morris submitted to the Board a petition of protest signed by 164 residents of the Briarview Addition (Exhibit "E-3"), the Plat of Briarview Addition (Exhibit "E-4") noting that, at the time the Plat of Briarview was filed, the subject property was not platted, color photographs depicting residential dwellings existing in the immediate area (Exhibit "E-5"), and a list of residences in Briarview by Lot Number and Block Number with house size and garage size footage corresponding to each residence (Exhibit "E-6") according to Tulsa County Assessor's Office figures. Mr. Morris advised that, with approval of duplex use, the Briarview Addition would become more congested and traffic flow would increase. Mr. Morris noted on the exhibited photographs of the existing duplexes that the requirement of 60% masonry had been met in the construction detail of those duplexes; however, the masonry had been contained on the front of the structures and none had been built onto the rear, thus giving the effect of a wood-frame duplex on the rear of the structure which residents of the property that backs up to the lot have to view. Mr. Morris advised Board members that the development entrance sign to Deer Hollow Estates indicated that development was due for completion in 1979 and, since there were only three duplexes completed, it stood to reason that the market for the duplexes was not as great as Mr. McWilliams had anticipated. In conclusion, Mr. Morris emphasized that there was an ample number of lots previously approved for duplex use that could be developed and urged the Board to deny further approval on the additional lots in Deer Hollow Estates II.

Applicant's Comments:

Mr. Johnsen stated that, although only three duplexes had been completed, Mr. McWilliams had several other contracts for duplex development on the lots. Mr. Johnsen reiterated his earlier comments regarding the mixed use of single family housing and duplex housing in several areas of the City, all of which he stated had been successful mixtures. Mr. Johnsen suggested that, if approved, a 1,700 minimum square footage requirement should be a condition of the approval to ensure that the structure would be a reasonably nice duplex. Mr. Johnsen addressed Mr. Morris' comments regarding the 60% masonry requirement by stating that the restrictive covenants had a 65% masonry requirement, but that the covenants did not state where

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the masonry shall be placed. Mr. Johnsen stated that the existing duplexes did meet that requirement and, that if location of the masonry detail was a concern of the Board members, he would welcome such a condition requiring masonry detail on the rear of the duplexes.

Board Comments:

Mrs. Purser commented that she was of the opinion that this request for duplex use differed substantially from the previous request which was granted by the Board in 1978 in that the subject property extended too far into the single family residential area. The Board concurred with Mrs. Purser's concern.

Board Action:

On MOTION of LEWIS and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to deny the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback on the corner lots from 25' to 15' (front yard) in an RS-3 District; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Special Exception Uses in Residential Districts, Requirements (duplex use) - Under the Provisions of Section 1680) to permit duplex use in an RS-3 District, on the following described property:

Lots 8 thru 13 inclusive, Block 2, and ALL of Block 3, Section 11, Township 18 North, Range 13 East, Deer Hollow Estates II a Resub-division of Deer Hollow Estates, Tulsa County, Oklahoma.

11488

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 to permit building 6' from the property line (41' from the centerline of the street). This property is located at 1349 South 75th East Avenue.

Presentation:

Mr. Jones advised that this application had been continued from the May 28th meeting to allow time for the Board members to view the property and, in addition, the Board had requested the applicant to provide photographs of the subject property and the surrounding area.

Loring Davis, P. O. Box 1764, was present to address the Board and submitted a plot plan (Exhibit "F-1") and fourteen color photographs depicting the subject property and surrounding area (Exhibit "F-2"). Mr. Davis directed the Board's attention to several of the exhibited photographs pointing out the numerous large Chinese Elm trees on the property which prevent construction of the proposed triple garage in accordance with the setback requirements.

Protestants: None.

Board Comments:

Mr. Lewis asked the width and length of the proposed garage. Mr. Davis advised that it would be no more than 24' wide and 40' in length.

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Mr. Victor asked if the structure would resemble the residence in original construction. Mr. Davis replied that it would and also advised that the structure, when completed, would be approximately 10 or 11 feet from the property line.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements to permit building of a structure not to exceed 24' in an east/west direction and not to exceed 40' in a north/south direction, per plot plan, on the following described property:

Lots 13 and 14, Block 10, Eastmoor Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

11489

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 yard setback requirements from 30' to 26'; and, a Variance of the side yard requirements from 10' to 5' (on one side, the other side is 5' from the property line); and, a Variance of the rear yard requirements from 25' to 10' in an RS-2 District. This property is located at 1209 East 21st Place.

Presentation:

Mr. Jones advised that this application had been continued from the May 28th meeting to allow time for the applicant and protestants to meet and discuss the possibility of revising the plot plan to meet the concerns of the protestants.

Sam West, 6861 South Canton Avenue, was present to address the Board and submitted a revised plot plan (Exhibit "G-1"), as well as a letter dated June 8, 1981, from Paul K. Lackey, Jr., (Exhibit "G-2") advising that he would refrain from protesting if the following conditions were made a part of approval: "... (1) The revised plans be followed in the construction of the residence located on the above property; (2) the fence marking the existing property boundary between Lot 9, Block 15, and the above property be maintained; and (3) the single drive presently crossing City property located to the south and west of the above described property be used as the single access to the new residence." Mr. West reviewed the revised plot plan with the Board.

Protestants:

Pat O'Brien, 1223 East 21st Place, stated that it would not be impossible to design and build a house on the subject property which would be in conformance with the existing setback requirements. Mr. O'Brien advised that he did not wish to see the "open space" area in Mapleridge dissipate with the construction of large residences on lots which are too small to accommodate those large residences and felt that approval of an application of this type would establish a precedence of such. Mr. O'Brien urged the Board to deny the request for a variance.

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Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front yard setback requirements from 30' to 26'; and, a Variance of the side yard requirements from 10' to 5' (on one side, the other side is 5' from the property line); and, a Variance of the rear yard requirements from 25' to 10' in an RS-2 District, per revised plot plan, subject also to the conditions as stated in the exhibited letter from Paul Lackey, on the following described property:

Lot 10, Block 15, Sunset Park Addition to the City of Tulsa,
Tulsa County, Oklahoma.

NOTE:

For the record, Mr. West commented that there were two fences involved on the property--one a cyclone fence and the other an ornamental wrought iron fence--and that the cyclone fence surrounding the property and the wrought iron fence belonged to Mr. Lackey. Mr. West advised that the fence Mr. Lackey referred to in his letter was some of the cyclone fence and all of the wrought iron fence. Mr. West stated that discussion had occurred between the two homeowners and that part of the cyclone fence will be removed and will be relandscaped as a joint effort.

11490

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680) request for an exception to permit an increase in the floor area ratio from 25% to 40% in an OL District; and, a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670) request for a variance of the height limitation of one (1) story in an OL District to permit the construction of a two-story structure; and, an Exception (Section 610 - Principal Uses Permitted in Office Districts - Section 1204 - Public Protection and Utility Facilities - Under the Provisions of Section 1680) request for an exception to permit the construction of a radio tower whose height will not exceed 190'; and, a Variance (Section 620.2 (d) Accessory Use Conditions - Under the Provisions of Section 1670) request for a variance of the size of a business sign in an OL District. This property is located in the vicinity of 22nd Place and 92nd East Avenue.

Presentation:

Mr. Jones advised that this application had been continued from the May 28th meeting in order for the Tulsa Metropolitan Area Planning Commission to take action on a request for rezoning from RS-3 to OM on June 10, 1981. The request for rezoning from RS-3 to OM was denied and OL zoning was approved by the TMAPC.

Leon Ragsdale, 1324 South Cheyenne Avenue, was present to address the Board and submitted a site plan (Exhibit "H-1"), details of the proposed radio tower (Exhibit "H-2"), and ten color photographs (Exhibit "H-3"). Mr. Ragsdale advised that the application was made on the behalf of Signal Media Corporation, owners of KELI Radio Station, and stated that a new site for location was needed due to the fact that

the previous lease expired. Mr. Ragsdale explained that the preliminary planning for the proposed building was in the beginning stages. Mr. Ragsdale stated that there were numerous warehouses in the area, and that Heritage Baptist Church was located across the street from the subject site and had indicated its support of the proposed development. The proposed building, Mr. Ragsdale stated, would be approximately 10,000 square feet with a possible addition in the future that would not exceed a total square footage of 12,000. OL zoning would permit 9,801 square feet and the 40% floor area ratio was being requested to allow for future expansion and would permit a building of 15,681 square feet. Mr. Ragsdale advised that the proposed tower would not resemble a broadcast tower with long guy wires attached, and presented photographs depicting several towers which the proposed tower would resemble. He advised that the tower at the base would measure approximately 6 feet and that the ceiling grid would be 5 feet square. Mr. Ragsdale explained that the tower would taper to a 2-foot dimension at the top. Struts on the tower would be spaced at about 20 feet on center thus preventing "criss-crosses" often seen on towers. Mr. Ragsdale cited several towers in the City of Tulsa that the proposed tower would resemble, indicating that the proposed tower would be no more objectionable than those. Low frequency signals would not cause interference in the area, Mr. Ragsdale noted. Mr. Ragsdale advised that the sign requested would not cover as much area as other signs in the immediate area and presented several pictures of those signs in the area exceeding the required 216 square feet per area. Mr. Ragsdale stated that the proposed sign would be approximately 216 square feet. Mr. Ragsdale explained that the request for the two-story structure was for a small amount of height in excess of what would normally be considered for a one-story structure and that the structure would not be a two-story structure for the purpose of total offices.

Protestants: None.

Interested Parties:

Representatives of Signal Media Corporation were present, but did not address the Board.

Board Comments:

Mr. Lewis asked Mr. Ragsdale what the requirements were in regard to the safety of the tower in a populated area. Mr. Jackere explained that the final tower design would be "signed off" on by an engineer, or some other party familiar with safety requirements.

Brief discussion ensued as to the proposed sign and concerns over "blanket" approval.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680) to permit an increase in the floor area ratio from 25%, but not to exceed 40% in an OL District; and, a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670) of the height limitation of one (1) story for a portion of the building to be two-story in height to permit construction of an atrium or a lounge,

11490 (continued)

the height not to exceed 33% of the surface area or the footprint of the building; and, an Exception (Section 610 - Principal Uses Permitted in Office Districts - Section 1204 - Public Protection and Utility Facilities - Under the Provisions of Section 1680) to permit the construction of a radio tower whose height will not exceed 190'; and, a Variance (Section 620.2 (d) Accessory Use Conditions - Under the Provisions of Section 1670) of the size of a business sign in an OL District, not to exceed 216 square feet and 40 feet high and in accordance with the setback requirements, subject to the applicant returning to the Board for approval of final drawings, and subject to the tower being constructed as described by the applicant, all on the following described property:

Lots 3 and 4, Block 3, Memorial Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

11496

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670) request for a variance of the side yard requirements from 5' to 1'3" in an RS-3 District. This property is located at 808 North Kingston Avenue.

Presentation:

Carl Barnes, 2121 South Columbia, representing the property owners, was present to address the Board and submitted a plot plan (Exhibit "I-1"). Mr. Barnes advised that the owners of the property, Mr. and Mrs. Robert Barnes, wished to extend the sideline of a nonconforming use which has a present setback requirement of 5' on the side and that the present garage was 1'3" from the property line. Mr. Barnes further advised that the proposed construction would be in the form of additional garage space and storage space and would be enclosed. Mr. Barnes explained that this addition would be accomplished by extending the side of the existing garage up toward the front of the house, and then out to the parallel front of the house. The front of the garage would then be brought over to the porch, enclosing the porch area. Mr. Barnes stated that this extra storage was needed because the owner was an automobile enthusiast and several complaints had been received recently from neighbors over the number of cars in the area. Mr. Barnes also stated that there was no structure within 10' of the existing garage.

Protestants:

Darlene Reiniger, 812 North Kingston Avenue, stated that she was opposed to the request due to the fact that the existing garage was already too close to the property line. Ms. Reiniger advised that she lived directly next door to the subject property.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670) of the side yard requirements from 5' to 1'3" in an RS-3 District, on the following described property:

11496 (continued)

Lot 9, Block 5, Mary Ellen Addition to the City of Tulsa, Tulsa County, Oklahoma.

11497

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) request for an exception to permit the operation of a truck repair business in an RS-2 District; and, a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1670) request for a use variance to permit the operation of a truck repair business in an RS-2 District. This property is located at 419 South 129th East Avenue.

Presentation:

Arnold Webster, 419 South 129th East Avenue, was present to address the Board. A packet of information from the Building Inspector's Office was submitted to the Board (Exhibit "J-1").

Remarks:

Mr. Gardner advised the Board that two pieces of property were involved in the application--the northernmost containing the applicant's house and the southernmost containing parked trucks on which the applicant works. Mr. Gardner explained that the applicant had purchased the lot to the southeast so that he could gain access to 130th East Avenue and Fourth Street since there was no way access could be gained to the rear of the applicant's house without coming off of 130th East Avenue. Mr. Gardner noted that the applicant had filed a zoning application for IL on both pieces of property, and the Planning Commission had suggested the applicant appear before the Board to request the exception and use variance and continued the case pending review by the Board of Adjustment. Discussion by the Planning Commission centered around how access might be obtained to the business if approved by the Board, but the Commission indicated that it did not wish to see the property rezoned. Mr. Gardner pointed out that there was property to the east on Fourth Street on which an easement might be obtained, allowing the applicant access to his property from Fourth Street, and that the Board might place a condition on approval that screening be erected on the south and east of the northernmost lot in order to obscure the vision of the trucks from any development that might occur in the future to the southeast.

Protestants:

Ruben Montanes, 3772 South 82nd East Avenue, advised that he owned the property, Lot 18, Block 3, 429 South 129th East Avenue, in that Addition, and objected to the request because the disassembled trucks created an unsightly appearance to the neighborhood. Mr. Montanes also stated that Mr. Webster drove trucks through his lot to gain access to 129th East Avenue and that often times, Mr. Webster's trucks were parked on Mr. Montanes' property, as well. Mr. Montanes did state that he had sent a letter to Mr. Webster approximately eight months earlier asking him to remove the trucks from his property and that he had received no response to that letter. Mr. Montanes advised that he had a prospective buyer for the property and, upon viewing it, he stated that he would not buy it because he did not realize it was next to a "junkyard."

6.11.81:337(14)

11497 (continued)

Board Comments:

Discussion ensued as to what action could be taken. Mr. Lewis expressed a desire to view the subject property and the other Board members concurred.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case Number 11497 until June 25, 1981, to allow time for Board members to view the property. It was also suggested by Ms. Miller and Mr. Jackere that the Board members look at the surrounding area, as well.

11498

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from the centerline of 57th Street from 50' to 40' to allow for an addition of 21' x 14' to the present structure. This property is located at 5701 South Lewis Avenue.

Presentation:

John Wilburn, 5701 South Lewis Avenue, was present to address the Board and submitted a plot plan (Exhibit "K-1"). Mr. Wilburn advised that he had an office building which accommodated four offices on the corner of 57th Street and Lewis Avenue and that he wished to build additional office space on the north end of the existing building. He stated that there was a fence between his property and the property immediately to the east which extended 35' north of the existing building and, with the proposed addition, that fence would extend 21' beyond the building. Discussion ensued as to required parking, and it was determined that Mr. Wilburn exceeded parking requirements.

Protestants:

Don Betts, 2428 East 57th Street, advised that there was not adequate parking in his opinion and that there was an H & R Block office, a chiropractor's office, the Tulsa Baseball Card Store, a realtor's office and an insurance office located within the building. Mr. Betts indicated that he had called the Protective Inspections Department to report the Tulsa Baseball Card Store operation because he believed it to be in violation of the zoning restrictions. He explained that the parking situation was distressing in that, during tax season especially, cars parked on the side street (57th Street) and he related an incident that recently occurred wherein a patron of one of the businesses had parked his car on 57th Street with the entire front fender out into Lewis Avenue. Mr. Betts also stated that there have been occasions that cars have been parked in the lot on weekends with "For Sale" signs on the windshields. Mr. Betts advised that Mr. and Mrs. Mike Brown lived on the property directly behind the offices and were concerned over possible drainage in their front yard and, in addition, Mr. Betts did not feel that the office building should be allowed to extend further north than the residences along 57th Street.

11498 (continued)

Board Comments:

Mrs. Purser commented that she felt the Board should not approve the application as long as there was a tenant in the office building that was in violation of the Zoning Code.

Mr. Wilburn advised that H & R Block had sub-let to the Tulsa Baseball Card Store and that he could request that they leave the premises.

Mrs. Purser also remarked that she could not fine that there was a hardship involved. The Board concurred.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to deny the Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670) of the setback requirements from the centerline of 57th Street from 50' to 40' to allow for an addition of 21' x 14' to the present structure, on the following described property:

Lot 11, Block 5, Amended South Lewis Terrace Addition to the City of Tulsa, Tulsa County, Oklahoma.

11499

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) request for a variance to permit an accessory building 816 square feet in size plus a second or partial second story in an RS-3 District (already built). This property is located at 1323 North Sandusky.

Presentation:

W. K. Wyble, 1323 North Sandusky, was present to address the Board and submitted a plot plan (Exhibit "L-1"), as well as five color photographs of the subject structure (Exhibit "L-2"). Mr. Wyble advised that he had not applied for a building permit prior to commencing construction of an oversized accessory building on the rear of the property. Mr. Wyble explained that the accessory building measured 24' x 34' and had a barn loft type roof so as to provide maximum storage space overhead. Mr. Wyble stated that he had stored several pieces of furniture in the accessory building which, he felt, prompted the neighbors' complaints thinking it was going to be rented out as an apartment. Mr. Wyble directed the attention of the Board to the exhibited photographs and noted that the interior of the structure was unfinished and he intended for it to remain that way, stating that he had no intention of ever converting it into living quarters.

Protestants:

George Barry, 1312 North Sandusky, stated that his only objection was that Mr. Wyble might convert the garage into living quarters, but advised the Board that he would have no objection to the structure if it remained as described in the presentation--without utilities and plumbing and unfinished on the interior. Mr. Barry also had a concern over the fact that the property might be sold and a new owner might convert it.

11499 (continued)

Mrs. Purser assured Mr. Barry that, if approved, the Board would place certain restrictions on the approval which would accommodate his concerns.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) to permit an accessory building 816 square feet in size plus a partial second story in an RS-3 District, on the condition that the garage facility, including the upper floor, not be finished for residential use or lived in, and on the condition that a restrictive covenant be placed of record in the County Clerk's Office reflecting that condition, on the following described property:

Lot 18, Block 3, C. A. Reese Addition to the City of Tulsa, Tulsa County, Oklahoma.

11500

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680) request for an exception to permit a real estate office as a home occupation. This property is located at 5616 South 88th East Avenue.

Presentation:

Gary Jones, 5616 South 88th East Avenue, was present to address the Board and advised that he had just received his broker's license from the Oklahoma Real Estate Commission and, since he was just starting in business, it was not feasible to lease office space. Mr. Jones stated that it would not be necessary to conduct closings at the residence, and that he did not employ any agents under him. He advised that if he did employ agents in the future, he would lease office space for the business.

Protestants:

Carol Hale, Route #2, Box #1046, Sand Springs, Oklahoma, advised that she owned the property at 5630 South 88th East Avenue and that she objected to a real estate office being opened in the single family residential area.

Chairman Purser explained to Ms. Hale that a home occupation of any type was required to be conducted in accordance with the Home Occupation Rules and Regulations in order to avoid giving the neighborhood an appearance other than residential.

Remarks:

Mr. Jones noted that, although there would be an extremely small amount of business conducted at the subject property, the Commission required a legal real estate business address.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait,

11500 (continued)

"absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680) to permit a real estate office as a home occupation, subject to all Home Occupation Rules and Regulations, that approval be given only during the time that the endeavor employs no one other than the applicant, there be no closings at the subject property, that there be no more than one car at a time, that there be no more than five (5) cars per week at the site, to run with this owner only, on the following described property:

Lot 30, Block 3, Woodland View Park Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

11501

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680) request for an exception to permit the operation of craft sales as a home occupation in an RS-3 District. This property is located at 3248 South Knoxville Avenue.

Presentation:

Bobbie Gossman, 3248 South Knoxville Avenue, was present to address the Board and advised that she taught crafts through local churches and schools. Ms. Gossman explained that many of the products she used were not available locally and that she would like to purchase them from the manufacturer and resell them to her students. She stated that she did not conduct classes in her home and that supplies and products ordered by her students from her would be delivered and not picked up by them.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680) to permit the operation of craft sales as a home occupation in an RS-3 District, subject to all Home Occupations Rules and Regulations, no customers at the subject property, no classes conducted on the premises, for phone and storage purposes only, to run with this owner only, on the following described property:

Lot 4, Block 2, Max Campbell Second; to the City of Tulsa, Tulsa County, Oklahoma.

11502

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670) request for a variance of the side yard setback requirements from 5' to 0' in an RS-2 District. This property is located at 2430 East 25th Street.

Presentation:

Jan Vail, 2430 East 25th Street, was present to address the Board and submitted a plot plan (Exhibit "M-1") and seven color photographs of area property with a corresponding list of addresses (Exhibit "M-2"). Mr. Vail advised that he wished to extend the existing one-car garage on the property to allow for parking of the two family cars and noted that all of the other homes in the immediate area had two-car garages. Mr. Vail explained that an architectural firm had been hired to ensure structural and engineering soundness and a bonded contractor would be used to do the work under the architectural supervision. Mr. Vail stated that the present driveway ran along the property line and that the extension would improve the appearance of the property and the house. Mr. Vail advised that construction would consist of fire-retardant materials, a two-hour fire wall, and siding. He also stated that the entire garage would be re-roofed as a result of the extension, thus creating an overall improved appearance and that the foundation would be an extension of the present concrete slab foundation and would not be a spread-footing. When asked if there would be an overhang from the roof to the neighbor's property, Mr. Vail explained that there would be no overhang--that the roof would be flush with the side.

Protestants:

J. Barlow Nelson, Attorney-at-Law, Utica Tower Building, addressed the Board on behalf of four area residents--Frances Larmer, 2424 E. 25th Street; Lowana Henshaw, 2436 E. 25th Street; C. W. Talbot, 2427 E. 25th Street; and, Elizabeth Duncan, 2421 E. 25th Street. Mr. Nelson advised that Mrs. Larmer was the neighbor immediately to the west and submitted a color photograph of the side yard between the Vails' residence and Mrs. Larmer's residence (Exhibit "M-3"). Mr. Nelson noted that, if the request was approved, Mrs. Larmer would be looking out her living room and bedroom windows into the wall of a garage and, further, that he could find no hardship involved in the request. Mr. Nelson advised that his clients did not wish for a precedence to be set in granting the request and stated that he felt the proposal would be detrimental to Mrs. Larmer's property.

Board Comments:

Brief discussion ensued as to possible encroachment onto Mrs. Larmer's property if precise measurements were not obtained and Mr. Vail assured the Board and protestants that he would not begin construction until such precise measurements and figures were arrived at. Discussion also centered around possible alternatives and whether or not a hardship could be constituted by the fact that the surrounding residences all had two-car garages. Mr. Lewis expressed a desire to view the property and the neighborhood.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to continue Case Number 11502 until June 25, 1981, in order to allow time for Board members to view the property and to allow time for the applicant to explore other possible alternatives.

11503

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670) request for a variance of the rear yard setback from 25' to 9' in an RS-1 District to permit the extension of a garage. This property is located at 7228 South Sleepy Hollow Drive.

Presentation:

Allen Danzinger, 7228 South Sleepy Hollow Drive, was present to address the Board and submitted a plot plan (Exhibit "N-1") and advised that he wished to add on to the existing structure a three-car garage. Mr. Danzinger stated that along the property line, there was a 20' hedge row which conceals a good portion of the property, which is $1\frac{1}{4}$ acres. Mr. Danzinger pointed out that the lot was odd-shaped and he was unaware as to why the original owners of the residence built it at the very back of the lot.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the rear yard setback from 25' to 9' in an RS-1 District to permit the extension of a garage, per plot plan, on the following described property:

Lot 4, Block 1, Town and Country Estates Addition to the City of Tulsa, Tulsa County, Oklahoma.

NOTE:

It appeared from the plot plan that the proposed addition might possibly encroach slightly into a recorded easement and the Board advised Mr. Danzinger to be aware of any recorded easements he might be encroaching on and that he would be in violation if construction did occur in one of those easements without proper approvals.

11505

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements on the corner lot from 25' to 14'7" in an RS-3 District. This property is located at 2103 West 46th Place.

Presentation:

James Kent, 2302 $\frac{1}{2}$ West 41st Street, was present to address the Board on the behalf of the applicant, Darrell Reynolds, and submitted a plot plan (Exhibit "O-1"). Mr. Kent advised that the original structure was built 15' from the property line and that Mr. Reynolds wished to add a den onto the existing structure. Mr. Kent further advised that the residence fronted 46th Place and that the proposed addition would merely be an extension of what was already in existence.

Protestants: None.

11505 (continued)

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670) of the setback requirements on the corner lot from 25' to 14'7" in an RS-3 District, per plot plan submitted, on the following described property:

Lot 7, Block 2, Hill Haven Addition to the City of Tulsa, Tulsa County, Oklahoma.

11506

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RS-3 District (has been in place 8 months). This property is located at 3703 South 31st West Avenue.

Presentation:

Deborah and Shirley High, 3703 South 31st West Avenue, were present on the behalf of the applicant, Keith High, and submitted a petition signed by 15 area residents stating that they did not object to the location of the existing mobile home at the subject location (Exhibit "P-1"). Shirley High advised the Board that she lived in the mobile home on the property, which has a residence on it as well, and stated that there were some other mobile homes in the area (one two doors down) which were situated behind houses, such as in this case. Ms. High indicated that Deborah High lived in the house on the property and that someone had notified the Building Inspector that they were in violation whereupon they were served notice. Ms. High explained that the mobile home was a 1976 model and was 12' x 65' and that it was hooked into a sanitary sewer system that served the residence on the property.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described property:

Lot 6, Block 19, Red Fork Addition to the City of Tulsa, Tulsa County, Oklahoma.

NOTE:

A memorandum from the City-County Health Department was received by the Board of Adjustment Office on June 15, 1981, advising that the mobile home was connected to a sanitary sewer system and was suitable for the use. This memorandum has been entered into the record as Exhibit "P-2".

11507

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts- Section 1209 - Mobile Home Dwelling - Under the Provisions of Section 1670) request for a mobile home in an IL District. This property is located at 1211-1215 North Mingo Road.

Presentation:

Rosa Jenkins, 329 North 129th East Avenue, advised the Board that she was too old to care for herself and her home alone, and that her son had been ill for two years and was still unable to work. Mrs. Jenkins stated that her son had lived on the subject property in a home until 1978, when a flood destroyed his home and that she and her son wished to move back on to the property in a mobile home. Following the flood, the City agreed to fill in the property when it was discovered that the residence was sitting down in a hole and the residence had to be removed. The lots, therefore, have been built up.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait "absent") to approve a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1209 - Mobile Home Dwelling - Under the Provisions of Section 1670) for a mobile home in an IL District, for a period of five years, on the following described property: Lots 5 & 6, Edmunds Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

*Edmunds Subd
Lots 5-6*

NOTE:

A memorandum from the City-County Health Department was received at the Board of Adjustment Office stating that the property was approved for a lagoon system to accommodate 1 trailer and was suitable for the proposed use. This memorandum was entered in the record as Exhibit "Q-1".

11508

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) request for an exception to permit a church, church school, and related activities. This property is located east of the southeast corner of 101st Street and Yale Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, was present to address the Board in the capacity of legal counsel for the purchaser of the subject property and submitted a set of plans consisting of a proposed site plan, east elevation, north elevation, and building plan (Exhibit "R-1"). Mr. Johnsen advised that the property was ten acres situated just east of the southeast corner of 101st and Yale and that Life Ministries Church, Inc., a new Church which had acquired the property, wished to build the Church on the tract. Mr. Johnsen stated that there was an existing vacant horse barn on the property which the Church would probably use for storage and that the new building would be setting back quite a distance from 101st Street and the parking would be in front and 525 feet from the centerline of 101st Street. Mr. Johnsen

11508 (continued)

advised that the building would be a metal building with a brick facade on all sides and shutters, resembling a colonial-style structure. Mr. Johnsen explained that the Church did intend to expand and it was hoped that the entire 10 acres could be approved for the use with a condition that any future expansion, in the form of structures, would require site plan approval by the Board.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) to permit a church, church school, and related activities, per plans submitted with the condition that plans for any future structures on the property be submitted to the Board for approval, on the following described property:

The NE/4, NW/4, NW/4 of Section 27, Township 18 North,
Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

11509

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Section 440.2 - Home Occupations - Under the Provisions of Section 1680) request for permission to operate a bakery as a home occupation in an RS-3 District. This property is located at 318 South College Avenue.

Presentation:

Barkev Bakamjian, 2727 South Victor Avenue, was present to address the Board and submitted a request to the Board in writing specifically stating what type of home occupation it would be and stating that he was aware of the Home Occupation Rules and Regulations and would abide by them (Exhibit "S-1"). Mr. Bakamjian advised that he owned a second house at 318 South College in which his two sons resided and that, over the years, demands for mid-eastern food baked by his wife had increased almost to the point of a small business venture. Mr. Bakamjian stated that he had checked with Health Department officials and discovered that you cannot sell food out of your house and that you cannot give it away either. The family decided to go through proper channels to get a home occupation of this type approved and Mr. Bakamjian advised that if it showed signs of financial success or grew to a much larger scale, the operation would be moved to a commercially zoned area as a full-scale business. Mr. Bakamjian indicated that Health Department approval would be required following Board of Adjustment approval. Mr. Bakamjian assured the Board that all products would be delivered in a passenger car to purchasers and would not be picked up by customers, therefore, there would be no increased traffic flow. He also stated that there would be no signs on the property.

11509

Protestants:

Bruce Gaither, 500 West Seventh Street, advised that he was an attorney representing five protestants--Lola Pearl Gaither, 316 S. College; Frances Tackwell, 319 S. College; R. Myers, 203 S. College; Robert C. Duthie, III, 311 S. College; and, Mrs. Paul Thomas, 216 S. Florence. Mr. Gaither stated that, from the legal notice, it was quite unclear as to the extent of baking that would be done on the premises and that it was the general feeling of the protestants that approval of the request would be detrimental to the neighborhood due to the fact that there were no other home occupations along College in the area. Mr. Gaither also voiced a concern over a possible fire hazard involved with commercial kitchen equipment.

Applicant's Comments:

Mr. Bakamjian advised that the home occupation would have to meet all Health Dept. Regulations and that he did not foresee any problem meeting any of those that had been mentioned in a phone conversation he had had with an official.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations- Under the Provisions of Section 1680) to operate a bakery as a home occupation in an RS-3 District, for a period of two years, to run with this owner only and, during that period, no sales be conducted directly out of the house (no presence of customers on site), and limited to advertising of the use, but no address in the advertising, on the following described property:

Lot 3, Block 9, Pleasant View Addition to the City of Tulsa,
Tulsa County, Oklahoma.

11510

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 the centerline of 31st Street from 85' to 68'; and, a Variance of the setback requirements from 55' to 20'4" from the centerline of Delaware in an RS-2 District; and, a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) request for a variance to permit an accessory building in the side yard; and, a Variance of the square footage requirements of an accessory building from 750 square feet to 828 square feet in an RS-2 District. This property is located at 2901 East 31st Street.

Presentation:

Mr. Jones advised the Board members that not all requests were published in the legal notice and the application would have to be republished for the June 25, 1981 meeting.

11510 (continued)

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to continue Case Number 11510 until June 25, 1981.

11511

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) re-request for a variance of the Major Street Plan setback requirements from 40' to 30' from the centerline of the streets. This property is located on the southeast corner of 17th Street and Boulder Avenue.

Presentation:

Mr. Jones submitted to the Board members copies of the Board of Adjustment Minutes of February 12, 1964, Case Number 4292, for their review (Exhibit "T-1").

Roy Johnsen, 324 Main Mall, was present to address the Board on behalf of the Frates Company and submitted a site plan (Exhibit "T-2"). Mr. Johnsen advised that the Frates Company was preparing to construct a new building which would encroach into the proposed right-of-way for widening Boulder as depicted on the Major Street and Highway Plan. The right-of-way for widening of Boulder, Mr. Johnsen explained, was 80' on the Plan and in actuality there was only 60' of right-of-way from 21st Street into the downtown area. Mr. Johnsen further explained that an error was made in reading the ordinance by the architects and they, therefore, designed the building encroaching into the proposed right-of-way, which requires a variance. Mr. Johnsen advised that there were numerous structures in a northerly direction along Boulder which encroached into the designated right-of-way. He stated that he had earlier paced off the distances, but that he did not have actual measurements to submit to the Board. He had discovered in his research, that a variance had been approved in 1964 (as reflected on the exhibited Minutes of Case Number 4292) for Liberty Towers. Mr. Johnsen advised that he had spoken with Bill Thomas, City Traffic Engineer, who had advised him that the present 60' right-of-way was adequate for any foreseeable plans, that plans were not to acquire any more, and that he had no objection to the proposal.

Protestants: None.

Board Comments:

Considerable discussion ensued as to the structures that were encroaching into the right-of-way and it was noted by Board members that the Liberty Towers building was on the other side of the street, as were many of the others. It was noted by Mr. Johnsen that the Legal Arts building was on the same side of the street that the proposed structure is to be constructed. Mrs. Purser voiced a concern over the fact that the City of Tulsa would not necessarily remain with its present planning decisions and it might possibly change any present plans regarding the widening of Boulder in 15 or so years. Mr. Johnsen indicated that the likelihood of attempting to acquire additional right-of-way was extremely remote and would be "astronomical" in dollar figures. Mrs. Purser also advised that she would not feel comfortable in taking action without some type of concrete figures and a letter from Mr. Thomas to

11511 (continued)

the effect that he had no objection entered into the record.

Mr. Jackere suggested that the Board might want to approve the application subject to receipt of a letter from Harold Miller, City Engineer, to the effect that there was no objection on his part.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve a Variance (Section 280 - Structure Setback From Abutting Streets - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) of the Major Street Plan setback requirements from 40' to 30' from the centerline of the abutting streets, subject to the receipt of a letter from Harold Miller, City Engineer, to the effect that there was no objection on his part, per plan submitted, on the following described property:

All of Block 2, Fred Yeager Addition and all of Block 2, Yeager Addition to the City of Tulsa, Tulsa County, Oklahoma.

NOTE:

A letter from Harold Miller, City Engineer, was received by the Board of Adjustment Office on June 16, 1981, stating that there was no objection to granting the variance. This letter has been entered into the record as Exhibit "T-3").

11513

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670) request for a variance of the rear yard setback from 25' to 11'6" in an RS-2 District. This property is located at 2204 East 27th Street.

Presentation:

John Arnold, Architect with Architectural Resources, 7318 South Yale Avenue, Suite C, was present to address the Board and submitted a plot plan (Exhibit "U-1") and building elevations (Exhibit "U-2"). Mr. Arnold advised that David Whitney owned the residence and property, which was located on a corner lot. Mr. Arnold stated that the property owner to the east was a cousin of Mr. Whitney's and that there was no objection on his part.

Mr. Jones submitted to the Board a letter from Robert D. Nash stating that his residence was directly across the street from the subject property and that he had no objection to the proposed construction (Exhibit "U-3").

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section

11513 (continued)

1670) of the rear yard setback from 25' to 11'6" in an RS-2 District, per plans submitted, on the following described property:

Lot 1, Block 7, Forest Hills Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

- Request to Substitute a Plot Plan for Case Number 9354.

Presentation:

Dorothea Miller, Zoning Officer, advised that she had received a letter from Roy Johnsen requesting substitution of a plot plan. Ms. Miller stated that the Board action on January 20, 1977, was to approve 18 outdoor tennis courts, ten indoor tennis courts, and two swimming pools, and that the applicant has commenced the construction of the Southern Tennis Club, 3030 East 91st Street. An even earlier approval by the Board of Adjustment called for ten outdoor courts and six indoor courts, the combined total of which would be 28 outdoor courts and 16 indoor courts. Ms. Miller explained that the Southern Tennis Club no longer had as much land as they did on previous approvals and that there would be only 12 outdoor tennis courts and, with the reduction in the number of courts, minor relocation of the courts would be necessary.

The Board reviewed the substitute plot plan (Exhibit "V-1") and discussed surrounding zoning, adequate parking, and outdoor lighting.

Protestants: None.

Board Comments:

It was determined that the time limitation for initial approval had not expired since construction has been continued in a timely manner.

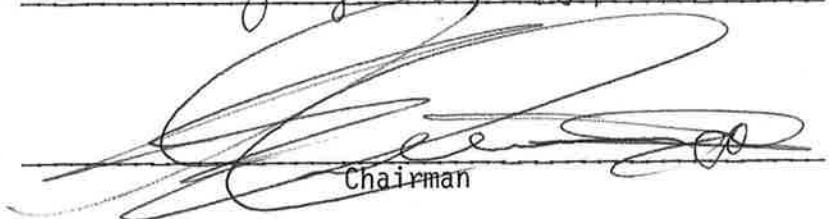
Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve the substitute plan for Case Number 9354.

There being no further business to come before the Board, the Chair adjourned the meeting at 6:16 p.m.

Date Approved _____

July 23, 1981


Chairman