

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 338  
Thursday, June 25, 1981, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis (out at 2:58 p.m.) Purser, Chairman Smith Victor	Wait	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 23, 1981, at 9:23 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:

The Minutes of May 28, 1981 (Meeting No. 336) were not ready for approval.

MINOR VARIANCES AND EXCEPTIONS:

11519

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements to permit a lot-split in an RS-3 District. This property is located in the 2500 Block on east 74th Place.

Presentation:

Mr. Jones advised that, on May 6, 1981, the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-15175), subject to the approval of this Board, and submitted a plot plan (Exhibit "A-1").

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split (L-15175) in an RS-3 District, on the following described property:

Lot 5, Leisure Court Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

11467

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 for an exception to use property for church use and related parking. This property is located at 2332 South Nogales Ave.

Presentation:

Mr. Jones advised the Board that this application had been continued from the May 14 meeting for a period of 120 days (at that time, the Board granted a variance), and that the applicant had requested that this portion of the application be put on this agenda since he was ready to meet the Board's requirements.

Howard Medford, an attorney representing the West Tulsa Freewill Baptist Church, was present to address the Board and advised that Lots 1, 2, and 3, Block 42, had been paved with a hard-surface, all-weather material as required by the Board. Mr. Medford explained that, on April 21, 1977, the Board had granted such parking use on those lots, but that the lots had not been paved in compliance with the Zoning Code and the conditions imposed by the Board. Mr. Medford requested that the Board grant approval for church use with possible parking on Lots 15 through 18, inclusive, Block 41.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "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 use property for church use and related parking, on Lots 15, 16, 17, and 18, Block 41, and that any portion of those lots to be used for parking shall be paved with a hard-surface, all-weather material in accordance with the Zoning Code, on the following described property:

Lots 1, 2, 3, Block 42, West Tulsa Addition; and, Lot 1, Block 2, West Dale Addition; and, Lots 15, 16, 17, 18, Block 41, West Tulsa Addition to the City of Tulsa, 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.

6.25.81338(2)

11497 (continued)

Presentation:

Mr. Jones advised that this application had been continued from the June 11 meeting in order to allow for the Board members to view the subject property, as well as the surrounding property. Mr. Jones further advised that the Board of Adjustment Office had received a letter (Exhibit "B-1") from E. R. Rembisz on behalf of Ruben Montanes, a protestant at the June 11 meeting, requesting a continuance. Mr. Jones explained that the letter indicated that Mr. Montanes had additional evidence to present to the Board and that he would be unable to attend the June 25 meeting.

The applicant, Arnold Webster, was present and Mrs. Purser asked him if he had any objection to a continuance. Mr. Webster replied that he did not.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case No. 11497 to July 9, 1981, as requested by the protestant.

11502

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in 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:

Mr. Jones advised that this application had been continued from the June 11 meeting in order to allow time for the Board members to view the subject property and to allow time for the applicant to explore other possible alternatives.

Jan Vail, 2430 East 25th Street, was present to address the Board and advised that he wished to convert his one-car garage into a two-car garage, which would require a variance of the setback requirements from 5' to 0'. Mr. Vail stated that the proposed two-car garage would remain in the same architectural style as the residence and that he felt it would enhance the value of the property and the immediate area. He explained that the existing paved driveway presently ran along the property line. Mr. Vail advised that he had explored other possible alternatives, such as a different style of a garage or a different location, and had found that a different style of garage would be detrimental to the integrity of the home and that costs involved in the various alternatives were prohibitive in his mind.

Remarks:

Mr. Gardner pointed out that there was a slight topographical difference of approximately three feet in the form of a retaining wall between Mr. Vail's property and the property immediately to the west. He also noted that, at the previous meeting, Mr. Vail had advised that the roof of the garage would be gabled and would not overhang onto the neighbor's property.

11502 (continued)

Mr. Vail reviewed the exhibited photographs from the June 11 meeting with the Board.

Protestants:

J. Barlow Nelson, Attorney-at-Law, Utica Tower Building, addressed the Board on behalf of four area residents--Frances Larmer, 2424 East 25th Street; Lowana Henshaw, 2436 East 25th Street; C. W. Talbot, 2427 East 25th Street; and, Elizabeth Duncan, 2421 East 25th Street. Mr. Nelson advised that Mrs. Larmer was the neighbor immediately to the west. Mr. Nelson pointed out that the photographs submitted by Mr. Vail at the June 11 meeting were taken in the 2200 Block of East 25th Street, the 2100 Block of East 23rd Street, and the 2500 Block of South Delaware Avenue, and that at least one of the pictures was in a different subdivision which has different building requirements. Mr. Nelson stated that there were several one-car garages in the immediate area and listed those addresses as 2410, 2448, 2518, and 2524 East 25th Street. He further pointed out that Mr. Vail still had not addressed a hardship in relation to the land as required for approval. Mr. Nelson urged the Board to deny the request for a variance.

Board Action:

MOTION was made by LEWIS to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the side yard setback requirements from 5' to 0' in an RS-2 District, on the condition that the wall of the extended garage be a two-hour fire wall, but that motion died for a lack of a second.

On MOTION of VICTOR and SECOND by SMITH, the Board voted 2-2-0 (Smith, Victor, "aye"; Lewis, Purser, "nay"; no "abstentions"; Wait "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the side yard setback requirements from 5' to 0' in an RS-2 District. There being no other motion the application was denied due to the fact that three affirmative votes must be cast in order for a request to be approved, on the following described property:

Lot 5, Block 1, Amended Plat of Kenlawn Addition, in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and known as: 2430 East 25th Street.

11510

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 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 Avenue 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 that this application had been continued from the June 11 meeting in order to republish the legal notice.

Louis Levy, 5200 South Yale Avenue, was present to address the Board in the capacity of legal counsel for the owner of the property, John McCartney. Mr. Levy submitted to the Board a single blueprint sheet consisting of a site plan, fence elevation, east and west elevation, north elevation, and south elevation (Exhibit "C-1"), aerial photograph of the subject property (Exhibit "C-2"), a surface drainage modification of the John Knox Presbyterian Church (Exhibit "C-3"), a letter of support from Mr. and Mrs. Charles L. Robinson (Exhibit "C-4"), a letter of support from Fred Latham, Jr., (Exhibit "C-5"), a letter of support from Ann Nunnelee of Grimmer Erker Realtors (Exhibit "C-6"), a letter of support from Joseph R. McGraw of McGraw Breckenridge Realtors (Exhibit "C-7"), and ten 8" x 10" color photographs of the subject property and surrounding area (Exhibit "C-8").

Mr. Levy advised that Mr. and Mrs. McCartney wished to convert the existing garage into a family room and to construct a new garage which would be almost identical to the existing garage. Mr. Levy explained that the residence faced 31st Street and the side yard was on Delaware Avenue which was a 30' street rather than a 50' street, as is 31st Street.

Protestants:

Michael R. Vanderburg, Attorney-at-Law, 5200 South Yale Avenue, Suite 400, representing John Knox Presbyterian Church, advised that the Church was located directly to the east of the subject property. Mr. Vanderburg explained that the main concern of the Church was one of drainage and runoff problems that would result from the proposed development. He stated that the Church was situated in somewhat of a "valley" and that, presently, there was a backup of runoff water during heavy rains onto the Church property. Mr. Vanderburg advised that, if approval of the application was given, that a condition of approval be that the City Hydrology approve the drainage plans prior to any construction. He felt that condition would meet his client's needs.

John Boyd, 2920 South Delaware Avenue, stated that he did not wish to see runoff water drained to the west onto Delaware. Mr. Boyd also stated that he felt the construction of a garage to within 10' of Delaware would give the appearance of an alley. He stated that no other structures along Delaware encroached into the setback line and, further, that he had not been convinced by Mr. Levy or Mr. McCartney that there was a hardship as required by the Zoning Code to approve a variance.

H. O. Dancer, one of the pastors of the John Knox Presbyterian Church, emphasized the concerns over excess water drainage and runoff.

Applicant's Comments:

Mr. Levy explained that the McCartney residence was unique in that it was the only residence in the development which faced 31st Street rather than facing Delaware, wherein the hardship could be defined.

11510 (continued)

Board Comments:

Considerable discussion ensued as to the possibility of rearranging the proposed garage on the property in order to reduce the footage requested in the variance on Delaware.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case Number 11510 to July 9, 1981, in order to allow time for the applicant to attempt a revision in the plot plan in order to meet the concerns of the protestants and Board members, as well as to allow time for Board members to view the subject property and the surrounding property.

NEW APPLICATIONS:

11516

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) request for a variance of the setback from the centerline of Xanthus Avenue from 50' to 35.39'; and, a Variance of the setback from the centerline of 7th Place from 50' to 40.10' in an IM District; and, a Variance (Section 3120 (d) - General Requirements (parking) - Under the Provisions of Section 1670) request for a variance to permit off-street parking on a lot other than the lot containing the use for which the required spaces are required. This property is located at 2005 East Seventh Place.

Presentation:

L. Edgar Barnes, 1210 Mid-Continent Building, representing the construction company, was present to address the Board and submitted a site plan (Exhibit "D-1"). Mr. Barnes advised that an addition would be made to an existing structure and, that with that addition, more parking spaces would be required.

Robert A. Wesche, 2005 East Seventh Place, stated that he was the tenant of the building.

Protestants: None.

Board Comments:

It was determined by the Board that since the addition would extend no closer to Seventh Place and Xanthus Avenue than the existing structure, there would be no problem in granting a variance of the setback from the centerlines of those two streets.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the setback from the centerline of Xanthus from 50' to 35.39'; and a Variance of the setback from the centerline of Seventh Place from 50' to 40.10' in an IM District; and, a Variance (Section 1320 (d) - General Requirements (parking) - Under the Provisions of Section 1670) to

11516 (continued)

permit off-street parking on a lot other than the lot containing the use for which the required spaces are required, per plot plan, on the following described property:

Lot 2, Block 1, Central Place Addition and the South 50' and the North 5' of the S/2 of Lot 3, Block 1, Central Place Addition to the City of Tulsa, Tulsa County, Oklahoma.

11517

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Sections 1217 and 1215 - Automotive and Allied Activities - Under the Provisions of Section 1680) request for an exception to permit mini-storage building and/or office warehouse use in a CS District; and, an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) request for an exception to modify the screening requirements on the south and west. This property is located south and west of 31st Street and Garnett Road.

Presentation:

Joe McCormick, One Williams Center, Suite 1776, was present to address the Board in the capacity of attorney for the owner of the property, GSMI, Inc., and submitted an aerial photograph of the subject property (Exhibit "E-1") and a subdivision plat of the tract of land (Exhibit "E-2"). Mr. McCormick explained that he felt it would not be necessary to erect a type of screening wall or fence due to the location of the drainage channel which is 50' wide on the property. Mr. McCormick pointed out that there were apartments to the south of the property, the land to the west was vacant. Mr. McCormick advised that GSMI had been required to make some extensive improvements to the channel with a main improvement resulting from concreting it. He stated that this particular tract of land is virtually unusable for traditional uses and that a use would have to be "created" for the land. It was Mr. McCormick's opinion that a mini-storage and/or office warehouse would probably be the only effective use to be developed on the property.

Protestants: None.

Board Comments:

Brief discussion ensued as to future development and the possibility that the developer's front door might face the mini-storage and office warehouse; however, upon learning that the property was all owned by the same party, the Board members indicated that it would not pose a problem to them.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Sections 1217 and 1215 - Automotive and Allied Activities - Under the Provisions of Section 1680) to permit mini-storage building and/or office warehouse use in a CS District, with the condition that development will be limited to Use Unit 15 and Use Unit 17 and that outside storage along the south and west property lines

11517 (continued)

will not be permitted; and, an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to modify the screening requirements on the south and west, all on the following described property:

Lot 5, Block 1, 3100 Garnett Square Addition to the City of Tulsa, Tulsa County, Oklahoma.

11518

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; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) request for a variance to permit a mobile home for a period exceeding one year. This property is located at 2125 North Delaware Place.

Presentation:

Robert Slaven, 2125 North Delaware Place, was present to address the Board and submitted a letter (Exhibit "F-1") from John William McCarter, M. D., advising that it would be in the best interest of the health of his patient, Christine L. Slaven, if she would take up residence indefinitely in close proximity to a relative. Mr. Slaven explained that Christine Slaven was his grandmother and that he felt she could be accommodated if the mobile home was placed on his property. He indicated that his lot was approximately twice the size of the average lot in that particular block and also submitted a statement of his request as received by the Board of Adjustment Office (Exhibit "F-2").

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Slaven if there were other mobile homes in the area, to which Mr. Slaven replied that the closest was approximately five blocks away. Mr. Slaven explained that the mobile home was a brand new one and measured 56' x 14' and would be placed at the side of his residence. Mrs. Purser asked Mr. Slaven if there was a reason that the mobile home could not be located on the rear of the lot behind his residence. Mr. Slaven indicated that it was his grandmother's preference that the mobile home be placed along the side of the dwelling.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, 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; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) to permit a mobile home for a period of three years, to run with this owner only, and on the condition that no one other than the grandmother, Christine Slaven, reside in the mobile home, all on the following described property:



11518 (continued)

Lot 3, Block 11, City View Addition to the City of Tulsa, Tulsa County, Oklahoma.

11521

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680) request for an exception to permit postal services in a CS District. This property is located north of 51st Street and west of Memorial Drive.

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board in the capacity of legal counsel for the owners and managers of the Fontana Shopping Center and advised that the proposed postal service use would be in the form of a carrier service unit to be located on the west side of the Shopping Center. He stated that this would be a distribution center for carriers and would also have a "will call" window for mail and packages which cannot be delivered to specific destinations. Mr. Norman reminded the Board members that a postal facility required Board approval, but may be granted in any use District--in this instance, a CS District--and explained that the service would be located in the center of the Shopping Center and would be separated by a good distance from any other noncommercial activity.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Norman to briefly summarize for the Board the types, number, and load capacities of the carriers to be used at the subject site. Mr. Norman advised that mail would be delivered to this subject location from the central sorting facilities in downtown Tulsa, whereupon the mail would be assigned to the small jeep units or smaller units that work outward from the area.

Mr. Smith asked if there was any likelihood that the services, at some point in the future, might be converted into a freight depot for the use of the Postal Service. Mr. Norman indicated that it would not.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680) to permit postal services in a CS District, on the following described property:

Exhibit "A" -- Parcel Description; A parcel of land located in Lot 1, Block 1, "Fontana," an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, said parcel being more particularly described as follows:

Commencing at the SW corner of said Lot 1; thence due North along the West line thereof, a distance of 414.00'; thence North 89°-58'-33" East a distance of 184.95'; thence North

11521 (continued)

0°-01'-27" West a distance of 76.50' to the point of beginning; thence continuing North 0°-01'-27" West a distance of 43.50'; thence North 89°-58'-33" East a distance of 120.00'; thence South 0°-01'-27" East a distance of 90.00'; thence South 89°-58'-33" West a distance of 30.00'; thence North 0°-01'-27" West a distance of 30.00'; thence South 89°-58'-33" West a distance of 66.30'; thence North 0°-01'-27" West a distance of 16.50'; thence South 89°-58'-33" West a distance of 23.70' to the point of beginning, containing 7,708.95 square feet, more or less.

11522

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 RM-1 District. This property is located at 219 East Jasper Avenue.

Presentation:

Mr. Jones submitted to the Board a letter (Exhibit "G-1") dated July 18, 1981, from Jerry E. Sutton, Manager of the Physical Development Division, Tulsa Urban Renewal Authority, indicating opposition to the request.

Marqua Harris, 1835 North Quincy Avenue, stated that she had lived at 219 East Jasper for a number of years and had then moved out of her residence at that location in order to renovate it but, instead, had it torn down. She had decided that she would like to place a mobile home on the lot, but the TURA was opposed to the request because of future planned upgrading of the neighborhood. When asked if there were other mobile homes in the area, Ms. Harris replied that there were none in the immediate vicinity.

Protestants: None.

Board Comments:

Brief discussion ensued as to why opposition to the request would be voiced by TURA since it appeared that it would be some time before the upgrading activities of the neighborhood would commence.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, 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 RM-1 District, for a period of one year, removal bond required, on the following described property:

Lot 17, Block 1, Sunset Hill Addition to the City of Tulsa, Oklahoma, Tulsa County, Oklahoma.

11523

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1670) request for a variance to permit a mobile home in a CH District; and, an 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 RM-1 District. This property is located at 1915 North Darlington Place.

Presentation:

Roy McGhee, Jr., 1924 South Darlington Place, advised the Board members that the subject property was multiple zoned, with Lot 17 in a CH District and Lots 18, 19, and 20 in an RM-1 District. He stated that he wished to place the mobile home on the property so that his ailing in-laws could reside in it. Mr. McGhee explained that the particular mobile home he had been considering purchasing was 14' x 70' and that it could be placed running north and south on either Lot 18, 19, or 20. He advised that there was a mobile home located on Lot 21 and that, in addition, there were two more just down the street from that.

Protestants: None.

Remarks:

Mr. Gardner reminded the Board members that if approval was granted for Lot 17, there need be no time limitation; however, if approval was granted for one of the lots located in the RM-1 zoned area, approval could be granted for only a one-year period.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; 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 RM-1 District, for a period of one year, removal bond required, on the following described property:

Lots 17, 18, 19, & 20, Block 28, Original Townsite of Dawson to the City of Tulsa, Tulsa County, Oklahoma.

11524

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; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) request for a variance of the time limitation to permit a mobile home in an RS-3 District for more than one year. This property is located at 2453 North Yale Avenue.

Presentation:

Mina Knight, 2485 North Yale, was present to address the Board and advised that her husband had passed away and, since her family lived

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11524 (continued)

in Tulsa, she wished to locate a mobile home on this property (owned by her) and live in Tulsa near her family. Mrs. Knight stated that the property was approximately two acres and that there were two different mobile home parks in the vicinity and that there were a few mobile homes not located in parks about 1/2 mile from her property. She advised that the tract of land to be used was 89' x 900' and the mobile home would be situated approximately 100' from Yale Avenue. Mrs. Knight further advised that the mobile home would be new. Mrs. Knight described briefly the surrounding area, which consists of a land-fill, a shopping center, a subdivision directly across the street which does not front Yale, and a coal strip-pit mine.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; 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; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the time limitation to permit a mobile home in an RS-3 District, for a period of three years, removal bond required, for only one mobile home, on the following described property:

Lot 7, Block 3, S. R. Lewis Addition to the City of Tulsa,  
Tulsa County, Oklahoma.

11525

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) request for a principal use variance on the basis of extraordinary and exceptional conditions and circumstances peculiar to the property under application to permit the use of the property for a branch office of a savings and loan association, subject to development standards and a site plan to be approved by the Board of Adjustment. This property is located on the northwest corner of 36th Street and Yale Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board in the capacity of legal counsel for the owner of the property, Gene Mann, and submitted a plot plan (Exhibit "H-1"), a letter from Gary VanFossen, A.I.A., describing the building details and plans (Exhibit "H-2"), a letter to the Board from Charles Norman describing the particular tract of land and citing several zoning cases (Exhibit "H-3"), and twelve 5" x 7" color photographs depicting the subject property and surrounding area (Exhibit "H-4"). Mr. Norman advised that the applicant was proposing to construct a branch office facility on the northwest corner of 36th Street and Yale Avenue. He stated that Mr. Mann had owned the property since January of 1964 and that on the northeast corner of the intersection was Highland Park, a City Park with picnic facilities and lighted tennis courts, on the southeast corner is a fully developed church facility, and on the southwest corner is another church facility. Mr. Norman explained that, in 1969, an application

for rezoning the property to OL was presented to the Tulsa Metropolitan Area Planning Commission which was reviewed and recommended for approval, forwarded to the City Commission, which denied the rezoning application. The application was subsequently heard in Tulsa County District Court and the District Court upheld the decision of the City Commission; the property remains zoned RS-3. He further explained that from 1969 to date, no offers to purchase or develop the property in residential fashion have been presented to Mr. Mann and the property is virtually unusable as residential property, since traffic flow is so great along 36th Street and Yale Avenue. Mr. Norman also cited traffic flow figures as received by the Traffic Engineer. Mr. Norman reviewed the exhibited outline of material and building specifications with the Board, as submitted.

Protestants:

Patrick Devlin, 4817 East 35th Court, stated that his main concern over the proposal was an increase in traffic created by the drive-in lanes since the cul-de-sac on which he lives is the only means of entrance and exit to his property.

Applicant's Comments:

Mr. Norman stated that he was of the opinion that traffic would not increase noticeably due to the fact that the heavy traffic flow was already in existence.

Board Comments:

Mr. Victor asked the hours of operation, to which Mr. Norman explained that the facility would be open from 9:00 a.m. to 6:00 p.m., on weekdays and from 9:00 a.m. to 12:00 noon on Saturdays. Considerable discussion ensued as to the sign and its location and height. Mr. Norman indicated a willingness to submit the sign design to the Board for approval prior to erection.

Mrs. Purser asked Mr. Norman if there were any drainage problems on the subject property that he was aware of. Mr. Norman indicated that he was not aware of any drainage problems. Mr. Norman also indicated a willingness to submit any final landscaping plans or final renderings of the proposed structure if desired by the Board.

Board Action:

On MOTION of VICTOR, and SECOND by SMITH, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) to permit the use of the property for a branch office for a savings and loan association, subject to the development standards submitted, and subject to a detailed site plan to be approved by the Board of Adjustment and subject to the following: (1) Submittal of completed drawings for the project showing landscaping, types of plantings and sign design; (2) limiting the structure to a two-lane drive-through facility; (3) hours of operation to be from 9:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 12:00 noon on Saturday; (4) no access off Yale Avenue; and, (5) architecturally the structure shall be residential in character, all on the following described property:

11525 (continued)

Part of the S/2 of the S/2 of the SE/4 of the NE/4 of Section 21, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Survey thereof, described as follows:

Beginning at a point 40' North and 24.75' West of the SE corner of said S/2 of the S/2 of the SE/4 of the NE/4; thence North and parallel to the East Section line of said Section, a distance of 140' to a point; thence North 89°-50'-40" West a distance of 177.25' to a point; thence South a distance of 140' to a point; thence South 89°-50'-40" East a distance of 177.25' to the point of beginning.

11526

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 beauty shop as a home occupation in an RS-3 District. This property is located at 3508 South Norfolk Avenue.

Presentation:

Carolyn Reichman, 3508 South Norfolk Avenue, advised that her residence was located on a dead-end street and was the second house from the end and that parking would be provided on her driveway and in front of the residence on the street. She stated that her hours of operation would be Monday through Friday, from 9:00 a.m. to 3:00 p.m., and explained that an additional six to seven cars that would be at the residence would not be a noticeable increase since the average traffic flow on the street per day was 85 cars, due to the fact that drivers apparently do not see the "Dead End" sign, proceed down the street, and turn around in her driveway.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith Victor, "aye"; no "nays"; no "abstentions"; Lewis, 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 a beauty shop as a home occupation in an RS-3 District, as presented by the applicant, with hours of operation to be from 9:00 a.m. to 3:00 p.m., Monday through Friday, and subject to all Home Occupation Rules and Regulations, to run with this owner only, on the following described property:

The S/2 of Lot 6, Block 2, Peoria Court Addition to the City of Tulsa, Tulsa County, Oklahoma.

11527

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) request for a variance of the size of the accessory building from 750 square feet to 1,800 square feet in an RS-3 District. This property is located at 3149 North 129th E. Avenue.

11527 (continued)

Presentation:

Don Jenkins, 3149 North 129th East Avenue, submitted a plot plan (Exhibit "I-1") and six color photographs of the property and the surrounding area (Exhibit "I-2"). Mr. Jenkins pointed out that the photographs depicted several other buildings in the area which are considerably larger than that he is proposing to erect and, further, that all of the surrounding tracts of land were five-acre tracts. Mr. Jenkins stated that the building would be used for storage purposes for such items as a tractor, a boat, antique automobiles, and that it would also house his hobby shop. When asked if he intended to conduct a business out of the building, Mr. Jenkins replied that he had no intention of doing that.

Protestants: None.

Remarks:

Mr. Garnder noted that the particular area was planned for industrial use and, that if Mr. Jenkins wished at some point in the future to convert the use into a business, he need only apply for rezoning.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions- Under the Provisions of Section 1670) of the size of the accessory building from 750 square feet to 1,800 square feet in an RS-3 District, on the following described property:

Lot 9, Block 2, Langley Addition to the City of Tulsa, Oklahoma.

11530

Action Requested:

Variance (Section 610 - Principal Uses Permitted in Office Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670) request for a variance to permit a veterinary office (as distinguished from a veterinary hospital or a veterinary clinic - where animals are not kept overnight or where no runs are provided) in an OL District. This property is located south and west of 55th Street and Memorial Drive.

Presentation:

John Sublett, 1776 One Williams Center, submitted a plan of the subject property (Exhibit "J-1") which indicated the location of the veterinary office. Mr. Sublett explained that the office was presently located directly to the east on Lot 9, Tract "B", and that he wished to relocate on a portion of Lot 10, Tract "A-1". Mr. Sublett advised that, to the west was ongoing construction of office space, next to that was a residential dwelling, and to the north it remained undeveloped. He further advised that there would be a buffer building between the veterinary office and the residential structure once that buffer building is completed, and that there would be no animals kept overnight and no outside animal runs.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve a Variance (Section 610 - Principal Uses Permitted in Office Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670) to permit a veterinary office (as distinguished from a veterinary hospital or a veterinary clinic - where animals are not kept overnight or where no outside animal runs are provided) in an OL District, on the following described property:

A part of Lots 10 and 11, Block 1 of "Memorial Drive Office Park," an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat thereof, said part of Lots 10 and 11, Block 1, being more particularly described as follows, to wit:

Commencing at the NW corner of said Lot 11, Block 1 of "Memorial Drive Office Park;" thence North 81°-43'-46" East along the North line thereof, a distance of 11.42' to a point of curve to the right; thence along said curve to the right having a radius of 1,670.00', a central angle of 2°-45'-45", an initial tangent bearing of North 81°-43'-46" East a distance of 80.52' to the point of beginning; thence continuing along a curve to the right, said curve having a radius of 1,670.00', a central angle of 1°-45'-00", an initial tangent bearing of North 84°-29'-31" East a distance of 51.00'; thence South 3°-45'-29" East a distance of 126.00'; thence South 86°-14'-31" West a distance of 51.00'; thence North 3°-45'-29" West a distance of 125.22' to the point of beginning, containing 6,412.76 square feet or 0.147 acres, more or less.

OTHER BUSINESS:

- Election of Chairperson:

Without objection, the Chair declared that this item of business would be passed to the end of the agenda.

- Correspondence - Case Number 6720 - August 4, 1970 - If an Exception Granted in 1970 Allowing the Operation of a Day Care Center, but not Operational Until 1980 is Still in Effect.

Presentation:

Mr. Jones advised the Board members that approval for day care center use was granted in 1970, but that the applicant had not utilized that approval until recently.

Mr. Jackere explained that an exception not utilized in that period of time would have expired.

Board Action:

The Board determined that the applicant would be required to reapply for the exception to use the property as a day care center and reappear before the Board.



- Correspondence - Charles Banks Requests an Interpretation of an Accessory Building.

Presentation:

Ms. Miller distributed to the Board members a memorandum (Exhibit "K-1") dated June 18, 1981, from Charles Banks, Director of Protective Inspections, with an attachment of a rendering of the type of accessory building in question. The memorandum described the building and asked the specific questions: "...first, is this a building?, and, second is it required to set 3' from the property line?..." The memorandum further stated, "...The field (building) inspector had determined that the above described unit was a detached accessory building, and therefore, must be placed 3' from the property lines. The property owner in question has appealed this determination (via the Director of Protective Inspections)."

Remarks:

Mr. Jackere cited the definition of a building from the Zoning Code as follows: "A structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot."

Board Action:

Discussion ensued as to whether the building in question was a building as defined in the Zoning Code and, by consensus of the Board, the structure was determined to be a building.

- Case Number 11173 - Substitute a Plot Plan.

Presentation:

Ms. Miller submitted a revised plot plan (Exhibit "L-1") and explained that the Sanger-Harris application had been reviewed by the Board on September 4, 1980, and on September 18, 1980, at which time final approval was granted. She further advised that the request to substitute a plot plan resulted from "flip" of the layout and that it was a very minor change.

Roy Johnsen, 324 Main Mall, attorney for Sanger-Harris, advised that he had submitted to the Building Inspector this revised plot plan, as well as a revised legal description (Exhibit "L-2"), which described the 10.5 acres instead of the 11 acres which was previously submitted with the original application. Mr. Johnsen requested that the revised legal description be substituted for the original one submitted.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve the substitute plot plan and the revised legal description, on the following described property:

All that part of Lot 1, Block 1 of Woodland Hills Mall Extended, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded Plat thereof; which also lies in the SW/4 of Section 1, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official U. S. Government Survey thereof, more particularly described as follows, to wit:

Beginning at a point 64.91' due West and 60.00' due North of the Southeast corner of said SW/4; thence due West parallel to the South Boundary of said SW/4, a distance of 50.00'; thence North 53°-07'-48" East a distance of 0.00'; thence on a curve to the left having a radius of 50.00' a distance of 46.36'; thence due North a distance of 104.03'; thence on a curve to the left having a radius of 170.00' a distance of 98.19'; thence on a curve to the left having a radius of 45.00' a distance of 80.04'; thence South 45°-00'-00" West a distance of 7.31'; thence on a curve to the right having a radius of 150.00' a distance of 117.81'; thence due North a distance of 36.00'; thence due West a distance of 166.68'; thence due North a distance of 100.00'; thence due West a distance of 157.01'; thence due North a distance of 254.08'; thence due West a distance of 98.99'; thence due North a distance of 279.00'; thence due East a distance of 176.26'; thence North 30°-00'-00" East a distance of 124.39'; thence due East a distance of 62.35'; thence North 30°-00'-00" East a distance of 294.08'; thence South 37°-19'-03" East a distance of 0.00'; thence on a curve to the left having a radius of 436.00 feet a distance of 57.82'; thence South 44°-54'-55" East a distance of 174.47'; thence on a curve to the right having a radius of 164.00' a distance of 128.56'; thence due South a distance of 478.40'; thence on a curve to the right having a radius of 114.00' a distance of 89.54'; thence South 45°-00'-00" West a distance of 85.00'; thence South 45°-00'-00" East a distance of 55.21'; thence on a curve to the right having a radius of 200.00' a distance of 157.08'; thence due south a distance of 144.03' to the point of beginning, containing 10.55292 acres, more or less.

- Election of Chairperson:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to elect C. S. Lewis, III, to the Office of Chairman of the Board of Adjustment.

There being no further business to come before the Board, the Chair adjourned the meeting at 4:57 p.m.

Date Approved

September 3, 1981

  
Chairman