

CITY BOARD OF ADJUSTMENT
MINUTES (No. 339)
Thursday, July 9, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Smith, Acting Chairman Victor Wait	Lewis Purser	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 Wednesday, July 8, 1981, at 9:30 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Acting Chairman Smith called the meeting to order at 1:33 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve the Minutes of May 28, 1981, (Meeting No. 336).

MINOR VARIANCES AND EXCEPTIONS:

11541

Action Requested:

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements to permit a pole sign 44' from the centerline of Lewis. This property is located at 1005 South Lewis Avenue.

Presentation:

John Anthony, 1020 North Sheridan, was present to address the Board and submitted a plot plan (Exhibit "A-1"). Mr. Anthony advised that the size of the sign was 10' wide and 5' high and would be erected 15' off the ground. He stated that the sign would be at a right angle to Lewis and that there was an existing 6" pole upon which presently were situated lights. The existing pole, he explained, would be removed and replaced with an 8" pole which would be 15' high.

Protestants: None.

Board Comments:

Mr. Victor asked Mr. Anthony what surrounded the property. Mr. Anthony advised that there was nothing to the west side and that a canopy would be located to the east. Mr. Victor asked if the proposed sign would be located closer to the centerline of Lewis than any of the surrounding structures. Mr. Anthony replied that it would. Mr. Victor then asked Mr. Anthony to briefly describe the sign, whereupon Mr. Anthony advised that it would be a neon sign advertising a gasoline station.

11541 (continued)

Remarks:

Mr. Gardner advised the Board members that since the property was zoned CH, the size of the sign was not the major concern--rather, it was the location of the sign closer to the centerline of Lewis than 50' as required by the Major Street and Highway Plan. Mr. Gardner explained that the requested location of the sign would place the sign in the City right-of-way for expansion of Lewis and that a removal contract would prevent the City from having to pay for removal of the sign in the event that future expansion occurred in the City's right-of-way.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser "absent") to approve a Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements to permit a pole sign 44' from the centerline of Lewis, removal contract required, on the following described property:

Lot 1, Block 4, Highlands Addition to the City of Tulsa, Okla.

11545

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 setback requirements from 20' to 17' in an RS-3 District. This property is located at 2535 North Frankfort Court.

Presentation:

Clyde Johnson, 314 West 50th Street North, was present to address the Board and submitted a plot plan (Exhibit "B-1"). Mr. Johnson explained that the lot was odd-shaped and that he proposed to construct a new residence on it.

Protestants: None.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard setback requirements from 20' to 17' in an RS-3 District, per plot plan, on the following described property:

Part of Lot 9, All of Lot 10, Block 1, Crawford Addition, City of Tulsa, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

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:

Mr. Jones advised that this application had been continued from the June 25th Meeting at the request of the protestant, due to the fact that he would be out of town at that time. Mr. Jones further advised that the applicant's attorney had requested a continuance from this meeting date to the July 23 Meeting.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to continue Case Number 11497 until July 23, 1981.

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 that this application had been continued from the June 25th meeting 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. Mr. Jones submitted to the Board a letter (Exhibit "C-1") from John L. Boyd, Attorney-at-Law, dated July 9, 1981, advising that he had protested the application at an earlier meeting and that, "...I have now conferred with Mr. McCartney and he has agreed to set the accessory building back a distance of 30 feet from the curb line of Delaware Avenue. Although this is still 15 feet in front of any other structure on the east side of Delaware Avenue, in a spirit of

neighborliness I am willing to withdraw my objections; provided (1) that no part of the structure is closer to the curb line of Delaware Avenue than 30 feet; and, (2) that the surface waters draining from Mr. McCartney's property will not be diverted in any way that will increase the amount of water running down Delaware Avenue. Mr. McCartney has indicated that he will accede to these requirements. With the understanding that the approval granted will insure that these requirements are met, I withdraw any objections."

Louis Levy, 5200 South Yale Avenue, was present to address the Board and submitted a statement (Exhibit "C-2") from H. O. Reyburn, dated July 8, 1981, indicating that he had no objection to the proposed construction outlined to him in the revised plot plan, which reflects a 16-foot variance of the side setback requirements. Mr. Levy submitted to the Board a revised plot plan (Exhibit "C-3") reflecting the 16-foot variance of the side setback requirements as requested by the Board.

Mr. Levy explained that the lot was originally platted so that the front faced Delaware Avenue and that when construction of the house occurred, the front of the residence faced 31st Street, thus creating a hardship for the proposed construction. Mr. Levy stated that the plot plan had been revised and that stakes had been placed in the ground depicting in actuality the location of the proposed construction. He advised that there had been some concern from the protestants at the last regular meeting regarding possible drainage problems onto adjoining property, and requested the Board to condition the approval, if given, subject to City Hydrology approval. Mr. Levy stated that his client intended to put up a gate which would be identical to the existing side gate and, further, that there would be no change in the fence facing 31st Street.

Protestants:

Michael Vanderburg, Attorney-at-Law, Suite 400, 5200 South Yale Avenue, advised the Board that he represented the John Knox Presbyterian Church, the land-owner immediately to the east and northeast. Mr. Vanderburg explained that his client had been concerned over the possible drainage problems in that the subject property was high ground with the natural water flow to the east. He reminded the Board that, at the June 25th meeting, he was informed that a drainage pipe system would be installed and, when asked if it would address his clients concerns if approval was conditioned upon City Hydrology approval, he had indicated that it would.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from the centerline of 85' to 68'; and, a Variance of the setback requirements from 55' to 43' 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) to permit an accessory building in the side yard; and, a Variance of the square footage requirements of an accessory

11510 (continued)

building from 750 square feet to 828 square feet in an RS-2 District; all per revised plot plan and subject to approval of the drainage plans by the City Hydrology Department, on the following described property:

Part of the SW/4, SW/4, SE/4 of Section 17, Township 19 North, Range 13 East, beginning at the SW corner 213' East and 35' North, to the point of beginning; thence 135' North; thence 212' East; thence 135' South; thence 212' West to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

11515

Action Requested:

Variance (Section 420.2 - Accessory Use Conditions - Under the Provisions of Section 1670) request for a variance of the maximum sign size of 32 square feet to 120 square feet; and, a Variance of the height size of 15 feet to 20 feet in an RS District. This property is located at 525 North Oxford Avenue.

Presentation:

Reverend Glen Ellis, 1519 North Columbia Avenue, Pastor of the Faith Church of the Nazarene, was present to address the Board and submitted an advertisement of the proposed sign which included sign details and specifications (Exhibit "D-1"). Reverend Ellis advised that he wished to erect a sign with 60 square feet with the intention of later installing a marquis consisting of 40 square feet underneath the sign. He stated that the area from the ground to the bottom of the sign would be 10' and that the sign itself would extend another 10' high, with a width of 10'. The additional 40 square feet of sign to be installed at a later date would be 4' in height and would fit directly under the 60 square feet of sign. Reverend Ellis stated that the sign would be an illuminated sign.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 420.2 - Accessory Use Conditions - Under the Provisions of Section 1670) of the maximum sign size of 32 square feet to 100 square feet; and, a Variance of the height size of 15 feet to 20 feet in an RS District, on the following described property:

Lot 3, Block 14, Fairland Addition to the City of Tulsa, Tulsa County, Oklahoma.

11528

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 West 48th

11528 (continued)

Place from 55' to 30' & 3" in an RS-3 District to permit a carport. This property is located at 2120 West 48th Place.

Presentation:

James Dunn, 7838 South Elm Place, Broken Arrow, Oklahoma, was present to address the Board on the behalf of the owner of the property, Don McClintock. Mr. Dunn explained that he was formerly employed by the company that would be erecting the carport and that the carport would be 26' x 20' with post and beam construction. He stated that it would be approximately 12' high from the end closest to the street, that there would be nothing obscuring the view of drivers, and that it would be 7' from the property line and would line up with the house.

Mr. Dunn described the building materials to be used, indicating that all materials would include 4 x 6 and 4 x 8 wood beams with a gable-type roof attached to the residence. He stated that the residence originally had a two-car garage that had been converted, as had been most of the garages in the area. Mr. Dunn advised that he had spoken with the neighbors in the immediate area and had received no objections to the proposed construction. Mr. Dunn also stated that there was one other carport on a corner lot which extended out approximately 20'.

Protestants: None.

Board Comments:

Mr. Smith advised that he could not justify casting an affirmative vote for the application since no hardship had been addressed.

Mr. Victor also stated that he would not feel comfortable voting for an application of this type since he was unfamiliar with the neighborhood, and expressed a desire to view the property.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to continue Case No. 11528 to July 23, 1981, in order to allow for the presence of additional Board members and in order to allow time for Board members to view the property and surrounding area.

11529

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 3636 South Olympia Avenue.

11529 (continued)

Presentation:

Don Brannum, P. O. Box 9808, was present to address the Board and advised that the lot measured 59.2' across the frontage and 135 feet deep, and that the proposed mobile home is 14' x 70'. When asked by Mr. Smith if there were other mobile homes in the area, Mr. Brannum advised that there was a mobile home two lots to the south of him. He stated that the lot had been vacant and overgrown with weeds and that he had removed that overgrown vegetation in order to use the property for the mobile home.

Protestants: None.

Remarks:

Mr. Gardner advised the Board that several mobile homes in previous years had been approved in that area and that it was an area which was, for the most part bounded by industrial zoning. He further advised that the Comprehensive Plan called for an eventual rezoning to industrial for this area. Mr. Gardner also advised that, more recently, the Board approved an application for location of a mobile home and removed the time limitation, conditioning the approval subject to City-County Health Department approval only.

Board Comments:

Mr. Smith asked Mr. Brannum if a sanitary sewer system was available for hook-up. Mr. Brannum advised that he had a perc test performed on the property and Mr. Jones further advised that it had been approved by the Health Department.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "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 an indefinite period, on the following described property:

Lot 7, Block 6, Hardesty Addition to the City of Tulsa,
Tulsa County, Oklahoma.

11531

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Section 1670) request for a variance to permit a mobile home in an IM District. This property is located at 5755 East 15th Street.

Presentation:

Marie Gassaway, the mother of the applicant, Cynthia Sorrels, 5755 East 15th Street, was present to address the Board and advised that she and her husband lease a service station on the subject property. She further advised that they wished to locate a mobile home on the property

11531 (continued)

for protection of the station and that it would be situated behind the station so as not to be visible from 15th Street. Mrs. Gassaway stated that her daughter and her son-in-law would be residing in the mobile home, which would measure 14' x 65'.

Protestants: None.

Board Comments:

Brief discussion ensued over the fact that the property was located in the area that flooded quite frequently, and Mr. Jackere advised the Board that it was illegal to locate a mobile home in a floodplain district.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Section 1670) to permit a mobile home in an IM District, subject to approval by the City Hydrology Department, on the following described property:

Beginning at a point 40' North and 122.5' East of the SW corner of the SW/4 of the NE/4, Section 10, Township 19 North, Range 13 East, Tulsa County, Oklahoma; thence North approximately 430' to point on South right-of-way line of Railroad spur tract; thence Northeasterly on spur right-of-way, approximately 72' to a point on the Westerly right-of-way of main line of Frisco Railroad; thence Southeasterly on the right-of-way approximately 530'; thence West 200' to the point of beginning, containing 1,228 acres, more particularly described as a part of the above tract being irregular and beginning at a point of the intersection of Mill Creek Ditch and 15th Street right-of-way; thence Easterly 200' perpendicular to 15th Street right-of-way; thence Northwesterly 105'; thence Westerly 88'; thence Southerly in a radius 141' to the point of beginning.

11532

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in Office Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1680) request for an exception to permit a 32.8% floor area ratio in an OL District. This property is located southwest of 23rd Street and Garnett Road.

Presentation:

Charles Murphy, 9930 East 21st Street, was present to address the Board and submitted a plot plan (Exhibit "E-1"), a layout of parking spaces (Exhibit "E-2"), and the front elevation of the proposed structures (Exhibit "E-3"). Mr. Murphy advised that 25 parking spaces would be required and that the present plans called for 45. He stated that there was no access to any residential areas--that all ingress and egress areas would be on Garnett. Mr. Murphy advised that the property had recently been platted and had been through the City Hydrology Department for requirements.

11532 (continued)

Protestants: None.

Board Comments:

Mr. Victor asked Mr. Murphy if the majority of the proposed structures would be constructed with a native stone facade, as depicted on the front portion of the structure in the submitted elevation. Mr. Murphy indicated that the buildings would be a combination of siding and the native stone. He also indicated that the property would be landscaped.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in Office Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1680) to permit a 32.8% floor area ratio in an OL District, per plans and rendering submitted, on the following described property:

Lots 2, 3 and 4, Block 1, Murphy-Gilbert Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

11533

Action Requested:

Variance (Section 420.2 (d) - Signs - Under the Provisions of Section 1670) request for a variance to permit a 4' x 8' temporary sign (realty) in an RS-3 District. This property is located at 3651 Riverside Drive.

Presentation:

The applicant, Diane Barkett, Patterson Realtors, 5509 South Lewis, was not present to address the Board.

Remarks:

Ms. Miller advised the Board that Riverside Drive is the only arterial street in the City of Tulsa that is not totally cluttered with signs.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to deny a Variance (Section 420.2 (d) - Signs - Under the Provisions of Section (1670) to permit a 4' x 8' temporary sign (realty) in an RS-3 District, on the following described property:

Lot 20, Block 3, Peoria Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

11534

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) request for an exception to permit church and school use in an AG District. This property is located northwest of 101st and Garnett.

11534 (continued)

Presentation:

Jim Glassford, 8621 South Memorial Drive, was present to address the Board and submitted a plot plan (Exhibit "F-1") and an artist's rendering of the proposed facility (Exhibit "F-2"). Mr. Glassford explained that he was a member and a trustee of the Grace Fellowship Church and that the facility was to be constructed on an 80-acre tract of land. Mr. Glassford advised that parking would be to the front of the proposed sanctuary, as depicted in the submitted rendering, with future expansion in the form of a school, a gymnasium, and several outside supporting facilities to the back and to the sides of the sanctuary.

Protestants: None.

Remarks:

Mr. Jones advised the Board that the legal notice did not reflect a request for school use.

Applicant's Comments:

Mr. Glassford advised that, when applying for Board of Adjustment application, he had requested the school use.

Board Action:

It was determined that the legal notice would have to be republished and the Chair, without objection, continued Case Number 11534 to August 6, 1981.

11535

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1210 - Off-Street Parking - Under the Provisions of Section 1680) request for an exception to permit off-street parking in an RM-2 District; and, a Variance (Section 1320 (d) - General Requirements - Under the Provisions of Section 1670) request for a variance to permit off-street parking on a lot that does not contain the use for which the required parking spaces or berths are to be provided. This property is located at 1620 East 12th Street.

Presentation:

Mike Mowery, 5801 East 41st Street, Suite 802, was present to address the Board and submitted a proposed parking plan (Exhibit "G-1") and a copy of the City of Tulsa Atlas Map of the subject property (Exhibit "G-2"). Mr. Mowery explained that he was an architect for the Tulsa Psychiatric Center and that they owned a portion of two lots which they wished to pave for use as parking (approximately 13 spaces) for staff and visitors. Mr. Mowery indicated that the Center intended to remove an old, delapidated residence on the property and that the parking lot would be screened.

Protestants: None.

Remarks:

Mr. Gardner advised the Board that, since the area was located in the Hillcrest Medical Center area, quite a number of off-street parking applications had been approved, subject to landscaping and/or screening requirements as deemed necessary by the Board.

11535 (continued)

Brief discussion ensued as to possible drainage problems that might occur.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1210 - Off-Street Parking - Under the Provisions of Section 1680) to permit off-street parking in an RM-2 Districts; and, a Variance (Section 1320 (d) - General Requirements - Under the Provisions of Section 1670) to permit off-street parking on a lot that does not contain the use for which the required parking spaces or berths are to be provided, subject to approval by the City Hydrology Department, on the following described property:

The East 40' of Lot 1, and VACATED West 10' Trenton Avenue on East Block 9, and Lot 2 and VACATED West 10' Trenton Avenue on East, Less the West 50' of Lot 2, Block 9, Forest Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

11536

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the rear yard setback requirements from 20' to 12' in an RS-3 District. This property is located at 1412 East 32nd Place.

Presentation:

Eric Stiller, 1425 East 32nd Place, was present to address the Board and submitted a plot plan (Exhibit "H-1"). Mr. Stiller advised that he was attempting to save a large black walnut tree which would have to be removed if the residence was constructed in compliance with the rear yard setback requirements of 20'. The plot plan reflected an existing garage which Mr. Stiller indicated would be removed.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the rear yard requirements from 20' to 12' in an RS-3 District, per plot plan submitted, 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.

11537

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts- Section 1213 - Convenience Goods and Services - Under the Provisions of Section 1680) request for an exception to permit a convenience store in an IL District. This property is located at 900 North Mingo Road.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, was not present to address the Board.

Protestants: None.

Board Action:

At the time of adjournment, the applicant still had not arrived and the Chair, without objection, continued Case Number 11537 to July 23, 1981.

11538

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680) request for an exception to permit automotive repair and allied activities in a CS District. This property is located at 2223 East Third Street.

Presentation:

The applicant, Cleve Henderson, was not present to address the Board.

Protestants: None.

Board Action:

At the time of adjournment, the applicant still had not arrived and the Chair, without objection, continued Case Number 11538 to July 23, 1981.

11539

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 50' to 25' from the centerline of the street; and, a Variance of the side yard setback requirements from 10' to 4' on the west; and, a Variance from 10' to 5' on the east in an RM-1 District. This property is located at 1124 East Young Place.

Presentation:

Michael Monroe, 1111 East Young Place, was present to address the Board and submitted a plot plan (Exhibit "I-1"). Mr. Monroe advised that his father owned the subject property and that it was his feeling that the lot was far too small to build within compliance of the front and side yard requirements. Mr. Monroe explained to the Board that he had brought with him plot plans of other residences in the immediate area which were also not constructed within compliance with those setback requirements. Mr. Monroe also advised the subject property was once occupied by a residence which had since been demolished and that it was not in compliance with the setback requirements either. He indicated that measurements of the lot were 75' x 50'.

11539 (continued)

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 50' to 25' from the centerline of the street; and, a Variance of the side yard setback requirements from 10' to 4' on the west; and, a Variance from 10' to 5' on the east in an RM-1 District, per plot plan, on the following described property:

The N/2 of the East 50' of Lot 3, Block 3, Sunny Slope Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

- Communication from Don Edwards

Presentation:

Mr. Jones provided the Board members with a copy of a letter (Exhibit "J-1") dated June 25, 1981, from Don Edwards, 3336 East 32nd Street, which stated in part: "...Regarding the location at Pittsburg and 41st Street, the Tulsa Zoning Code requires that the City of Tulsa is bound by the same requirements of the Zoning Code as a private individual, in Paragraph 110.3 (c), and as such must follow the same approval procedures. In my opinion, the City has failed to comply with Paragraph 1630, Notice of Public Hearings, with regard to this location. On January 18, 1981, bus stop shelter (R-141), located at Pittsburg and 41st Street was approved by the Board of Adjustment, in apparent violation of Paragraph 1630, Notice of Public Hearings."

Remarks:

Mr. Jackere advised that the Board had determined that bus shelters were principal uses which could be erected in residential districts by right as a Use Unit 1. Mr. Jackere further advised that the Zoning Code stated that uses that are customary and accessory to the principal uses are also permitted; therefore, the signs on the bus shelters are considered customary and incidental to the bus shelter.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to refer Mr. Edwards' communication to the City Legal Department.

There being no further business to come before the Board, the Chair adjourned the meeting at 3:07 p.m.

Date Approved _____

Sept. 3, 1981

[Signature]
Chairman