CITY BOARD OF ADJUSTMENT
MINUTES (No. 342)
Thursday, August 20, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser	Lewis	Gardner	Jackere, Legal Department
Smith, Acting Chairman		Hubbard	
Victor (in at 3:55 p.m.)		Jones	Miller, Protective Inspections
Wait (out at 4:00 p.m.)			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, August 19, 1981, at 9:23 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 1:30 p.m.

MINUTES:

There were no Minutes ready for approval.

MINOR VARIANCES AND EXCEPTIONS:

11581

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 from 60' to 45'; and a Variance of the area requirements from 6,900 square feet to 4,500 square feet in an RS-3 District to permit a lot-split. This property is located on the southwest corner of 33rd Street and Quincy Avenue.

Presentation:

Mr. Jones advised the Board that, on August 5, 1981, the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-15243), subject to the approval of this Board.

The applicant, Ruth Blanc, 3523 South Troost Avenue, was present; however, she did not address the Board.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "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 from 60' to 45'; and, a Variance of the area requirements from 6,900 square feet to 4,500 square feet in an RS-3 District to permit a lot-split (L-15243), on the following described property:

Lot 8, Block 1, Olivers Addition, City of Tulsa, Tulsa County Ok.

11582

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 from 50' to 38' from the centerline of 11th Street to permit the erection of a pole sign. This property is located at 2603 East 11th Street.

Presentation:

Mr. Jones submitted to the Board a letter (Exhibit "A-1") dated August 20, 1981, from the applicant, Angela Lambert, requesting a continuance to September 17, 1981, in order that she might work out an agreement with the property owner.

Protestants: None.

Board Action:

Without objection, the Chair continued Case No. 11582 to September 17, 1981.

11583

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 25' to 20' in an RS-2 District. This property is located at 3920 East 54th Street.

Presentation:

Joe Wilkinson, 1721 South Delaware Place, was present to address the Board and submitted a plot plan (Exhibit "B-1"). Mr. Wilkinson advised that the subject lot was angular in shape and that it would be difficult to construct an addition on the rear of the existing residence without encroaching into the 25' rear yard setback requirement. He further advised that only one corner of the addition would be encroaching.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Distrits - Under the Provisions of Section 1630-Minor Variances) of the rear yard setback requirements from 25' to 20' in an RS-2 District, per plot plan, on the following described property:

Lot 4, Block 5, Lou North's Woodland Acres Second Addition to the City of Tulsa, Oklahoma.

11585

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 from 60' to 27' from the centerline of Yale Avenue to permit the erection of service station canopies in an OL District. This property is located at 4752 East Fourth Place.

Presentation:

Mark Roberts, 7434 East 46th Street, was present to address the Board and advised that he wished to erect canopies over existing gas pump islands which were installed some years ago. Mr. Roberts stated that there were residences facing Fourth Street to the north of the subject property and that there was a church to the south of the property.

Protestants: None.

Remarks:

Ms. Miller advised the Board that there were existing islands in the proposed right-of-way some years ago when the Board permitted the replacement of the old pumps and islands with new ones, as well as underground fuel storage.

Mr. Jones stated that the zoning of the property had been changed to OL approximately five or six years ago, but that the station was situated on the property prior to the rezoning to OL.

Mr. Jackere asked Mr. Roberts if the proposed canopies would be any closer to the street than the islands. Mr. Roberts replied that the canopies would be approximately 10' closer to the street.

Board Comments:

Mr. Wait asked Mr. Roberts how high the canopies would be from the driveway (concrete)? Mr. Roberts stated they would be approximately 14' high.

Mrs. Purser asked if there had been continuous use of the property as a gasoline station prior to the installation of a convenience store on the property. Mr. Roberts explained that there had been continuous use as a gasoline station, with the exception of an interruption in use when the present owners purchased the property, bulldozed it, and reopened the more up-to-date convenience store and station. Mrs. Purser commented that she did not feel that the applicant had shown a hardship required for approval of the requested variance.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 2-1-0 (Purser, Wait, "aye"; Smith "nay"; no "abstentions"; Lewis, Victor, "absent") to deny the Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 27' from the centerline of Yale Avenue to permit the erection of service station canopies in an OL District, on the following described property:

Lot 1, Block 1, Kendall View Addition to the City of Tulsa, Ok.

11601

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 16' in an RS-3 District. This property is located at 5811 East 80th Street.

Presentation:

The applicant, Don Myers, 5840 South Memorial Drive, Suite 214, was not present to address the Board and still had not appeared at the time of adjournment.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to continue Case No. 11601 to September 3, 1981.

UNFINISHED BUSINESS:

11562

Action Requested:

Exception (Section 240.2 (c) - Permitted Yard Obstructions - Under the Provisions of Section 1680) request for an exception to permit a fence to exceed 4' in height in an RS-3 District. This property is located at 3634 South Oswego Avenue.

Presentation:

Mr. Jones advised the Board that this application had been continued from the August 6th meeting in order to readvertise and request an exception. Mr. Jones submitted a letter (Exhibit "B-1") from Glen Baxter, 2 River Street Place, Boston, Massachusetts, stating that he owned the property directly across the street from the subject property and that, unless his tenant, Mrs. Bobbie Young, had any objections, he did not oppose the request for the exception. Mr. Jones explained that, on August 6, the application had included a request for an appeal from the decision of the Building Inspector in order to allow a fence to exceed 4' in height in an RS-3 District and that the Board had acted on that request, upholding the decision of the Building Inspector.

Merl Whitebook, 1700 Fourth National Bank Building, was present to address the Board and submitted a petition in support of the request signed by 56 area residents (Exhibit "B-2"), 16 black and white photographs of the subject property and surrounding property (Exhibit "B-3"), and a plot plan of the property and surrounding area (Exhibit "B-4"). Mr. Whitebook advised that he represented Mr. and Mrs. Kevin Alves, 3634 South Oswego, in the capacity of legal counsel and that the fence was in existence. He explained that the fence was situated in accordance with the proper setback and that the portion of the fence under application was that portion beginning at the front setback and extending back to the front of the residence. Mr. Whitebook stated that, during the summer of 1980, the Alves' home was damaged due to the drought that occurred and that they sustained damage to the foundation

as well. In April of this year a massive reconstruction and expansion of the residence was begun and the landscape architect had designed the fence for two major purposes--those being: (1) to screen the traffic on 36th Street, which is a heavier trafficway than a normal residential area; and, (2) to screen some automotive repairs and other activities which occur on a regular basis to the north of their property, including lighted equipment at night in order to accomplish the repairs. Prior to erecting the fence, Mr. Whitebook explained, the Alves' checked with the fence company, the landscape architect, and the Building Inspector's Office and were apparently misinformed; therefore, they were not aware of the 4' requirement. Mr. Whitebook stated that the Alves' then contacted him about the situation and that he did not have access to his Zoning Code since he was recuperating from hospitalization and advised them that he was uncertain as to the requirements. Mr. Whitebook directed the attention of the Board members to the exhibited photographs and explained that the photo's depicted properties in the area which have fences that exceed the 4' requirement. He also pointed out to the Board members locations denoted in color marker on the plot plan properties which had similar fencing. Mr. Whitebook explained that the fence served another purpose for screening in that the kitchen window of the subject residence faced the bathroom window of the residence next door and the 8' fence provided that needed screening.

Protestants:

Pat Thompson, representing Mr. and Mrs. Ed Fraser, 3630 South Oswego, advised that his clients felt the fence destroyed the integrity of the neighborhood and, in addition, that the height of the fence blocked any air circulation of the lot and posed a safety hazard in that the fence obscured the view of their residence from the majority of the other residences in the neighborhood.

Merle Inman, 3629 South Oswego, stated that, although the fence was well-constructed and attractive, he would like to see the fence reduced in height from the present 8' to 4'. Mr. Inman also stated that there were no other fences exceeding the 4' requirement in the immediate neighborhood and, further, that there were no screening fences that extended beyond the front building line in that particular block.

Remarks:

Mr. Jackere asked Mr. Inman if there were other fences in the neighborhood that exceed the 4' requirement. Mr. Inman advised that there were none with the exception of chain link fences of the same type which surrounded the Public Service Company of Oklahoma's property on the corner of 36th Street and Oswego Avenue and, further, that there were no screening fences which extended beyond the front building line in that particular block.

Board Comments:

Prefaced by her motion, Mrs. Purser commented that she did not feel there had been a hardship shown and, further, that if the application had been reviewed by the Board prior to the erection of the fence, she did not feel she would have voted in favor of it.

11562 (continued)

Board Action:
On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "absent") to deny the exception (Section 240.2 (c) - Permitted Yard Obstructions - Under the Provisions of Section 1680) to permit a fence to exceed 4' in height in an RS-3 District, on the following described property:

Lot 2, Block 2, Millcarr Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

11572

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RS-1 District. This property is located at 3302 North 78th East Avenue.

Presentation:
At the time of adjournment, the applicant, William Towler, 10540 East Admiral Place was still not present to address the Board.

Protestants: None.

Board Action:
On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to continue Case Number 11572 until September 3, 1981.

11573

Action Requested:
Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1209 - Mobile Home Dwelling - Under the Provisions of Section 1670) request for a variance to permit a second mobile home in a CS District (first mobile home now being used for an office in conjunction with the golf driving range). This property is located at 9911 East Skelly Drive.

Presentation:
Willie Morrison, 9911 East Skelly Drive, was present to address the Board and advised that, on November 6, 1981, the Board of Adjustment approved the location of the first mobile home for office and security purposes at the subject location (BOA Case #11254). Mr. Morrison explained that he intended to reside in that particular mobile home and that the Tulsa City-County Health Department advised him that he could not reside in the same mobile home that was used as an office and for security purposes. He stated that there were no residences or businesses within approximately 1,000 feet in any direction and cited an instance of an attempted break-in recently in which the presence of the mobile home did provide the security intended.

11573 (continued)

Remarks:

Mr. Jackere asked Mr. Morrison why the Health Department refused to allow him to reside in the first mobile home. Mr. Morrison advised that there was a concession stand operated as an integral part of the business and it was for that reason that the Health Department officials refused him permission to reside in the first mobile home.

Protestants: None.

Board Comments:

Discussion ensued between Ms. Miller, Zoning Officer, and the Board of Adjustment members as to the possibility of erecting a building on the property. Ms. Miller informed the Board that, because of the floodplain, a structure could not be erected on the property and, further, that if the Board was inclined to approve the application on the basis that the floodplain constituted a hardship to the applicant, approval for the location of a second mobile home would be required by the City Hydrology Department.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1209 - Mobile Home Dwelling - Under the Provisions of Section 1670) to permit a second mobile home in a CS District (first mobile home now being used for an office in conjunction with a golf driving range) for a period of time to run concurrently with the previously approved mobile home, date certain being November 6, 1983, and subject to approval by the City Hydrology Department, on the following described property:

Lot 1, Block 2, Magic Circle Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

FOR THE RECORD:

Entered into the record on September 1, 1981, was a letter (Exhibit "C-1") from Dorotha Miller, Zoning Officer, advising the applicant that the City Hydrology Department refused approval of the application, thereby, constituting DENIAL of the application by the Board of Adjustment.

11575

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 permit a child care center in an RS-3 District located in a public school building. This property is located at 7502 East 57th Street.

Presentation:

Phillip Goodwin, Director of the Community School Program for the Tulsa Public Schools, 3027 South New Haven Avenue, was present to address the Board and submitted a summary description (Exhibit "D-1") of the proposed Byrd Community School Child Care Center for the

Handicapped. Mr. Goodwin advised that the Program proposed to locate the Center for the Handicapped at the Byrd Junior High School at 7502 East 57th Street. He explained that the need for a program of this type has been demonstrated by the facts and figures as presented in the exhibited summary. Mr. Goodwin stated that, recently, documentation from a survey taken by the Association for the Retarded showed that there were 108 day care centers in the City of Tulsa, only five of which were open to the handicapped children ranging in age from birth to 11 or 12 years of age. He advised that the project would be designed to operate twelve months per year, Monday through Friday, from 7:30 a.m. to 6:00 p.m., and was anticipated to be a very needed service for working parents. He further advised that the project would be licensed by the Oklahoma State Department of Human Services. Mr. Goodwin noted that the project would occupy the west wing of the school and that the licensing services for day care centers had been contacted and information on bringing the building up to required standards for licensing had been obtained. Eligibility, he explained, would be for children from birth to 12 years of age and would include educable mentally handicapped, trainable mentally retarded, physically handicapped, blind and partially seeing, deaf and hard of hearing, emotionally disturbed, speech impaired, and children with learning disabilities. Additionally, Mr. Goodwin briefed the Board members of the financing, staffing, and sponsorship, as presented in the exhibited summary.

Protestants: None.

Interested Parties:

John Killiman, past President of the Byrd Advisory Council, 6836 East 55th Street, advised that the program was sorely needed and it was anticipated that the program would be initiated this summer.

Dockie Gammon, Director of the Tulsa Association for the Retarded, advised that, over the past six or seven years, the Association had attempted to place multi-handicapped children in day care centers, but failed due to the fact that there are virtually no programs of that type in existence. Ms. Gammon explained that she received calls daily from parents that were in need of a program of the proposed type, thus justifying the need in the community for such a service. She advised that the Association would be more than happy to offer whatever services were available in the way of consultants or any other services needed. Ms. Gammon indicated a very strong support for the program on behalf of the Association for the Retarded.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "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 a child care center in an RS-3 District located in a public school building, on the following described property:

The NE/4, NW/4, SE/4 and the W/2, NW/4, NE/4, SE/4 of Section 35, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, containing 15.015 acres.

11576

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in the Commercial District - Under the Provisions of Section 1670) request for a variance of the setback requirements from the centerline of Pine Street from 100' to 50' in a CS District. This property is located on the SE corner of North Madison Place and Pine Street.

Presentation:

Carlos Chappelle, representing the applicant, T. Oscar Chappelle, was present to address the Baord and submitted a set of plans (Exhibit "E-1") consisting of a plot plan, a floor plan, and the front elevation. Mr. Chappelle advised that the proposed use for this tract of land would be that of a law office for himself. Mr. Chappelle stated that to the south were residences, to the west is the Morming Star Baptist Church, to the east is an existing office building which at one time was a doctor's office and is presently a doctor's office and a real estate office and just east of the office building is a dentist's office. He explained that his proposed use of the subject tract of land would seem to be in conformity with other similar uses in the immediate area. The Church has recently purchased extra parking space 100' south of the Church, Mr. Chappelle explained, and he did not believe that a parking problem would be created. He noted that the proposed office building would be approximately 1,000 square feet, thus allowing enough space for five parking spaces. Mr. Chappelle requested that the record reflect that the neighbor immediately to the south of the subject property, Mary L. Watson, 1441 North Madison Place, was present in support of the application.

Cecil Stanfield, of Stanfield, Elliott, and Associates was present in support of the application and advised that he was the architect on the proposed law office. Mr. Stanfield further advised that all the property south of the area is presently being purchased by the Tulsa Urban Renewal Authority and that all property to the west is either presently owned by T.U.R.A., or is in the process of being purchased by T.U.R.A. In an attempt to acquire property from T.U.R.A. as the proposed location of the office building, Mr. Stanfield was informed by T.U.R.A. officials that the earliest available office space would be three to five years in the future due to the fact that new sewer, water, and electrical services were needed for those areas. Mr. Stanfield explained that, with the 100' setback requirement from the centerline of Pine, this would create an extremely narrow lot, and presented that as the hardship.

Remarks:

Mr. Jackere asked Mr. Gardner if the subject property could be used for any purpose with a setback requirement of 100'. Mr. Gardner advised that there would have to be some waiver granted to a degree.

Protestants:

Sandra Alexander, 1044-1046 East Pine Street, submitted a petition of protest signed by John M. Alexander, Alyce Craton Alexander, and herself (Exhibit "E-2"), a statement signed by Ms. Alexander informing the Board that she had been empowered by Dr. James R. Ellis, 1110 East Pine Street, to oppose the application on his behalf (Exhibit "E-4"), and ten color photographs depicting the parking situation on and around the subject property which the area residents and businesses are confronted with (Exhibit "E-4"). Ms. Alexander, and

Attorney-at-Law, advised the Board that she represented the Board of Directors and shareholders of the Alexander Building Corporation, which owns the property abutting the subject property on the east, located at 1044-1046 East Pine Street. Ms. Alexander stated that it was the opinion of those represented that approval of the application would result in poor site development and poor land use planning, thus resulting in placing an unreasonable burden on the neighborhood as a whole and the Alexander property in particular. She stated that it was the feeling of the protestants that there was no hardship other than a self-inflicted one by the applicant. Ms. Alexander briefed the Board on the history of the subject property and, in doing so, noted that sixteen months ago the property owner requested a variance for the subject property to permit the construction of a building. At that time, the Board of Adjustment denied the request finding that there was insufficient off-street parking in the area to support the proposed construction. During the review of the previous application, she explained, the Board noted that the applicant was maintaining 44 marked spaces in a paved parking lot located across Pine Street and to the north of the Church building and, in the past year, the applicant has been permitted to commence construction of a building on this parking lot, thus causing a further reduction in the number of paved and marked off-street parking spaces in the area. Ms. Alexander advised the Board that the parking lot formerly accommodating 44 vehicles is now marked for only four vehicles. She directed the attention of the Board members to the exhibited photographs and described for the members the parking situation on Sundays and during other church activities, noting that the photographs were taken on August 9 and August 16 and that many of the parking areas were unmarked and unpaved, thereby, being in violation of the Zoning Code.

Board Comments:

Mr. Smith asked Mr. Chappelle if the subject lot was currently owned by the Morning Star Baptist Church and Mr. Chappelle replied that it was.

Applicant's Comments:

Mr. Chappelle addressed the parking situation by advising that, since the time that the first application was denied by the Board, the Church has purchased an additional 300 spaces of unpaved parking in the form of two lots. Mr. Chappelle further advised that the Alexander property was indeed used for overflow parking from church activities, but that no complaints had ever been made by the Alexanders of that particular use and, further, that no request to cease the utilization of the property for parking by the Alexanders.

Board Comments:

Mrs. Purser asked Mr. Chappelle if he was aware that the unpaved parking lots presently in use were illegal. Mr. Chappelle replied that he was unaware of that and Mrs. Purser explained to him that the Zoning Code requires that parking lots were to be paved with a hard-surface, dust-free, all-weather material. It was also pointed out to Mr. Chappelle that those lots most recently acquired to use for parking were required to be approved for that use by the Board of Adjustment. Brief discussion ensued.

11576 (continued)

Board Action:
On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "absent") to deny the Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670) of the setback requirements from the centerline of Pine Street from 100' to 50' in a CS District, on the following described property:

Lot 24, Block 1, Liberty Addition to the City of Tulsa, Tulsa County, Oklahoma.

11577

Action Requested:
Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1202 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680) request for an exception to operate and maintain a water treatment plant, maintenance facility and other related activities in an AG District. This property is located southeast of 21st Street and 193rd East Avenue.

Presentation:
Charles Kimberling, Assistant Superintendent, City of Tulsa Water and Sewer Department, 2317 South Jackson, was present to address the Board and submitted a legal description (Exhibit "F-1"), a general layout map of the proposed improvements (Exhibit "F-2"), a property map indicating adjacent owners and their addresses within 330 feet of the property (Exhibit "F-3"), and a map indicating total use of the tract of land (Exhibit "F-4"). Mr. Kimberling advised that, presently, the City of Tulsa has a twenty million gallon per day treatment plant, pumping facilities, and several sludge lagoons located on the subject property, as well as a large reservoir which the City is in the process of enlarging.

Protestants: None.

Board Action:
On MOTION of WAIT and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "absent") to approve an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1202 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680) to operate and maintain a water treatment plant, maintenance facility, and other related activities in an AG District, on the following described property:

The SW/4 of the NE/4 and the E/2 of the NW/4 of the NE/4 and the E/2 of the W/2 of the NW/4 of the NE/4 of Section 13, Township 19 North, Range 14 East, in Tulsa County, Oklahoma, containing 70 acres, more or less; AND

The W/2 of the SE/4, LESS the North 330' thereof, of Section 12, Township 19 North, Range 14 East, in Tulsa County, Oklahoma, containing 70 acres, more or less; and the W/2 of the W/2 of the NW/4 of the NE/4 of Section 13, Township 19 North, Range 14 East, in Tulsa County, Oklahoma, containing 10 acres, more or less; AND

11577 (continued)

The E/2 of the NW/4 and the E/2 of the W/2 of the NW/4 of Section 13, Township 19 North, Range 14 East, in Tulsa County, Oklahoma; AND

The E/2 of the SW/4 of Section 13, Township 19 North, Range 14 East of the Indian Base and Meridian; AND

ALL that part of the NW/4, SW/4, SE/4 of Section 13, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, described as follows:

Beginning at the Northeast corner of Said NW/4, SW/4, SE/4; thence Southwesterly in a straight line to the Southwest corner of Said NW/4, SW/4, SE/4; thence Northerly along the West Boundary of Said NW/4, SW/4, SE/4 to the Northwest corner thereof; thence Easterly along the North Boundary of Said NW/4, SW/4, SE/4 to the point of beginning, containing five (5) acres, more or less; AND

The NW/4 of the SE/4 of Section 13, Township 19 North, Range 14 East, in Tulsa County, State of Oklahoma; AND

The E/2 of the SE/4 of Section 12, Township 19 North, Range 14 East in Tulsa County, Oklahoma, containing 80 acres, more or less.

11578

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-2 District. This property is located at 5210 South 32nd West Place.

Presentation:

Ernie Bedford, 707 South Houston Avenue, was present to address the Board in the capacity of legal counsel for Floyd Turnipseed, the applicant, and submitted 34 color photographs of the subject property and mobile home and the surrounding development of the area (Exhibit "G-1"), and an aerial photograph of the subject property (Exhibit "G-2"). Mr. Bedford explained to the Board that Mr. Turnipseed had purchased the five-acre tract of land quite a number of years ago for the sole purpose of constructing his residence on it. While the residence is being constructed on the property, Mr. Turnipseed wishes to maintain the mobile home on the land in order to supervise the construction of the residence, advised Mr. Bedford, and that the mobile home was setting on concrete blocks indicating that it was only of a temporary nature. Mr. Bedford pointed out that the exhibited photographs depicted the heavily-wooded nature of the land and the development of the neighborhood and stated that the mobile home was actually not visible in any noticeable way from the street unless one is trained to be searching for it. Mr. Bedford advised that, within the past few weeks, Mr. Turnipseed had sold his residence in Oklahoma City and that he was completing some work on some property at the lake in anticipation of selling that land and, as soon as the funds are combined for the sale of both properties, he can then commence construction on the new residence. He anticipated completion of the residence to be eight to nine months. Mr. Turnipseed advised that the mobile home was approximately 50' from his utility easement

line and that his plumber had informed him that he would have to come before the Board for approval of the mobile home only after it was in existence.

Remarks:

Mr. Jackere asked Mr. Gardner if, during the period of construction whether it be single family or another type, a mobile home was permitted for purposes incident to the construction and not for residential use. Mr. Gardner advised that was correct.

Protestants:

G. H. Nichols, 2941 West 53rd Street, stated that he adjoined the applicant's property for a distance of approximately 800' and that he was a spokesman for a group of protestants of the Mountain Manor Addition. Mr. Nichols proceeded by asking the protestants to supply the Board with their arguments on the matter and any other pertinent information.

Sandra Casey, 3212 West 53rd Street, advised that the residences of that Addition were very nice homes and were the first of that type on the west side of Tulsa when they purchased in the area. She stated that the Addition served as a catalyst for other home building projects of that type over the past twenty years. Mrs. Casey noted that there were other areas within the City of Tulsa which has accommodations for mobile homes and it was her feeling that Mountain Manor Addition was not one of those areas. She urged the denial of the application.

Mr. Nichols advised that he had been associated with the developers of Mountain Manor I and II Additions in the planning stages and, in the research that went forward in that planning, the primary problem was obtaining commitments from financing institutions concerned about the location being in West Tulsa. In order to prevent property value from decreasing in the Additions, platting was carefully done in order to exclude commercial and industrial operations that might surround this type of a residential construction in West Tulsa. Mr. Nichols stated that he objected to the approval of this application for the following reasons: (1) The mobile home was moved in and hooked up to all utilities prior to approval or action by this Board; (2) for two years prior to this time, the applicant has carried out industrial operations on the subject property moving in heavy tree-transplanters, locating and removing trees from the property, and carrying out an industrial movement of vehicles in and out of the property to attend to building construction; and, (3) at the subject site, there has been no request for a permit to build. Mr. Nichols pointed out that, as a general contractor himself, Mr. Turnipseed should have been aware of laws and ordinances of the City and should also have been knowledgeable of the procedures involved in obtaining approval necessary. In conclusion, Mr. Nichols respectfully requested that the Board deny the application.

Mrs. Sanford Fitzgerald, 2937 West 53rd Street, submitted to the Board a petition of protest (Exhibit "G-3") signed by approximately 200 residents of the Mountain Manor Addition to the City of Tulsa and stated that having a mobile home in that Addition was very objectionable to the residency requirements of the neighborhood.

E. B. Summerall, 3231 West 53rd Street, advised that his property adjoins Mr. Turnipseed's for a bit less than 300' and that he had lived there for approximately 20 years and, further, that he could not understand how Mr. Turnipseed could have proceeded to move the mobile home in, hook up all the utilities, and live there for approximately two weeks prior to obtaining a building permit or going through the necessary procedures for approval. He also stated that he felt Mr. Turnipseed had been operating a business of some type in the form of removing and planting trees for the past two years. Mr. Summerall further advised the Board that he was told by one of Mr. Turnipseed's employees that was contracted to remove and plant trees on the property, that Mr. Turnipseed had plans to build a large barn-type structure on the property in which to store his heavy equipment and machinery. Mr. Summerall stated that he felt the mobile home located on the property decreased the value of the property in the neighborhood and urged the Board to deny the application.

Applicant's Comments:

Mr. Bedford advised the Board that Mr. Turnipseed had no knowledge of the fact that he was in violation of the Zoning Code when he moved the mobile home onto the property and that the sewer lines and utility lines that the mobile home is hooked up to are the same lines that will accommodate the new residential structure to be built. Mr. Bedford stressed the fact that the mobile home was only temporary and would not be a permanent structure on the tract of land.

Board Comments:

Mrs. Purser asked Mr. Turnipseed if he could commence construction of the new residence if the property located at the lake did not sell. He advised that construction would begin, even if the lake property did not sell. Mrs. Purser indicated to Mr. Turnipseed that the exhibited photographs depicted the location of the mobile home to be situated rather close to the adjoining property and asked if there was a possibility of moving the mobile home to the opposite side of the five-acre tract of land. Mr. Turnipseed replied that it could be moved at considerable expense since it was situated at the present site because of the close proximity of the utility lines.

Mr. Smith asked Mr. Turnipseed if long-range use of the five-acre tract of land would include any commercial business of any type as had been referred to by one of the protestants. Mr. Turnipseed replied that the property would be used for residential purposes only--that no commercial business would be established on the premises.

Mrs. Purser commented that, if the applicant had come before the Board for this same approval before the fact, she would not have cast an affirmative vote for the location of the mobile home where it presently is located. She stated that she would not have opposed the temporary location of a mobile home at a different site on the five-acre tract of land while the residence was under construction.

When questioned by Board members about the possibility of moving the mobile home to another location on the property, Mr. Turnipseed indicated that he would prefer not to go to the extra expense of doing that and that he preferred to simply remove the mobile home from the premises.

11578 (continued)

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "absent") to deny 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-2 District, on the following described property:

A tract of land in the S/2 of the S/2 of the NW/4 of the NW/4 of Section 34, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, described as follows: Commencing at the Southwest Corner of the NW/4 of the NW/4 of Section 34; thence South 89°-52.7504' East, a distance of 350' to the point of beginning; thence South 89°-52.7504' East, a distance of 260'; thence North 231'; thence North 89°-52.7504' West, a distance of 260'; thence South 231' to the point of beginning, and containing 1.219 acres, more or less.

11579

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities- Under the Provisions of Section 1680) request for an exception to permit a children's nursery in an OL District. This property is located at the northeast corner of 21st Street and Indianapolis Avenue.

Presentation:

Wayne Kidd, 7465 South 20th Street, was present to address the Board and advised that he proposed to implement a child-care learning center in what was previously a real estate office. He further advised that the exterior of the existing structure would not be altered in any manner and that his daughter, who holds a master's degree in that field, would be operating the center. He stated that there was a drive-through restaurant located across the street and to the east was a parking lot for a business across the street.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "absent") to approve an Exception (Section 610 - Principal Uses Permitted in Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) to permit a children's nursery in an OL District, subject to the compliance of the signage requirements for the OL District, on the following described property:

Lot 10, Block 2, Sunrise Terrace 3rd Addition to the City of Tulsa, Tulsa County, Oklahoma.

11580

Action Requested:

Appeal From the Building Inspector - Under the Provisions of Section 1650 - request for permission to have open-air display of motorcycles

in a CS District; and an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217.3 (b) - Automotive and Allied Activities - Under the Provisions of Section 1680) request for an exception to permit open-air display of motorcycles for sale within 300' of an adjoining R District. This property is located at 1724 South Harvard Avenue.

Presentation:

Mr. Jones submitted to the Board a letter (Exhibit "H-1") from Paul Brunton, Attorney-at-Law, dated August 19, 1981, requesting a continuance to September 17, 1981, on the behalf of the applicant, his client, Norman McDonald, d/b/a K & N Motorcycles. Mr. Jones also advised the Board members that the letter stated that the primary protestants to the application as previously heard had been contacted with regard to the request for a continuance.

FOR THE RECORD:

One of the protestants, George Winkert, attended the Board meeting and, due to the fact that he would be unable to attend the September 17 meeting, wished his comments reflected and entered into the record.

Protestant:

George Winkert, 1724 South Gary Place, was present and advised that he was speaking on the behalf of the children attending Sidney Lanier Elementary School located between 17th and 19th Streets on South Harvard Avenue. Mr. Winkert stated that the motorcycle shop was located directly across the street from Lanier School and that the owner wished to park motorcycles on the sidewalk in front of the shop for display and that the crosswalk from the School to the other side of Harvard was only about 12' from the motorcycle shop. He advised that it was a safety hazard for the cycles to be on open-air display in that they would be an attraction to the children. Mr. Winkert explained that children were naturally curious and that many of them would want to climb onto one of the cycles, thus risking injury.

Board Comments:

Several Board members commented that they remembered discussion concerning open-air display of the cycles on February 19, 1981, at which time the application was originally approved, and that they believed the applicant was informed that he could not display the cycles outside the store.

Applicant's Comments:

Mrs. Norman McDonald assured the Board that, if the continuance was granted, the cycles would be removed from the open-air space and would not be displayed outside the building until the September 17 meeting, at which time a decision by the Board would be made as to whether or not the open-air display would be allowed.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-1 (Purser, Smith, Wait, "aye"; no "nays"; Victor "abstaining"; Lewis "absent") to continue Case Number 11580 until September 17, 1981, in order to allow for the presence of the McDonalds' legal counsel.

11584

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 pet grooming shop in an RM-2 District. This property is located at 1524 West Second Pl.

Presentation:

Debi Lippert, 1524 West Second Place, was present to address the Board and advised that she and her husband were the sole owners of the operation and that she was the only employee of the shop. She stated that the operation would take place in a spare bedroom of their residence and that the pets would range in size from a few pounds to 50 pounds (i.e., a standard poodle is approximately 50 pounds and stands about 17 inches high). Ms. Lippert indicated that there would only be four dogs per day for grooming on the premises and that while awaiting the grooming process, the dogs would be housed in cages inside the grooming facility.

Protests: None.

Board Comments:

Mr. Smith asked Ms. Lippert what the days of operation would be. Ms. Lippert explained that it would be in operation Monday through Friday, 7:30 a.m. to 5:00 p.m., and that the appointments are staggered; therefore, there are no more than two or three dogs coming to the residence at any one time. She also noted that, presently, she does not work every day.

Board Action:

On MOTION of PURSER 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 pet grooming shop in an RM-2 District, subject to the following conditions:

(1) That the operation be limited to only four (4) animals per day;
(2) that the animals be kept in cages in the room of operation;
(3) that there be no animals outside;
(4) that the days and hours of operation be Monday through Friday, from 7:30 a.m. to 5:00 p.m.; and,
(5) subject to all home occupation rules and regulations;

on the following described property:

Lot 12, Block 6, Newblock Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

11586

Action Requested:

Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places, Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods and Services - Section 1215 - Other Trades and Services - Under the Provisions of Section 1680 - Request for an exception to permit retail sales in an IL District. This property is located SE of 51st Street and Garnett Road.

Another member was gained so break was called. (5 minutes)

Continuing with Application No. 11586 (Noel Eden, applicant). This is a request for an exception to permit retail sales in an IL District on the south and east of 51st Street and Garnett Road. Is Mr. Eden here or his representative? Any protestants to this case? Since the applicant, Noel Eden, was not present and there were no protestants, we will just go on to the next case. This item was continued to September 3, 1981 meeting.

11587

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances - Request for a variance of the size of an accessory building from 750 square feet to 968 square feet. (There now exists a two-story accessory building with 1,434.32 square feet.) and, a
Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Under the Provisions of Section 1670 - Variances - Request for a variance of the setback requirements from 60' to 40' from the centerline of the street. This property is located at 1105 East 21st Place.

Presentation:

Mr. William Tabler, owner of the property (subject property) at 1105 East 21st Place, stated he would like to bring to the attention of the Board on this plat survey that we have made a few changes to change the dimension on the west from 10' to 18' and the overall dimension of the proposed garage from 22' x 44' to 20' x 40'; and the 3½' on the north side setback to 4' off the property line. In addition, he stated he would like to present copies of the Plat of Survey (Exhibit "I-1") of not only the adjoining neighbor's approval, but all those neighbors that could see this garage from any part of their yard. These neighbors not only approved this sketch, but commended us for trying to get our cars off the street. It is Norfolk Terrace and 21st Place that appears to be a cut-through for 21st Street traffic to Peoria Avenue westbound in the morning, since they cannot turn west on 21st Street and Peoria Avenue they cut through 21st Place and come out north onto 21st Street and, then in the evening it appears that a lot of the traffic shortcuts 21st and Peoria and cuts this way, and our cars being on the street would just be another hazard for the property.

Board Comments and Questions:

Do you plan to use the garage for any commercial purpose? No ma'am, just for a garage. We also, by doing this, can turn around and drive out straight, which we would then back into any traffic coming around that corner. There is no stop there at the corner, which would be another safety factor. What do you use the garage apartment for, sir? We have

11587 (continued)

recently purchased this property and it had been converted into an apartment at some time in the past and is occupied. (It is not a two-story?) Yes Ma'am. (What is in the bottom story?) The downstairs is like a playroom. (Do you plan to use the playroom for any commercial purposes?) Playroom - are you not going to charge at the door? No ma'am, not even after 5:00 p.m. If we have no more business, do we have a motion?

On MOTION by Victor and Second by Purser, the motion was moved for approval.

Questioning by the Board continues. As per drawing submitted, he has revised his drawing, did you not sir? That is correct, 40' in length and 20' in depth from the north property line and 18' rather than 10' off the property line on the west side. Motion is for approval according to those revised dimensions, Gary. (I'd like to ask Mr. Gardner a question. Do you have a problem with the setback as far as Norfolk Terrace is concerned? We are dealing with Norfolk, aren't we?) The applicant has revised that, so that he is coming closer to the 60 feet. (We are very close.) I think we are 58', (I was reading it 42, okay?)

Board Action:

On MOTION of VICTOR and SECOND by PURSER, 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 - Variances - of the size of an accessory building from 750 square feet to 968 square feet, and, a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances - of the setback requirements from 60' to 40' from the centerline of the street, on the following described property:

Lot 8, Block 14, Amended Plat of Sunset Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

11588

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Exception Uses - Under the Provisions of Section 1680 - Request for an exception to permit a helioport on the roof top of a building in a CH District. This property is located at 3701 South Peoria Avenue.

Presentation:

Ben Hevell, residing at 3627 East 66th Street, General Manager of Channel 2, the applicant, representing KJRH-TV located at 3701 South Peoria Ave. Mr. Hevell stated that they have had for some time the use of a helicopter to enhance our news coverage as a public service to the people so that we can better cover the news. We have no adequate facilities other than the ones we have asked to be approved to land this helicopter and to get current stories and personnel and equipment in, on a very limited basis. We do not plan to make this an extension of the airport. The helicopter we use doesn't even operate every day because stories don't

happen that require helicopter operation every day. We plan to put it on top of the building. We have done some tests with KVOO radio upstairs whose ear sensitivity is more of a problem than the average citizen because it does not bother them at all. The building is constructed in such a manner that it could easily withstand any pressure that the helicopter would put upon it. We plan to take this helicopter off towards the west and not over the residential area to the east and it will be as I said, very limited and privately used by just that helicopter and not by others.

Applicant's Comments:

Any questions to the applicant? (What is the size of the helicopter, how many passengers?) It is a 5-passenger helicopter and generally holds only about 3 or 4 at the most. It is one of the latest, a Bell Jet Ranger, it has no problems with any kind of loading at all, we have strict safety standards on this and we have FAA approval, which means it is absolutely safe to use. They have no problems whatsoever. (Do you have any problem with the exception being granted with the provision that you keep that same general size helicopter, in other words, the heliport would not be used for any other kind of transport?) That is no problem at this particular time, generally the TV News Helicopter ranges in approximate size as the one we have now. I have no idea what future developments will be, but rather smaller than larger, but this is the maximum size, I would say, that we would ever have. The present size Helicopter certainly is adequate for what we are doing now and it is so costly I don't think we would ever go any higher than that. It is a quiet plan - landing it on top of the building is not any feat at all with KVOO Radio even with the doors open so the sound is not a large problem. I have pictures of the top of the building to show exactly the plans drawn up to give ideas of the approach and leave if you would like to see them. I have with me the Director of Safety in Helicopters, if you would like to address him. (Where is this building located? Are there schools there?) Elliott School is located approximately 2 or 3 blocks away, but the approach of the helicopter would never be over the School, the FAA would not allow that, this is one of the considerations of the flight pattern for landing and taking off. Only in extreme emergencies would there be a nighttime flight. The State Safety Director for Helicopter Operations was present and available for any questions.

Larry Smith, 9607 East 54th Street, stated he was Safety Director for all helicopter operations for the eastern-half of Oklahoma. I coordinate operations of all operators with the FAA Office, who is Mr. Jim Myers at the Tulsa District Office. To answer your question about minimum altitude restrictions on helicopters, in this case, there are no minimum restrictions on helicopters although we do adhere to our own minimums for various operations. We have route segments planned through the City, various operations such as TV, Medivac and air taxi operations. The minimum altitude that we adhere to is normally between 500 and 1,000 feet and stops the whole noise complaints and makes the helicopter acceptable in a city environment. (What happens when the helicopter is in a downward attitude and the engine quits? Does it settle down?) There are many misconceptions about a helicopter. From a heliport operation in this case whether it is from a hospital or from a rooftop, in the event there is an engine failure, the helicopter has enough nertia without the power of the engine, the rollers

will keep turning and you can land the helicopter safely and it does not take a large area, it does not have to have forward speed as an airplane, it can be set down in a small area. The altitide has not limitations as far as safety, it doesn't make any difference whether you are 10' or 1,000' or 10,000'. (What happens when I read about a helicopter crash.) I can't answer that without knowing the specifics, there are a lot of reasons for accidents whether it is maintenance, piloting, usually these are the causes. It could hit a wire, hit a building, various things. That is one of the reasons we have organized a statewide committee to familiarize the public with the fact that helicopter operations are very safe, there are many misconceptions about a helicopter. If something happens in the air, they don't crash. In this particular heliport we have flown this helicopter with the FAA District people and made the recommendations to them as to the ingress and exit routes, the most safe departure routes from this area. All of the applications have been approved by the FAA. Any other questions to Mr. Smith?

Protestants:

Sharon Strange, 1338 East 32nd Street, representing her mother, Katherine Strange, who lives at the same address. Out house is the third house directly east of the station. We have a business there, it is a school children's place, we keep anywhere from 15 to 20 children per day, Monday through Friday, early in the morning until about 5:30 in the evening. We feel this operation is mainly noise pollution to us, the children take naps in the afternoon and the helicopters going over wake the children up. I have heard the helicopter at night and it does wake you up, definitely, and you are awake 2 or 3 times a night. Even though it might be one of the quieter ones, it is still noisy enough to wake you up and wake the children up. We have mainly a residential area where we live and we have no sign out. The nursery school for children has been there for over 20 years now with no sign, it came under the grandfather clause. The only thing that would make it commercial would be to put a sign up, but with the helicopter, we feel this would make it more commercialized plus the noise pollution in a residential area and, of course, there is a school and there are nurseries, but I don't know if they are exactly in the flight path. I know that we are. I am also a broker and an appraiser in real estate and I know that if I were personally going out I would not want to buy a home with a helicopter flying over my house day and night. I do feel that this will lessen the value of the properties. I also feel it could endanger the lives of the children if something were to go wrong, since this is such a busy area. I think it is really something that needs to be considered.

Peggy Apker, 1344 East 37th Street, stated she lived on the corner directly east of Channel 2. I heard Mr. Hemmil say they weren't going to use itat night, but they have used it at night; they have also had the helicopter right over my property as they have been filming for Channel 2, while they were doing the weather report. I find it to be extremely noisy, not just slightly noise, but very noisy. I believe it would devalue my property and I believe it would also put me in a dangerous position just to be in the flight pattern. I know you said they would be coming in from the west, but they have been coming in from the east and they have done that on repeated occasions. Therefore, I would request that you refuse their petition to build this helicopter pad.

Thank you.
Anyone else in opposition? There is an opportunity for rebuttal.

Applicant's Rebuttal:

Mr. Hemmil said that obviously, if they had sensitive ears no matter how quiet a helicopter is, it is going to bother you. I cannot refute that. I can tell you that as a responsible business and also concern for our people, we would not be involved in the helicopter business if we were not convinced that it was a safe venture. We also know that there will be occasions when it will be used at night, but they are far less. It is a minimum kind of operation, we don't have a story every day or every 15 minutes that requires a helicopter. It is too expensive to joyride around. We will observe all the standards, we have satisfied all the needs of the government who have rigid rules about helicopter operation. We're not operating on a shoestring, so we will make sure that it is always maintained and proper disciplines are taken. It probably will be a much safer operation than any of the hospitals that have heliports because we have the option, they don't, they have to go out many times and pick up a patient, but we can elect if the weather is bad and our pilots have that right too, no matter what kind of story it is, to say the plane stays down, that is part of our agreement with them, so in all the limits of any kind of operation it will be a safe one, and it will be responsibly applied, will be as little noise pollution in the area as humanly possible. We get blamed for a lot of helicopter activity that isn't our helicopter because we promote it so strongly. Some of the noise may have been us and some may not, but we have straightened our act up as far as what direction it comes in, but we did come in from the east before we worked it out with the FAA but that is no longer so. I feel this application should be granted, we have really no other place to land except to drive all the way out to 56th Street and Garnett Road, which is almost an impossibility.

(Do prevailing winds have anything to do with the flight pattern like they do on a fixed wing airplane?) They are not nearly as critical say from 15 mph down, it is not a situation that is a major factor. The flight path of this particular heliport can be approached from the west, but the departures and the landing approaches can be either made from the north or south side of the heliport. One thing that I think should be brought up is, this particular heliport was tested and flown by the FAA to obtain its approval. It was tested for noise level with DBA meters and found to be less noisy than the air conditioners of the surrounding buildings and the traffic on South Peoria during business hours. The only helicopters in operation during nighttime hours are the Medivac, the TV has not been in operation except during the time the FAA was doing the testing. The approach path will be from the west from the river. (If the helicopter's minimum is 500', then can you stay at 500' until you get over the building?) No. (OK, then how much distance do you cease to be 500' a half mile away?) The approach from the river to the helipad from that point could be 500' so halfway, which would be 2 blocks, would be 300'. The helicopter is not based there it is strictly for a news story on a call-type thing, based in and out every day. This heliport is a permit landing spot. Really what we use it for is, it is based out of 56th and Garnett and when we say we have a story, we call them up and they pick up the people, gear and take off and then bring it back and go back

out to Garnett Road. (Do you rent it?) Yes, it is a leased airplane. (Do you lease it on a full-time basis?) Yes. (Then you still will retain that property at 56th & Garnett?) We don't own that property, that is where it is maintained, where it sets most of the time, that is its permit home. What our heliport is, is a kind of touch-and-go operation. We land the plane, pick up the people, the film gear, and take off again and then bring it back; otherwise that is the main purpose of it. (It really makes more trips out of your building then, the fact that it is not housed there?) No. (If it were housed on top and you had a story, then all you would have to do is leave and come back; you have twice as many trips.) We don't always take off from the heliport, sometimes we send the crew out to pick it up out there. (Through the traffic?) That is one of the main reasons for a heliport, you can't get through the traffic. Does that clarify the situation? I think it may be appropriate in the month of August, we only logged 9 hours in the helicopter up to this point. (How many trips and how many occasions have you used it?) Probably 18. (Were these news trips or FAA?) No, the FAA tests were done in July or before that. We have logged 9 hours in August for news stories. We have gone to Oklahoma City a couple of times and that is a good long trip in a helicopter, so I don't know how many separate trips that would be. (How many trips a week into this building?) The maximum would probably be 5, the minimum would be more like 3. That is probably 1 trip a day, maybe 2, but that is all, there is not that much activity every day to cover events of no significance. Is there anything else the protestants wish to say? (They said these other helicopters that were being used were from the hospitals, etc. I specifically saw on TV where they were filming in the air the station when they were right above my house. This was not some other helicopter it was theirs. I have seen them come and go because it says TV 2 on it. (How often do you see this?) I haven't heard it very much the last week or so, but during the month of July it was a nuisance, it was enough to convince me that I didn't want it. If I decide to sell my property I believe I would have a difficult time for that very reason, the noise is tremendous, it makes everything vibrate. As far as the noise from Peoria and the air conditioning units I don't hear those at night, but I certainly could hear the helicopter, no doubt about that and I don't hear the noise from Peoria either and I'm just a block away. There is a difference in the noise of the helicopter. (What time of night was it that you were disturbed?) About 10:00 or 10:30. (How high above ground was it?) I stepped out my door and looked up and it wasn't very high, close enough that I could see the people and I could see shadows of people up there, but I couldn't distinguish any faces. When it has been coming in it hasn't been very high. When they land in the parking lot, it is tremendous and I can imagine what it will be when they land on top of the building. Do we have a motion? No motion. I'd like for somebody else to share their thoughts first. I don't know what the difference in helicopters is, but I have been by St. Johns when that helicopter was warming up its engines or something and I was over in Utica Square, and that thing was loud and I'm afraid I would share the same feelings that these homeowners have about having that kind of operation so close to my home. (Was this one on the ground or on the roof?) It was on the roof. Hillcrest's helipad is on top too. St. Johns is on a parking structure. That helicopter is four times the size as the one we have. (I'm having problems with this and I have not heard a helicopter for a long time, but it seems to me there is some difference between this and the

11588 (continued)

hospital's, which is for a life-saving reason, I don't mean to negate the value of the news, but that is the reason for those helicopter pads, we have two hospitals that have these. Hillcrest's pad is away from the residential more, St. Francis' pad is on the ground, but there is not a house for 900' probably. I don't know about St. John's. St. John's Hospital is over by Utica Square, it is not adjacent to a residential area. That is the sort of thing I am wrestling with - I am too. I am just wondering if this use is any more legitimate than another business that might come in, a small businessman who is representing manufacturing concerns, he has an office in a shopping center and uses a helicopter to get reports, saves a lot of time. I don't know, I'm just wondering. (Would you feel comfortable if you could see a demonstration of this helicopter, what happens?) Unless there is one of us who has heard this, I feel uncomfortable about approving this today. If any of you feel strongly another way, I don't want to make a motion for continuance. I'm willing to talk. We'll set the demonstration and let you be the judge. I hesitate to vote one way or the other on something I don't have any experience with. I move the case be continued to September 3rd. Surely, there will be a couple of us who can go by September 3rd.

MOTION made by PURSER, SECONDED by VICTOR, to continue the hearing until September 3rd, during which time-frame there will be a demonstration. Motion carried 3-0-0. (Have you been using the helicopter from this location quite a while, or just a month or two, how long?) We have had the helicopter since May, but we did the tests with the FAA to find out and satisfy their requirements on noise pollution; they were satisfied, so the helicopter has flown since. It was used in June and July. (Could we do it on a Saturday?) It is available any time.

It was suggested the protestant call and give the secretary her address, telephone, (call the Board of Adjustment) and ask for Mr. Jones (Casper). Set up time for the demonstration.

11589 Peter Messler, applicant

Action Requested:

Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1202 - Area-Wide Exceptions - Under the Provisions of Section 1680 - Request for an exception to permit a post office in an IL District NE of Independence Avenue and Darlington Avenue.

Presentation:

In the interest of time, Mr. Jones just read our application and it would be rather senseless for me to elaborate on it. I know there are several people on the list behind me and you would like to get out of here, too. Public property now, the post office wants to buy it and put a substation on it. That is the U.S. Postal Authority. Do we have any protestants? Does anyone have any drawings? The post office would have to do that and I'm sure they haven't even designed it yet. Would you like a continuance after the Board can review the plans? We have done that in the past. We would like to see that they have parking for the public instead of just the post office employees. (I don't even know what type facility they have planned to build on this property, whether it would be a public facility, or just some sort of substation. I don't have the slighest idea. Does anyone have any objections? I don't, the post office might.

11589 (continued)

What we would like to see is a plot plan and the proposed use and the parking as soon as you can have it, rather than waiting for complete working drawings. It may be many months before they even have that. They've done that many times in the past.

Board Action:

VICTOR made a MOTION, SECONDED BY PURSER, to approve the Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1202 - Area-Wide Exceptions - Under the Provisions of Section 1680 - subject to review of plans once complete. The vote was 3-0-0 for approval, on the following described property:

The South 460' of the W/2, W/2, NE/4, SW/4 of Section 34, Township 20 North, Range 13 East, LESS the East 40' of the South 310' in the City of Tulsa, Tulsa County, Oklahoma.

11590

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. This property is located at 2719 East 32nd Street North.

Applicant:

The applicant is Homer Berry, he was not present to address the Board.

Protestants: None.

Board Action:

The application was passed by this Board for 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, on the following described property:

The E/2 of the E/2 of the W/2 of the NE/4 of the SW/4 of NW/4 of Sec. 20, Township 20 North, Range 13 East, containing 1¼ acres, more or less, LESS a strip, piece of parcel of land lying in the E/2, E/2, W/2, NE/4, SE/4, NW/4 of Section 20, Township 20 North, Range 13 East, in Tulsa County, Said Parcel of land being described by metes and bounds as follows: Beginning at the SW corner of Said E/2, E/2, W/2, NE/4, SE/4, NW/4; thence North along the West line of Said E/2, E/2, W/2, NE/4, SE/4, NW/4 a distance of 84'; thence North 61°-17'-46" East a distance of 92.99' to a point on the East line of Said E/2, E/2, W/2, NE/4, SE/4, NW/4; thence South along Said East line a distance of 127' to the SE corner of Said E/2, E/2, W/2, NE/4, SE/4, NW/4; thence West along the South line of said E/2, E/2, W/2, NE/4, SE/4, NW/4, a distance of 82.48' to point of beginning, containing .20 acres, more or less, U. S. Government Survey.

11591

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Request for a variance of the setback requirement from 10' to 0' on the west, abutting an R District at 7915 East 17th Street.

11591 (continued)

Presentation:

Vicky Johnson, 7703 East 15th Court, representing ABC Child Care Center. Ms. Johnson stated she had some plans for the Board's inspection. Once again, we are currently involved in expanding our existing building. This expansion requires a variance of the setback requirements on the west side of our existing property line, which abuts an R District. The existing requirements are 10' from the property line which we wish to change to 0". We are in the process of purchasing the property to the west, which is 10' x 115' to the west. This is our District about which I am explaining it abuts. This newly acquired property has already been okayed to be used for playground only, bit it is depending on the approval of this Board. We need the setback to include the property to the south all the way back 120', as you know, the property we are purchasing goes bacl 115' and we need 5 additional feet. Does that make sense? It has to get on the back of the property we are purchasing. We need that to be zero to the property line all the way back. Everything is pending on the approval of this Board. We have not paid for the land, nor passed the papers, but it is approved just waiting for this setback; otherwise, the property won't be of any value to us. (Who owns that property?) I don't remember the name. Do we have protestants or interested parties? There were none.

Board Action:

PURSER made a MOTION, SECONDED by VICTOR, with the Board voting 3-0-0 to approve the Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) with the condition only approved that they acquire the land and that they have a tie contract between the new land and the old land, including the 5 additional feet, on the following described property:

TRACT I: The W/2 of the SE/4 of the SE/4 of the NE/4 of the SE/4, LESS the East 25' thereof, Section 11, Township 19 North, Range 13 East of the I.B. & M., Tulsa County, State of Oklahoma, being more particularly described as follows: Beginning at a point 190.04' West of the SE corner of the NE/4 of the SE/4; thence South 89°-37'-00" West a distance of 140.0'; thence North 0°-00'-00" East a distance of 330.01'; thence North 89°-37'-00" East a distance of 140.0'; thence South 0°-00'-00" West a distance of 330.01' to the point of beginning, containing 1.060 acres, more or less; and

TRACT II: The South 145' of the East 90' of the SW/4 of the SE/4 of the NE/4 of the SE/4 of Section 11, Township 19 North, Range 13 East of the I.B. & M., Tulsa County, State of Oklahoma, being more particularly described as follows: Beginning at a point 330.04' West of the SE corner of the NE/4 of the SE/4; thence South 89°-37'-00" West a distance of 90.0'; thence North 0°-00'-00" East a distance of 145.0'; thence North 89°-37'-00" East a distance of 90.0'; thence South 0°-00'-00" West a distance of 145.0' to the point of beginning, containing 0.2996 acres, more or less.

11592

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community, Cultural and Recreational Facilities-Under the Provisions of Section 1680 - Request for an exception to permit school use in an AG District, at 7655 South Sheridan Road.

11592 (continued)

Presentation:

The application was presented by Dale Carnagey, representing Patrian Academy. Basically, the case in question is, that the land in question already has a building on it - my brother's church. What we are seeking is an opportunity to use the building for a school as well as a combined dual use. (You have been using it for a school for quite some time, how did you end up here?) We were unaware that there was a problem with it until we looked at the zoning requirements, so we are trying to make that good. (You are not getting ready to build on?) No, it is just strictly a technicality and we want to get covered. It is strictly a private, educational institution.

Board Questions and Action:

VICTOR moved for approval. Questions were asked: It is a small school, now what are your plans? I'd hate to give blanket approval and then you'd come up with an enrollment of 1,200. (There is no danger of that with our educational system, it is fairly rigorous and it is probably going to appeal to a pretty small select number of people at this point. If our enrollment exceeds 100 or 110, we will outgrow the building. At that point we have contingency plans with the parents' association and they are currently putting money into a land fund to buy land to be permanent property of our own.) (You'd have no objection to coming back here if you had to build?) Oh, no problem. We'll add that to the motion.

Board Action:

VICTOR made a MOTION, SECONDED by PURSER, with the Board voting 3-0-0 to approve an Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community, Cultural and Recreational - Under the Provisions of Section 1680 - permission to use the building on the land for school purposes, subject to coming back to this Board if they wish to build, on the following described property:

A tract of land in Section 11, Township 18 North, Range 13 East, beginning 396' South of the NW corner of the SW/4 of Said Section 11, to a point; thence South along the Western line of said Section 11 a distance of 300' to a point; thence East a distance of 751; to a point; thence North a distance of 300' to a point; thence West a distance of 751' to the point of beginning, containing 5 net usable acres, more or less, after deducting a 25-foot easement for road use along the West 300' lying along Sheridan Road.

11593

Action Requested:

Variance - Section 250.1 (c) - Screening Wall or Fence - Under the Provisions of Section 1670 - Request for a variance to allow a fence to remain with braces and supports on the exterior in an RM-2 District. This property is located at 4950 South Mingo Road. (Mingo Manor)

Presentation:

Mr. Robert Gardner, representing the owner, which would be Mingo Manor, Ltd., of the Mingo Manor Apartments. I've been told there have been members of the Board that have gone and seen this situation; is that correct? (I drove by there yesterday afternoon and got into a traffic

jam. Basically what this involves is, I'll give you a brief scenario, of how this came about. Arthur Gorman of Gorman, Inc., was the contractor on this job and he is also the general partner of the owner. When he received his building permit before there was any improvements on the property, there was approximately a 5' brick wall on the rear of the lot of the residential area abutting the west side of that property. At that time, they put a requirement on the building permit, I think, for a screening fence requirement. He was told they did that to cover their tracks, at the Building Inspector's Office, saying that more than likely that existing wall would satisfy the screening requirement. He went ahead and built the property and at some point in the latter stages of the development that area was built up a foot or so, which made the actual height of that wall lower. At that point, somebody from the Building Inspector's Office went out there and said "well we've decided that you should build your own screening fence next to the wall." This Mr. Gorman did. He built a 6' screening fence. You'll notice, if you look at those pictures, the only way to build that fence is with the braces and supports facing outward because he had to build it so close to the brick wall there is not enough room to go in between the brick wall and the wood fence to nail the supports. (I know you probably covered this - why did the Building Inspector's Office say he could not use the brick wall?) Why, because it was not tall enough. Apparently after he had built up the lot, he had to raise the fill in there so the brick wall was like only 3 or 4 feet high. You can tell there that that is a 6' wood fence. But now I don't understand your explanation of why the supports have to be on the outside. If you tried to nail these boards from this side you couldn't do it because there is not enough room in there. Anyway, he went to the City and got his certificate of occupancy. The Inspector's Office came out and looked at the screen fence and green-tagged the project and said everything is all-right. Approximately some weeks later they came out and gave him a notice that he was in violation of the screen fence requirement, since his braces and supports were facing outward. After he already had the green tag? Right. I am assuming that you would not have gotten the certificate of occupancy if there had been violations in the Building Code. The basis of this application is to apply for a waiver of the requirement that the braces and supports face inward.

For the record, there was a requirement on the building permit for a 6' screen fence. At the time Mr. Zimmerman approved the permit, I assume that he realized why they could't put the bracing on the inside. Then we had a complaint. This is the reason they are here. It would be impossible to turn the fence around unless you tore down the brick wall.

Protestants:

Question - Does your client have any objection to pouring gasoline on the weeds between the two fences? I wouldn't recommend that next to a wood fence. I don't know what the basis of the protest is, whether they are looking at the braces and supports or at the weeds growing up. If the basis of the protest is that weeds are growing up between those two, I suppose there is some solution to it. You will have a chance, Mr. Gardner, to rebuff.

Frank McNicholson, 4821 South 89th Place East, President of the Homeowners Association, representing the residents of Regency Park in

protest of the unsightly fence. Mr. McNicholson stated he brought with him 110 signatures from people who live at various places within Regency Park that do not like the fence because it is unsigntly to us. The Zoning Code does say that all the braces and supports shall face the interior side except when both sides are of the same design and appearance. There are other type fences that he could put in, that would be the same on both sides that would be very acceptable to us. This particular fence only benefits them and not us. Regency Park was there first and we should have the benefit of the good side of the fence to maintain the quality of our neighborhood. That brick wall that he is talking about is very old and it is crumbling and it won't be long before the brick wall will be completely down all the way along there, and then all the people have to look at it, the bade side of an ugly fence. Now those apartments when they were built there - they weren't put up a foot, it was more like four feet, so the base of the apartments is almost at the same level as the top of the brick wall. They are very tall and we just feel that they have another way to go with that fence. Not only that, but if you walk up to that fence you can wiggle it, it is not that sturdy. I would say one strong wind as we get at 51st and Mingo quite often, would knock that fence down. I submit 106 names from people who live all over in Regency Park, not just next to that fence, but all over the neighborhood who drive by that fence and dislike the looks of it from our side.

I might add, if I may, that there is a type fence that has been put on our subdivision at 101st and Sheridan and it is the type of fence where there are 3 slats in between the posts and they have a metal rod coming through each slat. That way, that holds the fence together plus the fence looks the exact same on either side, it is very attractive.

Any questions from the protestant? Mr. Gardner, do you have any rebuttal? The only thing I can say is that I think the developer and the builder performed in good faith all the way down the line. They came out and said - we don't think you need a fence and now - we think you do need a fence. He would have put the attractive side toward Regency Park if that were possible. It is the same type of screening fence that you see in a lot of other subdivisions, and it is 6' in height. I don't know if you can tell the difference in height - it looks to me like approximately 2 feet. Do we have a motion?

Board Action:

PURSER made a MOTION, VICTOR SECONDED the MOTION, with the Board voting 3-1-0, Smitty voting "No" to deny the Variance - Section 250.1 (c) - Screening Wall or Fence - Under the Provisions of Section 1670 - to allow the fence to remain with braces and supports on the exterior in an RM-2 District, on the following described property:

Question: How long does Mingo Manor have to remedy the situation? Probably two weeks.

Lot 1, Block 1, Regency Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

11594

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 glas antique and small collectables as a home occupation in an RS-3 District, at 11814 East 22nd Street.

Presentation:

Robert Williams & Barbara Williams, 11814 East 22nd Street, the applicants, stated they want this shop to be where their garage is now. In other words, turn a garage into a shop. This would be shown by appointment only and I would average probably 2 to 5 people a week maximum. The majority of my business is done either through mail order or antique shows, but I do need a homebased operation. Mrs. Williams stated they were in the process of working on it. (the garage)

Protestants: None.

Questions:

Will it look like a garage? (We will remove the garage door and put in a paneling wood door - have a regular door that you can go through.) Do you already have a door installed?) Yes. (Are you here because of a complaint in the neighborhood?) No, I just wanted to do this so that everything would be legal. Mr. Gardner came up to ask for some pictures so I missed the first part of your presentation. I came in when you said it will be mostly mail order and antique shows. The majority of may business is done that way - the majority of my business would not be through the house. (But you are going to have retail sales.) At the house, yes. Do you have adequate parking? Yes, we have a two-car garage driveway, so there would be plenty of parking. The majority of it would be done during the day and there is only one car at home during the day. Would you advertise, or how would people know about you? At antique shows and at flea markets, we would give out cards saying "shown by appointment only." They would then make an appointment, we would not have any set hours. Where would you put your sign? I would have no sign. Do you mean on the house? No, I understand that I would be allowed no sign. That is right. Have you talked with your neighbors, do they know what you are doing? I went within a 300-foot radius and spoke with my neighbors and had no complaint. Your neighbors right across the street don't complain? No, they don't. How many people do you expect to come per week to your house? An average of maybe 3 to 5. Is all the materials on the west side of your house for overhaul? Yes, may husband is in the process of getting that cleaned up. The camper that sets on the other side has been moved? It has been moved to Wagoner. Do you feel that they have complied with the exterior appearance regulations? The outside appearance of the yard was the most offensive thing and she says she has cleaned that up. There are lovely homes right across the street from her. How long have you lived in the neighborhood? 5 years. She must have a pretty good reputation in the neighborhood if nobody complained. If the Board is inclined to approve that, I would suggest a time-limit and if it proves out to be a good neighbor and good use as explained to you, there still won't be anybody 6 months or a year from now, whatever you decide, and if not, then you will have people here; also the kind of alterations she had made to her house, normally this Board would not allow that, you might allow a side door but not front, you keep the front door and it looks like a garage from the outside so you can't

11594 (continued)

tell any difference driving down the street. But the fact that it is already done and there is a room there that could be used as a den or whatever, and there may be some others in the area who might be using their garage as an extra bedroom or den, but if the business proves out to be a problem then time would demonstrate that.

Board Action:

VICTOR made a MOTION, SECOND by PURSER, with the Board approving an Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - for a home occupation for a period of one year, subject to all home occupation rules, this owner only, on the following described property:

Questions & Remarks:

(And you said you had a copy of the home occupation rules? Yes. When she comes back in one year and we decide to grant it, is that the time to put "to this owner only" on the restriction? If we put it in the motion now, can it carry over to the new application, or does it have to be done again? When she comes back in a year, it will have to be done again. That would be a separate application. The application is approved, on MOTION by the Board on

Lot 2, Block 8, Leslie Leigh Second Addition, to the City of Tulsa, Oklahoma, Tulsa County, Oklahoma.

11595

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 3' in an RS-3 District. This property is located at 251 East 27th Place.

Presentation:

Russ Roach, 209 East 21st Street, representing the owner of this particular piece of property, as builder. (Are there any protestants?) There are none, go ahead. I mailed out a letter to each of the residents within 300' explaining the application and requested them to contact me if they had any questions. I only had 3 calls and obviously they did not show today. (There is a mistake in the original plot plan, the 13' should actually be 15'.) What happens if a lady bought the lot and she had a house designed (it is vacant isn't it?) Yes. She engaged me after she had the house plans and it had a one-car garage attached. Fortunately, I was able to talk her out of that, totally inappropriate for that neighborhood. If I may, this particular photograph is used as a model of the house, it is exceptionally large and is not characteristic at all, but this is basically what she is trying to do. The house itself, is farther away (15') than her original design. Her original design, the kitchen window, the kitchen door was 5' from the property line. Discussion with the neighbor that was affected, he agrees that this allows him greater privacy and more open area, saves some trees that might not have been saved and he is in agreement with it. For your record, this is the letter that I sent out to all the residents in the area. Any questions?

11595 (continued)

Board Action:

PURSER made a MOTION, SECOND by VICTOR, with the Board voting 3-0-0 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 3', per plot plan, in an RS-3 District, on the following described property:

Lot 26, Block 17, Sunset Terrace Addition to the City of Tulsa, Tulsa County, Oklahoma.

11596

Action Requested:

Exception - Section 610 - Principal Uses Permitted in Office Districts - Section 1205 - Community, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Request for an exception to permit a day care center in an OL District at 455 South Memorial Drive.

Presentation:

Dale Savage, with the firm of Williams, Landman and Savage, at 324 South Main Mall. Mr. Savage, representing Mrs. Young and her husband, stated they are under contract to acquire a piece of land at 5th Street and Memorial Drive. It has been used as an antique shop. I have two (2) pictures showing the two buildings, one is a warehouse, approach type, and the other is a residence. I have driven around it, you can drive on the east side of the property and there is a 5th Place entrance from Memorial. It is the intent to have approximately 80 young people there running from toddlers to (from 4 to 5). Mrs. Young has already worked with the Fire Marshal on this; she has already worked with the State Department concerning their requirements; she has worked with the case workers; she is licensed by the State; she had been in this business for about 9' years. The Health Department will come and review this to see if we have to have a kitchen in the building for the children, or whether we can use a warming unit to bring it from the kitchen in the home. They have started already to paint it and bring it up - I believe they brought it to a peach with a beige approach on it. We have given notice to all the people surrounding it on the west side of Memorial. It is all open land at this time, there are businesses both north and south, there are residences east to whom Mrs. Young has personally talked. We have no particular problem. The house is about 3,200 square feet, the building we are using is about 2,860 square feet.

If I have shared an awareness with you that this has been used for other purposes, the people who are selling it are in California, but we do need approval of this group before we go further.

Protestants:

Not that we are aware of. Any questions for the applicant? What is the present use of it, did you say? It has been used as a place for antique cars. In other words, it was a warehouse with several doors where you can get in and out from either side. Other than needing painting, which they have done, they will have to put air conditioning and heating in before they have little children, and standard things that the State requires. She and her family will live in the residence. Does she have plans in the future to expand into the residence? I don't believe she will expand except on the porch of

11596 (continued)

the residence. There is good access in and out to keep part of the traffic off Memorial Drive. She has a good business now and is enlarging. It is pretty expensive, about a $200,000 acquisition of property to when she moves into this area, she wants it right as near as she can. She personally has gone and talked with the neighbors that we felt were non-business and I personally have gone over it myself to satisfy myself. A sign will be placed on the top of the building, that is her plan to place the sign on the warehouse side, on top of the building. (Can you elaborate a little on that?) I'd like for it to conform to an office type with that size and style. Even though it is a children's facility, I don't want red, white and blue, or pink and green. Mrs. Young said she had painted the building peach and trimmed it in beige and I am going rainbow colors which will be soft, and the sign for the top is a little girl under a rainbow, it will be mounted on top of the building and be in soft colors. No sign out on the street.

Remark:

I think it is out of character for a light office zoning. If you are trying to have the image that this is a non-business use, to me, the only thing that I could accept because it is a light office area, is the sign that would comply. You would say a sign on the street, then? We are willing to comply with whatever you rule. Since the zoning is office, I would want to comply with that size and character of sign which usually is the monument-type sign, not the brightly painted business-type sign. Some of the other nurseries have different kinds of zoning in town. We will comply with whatever you want. I feel this should be a very sedate-type sign with sedate colors. I agree with that 100%. Do we want to make it subject to review of the sign, either that, or tell her what you want. We can approve the use.

I move that the application be approved and that the applicant return with a design of the sign at the next meeting, September 3rd, with the provision that it not be on the roof and not an attention getter (Victor).

Question:

In most office buildings you might have a free-standing sign (48 sq. ft. average). An unlighted monument-type sign is this what we're talking about? A back lit plastic sign, it could have a light on it from the front. If we vote in favor of this you would have the use. We will conform to whatever you want. 32 square feet, one sign, the only lighting spots on it, brown or grey.

Board Action:

VICTOR made a MOTION, SECOND by PURSER, with the Board voting 3-0-0 to continue the application of an exception of a day care center to September 3, 1981 subject to the proper sign design.

11597

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 grocery in an IM District. This property is located at 5506 East Pine Street.

11597 (continued)

Presentation:

Roy Johnsen, representing the applicant, Quik Trip. All the properties in all directions around it are zoned industrial. The Zoning Code requires Board of Adjustment approval. It is not a hardship finding situation. It is several hundred feet to the nearest residence, between us and those residences, A & B Auto Salvage to the east of the property, to the north is vacant, directly to the west, across Fulton Avenue is quasi-industrial use. To the south of us is the Chrysler Marine Boat Sales. So there are no surrounding properties that would be affected consistent with the Ordinance. Question: Are you here to protest this Case, or are you on another one? A plat zone was given to the Board. The property was advertised by dimension extending south from the centerline of Pine 300', and we should delete therefrom the south 100', so the tract that we are requesting approval on would be the north 200' of the property that notice was given on, so we would end up with a net tract of 150' x 150'.

Board Action:

MOTION was made by VICTOR, SECOND by PURSER, with the Board voting 3-0-0 to approve an Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1213 - Convenience Goods and Services - Under the Provisions of Section 1680 - for a convenience grocery, per plot plan submitted, on the following described property:

Beginning at a point on the North line of Section 34, Township 20 North, Range 13 East, Tulsa County, Oklahoma; Said Point being 454.2' West of the NE corner of the NW/4 of Said Section 34; thence West along the North line of Section 34, for 150'; thence South for 300'; thence East for 150'; thence North for 300' to the point of beginning.

11598

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of 1680 - Request for an Exception to permit a mobile home in an RM-1 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 the mobile home for a period of more than one year, at 1227 North St. Louis Avenue.

Presentation:

Jim Sanders, 2023 South 1st Place, Broken Arrow, Oklahoma, was present to address the Board on behalf of his mother who lives at 1227 North St. Louis Avenue. She is requesting the exception to the mobile home use. My mother is 85 years old and she is a widow. She has one living relative that isn't her offspring which is a sister 83 years old. The sister has a mobile home which is now in Bixby and 4 weeks ago my sister died who was looking after my mother's sister, now there is no one to look after her. What it boils down to is the two having their environments close together so they can sort of look after each other. (One of them lives in a house and the other one wants to move the mobile home in behind?) Yes. They have 3 or 4 lots in there. This

11598 (continued)

mobile home will be on a lot by itself. She has 5 lots, there are 3 lots that are vacant, she lives on one, she has rental property on the other one. Question: Are you familiar with the neighborhood, Urban Renewal's plans or anything there? The only thing I know is, that it is all going industrial. Dowell is consuming most of that property, in fact, they have already purchased some of the lots that adjoin the street going east and west, so it is just a matter of time until Dowell does consume all of that area.

Board Action:

PURSER made a MOTION, SECOND BY VICTOR, with the Board voting 3-0-0 to grant an Exception - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680-to permit a mobile home in an RM-1 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 one year. And the next time the gentleman applies, that they have a prestudy of the area so that we might consider granting it as long as one or both shall live, on the following described property:

Lot 12, Block 2, Wildman's Addition to the City of Tulsa, Tulsa County, Oklahoma.

Discussion:

Casper, is there some way you can flag this application number so that when he applies in a year? Yes, I can put a note in the folder. Is it left up to me or to the Board when this next hearing will be? You will need to reapply the 1st of next August.

11601

Don Myers requested a variance of the rear yard. It was moved that this Case be continued for two weeks as no representative was present.

MOTION was made to delay hearings on the outstanding applications until September 3, 1981.

There being no further business, the Chair adjourned the meeting at 5:54 p.m.

Date Approved 12/17/81

Chairman