

CITY BOARD OF ADJUSTMENT  
MINUTES (No. 348)  
Thursday, October 29, 1981, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis, Chairman Victor Smith Purser	Wait	Gardner Jones Martin	Jackere, Legal Dept. Miller, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, October 28, 1981, at 9:40 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Lewis called the meeting to order at 1:30 p.m.

WITHDRAWN CASES:

The Chair, without objection, withdrew Cases No. 11687 and No. 11662 at the request of the applicants.

CONTINUED CASES:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Victor, Smith, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case No. 11665 to November 12, 1981.

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Victor, Smith, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case No. 11669 to November 12, 1981

MINUTES:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Victor, Smith, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve the Minutes of September 1, 1981 (No. 343) and September 3, 1981, (No. 344).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 11674

Action Requested:

Variance - Section 207 - Street Frontage Required - Under the Provisions of Section 1630 - Minor Variances - Request for a variance of the frontage requirements on a dedicated street right-of-way to permit a lot-split. This property is located at 4816 South Yorktown Avenue.

Presentation:

Mr. Charles Norman, 909 Kennedy Building, representing the applicant, Robert Lawton Jones, advised the Board that Mr. Jones is seeking to divide the rear portion of the property into 2 lots, shown as Lots A and B on the plot plan (Exhibit "A-1"). Mr. Jones acquired the land in 1957, which was 128' in width and 660' in depth, constructing his home on the front portion of the property. Mr. Jones and his family are presently living in that home. The land to the east and west of him has been divided into subdivisions, consequently the rear portion

Case No. 11674 (continued)

of his property has become landlocked. The southern portion of his property only has access to a half-street, East 48th Street. The half-street was subject to litigation which was ultimately resolved by the Supreme Court of Oklahoma, which held that the southern part had the legal right of access over East 48th Street, east one lot depth to Yorktown Avenue. The half-street has been improved as a result of the agreement with the City of Tulsa where permission was granted for a private improvement for access into this area. The purpose of this application is to permit the creation of the 2 lots, with Lot B having access over a 15' wide strip to East 48th Street; and Lot A having access to the corner. Fifteen years ago Lot A was approved as a lot-split. The two lots which are as large or larger than the lots adjacent them on each side, are in excess of the RS-1 zoning standards.

Mr. Norman stated that the Technical Advisory Committee has reviewed the application and had no requirements except the possible dedication of a storm sewer easement on the south boundary of Lot A. The Planning Commission has approved the waiver of the Subdivision Regulations, subject to this Board's grant of the waiver of the frontage requirements. The property has access to water, and the sewer line easement exists over the south part of the 2nd lot to the east. The sewer line would go east to Yorktown.

Mr. Smith asked if 48th Street went through to the west. Mr. Norman advised that access is to Yorktown Avenue only, one lot to the east. The south-half of East 48th Street was never dedicated and a brick wall exists along the south, preventing access to the south.

Protestants:

Mrs. C. A. Whitson, 4808 South Yorktown Avenue, proposed that it would be a potential fire hazard. With the road so narrow, it would be difficult to get fire trucks through.

Mr. Norman stated that the agreement between the Jones' family and the City of Tulsa, which was executed in 1978, required a standard curb radius from Yorktown Avenue to make the turn into the half-street to gain access to these lots. There is appropriate turning room for any vehicle to gain access to the 2 lots. Mr. Norman stated that the nearest fire hydrant is about 150 feet.

Staff Comments:

Mr. Gardner stated that the lot-split was reviewed by the Technical Advisory Committee and was approved by the Planning Commission, subject to this Board's approval.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 207 - Street Frontage Required-Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements on a dedicated street to permit a lot-split (L-15307), subject to the approval of drainage plans by the City Hydrologists and dedication of any necessary storm sewer easements, on the following described property:

Case No. 11674 (continued)

The West 128' of the SE/4, NW/4, SE/4 of Section 30, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 11689

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Exceptions) Request for an exception to permit the floor area ratio to increase from 25% to 29% in an OL District. This property is located south of the SE corner of 69th Street and 66th East Avenue.

Presentation:

David Detrick, 2202 East 52nd Place, was present to address the Board and submitted the original site plan on the project (Exhibit "B-1"). We now have a plan for 3 separate buildings clustered together. Originally heavy landscaping was planned and protection for the homes behind the property. Now they are proposing to enclose the area in the center of the buildings. Mr. Detrick also submitted the present site plan (Exhibit "B-2") showing the proposed enclosure of the circulation area which gives their flow ratio 29% instead of the 25% mentioned in the plan. It will not be for leased office space purposes. The rentable square feet will not increase any. The actual setting of the buildings is identical. The buildings have not changed in size and the parking ratio is exactly like the 25% plan originally proposed.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Victor, Smith, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Exceptions) to permit an increase in floor area ratio from 25% to 29% in an OL District, subject to the plot plan submitted, on the following described property:

TRACT I:

Beginning at the NE corner of Block 3, Plaza Village, an Amended Plat of Skyview Center, an Addition in Tulsa County, Oklahoma; Said corner being on the South line of East 69th Street South; thence South  $9^{\circ}-48'-14''$  East along the Easterly line of Said Block 3 for a distance of 170.79' to a P.I. in the Easterly line of Said Block 3; thence South  $35^{\circ}-23'-25''$  East along the North-easterly line of Said Block 3, for a distance of 24.47'; thence South  $60^{\circ}-11'-25''$  West for a distance of 180.27' to a point on the Westerly line of Said Block 3; thence Northerly along a curve to the right having a radius of 620' for a distance of 264.00' to the Northwest corner of Said Block 3; thence Easterly along the Northerly line of Said Block 3, and along a curve to the left having a radius of 1,340.00' for a distance of 168.87' to the point of beginning; and,

Case No. 11689 (continued)

TRACT II:

Commencing at the Northeast corner of Block 3, Plaza Village, an Amended Plat of Skyview Center, an Addition in Tulsa, County, Oklahoma, Said corner being on the South line of East 69th Street South; thence South 9°-48'-14" East along the Easterly line of Said Block 3, for a distance of 170.79' to a P.I. in the Easterly line of Said Block 3; thence South 35°-23'-25" East along the Northeasterly line of Said Block 3, for a distance of 24.47' to the point of beginning; thence South 60°-11'-25" for a distance of 180.27' to a point on the Westerly line of Said Block 3, said point being 264.00' measured along a radius of 620' from the Northwest corner of Said Block 3; thence Southeasterly along the Westerly and Southerly line of Said Block 3, and along a curve to the left having a radius of 620', for a distance of 270.00'; thence North 38°-26'-52" East for a distance of 180.81' to a P.I. in the Northeasterly line of Said Block 3; thence North 35°-23'-25" West along the Northeasterly line of Said Block 3 for a distance of 200.00' to the point of beginning.

Case No. 11693

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Request for a variance of the setback requirements from 25' to 21' to permit an addition to the existing building in an RS-3 District. This property is located at 4191 South Troost Place.

Presentation:

Steve Olsen, architect for Mr. Calvert who resides at 4191 South Troost Place, addressed the Board stating that the garage is presently setting 7 or 8 feet above the street level and he is proposing to drop the garage floor 4 to 5 feet. There will be a need for a staircase at the end of the garage and the dimension asked for is the width of the stair in order to get from the new floor into the house. Mr. Olsen submitted a plot plan of the proposed structure (Exhibit "C-1"). The old garage will have to be torn down to decrease the incline from the road. The new garage roof line will be lower than the present roof line of his house.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait (absent)) to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) of the setback requirements from 25' to 21', per plot plan submitted, on the following described property:

Lot 12, Block 1, Forty First Terrace Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 6130 - Minor Variances - Request for a variance of the west side yard setbacks from 10' to 8' in an RS-1 District. This property is located 2420 East 46th Place.

Presentation:

Ronald Holcombe, P. O. Box 33057, was present to address the Board stating that the request for variance was to change the setbacks from 5' and 10' to 7' and 8' to allow the eave of the proposed house to miss a tree, which is located in the middle of a lot. Mr. Holcombe submitted a plot plan (Exhibit "D-1") showing where the tree hits the eave and he would like to move the house 2' to the east. The original wording of the notice, which was mailed to the homeowners in the area, stated that it was a request to change the side yard requirements from 10' to 7'. Actually, the request is to change the east side measurement from 10' to 8' and the west side to be increased from 5' to 7'. The only reason for the change is to save the tree on the lot.

Board Comments:

Mr. Lewis asked if the whole house would be shifted. Mr. Holcombe said yes, the whole house would be shifted, and there would be no increase in the width of the house.

Protestants:

Mr. Hugh J. Finnarty, 4625 South Lewis, stated that he is protesting the variance from 10' to 8'. Mrs. Chamberlain, 2404 East 46th Place, had written a letter of protest which Mr. Finnarty referred to. The subject lot was split without their knowledge a few years ago. Mr. Finnarty stated that most of the lots are 140' by 225', as are the 2 lots just to the west side of the lots in question. Mr. Finnarty continued by stating that 76' made a very narrow lot at the time the lot was split, since most of the houses in the area had from 25' to 50' between them. The Statute of Limitations has run out, therefore, they can't do anything about it. Mrs. Chamberlain was very concerned because it would put the house up very close to her house. Mr. Finnarty was informed by Mr. Holcombe that if they did not grant this variance, there is a possibility they could come in and take the 5' on the west instead of the 5' on the east. His concern is that the Schwarts, the developers of the land, sold the property knowing full-well what the intent was. She has in the past, fought anybody who wanted to put smaller houses and smaller lots in the area. She has now sold the property. Now they have two 76' lots x 140'. They are planning on building two lots: one on 46th Place and the other on 47th or south. They are protesting the 10' variance to 8'.

Board Comments:

Mr. Lewis stated that instead of choosing 5' on one side and 10' on the other, they are choosing to put it in the middle and have 7' on one side and 8' on the other.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-1 (Lewis, Purser, Victor, "aye"; no "nays"; Smith "abstaining"; Wait "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of

Case No. 11697 (continued)

the west side yard setback from 10' to 8' in an RS-1 District, provided that the total of both side yards is 15', on the following described property:

The East 76' of Lot 8, Arnall Heights Addition to the City of Tulsa, Oklahoma.

Case No. 11699

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances - Request for a variance to set a pole sign 47' from the centerline of Sheridan in a CS District. This property is located at 1527 South Sheridan Road.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait, Lewis, "absent") to continue Case No. 11699 to November 12, 1981.

UNFINISHED BUSINESS:

Case No. 10758

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 5' to 0' on the north; variance of the front yard from 25' to 2'; variance of the rear yard from 20' to 5' in an RS-3 District located at 24 South College Avenue.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait, Lewis "absent") to continue Case No. 10758 to November 12, 1981.

NEW APPLICATIONS:

Case No. 11651

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in a Residential District - Under the Provisions of Section 1670 - Request for a variance of the front yard setback requirements from 30' to 5.5' to permit a carport in an RS-2 District. This property is located at 2931 East 39th St.

Presentation:

Richard Goins, representing the property owner, Mr. Lippencoit, advised that Mr. Lippencoit would like to construct a carport on his property for the protection of his newly purchased van. Mr. Goins submitted some pictures of a similar carport that is 2½ blocks away (Exhibit "E-1"). It is a self-imposed hardship that Mr. Lippencoit can't get his van in his garage. A Plat of Survey (Exhibit "E-2") and a rough scetch (Exhibit "E-3") of the proposed carport were also submitted.

Protestants:

Two letters of protest were submitted (Exhibit "E-4"); one from Dr. Robert E. Wright and the other was from A. P. Burlingame.

There were 57 protestants who were not heard but signed a petition (Exhibit "E-5") protesting the request of the variance. Thomas Mann, attorney, representing the residents in the area, 3910 South Florence Avenue, submitted the petition.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in a Residential District) of the front yard setback requirements from 30' to 5.5' to permit a carport in an RS-3 District, on the following described property:

Lot 5, Block 22, Blocks 19-27, Ranch Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11656

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community, Cultural and Recreation - Under the Provisions of Section 1680 - Request for an exception to permit church use in an AG District; and, an

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community, Cultural and Recreation - Under the Provisions of Section 1680 - Request for an exception to permit a day care center in an AG District. This property is at 8350 South Harvard Avenue.

Presentation:

The applicant, David Ingles, 8350 South Harvard Avenue, was present to address the Board stating that a church was established at this location in 1917. After purchasing the property in 1977, Mr. Ingles also began to buy the surrounding lots, and now owns 2.78 acres. The Chapel is presently 24' x 53'. They are currently meeting at Skelly Jr. High on Sunday mornings and Wednesday nights. Mr. Ingles is asking for an exception for the church to be built here and possibly start a day care center in the future. A plot plan was submitted with that information (Exhibit "F-1"). The first building that they plan to construct will be 90' x 100'. A picture was submitted showing a similar structure (Exhibit "F-2"). The Chapel, which was built in 1917, would be relocated in the future to the back of the property. If the day care center was permitted, it would be for preschool ages and would be open to the public.

Protestants:

A letter of protest (Exhibit "F-3") was submitted by Ginger Lewis, 3125 East 8th Street.

Leonard Nelson, 3130 East 84th Street, was the spokesman for several property owners in the area of the proposed church who protest the special exception to permit a day care center in the area. Mr. Nelson submitted a plat (Exhibit "F-4") showing how the proposal will endanger the residential nature of the neighborhood. Photo's were submitted (Exhibit "F-5") showing views from the south line and west line of the property. Mr. Nelson referred to Section 1680.3 of the Zoning Code stating that it would be detrimental and injurious to the neighborhood and the public. Approximately 30 property owners signed a petition (Exhibit "F-6") opposing the exception because of the danger in the residential area. It would increase traffic, have adverse effects on property value in this area and there is no storm sewer at this location. The proposed nodes and Comprehensive Plan envisions development around the various type of arterial street intersections and this proposal, in effect, would be strip zoning. Another concern is the 84th Street access, which now deadends. Mr. Nelson also stated that the day care center was not needed because there are several in the area. He stated that if it was for church use only and there were no access off the 84th Street and Gary Avenue side there would be no objections. Appropriate screening would also be needed.

Board Comments:

Mr. Lewis stated that whatever the Board's decision, they are equally concerned with all the neighbors as far as some extension of a commercial development in this particular neighborhood. Granting a legitimate church use, however, does not have anything to do with a commercial development as long as it is for church use only. Mr. Lewis stated that the plot plan shows a primary access point from 84th Street and/or Gary Avenue coming in on the rear of the property. Mrs. Purser asked the purpose for wanting access into the residential area. Mr. Ingles' answer was so the parking area behind the building could be used more efficiently.

Applicant's Comments:

Mr. Ingles was not aware that the day care center would be considered a commercial use. They would not only use the building for church services



Case No. 11656 (continued)

but also for other ways to do good. Spanish classes are held Monday night at the building. He stated that on the south edge of the property there would be a 6-foot screen fence. There is a "for sale" sign on the property but the listing has run out. Mr. Ingles stated that the 90' x 100' building is the one that they are proposing to build. The north and west sides of the building would be metal, and the east and south would be brick or some attractive material.

Board Comments:

Mr. Lewis stated that he would not want to do anything without an opportunity to approve the plans. If it were to be approved, it would be subject to approval of the plans when they had them.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Purser, "aye"; no "nays"; no "abstentions"; Wait, "absent") to deny an exception (Section 1205 - Community, Cultural and Recreation Facilities) to permit a day care center in an AG District.

Discussion:

As relates to the church expansion, Mrs. Purser felt that seeing the plans and seeing if it would fit in the neighborhood would be helpful. She stated that the Board might accept the church use in concept with the conditions that he come back and show detailed plans later. Mr. Lewis stated that he would like to see more detailed plans and exactly what the building would be made of. Mrs. Purser stated that revised site plans and hydrology plans need to be submitted. She also thought that the Board needs to require something in writing on the hydrology plan from the City Hydrology Department. Mr. Smith stated there needs to be something in writing from the Water and Sewer Department concerning the water loop from 84th Street to Harvard Avenue. The Board needs to know exactly what Mr. Ingle plans to do.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Victor, Smith, Purser "aye"; no "nays"; no "abstentions"; Wait "absent") to continue this application to December 3, 1981, at which time more detailed plans would be submitted.

Case No. 11673

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 424 West 68th Street South.

Presentation:

Judith Fore, 10628 South Quibec Avenue, a representative for Don Dingman, who lives in California, was present to address the Board stating that Mr. Dingman wants to put a mobile home on the lot for no more than a year until he can build a home.

Case No. 11673 (continued)

Board Comments:

Mr. Smith asked Ms. Fore if Mr. Dingman was aware that the mobile home could only be permitted at that location for one year at a time. She stated that he was aware of the fact.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Smith, Victor, Purser, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 440.6 - Mobile Homes) to permit a mobile home in an RS-3 District for a period of one year, bond required, on the following described property:

The Westerly 300' of the S/2 of the SE/4 of the NE/4 of the SE/4, of Section 2, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, LESS the Northerly 30' thereof, for street purposes; and,

The S/2 of the SE/4 of the NE/4 of the SE/4 of Section 2, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, LESS and EXCEPT the Westerly 300' thereof, and LESS and EXCEPT the Northerly 30' thereof, and LESS and EXCEPT the Easterly 50' thereof, and LESS and EXCEPT the Westerly 158.70' of the Easterly 208.78' of the Southerly 208.78' thereof.

Case No. 11675

Action Requested:

Exception - Section 910 - Principal Uses Permitted in Industrial Districts-  
Section 1219 - Hotel, Motel, and Recreation - Under the Provisions of  
Section 1680 - Request for an exception to permit a motel in an IL District. This property is located at 82nd East Avenue and 41st Street.

Presentation:

Leola Farmer, with Leola Farmer Realty, 7452 East 20th Street, was present to address the Board. She advised the Board that the reason for the request is to expand an existing facility which is in accordance with the site plans which were already submitted (Exhibit "G-1").

Board Comments:

Mrs. Purser asked if the development in the present site plan as far as square footage, open space, and parking spaces was similar to the original site plan. Mrs. Farmer stated that they were similar. Mr. Smith advised the Board that the existing development has 72 units and the proposed plot plan has 64 units.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Smith, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 1219 - Hotel, Motel and Recreation) to permit a motel in an IL District, per plot plan submitted, on the following described property:

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Case No. 11675 (continued)

All that part of Lot 3, Block 1, of the Amended Plat of Bond Second Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; more particularly described as follows, to wit:

Beginning at the Southeast corner of Said Lot 3, Block 1; thence Due West, along the south boundary line of Said Lot 3, Block 1, a distance of 339.00'; thence Due North a distance of 578.64'; thence North 89°-57'-43" East a distance of 337.86' to a point on the East boundary line of Said Lot 3, Block 1; thence South 0°-06'-47" East along Said East boundary line a distance of 578.87' to the point of beginning, containing 4.4965 acres, more or less.

Case No. 11676

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Request for a variance of the size of an accessory building from 750 square feet to 1,400 square feet for a garage in an RS-3 District. This property is located at 1809 West 51st Street.

Presentation:

Bruce McClain, contractor, representing Clarence Pounds who is the owner of the property, was present to address the Board. A plot plan was submitted (Exhibit "H-1"). Mr. McClain stated that Mr. Pounds' request is to build a parking structure in his back yard to put his cars in. There is approximately 100% commercial development surrounding this area. Mr. Pounds only plans are to use the garage for his four cars and a boat. It would not be used for business purposes.

Board Comments:

Mrs. Purser asked if it would be built (materials) to match his house. Mr. McClain stated that it would be built with the same materials with the exception of a vinyl overlay which is on Mr. Pounds' existing house.

Mr. Smith asked which was correct, the plot plan which shows 1,344', or the application which shows 1,400'. Mr. McClain stated that the plot plan contains the correct figure.

Other comments:

Mr. Jackere stated that if a business was put in at this location, there would be a zoning violation.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions) to permit construction of a 1,334 square-foot accessory building for residential use only, per plot plan, subject to an instrument being filed with the County Clerk limiting use of the building to residential, on the following described property:

Case No. 11676 (continued)

The West 60' of the South 164.5' of Lot 5, Block 3, Greenfield Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11677

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 - Request for a variance of the setback requirements along the west from 75' to 53.6' in an IL District. (Probably for a machine shop.) This property is located at 6404 East Archer Street; and, a

Variance - Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1670 - Request for a variance to remove the screening wall or fence requirements where physical features provide visual separation of uses in an IL District, at the same address above.

Presentation:

Margaret Boomershine, 1844 North 106th East Avenue, representing B0 Dallas Construction and A. C. Saint, was present to address the Board. The proposal is to waive the setback and waive the screening fence. Mr. Saint is in the process of buying the land to the west of him. A proposed drainage plan was submitted (Exhibit "I-1") by B0 Dallas Construction.

Other Comments:

Dortha Miller, zoning officer, stated that the Board previously approved a 5' setback for the existing building to the south. They are now wanting to construct two separate buildings which are 53½'. Mrs. Miller had to deny those two permits because the Board conditioned the setback per plot plan.

Staff Comments:

Mr. Gardner stated that the plan for the proposed area is for it to go commercial or industrial. If it were zoned commercial or industrial, then there would not be a screening requirement or a setback, which was the basis for waiving the original setback. It is zoned commercial on the east and still remains residential on the west.

Board Comments:

Mrs. Purser asked if it would be too harsh to remove the screening requirements only under the conditions that he acquired the property next door. Mr. Lewis asked if he definitely was going to buy the property next door. Mrs. Boomershine stated that everything was being finalized at this point and he was definitely buying that property.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Smith, Victor, Purser, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve both variances, subject to conditioning the approval on the second grounds regarding screening, being subject to the applicant's actual purchase of the property to the west. If it is not purchased, then the screening requirement remains in effect; and,

Case No. 11677 (continued)

to approve a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts to permit building within 53.6' of the west boundary and a Variance (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements, subject to the applicant purchasing the property and if not purchased, the screening requirement shall be met; on the following described property:

Lot 15, Block 2, Greenlawn Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11678

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community, Cultural and Recreation - Section 1209 - Off-Street Parking - Under the Provisions of Section 1680 - Request for an exception to permit church use and off-street parking in an RS-3 District. This property is located at 2143 North Frankfort Ave.

Presentation:

Cornelius Potter, 2119 North Frankfort Avenue, Pastor of Antioch Baptist Church, was present to address the Board. Mr. Potter stated that the request is for a parking lot for the Church. The Church is located at 2123 North Frankfort, which is south of the proposed area. The Church also owns 2135 North Frankfort. There is only one other lot in this block now owned by the Church which they are negotiating for.

Other Comments:

Mrs. Miller stated that she has an application for an interior remodel for a church building on that lot.

Applicant's Comments:

Mr. Potter said they did not make the application. The house which was purchased in March, will be torn down. They plan to remove the house, pave the property, fence it and put lights up if needed. The owners of the house north of this property have no objections. The owner who Mr. Potter is negotiating with is in the army at San Diego and plans to retire soon and will come back to make a decision on the house. They expressed no objections to the parking lot. Mr. Potter stated that the parking lot would be asphalted.

Board Comments:

Mr. Lewis was questioning whether the application needed to state "to permit church use and off-street parking."

Staff Comments:

Mr. Jones stated that if they wanted to build anything on that property in the future, they could if approved for church use. Mr. Gardner stated that the advertisement can't be just for off-street parking, it has to be advertised as church use and off-street parking even though one of the two uses may be eliminated.

Board Action:

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

Case No. 11678 (continued)

"absent") to approve an Exception (Section 1205 - Community, Cultural, and Recreation) to permit Church parking in an RS-3 District, on the following described property:

Lot 2, Baldwin Place Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11679

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 home occupation, beauty shop, in an RS-3 District. (Beauty shop will be located in an attached garage 22.5' x 11.8'.) This property is located at 4222 East 24th Place.

Presentation:

The applicant, Janice Kirk, 4222 East 24th Place, was present to address the Board requesting permission to close up her one-car garage and install a beauty shop. A plot plan was submitted (Exhibit "J-1"). The garage is approximately 11' x 14'. She was fully aware of the home occupation regulations. Mrs. Kirk only plans to work part-time from 9:00 a.m. to 3:00 p.m., Monday through Friday. Mrs. Kirk reported that parking would be no problem, since she has an extended driveway and street parking is available. A petition (Exhibit "J-2") was submitted for the beauty shop.

Comments:

Mr. Jackere reported that the home occupation regulations do not permit change in residential character.

Mr. Gardner commented that without removing the front garage door, the inside could be walled up and a door could be added on the side, which would be used as a passenger door.

Protestants:

Jack Hawn, 3704 East 56th Street, is the property owner of a house two doors east of the proposed beauty shop. Mr. Hawn is renting his property and states there is no other commercial property in that residential area. With the street being narrow, there is only room for parking on one side of the street. There are many children in the neighborhood and no sidewalks. The objection is that it would change and lower the status of the neighborhood if commercial property was allowed. Mr. Hawn stated that closing in the garage would make it commercial property.

Board Comments:

Mr. Lewis briefly summarized the home occupation regulations for Mr. Hawn. Mrs. Purser advised that a requirement could be made that the garage door stay in place and that the blocking be done on the inside. This would also be the cheapest way.

Board Action:

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

Case No. 11679 (continued)

"absent") to approve an Exception (Section 440.2 - Home Occupations) to permit a beauty shop in an RS-3 District, subject to the home occupation regulations; that the garage door be left in place; that the applicant put a door at the side of the garage which would not be readily visible from the street. The operating hours would be Monday through Friday, with one customer at a time. The approval applies to this applicant only, on the following described property:

Lot 9, Block 6, Ridge View Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11680

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Request for a variance of the rear yard setback requirements from 20' to 8' to permit an addition to the existing house in an RM-1 District. This property is located at 4105 West 5th Street.

Presentation:

Dennis Reed, 4105 West 5th Street, has lived at this location for 13 years owning slightly over 600 square feet of floor area and would like to build on. The proposed two-story addition would come within 8' of the north side where the Reed's own houses face 41st Street. The property owners who are located immediately north of the Reed's house are approximately 8' to 10' from the fence also. When the house plans were drawn, Mr. Reed was not aware of the 20' setback on a corner lot where he owns a 100' x 86' lot. He continued by saying that he could not add on to the house using the desired dimensions without using this setback and going out 18' on the other side. As a last resort, he should change the hallway on the inside by cutting it back and changing his street address, staying within 20' of the west side. Mr. Reed has no plans to put any doors or windows on the north side in order to cut out the north wind.

Board Comments:

Mrs. Purser asked if it was a full two-story. Mr. Reed, the applicant, stated that it was a full two-story house with a gable roof. The existing roof line runs north and south and the proposed roof line would run east and west. Mr. Reed submitted a plot plan of the proposed addition (Exhibit "K-1").

Mr. Lewis asked if the placement of a door determines the back and side yard.

Staff Comments:

Mr. Gardner stated that the property owner may choose either side as their front yard if located on a corner lot.

Board Comments:

Mr. Lewis summarized the discussion by saying that Mr. Reed needs a 2' variance off of the west instead of a 12' variance off of the north.

Mrs. Purser asked if the addition would be similar to the rest of the house, or would it look like it has been added on. Mr. Reed is planning to rough cedar side the whole house making it look like it was all built at the same time.

Case No. 11680 (continued)

Protestants:

A letter of protest was submitted (Exhibit "K-2") from Thomas Crow, 521 North 45th West Avenue.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) to permit building within 8' of the north property line. (The Board found that he actually only needed a 2' variance by calling the 41st Street side of his house the front yard), per plot plan submitted, and per building materials described on the following described property:

The East 82.7' of Lots 11 and 12, Block 1, Verndale Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11681

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 two mobile homes on two separate lots in an RM-1 District. This property is located at 2008 North Kingston Avenue.

Presentation:

Jean Cluck, 1214 South 111 East Avenue, was present to address the Board. Mrs. Cluck is requesting permission to put 2 small mobile homes, one each in a 25' x 120' area. Mrs. Cluck plans to live in one of the homes and her sister would live in the other one. She stated that she bought the lot with the condition that a mobile home could be put on it. She merely wanted to know if she could put the mobile homes on the lots before she paid for the property. She was not aware of the 1-year time limit.

Board Comments:

Mr. Lewis advised her that the Board could give her permission to place the mobile homes on the lots for a period of 1-year, then she would have to come back to be granted more time.

Applicant's Comments:

Mrs. Cluck asked if she could come back after talking to the owners of the lot. She understood that it was an industrial area and that other mobile homes were in that area.

Board Comments:

Mr. Smith said that she could ask for a variance and possibly get more than a year's time. It would have to be readvertised for a variance and a hardship would have to be recognized.

Protestants:

Gail Roberts was present to address the Board on behalf of her grandmother who lives on the property next door at 2014 North Kingston Ave. She stated that a more severe parking problem would exist and a fire hazard would be created if the exception were approved. Parking is



Case No. 11681 (continued)

already a problem since there are apartments across the street. With the lots being so narrow, the two mobile homes would have to be placed end to end.

Ms. Roberts and her grandmother would agree to one mobile home, but not two. On an average, most of the mobile homes in that area set on 3 lots. the protestant's mobile home sets on 5 lots. When the lots were designed, they were done so with the intent that the purchasers buy more than 2 lots.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to deny the Exception (Section 440.6 - Mobile Homes) to place two mobile homes on two lots in an RM-1 District, on the following described property:

Lots 8 and 9, Block 6, Original Townsite of Dawson to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11682

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Request for an exception to permit the operation of a bookkeeping service as a home occupation in an RS-3 District. This property is located at 1004 East 41st Street.

Presentation:

Tom Tannehill, attorney representing Marilyn Pruitt, the owner of the property, was present to address the Board. Mrs. Pruitt has been conducting her own bookkeeping service in Tulsa for about 3 years. Currently, the property is being used as a duplex, which was permitted by the Board in 1956, and is being rented by 2 separate individuals. The lot has approximately 60' of frontage on 41st Street and is 120' deep. Mr. Tannehill submitted photographs of the property (Exhibit "L-1"). This is one of the four homes that face directly on 41st Street, between Riverside Drive and Peoria Avenue. Most of the houses in the area are not residential in nature. Off-street parking would be no real problem. There is large parking areas in front of the home adjacent to 41st Street and also behind the home.

Mrs. Pruitt understands that she cannot employ anyone in her home other than a member of her family. Her husband does help her some. She is aware and understands the home occupation regulations. She is not a CPA. She performs her service by setting up appointments. She would agree to work from 9:00 a.m. to 5:00 p.m., but there are some times when a bookkeeper is consulted at other hours, especially during tax season.

No exterior alterations of the structure are planned, with the exception of improvement to the existing steps that lead to the front of the residence and extensive work as to the clean-up work that needs to be done on the yard.

Mr. Tannehill added the fact that Mrs. Pruitt will live in the house, only using one or two rooms for her office space. She will have no renters.

Case No. 11682 (continued)

Remarks:

Mr. Smith asked about the parking situation. Mr. Tannehill stated that the driveway runs all the way along the side of the house and into the back, where 10 or 20% of the back yard is concrete. The house is two-story with 1,400 square feet. Mrs. Purser inquired about the situation of the house. Mr. Tannehill explained that the bottom story has access to the back and the second story has access to the front.

Board Comments:

Mr. Lewis inquired of the intensity of her business as far as people coming for appointments. Mr. Tannehill stated since she will not have a sign outside her home, she will be making her appointments and can regulate the flow of customers.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve an Exception (Section 440.2 - Home Occupations) to permit the operation of a bookkeeping service as a home occupation, subject to the condition that this approval shall run with this owner only, hours of operation will be from 9:00 a.m. to 5:00 p.m., five (5) days a week, subject to all the home occupation rules; on the following described property:

The West 60.6' of Lot 1, and the West 60.6' of the North 40' of Lot 2, Block 1, Alta Dena Place, except for the North 15' of the West 60.6' of Lot 1, all in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11683

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community, Cultural, and Recreation - Under the Provisions of Section 1680 - Request for an exception to permit church use in an RS-3 District; and, an

Exception - Section 250.3 (b) - Modification of Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Request for an exception to permit modification of the required screening requirements where an alternative screening will provide visual separation of uses. This property is located at 2438 East 29th Street North.

Presentation:

Roy Davis, 2426 East 29th Street North, addressed the Board submitting the Plot Plan (Exhibit "M-1"), and requested that the property be approved for church purposes. The church also wants to enlarge the church for classroom space and parking use.

Questions and Comments:

Mr. Lewis inquired about the classroom use, whether it would be for educational use or just for church purposes. Mr. Davis replied by saying that it would be used just for church purposes.

Case No. 11683 (continued)

Mrs. Miller stated that the church would not be required to have screening, but parking lot would.

The Board inquired about the fence. Mr. Davis said that they plan to put a chainlink fence on all of the property.

Mr. Lewis asked if there are residences next door to the parking lot. Mr. Davis said that his home is on one side and the property owners on the other side have a chainlink fence surrounding their property. Mr. Davis reported that parking places would be aimed toward the church and the houses.

Comments:

Mrs. Miller stated that Mr. Davis actually only had church use on lots 3 and 4, but his plot plan and legal include lots 5, 17, 18, 19 and 20. He needs church use for the east-half of lot 5 and all of lots 17 thru 20 inclusive. He has to pave it if it is to be used for parking.

Lewis stated that the Board could approve the parking use and that it would not need to be paved until it was needed.

Protestants: None.

The interested party did not wish to be heard.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community, Cultural, and Recreation - Under the Provisions of Section 1680) to permit church use in an RS-3 District) and, an

Exception (Section 250.3 (b) - Modification of Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to permit modification of the required screening requirements where an alternative screening will provide separation of use, be granted until such time that there is development on the lot surrounding the parking areas of the church, per plot plan submitted, on the following described property:

Lot 3, 4, and East 25' of Lot 5, Lots 17, 18, 19 and 20, Block 4,  
The Ben Franklin Addition to the City of Tulsa, Tulsa County, Okla.

Case No. 11684

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 2602 East 51st Street North.

Presentation:

Virginia Dedmon, 2602 East 51st Street North, was present to address the Board and reported that her house and a mobile home are presently existing on the subject property. Mrs. Dedmon's daughter and two

Case No. 11684 (continued)

children moved in the house while Mrs. Demon's son and his wife were also living at the same location. Because of the over-crowded space, a mobile home was purchased. Mrs. Dedmon stated that she owns approximately 2 acres at this location. The mobile home has been at this site for approximately one year. Mrs. Dedmon reported that a mobile home had been there before because there was a hook-up in place.

Board Comments:

Mrs. Purser asked Mrs. Dedmon how she found out that she was there illegally. She reported that someone had damaged her gas line and the gas company pulled her gas meter. Mrs. Dedmon stated that the gas meter was hooked up to the house so she and her son hooked it up to the mobile home. The Board advised that the same gas meter could not be used to serve two residences.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS-3 District for a period of one year, bond required, on the following described property:

The West 495' of the North 330' of the NW/4, NE/4, SW/4, LESS the East 102' of the North 215' of the West 267' thereof and the West-Half of the SW/4, of the NW/4 of the NE/4 of the SW/4 of Section 8, Township 20 North, Range 13 East to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11685

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1210 - Off-Street Parking - Under the Provisions of Section 1680 - Request for an exception to permit off-street parking in an RM-2 District; and, a

Variance - Section 1320 (d) - General Requirements - Under the Provisions of Section 1670 - Request for a variance to permit off-street parking on a lot that does not contain the use for which the required parking spaces or berths are to be provided. This property is located at 1620 East 12th Street.

Presentation:

Mr. Jones, representing the Tulsa Psychiatric Center, advised the Board that a portion of these two lots were recently approved for off-street parking. He also stated that there were some houses on these lots and the "Foundation" has now acquired the rest of these two lots. They are requesting permission to use the balance of the two lots for parking use.

Mr. Mowery, architect for the Tulsa Psychiatric Foundation, submitted the plot plan (Exhibit "N-1") and stated that the Foundation has buildings without parking, except for various spots around the neighborhood.

Case No. 11688 (continued)

Comments:

Mrs. Purser asked Mr. Gardner to review the Board's concern on leasible space verses total space.

Mr. Gardner stated that the Board has always been concerned about the net leasible area in granting a variance in relationship to the number of parking spaces available. The minimum parking standard for general office is one parking space per 400 square feet of floor area. The applicant would not have any parking problems if they provide 296 spaces.

Mr. Lewis inquired about the lobby space. Mr. Hammer was advised by Mr. Burke that the lobby occupies 2 floors (ground plus second). Mr. Lewis then asked if the equivalent location on the third through the sixth floor would be leasible space.

Applicant's Comments:

Yes, the leasible square-footage per floor is shown on the site plan as to the first and second floor, then it is the same on each of the upper four floors.

Comments:

Mrs. Purser asked Mr. Gardner to explain the parking requirements for a medical office building.

Mr. Gardner stated that according to the figures given, 301 spaces would be needed if used totally as medical and the applicant presently has 296.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve the Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) to permit the total building square-footage from .50 to .59 in an OM District, per plot plan submitted, on the following described property:

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

Case No. 11690

Action Requested:

Appeal From The Decision Of The Building Inspector - Under The Provisions of 1650 - Appeals From The Building Inspector - Appeal for citation for conducting home occupation (law practice) in an RS-3 District; and, an

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 home occupation (law practice) in an RS-3 District. This property is located at 1440 South Norfolk Avenue.

Case No. 11685 (continued)

Therefore, they have acquired the subject property for a parking lot. The variance is needed to pave this property with screening fence, per plot plan and access.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1210 - Off-Street Parking - Under the Provisions of Section 1680) to permit off-street parking in an RM-2 District; and, a

Variance (Section 1320 (d) - General Requirements - Under the Provisions of Section 1670) to permit off-street parking that does not contain the use for which the required parking spaces or berths are to be provided, per plot plan submitted, on the following described property:

Lot 1 and the Vacated West 10' of Trenton Avenue on the East, Block 9, Lot 2 and the Vacated West 10' of Trenton Avenue on the East, Block 9, All in Forest Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11688

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Office Districts- Under the Provisions of Section 1670 - Request for a variance of the total building square-footage from .50 to .59 in an OM District. The property is located at 8222 South Lewis Avenue.

Presentation:

Donald Hammer, 205 Denver Building, represented Elmer and Russel Anderson, the applicants for a variance from 50% to 59% for the total gross square-footage of an office building to be built on the property located at 8222 South Lewis Avenue. Mr. Hammer submitted a plot plan (Exhibit "O-1") and a letter of consent (Exhibit "O-2"), written by Mr. Burke, the agent for Riverbend Development Associates who was present for this meeting. The only other property owners in the 300' radius are Oral Roberts University and the City of Faith Hospital. Mr. James Ferris, of the Martin-Logan Firm, authorized Mr. Hammer to tell the Board that Oral Roberts University and the City of Faith Hospital have no objections to the variance sought in this proceeding. The 6-story office building in question, (ground plus 5) has enough remaining parking space for the building. There is provision for 296 spaces as compared to the required 189, making surplus of 107. The office building is planned as a general office building as opposed to a medical office building. It is constructed primarily as a general office building, although applications for leases from doctors would be considered. The building is planned with more than adequate lobby and corridor space, which is the basic reason for desiring the additional square-footage for the amount of leasible square-footage in the building so as to provide a higher quality and more desirable office building at this location. Mr. Hammer stated that the leasible space in the building would be 48%.

Presentation:

James Werner, 1440 South Norfolk Avenue, was present to address the Board and submitted his application and an attached map of the site location (Exhibit "P-1"). Mr. Werner proceeded by reading the application. In short, Mr. Werner stated that he has a private office located in his home where he is engaged in the practice of law. He has no employees other than his wife who does his secretarial work. Mr. Werner receives approximately 2 to 5 professional visits per week at his home. He also stated that the use of his home as a law office had not and will not materially affect the traffic flow on either 15th Street or Norfolk Avenue. He concluded by stating that the immediate neighborhood has been used either commercially or for home business for more than 20 years.

Board Comments:

The Board inquired about the name plate on the front door indicating Mr. Werner's profession. Mr. Werner stated that the sign indicated that he is an attorney at law. He also said that the name place was not extremely obvious since the letters are approximately 2 inches in size.

Protestants:

Mr. Frank Kelly, 1504 South Newport Avenue, was present to address the Board in protest of the application. Mr. Kelly referred to a previous case involving Mr. Werner's neighbors who had applied for a zoning change and a variance on the property. During that presentation, the lawyer presented a picture of Mr. Werner's house showing there was a business next door with the name plate being visible from the street, which was part of their case for rezoning. Mr. Kelly submitted a xerox copy of a page from the Tulsa Phone Directory (Exhibit "P-2"), which indicated that Mr. Scott W. Draughon was an associate of Mr. Werner's during the previous case. Mr. Kelly stated that a lawyer operating a business at that location was in violation to the zoning requirements. He added the fact that 4 to 5 cars are parked at Mr. Werner's house all of the time, the sign in the window and the reception desk are clearly visible from the street. Mr. Kelly finished by stating that the nature of the neighborhood is residential and the approval of the application would clearly go against the Master Plan of the City of Tulsa, as was brought out when Mr. Werner's neighbors tried to get their property rezoned to put in an office.

Applicant's Comments:

Mr. Werner stated that he and Mr. Draughon associated with each other on many cases and he did use his phone. Mr. Werner also stated that he had photocopies from the City Directory from 1960 through 1980 listing the apartments and businesses on Newport Avenue, Norfolk Avenue and 15th Street.

Board Comments:

Mrs. Purser asked if Mr. Werner had received a copy of the home occupation rules. He stated that he had not received a copy, but was aware of most of the rules. Mr. Lewis asked if Mr. Draughon has an office in Mr. Werner's home. Mr. Werner replied by stating that Mr. Draughon was not an associate of his. He stated that many attorneys have come by to consult with him as he has gone to their offices.

Case No. 11690 (continued)

There was discussion as to whether 15th Street was a highway or a major street. Mr. Gardner explained that 15th Street is not a designated highway. He continued by saying that the area north of 15th Street and south of the Broken Arrow Expressway is to remain as a residential area, which was the basis upon which the Board denied a variance for sole office usage.

Mrs. Purser stated that after the Board denied the variance on the previous case, she went to see the site and noticed the name plate and reception desk without any difficulty. She felt that it was out of character for a home occupation.

Board Action:

Mr. Victor made a motion to uphold the decision from the Building Inspector, that the exception to permit the home occupation be granted with consideration that the applicant comply with all of the requirements of the Home Occupation Act including the removal of the sign or any visible evidence that a home occupation is being conducted at that address, this owner only. Smith second it.

Discussion:

Alan Jackere felt that a phrase should be added to the motion in connection with the Home Occupation Act concerning members of the family being the only employees. There was no objection to an occasional conference with an attorney, but no business type relationship should exist at this location.

Mr. Lewis felt that Mr. Werner's law practice was not in accordance with the home occupation rules.

Board Action:

Mr. Smith withdrew his second.

On MOTION of PURSER and SECOND by SMITH, the Board voted 3-1-0 (Lewis, Purser, Smith, "aye"; Victor "nay"; no "abstentions"; Wait, "absent") to uphold the appeal of the Building Inspector (Under the Provisions of 1650 - Appeal From The Building Inspector - Appeal for citation for conducting home occupation (law practice) in an RS-3 District) and that an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680) to permit the home occupation be denied, on the following described property:

Lot 3, Block 13, Broadmoor Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11691

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 35' to 19' in an RS-1 District to permit the extension of the structure. This is on a corner lot at the SW corner of 67th Street and Gary Avenue.



Case No. 11691 (continued)

Presentation:

Wayne Jackson, Box 441, Broken Arrow, was present to address the Board on behalf of Mr. and Mrs. Hammond, 3150 East 67th Street. Mr. Jackson submitted a plot plan (Exhibit "Q-1") and 2 photographs of the site location (Exhibit "Q-2"). The house is located at the corner of 67th Street and Gary Avenue, a cul-de-sac Street. The Hammond's plan to enlarge the house by changing the existing garage into a bedroom, adding another bedroom on the north, and building a 3-car garage on the east. Mr. Jackson said that the house would be 50' to 75' back from the street. There is a concrete retaining wall around the property to enclose the pool. The new addition will be 7' to the east of the present garage.

Protestant:

Robert Stotts, 3219 East 67th Street, was present to address the Board in protest to the wall being extended. He stated that the extension of the wall would not improve the neighborhood. The neighborhood has large lots with most of them approximately 140' square. There is also a separation of 40' between most of the houses.

Discussion:

There was discussion by the Board, Mr. Jackson and Mr. Stotts concerning the addition to the house and the extension of the concrete retaining wall (fence).

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait, Lewis, "absent") to continue Case No. 11691 to November 12, giving the Board members an opportunity to visit the site.

Case No. 11692

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1680 - Request for an exception to permit the use of office and studios in an RM-2 District. This property is located NW of 16th Street and Denver Avenue.

Presentation:

Mr. Charles Norman, 909 Kennedy Building, was present to address the Board on the behalf of Mr. and Mrs. Shipley, the applicants, and submitted 10 photographs of the site location (Exhibit "R-1"). Mr. and Mrs. Shipley signed a contract to purchase a large residence at the NW corner of 16th Street and South Denver Avenue, which is located in an RM-2 zoning District. The request is for the approval of an exception to permit the location of offices and studios within the residences. They plan to reside in the home, which was constructed in 1917. Mr. Shipley is a mechanical engineer and his engineering firm will be located in the upper floors of the building. The Shipley's plan to maintain the exterior and keep it in its present condition. There are only 6 lots in the block between 15th and 16th Streets on the west side of Denver. The northern and southern lots are zoned OL. Across the street and south is a small apartment complex. Mr. Norman stated that the Planning Commission approved a recommendation to rezone an

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additional lot, south of the subject property, to the OL District. Mr. Norman stated that the property can provide off-street parking to meet the requirements of the Zoning Code.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Wait, Lewis, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1680) to permit the use of office and studios in the existing house in an RM-2 District, on the following described property:

Lots 5 and 6, Block 4, Stonebraker Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

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Action Requested:

Variance - Section 1214.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Request for a variance of the required number of parking spaces from 83 to 61 in a CS District. This property is located on the NW corner of 51st Street and Mingo Road.

Presentation:

Gene Buzzard, 1,100 Philtower Building, attorney representing Silo Inc., a Pennsylvania Corporation, submitted plot plans (Exhibit "S-1") to the Board, showing the proposed showroom and stockroom to be used for appliances and TV furniture. The showroom would consist of 10,500 square feet and 14,300 square feet for the stockroom, making a total square-footage of 24,800 for the entire building. They are asking for a variance to operate with 61 spaces instead of 83, which is required when Use Unit 14 is applied. Silo Inc., has 6 other stores located in the United States and their experience shows that 50 to 55 parking spaces is the maximum needed. They feel that 50 spaces would be adequate and 61 would be more than adequate. Silo Inc., is planning to eliminate the spaces at the rear of the store, the north edge. Mr. Buzzard continued by stating that the store is a self-contained unit designed only to serve this area. They are asking for a variance to 61 spaces on the basis that the stockroom space is not the kind of retail use requiring 1 parking space for every 300 square feet of building.

Board Comments:

Mrs. Purser asked how Silo Inc., intends to eliminate the parking in the back. Mr. Buzzard replied by stating that if the variance is granted they are not planning on paving it.

Staff Comments:

Mr. Gardner stated that Silo Inc., only needs 3 parking spaces for the stockroom portion and 58 for the showroom portion which makes one space per 181 square feet. The Ordinance requires 1 space per 225 square feet. Mr. Gardner suggested a condition that the 14,300 square feet of stockroom space could not be turned into retail space unless the off-

street parking requirements were met on site for the balance of the footage.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Smith, Purser, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve a Variance (Section 1214.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) of the required number of parking spaces from 83 to 61 in a CS District, with the conditions that the warehousing space cannot be changed into retail space without complying with the required parking and that no addition to the building could be built that would take land area that would be required for parking in the future, on the following described property:

Beginning at the SW corner of Lot 3, Block 1, Regency Center Amended; thence Westerly along the South line of Said Lot 2, a distance of 65'; thence North and parallel to the East line of Lots 2 and 3 a distance of 265' to a point; thence East and parallel to the South line of Lots 2 and 3 a distance of 265'; thence South along the East line of Lot 2 a distance of 65' to the NE corner of Lot 3; thence West along the North line of Lot 3 a distance of 200' to the NW corner of Lot 3; thence South along the West line of Lot 3 a distance of 200' to the point of beginning.

Comment:

Alan Jackere stated that under the Motion the warehousing space may be converted to retailing space so long as they meet the parking requirements on site.

OTHER BUSINESS:

Removal Bonds For Mobile Homes:

Mr. Jackere brought up a discussion concerning approval of the removal bonds for mobile homes after the one-year time period has expired. The removal bond needs to be brought back to Mr. Jones and approved by the Legal Department after one year. The applicant needs to be notified when the year is up.


Mr. Gardner suggested that the process be computerized. Mrs. Purser suggested a separate file to include everything approved with a time limit, checking to see which ones had expired each month.

It was suggested that Mr. Jackere, INCOG Staff and Mr. Lewis discuss the problem and recommend a solution.

There being no further business to come before the Board, the Chair adjourned the meeting at 5:35 p.m.

Date Approved \_\_\_\_\_

12/17/81

  
Chairman