

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting (No. 349)  
Thursday, November 12, 1981, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

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

After declaring a quorum present, Acting Chairman Smith called the meeting to order at 1:40 p.m.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, November 10, 1981, at 1:25 p.m., as well as in the Reception Area of the TMAPC Offices.

MINUTES:

There were no Minutes ready for approval.

WITHDRAWN CASES:

Mr. Jones advised the Board that Case Numbers 11699 and 11713 have been withdrawn.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 11710

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 setback along 129th East Avenue from 35' to 30' in an RM-1 District, SW of 28th Place and 129th East Ave.

Presentation:

Clayton Morris was present to address the Board and submitted a plot plan (Exhibit "A-1") of the proposed Coventry Addition. Mr. Morris requested approval of a variance from the 35' setback to 30' for one building.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback from 35' to 30' in an RM-1 District, per plot plan submitted, on the following described property:

Part of the E/2 of the SE/4 of Section 17, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 11711

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 30' to 26' from the centerline of Delaware Avenue in a CH District NW of 11th Street and Delaware Avenue.

Presentation:

John Sublett, 1776 One Williams Center, was present to address the Board on behalf of the Bama Pie Company, and submitted a plot plan (Exhibit "B-1"). Bama Pie Company is proposing to add a second story to the existing building. The actual wall for the building will not be changed. Mr. Sublett stated that the existing wall encroaches 4' into the 30' minimum building setback that was prescribed by the Ordinance for Delaware Avenue, which is a collector street. According to the Building Inspector's interpretation of the Ordinance, it would be necessary for Bama Pie Company to setback 4' from the wall. Bama Pie is asking for a waiver in order to proceed with the addition.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by Wait, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) to permit the setback requirements from 30' to 26' from the centerline of Delaware Avenue in a CH District, per plot plan submitted, on the following described property:

Lot 1, Block 1, Bama Pie Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

Case No. 10758

Action Requested:

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

Presentation:

The applicant was not present.

Protestants: None.

Board Action:

Due to a conflict of interest with one of the Board members it was agreed without objection, to continue this Case (#10758) to December 3, 1981.

Case No. 11665

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Section 219 - Hotel, Motel and Recreation - Under the Provisions of Section 1670 - Request for a variance to permit the construction and operation of a private health and athletic club in an RM-1 District.

Presentation:

Mr. Jones advised the Board that Mr. Moody, the applicant, requested that the application be continued since he was called out of town and could not be present.

Protestants: None.

Board Action:

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

Case No. 11669

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1680 - Request for an exception to permit multifamily use in a CS District; and, an

Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Request for an exception to permit the modification of the screening requirements; and, a

Variance - Section 206 - Number of Dwelling Units On a Lot - Under the Provisions of Section 1670 - Request for a variance to permit more than forty (40) units on a lot; and, a

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Request for a variance of the setback requirements at the SE corner of East 31st Street and South 145th East Avenue.

Presentation:

William J. Doyle, 201 West 5th Street, was present to address the Board concerning Case No. 10813, heard in January 1980, that authorized the use of apartments in the subject area with 10 restrictions applicable to the tract under RM-2 zoning regulations. The Minutes from the January hearing referred to the plat that was introduced then, as the "Concept Plan", which Mr. Doyle believes he found. Mr. Doyle submitted an alternate plan at this and the previous meeting (Exhibit "C-1"), which the homeowners in the neighborhood protested. As a result, that concept was abandoned.

Mr. Doyle advised the Board that the original "Concept Plan" was approved and is before the Board again for slight plan approval (Exhibit "C-2"). The changes include the decrease of dwelling units from 250 to 224. They have provided a new concept plan that adheres

to the previous concept plan, which principally involves the location of the apartment buildings next to the east line. They have complied with the plan regarding the concept of privacy concerning the size of the apartment buildings. They have also complied with the aspect that there are no balconies adjacent to the east line, and the balconies which are to the north and south are sheltered, by a solid wall, from the east line property owners.

In January 1980, the Board directed that no more than 25% of the apartment units be 2 and 3 bedroom units. The new plan proposes that half of the units be 2 bedroom and half be 1 bedroom units.

Mr. Doyle submitted a letter from David Kimball, with the Fire Marshal's Office of the City of Tulsa stating that the plan was approved as it related to adequate water pressure (Exhibit "C-3").

Protestants:

Elliot Holm, 3428 South 148th East Avenue, president of the Sunwood Hills Homeowner's Association, was present to address the Board and submitted a petition signed by approximately 166 people in the area (Exhibit "C-4") opposing the proposed apartment complex. The protestants are opposing the proposal because of the financial aspect to the project, also stating that the apartment complex is not needed since there are 5 other complexes in the surrounding area. There was some concern with the water pressure and a concern for the safety of the children and older adults at the proposed exit on to 33rd Street.

Mark Skof, 3540 South 149th East Avenue, an attorney and also a home owner in the Sunwood Hills Addition, was present to address the Board and advised that the land in question is developing as a single family residential area primarily. He requested that the exception regarding the multifamily use and the variance concerning the units be denied.

Applicant's Comments:

Mr. Doyle commented as to the financing aspect stating that there will be no rent subsidy project financing or government subsidy. With regard to the Water Department, Mr. Doyle submitted 2 letters (Exhibit "C-5") from the City Water and Sewer Department, and 1 letter (Exhibit "C-6") from Lansford Engineering Company relating to the water inadequacy written after the January 1980, hearing. Mr. Doyle stated that there are other water developments in progress in that area.

Board's Questions and Comments:

Mr. Smith asked Mr. Jones if the previous case with the plot plan was available. Mr. Jones stated that there was no plot plan submitted at the time of the January hearing. He further stated that the Board put specific conditions on the plan and the applicant was requested to come back with the final plan showing those conditions that the Board imposed.

Mr. Victor felt that the first exception dealing with the multifamily use and the first variance dealing with the units on the lot did not need to be before the Board, since they were already approved. Mr. Victor asked that Mr. Doyle address the exception concerning the modification of the screening requirements. Mr. Doyle stated that the screening which was done was for the old application and is not

applicable to the current application.

Mr. Compton stated that the Staff would be concerned with adequate screening between the proposed project and the single-family residential area to the east.

Mr. Doyle, applicant, stated that he is withdrawing the exception concerning the screening requirements and is willing to comply with the screening requirements. He said that a fence is presently on the property.

Discussion ensued regarding the plat for the property.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") that an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1680) to permit multifamily use in a CS District; and a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1670) to permit more than forty (40) units on a lot; have already been approved on the previous action; and an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to permit the modification of the screening requirements be denied; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements no longer applies according to the drawing submitted. The application was further approved with the following conditions: That the applicant's request for the distribution of the bedroom units being 50% one-bedroom units and 50% two-bedroom units be in accordance with the 25% requirement previously imposed by the Board concerning two-and three-bedroom units; and the application be subject to a review of the drawings and drainage design by the City Hydrology Department; and that all the requirements of the previous Board action be in effect with the exception of those specifically mentioned on this case and in accordance with the plot plan submitted, which is reported to be the plot plan approved on Case No. 10813; and that the fence in place be brought up-to-date, or be reconstructed; and that this will not be a rent subsidy apartment project; on the following described property:

All of Block 1, Woodland Hills Center Addition, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, LESS and EXCEPT the following portions thereof, to wit:

That portion of said Block 1, more particularly described as beginning at the SW corner of said Block 1; thence North along the West line of said Block 1, a distance of 200'; thence due East a distance of 150'; thence due South a distance of 196.67' to a point on the North right-of-way line of East 33rd Street South; thence Westerly along the Northerly line of said street right-of-way to the point of beginning, containing 29,894 square feet, more or less; and,

The West 150' of the North 200' of said Block 1.

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 on the SW corner of 67th Street and Gary Avenue.

Presentation:

Wayne Jackson, the contractor, Box 441, Broken Arrow, was present to address the Board stating that the proposal is to extend the house 7' past the existing garage. Mr. Jackson advised the Board that the only reason for the extension was the size of the family and the proposed addition was the only possible way to build on.

Mr. Hammond, the applicant, was present to address the Board and submitted a letter (Exhibit "D-1") signed by all of his neighbors except for one, stating that they had no objection to the extension of the house. The one neighbor who did not sign the letter was present on the October 29, 1981, hearing in protest to the proposal.

A plot plan was submitted at the October 29th Hearing.

Board Comments:

Mr. Smith advised the Board that he had visited the site location and did not foresee any problems.

Protestants: None.

Board Action:

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

Lot 1, Block 2, Braniff Hills Annex to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11695

NEW APPLICATIONS:

Action Requested:

Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1670 - Request for a variance to permit a warehouse in a CS District, at 1320 East 58th Street.

Presentation:

James Sanders representing Messick Construction, 1320 East 58th Street, was present to address the Board and stated that a warehouse is needed to store additional materials which are presently on the lot. Mr. Sanders stated that Messick Construction owns the 40' where the proposed building would be located and 120' to the east. He added that to the north of the site location is an open lot; to the south is a nursery; and a Sonic is located at the southeast corner.

11.12.81:349(6)

Case No. 11695 (continued)

Board Comments:

The Board felt the need to visit the site location before a decision was made.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser "absent") to continue Case No. 11695 to December 3, 1981.

Case No. 11696

Action Requested:

Appeal From the Decision of the Building Inspector - Under the Provisions of Section 1650 - Appeals From the Building Inspector - Appeal the decision of the Building Inspector for refusing to permit the drilling of an oil well in an AG District with storage tanks; and, an

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1680 - Request for an exception to permit the drilling of an oil well with storage tanks in an AG District; and, a

Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1670 - Request for a variance to permit oil well drilling and storage tanks in an AG District, SW of 71st Street midway between Elwood Avenue and the Beeline Expressway.

Presentation:

William J. Doyle, III, attorney representing Seven Exploration Company, was present to address the Board and advised the Board that a total of 38 wells in that section have been drilled in the past. The well in question has been completed and is in production at the present time. Mr. Doyle stated that the subject area is bounded by 71st and 81st Streets, with Union Avenue to the west and Elwood Avenue to the east. A stop order was served by the Building Inspector in the appeal. The Tulsa Zoning Code and index provides that oil and gas drilling is within Use Unit 24, which is permitted as an exception in an AG District. The exception is based upon the concept that the production is in harmony and spirit of the Code, not being injurious to the neighborhood or otherwise detrimental to public welfare. The exception is requested with safeguards that the same must be operated in the future in such a manner that it will not cause a nuisance or be harmful to the area. They are further requesting an interpretation of the Code to clarify that the Prohibition Ordinance under Title 27; 1) has no effect on zoning regulation matters, 2) has been superseded by the latter enactment of the Zoning Code, 3) is in violation of the City Charter, and, 4) is contrary to the Constitution and Statutes of the State of Oklahoma. Finally, a variance is requested to allow the continued production of oil based upon the exceptional conditions pertaining to this particular property.

Comments:

Mr. Linker, Legal Department, stated that any action taken by the Board in regard to the oil wells has no effect on the penal provisions in the

Case No. 11696 (continued)

Ordinances - Title 27. Discussion ensued as to whether this is a new or old well. Mr. Linker stated that the records show it to be a new well.

Applicant's Comments:

Mr. Doyle suggested to pass the matter to the December 3, 1981, meeting giving the attorneys and the Board members time to investigate the ramifications of what is being requested.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to continue Case No. 11696 to December 3, 1981.

Case No. 11698

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680 - Request for an exception to permit the operation of a car wash in a CS District, SW of 71st Street and Memorial Drive.

Presentation:

John Kelly, a real estate agent for Texaco, P. O. Box 2420, was present to address the Board and submitted a plot plan of the proposed car wash (Exhibit "E-1"). The proposed car-wash, being 18' x 41', would be located on the south end of the lot on 71st Street and Memorial Drive. Mr. Kelly stated that a restaurant is located south of the property and a parking lot for the restaurant to the west.

Howard Siegfried, the engineer for Texaco Company, was also present to address the Board and described the construction of the building.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680) to permit the operation of a car wash in a CS District, per plot plan submitted, on the following described property:

The East 217.4' of the North 208.7' of Section 11, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, LESS the dedicated street right-of-way.



Case No. 11700

Action Requested:

Variance - Section 250.3 (d) - Modifications of the Screening Wall or Fence Requirements - Under the Provisions of Section 1670 - Request for a variance to permit the removal of the screening requirements where the purposes of screening cannot be achieved in an OM District, at 8522 East 61st Street.

Presentation:

Larry Reiners, an employee of the Pro-Quip Corporation, was present to address the Board and submitted a grading plan (Exhibit "F-1"), pictures taken at the site (Exhibit "F-2"), a landscape plan (Exhibit "F-3") indicating their intended treatment of the east side of the structure, and a plat (Exhibit "F-4"). Mr. Reiners stated that the building permit required a screening fence 6' on the south and east property lines. They are asking the removal of the screening fence along the east property line which goes along 86th East Avenue.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 250.3 (d) - Modifications of the Screening Wall or Fence Requirements - Under the Provisions of Section 1670 to permit the removal of the screening requirements along 86th East Avenue; and that the other screening requirements to the south of the property are still in effect, per plot plan submitted, on the following described property:

Lot 1, Block 1, Caven-Wood Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11701

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 maintain a mobile home in an RS-3 District, at 120th East Avenue and Admiral Place.

Presentation:

Margaret Castleberry was present to address the Board requesting that her mobile home be permitted to remain at her existing residence for another year. Mrs. Castleberry stated that there were other mobile homes in the surrounding area.

Staff Comments:

Mr. Compton advised the Board that this request has been approved twice with the condition that only one of the two dwelling units be lived in at any one time.

Applicant's Comments:

Mrs. Castleberry stated that she lives in the mobile home and that the house on that lot was vacant.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) for a period of one year under the condition

Case No. 11701 (continued)

that only one of the dwelling units be occupied, removal bond required, on the following described property:

The East 430' of the S/2 of Lot 11 and the North 77.5' of the East 430' of Lot 12, Block 1, S. R. Lewis Addition to the City and County of Tulsa, Oklahoma.

Case No. 11702

Action Requested:

Variance - Section 430.2 (a) - Bulk and Area Requirements in the RMH District - Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 10' to 0' to permit carports in an RMH District, located at 120th East Avenue and Admiral Place.

Presentation:

Warren Morris was present to address the Board and requested a variance of the side yard requirements from 10' to 0' to permit carports and a variance of the front yard from 25' to 0'. Mr. Morris stated that there has been considerable change in the manufactured housing industry. In August the government directed that the Fanning May Offices make 20 year loans on mobile homes that meet certain requirements. One of the requirements was pertaining to some type of carport arrangement. The Ordinance requires a 5' setback from the mobile home on one side of the lot and a 10' setback on the other side. The proposal is to bring the carport out in front of the building setback line, or waive the side yard setback. Mr. Morris submitted pictures (Exhibit "G-1") of carport additions in Houston which would be similar to the ones constructed on the subject property. Mr. Morris is proposing to put the carports back behind the 25' setback adjacent to the units or set it out in front of the 25' setback.

Comments:

Mr. Jones advised the Board that the advertisement was also for a variance of the front setback from 25' to 0'. (It is not shown on the Case Report, but was advertised.)

Mr. Compton stated that the Staff would be more favorable of the adjustment on the side property line. He added that a plot plan would be required.

Applicant's Comments:

Mr. Morris advised the Board that it might be best to continue the Case. He plans to attend a meeting in Dallas with the Manufactured Housing Institute which might help in the decision. Mr. Morris asked that the side yard requirement be waived.

Board Comments:

Mr. Smith agreed with Mr. Morris to continue the Case.

Mr. Victor felt that the adjustment of the front yard requirements would be a greater safety problem.

Case No. 11702 (continued)

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 430.2 (a) - Bulk and Area Requirements in the RMH District - Under the Provisions of Section 1670) of the side yard requirement from 10' to 0' and deny the variance of the front yard setback request, on the following described property:

Cooley Lake Mobile Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11703

Action Requested:

Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1227 - Heavy Manufacturing and Industry - Under the Provisions of Section 1670 - Request for a variance to permit a salvage yard in an IL District, located at 843 East Apache Street.

Presentation:

Clarence Bradley, 137 East Marshall Street, was present to address the Board and submitted a plot plan (Exhibit "H-1") and an aerial photo (Exhibit "H-2") of the proposed salvage yard. Mr. Bradley advised the Board that he plans to obtain a salvage license for the salvage yard located at 843 East Apache Street. He stated that a cyclone fence is enclosing the subject property of which he is leasing.

Comments:

Mr. Compton stated that the Board did approve a salvage-type operation on the lot located east of the subject property with several specific conditions. Those conditions were as follows: 1) There shall be no more than 10 salvage-type automobiles stored on the property at any given time. 2) The storage of those salvage-type automobiles would be done in a neat and orderly fashion. 3) The box car salvage operation cease. 4) The salvage-type automobiles be parked behind the front building line and that none be in front of the building.

Mrs. Miller added that the state requires that all salvage operations be screened totally.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1227 - Heavy Manufacturing and Industry - Under the Provisions of Section 1670) to permit a salvage yard in an IL District, subject to the following conditions: 1) That there be no more than 20 salvage-type automobiles stored on the property at any given time, and 2) that the storage of the salvage-type automobiles be done in a neat and orderly fashion, on the following described property:

Case No. 11703 (continued)

Beginning 770.08' East, East 25' North of the SW corner of the SE/4; thence West 237.28'; thence North 36.8'; thence NE 93.7'; thence NE 79.21'; thence NE 56.2'; thence NE 165.63'; thence NE 77.07'; thence South 200'; thence South 180' to the point of beginning, Section 24, Township 20 North, Range 12 East, containing 1.12 acres.

Case No. 11704

Action Requested:

Variance - Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Request for a variance of the street frontage requirement of a lot served by a private road having access to a public street in an RS-3 District, located at 1212 North 25th West Avenue.

Presentation:

Mr. Jones advised the Board that a letter of protest was submitted from a property owner in the subject area concerning the frontage requirements (Exhibit "I-1").

Fred Myers was present to address the Board stating that he and his wife recently purchased 3 acres of land including the property of 1212 North 27th West Avenue, where they are presently residing. Mr. Myers stated that the house is located in Country Club Heights, a subdivision of Osage County, which was annexed to the City of Tulsa at the same time that Gilcrease Hills was annexed. Mr. Myers advised the Board that he has applied for a building permit for a one room addition to the residence. In order for that permit to be issued, a variance is needed since there is no record that the streets in Country Club Heights have been dedicated to public use. Mr. Myers stated that most of the property owners in the area use 27th West Avenue as access to West Newton Street.

Comments:

Mrs. Miller advised the Board that when the lots in the subject area were sold, they were not required to be platted at that time in Osage County. She added the fact that all of the houses in that area were built prior to being annexed. The property owners did have access to a private street which was not dedicated and did not have the benefit of being platted. She stated that 27th Street is not a dedicated street, but is a private street. She further stated that Osage County did not require building permits at the time the houses in the area were built. The Zoning Code would not allow a building permit to be issued since the houses were on a private street. Mrs. Miller stated that this Board should give approval of no frontage.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) of the street frontage requirements of a lot served by a private road having access to a public street in an RS-3 District, on the following described property:

The S/2 of the NW/4 of the NE/4 of the NE/4 of Section 33, Township 20 North, Range 12 East to the City of Tulsa, Tulsa County, Ok.

11.12.81:349(12)

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Request for a variance of the front yard setback requirements from 30' to 11' in an RS-2 District, located at 3252 South Victor Avenue.

Presentation:

Mr. Charles Norman, 909 Kennedy Building, was present to address the Board on behalf of Mr. and Mrs. Tom Webb, the property owners of the subject property. Submitted to the Board was a Plat of Survey (Exhibit "J-1") and a site plan (Exhibit "J-2") of the existing structure. The Webbs are requesting permission to add to their existing single car garage to enlarge their kitchen and to provide a two-car garage on the front of their home. Mr. Norman advised the Board that the cul-de-sac for South Victor Avenue has been vacated by the City by Ordinance passed in 1962. The garage would be approximately 11' from the south edge of the cul-de-sac circle. When the cul-de-sac was vacated, title to the circle passed to the abutting property owners in proportion to be determined by the District Court. In this instance, the District Court action has never been completed.

Mr. Norman submitted a letter (Exhibit "J-3") signed by Mr. and Mrs. James New, the property owners immediately to the west of the subject property, and also by Sam Allen, the tenant living in the house to the east who consented to the proposed addition after having reviewed the plans with Mr. Webb.

Mr. Norman stated that the 12' x 12' corner presently existing will be expanded to 24' x 24' in order to clarify the Plat of Survey submitted.

Board Comment:

Mr. Smith expressed a concern for the property owners to the west in relation to the affect of the proposed addition.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front yard setback requirements from 30' to 11' in an RS-2 District, per plot plan submitted, on the following described property:

Lot 16, Block 8, and part of Lot 13, Block 7; beginning at the SE of Said Lot 13; thence West on the South line of Said Lot 13, a distance of 70' to a point; thence Northeasterly a distance of 121.47' to a point on the East line of Said Lot 13, Said Point being 114.86' South of the NE corner of Said Lot 13; thence South and on the East line of Said Lot 13, a distance of 98.9' to the point of beginning, ALL in Bren Rose Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and known as 3252 South Victor Avenue.

Case No. 11706

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, along the west, from 5' to 3' to permit an addition to the existing structure in an RS-3 District, at 1656 E. 56th Court.

Presentation:

Marty Lohr, 1636 East 56th Court, was present to address the Board and stated that the proposed addition would come within 3' of the west property line. She stated that the property owner to the west being informed of the variance approved it and was present at this meeting. Mrs. Lohr stated that the proposed breakfast room and kitchen would be approximately 12' x 24', with each one being about 12' x 12'. A Plat of Survey was submitted to the Board (Exhibit "K-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the side yard setback, along the west, from 5' to 3' to permit an addition to the existing structure in an RS-3 District, per plan submitted, on the following described property:

Lot 6, Block 10, Blocks 8, 9, 10, 11 and 12, Carona Heights  
Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11707

Action Requested:

Exception - Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Request for an exception to permit modification of the screening requirements on the north where an alternative screening will provide visual separation of uses in a CS District, located at 15th Street and Mingo Road.

Presentation:

Warren Morris was present to address the Board and submitted a rough sketch of the proposed screening (Exhibit "L-1"). Mr. Morris stated that an insurance building is to be constructed on the subject property and they are proposing to do away with the screening and add shrubs and plants around the building.

James Beauchamp, 6 East 5th Street, the attorney for the insurance building, was present to address the Board on behalf of Professional Investors Corporation. A 40,000 square-foot building is proposed similar to the Renaissance Building (by the main mall), which would include 20,000 square feet per floor. Mr. Beauchamp stated that the land is located near a floodplain with several trees in the area. The request is to drop the screening requirements so that landscaping can be done along the north side of 15th Street. Mr. Beauchamp stated that the architect just started drawing the landscaping plan and the plot plan to they are not available at this time.

Case No. 11707 (continued)

Board Comments:

Mr. Victor and Mr. Smith felt that a landscaping plan and a plot plan need to be submitted to the Board before a decision can be reached.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to continue this Case No. 11707 to December 17, 1981.

Case No. 11708

Action Requested:

Variance - Section 830 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Request for a variance of the setback requirements along Boston Avenue from 40' to 30' in a CH District, located at 15th Street and Boston Avenue.

Presentation:

Roy Johnsen, attorney representing FAMCO, the property owner, was present to address the Board.

Due to a conflict of interest with one of the Board members, it was decided to continue the Case No. 11708 to December 3, 1981.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to continue this Case No. 11708 to December 3, 1981.

Case No. 11709

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680 - Request for an exception to permit a beauty shop as a home occupation in an RS-2 District, located at 2917 South 87th East Avenue.

Presentation:

Kay Clothier, 2917 South 87th East Avenue, was present to address the Board requesting that a home beauty shop be put inside her garage without changing the outside appearance of her home in any way. She stated that she was parking in her driveway sufficient for 4 cars. Mrs. Clothier stated that it would be a part-time job to supplement the income from her full-time job.

Board Comments:

Mr. Wait inquired about Mrs. Clothier's full-time employment hours. Mrs. Clothier stated that she works from 7:30 a.m. to 4:00 p.m. Mr. Wait then asked when the beauty shop would be in operation. Mrs. Clothier replied by saying that it would be open on Thursday and Friday evenings from 5:00 to 9:00 and on Saturday mornings from 7:00 to 12:00 noon.

Case No. 11709 (continued)

Mr. Victor asked Mrs. Clothier if she was familiar with the home occupation rules. She stated that she was not familiar with them, since she had just recently moved to Tulsa. Mr. Victor briefly informed her of those rules and asked that she get a copy from Mr. Jones.

Interested Party:

Bebe Spessard was present to address the Board on behalf of the neighbors in the subject area. The neighbors had a concern about a sign being put up and with the traffic on such a narrow street. She stated that it is the only street which provides access to 31st Street from the north side of the Addition. Mrs. Spessard asked the Board if the approval of the exception would set a precedent in the neighborhood for granting other zoning variances or exceptions.

Board Comments:

Mr. Smith stated that the Board would have to approve other cases, depending on the individual case.

Mr. Victor added the fact that it would not open up the neighborhood to commercial operation. Mrs. Spessard said that she and the neighbors would have no objections under those circumstances.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680) to permit a beauty shop as a home occupation in an RS-2 District, to be in operation between the hours of 5:00 and 9:00 on Thursday and Friday evenings and from 7:00 to 12:00 noon on Saturday mornings; subject to all the rules of the home occupation requirements; with no more than 2 patrons there at any one time; to run with this individual only, on the following described property:

Lot 19, Block 1, Candlelight Addition to the City of Tulsa, Tulsa County, Oklahoma.

There being no further business to come before the Board, the Chair adjourned the meeting at 3:55 p.m.

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

12/17/81



Chairman