

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting (No. 351)  
Thursday, December 3, 1981, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

| MEMBERS PRESENT   | MEMBERS ABSENT | STAFF PRESENT              | OTHERS PRESENT  |
|---|----------------|----------------------------|---|
| Lewis, Chairman<br>(out at 6:00 p.m.)<br>Purser (in at 2:00 p.m.)<br>Smith<br>Victor<br>Wait (out at 4:30 p.m.) | None           | Gardner<br>Jones<br>Martin | Jackere, Legal<br>Department<br>Miller, Protec-<br>tive Insp's. |

After declaring a quorum present, Chairman Lewis 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 Wednesday, December 2, 1981, at 9:28 a.m., as well as in the Reception Area of the TMAPC Offices.

MINUTES:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of September 16, 1981, (No. 345).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 11719

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Request for a variance of the frontage requirements to permit a lot-split, located in 2500 Block on East 46th Place.

Presentation:

Mr. Jones advised the Board that the Planning Commission approved the lot-split on November 4, 1981, subject to the approval of the Board of Adjustment.

Ronald Holcombe, 4943 South Troost, was present to address the Board stating that the application involves taking 109' off the south side of two (2) existing lots and the combination of the back 109' to be split in half for two (2) equal lots of 109' x 111', both fronting on 47th Street. Mr. Holcombe stated that the sewer will come from the south directly on the property line between the two (2) lots to serve those lots and the lots in front of them with the back part being cut off.

Board Comments:

Chairman Lewis asked how many lots were there prior to this application and Mr. Holcombe stated that there were two. Chairman Lewis was concerned that the lots in question would be much smaller than the others in the neighborhood. Mr. Holcombe advised the Board that the lots across on 47th Street are approximately the same size as the proposed lots, being single-family units.

Case No. 11719 (continued)

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) of the frontage requirements to permit a lot-split (L-15325), on the following described property:

The West 147' of Lot 7; and the East 76' of Lot 8, Arnall Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11720

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances - Request for a variance to locate a sign 40' from the centerline of Sheridan Road. (621 South Sheridan Road)

Presentation:

Don Edwards, 3336 East 32nd Street, architect representing Osage Oil and Transportation Company, was present to address the Board. Mr. Edwards stated that the request is to locate the service station sign at the property line, which is 40' from the centerline of Sheridan, rather than the 50' line, which is the major street setback. The proposed sign is 30' high and the pole to support the sign would be located 50' from the centerline of Sheridan Road. Mr. Edwards submitted a plot plan (Exhibit "A-1") and an elevation plan (Exhibit "A-2") and a drawing of the proposed sign (Exhibit "A-3").

Board Comments and Questions:

Chairman Lewis asked if this case had been before the Board previously. Mr. Jones advised the Board that a sign had been proposed on the subject property, but the problem was the height of the sign and not the setback which the Board denied. This is a new application with a different setback.

Comments:

Mrs. Miller advised the Board that the other sign exceeded the height limitation because of the setback and the Board was in opposition to the extra height of the sign. The sign will be placed at the same location as was sought before because they were asking for a variance of the setback. Mrs. Miller stated that the applicant is asking for a variance of a 10' setback.

Board member Smith asked if there were other signs in the area similar to the proposed sign. Mr. Edwards advised the Board that there was a service station sign 40' from the centerline at 5th Street and Sheridan Road, which is one block from the subject property.

Case No. 11720 (continued)

Board Action:

Board member SMITH made a motion to approve the variance per plot plan, subject to removal contract, executed by the State. The motion died due to a lack of a SECOND.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 2-2-0 (Victor, Wait, "aye"; Lewis, Smith, "nay"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 280 - Structure Setback From Abutting Streets- Under the Provisions of Section 1630 - Minor Variances) to locate a sign 40' from the centerline of Sheridan Road.

The Chair advised that three (3) affirmative votes are required to approve an application; therefore, the application was denied, on the following described property:

Lot 12, Block 13, Sheridan Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

Review of Plot Plan:

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 at 24 South College Avenue.

Presentation:

Mr. Jones advised the Board that the application was approved January 10, 1980, subject to the applicant providing a new plot plan to the Board for review before the building permit was issued. Mr. Jones submitted the floor plans to the Board, (Exhibit "B-1") and a Plat of Survey (Exhibit "B-2"). Mr. Jones advised the Board to consider the plans.

The applicant was not present.

The Board decided to consider the plans so the case would not be continued again.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve the 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 2' on the north; and a variance of the front yard from 25' to 7'; and a variance of the rear yard from 20' to 21' in an RS-3 District, per plot plan submitted, on the following described property:

Lot 20, Block 4, University Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 10793: Review of Plot Plan.

Action Requested:

Mr. Jones advised the Board that the request is for some signs for the Doctors' Hospital. The Board approved the application, subject to the applicant coming back with a landscape plan.

Presentation:

Louis Levy, attorney, representing Doctors' Hospital, was present to address the Board stating that several months ago the Board approved a sign at the top of the Doctors' Hospital Office Building at 25th Street and Harvard Avenue. At that time, a lady who lived on Knoxville Avenue facing the Hospital had complained not about the sign, but about the fact that across the street from the house in which she lived and owned, lights from an elevated parking ramp shown in her living room and, therefore, asked the Board to do something about the situation. Mr. Levy advised the Board that the Hospital had agreed to put up some kind of screening wall or fence and got together with the neighbors in that area. Mr. Levy stated that the lady who lived on Knoxville Avenue had since moved from that area. He also stated that the property owners were consulted and they preferred an extensive amount of landscaping rather than a brick wall. Mr. Levy submitted a landscape plan (Exhibit "B-1") approved by the neighbors and authorized by the Board of Trustees at the Doctors' Hospital. Mr. Levy advised the Board that the cost of the landscaping would be approximately \$10,000 and would be maintained and installed by the full time Landscaping Department at the Doctors' Hospital. Mr. Levy said that 19 pine trees were planted already and some berms have been built up to shield the lights of the parking ramp.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Smith, Wait, "aye"; no "nays"; Victor, "abstaining"; Purser, "absent") to approve the landscape plan in lieu of a screening fence, per plot plan submitted, on the following described property:

All that portion of the S/2 of the S/2 of the NW/4; and the S/2 of the S/2 of the NW/4 of Section 16, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa, Tulsa County, Oklahoma.

Case No. 11603

Action Requested:

Variance - Section 610 - Principal Uses Permitted in Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Section 1215 - Other Trades and Services - Section 1225 - Light Manufacturing - Under the Provisions of Section 1670 - Request for a variance to permit a recycling center for aluminum cans in an OL District, located at 222 South Memorial Drive.

Presentation:

Mr. Jones advised the Board that the application was approved, subject to the applicant returning to this meeting for a review of the Saturday operation.

Case No. 11603 (continued)

David Cannon, Vice President of the Building Committee for the Sertoma Handicapped Opportunities Program, Inc., was present to address the Board. Mr. Cannon stated that the installation of the recycling plant was completed and that the Board members were invited to listen to the operation. Mr. Cannon said that 3/4ths inch thick commercial sound board and plywood were used to put on a metal frame building. The actual recycling plant was incased in an 8' x 8' little building on a steel frame, which rolls around on casters. The 8' x 8' building, which contains the crusher, was moved forward to the designated location requested by the Board being approximately 10' from the east corner of the building closest to Memorial. After an hour of operation, the individual who protested it had not heard any noise. Mr. Cannon stated that all the conditions placed on the operation were met except for the rubber padding in the hopper area because it was not needed and the 8' x 8' building in front of it deadens the sound. Mr. Cannon advised the Board that there had been no further complaints on the Saturday operation and would like to continue operating on Saturdays on a regular basis.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-1 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; Purser, "abstaining") to allow the operation on Saturday from 10:00 a.m. to 3:00 p.m. to continue on the following described property:

A certain piece or parcel of land, situated in the County of Tulsa, State of Oklahoma, and described as follows:

A tract of land in the E/2, SE/4, NE/4, of Section 2, Township 19 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at a point on the East line of Section 2, said point being 874.75 feet North of the SE corner of the NE/4 of said Section 2; thence West and parallel to the South line of said NE/4, a distance of 357.0 feet to a point on the East line of Block 9, Tommy Lee Addition to the City of Tulsa; thence North and parallel to the East line of Section 2, a distance of 120.25 feet to a point on the East line of said Block 9, Tommy Lee Addition; thence East and parallel to the South line of said SE/4, a distance of 357.0 feet to a point on the East line of Section 2; thence South a distance of 120.25 feet, to the point of beginning and containing 0.986 acres, more or less and including a roadway easement over the East 35 feet of the tract herein described.

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

Case No. 11656 (continued)

Section 1680 - Request for an exception to permit a day care center in an AG District, located at 8350 South Harvard Avenue.

Presentation:

Mr. Jones advised the Board that he had received a communication from the applicant (Exhibit "D-1") requesting a continuance until March 1982, because the building plans are not ready. Mr. Jones stated that the Board continued the case, subject to the applicant returning with more detailed plans.

The applicant was not present.

Comments:

Mr. Smith advised the Board that the applicant had stated that if the case was continued to December 3, 1981, he would have sufficient time to submit more detailed plans of the subject property. The Minutes of October 29, 1981, states that fact clearly.

Mr. Gardner stated that the applicant obviously does not have the plans and is not able to provide the information requested by the Board. Mr. Gardner advised the Board that if the application were denied, it should not be denied on the merits, but should be denied any additional time delay and that the applicant would be permitted to file for a new application and bring the plans to the Board when he is ready to do so.

Protestants:

Leonard Nelson, 3130 East 84th Street, an attorney representing the property owners in the area, was present to address the Board. Mr. Nelson stated that the property owners were opposing the request for a continuance of the application, and also, that the application be denied. Mr. Nelson submitted a sketch of the subject property (Exhibit "D-2") for the Board members to refresh their memories on the case.

Stan Lybarger, 3137 East 84th Street, suggested that the application be denied on its merits. Mr. Lybarger stated that Mr. Ingles has a nonconforming use and is trying to extend and enlarge that use. Mr. Lybarger referred to Section 1420 (a) of the Zoning Code stating that there is a provision that no building devoted to a nonconforming use shall be enlarged or extended. Mr. Lybarger advised the Board that Mr. Ingles had acquired additional land and is proposing to move his present building as he indicated at a previous meeting to the back of the property and build a new structure to devote to this nonconforming use.

Discussion ensued as whether to continue to hear the protestants or not.

Comments:

Mr. Gardner stated that the Staff would suggest that the request for a continuance be denied and also deny the application, but not on its merits since you have no specific plans and if the case should come before the Board again it would be readvertised and all the neighbors would be notified of the hearing.

The Board at this point agreed to hear the protestants.

Protestants:

Mr. Lybarger stated that one misconception is that this property has been church property all along and, in fact, it has not been. Mr. Lybarger submitted a diagram (Exhibit "D-3") of the surrounding property which indicates that Mr. Ingles bought a portion of the property which the church is located on and has added to that property on at least one occasion and attempted to purchase some additional property. Mr. Lybarger stated that all of the additional property purchased is closer to the houses than the original church property. The church is a very small building and is located on Harvard Avenue. Mr. Lybarger stated that Mr. Ingles indicated at a previous meeting his intentions to move the structure from Harvard back to the far west end of the property, which is adjacent to a residential development containing \$130,000 houses. Mr. Lybarger submitted photos of the building (Exhibit "D-4"). The property owners in the area are concerned with his actual intentions in that he has attempted to sell his commercial property on a number of occasions. Mr. Lybarger attempted to buy that property from Mr. Ingles on three occasions between May 1979 and May 1980. On each of those occasions he indicated that he was unwilling to sell the property to Mr. Lybarger and that he was going to use it for church property. Later, Mr. Lybarger found out that Mr. Ingles did not own the property, but was attempting to buy the property himself. Mr. Ingles later told Mr. Lybarger that he had lied because he was trying to negotiate for the purchase of the property at the same time. Mr. Lybarger stated that there are some clear indications that he wants to expand the property. Mr. Ingles has gone through a real estate agent, Gale Crews, who is also a property owner in the area, to purchase a house in the development to use as an office and a guest house for people to use who come in from out of town. Mr. Lybarger stated that the proposed construction that was submitted would not be compatible with the neighborhood. The houses in the subject area range from \$130,000 to \$270,000 in value. Mr. Ingles is proposing a metal building with a flat top roof...

Mr. Lybarger stated that the congregation is very large that meets at Skelly Junior High at the present time. The Housing Development sent people to investigate the parking situation and found approximately 160 cars parked for services on Sunday mornings. Mr. Lybarger suggested that the subject property would not have sufficient room for parking facilities.

Mr. Lybarger stated that there was no way to restrict access to the property. Mr. Lybarger also suggested that screening would not be practical, or even possible, in that the bulk of the houses surrounding the area are on higher elevations.

Board Questions:

Chairman Lewis asked Mr. Jones the size of the tract. The minutes reflect that there are 2.78 acres.

Mr. Victor asked if services were being conducted at the school when they saw those cars. Mr. Lybarger stated that the people were carrying Bibles and walking from the high school to their cars on Sunday morning.

Mrs. Purser asked if members park on the grass when different activities are held at the chapel on the subject property. Mr. Lybarger stated that Mr. Ingles had owned the building since 1977, and there have been no landscape improvements. He stated that it is simply a building on a grassy field.

Chairman Lewis asked how big the tract which contains the church building was before Mr. Ingles bought the other tract. Mr. Lybarger stated that the original purchase was for 2.27 acres with the additional purchase of .51 acre to the west of the original property and closer to the housing development.

Mr. Nelson again mentioned that Mr. Ingles is asking for an extension and an enlargement of this nonconforming use which is improper under the Zoning Code.

Mr. Jones advised the Board that the applicant has filed an application for an exception to permit church use in an agricultural district. The applicant did not mention anything about the extension or enlargement of a nonconforming use.

Discussion ensued as to deny the application or make another motion.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to deny an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community, Cultural and Recreation - Under the Provisions of Section 1680) to permit church use in an AG District, not on its merits, and not taking away the right of the applicant to return to the Board prior to the expiration of the 6 month waiting period with a new application, with the applicant being told that there is no point in refileing unless he can comply with all the recommendations that were suggested by the Board in November, on the following described property:

Tract A:

Beginning at a point on the Northeast corner of the SE/4 of the NE/4; NE/4; thence West 210'; thence South 210'; thence East 210'; thence N. 210' to the point of beginning, Section 17, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

TRACT B: Beginning at a point 210' West of the East line and 157.5' South of the North line of the SE/4 of the NE/4 of Section 17, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof; thence South 0°-12'-21" West a distance of 104'; thence due West a distance of 210'; thence North 0°-12'-21" East a distance of 104'; thence due East a distance of 210' to the point of beginning.

TRACT C: Beginning at a point 210' South of the NE corner of the SE/4 of the NE/4 of Section 17, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof; thence South 0°-12'-21" East a distance of 105'; thence due West a distance of 210'; thence North 0°-12'-21" East a distance of 105'; thence due East a distance of 210' to the point of beginning.



Case No. 11656 (continued)

TRACT D: Beginning at a point 210' West of the East line and 52.5' South of the North line of the SE/4 of the NE/4 of Section 17, Township 18 North, Range 13 East, Tulsa County, Oklahoma; thence due West a distance of 210.00'; thence South 0°-12'-21" West parallel to the East line of Section 17, a distance of 105.00'; thence due East parallel to the North line of the SE/4 of the NE/4 of Section 17, a distance of 210.00'; thence North 0°-12'-21" East a distance of 105.00' to the point of beginning, containing 22,050 square feet, more or less.

TRACT E: Beginning at a point 369.24' South of the NE corner of the SE/4 of the NE/4 of Section 17, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof; thence North 88°-55'-33" West a distance of 210.02'; thence North 0°-12'-21" East a distance of 50.30'; thence due East a distance of 210'; thence South 0°-12'-21" West a distance of 54.24' to the point of beginning.

Discussion:

Chairman Lewis wanted to clarify the last section of the motion to be understood that some sort of conditional approval had not taken place. Chairman Lewis informed the protestants that the application was denied and if the applicant makes another application, all the neighbors will be notified again.

Case No. 11665

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts- Section 1219 - 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, located east of the SE corner of 61st Street and Mingo Road.

Presentation:

John Moody, 4100 Bank of Oklahoma Tower, was present to address the Board and submitted a plot plan and building plans (Exhibit "E-1"), a copy of the Euphoria Fitness Club Outline Specifications (Exhibit "E-2") and some photos of the subject property (Exhibit "E-3"). Mr. Moody advised the Board that this case had been continued in order that more detailed landscaping and building plans could be shown in connection with the operation of the health club. Mr. Moody stated that the property is 245' in depth and 295' in width and is located across the street from a day care center and a church building, and does not front into any single-family residences.

Mr. Moody advised the Board that the plot plan has been changed in that the building has been turned around so the entrances will be on the east side and eliminating all parking on the front of the property and oriented the parking to the east and to the south side of the property. The property has significant existing tree and foliage all along the front of 61st Street. Mr. Moody advised the Board that the owners will preserve and maintain or replace any of the existing landscape trees that are presently over 6 inches in diameter.

Case No. 11665 (continued)

Mr. Moody stated that there will be no signs on the building or structure or on the property whatsoever. The building will be set back 100' from the centerline of Mingo with a 50' setback not permitting any buildings or parking. Mr. Moody said that a 6-foot high berm will be erected, constructed, and maintained on the front of the property between Mingo and the structure to act as an additional landscaping shield. Mr. Moody also added that the structure will not exceed 25' in height.

Board Comments:

Mrs. Purser asked if the berms were going to be erected between the rows of trees.

Applicant's Comments:

Mr. Moody stated that the berms would be placed between the rows of trees, the existing row of trees which is in the City right-of-way and the existing row of trees which the applicant will maintain on the subject property. The City will maintain their trees as long as it is possible, and if they decide to remove them they will be permitted to do so.

Mr. Moody mentioned some of the specifications mentioned in the outline which was submitted to the Board. Mr. Moody stated that the area of the building is approximately 9,818 square feet with a total of 72,275 square feet of site area. The property owner is specifying a minimum of 70 spaces for parking.

Mr. Moody stated that the exterior construction will be structurally metal studs with a finished coating. Mr. Moody reminded the Board that the entrances were changed on the plot plan to be on the east rather than the north as the original plans had shown.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1219 - Hotel, Motel and Recreation - Under the Provisions of Section 1670) to permit the construction and operation of a private health and athletic club in an RM-1 District, subject to the following: That there be no signs of any nature to identify the development now or in the future, that no metal building be constructed, that a 6' high berm be placed in front of the building and maintained by the owner, that the building not exceed 25' in height, and that all the other development aspects as furnished by the applicant be adhered to on the 61st Street site, per plot plan submitted, with the landscape plan adhered to and kept up by the applicant, that any trees that are destroyed or removed by the contractor be replaced, on the following described property:

The North 295' of the East 295' of the E/2, of the E/2, of the NW/4 of the NE/4 of Section 1, Township 18 North, Range 13 East, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11665 (continued)

Discussion:

Chairman Lewis asked Mr. Moody if the plot plans were changed showing the entrances on the east. Mr. Moody stated that the plot plans were correct, but the elevation was not accurate. Chairman Lewis asked that a new elevation plan be submitted to the Board when available.

Case No. 11695

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, located at 1320 East 58th Street.

Presentation:

Mr. Jones advised the Board that this case was continued from the November 12, 1981, meeting so the Board could make a site visit.

Paul Messick, 1320 East 58th Street, was present to address the Board and advised that Messick Construction has been at the present location for 12 years and needs to build a storage building to accommodate their expanding needs. Mr. Messick stated clearly that the proposed addition is not a public warehouse. The proposed site is located in the middle of three (3) commercial uses as of now, with Messick Construction on the east, Sonic Drive-in to the west and Green Thumb Garden Center to the south.

Board Comments and Questions:

Mr. Smith said that he had looked at the site and found that the operation was very neat in appearance.

Mrs. Purser asked if the proposed building would be attached to the existing building, and Mr. Messick stated that it was a separate building. Mr. Messick also stated that it is a one-story building, approximately 20' high, with a mezzanine floor in the center.

Chairman Lewis asked about the elevation and Mr. Messick stated that the building would be on the south side of 58th Street with the lower half being masonry and the upper half being metal.

Chairman Lewis asked what was located north of the subject property and Mr. Messick said there was a vacant lot with CS zoning.

Mrs. Miller stated that the office building located to the east of the subject property also belongs to Mr. Messick and is in the process of constructing office buildings.

The Board asked Mr. Messick if he could do without the upper half, or at least part of the upper section, but Mr. Messick felt that he needed it all for storage.

Mrs. Purser told Mr. Messick that he needed to prove a hardship.

Chairman Lewis stated that the appearance of the proposed building would look like an industrial-type building. He also advised Mr. Messick of the problem, being the height of the building.

Case No. 11695 (continued)

Mrs. Miller stated that Mr. Messick is permitted only a one-story building to the east. The Board granted him 28% floor area ratio on the OL portion. Mr. Messick has an existing office building for his construction business. Mrs. Miller stated that there was no height restriction for the CS; the only requirement is 50% floor area ratio.

Protestant:

James Wilson, 6520 South Lewis Avenue, was present to address the Board representing Goodmore and Wilson Construction who has a contract for purchase on the land directly north of the subject property. The construction company has plans to build an office building on the CS zoned land which is presently vacated. Mr. Wilson stated that he would not want the proposed building next to his office.

Comments:

Discussion ensued as to the amount of floor area ratio and total footage on the lot.

Mr. Jones stated that the legal description described the property as being 150' x 40'.

Chairman Lewis asked Mr. Messick if he would like to continue the case to redesign the building plans to make the building one-story, and Mr. Messick could not agree to the suggestion.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; (Smith was out of the room) to deny a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1670) to permit a warehouse in a CS District, on the following described property:

The East 40' of the West 170' of Lot 7, Southlawn Addition, to the City of Tulsa, Tulsa County, Oklahoma.

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, located at 71st and the Okmulgee Beeline.

Presentation:

Mr. Jones advised the Board that this case was continued from the November

12, 1981, meeting so that the attorneys could investigate the ramifications of what is being requested.

William J. Doyle, 201 West 5th Street, was present to address the Board on behalf of Seven Exploration Company, stating that the issue concerns the zoning matters affecting the producing well on the subject property. Mr. Doyle submitted an aerial photo (Exhibit "F-1") and a map (Exhibit "F-2") showing the oil and gas development in the area and surrounding sections. Mr. Doyle explained the aerial photo stating that all of the circles indicate wells that have been drilled in the area. The white circles indicate wells that have been drilled and were immediately plugged, from which there was no oil and gas production. The yellow circles represent wells that were drilled from which production was obtained. The red circles indicate currently producing gas or oil wells in that section. Mr. Doyle stated that this information was based upon the maps which were submitted to the Board.

Mr. Doyle stated that there are a number of wells surrounding this area, with a total of 38 wells in that area that have been drilled.

Mr. Doyle advised the Board that he had seen the subject property and was impressed by the remoteness of the area, the sparseness of the population and the fact that the well is situated in the center of the section. Mr. Doyle advised the Board that there is no pit; it has been covered up. Mr. Doyle also stated that the pumping jack and the motor that drives the jack takes up a space no larger than an automobile.

Mr. Doyle advised the Board that the oil and gas lease in question, owned by Seven Exploration Company, contains approximately 60 acres. The well in question is 550' from the nearest residence to the north, 1,100' from the nearest residence to the east, then past the section line, 2,800' to the south and over the expressway approximately 3,500' to the west.

Mr. Doyle stated that the Zoning Code provides that oil and gas drilling production comes within Use Unit 24, and this is, therefore, a request for an exception. Mr. Doyle also stated that the operation and production would not be injurious to the neighborhood or otherwise detrimental to public welfare.

Mr. Doyle suggested that since there are numerous wells in the area perhaps it would be appropriate to consider a policy that may be in the emerging status that would have to do with these producing wells. Mr. Doyle suggested the following: Closure of the well by fencing and screening; that the wells be operated by electric motors rather than diesel or gasoline engines; that the operations of the wells take place during daylight hours, etc.

Board Comments and Questions:

Chairman Lewis asked Mr. Doyle if he was seeking to drill additional wells, or simply seeking permission to allow the subject well to exist and operate and Mr. Doyle stated that he is seeking the latter. Chairman Lewis asked how large the described property was and Mr. Jones advised that it is a 10-acre tract.

Case No. 11696 (continued)

Mr. Smith asked if the applicant was going to maintain Jackson Avenue. Mr. Doyle stated that Jackson Avenue was not used as access to the well site.

The Board questioned the tanks in the area and Mr. Doyle stated that the tanks could not be combined with other tanks in the area, so, therefore, the well in question has a separate tank battery.

Mr. Wait asked if more wells were going to be drilled on this 10-acre tract and Mr. Doyle stated that no more were to be drilled on this 10-acre tract.

Other Comments:

Mr. Jackere asked if the applicant was going to the City Commission. Mr. Jackere continued by stating that this Board is a zoning Board concerned with land use and not necessarily the penal ordinances of the City. The Board in order to act on this application must find that the use is not detrimental to public welfare. It is a health, safety, and welfare consideration. Mr. Jackere felt that the applicant should go to the City Commission concerning oil wells because a new oil well in Tulsa is an illegal operation without the City's approval. Mr. Jackere felt that it could be overcome by the applicant seeking the appropriate relief with the City Commission. Mr. Jackere stated that the applicant has no authority to legally drill the well or produce oil or gas until he gets permission from the City.

Board Comments:

Chairman Lewis stated that the Board needs to determine the land use appropriate for the area.

Applicant's Comments:

Mr. Doyle stated that it would be appropriate to add to the list of requirements for gas and oil wells that there be no noxious or offensive fumes allowed to come from the well.

Interested Party's Comments:

Patsy Taylor, 732 West 71st Street, advised the Board that she had called her neighbors in the area in question and asked if the well was offensive to them in any way and none of them had complaints.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to uphold the Building Inspector (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 grant an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1680) to permit the drilling of one oil well with storage tanks in an AG District, subject to graveling of the well site with a diameter of 60'; and an installation of an 8-foot chain link fence; with maximum security around the well site, and that the pumps be electrically driven; and that Jackson Avenue

Case No. 11696 (continued)

never be used as a haul road into, or from this well site; that the pit be reseeded (grassed); and that there be no noxious or offensive fumes to emanate from the oil well, and to deny the Variance (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1670) to permit oil well drilling and storage tanks in an AG District; on the following described property:

The SE/4 of the SW/4 of the NE/4 of Section 11, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

Discussion:

Mrs. Purser asked Mr. Jackere if a similar case was brought before the Board could screening be required if the houses were closer to the subject property and Mr. Jackere stated that it could be required.

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 the SW corner of 15th Street and Boston Avenue.

Presentation:

Roy Johnsen was present to address the Board on behalf of Mr. Witte, an architect for FAMCO, the owners of the property in question. Mr. Johnsen stated that the subject matter deals with the Major Street Plan setbacks. Mr. Johnsen also said that 15th Street, the north boundary of the project, is on the Major Street Plan as a 100' arterial, though the existing right-of-way is 60'. Boston Avenue, the east boundary of the subject property, is on the Major Street Plan as the Central Business District collector calling for a proposed right-of-way of 80' and presently 60' are existing. In the initial planning of the project, the architect, acknowledging that the property was zoned CH, did make inquiry of the City Engineer's Office and was advised by Mr. Miller that 15th Street was of importance and that the Plan recommendation for 100' of right-of-way was one they wanted to adhere to and stated his objection and any modification of that. Based on that, their plans were redrawn honoring the setback on 15th Street, but still seeking a modification of the setback from Boston Avenue. With that regard, Mr. Miller stated that he had no objection.

In regard to improvements and encroachments along those streets, Mr. Witte's firm actually field measured a number of buildings that encroach on Boston both on the north and south of the project. The key one in question is the bridge that was constructed by the City in conjunction with the State of Oklahoma. The dimension of the bridge from the wall is 60' & 6". Mr. Johnsen stated that the new and significant improvement has set a precedent for the potential widening of Boston from that point south, which would include the subject property. In addition, there are other encroachments. Mr. Johnsen submitted an exhibit which depicts those encroachments (Exhibit "G-1"). Mr. Johnsen advised the Board of the note written on the exhibit by Mr. Miller stating that he has no objection to 30' on Boston, but would request the full 50' on 15th Street. Mr. Johnsen asked that the Board approve the application.

Case No. 11708 (continued)

Mr. Johnsen advised that a tract south of 15th Street on the east side of Boston Avenue, as reflected on the map, shows that a portion of the street which had been previously deeded was later vacated by the City. Mr. Johnsen stated that is an "on the record" determination by the legislative body that no further right-of-way will be secured on Boston.

Board's Questions and Comments:

Chairman Lewis asked if any of the existing setbacks were as close as 30' and Mr. Johnsen stated that the bridge was the only one. Chairman Lewis asked how many feet it was from the centerline of Boston to the curb and Mr. Johnsen stated that there was approximately 22'.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; Smith "abstaining") to approve a Variance (Section 830 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the setback requirements along Boston Avenue from 40' to 30' in a CH District, on the following described property:

Lots 1, 2, 3, Block 1, Earns Addition, to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 11712

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community, Cultural and Recreational - Under the Provisions of Section 1680 - Request for an exception to permit a nursing home facility in an AG District, located SE of 76th Street and Memorial Dr.

Presentation:

Greg Williams, attorney representing Jack Hitt, was present to address the Board and advised that construction of the nursing home on this property had been approved by the Board previously. Mr. Williams said that this was a re-application due to a change in the plot plan, which was brought about because function difficulties were encountered in the old design. Mr. Williams stated that the building had been redesigned with several improvements. It is a 100-bed unit as was the old plan; it is a single-story structure being consolidated to a more cohesive unit. The parking area has been dispersed into 5 areas around the perimeter of the unit. Additional landscaping has also been allowed for.

Mr. Williams stated that the property owner to the south, Mr. Norman Retherford, gave his approval of the design and also, Mr. Don Mullins, 8516 east 77th Street, had no objections to the design and was present for a portion of the hearing.

Mr. Jack Hitt, 5930 South Louisville Place, was present to address the Board and submitted a plot plan (Exhibit "H-1"). Mr. Hitt stated that he had talked with Mr. Retherford today and had no great concern with the subject property other than the water shed. Mr. Hitt stated that construction had been started when the City asked that construction be stopped until the floor plans were changed.



Board Comments:

Mrs. Purser asked if the water had been retained on the present site as planned in 1978, and Mr. Williams stated that it had not been. Mrs. Purser asked where the water would go and Mr. Williams stated that the water would flow south across Mr. Retherford's property. When Mr. Retherford was confronted with this issue, he was concerned that there was a lot of floodwater which appeared to be coming off the subject property due to the construction temporarily forming a dam. Mr. Williams stated that the problem had been taken care of.

Chairman Lewis advised Mr. Williams that five (5) days ago Mr. Retherford wrote a letter to the Board (Exhibit "H-2") expressing a concern about the retention. Mr. Williams indicated that the problem had been worked out with Mr. Retherford.

Mr. Gardner stated that when the application was filed in 1978, the Staff raised the concern that there was a dedicated street stubbed into the subject property and something needed to be done concerning that matter. At that time, there was only the one stub street in that particular area and the Board did not require that it be made a public dedication. Presently there is an 80-acre subdivision immediately abutting the property to the east, which is also stubbed into the subject tract. These two (2) stub streets are just a short distance apart and need to be connected. Mr. Gardner advised the Board that since this was a new application the Board has the right to impose any condition that is reasonable. Mr. Gardner stated that the Staff still feels that the streets need to be connected. We also have a concern about the drainage and are also concerned about the close proximity of the two single-family subdivisions. The Board has recently adopted a policy that if a special exception exists, a subdivision plat is required as a condition of approval.

Mr. Smith stated that he would like to see something done about the street dedication.

Protestants:

Larry Hawkins, 8510 East 78th Place South, in Woodland Meadows Subdivision, was present to address the Board stating that he was in favor of the nursing home, but saw the need for some changes. Mr. Hawkins said that the location of the nursing home structure is too close to the Woodland Meadows Subdivision on the east. He also said that he would like to see South 85th East Avenue and East 77th Street connected. Mr. Hawkins said that he had talked to the City Traffic Engineer who stated that if the land needs to be platted, the two roads need to be connected for better circulation of traffic through the residential areas. The Traffic Engineer also said that he would be willing to submit a report concerning that matter. Mr. Hawkins made a request that if the land was not platted the roads need to be connected. Mr. Kimball of the Fire Marshal's Office had talked to Mr. Hawkins and advised that the two water mains that run parallel to the two streets should be connected and that access from one or both of the streets should be provided to the nursing home for fire protection. Mr. Hawkins requested that the greenbelt area to the north be maintained by Mr. Hitt.

Case No. 11712 (continued)

Board Comments:

Mrs. Purser stated that if the nursing home facility was granted, nothing else would be permitted on the front of the subject property unless it was brought before the Board, or if it was developed agriculturally.

Chairman Lewis asked Mr. Hitt what he planned to do with the rest of the property. Mr. Hitt said that in the future he planned to apply for a certificate of need and if it was granted, he plans to add to the present facilities.

Mr. Victor asked about the care of surface drainage and stated that he was not aware of the fact that one could drain on someone else's property with a payment of a fee.

Mr. Smith advised that the natural flow of water can not be stopped and diverting the drainage can not be done. Mr. Smith said that the applicant has been allowed to put up this regional detention fee in lieu of on-site detention and do away with the pond.

Applicant's Comments:

Mr. Williams stated that there has been a change in conditions since the original detention pond was proposed. When the subdivision was put in, the natural flow of water was blocked that came in through the property and a detention pond was located there.

Board Action:

SMITH made a MOTION and was SECOND by PURSER, to approve the application subject to the dedication of the street right-of-way connecting the two sub streets of the old subdivisions to the north and to the east in the northeast corner of the subject property, subject to the City Hydrology Department approval of the drainage plans with a signed copy of the plans submitted to the Board for their files, and subject to the utilization of the land west from the present nursing home to Memorial Drive that comes before the Board again will be in the form of a subdivision plan in the future, per plot plan submitted.

Discussion:

Discussion ensued as to whether screening should be required or not. Mr. Hitt said that he would be willing to screen his property.

Mr. Smith asked where the trash containers were to be located and Mr. Hitt said they would be located between the wings. Mr. Smith advised the applicant to bring the dedication of the street right-of-way to Mr. Jackere for review and approval of the Legal Department.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community, Cultural and Recreation - Under the Provisions of Section 1680 - to permit a nursing home facility in an AG District, subject to the dedication of the street right-of-way connecting the two stub streets of the old subdivisions to the north and to the east in the northeast corner of the subject tract, and subject to the approval of the City Engineer's Office as to drainage with a signed copy of the plans in the Board's files, and that the

Case No. 11712 (continued)

utilization of the land from the present nursing home west to Memorial Drive, which comes before the Board in the future, be in the form of a subdivision plat, per plot plan submitted, with a 7' privacy fence along the east boundary extending from the street to be dedicated southward to the southern boundary of the property, and that the access be to the nursing home from Memorial Drive only, on the following described property:

The N/2 of the NW/4, of the SW/4 of Section 12, Township 18 North, Range 13 East, Less the North 207' of the West 412' thereof, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11714

Action Requested:

Appeals From The Decision of The Building Inspector - Under the Provisions of Section 1650 - Appeals from the Decision of the Building Inspector - Appeal for receiving notice to maintain screening requirements in a CS District; and an

Exception - Section 250.3 (d) - Modifications of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Request for an exception to permit the removal of the screening requirements along the south in a CS District, located west of the SW corner of 61st Street and Lewis Avenue.

Presentation:

Mr. Jones advised the Board that the land in question was previously before the Board who granted permission to remove the screening requirements for the purpose that the screening can not be achieved subject to the following conditions: (a) That the screening requirement along the east and west boundary be waived, and (b) that the south fence requirement not be waived, but that the applicant need not construct the screening fence for a period of one year.

Donald Reynolds, President of Venture Properties, Inc., 319 South Cincinnati Avenue, the owner of the shopping center, was present to address the Board stating his desire to do away with the screening fence. Mr. Reynolds submitted pictures of the damaged fence (Exhibit "I-1"). Mr. Reynolds agreed that a screening fence needs to be maintained between the shopping center and the Tanglewood Condominium Development. Mr. Reynolds felt that the problem is that the basic damage to the fence comes from the Tanglewood homeowners backing into the fence. The pictures indicate that the fence is between the shopping center and the condominiums. Mr. Reynolds stated that he would be willing to rebuild the fence and maintain it as far as keeping it painted and as far as normal wear and tear is concerned. Mr. Reynolds' concern is that if it is damaged by the residents backing into it that they replace it.

Protestants:

Sydney Butcher, 6115 South Zunis was present to address the Board stating that she and her husband reside in one of the condominiums in the subject area. Mrs. Butcher stated that the driveway is 12' wide running east off of Zunis Avenue serving 12 of the condominium residences. Mrs. Butcher advised that a bar was located at the east end of the shopping center. She stated that the patrons who come out

Case No. 11714 (continued)

of the back door of the bar have destroyed the fence in spite of the resident's efforts to repair it. Mrs. Butcher related several instances involving the patrons and the damage which has been done to the fence and other destructive actions.

Mrs. Butcher stated another concern is the fact that all of the businesses in the shopping center place their refuse at the back where dogs strew the trash all over the neighborhood. Mrs. Butcher submitted several photographs of the damaged fence (Exhibit "I-2").

Durand Lugar, 6123 South Zunis Avenue, also a condominium resident was present to address the Board in protest stating that most of the damage to the fence has not been done by people backing out of their garage, but by the patrons of the bar.

Robyn Saubert, 6159 South Zunis, was also present to address the Board in protest.

Board Comments:

Mrs. Purser asked Mr. Jackere if the Board could specify the screening requirement. Mr. Jackere stated that unless the Board gives some affirmative relief, the Board does not have the right to impose conditions on the applicant.

Applicant's Comments:

Mr. Reynolds stated that he would be willing to repair the fence if it was blown down by the wind. He also said that he was not aware that the fence was being torn down by the patrons of the bar. Mr. Reynolds stated that based on looking at the fence and what the Building Inspector saw, the fence appeared to have been knocked down by people backing their cars into it, nevertheless, it needs to be maintained.

Discussion:

Mrs. Purser advised the neighbors to inform the Building Inspector if the fence was not maintained.

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 uphold the appeal from the Building Inspector (Section 1650 - Appeals From the Decision of the Building Inspector) to maintain screening requirements in a CS District, and to deny the Exception (Section 250.3 (d) - Modifications of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to permit the removal of the screening requirements along the south in a CS District, on the following described property:

Lot 1, Block 1, Michael's Glen Addition to the City of Tulsa,  
Tulsa County, Oklahoma.

Case No. 11715

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 1,360 square feet in an RS-1 District, located at 3732 South 82nd East Ave.

12.3.81:351(20)

Case No. 11715 (continued)

Presentation:

Jack Ellis, 3732 South 82nd East Avenue, was present to address the Board asking for an increase in the size of an accessory building. Mr. Ellis stated that he intends to place the accessory building in the west back portion of his corner lot. A plot plan was submitted of the proposed building (Exhibit "J-1").

Comments and Questions by the Board:

Chairman Lewis asked what the building would be used for and Mr. Ellis stated that it will be a garage for three automobiles, a garden tractor, and other equipment.

Mrs. Purser asked if a business would be conducted in the building and Mr. Ellis advised that there would be no business. Mr. Ellis also stated that he and his wife refinish furniture, but it would not be sold commercially.

Mr. Victor asked how close his nearest neighbor was from the garage. Mr. Ellis said that the nearest one is approximately 200' on one side with a vacant lot on the north side and commercial zoning to the west.

Mrs. Purser advised Mr. Ellis that if he were to sell his property the new owners would be informed that it was not to be for commercial purposes.

Chairman Lewis inquired about the appearance of the proposed building and Mr. Ellis stated that it would be constructed with the same kind of materials as his house including a double and a single garage door.

Protestants: None.

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 approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of an accessory building from 750 square feet to 1,360 square feet in an RS-1 District, subject to a restrictive covenant being filed with the County Clerk, and subject to the description of the appearance of the garage, per plot plan, on the following described property:

Lot 6, Block 2, Lazy Circle Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11716

Action Requested:

Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1680 - Request for an exception to permit an oil well in an IM District, located at 913 North Wheeling Avenue.

Presentation:

Harry Crowe was present to address the Board on behalf of J. W. McLendon, Jr., the applicant. Mr. Crowe advised that Mr. McLendon owns the machine shop located at 911 North Wheeling and the property next door. Mr. McLendon found crude oil on the property next to the machine shop. Testing has been completed, a pumping unit has been installed and from other indications the oil well appears to be productive. Mr. Crowe said the purpose of the application is to secure the Board's permission to operate one oil well on this property at 913 North Wheeling. Mr. Crowe submitted photo's., (Exhibit "K-1") of the well site.

Mr. Crowe stated that there was a small electrically operated unit with one small tank for the well. Mr. Crowe advised that a metal building has been specially fabricated to cover the well to make it safe, quiet and neat in appearance. Mr. Crowe stated that no crude oil will be permitted on the ground surrounding the well. Mr. Crowe advised the Board that it would be a neat, clean and non-odorous operation. Mr. Crowe stated that the well, which is approximately 1,400' deep, would be covered.

Board Comments:

Mrs. Purser asked what the production was and Mr. Crowe advised that it would be less than 10 barrels a day.

Chairman Lewis asked if the enclosed building was insulated for sound. Mr. Crowe stated that it was not because it is a quiet operation.

Protestants: None.

Discussion:

Mr. Jackere stated that the applicant needs to seek City Commission approval of another section of the City Ordinances concerning the prohibition of oil wells in the City of Tulsa.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1680) to permit an oil well in an IM District, with the restriction that it remain enclosed and powered electrically, on the following described property:

Tulsa County, Oklahoma, in the City of Tulsa, 308½' North of the intersection of the said Easterly line of Wheeling Avenue with the Northerly line of the right-of-way of the St. Louis-San Francisco Railway Company; thence in an Easterly direction at right angles with said Easterly line of Wheeling Avenue, a distance of 265'; thence Northerly and parallel with the Easterly line of said Wheeling Avenue, a distance of 250'; thence Westerly at right angles to the said Easterly line of Wheeling Avenue, a distance of 265'; thence Southerly along the said Easterly line a distance of 250' to the point of beginning, being a tract 250' by 265' in the E/2 of the NW/4 of the SE/4 of Section 31, Township 20 North, Range 13 East of the Indian Base and Meridian, according to the U. S. Government Survey thereof.



Case No. 11718 (continued)

security fence. Mr. LaGere stated that the subdivision is developed in accordance with development standards, which were agreed to by the original developer and a neighborhood committee of people who lived in the original Bolewood Estates Addition.

Mr. LaGere stated that the neighborhood has the right and must approve each of the houses individually. Mr. LaGere submitted a letter (Exhibit "L-1") from the architectural committee of the neighborhood approving the variance.

Mr. LaGere stated that under the development standards, the house is required to be at least 10' back on the front, but are asking for a variance of the setback requirements from 10' to 7½'. They are also asking permission to enclose a swimming pool within 5' on the side instead of the required 8'.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) of the front yard setback requirements from 25' to 23' to permit a garage in an OL District, on the following described property:

Lot 6, Block 3, Bolewood Place Addition to the City of Tulsa,  
Tulsa County, Oklahoma.

Case No. 11721

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 front setback requirements from 25' to 18' to permit an addition to the existing residence, located at 12012 East 33rd Place.

Presentation:

Gene Thomas, 12012 East 33rd Place, was present to address the Board on behalf of his wife, Lavera Thomas.

Board Comments and Questions:

Mrs. Purser asked if the neighbor to the east was notified of the addition and Mrs. Thomas stated that she was not opposing it as she previously had.

Mrs. Purser asked if the old garage was going to be used for living purposes and Mr. Thomas stated that it would be used for a game room. Mrs. Purser asked if Mr. Thomas planned to remove the old garage door and he replied in the affirmative.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Lewis,



Case No. 11721 (continued)

Purser, Smith, Victor, "aye"; no "nays"; no "abstention"; Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670-Variations) of the front setback requirements from 25' to 18' to permit an addition to the existing residence, per plot plan submitted, and subject to removing the old garage door, on the following described property:

Lot 20, Block 4, Briarglen Extended Addition to the City of Tulsa, Oklahoma.

Case No. 11722

Action Requested:

Appeal From the Decision of the Building Inspector - Under the Provisions of Section 1650 - Appeals from the Decision of the Building Inspector - For refusing to grant a permit for a wholesale bakery in a CS District; and an

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1680 - Request for an exception to permit a wholesale bakery in a CS District, located at 2735-E South Memorial Drive.

Presentation:

Louis Levy, attorney representing McCartney's Foods, was present to address the Board. Mr. Levy advised that the central location of McCartney's Foods is in the Tri-Center Shopping Center on the east side of 27th Street and Memorial Drive. Mr. Levy stated that to the north of the grocery store is located a strip of businesses in a single building and proceeded to name them. The wholesale department of McCartney's Foods has moved across the parking lot into a vacant portion of the building. Mr. Levy advised that McCartney's has leased this space for the next 5 years from Mr. Ray Conard, who owns Tri-Center Shopping Center. Mr. Levy stated that in-house baking activities will be conducted from the proposed location for all of its stores. Mr. Levy said that it is not a retail bakery, but rather a wholesale bakery. Mr. Levy added that wholesale bakeries are not permitted in CS Districts without the Board's permission. A drawing of the Tri-Center Shopping Center was submitted (Exhibit "M-1").

Board's Questions:

Chairman Lewis asked if the bakery would sell to anyone beside McCartney's. Mr. Levy stated that there will be nothing sold from the bakery location, but will be sold across the parking lot in McCartney's Food Store, with nothing being sold wholesale at that location.

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 uphold the Building Inspector and deny the appeal (Appeal From the Decision of the Building Inspector - Under the Provisions of Section 1650 - Appeals from the Decision of the Building Inspector) for refusing to grant a permit for a wholesale bakery in a CS District, and

Case No. 11722 (continued)

to grant the Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1680) to permit a wholesale bakery in a CS District, on the following described property:

The South 55' of the East 76' of the Building located on Lot 9, Block 2, Tri-Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11723

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive & Allied Activities - Under the Provisions of Section 1680 - Request for an exception to permit used car sales in a CS District, located at 217 South Utica Avenue.

Presentation:

Phyllis Zimmerman Wade, attorney representing the property owner, Mimi Alexander, was present to address the Board. Ms. Wade stated that the lot in question has been vacant for approximately 5 or 6 years and is presently zoned CS. The subject property is bounded on the south by a convenience gas station, and on the north by an old house owned by Mr. Galvano, who only lives at that location about 2 months of the year. Ms. Wade stated that Ms. Alexander has an opportunity to lease this property for a used car sales lot. Ms. Wade stated that the applicant can not get a permit from the State of Oklahoma to put a used car lot at that location until it is determined that the subject property can be used for that purpose.

Board Comments:

Mr. Smith asked if the subject lot would only be used for used cars and Ms. Wade replied in the affirmative.

Protestants: None.

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, "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 used car sales in a CS District, and that it not be used for any storage of junk vehicles or parts, on the following described property:

Lot 11, Block 9, Gillette-Hall Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11724

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 1,013.4 square feet in an RS-3 District, located at 2439 East Marshall Street.

Case No. 11724 (continued)

Presentation:

Hollis Kelly, 2439 East Marshall Street, was present to address the Board and stated that he and his wife recently moved to Tulsa and have access furniture in storage and need permission to construct an accessory building to store the furniture. Mr. Hollis advised that he had submitted a plot plan for the proposed building but would like to modify the plan.

Comments:

Dortha Miller, Building Inspector's Office, advised the applicant to make a modification of the plans in the Building Inspector's Department.

Mrs. Purser asked if an accessory building is located at the subject property presently and Mr. Kelly stated that there is a 360 square-foot garage located there, which he plans to expand approximately 750 square feet.

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 - Under the Provisions of Section 1670) of the size of an accessory building from 750 square feet to 1,013.4 square feet in an RS-3 District, on the following described property:

Lot 28, Block 2, Sequoyah Place of Cherokee Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11725

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 RS-3 District, located at 3017 East Mohawk Boulevard.

Presentation:

Terry Cole, 3817 East Woodrow, was present to address the Board and asked permission to place two mobile homes at 3017 East Mohawk Boulevard with one trailer on Lot 5 and the other trailer on Lot 3. Mr. Cole submitted a diagram of the lots (Exhibit "N-1") and a plot plan (Exhibit "N-2").

Board Comments:

Mr. Lewis asked if there was to be anything located on lot two and Mr. Cole answered no.

Protestants: None.

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, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions

Case No. 11725 (continued)

of Section 1680) to permit two mobile homes on two separate lots in an RS-3 District, with removal bond required for a period of one year, on the following described property:

The West 203.5' of Lots 2 and 3, and all of Lot 5, Block 8, Lake View Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11726

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Request for a variance of the front setback requirements from 50' to 32' from the centerline of Easton Street, an RS-3 District, located at 3907 West Easton Street.

Presentation:

Frank Lamb, 3907 West Easton Street, was present to address the Board and requested a variance of the setback requirements from 50' to 32' to build a carport. Mr. Lamb submitted a plat (Exhibit "0-1") and written approval from his neighbors, Dorren Slone of 3901 West Easton Street and Maxine Runyan of 3911 West Easton Street (Exhibit "0-2").

Board Comments:

Chairman Lewis asked if there were carports located next door and Mr. Lamb stated that there were no other carports, but that most of the people in the area have garages. Mr. Lamb stated that his back yard is too narrow for a vehicle to get to. Chairman Lewis asked what the carport was going to be constructed of and Mr. Lamb replied by stating that it will be made of redwood supported by steel ornamental posts with a metal roof.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-1-0 (Lewis, Smith, Victor, "aye"; Purser, "nay"; no "abstentions"; Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 50' to 32' from the centerline of Easton Street, an RS-3 District, in accordance with the drawings submitted, on the following described property:

Lot 2, Block 1, Highfill Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11727

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services - Section 1217 - Automobile and Allied Activities - Under the Provisions of Section 1680 - Request for an exception to permit janitorial services and automotive detail work in a CS District, located at 10101 East 21st Street.

Case No. 11727 (continued)

Presentation:

Mr. Jones advised that the legal description on the application includes the entire lot.

Gary Thompson, owner of Calc's Cleaning Company, was present to address the Board requesting an exception to operate his business at the corner of the lot at 21st Street and Mingo Road. Mr. Thompson said that he was aware of the requirements of operating an automotive detailing operation out in one section of the building which he plans to renovate if approval is granted.

Board Comments and Questions:

Chairman Lewis asked Mr. Thompson if he owned the property and Mr. Thompson stated that he will be leasing the building.

Mrs. Purser asked if the automotive detailing work would be done on the inside and Mr. Thompson stated that it would be done inside. Mrs. Purser asked how many cars would be on the lot at a time and Mr. Thompson stated that he would work on approximately 3 cars a day. Mrs. Purser then asked if the cars would be sold after the automotive work was done and Mr. Thompson stated that he would not be selling cars.

Protestants: None.

Discussion and Questions:

Chairman Lewis asked if the janitorial section would be used for any other purpose than an office and Mr. Thompson answered no.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680) to permit janitorial services and automotive detail work in a CS District (the south 200' of the west 200' of the advertised property, specifically at the northeast corner of 21st Street and Mingo Road), on the following described property:

The South 200' of the West 200' of Lot 1, Block 1, Magic Circle South Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11728

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 offices in an RM-2 District, located at 1921 South Boston Avenue.

Presentation:

S. LaBurkhardt, President of Tradition Reality, Limited, 21st Street and Main Street, was present to address the Board and advised that the property in question is an existing house, built in 1915, with RM-2 zoning presently, but requesting OM zoning. Ms. LaBurkhardt submitted a plot plan (Exhibit "P-1") and a drawing (Exhibit "P-2"). Ms. LaBurkhardt

Case No. 11728 (continued)

stated that office zoning surrounds the subject property. Ms. LaBurkhardt stated that the building includes approximately 2,500 square feet. She also indicated that there would be no change or altering to the outside of the building other than minor repairs to improve it. Ms. LaBurkhardt stated that the home would be restored for office use.

Board Comments:

Mrs. Purser asked how many associates the Company has and Ms. LaBurkhardt stated that there are 5 full-time employees and 5 part-time employees. Mrs. Purser also inquired about the parking and Ms. LaBurkhardt stated that there would be adequate parking.

Mrs. Miller stated that the property is required one space for every 400 square feet for parking purposes. She also stated that screening would be required.

Discussion:

Discussion ensued as to the office zoning.

Mr. Gardner advised that the area is presently designated for office zoning.

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, "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 offices in an RM-2 District, per plot plan submitted, and subject to the maintenance of the existing house, on the following described property:

Lot 28, Block 2, Boston Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11729

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Request for an exception to permit a church in an RM-1 District; 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 in the rear from 20' to 17' and from the centerline of Cincinnati Avenue from 85' to 75', located at the NE corner of Latimer Street and Cincinnati Avenue.

Presentation:

Cecil Stanfield, architect, 1424 South Utica Avenue, was present to address the Board and advised that Tulsa Urban Renewal sold the church the property, with the understanding that the property had been replatted. Mr. Stanfield advised that Mrs. Miller had indicated that it had not been replatted, but had been redescribed.

Case No. 11729 (continued)

Mr. Stanfield submitted a plot plan which also included that redescription (Exhibit "Q-1"). Mr. Stanfield stated that Tulsa Urban Renewal has given their approval for the building as four (4) buildings stand at the present time. Mr. Stanfield stated that one of the conditions of the variance for the setback requirements is to reroute the sewer in the 20' easement on the rear so that it will not be under the building.

Protestants: None.

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, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community, Cultural and Recreational Facilities - Under the Provisions of Section 1680) to permit a church in an RM-1 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements in the rear from 20' to 15' and from the centerline of Cincinnati Avenue from 85' to 75', per plot plan submitted, on the following described property:

All of Block 4, Adams Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11730

Action Requested:

Variance - Section 1450 (a) - Structural Nonconformities - Under the Provisions of Section 1670 - Request for a variance to permit enclosing the front porch of two buildings in an OL District, located at 1502-08 South Denver Avenue.

Presentation:

Stephen Olsen, 324 East 3rd Street, was present to address the Board and advised that the variance is for office use and will increase the frontage by enclosing the front porches. Mr. Olsen advised that currently the second floor does extend over to the front edge of the porches. Mr. Olsen advised that the two lots in question are owned by the same person. The two buildings will be a professional office building being connected at the back to form a common entry. Mr. Olsen submitted a plot plan (Exhibit "R-1") and pictures of the 2 houses (Exhibit "R-2").

Comments and Questions:

Mrs. Purser asked if the area presently has office zoning and Mrs. Miller advised that it is zoned OL.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 1450 (a) - Structural Nonconformities - Under the Provisions of Section 1670) to permit enclosing the front porch of two buildings in an OL District, per plot plan, on the following described property:

Case No. 11730 (continued)

Lots 1 and 2, Block 4, Stonebraker Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11731

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS-3 District; and a

Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Request for a variance of the time limitation to permit the mobile home for a period exceeding one year in an RS District, located at 1137 North Quebec Avenue.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

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

Case No. 11732

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670 - Request for a variance of the frontage requirements from 150' to 25' & 20' in an OM District; and a Variance of the floor area ratio from .50 to .120% in an OM District; and a

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Request for a variance of the frontage requirements from 150' to 25' & 20' in a CS District; and a Variance of the floor area ratio from .50 to 120% in a CS District; and a

Variance - Section 1211.4 - Offices and Studios - Under the Provisions of Section 1670 - Request for a variance of the loading berth requirements in a CS and OM District, located at the SW corner of 61st Street and Memorial Road.

Presentation:

Charles Gilmore was present to address the Board representing Gilmore and Wilson Construction Company, 6520 South Lewis Avenue. Mr. Gilmore advised the Board that this office park is very similar to the South Bridge Office Park on East 71st Street, which was approved by the Board four (4) years ago. A conceptual plot plan (Exhibit "S-1") and 3 pictures of a similar office park (Exhibit "S-2") were submitted to the Board.



Case No. 11732 (continued)

Mr. Gilmore stated that the total gross area of the site has 230,676 square feet. According to the Zoning Ordinance 50% coverage would be permitted or a total of 115,338 square feet for offices. Mr. Gilmore stated that the proposal for this particular plan would include a total floor area of 82,770 square feet and thus, the request for 120% coverage has to do with the individual lot coverage, not an increase in floor area ratio.

Mr. Gilmore advised that the project will be subject to a subdivision plat that is being processed. There will be 274 parking spaces for a parking ratio of 1 space per 306 square feet if the maximum office space is built. Mr. Gilmore said that the request is only for OM development for the project even though part of it is zoned CS Commercial.

Board Questions:

Mr. Smith asked if the proposed office park would be similar to the South Bridge Office Park and Mr. Gilmore answered in the affirmative and stated that the materials will be similar in design and in quality.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) of the frontage requirements from 150' to 25' & 20' in OM District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the frontage requirements from 150' to 25' & 20' in a CS District; and a Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) of the floor area ratio from .50 to 120% in an OM District; and a Variance (Section 720 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the floor area ratio from .50 to 120% in a CS District; and a Variance (Section 1211.4 - Offices and Studios - Under the Provisions of Section 1670) of the loading berth requirements in a CS and OM District, per conceptual plot plan submitted, to run with this applicant only, on the following described property:

The South Bridge East Office Park Addition to the City of Tulsa,  
Tulsa County, Oklahoma.

Case No. 11733

Action Requested:

Exception - Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1630 - Minor Exceptions - Request for an exception of the floor area ratio from 25% to 28% in an OL District; and an

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 the modification of the screening requirements where an alternative screening will provide visual separation of uses

Case No. 11733 (continued)

in an OL District, located at the NE corner of 56th Street and Lewis Avenue.

Presentation:

Lynn Meyer, 3216 East 27th Place, was present to address the Board on behalf of Ron McDaniel. Mr. Meyer stated that the floor area ratio portion of the application was of main concern. Mr. Meyer said that the adjacent owners would like for the existing privet hedge to be maintained with a chain link fence inside the privet hedge rather than replacing it with a 6-foot solid screen fence. Mr. Meyer submitted a plot plan (Exhibit "T-1").

Comments and Questions:

Mr. Gardner presented a map to the Board that indicated that even though the area is unplatted all those areas are subdivided and houses front on the north and south of that street. Mr. Gardner said that one of the Staff's concerns is that there not be a driveway emptying directly south onto that single-family residential area located across the street from the subject property.

Mr. Victor asked if a screening fence would replace the hedge if it should die or be destroyed and Mr. Meyer said that the owner would be willing to replace it if it was needed.

Protestants: None.

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, "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1630 - Minor Exceptions) of the floor area ratio from .25 to .28 in an OL District; and an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to permit the modification of the screening requirements where an alternative screening will provide visual separation of uses in an OL District, subject to the maintenance of the living hedge screen by the applicant or installation of a solid screening fence at such time that the privet hedges are removed, per plot plan submitted, on the following described property:

A tract of land beginning 40' East and 357.32' South of the NW corner of the NW/4 of the NW/4 of the SW/4; thence East 216'; thence South 195.80'; thence West 216.03' to the point of beginning, all in Section 32, Township 19 North, Range 13 East to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11734

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Request for an exception to permit church use in an RS-1 District; and a

Case No. 11734 (continued)

Variance - Section 1205.3 (a) - Use Conditions - Under the Provisions of Section 1670 - Request for a variance to permit parking in front of the building, located at 17102 East 11th Street.

Presentation:

Lonzo Smith, 17102 East 11th Street, was present to address the Board.

Protestants: None.

Board Comments and Questions:

Chairman Lewis asked Mr. Smith what the building was to be used for. Mr. Smith said that the 5,000-foot building would be used for church purposes on Sunday morning, Sunday night and Wednesday night. He advised that the building would not be used for school or for cafeteria purposes.

The Board inquired if there was adequate parking and Mr. Smith stated that there was plenty of parking.

Mr. Adrian Smith asked if there was a septic system and the applicant answered yes. Mr. Adrian Smith advised the applicant that the system needs to be approved by the Health Department.

Mr. Gardner suggested to the Board that they might limit the applicant to his present facilities as opposed to building additional buildings. Mr. Gardner also advised the applicant that he needs to hard surface the parking area.

Applicant's Comments:

Mr. Smith said that he had talked to one of his neighbors who requested that a fence not be placed between their house and the church building since there is a hedge in place presently.

Board Comments:

Mrs. Purser requested that the case be continued.

Chairman Lewis asked if a screening requirement was required for a church and Mrs. Miller stated that there is if there is parking within 50 feet of residentially zoned property with more than six (6) automobiles.

Mr. Adrian Smith advised the applicant to bring a letter from the neighbor who protested the fence stating that they own the property and are making that particular request.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community, Cultural and Recreational Facilities - Under the Provisions of Section 1680) to permit church use in an RS-1 District, and a

Variance (Section 1205.3 (a) - Use Conditions - Under the Provisions of Section 1670) to permit parking in front of the building, subject to approval of the septic system by the Tulsa City-County Health

Case No. 11734 (continued)

Department, and limiting church use to the present facilities, and to continue to January 7, 1982, to allow the applicant to readvertise for an exception to waive the screening fence, on the following described property:

The West 119.3' of Lot 4, Block 1, Lynn Lane Estates Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11735

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 25' to 15' in an RS-2 District (for two lots), located on 98th Street, between Louisville Avenue and Oswego Avenue.

Presentation:

Robert Nichols, 111th West 5th Street, attorney representing Tom Tipps and Silver Chase Development Corporation, was present to address the Board. Mr. Nichols stated that the two lots, owned by Mr. Tipps and the Corporation, are very narrow and requested permission to move the buildings back so they do not impose on the front building line in order to maintain the uniformity of the neighborhood.

Protestants: None.

Board Comments:

Chairman Lewis asked what was located to the rear of the subject property and Mr. Nichols said that there is vacant unplatted land located to the rear of the property.

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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the rear yard setback requirements from 25' to 15' in an RS-2 District, per plot plan, on the following described property:

Lots 21 and 22, Block 3, Silver Chase Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11736

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Request for an exception to permit an aquatic facility indoor in an RS-3 District; and a

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Request for a variance of the side yard setback requirements to permit the connection of three buildings in an RS-3 District; and a

Case No. 11736 (continued)

Variance - Section 630 - Bulk and Area Requirements in Office Districts- Under the Provisions of Section 1670 - Request for a variance of the side yard setback requirements to permit the connection of three buildings in an OL District; and a

Variance - Section 1205 - Community, Cultural and Recreational Facilities - Under the Provisions of Section 1670 - Request for a variance of the parking requirements to permit 1 parking place for every 500 square feet of building area in an RS-3 and OL Districts, located at 1920 South Lewis Avenue.

Presentation:

Mary Espey, Executive Director of Y.M.C.A. of Tulsa, 1920 South Lewis Avenue, was present to address the Board and advised that Y.M.C.A. has recently purchased the property at 1920 South Lewis Avenue, which adjoins their present property and are proposing to build an indoor swimming facility on the new property. Ms. Espey submitted a brochure of the proposed facility (Exhibit "U-1") and a plot plan (Exhibit "U-2"). Ms. Espey said that the surrounding neighbors have no objections to the proposed facility. Ms. Espey submitted a statement signed by the property owner to the west, Lena Broadfoot (Exhibit "U-3") reserving her decision concerning a fence being constructed between Y.M.C.A. and her property. Ms. Espey said that present negotiations are going on with the property owners of the parking lot at Lewis Avenue and 20th Street. Ms. Espey said that the property is in the process of being sold and Y.M.C.A. is working through the real estate agent to be permitted to use the parking facility.

Protestants: None.

Board Comments:

Mrs. Purser asked what the parking requirements were for the subject property and Ms. Espey said that 1 space for every 400 square feet is required and Y.M.C.A. is requesting 1 space for every 500 square feet.

Mr. Gardner referred to the plot plan submitted and advised that two (2) of six (6) of the parking spaces are actually on City right-of-way and could not be constructed without the City Commission approval. Ms. Espey acknowledged the fact.

Chairman Lewis asked when the decision would be made concerning the parking lot at Lewis Avenue and 20th Street and Ms. Espey said that December 15, 1981, is the deadline for the present negotiations.

Mrs. Purser advised that something in writing should be submitted to the Board stating that the parking lot was available to Y.M.C.A. and suggested that the case be continued to December 17, 1981, until the negotiation was decided.

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, "absent") to continue to December 17, 1981.

Case No. 11737

Action Requested:

Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1680 - Request for an exception to permit the office supplies sales and office fixtures in an IL District, located at 3717 South Sheridan Road.

Presentation:

Martha Rupp, 1100 Philtower Building, attorney representing Scott Rice of Delaware, Inc., was present to address the Board. Ms. Rupp advised that the application concerns the structure at 3717 South Sheridan Rd., which contains 22,000 square feet with half of it used for offices and the remainder used for an office furniture showroom. Ms. Rupp stated that Scott Rice built the structure in 1971, at which time no requirement of a special exception was made even though it was zoned IL. Ms. Rupp said that the applicant is now remodeling the office furniture showroom portion of the structure and is requesting the special exception.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1680) to permit the office supplies sales and office fixtures in an IL District, on the following described property:

The property and improvements thereon, located on the South 200' of the following described land; beginning 349' South and 35' East of the NW corner of the SW/4 of Section 23, Township 19 North, Range 13 East; thence East 306.6' to a point where said line intersects the M.K. & T. Railroad right-of-way; thence in a Southeasterly direction along said right-of-way to a point where the South line of the NW/4 of the NW/4 of the SW/4 of Section 23, Township 19 North, Range 13 East, intersects said right-of-way; thence West on said line a distance of 515.50' to a point on the East line of Sheridan Road; thence North on Sheridan Road a distance of 310.64' to the point of beginning, all in Tulsa County, State of Oklahoma.

Case No. 11738

Action Requested:

Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1202 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680 - Request for an exception to permit a heliport in an IR District, located SE of 81st Street and Lewis Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board on behalf of Oral Roberts University and requested approval of the heliport location at the City of Faith. Mr. Norman advised that approval has been granted by the F.A.A., subject to the operating regulations shown on the site plan which was submitted to the Board (Exhibit "V-1").

Case No. 11738 (continued)

Protestants: None.

Board Comments:

Mrs. Purser asked if the heliport was to be used only for the hospital and Mr. Norman said that it was to be used for emergency operations at the hospital and life flight utilization.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1202 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680) to permit a heliport in an IR District, limiting it to hospital and clinic use, on the following described property:

The center point of the heliport for the City of Faith complex located in "Oral Roberts University Heights 2nd Addition", a subdivision of part of the NW/4 of Section 17, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma; the center point being described as follows, to wit: Starting at the NW corner of Block 1 of said "Oral Roberts University Heights 2nd Addition"; thence South 00°-00'-34" East along the Westerly line of said Addition for 1,456.46'; thence South 89°-48'-06" East and parallel to the Northerly line of said Addition for 809.24' to the center point of said Heliport.

Case No. 11739

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1670 - Request for a variance of the frontage requirements from 200' to 165' in an AG District. This request will allow two (2) lots with 165' of frontage along 61st Street, located at 10920 East 61st Street.

Presentation:

James Williams, 10920 East 61st Street, was present to address the Board and advised that he plans to split his 10-acre tract so that his daughter and her family can build a house on half of the subject property. Mr. Williams submitted two (2) rough sketches of the lots in question, (Exhibit "W-1").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1670) of the frontage requirements from 200' to 165' in an AG District, on the following described property:

The E/2, E/2, NW/4, NE/4 of Section 6, Township 18 North, Range 14 East to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11740

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1209 - Mobile Home Dwelling - Under the Provisions of Section 1680 - Request for an exception to permit the maintenance of a mobile home in an AG District, located at 8901 South 33rd West Avenue.

Presentation

Due to the long agenda, the applicant requested that the case be continued to the next regularly scheduled meeting.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to continue to December 17, 1981, Case No. 11740.

Case No. 11742

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 25' to 13' to permit an addition to an existing garage (accessory building) in an RS-2 District; and a

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Request for a variance of the size of an accessory building from 750 square feet to 1,600 square feet (the existing structure is 600 square feet, the proposed addition is 1,000 square feet) in an RS-2 District, located at 24th Street and Cincinnati Avenue.

Presentation:

Stephen Olsen, 324 East 3rd Street, was present to address the Board and advised that the variance is a request for 13' because of the existing garage which is located 13' from the property line. The applicant is proposing to build a recreational-type room which will be approximately 18' from the property line. Mr. Olsen said that he had talked to the property owners surrounding the subject property and they have no objections to the request. A site plan was submitted to the Board (Exhibit "X-1").

Protestants: None.

Board Comments:

Mr. Gardner asked if the buildings were attached and Mr. Olsen stated that they were not, but that a covered walkway was between the buildings. Mr. Gardner also asked if the proposed building was to be used for single-family dwelling and Mr. Olsen answered yes.

Mrs. Miller expressed a concern because the building is not enclosed.

Mrs. Purser stated that a flag is needed to ensure the single-family dwelling aspect.



Case No. 11742 (continued)

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the rear yard setback requirements from 25' to 13' to permit an addition to an existing garage (accessory building) in an RS-2 District, and a

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of an accessory building from 750 square feet to 1,600 square feet in an RS-2 District, subject to the execution of the restrictive covenant for single-family use only, no duplex to be filed with the County Clerk, on the following described property:

Lots 3, 4 and 5, of Block 5, Sunset Terrace Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Request for Clarification of the Minutes on Case No. 11034:

Presentation:

Orville Hendryx, 1434 South 121st East Avenue, was present to address the Board and requested permission to extend the church building. Mr. Hendryx stated that the Calvary Pentecostal Church was built without being bricked in order to add on to the present building. Mr. Hendryx stated that they were ready to extend the existing building by adding a 40' x 60; building which will cover the end of the building that was permitted to be unbricked for future expansion.

Comments:

Mr. Jones stated that the applicant is requesting a clarification of the previous action. He advised that the plot plan that was submitted previously did not show the extension of the building. Mr. Jones said that the intent stated in the minutes was that Mr. Hendryx was planning to add to the present building because the Board permitted him to leave one end unbricked.

Mrs. Purser said that she remembered the case and stated that Mr. Hendryx was given one year to add on or brick one end of the building and he has not done so after 18 months. When Mr. Hendryx stated that the building would be all brick with no windows, Mrs. Purser expressed a great concern.

Mr. Gardner suggested that the new plot plan could be substituted so that the case would not require a separate hearing if the Board so desired.

Mrs. Purser asked if the old plot plan was submitted from the previous case to find out if the applicant had complied with the previous Board action. Mr. Jones presented the previously submitted plot plan and elevation plan to the Board.

Mrs. Miller advised the Board that Mr. Hendryx constructed the building according to his plans and the elevation plans in the files; so there-

Request for Clarification from the Minutes on Case No. 11034 (continued)

fore, the building plans were approved.

Protestant:

James Gibson, 12108 East 15th Street, was present to address the Board and stated that he had written a letter requesting clarification of the minutes from the previous meeting concerning Case No. 11034, particularly concerning the exterior of the church building. Mr. Gibson said that he and other neighbors understood the minutes to be interpreted that the building should be all brick or all rock. Mr. Gibson said that the building is approximately 12' high with only 8' of the building being rocked except for the west end. Mr. Gibson submitted pictures of the church building (Exhibit "Y-1"). He added that the neighbors are not protesting the church, but would like for the building to be constructed as the Board recommended. Mr. Gibson stated that if the educational building was granted, additional parking might be required.

Comments:

Mrs. Purser asked what the new building would be used for and Mr. Hendryx said that it would be used for class rooms. The Board indicated that they were not going to vote on the case until the applicant brought more detailed plans and pictures. Mrs. Purser asked what the Board could do since the applicant has not complied with the Board's recommendation.

Mr. Garnder stated that the issue before the Board is that the applicant is requesting an interpretation that he has a right to build the addition to the existing building without going through a public hearing.

Mrs. Miller stated that the Building Inspectors have visited the site and viewed the elevations. She added that Don Erwin, Building Inspector, visited the site and reviewed the plans and stated that the applicant had constructed the building according to the elevations that were approved by the Board, but not in accordance with the minutes, which required full brick or rock.

Mr. Victor stated that he would not support any application until the building complied with the Board's previous intentions.

Mrs. Purser stated that the existing building needs to be rocked all the way to the roof and asked Mr. Hendryx when it could be done. Mr. Hendryx never gave a definite answer.

Mr. Gibson, the protestant, asked if the neighbors could be given a time-frame for when the building would be completed.

Mr. Victor advised that the problem is that the structure still looks like a metal building. He suggested that wood siding be used, with a wide wood fascia along the gutter, that the metal doors be covered and that an overhang be included.

Mr. Gardner suggested that the Board interpret that the applicant can not make an addition to the present building without a public hearing and suggested that the Communication be continued in order that the applicant come back with detailed plans, pictures...

Case No. 11034: Clarification of Minutes

Board Action:

The Board finds that the addition to the church building needs to be brought before the Board at the February 4, 1982 public hearing with the applicant bringing exact plans, specifications, pictures... of what he proposes to do with the present building and also the new building.

Discussion:

Mrs. Purser advised the applicant that he needs to file a new application so that the item can be republished. She also advised Mr. Hendryx that if he had not made application for the education building for the February 4, 1982 hearing, the Board still expects him to return to continue the case. The Board advised the applicant not to act on the new proposal until the Board grants their approval.

Mr. Gardner clarified for the record the Board's Action today was to find that the applicant has not met the requirements of the Board's approval and that the applicant is given a period of 60-days in which to come back and show how he can satisfy the Board's approved requirements.

Communication Concerning Case No. 10291 - Western Financial Center

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board and advised that this case was approved by the Board of Adjustment in 1979, and was appealed to the District Court by the neighbors and the case was resolved. Mr. Norman stated that the court gave the applicant two (2) years after the disposition of that appeal in which to construct the Western Financial Center. Mr. Norman advised that the Western National Drive-In Bank has now been constructed and is ready to proceed with the development of the project; however, the continuation of one building has changed and requested that a substitute plot plan (Exhibit "Z-1") be accepted in place of the one previously approved by the Board.

Mr. Norman stated that the application originally was to increase the square footage or floor area ratio from .25 to .30 and to permit two-story buildings in portions of the project. The square footage, open space, and other aspects of the building remains the same as the original plot plan.

Comments:

Mrs. Purser asked if the whole project was two-story and Mr. Norman said that a portion of it is two-story. Mr. Norman referred to his letter written to the Board (Exhibit "Z-2") that outlines the roof elevation.

Mr. Norman referred to the protest and neighborhood dispute in the previous case and said that a copy of the revised plans had been submitted to the neighborhood committee and approved by them.

Discussion:

Mr. Smith stated that the company he works for has platted this particular piece of property into two subdivision plats. Mr. Smith said that he saw no conflict with the matter and he would vote to accept the substitute plot plan.

Communication concerning Case No. 10291 - Western Financial Center (continued)

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to accept the substitute plot plan submitted.

Communication Concerning Case No. 11075:

Presentation:

Mr. Jones stated that there was a protestant concerning the previous case at 4804 East 84th Street where a wall was built. A letter was written to the Board by Mr. Punnett's attorney stating that one of the building inspectors instructed the applicant to come before the Board of Adjustment.

Mrs. Miller advised that the letter stated that the attorney had talked to Ed Rice of the Building Inspector's Office and that Mr. Rice told her to call the Board of Adjustment, but Mr. Rice said that he did not tell her to call anyone.

Mr. Victor referred to the letter which stated that they had built the retaining wall but did not back-fill it.


Mr. Jones suggested that the Staff write Mr. Punnett a letter asking him to appear at the next meeting. Mr. Jones stated for clarification that if Mr. Punnett fills behind the retaining wall he doesn't need to come before the Board, but if he doesn't fill behind the wall Mr. Punnett will need to show up for the December 17, 1981 meeting.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to instruct the Staff to write Mr. Punnett a letter asking him to appear before the Board of Adjustment at the December 17, 1981, meeting.

The meeting was adjourned at 7:10 p.m.

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

  
Chairman