

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 352  
Thursday, December 17, 1981, 1:00 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT

Purser  
Lewis, Chairman  
(in at 1:15 p.m.)  
Smith  
Victor  
Wait

STAFF PRESENT

Compton  
Gardner  
Jones  
Martin

OTHERS PRESENT

Jackere, Legal  
Department  
Miller, Protective  
Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, December 16, 1981, at 10:37 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Acting Chairman Smith called the meeting to order at 1:10 p.m.

MINUTES:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve the Minutes of October 29, 1981 (No. 349) and November 12, 1981, (No. 350).

UNFINISHED BUSINESS:

Case No. 11075

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the side yard requirements from 5' to 3.3' in an RS-2 District (residence existing) at 4804 East 84th Street.

Presentation:

David Punnett, 5539 East 61st Place, was present to address the Board and stated that additional tie work had been done since the original tie wall was put in which was approved by the Board in August 1980. Since that time, he has added the tie walls and hooked them into the tie wall which previously existed.

Mrs. Miller, Building Inspector, submitted photographs of the subject property taken by Ed Rice on two different occasions (Exhibit "A-1"). Mrs. Miller stated that Mr. Punnett has filled in the retaining wall except for a small portion.

Mr. Jackere stated that he thought there was a communication problem concerning Ms. Basnett's efforts to work with the Building Inspector's Office because they were never contacted concerning the problem.

Mr. Smith suggested that after having read the letter, it sounds as if she had a remedy of law or a private matter.

Mrs. Miller stated that Mr. Rice, a building inspector, does not feel

Case No. 11075 (continued)

there is a violation any longer because the hole has been filled with the exception of a small portion of it.

Mr. Lewis asked Mr. Jackere if there was anything that the Board could act upon at this time and Mr. Jackere answered no. The Board determined that the applicant had fulfilled their requirements and decided to go on with the rest of the meeting and let Mr. Jackere talk to the applicant and others interested in this case.

Case No. 11525

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) Request for a principal use variance on the basis of extraordinary and exceptional conditions and circumstances peculiar to the property under application to permit the use of the property for a branch office of a savings and loan association, subject to development standards and a site plan to be approved by the Board of Adjustment. This property is located on the northwest corner of 36th Street and Yale Avenue.

Presentation:

Mr. Lewis read the conditions of approval when the case was heard June 25, 1981.

Mr. Charles Norman, 909 Kennedy Building, representing State Federal Savings and Loan Association, advised the Board that a use variance was granted by the Board in June 1981, to utilize the northwest corner of 36th Street and Yale Avenue for a branch office with the conditions stated by Chairman Lewis.

Mr. Norman submitted an elevation plan (Exhibit "B-1"), a site plan (Exhibit "B-2"), a planting plan (Exhibit "B-3"), and three elevation drawings of signs (Exhibit "B-4"). Mr. Norman stated that the plans conform to the requirements of the Board's approval and asked that the Board approve the plans for the purpose of the issuance of a building permit.

Mr. Norman stated at the previous hearing one of the key issues was the reduction from four (4) lanes for the drive-in to, two (2), which increased the distance between the residential structure to the north to 27' from the nearest pavement area to the north property line. Mr. Norman stated that the proposed building contains 2,200 square feet as was submitted.

Protestants: None.

Board Comments:

Mr. Lewis asked if there were houses surrounding the area and Mr. Norman stated that one house faces Yale and one house faces 36th Street. Mr. Norman said that both of the property owners were at the June 25th hearing and had no objections.

Case No. 11525 (continued)

Mr. Lewis inquired about the screening and Mr. Norman stated that it is a brick area with a plant area to avoid the appearance of a solid wall or fence.

Mr. Lewis asked how high the brick area was and Mr. Norman stated that it is six (6) feet high.

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 the elevation plan, site plan, planting plan, and three (3) elevation drawings of signs as submitted and subject to the conditions imposed by the Board in the June 25, 1981 hearing, on the following described property:

Part of the S/2 of the S/2 of the SE/4 of the NE/4 of Section 21, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Survey thereof, described as follows: Beginning at a point 40' North and 24.75' West of the SE corner of said S/2 of the S/2 of the SE/4 of the NE/4; thence North and parallel to the East Section Line of said Section, a distance of 140' to a point; thence North 89°-50'-40" West a distance of 177.25' to a point; thence South a distance of 140' to a point; thence South 89°-50'-40" East a distance of 177.25' to the point of beginning.

Discussion:

Mr. Smith asked the developer to put a color rendering in the Board file along with the plans.

Case No. 11097

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) Request for permission to use property for church and related off-street parking at 1621 North Sheridan Road. (The proposed use is to convert an existing dwelling into a youth recreation center.)

Presentation:

Frank Rowell, Jr. 207 Franklin Building, 23 West 4th Street, was present to address the Board and advised that the application was before the Board in July 1980. At that time, approval was given for an 18-month temporary exception to the Zoning Ordinance. The Board advised the applicant that if there were no protests during the 18-month period that he should come back for a permanent exception. Mr. Rowell stated that the granting of the exception was to be used as a youth center with some imposed conditions placed on the use. Mr. Rowell would like to use the building for general church purposes also.

Protestants: None.

Board Comments:

Mr. Lewis stated that the Board cannot grant something that has not been advertised previously.

Mr. Gardner advised the Board that the applicant is not asking that the number of children be increased, or that the hours of operation

Case No. 11097 (continued)

be increased, but is asking that the building be used for other things like a Bible classroom as opposed to teen use. He stated that if new buildings were being proposed, the applicant would need to have a plot plan and the application would need to be re-advertised.

Applicant's Comments:

Mr. Rowell advised the Board that no additional buildings were being proposed, but he is requesting that the present facilities be used for all church functions which would be appropriate for the building.

Board Comments:

Mr. Gardner stated that the Board previously was concerned that it was going to be used as a youth recreation center and imposed certain stipulations on the approval.

Mr. Lewis read the Board's action from the previous meeting in July 1980.

Mr. Gardner stated that the Board should address the concerns about the youth center portion of the application concerning limiting the number of children if that is appropriate.

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 an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use the property for church and related off-street parking, and that the restrictions imposed on the property a year ago remain in effect, and without a time limit, on the following described property:

The East 97½' of the South 135' of Block 3, Spartan Court  
Second Addition to the Town of Dawson, Tulsa County, State  
of Oklahoma, according to the recorded plat thereof.

Case No. 11707

Action Requested:

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

Presentation:

The applicant was not present to address the Board.

Mr. Jones said that he had a communication from Warren Morris, the applicant, requesting a continuance of the case until January 7, 1982. The communication also suggested that Mr. Morris would like to use some of the RS zoning for off-street parking, but it needs to be re-advertised.

Case No. 11707 (continued)

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 this item to January 7, 1982.

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:

Mr. Jones advised the Board that this case had been continued from the December 3, 1981, meeting at the request of the applicant because of the long agenda.

Violet Guess was present to address the Board.

Board Comments:

Mr. Smith asked if there were other mobile homes in the surrounding area and Ms. Guess said there was one mobile home a block and a half away from the subject property.

Mr. Jones asked Ms. Guess if her previous mobile home was the one that burned and Ms. Guess stated that it was. Mr. Jones advised that Ms. Guess had a nonconforming mobile home on the subject property which burned down and now wished to put another mobile home there.

Ms. Guess said that the other mobile home had been at this location for twenty-two (22) years, but burned down about a month ago.

Mr. Lewis asked if the new mobile home would be larger than the previous one and Ms. Guess said that the new one is approximately ten (10) feet shorter.

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 an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS-3 District, and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the

Case No. 11731 (continued)

time limitation to permit the mobile home for a period of five (5) years in an RS District, on the following described property:

The S/2 of Lot 57, Westrope 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

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:

Mr. Jones said that this case was continued from the December 3, 1981, meeting so that the applicant could check on some additional off-street parking.

Mary Espey, 1920 South Lewis Avenue, Executive Director of Y.W.C.A., was present to address the Board and submitted a plot plan (Exhibit "C-1") and a rough sketch of the proposed parking (Exhibit "C-2").

Ms. Espey said that the plans show 23 parking spaces already in existence and are adding nine (9) spaces, which will be on the subject property instead of the twelve (12) previously proposed. Ms. Espey stated that 1 space for every 500 square feet of surface area is required for parking. With the new facility, Y.W.C.A., will have a total of 11,434 square feet of surface area which would make a necessity of 23 parking spaces required.

Ms. Espey said that an elderly woman who lives at 2231 East 20th St. has worked with Y.W.C.A., and is giving them first choice on her property. Y.W.C.A., has already determined to use this property for parking lot. Ms. Espey stated that the woman was at the December 3, 1981, meeting, but was unable to be at the meeting today.

Case No. 11736 (continued)

Ms. Espey said that if parking became a problem the Y.W.C.A., would either limit their classes or work with the neighbors in all respects to maintain their good relationship with the neighbors.

Protestants: None.

Board Comments:

Mr. Lewis inquired about the parking lot to the south. Ms. Espey said that the people who own the parking lot and building put it up for sale. The owners felt that any agreement they entered into at this point would impair that purchase. Ms. Espey said that when it sells, Y.W.C.A. will request an agreement for additional parking spaces.

Mr. Lewis asked how many people park in the existing parking places on a routine basis and Ms. Espey said that six (6) staff members park there presently, however, they have volunteered to take a parking space away from the building so that those places would be available for the participants.

Mr. Smith asked if the pool was Olympic size and Ms. Espey advised that the pool is 25 meters in length and 30 feet in width with four (4) lanes.

Mr. Smith asked if there would be swim meets or activities which would last for several days. Ms. Espey stated that such programs would not take place until accommodation for parking was taken care of. She also said that the swimming area only had 5 feet of deck, which could not accommodate a very large audience.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays" no "abstentions") 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 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) of the side yard setback requirements to permit the connection of three buildings in an RS-3 District; and a Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) 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) to permit required parking spaces to be on adjoining lots in an RS-3 and OL District, provided that none of the individual properties containing the 23 parking spaces and associated buildings, to be sold separately, on the following described property:

Lots 1, 2, 19 & 20, Block 7, Woodward Park Addition to Tulsa, Tulsa County, State of Oklahoma.

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 East 33rd West Avenue.

Presentation:

B. C. Syndergard, 8901 South 33rd West Avenue, was present to address the Board and requested the Board's permission to allow his mobile home to remain at the subject location. Mr. Syndergard stated that he has lived at this location for approximately 10 years and was informed that a mobile home could not be placed on less than a 5-acre tract within the Tulsa City Limits. Mr. Syndergard advised that he owns 4.83 acres. Mr. Syndergard stated that he had all of his property zoned AG at one time, but according to the files, the one-acre that he lives on is zoned AG and the remaining portion is zoned RS-1.

Protestants: None.

Board Comments:

Mrs. Purser asked if there were other mobile homes in the area and Mr. Syndergard said that one mobile home is located approximately 400 yards to the north in Creek County and one 1/4 mile east within the Tulsa City Limits.

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 approve an Exception (Section 310 - Principal Uses Permitted in Agricultural Districts - Section 1209 - Mobile Home Dwelling - Under the Provisions of Section 1680) to permit the maintenance of a mobile home in an AG District, for a period of five (5) years, on the following described property:

1/2 acre in the southwest corner of the N/2 of the SW/4 of the SW/4, lying south and west of Nickel Creek, and 1/2 acre in the northwest corner of the S/2 of the SW/4 of the SW/4, lying north and west of the Old Channel of Nickel Creek, in Section 15, Township 18 North, Range 12 East of the Indian Base and Meridian, containing 1-acre, more or less, according to the U. S. Government Survey thereof, Tulsa County, Oklahoma.



NEW APPLICATIONS:

Case No. 11743

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Request for an exception to locate a mobile home in an RM-1 District; and a

Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances - Request for a variance to permit the mobile home for more than one year, located at the NW corner of Ute Street and Kingston Place.

Presentation:

Gene DeVerges, Philtower Building, attorney representing Jean Cluck, was present to address the Board and requested that a mobile home be placed at 2004 North Kingston Place. Mr. DeVerges stated that Ms. Cluck's elderly mother and great aunt live adjacent to the subject property owned by Ms. Cluck's cousin. Ms. Cluck wishes to place a mobile home on the subject property to care for her mother and aunt. Mr. DeVerges stated that the property in question contains four (4) lots. Mr. DeVerges submitted a petition signed by 8 property owners in the immediate area who are in favor of the application being granted (Exhibit "D-1").

Protestants: None.

Board Comments:

Mr. Lewis asked if the residence was next door to the mobile home and Mr. DeVerges answered yes.

Mr. Gardner stated that the Board has had several applications within this area. One application was denied because the applicant was trying to place two (2) mobile homes on a 125' lot. Mr. Gardner advised that another application was approved for a mobile home to be placed on a tract containing two or three lots. Mr. Gardner stated that this request involves putting a mobile home on four (4) lots. He also advised the Board that there are many different types of housing found in this particular area including mobile homes.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RM-1 District for a period of one year; and to deny a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit the mobile home for more than one year, with a removal bond required, on the following described property:

Lots 9, 10, 11, & 12, Block 7, Dawson O.T. to the City of Tulsa, Tulsa County, Oklahoma.

Discussion:

Mrs. Purser advised the applicant that he could come back in one-year and reapply.

Case No. 11746

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Request for permission to locate a mobile home in an RM-1 District, located at 453 South 61st West Avenue.

Presentation:

Dale Ramey, 128 North 43rd West Avenue, was present to address the Board and requested permission to place a mobile home at 453 South 61st West Avenue, to care for his elderly parents. Mr. Ramey advised that his parents live in a house on one lot and he would reside in a mobile home on the next lot.

Protestants: None.

Board Comments:

Mr. Lewis asked if other mobile homes were located in the immediate area and Mr. Ramey stated that the closest mobile homes were located at a mobile home park 4 or 5 blocks away from the subject property.

Mr. Garnder advised the Board of a written communication from Frenchie Loving, GTC District 10 representative. Mr. Loving was not able to attend the meeting, but wanted the Board members to know the District opposes allowing a mobile home at 61st West Avenue.

Mr. Smith made a motion to approve the application for a period of one year with a removal bond required. The motion died due to the lack of a second.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-2-0 (Lewis, Purser, Victor, "aye"; Smith, Wait, "nay"; no "abstentions") to continue the case to January 7, 1982, so that the Board members can visit the site.

Case No. 11747

Action Requested:

Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variances - Request for a variance to permit a mobile home in a CH District, located at 2222 West Skelly Drive.

Presentation:

Craig Tweedy, 224 Wells Building, Sapulpa, Oklahoma, attorney representing Ishverbhai Patel, was present to address the Board and submitted pictures (Exhibit "E-1") of the subject property. Tweedy advised the Board that the applicant owns the Rio Motel and is requesting the Board's approval to place a mobile home on the rear portion of the property. Mr. Tweedy advised that a manufacturing structure is located to the east of the property, a trucking facility to the west and a creek and wooded area behind the motel. Mr. Tweedy said that the best place to locate the mobile home would be east of the shed, which is depicted in the pictures. Mr. Tweedy stated that there are no houses located in the immediate area.

Case No. 11747 (continued)

Mr. Tweedy advised the Board that the Patels have been living in a portion of the motel, which detracts from business and is not a comfortable living condition.

Protestants: None.

Board Comments:

Mr. Lewis asked what was located to the rear of the property and Mr. Tweedy advised that Mr. Patel owns the property back from the motel to the creek, which is mostly a wooded area.

Mr. Gardner advised that there is a residential section which is approximately 1/4 mile to the south of the subject property. He stated that there are a few houses located on the east side of the motel, which are looking into commercial zoning.

Mr. Lewis asked the applicant how long he would need the mobile home and Mr. Tweedy said that 5-years would be the maximum time needed.

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 710 - Principal Uses Permitted in Commercial Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670) to permit a mobile home in a CH District, for a period of 3-years, subject to the mobile home being placed to the rear of the motel, or along the side, or to the rear of the outbuilding, south of the motel, on the following described property:

A tract of land in the NW/4 of the NE/4 of Section 34, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, described as follows: Beginning at a point that is 457' South and 200' West of the NE corner of the said NW/4 of the NE/4; thence West and parallel to the North line of said NW/4, NE/4, a distance of 400' to a point; thence South and parallel to the East line of said NW/4, NE/4, a distance of 500' to a point; thence East and parallel to the North line of said NW/4, NE/4, a distance of 400' to a point; thence North and parallel to the East line of said NW/4, NE/4, a distance of 500' to the point of beginning.

Case No. 11748

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances - Request for a variance of the size of an accessory building from 750 square feet to 3,200 square feet. (There now exists a 20' x 20' sq. ft. building), located at 1329 South 135th East Avenue.

Presentation:

Mr. Jones advised the Board that this application was heard previously and the Board granted Mr. Sitler the use of the subject property. He advised the Board to refer to the previous minutes which were attached to the agenda.

Case No. 11748 (continued)

Larry Sitler, 1329 South 135th East Avenue, was present to address the Board and requested permission to enlarge the size of the out-building to be used for storage and maintenance and would like to have an engine overhall aircraft shop in the same building.

Protestants: None.

Board Comments:

Mr. Smith asked if the building would be used for any additional hangar rental and the applicant said it would not be used for hangar rental, but used only for storage, maintenance and the business.

Mr. Jackere asked how large the existing building is and Mr. Sitler said that the building which he intends to expand is presently 20' x 20'. He also stated that the building was there when he bought the property. Mr. Sitler stated that he would like to move his shop to this location because he has access to the Harvey Young Airport. Mr. Sitler advised the Board that a similar case was before the Board who allowed the building for maintenance and also was allowed access to the Airport. Mr. Sitler stated that he would not be expanding the Airport because when the Airport ceases to exist he would be out of business.

Mr. Gardner said that the Harvey Young Airport is nonconforming and could continue to stay at that location but cannot expand. He stated that Mr. Sitler is not enlarging the Airport, but is providing a service or facility that the airport cannot provide for themselves which could prolong the existence of the Airport. Mr. Gardner said that the subject property is zoned single-family residential. He stated that when the Airport shut down it would be difficult to redevelop this area for any type of residence if several business existed in the area. He also stated that when the Airport shuts down the land goes to Hillcrest Hospital for their utilization.

Mr. Smith suggested that if the application was approved, it would be conditioned to terminate when the Airport ceases to exist.

Mr. Jackere stated that he had no problem with the conditions relating to the use, but was concerned with the structure of the building.

Mr. Lewis inquired as to any hardship that was involved. He said that as far as he knew there was not one existing.

Mr. Sitler said that the building only amounts to a large lean-to on the side of his barn. Mr. Jackere asked the applicant if he would have any objection to removing the structure when the Airport closes and Mr. Sitler said that he would because there was so much money involved.

Mr. Wait asked the applicant if he could operate with only half of the space for the building and Mr. Sitler stated that he would if he had to.

Discussion ensued as to when the Airport would cease to exist and when Hillcrest Hospital would possess the property.

Case No. 11748 (continued)

Board Action:

WAIT mad a MOTION and VICTOR SECOND it to approve the application and that the building be limited to approximately half the size that the regulation allows, (approximately 1,500').

Discussion:

Mr. Lewis was still concerned about a hardship.

Mr. Smith said that he did not recognize a hardship involved, but did not think the Board had the right to deny him use of his property as long as the Airport is in existence. When the Airport was shut down, he would be denied his right to operate an airplane engine business at that location.

Board Action:

Mr. WAIT withdrew his motion and Mr. VICTOR withdrew his second.

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-2-0 (Smith Victor, Wait, "aye"; Lewis, Purser, "nay"; no "abstentions") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 square feet to 3,200 square feet, and allow the applicant to use the accessory building for a business until such time that the Harvey Young Airport ceases to exist, on the following described property:

Lots 3, 4, 5, & 6, Block 8, Romoland Addition to the City of Tulsa, Tulsa County, Oklahoma.

Discussion:

Mr. Gardner asked Mr. Smith if the only change in the motion from the earlier case was concerning the size of the building from 20' x 20' to 3,200' and Mr. Smith said that that was the intent of his motion. All other conditions will remain in effect.

Case No. 11749

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - 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 - Variances - Request for a variance to permit the mobile home for more than one year, located at 3704 South Olympia Avenue.

Presentation:

Juanita Shaw, 3704 South Olympia Avenue, was present to address the Board and requested that she be allowed to place a mobile home on the lot behind her present residence. Ms. Shaw advised that there is presently a gas and electric hook-up which can be used for the mobile home, but would have to get a sewer system hooked up for the mobile home. Ms. Shaw stated that there is a sewer line adjacent to her property which she could use for her mobile home.

C. R. Torbett, 4315 South Vancouver Avenue, was present to address the Board and advised that he came before the Board and was granted permanent parking permission for two mobile homes on his land which is located east of the subject property. He said that he has two septic tanks hooked up to his mobile homes, which have been approved by the Health Department. He also stated that this mobile home would not detract from the neighborhood but would improve the appearance of the neighborhood.

Protestants:

Vera Coleman, 3809 East 35th Street, was present to address the Board on behalf of her mother who lives at 3652 South Phoenix Avenue. She stated that there were not any sewers in the area that one could hook-up to a mobile home that she was aware of. She also stated that a septic tank would not be permitted on a small lot such as the lot in question. Ms. Coleman advised that the only other mobile home in the area is being sold and will no longer exist at its present location. Ms. Coleman stated that the people in this particular neighborhood are working together to upgrade the area and they feel that placing a mobile home in the area would detract from that objective. Ms. Coleman submitted a protest petition (Exhibit "F-1") bearing 14 signatures who object to the mobile home being placed at the subject location.

Mrs. Lloyd McDole, 3651 South Phoenix Avenue, was present to address the Board in protest to the mobile home stating that it would deteriorate the neighborhood.

Board Comments:

Mr. Lewis asked Ms. Shaw if there were other mobile homes in the area and Ms. Shaw stated that there were approximately 10 mobile homes on 4 streets running north and south between 36th and 38th Streets.

Mrs. Purser stated that usually an exception for a mobile home in a residential area is granted when a family hardship is involved and was not aware of a hardship existing.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to permit a mobile home in an RS-3 District; and to deny a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit the mobile home for more than one year, on the following described property:

Lot 19, Block 6, Hardesty Addition to the City of Tulsa, Oklahoma.

Case No. 11750

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances - Request for a variance of the setback requirements from 110' to 100' from the centerline of 71st Street and from the centerline of Memorial Drive, located on the SW corner of 71st Street and Memorial Drive.

Presentation:

Pete Price, representing Texaco, Inc., was present to address the Board and submitted a plot plan (Exhibit "G-1"). Mr. Price advised that Texaco is requesting to install a drive-in car wash and would also like to install a restroom on the north side of the existing building. Mr. Price stated that the setback requirement will limit the turning radius of the cars entering the car wash from the east and west. Mr. Price said that they would be removing the existing restroom and storage building. Mr. Jones advised the Board that the application was approved previously, subject to a plot plan.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Price what was located to the south of the subject property and Mr. Price said that there was a shopping center and a 6' retaining wall located to the south. Mr. Price stated that the reason for the building setback east on Memorial is to allow entry to the west end of the car wash for the turning radius.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-1-0 (Lewis, Smith, Victor, Wait, "aye"; Purser, "nay"; no "abstentions") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 100' from the centerline of 71st Street and from the centerline of Memorial Drive, per plot plan submitted, on the following described property:

The East 217.40' of the North 208.70' of Section 11, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 11751

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 rear yard requirements from 25' to 12½' in an RS-2 District, located at 132 East 26th Court.

Presentation:

Jim L. Lindsey, 132 East 26th Court, was present to address the Board and submitted a plot plan (Exhibit "H-1"), a floor plan (Exhibit "H-2") and some photographs (Exhibit "H-3"). Mr. Lindsey advised that he lives and owns the 1,500 square foot residence at the subject location on a lot that measures in excess of 18,200 square feet and is proposing a 1,100 square foot addition. Mr. Lindsey stated that when the contractor drew the plans he understood that there was a 10' setback from the lot line instead of the required 25' setback. Mr. Lindsey

Case No. 11751 (continued)

said that the lot is shaped irregularly and the house is located at one corner of the lot. Mr. Lindsey stated that he is building the addition around an existing 50-foot pecan tree.

Mr. Lindsey advised that the Blair Estate is located at 2800 South Boston Avenue, the closest residence to his home, and has contacted Ms. Blair about this matter.

Mr. Lindsey concluded by stating that the total land usage would be approximately .14 of the land area. He stated that the proposed addition would be a \$60,000 expenditure, constructed of wood to match the existing structure.

Interested Party:

Bill Rideout, attorney representing Ms. Blair, was present to address the Board. Mr. Rideout stated that Ms. Blair was concerned about the utilities which run in between the Blair Estate and the row of houses, of which Mr. Lindsey's house is one of them. Ms. Blair was concerned that there was adequate room for the addition and requested that no trees be permitted there to avoid problems.

Mr. Rideout advised that the Blair Estate has a row of trees on the other side of the property which they want to maintain and would not want an addition too close to the trees not allowing a back hoe in there if it was needed.

Ms. Blair was concerned that the proposed structure is adequately built so as not to detract from the neighborhood.

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 approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 12½' in an RS-2 District, in accordance with the plot plan submitted, on the following described property:

Lot 8, and a part of Lot 7, more particularly described as follows: Beginning at the SW corner of Lot 7; thence North 25'; thence in a Northeasterly direction to the SE corner of Lot 7; thence along the Southerly line of Lot 7 to the point of beginning, all in Block 6, Riverside View Addition to the City of Tulsa, Oklahoma.

Case No. 11753

Action Requested:

Exception - Section 910 - ~~Principal~~ Uses Permitted in Industrial Districts - Section 1212 - Eating Places - Section 1218 - Drive-In Restaurants - Under the Provisions of Section 1680 - Request for an exception to permit a restaurant in an IL District, located at the NE corner of 46th Street and Mingo Road.



Case No. 11753 (continued)

Presentation:

Robert Waller, 9960 South Quebec Avenue, was present to address the Board and submitted a substitute plot plan (Exhibit "I-1"). Mr. Waller advised the Board that he was granted the drive-in restaurant on the subject property in April. He is now requesting that he be granted a drive-through restaurant with inside seating also available.

Protestants: None.

Board Comments:

Mrs. Purser said that since the Board granted a drive-through service previously, she felt that the sit-down service restaurant would also apply.

Mrs. Miller stated that the plot plan is what needs to be approved since it is not like the one previously submitted.

Mr. Gardner stated that the Board previously granted the applicant the drive-through service (Use Unit 1218), they now need to consider the Use Unit 1212.

Mr. Lewis asked how much inside seating would be available and Mr. Waller said there would be approximately 84 seats. Mr. Lewis asked if there was adequate parking and the applicant answered in the affirmative.

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 approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places - Section 1218 - Drive-In Restaurants - Under the Provisions of Section 1680) to permit a restaurant in an IL District, in accordance with the substitute plot plan submitted, on the following described property:

Lots 3-12, Block 8, Alsuma Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11754

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670 - Request for a variance to permit offices in an RS-3 District, located at 1100 East 13th Street.

Presentation:

Curtis Culver, 5136 East 21st Street, was present to address the Board and submitted seven (7) photographs of the subject property (Exhibit "J-1"). A vacant lot is located immediately north of the subject property, Owasso Avenue abuts the property to the east and 13th Street to the south, and to the west of the subject property is one single-family residence. Mr. Culver advised that the owner of that single-family residence has no objections to the request and is present for this meeting.

Case No. 11754 (continued)

Mr. Culver advised that this property was platted in 1919 and since that time has undergone numerous and substantial changes in the area such as the Broken Arrow Expressway and the completion of the Inner-dispersal Loop. He felt that the current conditions and the changes in the neighborhood have resulted in unnecessary hardship for this particular piece of property.

Protestants:

A protest petition (Exhibit "J-2") was submitted to the Board bearing fifty (50) signatures requesting that the Board deny the variance.

Board Comments:

Mr. Lewis asked what the intended use of the construction area was and Mr. Culver stated that he thought it was going to be a park.

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 deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1211 - Offices and Studios - Under the Provisions of Section 1670) to permit offices in an RS-3 District, on the following described property:

Lot 11, Block 6, Ridgewood Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11757

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 setback requirements from 10' to 7.5' on the north and south in an RM-2 District located on the SW corner of 5th Street and Delaware Avenue.

Presentation:

Charles Burris, 2925 East 57th Street, was present to address the Board on behalf of his mother and submitted a plot plan (Exhibit "K-1"). Mr. Burris advised that the proposed use is for five townhouse units with their own single car garage. Mr. Burris stated that the lot is large enough for a seven unit apartment. The townhouses will be sold as individual homes. Mr. Burris stated that at the present time, there are two houses and a three car garage on this property. Mr. Burris advised the Board of a correction of the plot plan of 25' to 40' from the centerline of Delaware Avenue to the property line of the subject property.

Board Comments:

Mr. Smith asked if each of the townhouses would have their own garage and Mr. Burris answered yes.

Mr. Lewis asked the applicant how far the townhouses would be from the property line and Mr. Burris stated that they would be not closer than the existing residences next to the subject property.

Case No. 11757 (continued)

Interested Party:

Eugene Colleoni, Chairman of District #4, was present to address the Board and urged the Board to approve the application stating that the proposed construction would be a welcome change to the area.

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 the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 10' to 7.5' on the north and south in an RM-2 District, in accordance with the plot plan submitted, on the following described property:

Lot 12, Block 7, Highlands Second Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Building Inspector Request For an Interpretation:

Action Requested:

Mr. Jones advised the Board that the Building Inspector is requesting an interpretation as to whether a building in an OL District will permit a vault for safety deposit boxes.

Mrs. Miller advised the Board that the building is not a bank. She stated that there is nothing in the Code that deals with this particular facility and she wants to be sure that it fits within an office zoned area. She then proceeded to describe the facility. The customer drives into the building after pushing a button to open the door and the security gate closes behind him. The customer then gets out of his car while he does his business in the building. No other person can come into the facility while this one customer is doing his business. There will be approximately 5,000 square feet of steel vault in the building with approximately 1,000 boxes for storage of jewelry, furs, paintings, money...

Mr. Jackere asked if there were any other types of businesses there and Mrs. Miller answered no. She stated that there will be some offices at this location, but will be accessory to this use.

Mr. Gardner stated that if the use is strictly considered to be a bank then it is permitted as a matter of right. A drive-in banking facility requires OM zoning or a special exception in an OL District.

Mr. Jackere stated that Use Unit 11 of the OL District does not permit by right a drive-in bank facility; it has to have the Board's approval.

The Board was concerned about the traffic being backed up. Mrs. Miller said that she thought there would not be a problem concerning the traffic.

Building Inspector Request For an Interpretation: (continued)

Mr. Jackere felt the use was a drive-in banking facility as described by Mrs. Miller and the Board agreed.

There being no further business, the Chair adjourned the meeting at 4:10 p.m.

Date Approved: 2-18-82

  
Acting Chairman