

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting (No. 353)
Thursday, January 7, 1982, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

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

STAFF PRESENT

Compton (out at 2:00 p.m.)
Gardner (in at 2:00 p.m.)
Jones
Martin

OTHERS PRESENT

Hubbard, Protective
Inspections
Jackere, Legal Dept.

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, January 6, 1982, at 9:35 a.m., as well as in the Reception Area of the TMAPC Offices.

MINUTES:

There were no Minutes ready for approval.

OTHER BUSINESS:

Mr. Jones advised the Board that Case No. 11745 and Case No. 11760 had not been published, and that Case No. 11755 had been withdrawn.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 11758

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances - Request for a variance of the frontage requirements from 150' to 40' to permit a lot-split in a CS District, located at 6432 South Lewis Avenue.

Presentation:

Mr. Jones advised the Board that the Planning Commission had approved the lot-split on December 23, 1981, subject to this Board's approval.

E. A. Schermerhorn, 2227 East Skelly Drive, was present to address the Board and submitted a plot plan (Exhibit "A-1") of the proposed lot-split at 64th Street and Lewis Avenue.

Protestants: None.

Case No. 11758 (continued)

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 150' to 40' to permit a lot-split (L-15355) in a CS District, as per plot plan submitted, on the following described property:

Lot 16, Pecan Acres, City of Tulsa, Oklahoma.

Case No. 11767

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances - Request for a variance of the rear yard requirements from 25' to 21' in an RS-2 District, located at 8390 South Urbana Avenue.

Presentation:

Wylie Brown, 2942 East 78th Street, was present to address the Board and submitted a plot plan (Exhibit "B-1").

Interested Party:

Robert Lawrence, 4549 East 85th Street, was present to address the Board and having reviewed the submitted plot plan had no further concerns.

Protestants: None.

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 a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 25' to 21' in an RS-2 District, per plot plan submitted, on the following described property:

Lot 26, Block 2, Brookwood II Addition to the City of Tulsa, Okla.

Case No. 11769

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances - Request for a variance of the frontage requirements to permit a lot-split with "flag-lots" with 8' frontages in an RS-2 District, located NW of 25th Street and Birmingham Avenue.

Presentation:

Peter Parker, 2616 South Troost Avenue, the property owner, was present to address the Board and submitted a copy of the plat (Exhibit "C-1"). Mr. Parker stated that the tract was split into three (3) lots in 1975, and more recently has been split into four (4) lots. The lot marked "A" meets all of the requirements for frontage and the lots marked "B, C, D" meet all of the RS-2 zoning lot size requirements, but a variance to put

Case No. 11769 (continued)

a private mutual access into those three (3) lots is requested. Mr. Parker advised the Board that the Planning Commission approved the lot-split in November 1981 and he wishes to waive the frontage requirements. Mr. Parker stated that the proposed homes will be approximately the same size as the existing homes in the neighborhood.

Board Comments:

Mr. Victor asked if the square footages indicated by each parcel on the plat include the square-footage of the access handle and Mr. Parker answered in the affirmative.

Mr. Lewis, based on his own calculations, stated that the smallest lots in this particular neighborhood is 10,640 square feet and advised that the subject lots are approximately 9,200 square feet. Mr. Parker stated that the lots in question have from 9,100 to 9,900 square feet.

Mrs. Purser suggested that if there were a cul-de-sac on the subject property, the lots would not conform to the RS-2 size requirement. Mr. Parker stated that the three (3) original lots had a cul-de-sac.

Mr. Victor stated that he did not feel that the lots in question were large enough to construct homes of the equivalent size of those presently in the neighborhood.

VICTOR made a motion to deny the application but due to a lack of a second, the motion died.

Protestants:

Hobart Dickson, 2524 East 24th Street, was present to address the Board and submitted pictures of homes in the neighborhood (Exhibit "C-2"). Mr. Dickson advised that Mrs. Hastings, the previous owner of the subject property, had applied for a lot-split for the subject property because she was unable to find a buyer for the entire amount of land. Mrs. Hastings had an engineering company plat the property. The Company determined that the three (3) Lots 125' x 105', 83' x 105', 75' x 150' would be appropriate with a 25' access for a cul-de-sac to serve two of the lots. Mr. Dickson stated that the neighborhood was approached with this matter and they thought it would complement the homes in the area. After Mr. Parker was deeded the property in December 1981, he decided to place four (4) lots on the subject property instead of three (3).

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 deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split (#15327) with "flag-lots" with 8' frontages in an RS-2 District, on the following described property:

A portion of Lots 5 & 6, Harter's Subdivision in the City of Tulsa, Oklahoma, more particularly described as: Beginning at a point 12½' North and 110' East of the SW corner of Lot 6; thence East 100'; thence North 155'; thence West 4'; thence North 105'; thence West 206' to a point on the common line between Lots 5 & 6; thence continuing West 3' to a point; thence So. 105' & E. 3' back to the common line between Lots 5 & 6; thence South 5'; thence East 110'; thence South 150' to the point of beginning.

Case No. 11775

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances - Request for a variance of the frontage requirements to permit a lot-split, located at 2769 East 28th Street.

Presentation:

E. A. Schermerhorn, 2227 East Skelly Drive, was present to address the Board and submitted a copy of the plat (Exhibit "D-1"). Mr. Schermerhorn stated that he had talked to the neighbors surrounding the subject area and they had no objections to the request. The existing house is presently on tract "A".

Protestants: None.

Board Comments:

Mr. Lewis asked if tract "B" had come before the Board previously and Mr. Schermerhorn stated that it had. Mr. Schermerhorn advised the Board that a property owner next to the subject property sold his property, thus, increasing tract "B" from 7,700 square feet to 10,500 square feet and tract "A" from 15,000 square feet to 22,000 square feet.

Mr. Victor asked how far the house was from the driveway and Mr. Schermerhorn said that it was approximately 15' from the driveway.

Mr. Lewis asked if a cul-de-sac was planned for the subject property and Mr. Schermerhorn stated that no cul-de-sac was planned unless the purchasers of tract "C" or tract "D" wanted one.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-1-0 (Lewis, Purser, Smith, Wait, "aye"; Victor, "nay"; no "abstentions") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split (#15357), per plot plan submitted, on the following described property:

Lot 2, Block 1, Thomas Heights Addition and parts of Lots 3 & 4 in Block 5, Woody Crest Subdivision, all in the City of Tulsa, Okla.

Case No. 11778

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances - Request for a variance of the frontage requirements to permit a lot-split in an IL District, located SW of 33rd Street and Memorial Drive.

Presentation:

Roy Johnsen, 324 Main Mall, was present to address the Board and submitted a plat showing the two (2) tracts and the mutual access easement (Exhibit "E-1"). The Planning Commission approved the lot-split with a unanimous vote and the traffic Engineers Office has reviewed the case and had no objections to the proposal. Mr. Johnsen stated that they are conveying a 12-acre tract which leaves a residual portion that is less than 2½ acres, which resulted in a lot-split review. The tract

Case No. 11778 (continued)

will have 60' of frontage with the smaller tract having a mutual access easement. The residual tract or smaller one does not have access on a public street. The variance is of the frontage requirement. There will be provided a mutual access easement serving both parcels. Mr. Johnsen stated that there is a private street there which is the only access to that property presently.

Protestants: None

Board Comments:

Mrs. Purser asked what the two tracts would be used for. Mr. Johnsen stated that both tracts are used for mobile homes, but it is likely that the smaller tract will be for office use. Mrs. Purser was concerned about the traffic increase that the proposal could cause. Mr. Johnsen reminded the Board that the Traffic Engineer Office has reviewed the plan without objection.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split (#15368) in an IL District, on the following described property:

Beginning at the NE corner of the N/2, SE/4, NE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, Oklahoma; thence South 347.68'; thence West 487.50' to a point of beginning; thence South 310.40' to a point on the South line of the N/2, NE/4, NE/4 of Section 23; thence North 89°-58'-0" West along said South line a distance of 259.77'; thence due North a distance of 130.25'; thence due West a distance of 5.30'; thence due North a distance of 180'; thence due East a distance of 265.07' to the point of beginning.

UNFINISHED BUSINESS:

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; and an

Exception - Section 1680.1 (g) - Special Exceptions - Request for an exception to permit off-street parking in an RS-2 District located south of 15th Street and Mingo Road.

Presentation:

Warren Morris, P. O. Box 45551, was present to address the Board and advised that the subject property is owned by Professional Investors Life Insurance Company. The property consists of 40 acres, of which 6 has been platted. Mr. Morris stated that when the property was originally zoned there was a concern that there might be a street

Case No. 11707 (continued)

come out of the north side of 15th Street. As a result, a zoning line was placed 50' south of the north property line between the RS-2 and commercial zoning, which requires a screening fence. The property is being developed into an office park.

Jim Beauchamp, 6 East 5th Street, attorney for Professional Investors Life Insurance Company was present to address the Board.

Gary VanFossen, 4520 South Harvard Avenue, was present to address the Board and submitted a plot plan (Exhibit "F-1") and a landscape plan (Exhibit "F-2"). Mr. VanFossen advised that the subject property is approximately 3' to 4' higher than the street and houses across from it. A low shrub and tree screening is proposed rather than a solid wall which would be an unpleasant view for the neighbors. Mr. VanFossen stated that there is a 10' strip from the property line to the parking with 15' from the property line to the street; therefore, a 25' green area between the street and parking edge.

Protestants: None.

Board Comments:

Mr. Lewis asked if the landscaping would be along the zoning line and Mr. VanFossen stated that it would not.

Mr. Victor asked what the intent of the original zoning was and Mr. Compton stated that it was to restrict access from 15th Street.

Mr. Smith advised the applicant to submit a color copy of the plans for the files.

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 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to permit modification of the screening requirements on the north where an alternative screening will provide visual separation of uses in a CS District, and an Exception (Section 1680.1 (g) - Special Exceptions) to permit off-street parking in an RS-2 District, in accordance with the renderings and plans (no access to 15th Street permitted), on the following described property:

The N/2, NE/4, NW/4, SW/4, of Section 7, Township 19 North, Range 14 East, 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

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; and an

Case No. 11734 (continued)

Exception - Seciton 250.3 (a) - Modification of the Screening Wall or Fence, Requirements - Request for a modification of the screening requirement where existing physical features provide visual separation of uses, located at 17102 East 11th Street.

Presentation:

Mr. Jones advised the Board that this case was heard on December 17, 1981, and the applicant was granted church use and a variance to permit parking in front of the building. The modification of the screening requirement had to be readvertised and is before the Board today.

Mr. Lonzo Smith, 17102 East 11th Street, was present to address the Board and submitted a letter (Exhibit "G-1") from Richard Johnson, the owner of the property joining the subject property. The letter requests that a screening fence not be required, but that the existing hedge serve as the screening requirement.

Protestants: None.

Board Comments:

Mrs. Purser asked if there was any place to park besides parking in front of the building and Mr. Lonzo Smith stated that there was some parking space on each side of the building and to the back of the building.

Mrs. Purser asked how many people the building would accommodate and Mr. Lonzo Smith stated that it would facilitate approximately 150 people.

Mr. Gardner advised the Board that it might be best for the cars to be going to the north rather than into the residential area with parking oriented to 11th Street. Mr. Gardner also suggested that the applicant be limited to the existing building and that access to 12th Street be prohibited. If the applicant has an additional request he would need to come back before the Board. Mr. Gardner suggested that if the modification for the screening requirement was granted that a condition be imposed requiring a screening fence if Mr. Johnson moved from his present residence.

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 church use in an RS-1 District, applying to the existing building only, and, a Variance (Section 1205.3 (a) - Use Conditions - Under the Provisions of Section 1670) to permit parking in front of the building, and that there be no access to 12th Street; and, an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence, Requirements) that the fencing requirement be waived only as long as Mr. Johnson is the owner of the house next to the subject property and that a screening fence be required if Mr. Johnson should move, unless waived, on the following described property:

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

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 453rd Street and 61st West Avenue.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to continue this case to January 21, 1982, so that the applicant may be present.

NEW APPLICATIONS:

Case No. 11741

Action Requested:

Exception - Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions - Request for a modification of the screening requirements where existing physical features provide visual separation of uses on the west property line, located on the SW corner of 61st Street and Zunis Avenue.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to continue this case to January 21, 1982, so that the applicant may be present.

Case No. 11744

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Request for an exception to operate a kennel as a home occupation, located at 2205 East Reading Street.

Presentation:

Edna Worley, 2205 East Reading Street, was present to address the Board and submitted a picture of her dogs (Exhibit "H-1"). Ms. Worley requested that she be able to keep her six (6) Chinese Pug Puppies. The dogs are shown and are obedience trained. She does not want to operate a dog kennel, but simply wants to keep the dogs that she presently owns.

Case No. 11744 (continued)

Board Comments:

Mr. Lewis asked if the dogs were kept inside or outside and Ms. Worley said that the dogs were inside most of the time. Mr. Lewis asked if she was going to have additional dogs and she said she was not. Mr. Lewis also asked if her yard was fenced and Ms. Worley said that it was fenced.

Mr. Jackere stated that a person owning more than 3 dogs has to have a kennel license from the City and the applicant must comply with the City Ordinance.

Protestants:

Edna Richardson, 2210 East Seminole, was present to address the Board stating that her back yard joins the subject property at the southwest corner. Ms. Richardson objected to the bad odor and stated that the dogs would be a health hazard to the many elderly folks in the subject area. She stated that the property value in the subject area would decrease and mentioned the barking being disturbing.

James Jetton, 2201 East Reading Street, was present to address the Board and requested that a kennel not be granted. Mr. Jetton advised the Board that Ms. Worley does raise pups in her home.

Wallace Burns, 2210 East Reading Street, was present to address the Board and advised if the application is approved he wants the size and number of dogs being restricted.

Board Comments:

Mr. Victor asked Ms. Worley if the Board did approve the application could the yard be kept cleaner. Ms. Worley stated that her husband recently constructed concrete runs for the dogs which she cleans off and gets rid of the waste every 2 or 3 days.

Mr. Lewis asked if they could be cleaned once a day and Ms. Worley answered yes.

Mr. Victor asked how many puppies she might have at any one time. Ms. Worley said that she has 2 male dogs and 4 female dogs and that she might have a litter at a time. Mr. Victor asked how many dogs are in one litter and Ms. Worley said that there are from 1 to 5 pups in a litter.

Discussion ensued as to how the applicant could prevent having so many puppies at any one time.

The Board asked Ms. Worley if she would send any expecting mother off to have her litter and that the applicant not sell the puppies at her home. Ms. Worley agreed to comply with that restriction.

Board Action:

On MOTION of VICTOR 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 440.2 - Home Occupations) to operate the kennel as a home occupation, and that the kennel as operated by this owner be for the six (6) adult dogs which the applicant owns presently, and that

Case No. 11744 (continued)

the operation of a business selling puppies be discontinued from the applicant's home and as the six (6) dogs are deceased that they not be replaced until the maximum of 3 dogs is achieved, and that the dog runs we washed down daily, to run with this owner only, on the following described property:

Lot 12, Block 1, Bellgrade Addition to the City of Tulsa, Okla.

Case No. 11752

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680 - Request for an exception to permit the sale of automobiles and/or mobile homes in a CS District, located at the SW corner of 145th East Avenue and 11th Street.

Presentation:

Andrew Flynn, 1202 South 141st East Avenue, was present to address the Board and asked that he be permitted to sell recreational vehicles at the proposed location. Mr. Flynn stated that he had sold a 150' x 150' tract of land to Circle K Corporation which is zoned commercial.

Protestants: None.

Board Comments:

Mr. Lewis asked what is presently on the subject property and Mr. Flynn stated that a house facing 11th Street is currently on the property.

Mrs. Purser asked if there were other businesses in the subject area and Mr. Gardner advised that there is, or was, a salvage operation a mile east of this property.

Interested Party:

Jimmy Minson, 14343 East 12th Street, was present to address the Board. Mr. Minson has no objections to the application, but requested that a screening fence be required if the operation changes from Mr. Flynn's ownership.

Board Comments:

Mr. Lewis inquired about the business and Mr. Flynn advised the Board that he had operated the business for 23 years at his house. With the new State Law concerning zoning, he was not properly zoned at his residence, but would have the correct zoning at the proposed site.

Mr. Gardner advised the applicant that he would need to place a screening fence around the entire western and southern boundary and also have a hard-surfaced parking lot rather than a gravel lot.

Mr. Smith suggested that if the exception was granted that it run with this owner only. If it was sold to another owner, he would need to come before the Board for approval.

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

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Case No. 11752 (continued)

approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680) to permit the sale of automobiles and/or mobile homes in a CS District, that a screening fence be required on the south and west, with a hard-surface parking lot, to run with this owner only, on the following described property:

The South 150' of Lot 1, and all of Lot 2, LESS and EXCEPT the East 31.4' of the North 150', Block 1, Maudlin Resubdivision to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11756

Action Requested:

Appeal - Section 1650 - Appeal From The Building Inspector - Appeal from a decision of the Building Inspector to remove and occupy operating a business in an R zoned District; and an

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Request for an exception to permit a home occupation in an R District located at 1802 South Carson Avenue.

Presentation:

James J. McCain, Jr., First National Tower Building, attorney representing Fred Leatherland, was present to address the Board. Mr. McCain advised the Board that the home occupation is an import and export business. There are no clients who come to the premises, the business is conducted strictly by the phone, there is no noise, there are no signs for advertising or display. Mr. Leatherland does have a secretary who is at the subject location during the day. Mr. McCain stated that Mr. Leatherland has received some letters of complaint from his neighbors and is asking that the request be orally amended to permit the home occupation for 60 days only. Mr. McCain advised that Mr. Leatherland is leasing the residence to live in and will find a different location for his business.

Board Comments:

Mrs. Purser stated that Mr. Leatherland could not comply with the home occupation rules because he has a secretary.

Mrs. PURSER made a MOTION to deny the application and allow the applicant 60 days to vacate the office from the residence.

Mr. Lewis asked how the application came before the Building Inspector and Mr. Jones stated that they had received several complaints.

The Board decided to hear the protestant's comments. Mrs. Purser withdrew her motion.

Protestant:

JoDonna Frank was present to address the Board representing the Council Oak Townhouse Addition and submitted pictures (Exhibit "I-1") and a petition opposing the proposal requested, bearing 88 signatures, (Exhibit "I-2"). Ms. Frank advised the Board concerning the pictures

Case No. 11756 (continued)

depicting employees coming and going from the residence, the extra parking, the parking violation, the extra telephone service put in.

Staff Comments:

Mr. Jackere inquired about those who are coming and going. Ms. Frank stated that there are three (3) regular customers or patrons who come to and from the building with briefcases.

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 uphold the decision of the Building Inspector (Appeal - Section 1650 - Appeal From The Building Inspector - Appeal from the decision of the Building Inspector to remove and occupy operating a business in an R zoned District) and to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to permit a home occupation in an R District, on the following described property:

Lot 2, Block 1, Council Oak Townhouses Addition to the City of Tulsa, Oklahoma.

Case No. 11759

Action Requested:

Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances - Request for a variance of the parking for each subdivided lot to be considered as part of an integrated shopping area and be spread over the entire shopping center; and a

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances - Request for a variance of the frontage requirements, located at the NE corner of 31st Street and 129th East Avenue.

Presentation:

Bob Kucharski, 4505 East 68th Street, was present to address the Board on behalf of Frates Company and submitted a plot plan (Exhibit "J-1"). The Company is proposing to develop a neighborhood shopping center anchored by a traditional grocery and drug store and service shops. They plan to sell two portions of the property, one to the grocery store and one portion to the drug store. The stores will have reciprocal parking arrangements with mutual access and easements throughout the site and are requesting that the corner be used as some retail service use in the future to waive the 150' frontage requirement. Mr. Kucharski stated that the shopping center would be operated and maintained like a single ownership.

Protestants: None.

Staff Comments:

Mr. Gardner stated that the selling of the commercial units is similar to the recent condo office development at 61st Street and Memorial Drive where they actually sell the individual office unit. The Staff is not

Case No. 11759 (continued)

really concerned about the ownership as long as there is mutual access and mutual parking.

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 - Under the Provisions of Section 1670 - Variances) of the parking for each subdivided lot to be considered as part of an integrated shopping area and be spread over the entire shopping center, and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements, in accordance with the plot plan submitted, and subject to the documents being approved by the Legal Department and the plat being approved by the Planning Commission, on the following described property:

All that part of the SW/4 of the SW/4 of Section 16, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the original Government Survey thereof, more particularly described as follows, to wit:

Beginning at the SW corner of the SW/4 of the SW/4; thence North 0°-05'-56" East a distance of 500'; thence South 89°-58'-47" East a distance of 875'; thence South 0°-05'-56" West a distance of 500'; thence North 89°-58'-47" West a distance of 875' to the point of beginning, containing approximately 437,500 square feet more or less, or 10.04 acres more or less.

Case No. 11761

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Request for an exception to permit church use and related activities; and, a children's day care center; and an

Exception - Section 250.3 (c) - Modification of the Screening Requirements - Request for an extension of time to erect a screen where properties which are to be benefitted by the screen are undeveloped; and a

Variance - Section 1205.2 (a) 2 - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1670 - Variances - Request for a variance to permit parking in the front yard located south and west of 91st Street and Hudson Avenue.

Presentation:

Ron Bebee, 8937 South 45th West Avenue, was present to address the Board representing Fellowship Bible Church, and submitted plans consisting of a site, floor, elevation and ceiling plans (Exhibit "K-1"). Mr. Bebee stated that the Church bought the property and developed plans for a 6,200 square foot structure to be expanded later for future use. There is no housing development to the south or to the east, there are a few houses along 91st Street, and one house to the west. Mr. Bebee stated that he had talked to the neighbors to the west and they prefer not to have a screening fence at this time. They are proposing to locate the building toward the center of the 7½ acre tract. They do not feel that the screening requirement is necessary because the property does not

Case No. 11761 (continued)

about any adjoining developed subdivisions. Mr. Bebee asked that the children's day care center be granted on a 5-day a week, 8 hour a day basis. He stated that the day care center is only a tentative proposal.

Protestants: None.

Board Comments:

Mrs. Purser suggested that the Board delay the action concerning the day care center, since there are no specific plans at this time. When the applicant has detailed plans he can come before the Board and present them.

Mr. Gardner advised the Board that they could set a specific time for which the screening fence could be waived or until the surrounding property is developed, or if the neighbor to the west should move, the applicant could come before the Board for additional time; therefore, relieving them of building the fence at this time.

Mr. Smith asked about the construction of the building and Mr. Bebee stated that the building would have a wood shingle roof and a metal frame building constructed of masonry.

Mr. Gardner stated that, according to the Ordinance, the front yard requirement is 85' from the centerline of 91st Street. He felt that the applicant did not even need the variance.

Applicant's Comments:

Mr. Bebee corrected the variance stating that it should say in front of the building instead of in the required front yard.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-1 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; Victor, "abstaining") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit church use and related activities; and that the children's day care center be denied at this time, and approve an Exception (Section 250.3 (c) - Modification of the Screening Requirements) that the screening requirement be delayed for a period of 3 years, or such time that the adjacent properties are developed, whichever comes sooner, and that the variance be withdrawn since it is not necessary, as per plot plan and drawing submitted, subject to a subdivision plat being filed and approved prior to construction, on the following described property:

A part of the NE/4 of the NW/4 of Section 22, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows:

Beginning at a point which is 425.0' West of the NE corner of the NW/4 of Section 22; thence South a distance of 810'; thence West a distance of 396.33'; thence North a distance of 810'; thence East a distance of 396.33' to the point of beginning, containing 7.37 acres, more or less.

*Refer to page 26 for a review of Case No. 11761.

Board Comments:

The Board advised the applicant that he should come before the Board again when he has more detailed plans for phase #2 and phase #3, so that the plans can be approved, but he does not need to file a new application.

Recognition of Mr. Jones' Retirement from the Board of Adjustment

Mr. Norman recognized Casper Jones and his service to the City of Tulsa who's retiring as the Secretary for the Board of Adjustment after 30 years. Mr. Norman stated that he has worked with Mr. Jones for more than 25 years who has always been a faithful and dedicated public servant. He extended his compliments and congratulations to Mr. Jones and stated that he will be missed. We will also miss his expertise, his experience and his manner in which he has always helped.

Case No. 11762

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.8 - Special Exception Uses in Residential Districts, Requirements - Request for an exception to permit a drive-in banking facility under Use Unit 11 for the Valley National Bank which is located within an RM-1 and CS zoning District. The property is located north and east of 81st Street and Yale Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board on behalf of Valley National Bank and submitted an outlined site plan (Exhibit "L-1") and a zoning map (Exhibit "L-2"). This application is for a drive-in banking facility to be located on a 190' x 235' tract of land on the east side of Yale. Mr. Norman stated that the request only applies to the north 83' of the subject property. The south 152' of the drive-in location is zoned CS. Mr. Norman advised that the property which fronts to the east of the drive-in facility is owned by Lincoln Properties Company who is leasing the site for the drive-in bank facility. The subject property is all zoned RM-1, except for the south corner which is zoned CS.

Protestants: None.

Board Comments:

Mr. Lewis inquired as to the surrounding properties. Mr. Norman stated that there are apartments located to the north, a shopping center to the west, and to the south is the undeveloped intersection of 81st Street and Yale Avenue which is zoned CS. There is a vacant property owned by Lincoln Properties Company to the east of the subject property.

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 410 - Principal Uses Permitted in Residential Districts - Section 440.8 - Special Exception Uses in Residential Districts, Requirements) to permit a drive-in banking facility under Use Unit 11 for the Valley National Bank which is located within an RM-1 and CS zoning District, per plans submitted, on the following described property:

Case No. 11762 (continued)

A tract of land that is part of the West-Half of the SW/4 of the SW/4 of Section 10, Township 18 North, Range 13 East, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Beginning at a point on the West line of said Section 10; said point being 372.72' Northerly of the SW corner of Section 10; thence due North along the Westerly line of Section 10 for 235.00'; thence South 89°-56'-45" East and along the Southerly line of Block 1 of "The Lodge", an Addition to the City of Tulsa, for 240.00'; thence due South and parallel to the Westerly line of Section 10 for 235.00'; thence North 89°-56'-45" West for 240.00' to the Point of Beginning of said tract of land.

Case No. 11763

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Request for permission to maintain 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 2315 North Canton Avenue.

Presentation:

Ruth Hudson, 2410 North Canton Avenue, was present to address the Board and requested that he mobile home be allowed to remain at the subject location permanently.

Mr. Jones advised the Board that Ms. Hudson was previously granted permission to maintain a mobile home at this location for one year.

Protestants: None.

Board Comments:

Mrs. Purser asked if there were other mobile homes in the area and Ms. Hudson said that there was another mobile home located at 1915 North Darlington Place, which is about 5 or 6 blocks away.

The Board did not feel that they could grant the mobile on a permanent basis.

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 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to maintain 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) to permit a mobile home for a period of 5 years, to run with this owner only, on the following described property:

The North 45' of Lot 10, Block 5, Industrial Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception - Section 310 - Principal Uses Permitted in The Agriculture District - Section 1209 - Mobile Homes - Request for an exception to permit a mobile home on property while new house is being built in an AG District located at 3900 Block North Winston Avenue.

Presentation:

John Wilson, 803 South Harvard Avenue, was present to address the Board and requested approval from the Board to place the mobile home on the subject property while a house is being constructed on the same property. Mr. Wilson said that it may take him a couple of years to start the house and complete the construction. The neighbor to the south who is about 4 acres away and the neighbor to the north who is approximately 600' from the subject property stated that they had no objections to the request when Mr. Wilson talked with them.

Protestants: None.

Board Comments:

Mr. Lewis asked if there were any other mobile homes in the area and the applicant stated that there is one about a mile away.

Mr. Victor asked Mr. Wilson if the subject property has a dwelling there presently, and Mr. Wilson answered no.

Mr. Smith asked the applicant if he owns the subject property and Mr. Wilson answered in the affirmative.

VICTOR made a MOTION and PURSER SECOND it to approve the application for a period of one year with a removal bond required.

Discussion ensued as to approving the application for a longer period.

Mr. Lewis advised the applicant that if the house is not completed when the allotted time is up that he needs to come before the Board again for an extension of time to permit the mobile home to remain at the subject location.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, 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 The Agriculture District - Section 1209 - Mobile Homes) to permit a mobile home on property while a new house is being built in an AG District, for a period of 3 years or when the new house is finished, whichever occurs first, and waive the removal bond required, on the following described property:

Beginning at a point on the West line of the E/2 of the SE/4, 1,336.06' North of the SW corner of the E/2 of the SE/4 of Section 16, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma; thence North along the West line of said E/2, SE/4 a distance of 276.42'; thence East a distance of 851.65' to a point on a curve on the Westerly property line of the existing country roadway; thence in a Southwesterly

Case No. 11764 (continued)

direction around a curve to the right, whose radius is 336.37' a distance of 159.49' to a point of tangent; thence South 20°-34'-30" West a distance of 128.99'; thence West a distance of 768.61' to the point of beginning, containing 5.0 acres, more or less.

Case No. 11765

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 2' to permit a garage on the existing residence, located at 2059 East Young Place.

Presentation:

Roy Trent, 2059 East Young Place, was present to address the Board and submitted plans consisting of the plot plan, elevation plan, and wall section detail, (Exhibit "M-1"). Mr. Trent stated that the proposed garage will match the existing house. He stated that he has notified his neighbors of the proposed construction and they have no objections. Mr. Trent stated that there will be a fire proof siding on one side of the proposed addition.

Protestants: None.

Board Comments:

Mrs. Purser asked if the fire wall was required. Mr. Gardner stated that if there are 6' between the houses that a fire wall is not mandatory. As a matter of right, a property owner is permitted to set the garage within 5' in an RS-3 District and permitted to have 2' of roof overhang.

Discussion ensued as to the overhang and the distance between the properties.

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 side yard requirements from 5' to 2' to permit a garage on the existing residence, in accordance with the plans submitted, on the following described property:

Lot 3, Block 2, Coots Second Addition to the City of Tulsa, Okla.

Case No. 11766

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In The Industrial Districts - Under the Provisions of Section 1670 - Variances - Request for a variance of the setback requirements from an R District from 75' to 5' on the north and south; and an

Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Request for an exception to remove the screening requirement where the purpose of the screening cannot be achieved, located SE of 50th Street and Mingo Road.

Presentation:

Albert Grossich, 2213 East 61st Street, was present to address the Board and submitted a color drawing of the proposal (Exhibit "N-1"), a copy of the plat (Exhibit "N-2"), a zoning map (Exhibit "N-3"), and a petition signed by 6 property owners agreeing to the proposal (Exhibit "N-4"). Mr. Grossich stated that the proposed office and warehouse complex will be constructed in an area that is virtually all zoned IL. Mr. Grossich said that they are bringing the sewer into this particular area from 51st Street on to the adjoining lots.

Protestants: None.

Board Comments:

Mr. Gardner stated that this area is designated for industrial along the frontages with some of the lots being industrial and some remaining residential. The applicant has a screening fence requirement to the south and to the north because those properties have not been zoned yet.

Mr. Lewis asked what the setback would be if those properties to the south and north were zoned industrial. Mr. Gardner stated that there would be no setback and stated that he understood that they are being platted.

Mr. Lewis asked if the properties to the north and south are presently being used as residential. Mr. Grossich stated that the property to the south is a residential property and they are working with them to put a driveway on their property so they can have better access onto Mingo Road. He stated that the property to the north is used as a day care center.

Mrs. Purser asked the applicant to bring a letter from the two property owners stating that they have no objection to the screening requirement being removed.

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 a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from an R District from 75' to 5' on the north and south; and, an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening cannot be achieved, and before this goes into effect that there be letters submitted from the north and south RS owners stating that they have no objection to the screening requirement being removed; on the following described property:

A tract of land more particularly described as follows: Beginning 525' North and the SW corner of Section 30, Township 19 North, Range 14 East of the Indian Base and Meridian; thence East 208';

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thence North 208'; thence West 208'; thence South 208' to the point of beginning, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 11768

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 on a corner lot from 30' to 6' 6" in an RS-2 District; and a request for a variance of the rear yard requirements from 25' to 6', located at 2143 East 24th St.

Presentation:

Mr. Jones advised the Board that the property in question is a corner lot and is required to have a 30' setback from both streets, (front and side yard).

Martin Brown, 4021 South Harvard Avenue, architect and co-owner of the property in question was present to address the Board and submitted a plot plan (Exhibit "O-1"). Mr. Brown also brought a miniature model of the proposed house which the Board and interested parties viewed. Mr. Brown requested that he be allowed the setbacks as proposed in the plot plan for the 50' lot.

Board Comments:

Mr. Lewis asked what was within 6' 6" of the subject property and Mr. Brown stated that the east property line is 6' 6" from the wall of the house.

Mrs. Purser stated that she did not see a hardship involved in the case and also felt that the request should be for 3 different variances.

PURSER made a MOTION and SMITH SECOND it to deny the variance.

Discussion ensued as to the rear line of the house being more than 25' away from the rear property line.

Mr. Lewis inquired about the garage and Mr. Brown stated that the garage is attached to the second floor only, and is detached at the lower level.

Mr. Victor felt that the house would be in conformance with the neighborhood even though it is a big house on a small lot.

Mr. Gardner stated that there is nothing in the application advertising for a waiver of the livability space and felt that the application should be properly advertised.

Mr. Jackere stated that the lot in question is technically a nonconforming lot and that it does not have to comply with the width and area requirements for the RS-2 area. He stated that he has to meet the livability and rear yard requirements, but not the side yard requirement on Zunis Avenue. The Board can waive the front yard requirement because the City is not a party to the protective covenants.

Case No. 11768 (continued)

Mr. Lewis advised the applicant that he would have to come before the Board again when the application was properly advertised for the livability requirement.

Discussion ensued as to hearing the protestants this time, or wait to hear them when the application is readvertised. The Board decided to hear from them.

Protestants:

Reavis Page, 2144 East 24th Street, was present to address the Board and requested that the notice be changed so that the construction will not be any closer than 38' or 36' from 24th Street and no closer than 12' from the side.

J. C. Morrison, 2132 East 24th Street, was present to address the Board and stated that he objects to the setback on 24th Street as proposed now, but has no objection to the setback on Zunis.

Charles Castle, 2135 East 24th Street, was present to address the Board also objecting to the setback on 24th Street.

Steve Miller, 2207 East 25th Street, was present to address the Board and submitted a letter from Robert Sligar Company, Realtors (Exhibit "O-2"). Mr. Miller stated that he had called this realtor for an appraisal of the house value. The realtor indicated to Mr. Miller that the proposed house would be inconsistent with the neighborhood and would create marketing difficulties for the neighbors. He also stated that the proposed house is too large for the lot.

Applicant's Rebuttal:

Mr. Brown advised the Board that he had talked to his neighbors about the proposal and the neighbors had no objections to the house being constructed. Mr. Brown stated that the latest house built on 24th Street, which is 3 or 4 lots west of the lot in question, is a 3,000 square foot home with a swimming pool on the exact same size lot as the one in question. He also added that the other house is not on a corner lot.

Board Comments:

Mrs. Purser asked how many square feet did the house contain and Mr. Brown answered 2,745 square feet.

PURSER made a MOTION and SMITH SECOND it to deny the variance.

Discussion ensued as to the denial of the request or continuing the case.

Board Action:

On MOTION of SMITH, SECOND by PURSER, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to continue this case to February 4, 1982, so the Board could view the site and the applicant readvertise for the variance of the livability space.

Case No. 11770

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances - Request for a variance of the floor area ratio from 14,560 square feet to 16,000 square feet, located NW of Gary Place and 31st Street.

Presentation:

Steve King, 2205 East 22nd Place, was present to address the Board and submitted a plot plan (Exhibit "P-1"). Mr. King stated that he recently bought the subject property for an office building, which is presently zoned OM. The proposed building will have two atriums which will be approximately 10' x 15' each. Mr. King stated that the parking will consist of 1 space for every 258 square feet.

Board Comments:

Mr. Gardner asked if there was an existing building on the lot and Mr. King answered no.

The Board inquired as to the usable space contained in the proposed building. Mr. King advised that the building would be 2 stories with 15,200' of usable space.

Mr. Gardner stated that the applicant meets the parking for the medical requirement.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-1-1 (Smith, Victor, Wait, "aye"; Lewis, "nay"; Purser, "abstaining") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the floor area ratio from 14,560 square feet to 16,000 square feet, per plot plan submitted, on the following described property:

The West 104.00' of the East 520.00' of the South 320.00'; Less and Except the South 40 feet thereof for street purposes, of the SE/4, SE/4 of the SE/4, all in Section 17, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Okla.

Case No. 11772

Action Requested:

Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Exceptions - Request for an exception to permit an increase of the floor area ratio from 25% to 40% in an OL District; and a Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances - Request for a variance of the one-story height limitation to permit a two-story building; and an Exception - Section 610 - Principal Uses Permitted in the Office Districts - Section 1204 - Public Protection and Utility Facilities - Under the Provisions of Section 1680 - Exceptions - Request for an exception to permit the erection of a radio tower whose height will not exceed 148' and, a 3.7 meter earth station (receiving antenna; ground mounted); and a Variance - Section 620.2 (d) Accessory Use Conditions - Under the Provisions of Section 1670 - Variances - Request for a variance of the size of a sign in an OL District. Request is for two signs on the building faces,

fronting on I-44 not exceeding 32 square feet for each sign; and one free-standing double faced sign 216 square feet and not exceeding 40 feet in height; and an Exception - Section 250.3 (a) (b) (c) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680 - Exceptions - Request for an exception (a) to remove the screening where existing physical features provide visual separation of uses; (b) where an alternative screening will provide visual separation of uses; and (c) grant an extension of time to erect a screen where properties which are to be benefitted are undeveloped; located in the vicinity of 22nd Place and 92nd East Avenue.

Presentation:

Mr. Jones asked the Board to delete the first Exception and first Variance because the owners had acquired some additional land and the City Commission zoned the subject property OM yesterday.

David Reed, 3330 Republic Bank Tower, Dallas, Texas 75201, was present to address the Board representing KELI Radio Station and submitted a site plan (Exhibit "Q-1"). Mr. Reed advised the Board that it was necessary to acquire the abutting lots to the west of the subject property in order to accommodate their final building plans. The land was acquired after the June 11, 1981 meeting of the Board. They are presently located on the Expo Square on the fairgrounds, but their lease will expire May 31, 1982. Mr. Reed stated that the 190' tower that was approved will be located on the new property, rather than the property it was previously approved on. He stated that the 40' sign which was approved, will also be located on the newly purchased property.

Pat Holden, the architect, was present to address the Board and advised that the site plan has a few minor changes and proceeded to explain those changes. Mr. Holden stated that when the additional property was acquired the tower was shifted to the west from lot 4 to lot 5. Mr. Holden stated that the receiving antenna or earth station might need to be moved elsewhere depending on the incoming interference. He requested that the earth station location be flexible and submitted a picture of it (Exhibit "Q-2"). The Board looked at the pictures of the antenna which were submitted in June 1981. (See Exhibit "H-3").

Mr. Holden stated that in addition to the free-standing sign they are asking for a sign to be located on the two surfaces of the building. The signs would be approximately 32 square feet per sign consisting of the call letters. Mr. Holden advised that the Zoning Ordinance allows a 32 square foot sign for each front of the building. Photographs showing the surrounding properties and signs were submitted (Exhibit "Q-3"). The Board also viewed the photographs which were submitted in June 1981. (See Exhibit "H-2").

Mr. Holden stated that they are asking for a modification of the screening requirement and submitted a letter from the Heritage Baptist Church (Exhibit "Q-4"), which is adjacent to the building, requesting that the screening requirement be waived.

Protestants: None.

Board Comments:

Mr. Lewis asked if the tower had been changed since it was approved and Mr. Reed stated that it was the same except they are conforming
1.7.82:353(23)

Case No. 11772 (continued)

to FAA standards in addition to the City standards and have reduced the height from 190' to 148' and have moved it approximately 10' to 20' to the west.

Mr. Lewis asked if the free-standing sign was the same size and Mr. Reed answered yes.

Mr. Lewis asked where the parking was located and Mr. Holden stated that it is immediately south of the church parking area and to the east of the Radio Station.

Mr. Smith raised a concern about the size of the free-standing double faced sign.

Discussion ensued as to the size of the sign. Mr. Victor stated that the proposed sign is not as large as some of the others in the surrounding area. Mr. Gardner advised the Board that those signs (billboards) were located in commercial districts and the subject property and surrounding area are limited to office use.

NOTE* A rendering of the KELI building was submitted on January 11, 1982.

The first Variance and first Exception were struck by the Board.

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 610 - Principal Uses Permitted in the Office Districts - Section 1204 - Public Protection and Utility Facilities - Under the Provisions of Section 1680 - Exceptions) to permit the erection of a radio tower whose height will not exceed 148' and, a 3.7 meter earth station (receiving antenna; ground mounted); and

on MOTION of VICTOR and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to deny a Variance (Section 620.2 (d) Accessory Use Conditions - Under the Provisions of Section 1670 - Variances) of the size of the one free-standing double faced sign 216 square feet and not exceeding 40 feet in height, but that the owner be allowed to install, at his option, a sign on the building which is not to exceed the aggregate total of square-footage allowed, which would be 96 square feet of sign used for the call letters on the building; and

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 waive the screening requirement along Skelly Drive permanently and to waive the screening requirements to the north and the west until such time as that land is developed residentially, on the following described property:

Lots 3, 4, 5 & 6, Block 3, Memorial Acres Addition to the City of Tulsa, Oklahoma.

Case No. 11773

Action Requested:

Variance - Section 1219 - Hotel, Motel, and Recreation Facilities - Off-Street Parking Requirements - Under the Provisions of Section 1670-Variances - Request for a variance of the required number of parking spaces for a health club, located at 11444 East 20th Street.

Presentation:

James Benien, 11444 East 20th Street, was present to address the Board and submitted a site plan (Exhibit "R-1") and a floor plan (Exhibit "R-2"). At the time the health club was constructed one space for every 225 square feet was required for parking, which required them to have 61 spaces. Presently, the health club only uses 43 of the 61 required spaces with the 18 remaining spaces unpaved. They are adding approximately 4,000 square feet to the existing building and are requesting that the 61 required spaces be sufficient.

Protestants: None.

Board Comments:

Mrs. Purser asked what the addition would be used for and Mr. Benien stated that the approximate 2,000 square feet on the lower level will be used for an indoor swimming pool and the upper 2,000 square feet will be used as an aerobics room. Mr. Benien stated that the aerobics room would be used in the daytime and not in the evening.

The Board was concerned that he would need more spaces for the proposed use. Mr. Benien stated that they did not pave the 18 spaces because they have not been needed. He stated that of the 43 spaces available, only .75 or .90 of the spaces are used during prime time.

Mr. Lewis asked where the people would park if there were no more spaces on the subject parking lot. Mr. Benien stated that parking was not a problem in the daytime. He stated that there are businesses surrounding the subject property with available parking at night.

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 a Variance (Section 1219 - Hotel, Motel, and Recreational Facilities - Off-Street Parking Requirements - Under the Provisions of Section 1670 - Variances) of the required number of parking spaces for a health club, with the condition that there be no equipment allowed on the upper floor aerobics room, on the following described property:

Lots 9, 10, 11, 12, and 13, Block 2, Garnett Plaza Addition to the City of Tulsa, Oklahoma.

Case No. 11774

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances - Request for a variance of the setback requirements from 75' to 20' from an R District; and an
Exception - Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Request for an exception to modify the screening

Case No. 11774 (continued)

requirements where an alternative screening will provide visual separation of uses, located at 16501 East Admiral Place.

Presentation:

John Timmons, 3245 East 28th Street, was present to address the Board and submitted a plot plan (Exhibit "S-1") and a letter from the First Foursquare Gospel Church (Exhibit "S-2") stating that they had voted to waive the setback requirements and to allow a chain link fence instead of a wooden one.

Protestants: None.

Board Comments:

The Board did not have any concerns since the letter from the Church was presented.

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 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 75' to 20' from an R District, and an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirements where an alternative screening will provide visual separation of uses, per plot plan submitted, and subject to a chain link fence being erected on the east side of the subject property, on the following described property:

Lot 2, Dixie Hill Center Addition; and the West 79' of the East 591' of the South 138' of the W/2 of Lot 3, Section 2, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

OTHER BUSINESS:

CDP #78

Action Requested:

Minor Amendment to C.D.P. No. 78.

Presentation:

Mr. Jones advised the Board that the amendment involves 35/100 of a foot over a setback in the "Tamarac" Addition.

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 the Minor Amendment of 35/100 of a foot, per Plat of Survey.

Case No. 11761

Action Requested:

Request to review Case No. 11761.

Presentation:

Ron Bebee, 8937 South 45th West Avenue, was present to address the Board asking that they reconsider the requirement for the platting of the

Case No. 11761 (continued)

subject property. He feels that they can meet the requirements of the City Engineer's Department.

Board Comments:

Mrs. Purser asked if there were any protestants when the Case was heard last time and Mr. Bebee said there were none.

Mr. Victor advised the Board that Mr. Bebee is a very trustworthy person and will do what he says he will do.

Mr. Jackere stated that the applicant can get a waiver of the platting requirements, but will have to go through the Technical Advisory Committee, who would require as a part of that waiver any or all of the requirements.

Mr. Gardner stated that the Planning Commission has at times granted a temporary waiver once the platting is started. Mr. Gardner stated that a timing problem is involved in this particular case.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-1 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; Victor, "abstaining") to amend the earlier motion, to approve the dedication of 50' of right-of-way for 91st Street, an 85' building line from the centerline of 91st Street, a 20' perimeter easement on the east, west and south sides of the property, approval of the drainage plans by the City Engineering Department, and approval of the access points by the Traffic Engineer's Office.

Case No. 11690

Presentation:

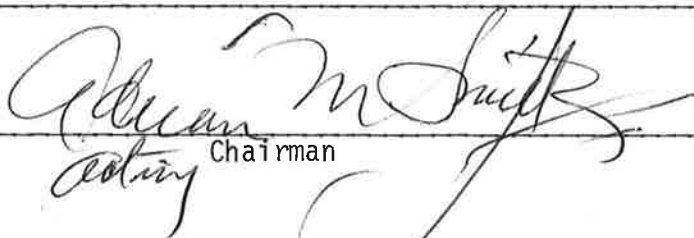
Mr. Jackere referred to Case No. 11690. He stated that James H. Werner had applied for a home occupation for a law office at 1440 South Norfolk Avenue.

The judge stated that the subject location was most appropriate for a home occupation. The home occupation is for James H. Werner and no one else other than a member of his immediate family and is subject to all other home occupation rules. It was also approved, subject to the removal of that portion of the sign on his front door indicating an attorney-at-law because it is visible from the street, and subject to removing any advertisement in the yellow pages next year. He was not denied a business relationship with another attorney, but the business can not take place at 1440 South Norfolk Avenue.

The meeting was adjourned at 5:30 p.m.

Date Approved

2-18-82


Chairman

1.7.82:353(27)