

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 361  
Thursday, April 29, 1982, 1:00 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Smith Victor Wait (in at 1:10 p.m.)	Purser	Gardner Jones Martin	Jackere, Legal Department Miller, Protective Inspections

After declaring a quorum present, Chairman Lewis called the meeting to order at 1:05 p.m.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, April 27, 1982, at 10:40 a.m., as well as in the Reception Area of the INCOG Offices.

MINUTES:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of April 1, 1982 (No. 359).

WITHDRAWN CASES:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to withdraw Case #11938 and refund the money at the applicant's request.

Mr. Lewis advised that Cases No. 11905 and 11911 had mistakenly been put on this agenda, but are scheduled to be heard May 13, 1982.

Approval of Detailed Site Plan:

Case No. 11405

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680) request for permission to erect a duplex in an RS-3 District; and a Variance (Section 440.3 - Special Exception Uses Permitted in Residential Districts, Requirements - Under the Provisions of Section 1670) request for a variance of the square-footage requirements in an RS-3 District to permit the erection of a duplex. This property is located SW of Madison Avenue and 42nd Street.

Presentation:

Mr. Gardner advised that when the case was approved, it was approved subject to the applicant coming back with detailed plans prior to the issuance of a building permit. The plans were submitted (Exhibit "A-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the plans as submitted.

UNFINISHED BUSINESS:

Case No. 11846

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Variance of the minimum setback requirements in a CS District to allow a business sign. This property is located at 416 South Lewis Avenue.

Presentation:

Walter Dix, 1208 South Indian Avenue, was present to address the Board stating that he has a sign on his property on an existing 4½" pole. Mr. Dix stated that he had heard no complaints about the sign. The sign is 4½" inside the setback.

Protestants: None.

Interested Party:

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council, was present to address the Board stating that the District is in favor of continuing to permit the sign on the subject property.

Board Comments:

Mr. Lewis inquired as to the wording on the sign and Mr. Dix stated that the sign says "Margies Special". The previous sign which was located on the subject property was 8' x 12', but the new sign is only 4' x 4'.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 710 - Bulk and Area Requirements in the Commercial Districts) of the minimum setback requirement in a CS District to allow a business sign, subject to the execution of the removal contract, on the following described property:

The South 50' of Lot 1, Block 1, Hillcrest Ridge Addition to the City of Tulsa, and beginning at the Northeast Corner of Lot 1, Block 1, Hillcrest Ridge Addition; thence West 110'; thence North 50'; thence East 110'; thence South 50' to the point of beginning, all in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11876

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for permission to locate a mobile home in an RS-3 District; and a  
Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for permission to permit more than one dwelling on a lot. This property is located at 4116 North 96th East Avenue.

Presentation:

Arthur Pennington, 4123 North 95th East Avenue, was present to address the Board and submitted an aerial photo (Exhibit "B-1"), and a plat (Exhibit "B-2"). Mr. Pennington requested that he be permitted to place his mobile home on the front-half of the subject property which belongs to his grandmother.

Case No. 11876 (continued)

Protestants: None.

Comments:

Mr. Gardner advised the Board that when the case was heard previously there was some confusion because another individual had the same legal description as the applicant. The Board then decided to view the site.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate a mobile home in an RS-3 District, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit more than one dwelling on a lot, for the south one acre of Lot 19, Block 2, Mohawk Village, for a period of one year, with a removal bond required, subject to the applicant skirting the mobile home, on the following described property:

The South one acre of Lot 19, Block 2, Mohawk Village Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11900

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from 25' to 16' & 4" from 49th Street North. This property is located at 1624 East 49th Street North.

Presentation:

The applicant was not present to address the Board.

The Board requested that the Staff advise the applicant that she attend the next hearing or the Board will strike the application from the agenda.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the May 13, 1982, meeting.

Case No. 11907

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for permission to allow mobile home sales in a CS District. This property is located at the SE corner of Admiral and Garnett Road.

Presentation:

Michael Gubser, was present to address the Board on behalf of Best Mobile Homes O. C., Inc., P. O. Box 35947, and submitted a plot plan (Exhibit "C-1"). Mr. Gubser is proposing to place a mobile home sales operation at the subject location where he leases the property. They plan to have a double-wide mobile home as a sales office and also place a sign on the

Case No. 11907 (continued)

corner of Garnett and Admiral. They also plan to gravel most of the ground.

Protestants:

C. W. Sweetman, commander of the American Legion, 11328 East Admiral, was present to address the Board requesting that a fence be erected around the subject property so as not to encroach on his property if the case were approved.

Board Comments:

Mr. Gardner advised that a mobile home park is located west of the southwest corner of the subject property and a sales lot on the northeast corner. There have been several mobile home parks in the surrounding area in the past. The area is presently being upgraded.

Mr. Smith felt that another mobile home sales or park was not needed in the area because it is being upgraded.

Mr. Victor inquired as to the appearance of the property and the use. Mr. Gubser stated that there would be one permanent mobile home on the property used as an office and approximately 25 or 30 mobile homes displayed for sale.

Board Action:

On MOTION of SMITH, and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a mobile home sales in a CS District, on the following described property:

Beginning at a point 90' South and 50' West of the Northeast corner of Lot 5, Section 5, Township 19 North, Range 14 East, Tulsa County, Oklahoma; thence South 260'; thence East 250'; thence North 260'; thence West 250' to the point of beginning.

Case No. 11909

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a childrens nursery in an RS-3 District. This property is located at 4821 South 72nd East Avenue.

Presentation:

Ruthann Casebeer, 1127 East Haskell Place, was present to address the Board requesting permission to locate a children's day care center in Bates Elementary School. The School wants to rent Ms. Casebeer a space in the school for the day care center. It will be for school aged children for before and after school care. She stated that there would be no sign for the operation.

Protestants: None.

Board Comments:

Mr. Smith inquired about the playground use and Ms. Casebeer stated that the School is allowing her space for her own fenced-in playground.

Case No. 11909 (continued)

Mr. Lewis inquired about the hours of operation and Ms. Casebeer stated that it would be in operation from 6:30 a.m. to 6:30 p.m., to allow for working parents. Mr. Lewis asked how many children would be allowed and Ms. Casebeer stated that she would have no more than 25 children.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) for a children's day care center in an RS-3 District, that no sign be allowed, subject to a maximum of 25 children, and that the hours of operation be from 6:30 a.m. to 6:30 p.m., on the following described property:

Block 1, Lot 11, Park Plaza 7th Amended Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11914

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a gymnasium and related parking as an accessory to a church; and a  
Variance - Section 1205.3 - Use Conditions - Request for a variance of the one acre minimum to .8 acre. This property is located at the SE corner of 2nd Street and 66th East Avenue.

Presentation:

Roy Johnsen, attorney representing the Sheridan Christian Center, 205 South Sheridan Road, was present to address the Board and submitted a map of the subject area (Exhibit "D-1"), a plot plan and elevation plan (Exhibit "D-2") and twelve (12) pictures of the subject property (Exhibit "D-3").

Mr. Johnsen advised that the proposed use is a youth center for the youth who attend the Church at this location. The property north of the north boundary and south of the south boundary of the subject property is presently owned by the Church.

Mr. Johnsen advised that an earlier application was filed dealing with an expansion to this Church which was denied. Since that time, the Church has been divided and the intensity of the Church has changed substantially.

Mr. Johnsen advised that if the application were approved that there should be six (6) conditions placed on it: 1) the proposed setback from the east boundary line would be changed from 10' to 25', which would meet the requirement, 2) that 10% of the site area will be used for landscaping, 3) that mechanical equipment be located on the ground as opposed to the roof, 4) that no lighting would be needed on the rear of the buildings because there are presently vapor lights there, 5) to provide a minimum of 28 on-site parking spaces on one side, and 6) subject to a site plan.

Mr. Johnsen stated that a medal building is proposed for economical reasons. He said that the building would not be inconsistent with the surrounding area.

Case No. 11914 (continued)

Noble Wells, 817 North Irvington Avenue, president of the Board for the Church, was present to address the Board stating that he had talked to some of the surrounding neighbors about the type of proposed building. None of those whom he talked to had objections to the proposal.

Protestants: None.

Board Comments:

Mr. Lewis inquired about the proposed use and Mr. Johnsen stated that it would be used as a basketball court, gymnastics, volleyball and other youth activities. Mr. Lewis also asked about the number of parking spaces which would be provided and Mr. Johnsen stated that 170 spaces are required and the center will be providing approximately 380 spaces.

Discussion ensued as to the industrial appearance of the building. The Board was not in favor of the medal building. Mr. Victor suggested that a siding material or pattern be used to enhance the appearance of the proposed building.

Mr. Johnsen then requested a continuance of the case so that other plans could be drawn concerning the exterior of the building.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to May 13, 1982, so that the applicant can return to the Board with another treatment for the exterior of the proposed building.

Case No. 11917

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agricultural District - Request for a mobile home in an AG District. This property is located at the NE corner of 81st Street and Elwood Avenue.

Presentation:

Frances Reeves, 1315 West Main Street, Jenks, Oklahoma, was present to address the Board requesting permission to place her new mobile home on her aunt's property. There is presently a mobile home on the tract which belongs to her aunt's daughter.

Protestants: None.

Board Comments:

Mr. Victor stated that he looked at the subject tract which is a fairly undeveloped area. He then asked Ms. Reeves where the mobile home would be located and she stated that it would be placed south of the other mobile home.

Mr. Lewis asked how big the subject tract is and Ms. Reeves stated that it is 12½ acres.

Board Action:

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

Case No. 11917 (continued)

"absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agricultural District) for a mobile home in an AG District) for a mobile home in an AG District, for a period of three (3) years for the proposed mobile home, on the following described property:

The S/2 of the S/2 of the NW/4 of the SW/4 of the SW/4 and the SW/4 of the SW/4 of the SW/4, Section 12, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 11920

Remarks:

John Sublett was present regarding Case No. 11920. He stated that it was heard two weeks ago, and was continued to the April 29, 1982, meeting but it is not on the agenda.

Comments:

Mr. Jackere advised that any action taken by the Board which was not posted prior to that meeting is not appropriate.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 11920 to May 13, 1982, in order that it be properly posted on the agenda.

Case No. 11927

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record- Request for a second dwelling on a lot of record. (attached garage with living area.) This property is located at 3640 South Lewis Avenue.

Presentation:

Russell Bilby, 3640 South Lewis, was present to address the Board proposing to build an attached three car garage with living quarters above it. He is requesting to place the additional structure on the north side of the house which will align with the existing house. Mr. Bilby stated that the addition will connect to and be a part of the existing structure when completed.

Protestants: None.

Board Comments:

Mr. Victor asked if the proposed addition would contain a kitchen and Mr. Bilby answered in the affirmative. Mr. Lewis asked the reason for the kitchen and Mr. Bilby stated that it would be a self-contained space for those who visit in their home. Mr. Lewis expressed a concern that the addition would be for rental purposes in the future and Mr. Bilby stated that he had no intention of it becoming rental property and does not plan to sell his house.

Mr. Gardner stated that the Staff would be concerned about the creation of more lots in the future. Mr. Jackere advised that a lot-split was approved for this tract about five (5) years ago and should not be in effect if the proposed application is approved. Mr. Bilby stated that he did not have any problem with revoking the lot-split approval.

Case No. 11927 (continued)

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) for a second dwelling on a lot of record (attached garage with living area), subject to revoking the previous approval for Lot-Split L-13875, on the following described property:

The East 373' of the South 233' of the S/2 of the NE/4 of the NE/4 of the SE/4, Section 19, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 11929

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to locate a duplex in an RS-3 District; and a Variance - Section 440.3 - Bulk and Area Requirements in Residential Districts - Request to allow a ten (10) foot setback from Jamestown Avenue; and a variance of the minimum lot area to 7,500 square feet and frontage of 50 feet. This property is located at the SE corner of 27th Place and Jamestown Avenue.

Presentation:

Jim Barnes, 318 East 18th Street, was present to address the Board and submitted eight (8) pictures of the subject property (Exhibit "E-1"). Mr. Barnes advised that he intends to tear down the two houses on the property which he owns and will build two duplexes. The proposed structure will be 1,100 square feet and will be a two-story structure. One duplex will be facing Jamestown and the other will be facing 27th Place.

Jack Stacy, Mr. Barne's builder, was also present to address the Board stating that the proposal is for one building with two living quarters. Plans are not available at this time, but will be drawn and submitted showing a 10-foot setback on Jamestown Avenue.

Protestants: None.

Comments:

Mr. Gardner advised that he did not have a problem with the 10-foot setback, since the Zoning Ordinance had only a 5-foot setback requirement prior to 1970. The two houses which Mr. Barnes plans to tear down were built prior to 1970.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate a duplex in an RS-3 District; and a Variance (Section 440.3 - Bulk and Area Requirements in Residential Districts) to allow a ten (10) foot setback from Jamestown Avenue and a variance of the minimum lot area to 7,500 square feet and frontage of 50'; subject to the applicant returning to the Board with plans of the proposal, on the following described property:



Case No. 11929 (continued)

Lot 12, Block 10, Kirkmore Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11933

Action Requested:

Variance - Section 420.2 - Accessory Use Conditions - Request for permission to erect a detached garage in a front yard. This property is located at 6540 South Fulton Avenue.

Presentation:

Mr. Gardner submitted a letter from Robert Diehl recommending that the Board approve the applicant's request (Exhibit "F-1").

John Arnold, 7318 South Yale Avenue, was present to address the Board representing Don Boyd, the owner of the property. Mr. Arnold submitted a site plan (Exhibit "F-2") and advised the Board that the sloping topography limits automobile function and accessibility; therefore, he is requesting to erect a detached garage in the front yard. Mr. Arnold stated that he has built most of the houses in the area and felt that the proposed addition would be consistent with the other houses in that area.

Protestants: None.

Board Action:

On MOTION of VICTOR, and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 420.2 - Accessory Use Conditions) for permission to erect a detached garage in a front yard, in accordance with the drawing submitted, on the following described property:

Lot 12, Block 1, Warrenton South Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11934

Action Requested:

Variance - Section 420.2 (c) - Accessory Use Conditions - Request to permit more than two persons not members of the family to occupy sleeping rooms; and a request for 5 sleeping rooms, three (3) upstairs and two (2) sleeping rooms downstairs. This property is located at 2803 East 2nd Street.

Presentation:

Warren G. Morris, was present to address the Board representing Ms. Delorse Spencer, 3308 South 116th East Place. Mr. Warren submitted two (2) pictures (Exhibit "G-1"), a site plan (Exhibit "G-2"), and a petition containing approximately 20 signatures of those supporting the application (Exhibit "G-3"). Mr. Morris also submitted five (5) letters from various individuals expressing the need for this type of housing (Exhibit "G-4").

Mr. Morris expressed a concern and need for lower rental costs. Ms. Spencer is proposing to use her home to help solve this problem. The house is being remodeled for the purpose of renting sleeping rooms to various people. Mr. Morris advised that it is permissible to have two

Case No. 11934

(2) rental rooms in a home without approval from the Board. Ms. Spencer will have three rooms upstairs and two sleeping rooms downstairs for that purpose.

Protestants:

Eugene Colleoni, District #4 Chairman of the Greater Tulsa Council, was present to address the Board in opposition to the application. He stated that the request would turn the area into a slum. He stated that the single-family dwelling has been converted into approximately nine (9) dwelling units. He stated that if the application was approved that it would be an extreme violation to the District Plan. He also felt that this type of housing would set a precedent for the surrounding area.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Variance (Section 420.2 (c) - Accessory Use Conditions) to permit more than two persons (not family members) to occupy sleeping rooms; and requesting five (5) sleeping rooms; 3 upstairs and 2 sleeping rooms downstairs, on the following described property:

The W/2 of Lot 6, Block 4, Pleasant View Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11935

Action Requested:

Variance - Section 1211.3 - Use Conditions - Request for a variance of the screening wall requirement abutting an R District. "Temporary relief." This property is located at 5810 East Skelly Drive.

Presentation:

Charles Wilbanks, 6128 East 38th Street, Suite 314, was present to address the Board representing Russell L. Magee and Associates, Inc., Architects concerning the Skyline Tower Office Condominiums. Mr. Wilbanks submitted a comprehensive site development plan (Exhibit "H-1") and a plot plan (Exhibit "H-2"). An eighteen (18) story high-rise office building is proposed for the subject area which has passed the TMAPC platting process. The presently held ownership of the unplatted land belongs to J. N. and Bernice Witt. Mr. Wilbanks submitted a letter from Mr. Witt (Exhibit "H-3") stating that he has no objection to the deletion of the screening requirement which would screen the office condominium from the adjacent residential property. Mr. Wilbanks advised that if the proposed project goes well, a twin tower is proposed for the second phase. They are also proposing to have a totally enclosed parking garage. The height of the abutting wall to the south RD District will be approximately 9 to 12' above the finished grade at the RD District. The request is that the screening requirement be waived until the adjacent property is developed.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Victor, Wait, "aye"; no "nays"; Smith, "abstentions"; Purser, "absent") to approve a Variance (Section 1211.3 - Use Conditions) of the screening wall requirement abutting an R District and that the relief be granted

Case No. 11935 (continued)

until such time that the adjacent property is developed, on the following described property:

Commencing at the Southwest Corner of the E/2 of the NW/4 of the NE/4 of Section 27, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma; thence North 0°-10'-30" West along the West line of said E/2 a distance of 627.87' to the point of beginning, said point being 692.40' South of the North line of Section 27, and on the Southerly right-of-way line of East Skelly Drive (Interstate Highway #44); thence North 49°-02'-00" East along said right-of-way line 244.64'; thence South 40°-58'-00" East a distance of 225.00 feet; thence South 49°-02'-00" West a distance of 15.00'; thence South South 40°-58'-00" East a distance of 155.00'; thence Due South 153.62'; thence Due West 421.65'; thence North 0°-10'-30" West a distance of 290.00' to the point of beginning, and containing 140,598.61 square feet, or 3.228 acres, more or less.

Case No. 11936

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request to reduce the setback from abutting streets to 15 feet for two lots, one that faces East 30th Street, and a variance of South 140th East Avenue's side and the other that faces 140th East Avenue; and a variance of the abutting cul-de-sac. This property is located at the NW corner of 30th Street and South 140th East Avenue and North of the NE corner of 31st Street and 140th East Avenue.

Presentation:

Pat Mahosky, 8262 East 41st Street, was present to address the Board on behalf of the applicant, Robert Phillips. Ms. Mahosky stated that the Board previously approved a similar request concerning a setback requirement on an abutting street in this area.

Protestants:

Augustus C. Oliver, Jr., 3017 South 140th East Avenue, was present to address the Board and submitted a protest petition bearing approximately 68 signatures (Exhibit "I-1"), eight (8) pictures of the surrounding area (Exhibit "I-2"), and two drawings showing the shapes of the two lots in question (Exhibit "I-3"). Mr. Oliver, representing Eastland Acres Garden Club Addition and other homeowners in the area, stated that he and others in the area had not received notice of this meeting. Mr. Oliver stated that he was in opposition to the proposed 15' building setback because all of the other homes in the area have 25' building setbacks. Mr. Oliver stated that approximately 98% of the homeowners in that area have signed the protest petition which was submitted.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) to reduce the setback from abutting streets to 15 feet for two lots, one that faces East 30th Street; and a variance of South 140th East Avenue's side and the other that faces 140th East Avenue; and a variance of the abutting cul-de-sac, on the following described property:

Lot 12, Block 7, and Lot 13, Block 8, Eastland Acres II Addition, to the City of Tulsa, Tulsa County, Oklahoma.

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Case No. 11937

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request for permission to locate a resale shop and a non-alcoholic entertainment center in an IL District. This property is located at the SE corner of Archer Street and Cheyenne Avenue.

Presentation:

Mr. Lewis advised the Board that the case needs to be continued because there has not been proper notice sent out.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the May 13, 1982, meeting.

Case No. 11939

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the minimum lot width in an RS-1 District to allow frontage on a private street. This property is located at 107th Street and South Louisville Avenue.

Presentation:

Tom Tannehill, attorney representing Allen Properties, 4722 South Mingo Road, was present to address the Board and submitted a sketch plat of the subject property (Exhibit "J-1"). The applicant is requesting that a private commonly owned roadway be allowed on a large 6-lot addition located close to 106th Street and South Louisville Avenue. The sketch plat has been submitted to the Technical Advisory Committee and they have made their recommendations. He advised that the road would meet all of the requirements of the Traffic Engineer's Office.

Protestants: None.

Comments:

Mr. Gardner stated that the Technical Advisory Committee had not encountered any problems with the proposal. He also advised that the Staff had no real concern with the request.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the minimum lot width in an RS-1 District to allow frontage on a private street, on the following described property:

Part of the NE/4 of the SW/4 of Section 28, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to-wit:

Case No. 11939 (continued)

Commencing at the Northwest corner of the NE/4 of the SW/4 of said Section 28; thence South  $89^{\circ}-48'-00''$  East along the North line of the NE/4 of the SW/4 of Said Section 28, a distance of 251.49' to the point of beginning; thence due south a distance of 270.00' to a point; thence North  $89^{\circ}-48'-00''$  West a distance of 221.49' to a point; thence Due South along a line, Said line being parallel to and 30' East of the West line of the NE/4 of the SW/4 of said Section 28, a distance of 185.00' to a point; thence North  $89^{\circ}-52'-00''$  East a distance of 381.13' to a point; thence Due South a distance of 60.00' to a point; thence North  $89^{\circ}-52'-00''$  East a distance of 189.30' to a point; thence North  $48^{\circ}-00'-13''$  East a distance of 275.42' to a point; thence South  $89^{\circ}-48'-00''$  East a distance of 145.00' to a point; thence North  $0^{\circ}-12'-00''$  East a distance of 0.00' to a point of curvature; thence around a curve to the right, having a radius of 50' and a central angle of  $60^{\circ}-03'-14''$ , a distance of 52.41' to a point; thence North  $0^{\circ}-15'-14''$  East a distance of 286.68' to a point on the North line of the NE/4 of the SW/4 of Said Section 28, Said point being 350.00' West of the Northeast Corner thereof; thence North  $89^{\circ}-48'-00''$  West along the North line of the NE/4 of the SW/4 of Said Section 28, a distance of 724.46' to the point of beginning.

Case No. 11942

Action Requested:

Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Request for a variance of the screening requirements on the north, east and south; and a request for a variance of this fee of this Board of Adjustment Case. (\$50.00) This property is located at 5505 South Peoria Avenue.

Presentation:

Dr. George Menkoff, 5819 East 64th Place, was present to address the Board and submitted a plat of the subject property (Exhibit "K-1"). Mr. Menkoff requested that the screening requirement be waived on the north, east and south. Located to the east of his property is a house which is owned by the Evangelistic Temple. On the south side of the property there is a residence with a fence around the property, and to the north is a church.

Protestants: None.

Interested Party:

Faye Sullenger, 5517 South Peoria Avenue, was present to address the Board stating that she lives just south of the applicant. She stated that she has an existing fence on her property which she does not want removed.

Board Comments:

Mr. Lewis asked Ms. Sullenger if she would have any objections if the applicant were not required to place another fence along her fence and she stated that she would have no objections.

Mr. Gardner stated that the applicant technically has to ask for the modification on the south because he is required to put a screening fence adjacent to the property to the south which presently has a fence.

Case No. 11942 (continued)

Mr. Jackere stated that it is the applicant's obligation to establish that screening fence; therefore, the appropriate relief would be to temporarily waive the necessity of the screening as long as the screening to the south remains.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a waiver of the screening requirement on the north and east and temporarily on the south as long as the existing fence remains in place; on the following described property:

Lot 1, Block 6, J. E. Nichols Addition to the City of Tulsa, Tulsa County, Oklahoma.

Discussion:

Discussion ensued as to whether to refund the money for the fee.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny the fee refund request.

OTHER BUSINESS:

Dorotha Miller, Protective Inspector, advised that an applicant who was granted approval for a mobile home must go to the Protective Inspections Office for the issuance of a permit. A permit must be applied for so plumbing, electricity, etc. inspections can be consolidated. The Board's approval should be subject to approval by Protective Inspections.

There being no further business, the meeting adjourned at 3:36 p.m.

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

5/27/82

  
Chairman