

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 363
Thursday, May 27, 1982, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser Wait Smith Lewis (in at 1:25 p.m.)	Victor	Gardner Jones Martin	Jackere, Legal Dept. Miller, Protective Inspections

After declaring a quorum present, Acting Chairman Smith called the meeting to order at 1:15 p.m.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, May 26, 1982, at 9:40 a.m., as well as in the Reception Area of the INCOG Offices.

MINUTES:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "absent") to approve the Minutes of April 15, 1982 (No. 360).

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstention"; Purser, Victor, "absent") to approve the Minutes of April 29, 1982 (No. 361).

UNFINISHED BUSINESS:

Case No. 11923

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Request for townhouse use in an OL District; and a

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - to allow a variance of the rear yard setback from 20' to 15' and a variance of the front yard setback from 10' to 8½'. This property is located at 2143 and 2135 East 48th Place.

Presentation:

Gary LaGere, Box 35941, developer and builder of Bolewood Place, was present to address the Board stating that the application has been approved previously. After the case had been approved, a typographical error had been discovered and needed to be readvertised. It has been properly advertised at this time.

Protestants: None.

Case No. 11923 (continued)

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Purser, Wait, "aye"; no "nays"; Smith, "abstaining"; Victor, "absent") to approve a Special Exception (Section 610 - Principal Uses Permitted in Office Districts) for townhouse use in an OL District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the rear yard setback from 20' to 15' and of the front yard setback from 10' to 8½', on the following described property:

Lots 9 & 11, Block 1, Bolewood Place Addition, City of Tulsa, Oklahoma.

Remarks:

Mr. LaGere expressed his gratitude to Mr. Gardner and the INCOG Staff, Building Inspectors and City Attorney for helping to correct the mistake that had been made.

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 use 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 southeast corner of 2nd Street and 66th East Avenue.

Presentation:

Mr. Smith advised that the attorney for the case has requested that this item be continued for two weeks.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Victor, "absent") to continue this item to the June 10, 1982 meeting.

Case No. 11943

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the front setback from Norfolk Avenue from 50' to 33' and also, a variance of the rear setback requirement from 20' to 13'. This property is located at 1046 East Pine Street.

Presentation:

Calvin Johnson, III, 154 West 49th Place North, was present to address the Board on behalf of Mt. Olive Baptist Church. Mr. Johnson submitted a plot plan of the proposed addition (Exhibit "A-1").

Protestants: None.

Case No. 11943 (continued)

Board Comments:

Mr. Lewis asked if the addition would line up with the existing house on Norfolk Avenue, which is located next to the addition and Mr. Johnson answered in the affirmative.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the front setback from Norfolk Avenue from 50' to 33' and also, a variance of the rear setback requirement from 20' to 13', per revised plans, on the following described property:

Lot 23 and the North 111' of Lot 24, Block 2, Booker T. Washington Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11959

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Request to locate a golf driving range in an AG District; and a
Variance - Section 1220.3 - Use Conditions - Request for a Variance of the screening requirements to the east; and a
Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Request to locate two mobile homes in an AG District. This property is located north and east of Yale Avenue and 36th Street North.

Presentation:

Willie Morrison, 9911 East Skelly Drive, was present to address the Board and submitted a plot plan (Exhibit "B-1"). Mr. Morrison stated that the proposed mobile homes were not previously advertised and are now before the Board for approval. One of the mobile homes will be used for a dwelling and the other will be used as an office for the driving range.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to locate a golf driving range in an AG District; and a Variance (Section 1220.3 - Use Conditions) of the screening requirements to the east; and a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to locate two mobile homes in an AG District to be used as represented by the applicant, on the following described property:

The NW/4, NW/4, SE/4, SW/4 and the E/2, NE/4, SW/4, SW/4 and the SW/4, NE/4, SW/4, SW/4, ALL in Section 15, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to locate a mobile home in an RS-3 District; and a
Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Request for a variance to permit permanent residence on the subject tract. This property is located west of the southwest corner of 25th West Avenue and Easton Court.

Presentation:

Eva Peck, 7837 East 33rd Street, was present to address the Board requesting permission to place her double-wide mobile home on the subject property. Ms. Peck advised that she would place the mobile home on a permanent foundation with a sloped roof. Ms. Peck submitted a drawing of the mobile home with a pitched roof and ten (10) pictures of the subject area (Exhibit "C-1").

Mr. Lewis read a communication from Charles Banks, Director of Protective Inspections, concerning the mobile home (Exhibit "C-2").

Protestants:

Frenchie Loving, Chairman of District #10 of the Greater Tulsa Council, was present to address the Board in protest to the application. She felt that the mobile home would not be in accordance with the surrounding neighborhood. She also stated that it would decrease the property value in the area. Ms. Loving stated that if the application were approved that it would set a precedent in the area.

Board Comments:

Mrs. Purser inquired as to the type of foundation which is proposed and Ms. Peck stated that she intends to have a permanent concrete block foundation.

Mr. Jackere advised that the Board was previously concerned about the foundation and the sloped roof. The Board was also concerned that the mobile home would be compatible with the area.

Mr. Gardner advised that the Board would not be considering the approval of the mobile home if it were a single-wide. The proposed mobile home has a pitched roof, has a permanent foundation, has wood siding and looks like a house.

Mr. Jackere advised the Board of a pending state legislation which deals with certain conditions that a mobile home has to meet to be appropriate in certain areas.

Discussion ensued as to the amount of time it would take for the applicant to meet the proposed conditions.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "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 440 - Special Exception Uses in Residential Districts, Requirements) to permit permanent residence on the

Case No. 11960 (continued)

subject tract, in accordance with the applicant's statements concerning the outside of the mobile home including; 1) having a gabled roof installed, 2) wood siding, 3) that the permanent foundation (concrete blocks) have stucco or some material so that the concrete blocks are not exposed, subject to the applicant completing the improvements within 120 days from today's date, on the following described property:

Lots 5 & 6, Block 2, Easton Heights Second Addition, Tulsa County, Oklahoma.

Case No. 11962

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from First Street from 50' to 34' and a variance of the side yard requirement from 5' to 4" in an RS-3 District. This property is located west of the northwest corner of 41st West Avenue and First Street.

Presentation:

Robert Merritt, 4215 West First Street, was present to address the Board and submitted seven (7) pictures of the applicant's home and other homes in the surrounding area (Exhibit "D-1"). Mr. Merritt is proposing to construct an aluminum-type carport cover for his two vehicles. His present garage is being converted into an extra room for his house.

Protestants:

Frenchie Loving, District #10 Chairman to the Greater Tulsa Council, was present to address the Board concerning the 16' setback variance from First Street. She felt that it would be inconsistent with the existing homes in the immediate area.

Board Comments:

Mrs. Purser asked where the other carport structures were located and Mr. Merritt stated that they are within three (3) blocks of his house. Mr. Merritt stated that the carport would enhance the house.

The Board felt that the applicant did not express a hardship dealing with the case.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the setback from First Street from 50' to 34' and of the side yard requirement from 5' to 4" in an RS-3 District, on the following described property:

Lot 8, Block 1, Hayden-Lewis Second Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and known as 4215 West First Street.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 11963

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Request for a variance of the required setback from North Lansing Avenue. This property is located at 2119 North Lansing Ave.

Presentation:

O. B. Ratford, 2119 North Lansing Avenue, was present to address the Board. Mr. Ratford stated that he has obtained a building permit to construct a 3' porch on the front of his house and is now requesting that it be enlarged to 5' instead of 3'.

Protestants: None.

Comments:

Mrs. Miller advised that the applicant is requesting a two (2) foot variance from 25' to 23' because an RM-1 District requires a 25' building setback line.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts) of the required building setback line from 25' to 23' from North Lansing Avenue, to permit the 5' porch on the front of the applicant's house, on the following described property:

Lot 20, Block 6, LeClaire Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11985

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirement in Residential Districts - Request for a variance of the required setback from East 62nd Place South from 50' to 48.6'. This property is located at 4112 East 62nd Place.

Presentation:

Linda Kay Pool, 4112 East 62nd Place South, was present to address the Board and submitted a plot plan (Exhibit "E-1"). Ms. Pool advised that after her house was constructed a survey was done on the house and it was discovered that it was constructed .7' over the setback line.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts) of the required setback from East 62nd Place South from 50' to 48.6', per plot plan submitted, on the following described property:

Lot 39, Block 7, Livingston Park South, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 11967

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a duplex in an RS-3 District; and a Variance - Section 440.3 a,b,c,d, - Special Exception Uses in Residential Districts, Requirements - Request for a variance of minimum lot area, minimum land area, minimum frontage and minimum livability space per dwelling unit. This property is located at 230 East 45th Place.

Presentation:

M. P. Hammond, 3150 East 67th Street, was present to address the Board and submitted three (3) pictures of the subject property (Exhibit "F-1"). Mr. Hammond advised that he and his wife own the subject property and use it as rental property of the garage apartment. The building was destroyed in a fire previously and has recently been rebuilt and remodeled. The exterior of the building is exactly the same as the previous structure. The proposed use for the property is for duplex use. Mr. Hammond stated that he would enlarge the drive or make a circular driveway.

Protestants:

Betty Russow, 220 East 45th Place, was present to address the Board stating that there are no other duplexes or garage apartments in the area and was in protest to the proposed use.

Joel Johnson, 242 East 45th Court, was present to address the Board in protest to the duplex use. He felt that if the application were approved that it would set a precedent in the area.

Board Comments:

Mr. Smith stated that the lot was being over utilized for the use.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to deny a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a duplex in an RS-3 District, and a Variance (Section 440.3 a,b,c,d, - Special Exception Uses in Residential Districts, Requirements) of the minimum lot area, minimum land area, minimum frontage and minimum livability space per dwelling unit, on the following described property:

Lot 7, Block 3, Grace Ellen Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Comments:

Mrs. Miller advised that Mr. Hammond could rent the property as a single-family dwelling, but renting as a duplex would be in violation of the Zoning Code. Mrs. Miller advised that Mr. Hammond needs a building permit and an inspection of his structure on the subject property.

Case No. 11969

Action Requested:

Variance - Section 430 - Bulk and Area Requirement in Residential Districts - Request for a variance of the rear yard requirement in an RS-3 District from 20' to 11.5'. This property is located at 3363 South 137th East Avenue.

Presentation:

C. W. Young, Box 35863, was present to address the Board representing the residents of 3363 South 137th East Avenue. Mr. Young submitted a plot plan of the subject property (Exhibit "G-1"). Mr. Young advised that the owners of the property are proposing to add a one-room addition to their house. He stated that the owner has already received a building permit for the structure.

Protestants: None.

Board Comments:

Mr. Smith asked if he had visited with the neighbors to the east concerning the proposal and Mr. Young stated that they had been notified and had no objections.

Mr. Lewis inquired as to the size of the house and the proposed addition. Mr. Young stated that the house contains 1,452 square feet and the addition will allow 487 more feet.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the rear yard requirement in an RS-3 District from 20' to 11.5', per plot plan submitted, on the following described property:

Lot 21, Block 10, Summerfield Addition to the City of Tulsa, Okla.

Case No. 11970

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for a special exception for home occupation for office use and to hold workshops in massage techniques. This property is located at 1315 South Carson Avenue.

Presentation:

Karen Bray, 1315 South Carson Avenue, was present to address the Board and submitted a description of the home occupation (Exhibit "H-1"). Ms. Bray, an independent contractor and Masseur Technician for the Downtown Nautilus Fitness Club, is requesting permission to hold workshops and classes in massage or stress in her home. Ms. Bray stated that the classes would be held once a month on a Saturday from 9:00 a.m. to 8:00 p.m. Mrs. Bray stated that she would have no more than 5 students who come to her home for a Saturday session.

Protestants:

Jeff Heckenkemper, 117 Woodward Boulevard, was present to address the Board stating that he feels that the neighborhood should be maintained

Case No. 11970 (continued)

as a residential area and not commercial.

Linda Thomas, 1318 South Carson Avenue, was present to address the Board and was concerned about the parking situation. She also requested that the area be kept as a residential area.

Elsa Burkhart, who owns the property directly across the street, was present to address the Board expressing a concern for the potential parking problem.

Board Comments:

The Board asked Ms. Bray why she could not conduct the classes at the Downtown location and Ms. Bray stated that her office or classroom was not large enough for the equipment and demonstrating the massage techniques.

The Board asked Ms. Bray if she was familiar with the rules for the home occupation use and Mr. Gardner read then out loud to the applicant.

Mr. Lewis asked if any advertising would be initiated and Ms. Bray stated that she would not advertise for her classes. She also stated that she planned to send her students a copy of the schedule for the Saturday session.

Mr. Lewis asked if there would be any employees at this location besides the applicant and Ms. Bray said that there would be none besides herself. She also stated that she intends to invite various physicians to share some of their ideas with the class. Mr. Jackere advised the applicant that if that practice was to take place in her home that she could not pay the physician according to the home occupation rules. Ms. Bray had no objection to that condition.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) for a home occupation to hold workshops in massage techniques only, and that the workshops be held once a month on Saturdays from 9:00 a.m. to 8:00 p.m., with no more than five (5) students at a session, with no outside instructors, with no advertising, to run with this applicant only, on the following described property:

Lot 9, Block 5, Friend Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11971

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the frontage requirement from 150' to 49', 50' and 65' lots for subdivision into a unit owned office complex and individual floor area ratio to vary between .32 and .56 with overall ratio of .21. This property is located at 1146-1156 East 61st Street.

Case No. 11971 (continued)

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue this item to the June 10, 1982 meeting.

Case No. 11972

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance to permit 50.6 floor area ratio and a variance of the frontage requirement to allow 50' frontage. This property is located north of the northwest corner of 11th Street and I-44.

Presentation:

Dennis Wood, 6436 South 87th East Avenue, was present to address the Board and submitted a site plan (Exhibit "I-1"), and a plat of survey (Exhibit "I-2"). Mr. Wood is proposing to construct a 120 unit motel on the northwest corner of I-44 and East 11th Street. The site area contains 96,394 square feet and allows a 50.6% floor area ratio. The three-story motel will have 48,800 square feet of building area coverage excluding stairwells. The site has 50' of frontage on the service road to I-44 and has access onto East 11th Street.

Protestants: None.

Board Comments:

Mr. Lewis inquired as to the standard requirements on frontage and Mrs. Miller stated that the standard is 150' in a CS zoned district.

Mr. Gardner advised that the Planning Commission has approved the application, subject to this Board's approval.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) to permit 50.6% floor area ratio and a variance of the frontage requirement to allow 50' frontage, per plot plan submitted, and that the entrances of the various units open to the interior of the building only, on the following described property:

A tract of land in Lot 1, Block 1, Crossroads Mall Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to wit: Beginning at a point on the North line of said Lot 1, 495.98' Easterly of the original Northwest corner thereof; thence South 89°-48'-09" East along the North line of said Lot 1, a distance of 348.23'; thence South 16°-35'-59" East a distance of 231.92' to a point on the Northerly right-of-way

Case No. 11972 (continued)

line of I-44; thence South $53^{\circ}-41'-00''$ West along the Northerly right-of-way line of I-44 a distance of 50.0'; thence North $89^{\circ}-47'-51''$ West along the Southerly line of said Lot 1 a distance of 374.20'; thence due North a distance of 251.73' to the point of beginning, containing 96,394 square feet, more or less.

Case No. 11973

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for a home occupation (beauty shop) in an RS-2 District. This property is located at the northeast corner of 83rd Street and South College Place.

Presentation:

Roberta McGill, 8245 South College Place, was present to address the Board requesting permission to place a beauty shop in her home as a home occupation. Ms. McGill read a letter written by a property owner in the area stating falsities concerning the beauty shop. She then read a letter which she wrote stating that she will abide by the law and by the Board's decision. She advised that if her request is granted that there will be no change in the zoning for the area.

Ms. McGill stated that her husband recently installed a small working area for the proposed use. She advised that no advertising would be needed because most of her clients will come from her present place of employment. Ms. McGill stated that there would be no signs erected for the operation and that adequate parking will be provided. She only intends to work two days a week (Thursday and Friday) having no more than 3 customers at a time.

Protestants:

Charles Shelton, 4111 South Darlington Avenue, was present to address the Board and submitted a notice of objection to the application with approximately 113 property owners' signatures opposing the application (Exhibit "J-1"). He was in objection to a commercial enterprise in the residential area. Mr. Shelton also submitted a note from two property owners in the area, L. D. Allert, 8203 South Florence Avenue and K. B. Estes, 8207 South Florence Avenue, who also objects to the application (Exhibit "J-2").

Wanda Teel, 8229 South College Avenue, and Lewis Crandal, 8235 South College Avenue, was present to address the Board concerning the heavy traffic in the subject area and felt that additional traffic is not needed.

Robert Tuhune, 8226 South College Place, was present to address the Board opposing the application because there are only three (3) entrances in the area. He also felt that the business would grow and would increase the traffic problem present in this residential area.

Ellen Walker, 8234 South College Avenue, was present to address the Board stating that she felt that the home occupation would set a legal precedent in the area if it was approved. She also stated that the area might later be rezoned if the Board granted the request.

Case No. 11973 (continued)

Victoria Jones, 8236 South Florence Avenue, was present to address the Board in protest to the application because a financial hardship does not exist. She was also concerned about the safety of the children in the area and the traffic problem.

Wendall Ward, 8218 South College Place, was present to address the Board in protest to a commercial establishment in the neighborhood.

Peter Chiconas, 8206 South Gary Avenue, was present to address the Board opposing the commercial establishment and wishes to keep the nature of the area residential.

Thelma Estes, 8207 South Florence Avenue, was present to address the Board in opposition to the application fearing that it would set a precedent in the neighborhood.

Interested Parties:

Carol Kelly, 3136 East 83rd Street, was present to address the Board expressing the fact that others in the area hold parties or give lessons in their home. She was unsure where the Board would draw the line. She felt that an increase in traffic would not occur.

Jan Youell, 8224 South Florence Avenue, was present to address the Board and felt that the approval would not set a precedent for changing the zoning in the area. She advised that parking would not be a problem in the subject area.

Applicant's Rebuttal:

Roberta McGill advised that the equipment for the beauty shop is presently in her home because her ex-husband installed it just recently. She would like to operate the business at her home so that she can eliminate the rental payment for her present business at the other location. She also felt that her business would not increase the traffic.

Board Action:

PURSER made a MOTION to deny the application and SMITH SECOND the motion.

Discussion:

Mr. Wait suggested that the application be approved for a limited length of time so that the residents in the area could be exposed to the operation. The applicant would come back to the Board for extended time and if there were problems involved, the Board could terminate the approval. Mr. Jackere advised that he would have no objection to the suggestion, since the money has already been expended for the operation.

Mrs. Purser withdrew her motion.

Board Action:

On MOTION of WAIT and SECOND by SMITH, the Board voted 3-1-0 (Lewis, Smith, Wait, "aye"; Purser, "nay"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) for a home occupation (beauty shop) in an RS-2 District, limiting the operation to two customers at any one time, two days a week, being Thursday and Friday, for a period of 6-months with the

Case No. 11973 (continued)

applicant returning to the Board for an evaluation of the operation, to run with this applicant only, on the following described property:

Lot 7, Block 5, Walnut Creek III Addition, Tulsa County, Oklahoma.

Case No. 11974

Action Requested:

Variance - Section 240.2 - Permitted Yard Obstructions - Request for a variance from 400 square feet to 520 square feet for an accessory building in the rear yard. This property is located at 1571 East 35th St.

Presentation:

Timothy Kunz, 1571 East 35th Street, was present to address the Board and submitted a plot plan (Exhibit "K-1"). Mr. Kunz is proposing to construct a 20' x 26' garage on his property. He advised the Board that there was previously an 18' x 18' garage on the subject property which has been torn down. Mr. Kunz advised that he plans to use a portion of the garage as his personal workshop.

Protestants: None.

Board Comments:

Mr. Lewis asked what the garage would be constructed of and Mr. Kunz stated that it would be constructed of wood.

Mrs. Purser asked if there were other framed detached garages in the neighborhood and Mr. Kunz answered in the affirmative.

Mr. Lewis asked if the workshop would be used for a commercial use and Mr. Kunz stated that it would not.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 240.2 - Permitted Yard Obstructions) from 400 square feet to 520 square feet for an accessory building in the rear yard, on the following described property:

Lot 15, Block 2, Parramore Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11975

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance from the street frontage requirement of 30' to 0'. This property is located at 6600 South Gary Avenue.

Presentation:

The applicant was not present to address the Board.

Mr. Smith advised that the case needs to be continued so that the case can be acted upon by the Planning Commission before it comes before this Board.

Case No. 11975 (continued)

Protestants or Interested Party:

Joseph Bradley, 6520 South Gary Avenue, was present to address the Board stating that his property abuts the subject property. He stated that he had a list of conditions that he would want placed on the application if it was approved.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-0 (Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to continue this item to the July 8, 1982 meeting.

Discussion:

The attorney representing the case was present to address the Board at a later time during the meeting requesting that the case be continued to the June 10, 1982 meeting rather than the July 8, 1982 meeting.

Amended Motion:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue this item to June 10, 1982 and to notify Mr. Bradley of the change in date.

Case No. 11976

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a mobile home in an RS-3 District; and a Variance - Section 440.6 (d) & (e) - Request for a variance for a waiver of the required removal bond and a variance of the one-year time limit to 5 years. This property is located at 7112 East Virgin Street.

Presentation:

Betty Young, was present to address the Board on behalf of Ruth Meyers, 7104 East Virgin Street. Ms. Meyers is an elderly woman and was unable to be present today. Mrs. Young advised that if the application is approved that a mobile home will be placed on the subject property with Ms. Meyers deriving the rent from the land and Mrs. Young and her husband deriving the rent from the mobile home. Mrs. Young stated that the money intended for Ms. Meyer will allow her money to live on. Mrs. Young advised that she will maintain and repair the subject property for the elderly woman.

Protestants:

Phyllis Scott, 7115 East Ute Street, was present to address the Board in protest to the application. Ms. Scott stated that she was also representing the property owner at 7111 East Ute. She advised that the subject property has had problems with the sewer being plugged up and exposing raw sewage on the lot. She stated that the lot has mice and rats and is an unkept and overgrown lot.

Board Comments:

Mr. Lewis asked if there were other mobile homes in the area and Mrs. Young stated that there were not. She advised that the request is only for a five-year period since Ms. Meyer is elderly.

Case No. 11976 (continued)

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in an RS-3 District, so long as the title to the trailer remains in the present ownership, to be permitted for a period of three (3) years as long as the property remains in the ownership of Mrs. Meyers, whichever is less; to limit the approval to this mobile home only, subject to the Tulsa City-County Health Department approval, and a Variance (Section 440.6 (d) & (e) for a waiver of the required removal bond, on the following described property:

Lot 10, Block 17, Mohawk Ridge Addition, City of Tulsa, Oklahoma.

Case No. 11977

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow an automotive wrecker service in a CS District. This property is located at the northwest corner of 64th Street and Peoria Avenue.

Presentation:

Mr. Smith referred to a letter submitted by the attorney, John Sublett, requesting a continuance for the case to the June 10, 1982 meeting (Exhibit "K-1").

Joe McCormick, John Sublett's partner, was present to address the Board stating that Mr. Sublett has only had one day to prepare for the presentation and is requesting to continue the case to the next scheduled meeting.

Protestants:

There were several present in protest to the application.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue this case to the June 10, 1982 meeting.

Board Comments:

The Board advised that the case would be heard at the June 10, 1982 meeting with no further continuances.

Case No. 11978

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback requirement from Union Avenue from 85 feet to 70 feet. This property is located west of Union Avenue from west 57th Place to west 58th Street.

Presentation:

Mr. Joe McCormick, 1776 One Williams Center, was present to address the Board representing V. C., Inc. Mr. McCormick submitted a map of the

Case No. 11978 (continued)

subject property (Exhibit "L-1") and a plot plan (Exhibit "L-2"). All of the lots in question front on interior streets and duplex zoning has been obtained for these lots. They are requesting that the setback line on Union Avenue be reduced so that the 1,120 square foot units can be placed on the subject property.

Protestants: None.

Comments:

Mr. Gardner stated that he did not object to the application as long as the dwellings are at least 70' from the centerline of Union Avenue, the minimum 20-foot rear yard.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Purser, Wait, "aye"; no "nays"; Smith, "abstaining"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the setback requirement from Union Avenue from 85' to 70', on the following described property:

Lots 1-6 and 42, Block 5; Lots 13-15, Block 4' Lot 18, Block 6, Woodview Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11979

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a mobile home in an RS-3 District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwelling units on one lot of record; and a Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one year time-limit to 3 years. This property is located at 2103 North Delaware Place.

Presentation:

Mrs. Jerry Buhl, 1817 South 124th East Avenue, was present to address the Board on behalf of her husband. Mrs. Buhl is requesting that a mobile home be placed on the subject property where there is an existing house on the lot also. Mr. and Mrs. Jerry Buhl would be occupying the mobile home to tend to the needs of Mr. Buhl's elderly mother who lives in the house on the subject property.

Protestants: None.

Board Comments:

Mr. Lewis asked where the mobile home would be placed on the property and Mrs. Buhl stated that it would be located on the south side of the existing house and toward the back of the lot.

Mr. Lewis asked if they had notified the immediate neighbors about the request and Mrs. Buhl stated that they had been notified and had no objections to the application.

Mr. Jackere advised that the first variance dealing with the two dwelling units on one lot is not needed.

Case No. 11979 (continued)

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in an RS-3 District, and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements) of the one year time-limit to three (3) years or as long as Mr. and Mrs. Jerry Buhl are occupying the trailer and the elder Mrs. Buhl is occupying the house, on the following described property:

Lot 4, Block 11, City View Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 11980

Action Requested:

Variance - Section 207 - Street Frontage Requirement - Request for a variance of the frontage requirement on a private street and also a variance of the linear measurement of the building setback on a lot that abuts a cul-de-sac. This property is located at approximately 96th Street and Sheridan Road.

Presentation:

Mr. Lewis advised that the application is a subdivision plat and needs to go before the Planning Commission before it is acted upon by this Board.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue this item to the June 10, 1982 meeting.

Case No. 11981

Action Requested:

Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Request for a variance to allow a mobile home in a CH District; and a Variance - Section 1340 (d) - Applicability of Requirements - Request for a variance to allow gravel for off-street parking in place of an all-weather material. This property is located at 61 North Yale Avenue.

Presentation:

Mr. Lewis advised that the case has the wrong legal description and needs to be continued so that the description can be corrected.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue this item to the June 10, 1982 meeting.

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow a mobile home sales office for 2½ (two & one-half) years. This property is located at the southeast corner of Admiral Place and Garnett Road.

Presentation:

Michael Gubser was present to address the Board on behalf of Edward Cohen, 2606 South Harvard Avenue, who was unable to be present today.

Board Comments:

The Board stated that this same application had been denied by the Board a month earlier. Discussion ensued as to whether it would be appropriate to hear the case or not.

Mr. Wait suggested that the case be continued so that the applicant could be present to present the case.

Mr. Jackere stated that the only change in the application was that the first application was for a mobile home sales office and that this application is for a mobile home sales office for a 2½ year period. He stated that the only change was in the time limitation.

The Board stated that they had already heard the case and did not feel that it would be appropriate to hear the same case again. If the decision which the Board made a month earlier was not agreeable to the applicant, an appeal to District Court could have been filed.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Purser, Wait, "aye"; no "nays"; Smith, "abstaining"; Victor, "absent") that the Board find that this is essentially the same application that was heard previously, therefore, they voted to deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a mobile home sales office for 2 & 1/2 (two and one-half) years, on the following described property:

Beginning at a point 90' South and 50' East of the NW 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. 11983

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the rear yard requirement from 20' to 6' and a variance in the setback from Marshall Place from 50' to 42'. This property is located at 1218 North 91st East Avenue.

Presentation:

Herbert Fowler, 1218 North 91st East Avenue, was present to address the Board and submitted a plot plan (Exhibit "M-1"). Mr. Fowler is proposing to construct a two-car garage on his property. He advised that the garage will be constructed of brick to match the exterior material of the house.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the rear yard requirement from 20' to 6' and a variance in the setback from Marshall Place from 50' to 42', per plot plan submitted, on the following described property:

Lot 1, Block 3, Laymon Acres, City of Tulsa, Tulsa County, Okla.

Case No. 11984

Action Requested:

Variance - Section 430 - Bulk and Area Requirement in Residential Districts - Request for a variance of the rear yard requirement from 25' to 14.75'. This property is located at 3122 East 78th Place.

Presentation:

W. E. Morris, 3122 East 78th Place, was present to address the Board and submitted a plat of survey (Exhibit "N-1"), and an elevation and site plan (Exhibit "N-2"). Mr. Morris is proposing to add an addition to the rear portion of his existing house. He stated that he has changed and revised the plans after he applied for a building permit.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Morris if he had talked to his neighbors about the proposed project and Mr. Morris stated that the neighbors who had been contacted had no objections.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the rear yard requirement from 25' to 14.75', per revised plot plan submitted, on the following described property:

Lot 4, Block 9, Amended Walnut Creek, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Interpretation:

Interpretation of Tulsa Zoning Code, Section 430.2 (c).

Presentation:

Legal Councilor Jackere recommended to the Board that the case should not be heard today because of insufficient legal notice. Mr. Jackere advised that the City Commission approved the mobile home zoning at a public hearing previously, and Mr. Morris failed to submit an appropriate legal description to have the rezoning ordinance published until just recently. He advised that Section 1660 of the Zoning Code does not allow the Board to hear the item.

Warren G. Morris, was present to address the Board stating that the zoning and plat were approved by TMAPC and by the City Commission. However, he has not been able to receive his building permits from the Building Inspector's Office.

Building Inspector Miller advised that she could not issue the building permits in accordance with the way the Zoning Code is written. She stated that the problem lies in the requirement for 6,000 square feet of land area per dwelling unit, which the applicant does not meet.

Mr. Gardner advised that if the request was properly before the Board they could make an interpretation that a mobile home subdivision which meets the requirements of the Ordinance for a 4,000 square-foot lot with a 50-foot dedicated street and which meets the land area requirement for the total development, is all that is required.

The Board discussed the item and expressed their opinions that it was not the intent of the Zoning Code to apply the 6,000 square-foot land area figure to each lot, but to the development in total, so long as each lot had a minimum of 4,000 square feet.

The Staff noted that Mr. Morris has filed an application to come before the Board at the next regularly scheduled meeting which appealed the decision of the Building Inspector, at which time a formal action could be taken on the item.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") that the Board find that the 4,000 square-foot lot area is all that is required and that the variance which he is requesting at the next meeting be determined at the June 10, 1982 meeting.

There being no further business, the meeting was adjourned at 5:24 p.m.

Date Approved

July 8, 1982

Adrian M. Smith
Chairman