

CITY BOARD OF ADJUSTMENT
MINUTES (No. 368)
Thursday, August 5, 1982, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith, Chairman Victor Wait (out at 4:00 p.m.)	Purser	Gardner Jones Martin	Jackere, Legal Department Miller, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, August 3, 1982, at 10:30 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of June 24, 1982, (No. 365).

WITHDRAWN CASES:

Mr. Smith advised that Case No. 11971, Case No. 12081, and Case No. 12098 has been withdrawn from the agenda.

UNFINISHED BUSINESS:

Case No. 12063

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the Bulk and Area Requirements to permit a lot-split. This property is located at 4 East 24th Street.

Presentation:

Gary Madison, 324 South Main Street, was present and submitted a plat of survey (Exhibit "A-1"), a plot plan (Exhibit "A-2") and a copy of the plot plan and floor plans when the application was approved in 1978 (Exhibit "A-3").

Mr. Madison advised that the request is for a lot-split to permit two individual single-family dwellings on the subject property. The request involves two items: The lot size of tract A and the rear yard requirements on tract A. Mr. Madison advised that the irregular shape of the lot makes it almost impossible to divide the lot and obtain the required lot size on both tracts. The lot size and lot area are sufficient on tract B.

Protestants:

H. D. Wallis, 6 East 25th Street, was present in protest to the application. He stated that permitting the lot-split would be incompatible with the rest of the area.

Case No. 12063 (continued)

Board Comments:

Discussion ensued concerning the connecting of the roof lines.

Mr. Gardner stated that even if the roof lines where connected that it would not prohibit the lot-split from occurring. The only purpose for the lot-split is to be able to sell the units individually.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the Bulk and Area Requirements to permit a lot-split (L-15478) on the following described property:

Lot 7, Block 9, Riverside Drive Third Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12066

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the setback requirements to 41st Street from 100' to 83.48'. This property is located at 1238 West 41st Street.

Presentation:

Carlos Disdier, 598 West 81st Street, was present and stated that all of the easements on the north side of 41st Street have been taken into consideration concerning the widening of 41st Street. He stated that he had gone to the City Engineer's Office and they were unfamiliar with the plans for the street.

Protestants: None.

Comments:

Ricky Jones advised that the case was continued to inquire about the bridge and 41st Street. He stated that he had viewed the subject area and if the road were to be widened, the centerline of the bridge would be the north side of the existing road. The bridge is presently 2-lane and if it was expanded, it would be expanded to the north, or the bridge would have to be moved over.

Dorothea Miller, Protective Inspections, stated that the City Engineer said that the Corps of Engineers built the bridge in question and they had no knowledge of where they would put the road if and when they do.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial District) of the setback requirements to 41st Street from 100' to 83.48' on the following described property:

The East 110' of the West 160' of the North 448' of the NW/4 of the NE/4 of the NW/4 of Section 26, Township 19 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12090

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the setback from the centerline of East 22nd Place from 50' to 47.5'. This property is located at 5856 East 22nd Place.

Presentation:

Ronald Banks, 5856 East 22nd Place, was present and submitted a plot plan (Exhibit "B-1"). Mr. Banks advised that he is requesting the variance to permit a 22' garage for his existing residence. The proposed garage would only extend 30" further than his house and would be surrounded by shrubbery. Mr. Banks' house is 50.5' from the street and two of his neighbors' houses are 49' and 50' from the street.

Protestants: None.

Board Comments:

Mr. Smith asked if he had talked to his neighbors about the proposed garage and Mr. Banks stated that he had talked to them and they had no objections to the construction.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the setback from the centerline of East 22nd Place from 50' to 47.5', per plot plan, on the following described property:

Lot 7, Block 6, Mary Frances Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12092

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the setback from Greenwood Avenue from 55' to 47'. This property is located at the NW corner of Newton Place and Greenwood Avenue.

Presentation:

David Loop, 707 South Houston, Suite 201, was present representing T.U.R.A. and submitted a plot plan (Exhibit "C-1"). Mr. Loop advised that the subject area which is zoned RS-3, requires a 5' setback on a nonconforming lot; therefore, 55' is required instead of 50'. The applicant is proposing to construct a house on the subject tract, which requires the variance to 47' including 30' of right-of-way and 17' of the applicant's property.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area

Case No. 12092 (continued)

Requirements in the Residential District) of the setback from Greenwood Avenue from 55' to 47', per plot plan on the following described property:

The West-Half of Lot 23 and all of Lot 24, Block 6, Greenwood Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12110

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request to locate a sign 42' from the centerline of Sheridan Road when the Major Street Plan setback is 50'. This property is located at 715 South Sheridan Road.

Presentation:

Harold Hawkins, 915 North 33rd West Avenue, was present requesting the variance to locate a sign at the subject location. The sign which will be 4' x 8' will be placed on an already existing pole.

Protestants: None.

Board Comments:

Mr. Smith asked where the sign would be placed and Mr. Hawkins stated that the pole is 42' from the centerline of Sheridan Road and the sign will extend 8' further.

Mrs. Miller, Protective Inspections, advised that 40' is dedicated to street right-of-way, but the sign would be 34' from the centerline of Sheridan which would be in the City right-of-way. The placement of the sign could not be done without City Commission approval.

It was suggested that the case be continued so that the matter could be worked out by the applicant.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the August 19, 1982 meeting.

NEW APPLICATIONS:

Case No. 12093

Action Requested:

Special Exception - Section 240.2 (c) - Permitted Yard Obstructions - Request for a special exception to modify the fence height from 4' to 6' in the front yard. This property is located East of the SE corner of 67th East Avenue and King Street.

Presentation:

Vicky Hampton, 6804 East King Street, was present and submitted two pictures of the subject property (Exhibit CC-1) and a letter from Childrens Medical Center (Exhibit "CC-2").

Mrs. Hampton advised the Board that her five-year old son had been attacked by a neighbor's pit bulldogs when he went to rescue his own dog from them.

Case No. 12093 (continued)

Since that traumatic experience, he has undergone many changes and is fearful of other dogs, of being alone,...and is reluctant to leave the house. Mrs. Hampton advised that she contacted a fencing company and a 6' screening fence was erected around the property. She stated that she was not advised of the 4' screening fence limitation. She requested that she be permitted to keep her fence to protect her child.

Protestants: None.

Board Comments:

The Board inquired as to the placement of the screening fence and Mrs. Hampton advised that it is completely around her house. She advised that the fence is setback 1' from the neighbor's property and is setback from the street according to the law.

Discussion ensued concerning the fence. Mr. Jackere asked if the neighbor has his dogs fenced in and Mrs. Hampton advised that he has a fence in the back part of his property that has been weighted down by honeysuckle and is only about 2' high. He lets the dogs out of the fence and they play in the front yard.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 240.2 (c) - Permitted Yard Obstructions) to modify the fence height from 4' to 6' in the front yard, on the following described property:

Lot 12, Block 11, Val Charles Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12094

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a day care center in an RS-3 District. This property is located at 2182 South 73rd East Avenue.

Presentation:

Laura Delehanty, 5525 East 51st Street - #124, was present requesting permission to locate a day care center at McArthur Elementary School. The day care facility would be located within the existing school and has been passed by the Tulsa Public Schools, by the Board of Education, and by the community at McArthur.

Protestants: None.

Board Comments:

Mr. Smith asked what age children would be attending the day care center and Ms. Delehanty stated that children ages 3 to 12 would attend. Mr. Smith asked if a playground facility would be provided and if so, where it would be located. Ms. Delehanty stated that a playground facility would be provided within the school's playground facility and it would be located on the west side, behind the school. The proposed playground will not be near any residences.

Case No. 12094 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a day care center in an RS-3 District, on the following described property:

The East 1/2 of the South 1/2 of the NE/4 of the NW/4 of Section 14, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12095

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a day care center in an RS-3 District. This property is located at 1135 South Yale Avenue.

Presentation:

Laura Delehanty, 5525 East 51st Street - #125, was present requesting permission to locate a day care center in two of the classrooms at Franklin Elementary School. The playground facility will be located behind the School on the corner of 11th Street and Yale Avenue. Ms. Delehanty advised that the State Licensing Department requested that the facility be placed at the subject location. The facility was approved by the Tulsa Public Schools and the principal at Franklin Elementary School.

Protestants:

Lester Zimmerman, 4132 East 41st Street, was present in protest to the application because there are two other day care centers within 100 yards of the proposed location. He felt that there is no need for another facility and if it was added it would take away from the existing day care centers.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a day care center in an RS-3 District, on the following described property:

The W/2 of the NW/4 of the NW/4 of the NW/4, Section 10, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12096

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of Birmingham Avenue from 55' to 36'. This property is located at 3641 South Birmingham Avenue.

Presentation:

Gilbert Livingston, 3641 South Birmingham, was present and submitted a plot plan (Exhibit "D-1"). Mr. Livingston is requesting the variance in order to convert his present garage into additional living space and

Case No. 12096 (continued)

extend the garage toward the street. He stated that he wants his property to line up with other properties on Birmingham Avenue. He stated that the extension of the garage will improve the quality and appearance of the neighborhood. His neighbors have been contacted concerning the request and they had no objections.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Birmingham Avenue from 55' to 36', per plot plan submitted, on the following described property:

Lot 5, Block 1, of the Amended Plat of Block 7 and Lot 9, Block 1, Oakview Estates Addition to the City of Tulsa, Tulsa County, Okla.

Case No. 12097

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow two mobile homes in an RS-3 District. This property is located at 5015, 5119 and 5121 East Virgin Avenue.

Presentation:

Gabriel Lucero, 5423 East Young Court, was present requesting permission to place two mobile homes on the subject property; one for himself and the other for his daughter.

Protestants: None.

Board Comments:

Mr. Victor asked if there were other mobile homes in the area and Mr. Lucero stated that there are other mobile homes within two or three blocks.

Mr. Smith asked if the mobile homes would be served by the sanitary sewer system and Mr. Lucero answered in the affirmative.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow two mobile homes in an RS-3 District, for a one-year period, removal bond required, subject to approval by Tulsa City-County Health Department, on the following described property:

The West 75' of the East 150' of the West 730.5' of Lot 13, Block 1, S. R. Lewis Addition and a tract of land being at a point located directly on the North Boundary Line a distance of 375' West of the NE corner of Lot 13, Block 1, S.R. Lewis Addition; thence from said point running in a Westerly direction along said North Boundary Line of said Lot 13, a distance of 50'

Case No. 12097 (continued)

to a point; thence running in a Southerly direction parallel to the Western Boundary of said Lot 13, a distance of 172.5 feet to a point thence running in an Easterly direction parallel to the Southerly Line a distance of 50' to a point thence running in a Northerly direction parallel to the Eastern Boundary Line of said Lot 13, a distance of 172.5' to the point of beginning and Lot 13, Block 1 of the S. R. Lewis Addition; beginning 430' from the NW corner, extending East 100'; thence South 172'; thence West 100'; thence North 172 feet to the starting point; all the above properties being in the S. R. Lewis Addition to the Town of Dawson, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12099

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate three mobile homes in an RS-3 District; and a Variance - Section 208 - One Single-Family Per Lot of Record - Request to allow three mobile homes on a lot of record with an existing single-family structure; and a Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one-year time limit and a variance of the removal bond. This property is located at 4531 North Lewis Avenue.

Presentation:

Mr. Smith advised that the applicant, Joe Ziegler, submitted a letter to the Board requesting a continuance of the case in order for him to work out agreements which would benefit both himself and his neighbors (Exhibit "E-1").

Protestants:

Stephen Bitto, 4441 North Lewis Avenue, was present to submit a protest petition signed by fifteen (15) property owners in the surrounding area (Exhibit "E-2").

There were eight (8) others present in protest to the application.

Board Comments:

The Board suggested that the protestants come before the Board on the requested continuance date.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the September 30, 1982 meeting.

Case No. 12100

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a detached accessory building on a lot of its own as a principal use. This property is located at 3518 East 4th St.

Presentation:

Dan Miner, 3519 East 4th Place, was present and submitted plans for the proposed accessory building (Exhibit "F-1"). Mr. Miner advised the Board concerning the history of the subject property and his purchase of it. Mr. Miner stated that he purchased two lots which are back-to-back. He intends to remodel the house on 4th Place and is requesting permission to place a portable building on 4th Street. The portable building will serve as a storage area and work area while improvements are taking place on the house. When the house is completed the portable building will be used as a sewing room and work area for Mr. Miner in making costumes for childrens shows.

Protestants:

Eugene Colleoni, District 4 Chairman to the Greater Tulsa Council, was present requesting that the application be denied because it might set a precedent in the area and it would be detrimental to the surrounding area.

Jim Frazier, 717 South Houston Avenue, was present representing eight (8) property owners in the immediate area and submitted fourteen (14) pictures of the subject property (Exhibit "F-2"). Mr. Frazier felt that the portable building was going to be for principal use instead of as an accessory building. Mr. Frazier advised that there is an already existing accessory building with principal use on the subject property.

Madeline Bewley, 3524 East 4th Street, was present in protest to the application stating that it would decrease property value in the surrounding area. She stated that there was also a small house on the same lot with no plumbing and people living there.

Board Comments:

Mr. Victor inquired as to the size of the portable building and Mr. Miner stated that the proposed building is 12' x 20'. Mr. Victor then asked if any customers would be coming to the building and Mr. Miner answered no.

Mr. Jackere felt that the proposal would not be an accessory to a residential use, but would be over and above the accessory use. He felt that it would be classified as a business and has not been properly advertised for that use.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Variance (Section 410 - Principal Uses Permitted in the Residential District) to allow a detached accessory building on a lot of its own as a principal use, on the following described property:

Lot 8, Block 4, University Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12101

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to allow an auto detail shop in a CS District. This property is located at 715 South Sheridan Road.

Presentation:

Richard Preston, 715 South Sheridan Road, was present and submitted a plot plan (Exhibit "G-1") and a picture of the proposed construction (Exhibit "G-2"). The applicant is proposing to construct a two-car garage for an auto detailing shop which will be 26' x 30'. The proposed construction will be located behind the existing building.

Protestants: None.

Board Comments:

Mr. Smith asked if all of the work would be done inside the building and Mr. Preston answered in the affirmative.

Mr. Victor asked what the building would be constructed of and Mr. Preston stated that it would be wood frame with asphalt shingles and would be very similar to the picture which he submitted earlier.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to allow an auto detail shop in a CS District, per plot plan on the following described property:

Lots 12 and 13, Block 20, Sheridan Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12102

Action Requested:

Variance - Section 1215.3 - Use Conditions - Request for a variance of the required screening to an abutting R District to the east. This property is located at 5555 South 104th East Avenue.

Presentation:

Kenneth Stephenson, 5555 South 104th East Avenue, was present requesting permission to waive the screening requirement on the far east side of the property as the City has requested the applicant. Mr. Stephenson advised that in the future it will be the adjacent property line to Highway #169. He also advised that there are no other screening fences enclosing other warehousing facilities in the surrounding area.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 1215.3 - Use Conditions) of the required screening to an abutting R District to the east on the following described property:

Lot 2, Block 18, Tulsa Southeast Industrial Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12103

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential District - Request for a use variance to allow an air-conditioning sales and service establishment in an RS-3 District. This property is located at the NE corner of Pine Street and Kingston Place.

Presentation:

Harold Boyce, 1223 North Sheridan Road, was present and submitted seven (7) pictures of the subject property (Exhibit "H-1"). Mr. Boyce is proposing to place an air-conditioning sales and service establishment on Lot 2 and use Lot 1 as a parking area. Lot 1 has a sewer easement 6' south of the north property line and is 10' wide and could not be built on because the centerline of Pine Street is 60'. There are other businesses in the surrounding area and a gas house (Natural Gas distribution) on the east side of the subject property.

Protestants: None.

Board Comments, et al:

Mr. Jackere questioned why the subject area could not be used for residential purposes.

Mr. Smith inquired as to the hardship and Mr. Boyce advised that lot one is virtually useless, except for a parking lot and lot two would not be conducive for building a house because the gas house on lot one is detrimental to the property being used as a residence.

Mr. Gardner advised that the Staff has a real concern with this application. He suggested that a residence be placed on the subject property, or a professional office building to serve as a buffer.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 2-2-0 (Victor, Wait, "aye"; Chappelle, Smith, "nay"; no "abstentions"; Purser, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential District) for a use variance to allow an air-conditioning sales and service establishment in an RS-3 District, and that the applicant be required to erect a screening fence between the structure and the adjoining residential property to the north and to return to the Board with drawings of the structure before a building permit is issued, on the following described property:

Lots 1 and 2, Block 1, Hefflefinger Addition, Tulsa County, Okla.

Board Comments:

Mr. Smith advised that the application was denied since it takes three (3) affirmative votes for an application to be approved.

Case No. 12104

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential District - Request to place an accessory building on a residential lot, said building being the principal use. This property is located at 3900 Block of 35th West Avenue.

Presentation:

The applicant, Clifford Schultz, was not present for the meeting.

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Case No. 12104 (continued)

Protestants:

Bill Gay, 5804 West 60th Street, Chairman of District #9 of the Greater Tulsa Council, was present in protest to the application and submitted 2 pictures (Exhibit "I-1"). District #9 recommended denial of the application because it is in direct violation of the Zoning Code. Mr. Gay advised that the applicant has begun construction of the accessory building prior to the issuance of a building permit. Mr. Gay advised that the applicant lives in Texas.

Staff Comments:

Mr. Gardner advised that the Staff had raised questions earlier concerning the use of the building and if it would be accessory to an adjoining home.

Mrs. Miller stated that it is a moved-in service station building.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Variance (Section 410 - Principal Uses Permitted in the Residential District) to place an accessory building on a residential lot, said building being the principal use, on the following described property:

Lots 34-40, Block 9, Yargee Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12106

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to allow mini-storage in a CS District; and a Variance - Section 730 - Bulk and Area Requirements in the Commercial District - Request for a variance of the required setback from the centerline of 51st Street. This property is located at the SW corner of 51st Street and Tacoma Avenue.

Presentation:

Lewis R. Cline, 2852 East 35th Street, was present and submitted drawings of the proposed use on Tract 4 (Exhibit "J-1"). Mr. Cline is proposing to place additional mini-storage on the subject property. Mr. Cline also, requested that he be granted the 20' of his property that the State acquired for the 100' right-of-way. If he is given back the 20', additional mini-storage could be utilized.

Protestants:

A protest letter was submitted from Donna Gonzalez and Phyllis Farris (Exhibit "J-2").

Board Comments:

The Board advised that the special exception portion of the application concerning the mini-storage could be acted upon, but the applicant needs to make an application with the City Engineering Department concerning the vacation of the right-of-way from 51st Street.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to allow mini-storage in a CS District; and that the Board cannot act upon the Variance (Section 730) on the following described property:

Case No. 12106 (continued)

Lot 4, Cameron Cline Acres in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12107

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow duplexes in an RS-3 District. This property is located at 1440, 1441, and 1439 North Quanah Avenue.

Presentation:

Charles Clary, 6212 East 93rd Street South, was present and submitted a rough sketch of the plot plan (Exhibit "K-1"). Mr. Clary requested permission to locate duplexes on the subject property, which will be consistent with the surrounding area. The duplexes will contain 1,000 square feet per side and will be three (3) bedroom, one bath units. The units will be colonial type frame structures with gray shutters and gray trim and will have a carport for each side.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow duplexes in an RS-3 District as described; subject to the applicant returning to the Board with detailed plans prior to the issuance of a building permit, on the following described property:

The North 75' of Block 2, Wah-sah-she Addition to City of Tulsa/Osage County, Oklahoma, also, West 157.5' of all of the S/2, N/2 of Block 2, Wah-sah-she Addition to the City of Tulsa/Osage County, Oklahoma.

Case No. 12108

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in the Office District - Request to permit a floor area ratio of 40%; and a Variance - Section 630 - Bulk and Area Requirements in the Office District - Request to permit a two-story structure within an OL District. This property is located at 4612 South Harvard Avenue.

Presentation:

Roy Johnsen, attorney, 324 Main Mall, was present representing Bob Latch, and submitted an aerial photograph (Exhibit "L-1"), a site plan (Exhibit "L-2"), a drawing of the proposed office structure (Exhibit "L-3"), and four (4) photographs of the subject property (Exhibit "L-4").

The applicant intends to remove the old structure on the subject property and construct a two-story office building. Mr. Johnsen proceeded to advise the Board of the history along Harvard Avenue. He presented the aerial photograph pointing out the existing two-story structures in the immediate area. The subject property is 160' from the north to south

Case No. 12108 (continued)

and 300' from east to west. A screening requirement would not be necessary because the subject property is heavily treed.

The subject property is approximately 200' from any residential structure and the building would be approximately 76' from the west property line. The applicant feels that the proposed office building structure is the best use for the property.

Protestants:

Kay J. Campbell, 4615 South Gary Avenue, was present in protest to the application stating that the subject property was originally platted as single-family. He stated that the proposed construction does not coincide with the surrounding area. Mr. Campbell advised that there is not adequate drainage from the subject property to his property. The proposed structure will increase traffic in the subject area and will be hazardous to the children in the area.

Jack Griffin, 4625 South Gary Avenue, was present in protest stating that the office building will decrease the value of the homes in the subject area. He felt that the drainage problem and the two-story structure would infringe on the privacy of his home.

Chris Whinery, 4547 South Gary Avenue, was present and stated that if the application is approved it will create a danger for the children in the area as they get on and off of the school bus.

Applicant's Rebuttal:

Roy Johnsen advised that he has talked with the City Hydrologist and it was determined that all of their drainage will be taken to Harvard Avenue.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 3-1-0 (Smith, Victor, Wait, "aye"; Chappelle, "nay"; no "abstentions"; Purser, "absent") to deny a Special Exception (Section 630 - Bulk and Area Requirements in the Office District) to permit a floor area ratio of 40% and a Variance (Section 630 - Bulk and Area Requirements in the Office District) to permit a two-story structure within an OL District, on the following described property:

The North 160' of the South 170' of the E/2 of Lot 1, Claypool Subdivision in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12109

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a mobile home at 3429 North Harvard Ave.; and a Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Request to permit the mobile home for a period of more than one year. This property is located at 3429 North Harvard Ave.

Presentation:

Tom Affeldt, 201 West 5th Street, attorney representing the applicant, Lennon Davis, was present and submitted seven (7) photographs of the subject area (Exhibit "M-1"). Mr. Affeldt advised that the applicant was granted permission earlier to place his mobile home on the subject

Case No. 12109 (continued)

tract for a period of one year. He had intended to construct a home on the subject property, but was financially unable to do so and is requesting permission to permit the mobile home on the property for more than one year so that he can sell the mobile home.

Lennon Davis, 3429 North Harvard Avenue, was present to address the Board stating that he only wants permission to leave the mobile home on the subject property until he can sell it. He stated that he no longer intends to construct a home as he previously intended because of his financial situation.

Protestants:

Hansil Newton, 557 East 39th Street North, was present in protest to the application requesting that the mobile home be removed, since the applicant only wanted the mobile home on the subject property until his proposed house was completed and at this time the house is no longer proposed. He stated that he would not be in objection to the mobile home if it were skirted and made more permanent looking.

Joann Newton, 557 East 39th Street North, was present in protest stating that at the previous hearing they were not notified of the meeting. She also advised that the subject area is zoned for residential houses only and not mobile homes.

Mrs. Barnes was present stating that she sold the land to Mr. Davis and was informed that a home would be placed on the subject tract and not a mobile home. She requested that the mobile home be removed from the tract.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a mobile home; and to deny a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements) to permit the mobile home for a period of more than one year; subject to the applicant removing the mobile home within 6 months of today's date, removal bond required on the following described property:

The West 330' of the North 132' of the South 264' of the NW/4 of the NW/4 of the NW/4 of Section 21, Township 20 North, Range 13 East, Tulsa County, State of Oklahoma, containing one (1) acre, LESS the West 50' for roadway, City of Tulsa, Tulsa County, Okla.

Case No. 12111

Action Requested:

Variance - Section 830 - Bulk and Area Requirements in the Corridor District - Request to permit transfer of the allowable floor area in an abutting CS District to C0 District and request for a variance of the maximum of 30% to 37% within a C0 District (overall coverage 19% total tract); and a Variance - Section 730 - Bulk and Area Requirements in the Commercial District - Request to permit the transfer of the allowable floor area in an abutting CS District to C0 District; and a Special Exception - Section 250.3 - Modification of The Screening Wall or Fence Requirement - Request to modify the screening requirement on the north side that is abutting the expressway. This property is located at 2221 East 51st Street.

Case No. 12111 (continued)

Presentation:

The applicant, Victor Hill, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to August 19, 1982 meeting, to readvertise.

Case No. 12112

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow duplex use in an RS-3 District. This property is located at 1339 East 55th Place.

Presentation:

Richard Holmes, 1201 4th National Building, attorney representing Toby Powell, was present and submitted a plot plan (Exhibit "N-1"). Mr. Holmes requested that the duplex use be approved on the subject tract which was previously lot-split. The units will contain approximately 1,300 or 1,400 square feet and will have a two-car garage on each property. The structures will be of brick construction and will be 95' x 100', containing a total of 19,000 square feet for the two lots.

Protestants: None.

Interested Party:

Peggy Letzkus, 505 South Quincy Avenue, was present as an interested party and inquired as to the proposed use for the subject property. She also advised that there is an existing structure on the subject property and the tract is heavily weeded.

Applicant's Comments:

Mr. Holmes assured the Board that the structure which presently exists on the subject property will be demolished and the new construction will begin.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow duplex use in an RS-3 District, per plot plan submitted, on the following described property:

Lot 7, Block 6, J. E. Nichols Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12113

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial District - Request for a variance of the .50 lot area ratio to .533. This property is located at 3211 South Lakewood Avenue.

Presentation:

Frank Turner, representing the applicant, John Graham, 4137 South Harvard Avenue, was present and advised the Board that the application was approved in April 1970, subject to the plans being reviewed by this Board. The applicant is requesting permission to add a second floor to the existing structure. Mr. Turner submitted the plot plan (Exhibit "0-1"). The lot size is 27,400 square feet and the structure will contain 14,680 square feet.

Protestants: None.

Board Comments:

Mr. Smith asked what the proposed building height would be and Mr. Turner advised that it would be approximately 32' in height to the top plate.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial District) of the .50 lot area ratio to .533, per plot plan submitted, on the following described property:

Lot 4, Block 1, Marshalltown Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12114

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request for off-street parking in an RM-2 District. This property is located at the SE corner of 16th Street and Cheyenne Avenue.

Presentation:

James Hardy, Suite 700, 1502 South Boulder, was present representing Liberty Towers Condominiums and submitted a zoning map of the subject property (Exhibit "P-1"). The purpose of the application is to remove a two-story house and make a parking lot on the subject property for Liberty Tower Condominiums. There are 204 residential units contained in this structure and the first two floors contain approximately 18,000 square feet of commercial space. The parking area would be used for those tenants and their clients.

The parking lot would be asphalted and would have landscaping on the sides and would be enclosed with a privacy fence.

Protestants:

James Walker, 1639 South Cheyenne Avenue, was present in protest to the application and requested that it be continued to the next meeting, so that more of the property owners in the area could be present for the hearing. He advised that a protest petition would also be submitted at that time.

Case No. 12114 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the August 19, 1982 meeting.

Case No. 12115

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a home occupation in an RS-3 Zoned District; and a Variance - Section 440.2 (a) - Home Occupation - Request to allow a non-member of the family, not residing on the premises as an employee. This property is located at 6603 East 86th Place.

Presentation:

Earl Hall, 6603 East 86th Place, was present and submitted two photographs of his house (Exhibit "Q-1"). Mr. Hall advised that he operates a ministry related business duplicating tapes for himself and other ministries. As of October 15, 1982, the applicant will be moving his business into a retail store location and is therefore withdrawing the variance to allow a non-member of the family as an employee. Mr. Hall advised that he would still be making the tapes in his home and would sell them at his new business location.

Protestants:

Larry Henry, attorney representing the residents of 86th Street, was present and submitted a protest petition signed by approximately 43 property owners (Exhibit "Q-2"), eight (8) photographs of the subject property (Exhibit "Q-3"), and a map showing the applicant's residence and the protestant's residences (Exhibit "Q-4").

Mr. Henry advised that the business creates a continuous movement of traffic in the residential neighborhood. He stated that large vehicles and delivery trucks stop at the subject property frequently. There are many children in the area and the increase in traffic could be a real hazard to their lives.

David Elliott, 6531 East 86th Place, was present to address the Board requesting that the application be denied and stated that the zoning should be protected for all of the residents in the City. He stated that his son was almost hit by one of the many automobiles in the subject area.

Board Comments:

The Board inquired as to the distribution of the tapes and Mr. Hall stated that they would be mailed, shipped, customers would pick them up, or he would deliver the tapes to the customers.

Mr. Victor asked how many people come to the residence in one day and Mr. Hall stated that there would never be more than 4 a day.

Mr. Smith asked the applicant how he received the tapes for recording and Mr. Hall stated that they were delivered to his home by a UPS truck or delivery truck or he picks them up.

Case No. 12115 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to deny a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a home occupation in an RS-3 District, on the following described property:

Lot 6, Block 1, Chimney Hills South Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12116

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the rear yard setback from 20' to 13'; and a Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the maximum livability space per dwelling unit from 2,500 square feet to 2,246.12 square feet. This property is located at 2421 and 2423 South 91st East Avenue.

Presentation:

D. P. Byers, 8260 East 71st Street South, was present and submitted a site plan (Exhibit "R-1"). Mr. Byers is proposing to construct five (5) duplexes on Lots 7, 8, 9, 10, and 11. The Board granted the request for duplex use in 1976, and when it was filed the wrong lot number was placed on one of the lots.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the rear yard setback from 20' to 13'; and a Variance (Section 440 - Special Exception Uses in Residential Districts, Requirements) of the maximum livability space per dwelling unit from 2,500 square feet to 2,246.12 square feet, per plot plan submitted, on the following described property:

Lot 10, Block 1, Memorial Acres Subdivision, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12117

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request to permit a mobile home and to utilize it as an office for a period of nine months to one year. This property is located 1/2 mile East of Yale Avenue, on the north side of 101st Street.

Presentation:

Leon Ragsdale, 1324 South Cheyenne, architect representing Harmony United Church of Religious Science, was present requesting permission to place a portable office structure on the subject property, which would be used by the preacher and secretary on a temporary basis. Mr. Ragsdale advised

Case No. 12117 (continued)

that the Church use was previously granted by the Board, subject to plans being submitted to the Board for review. The lease that the Church had for an office in an office building on South Yale expired on August 1, 1982, and a renewal of the lease could not be obtained. The portable office structure is only being requested until construction of the proposed building is completed. The intent of the Church is to sell the portable structure at the end of construction.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to permit Church use and to permit the portable office structure during the construction period of Phase 1 for a period of one year from this date, on the following described property:

The E/2 of the SW/4 of the SE/4 of the SW/4 of Section 22, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Okla.

Case No. 12118

Action Requested:

Special Exception - Section 1450 - Structural Nonconformities - Request to expand a nonconforming church. This property is located at 3315 West 4th Street.

Presentation:

Thomas E. Smith, 3315 West 1st Street, was present representing Hale Pentecostal Church and submitted building plans for the proposed church building (Exhibit "S-1"). He advised that an expansion of the church building is proposed because of an increase in church growth.

Protestants: None.

Board Comments:

Mr. Gardner advised that if the application were approved it would no longer be a nonconforming use.

Mr. Victor asked if the request was for church use only, and Mr. Smith advised that the Church plans to include a school in the facility.

Mr. Jackere advised that an expansion of a nonconforming use was not permitted under the Zoning Code. The Board could grant the church use, but the applicant would have to go through the platting stage. He suggested that the Board grant a variance, rather than the special exception, so that the platting process would not be required.

The Board advised the applicant that the request for a school use would have to be advertised and could be continued to the next meeting.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser,

Case No. 12118 (continued)

Wait, "absent") to approve a Variance (Section 1450 - Structural Non-conformities) for church use for the existing and proposed expansion of the building as shown on the plot plan; and that the case be continued to the August 19, 1982 meeting to allow for advertising concerning the school use, on the following described property:

The South 160' of Lot 1 and the South 160' of the East 30' of Lot 2, Block "A", Joe Subdivision and the South 100' of the West 70' of Lot 2, Block "A", Joe Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12119

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow office use in an RM-2 District; and a Variance - Section 630 - Bulk and Area Requirements in the Office District - Request for a variance of the required minimum setback from the centerline of Cheyenne from 65' to 50' and request for a variance of the minimum setback from an abutting R District from 10' to 3.5'. This property is located at 1632 South Cheyenne Avenue.

Presentation:

James Steyer, 7331 East 66th Street, was present and submitted a plat of survey (Exhibit "T-1"), and a plot plan (Exhibit "T-2"). Mr. Steyer advised that the existing structure is an old house, which has been vacant for approximately two years. The applicant intends to restore the exterior to the original condition and remodel the interior for office use. Mr. Steyer advised that there is a two-story dwelling quarter on the subject property presently which will be removed. Parking spaces for the proposed use would be added in the rear portion of the property. The proposed use would be an asset to the surrounding neighborhood.

Protestants:

There were several people present in protest to the application and they requested that the case be continued to the next meeting.

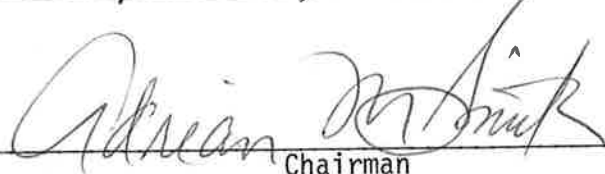
Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the August 19, 1982 meeting.

There being no further business, the Chair adjourned the meeting at 5:25 p.m.

Date Approved

Sept. 16, 1982


Chairman