

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 387  
Thursday, May 19, 1983, 1:00 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT

Chappelle  
Purser (in at 1:12 p.m.)  
Smith, Chairman  
Victor  
Wait

STAFF PRESENT

Gardner  
Jones  
Martin

OTHERS PRESENT

Jackere, Legal  
Department  
Miller, Protective  
Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, May 17, 1983, at 9:55 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 1:07 p.m.

MINUTES:

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 the Minutes of April 21, 1983 (Meeting No. 385).

WITHDRAWN CASES:

Case No. 12588

Chairman Smith advised that a letter was submitted by the applicant, Suzanne Sherwood, requesting that the application be withdrawn and the fees be refunded (Exhibit "A-1"). The Staff was not opposed to the withdrawal or refund of fees being granted.

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 withdraw Case No. 12588 and to refund the fees as requested.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12582

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the setback requirements from 50' to 31' from the centerline of the street to permit the replacement of a sign on an existing pole located at 819 South Lewis Avenue.

Presentation:

Darvin Gilley, 819 South Lewis Avenue, was present and requested that the application be approved.

Protestants: None.

Case No. 12582 (continued)

Board Comments:

Chairman Smith advised the applicant that a removal contract would be required if the application is approved.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 280 - Structure Setback From Abutting Streets) of the setback requirement from 50' to 31' from the centerline of the street to permit the replacement of a sign on an existing pole, subject to the execution of the removal contract, on the following described property:

The South 50' of the North 100' of Lot 12, Block 3, Highlands Addition to the City of Tulsa, Oklahoma.

Case No. 12590

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance of the frontage requirements from 30' to 10'; and a Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the lot width from 75' to 62.5' to allow a lot split #L-15789 located east of the SE corner of 35th Street and Darlington Avenue.

Presentation:

John Harris, 2530 South Quebec Avenue, was present and submitted a plat (Exhibit "B-1"). The lot split was approved by the Planning Commission and Technical Advisory Committee. The lots will exceed the 9,000 square-foot requirement.

Protestants:

Steve Jollette, 3516 South Darlington Avenue, stated his property abuts the subject property and is opposed to the application as it will set a precedent in the area. If the variances are approved the lot width and frontage would be less than required by the Zoning Code. There is presently a drainage problem on the subject tract and if the application is granted it would only increase the problem. There is a 9' fall from the center of the lot to the street and an additional fall at the back of the lot which affects Mr. Jollette.

A woman from the neighborhood was present in protest to the application. She reiterated some concerns she had about the drainage on the subject property. She stated that the 25' driveway at the back of the lot will create a large drainage question because the water will flow across the street. She was also concerned that there would not be adequate parking provided on the property. A fire hazard would exist if the application is approved because of the houses in the back would have a very small accessway.

Mike Austin, 5323 East 36th Street, stated that this property abuts the subject tract to the north. He felt that the application was not properly advertised because many of the property owners in the area never received notice of the public hearing. He, too, felt that the Board should consider the drainage aspect as represented by the neighbors.

Case No. 12590 (continued)

Discussion:

Mrs. Purser suggested if the application is granted that approval be subject to review by the Hydrology Department. Mrs. Miller, Protective Inspections, advised that residential property does not go through hydrology inspections if it is in a floodplain unless this Board specifies that request.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 207 - Street Frontage Required) of the frontage requirements from 30' to 10' and a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the lot width from 75' to 62.5' to allow a lot split (L-15789), subject to a drainage plan being submitted and approved by the Hydrology Department on the following described property:

Lot 3, Less the West 82.5' of the North 150', Block 9,  
Yorkshire Estates Addition to the City of Tulsa, Oklahoma.

Case No. 12596

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Section 440.6 - Request to permit a mobile home in an RM-1 District located at 417 South 60th West Avenue.

Presentation:

Ronnie Carnett, 417 South 60th West Avenue, requested permission to place a double-wide mobile home on the subject property.

Protestants: None.

Comments and Questions:

Mr. Chappelle asked if there are other mobile homes in the area and Mr. Carnett answered in the affirmative and pointed out those locations. Mrs. Purser asked if the sewer line is presently in place and Mr. Carnett answered in the affirmative.

Mr. Gardner advised the applicant that the Board could only approve the mobile home for a one-year period at this time.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1209 and Section 440.6) to permit a mobile home in an RM-1 District, subject to a removal bond required, for a one-year time period, on the following described property:

Lot 13, Block 3, Lawn Ridge Addition to the City of Tulsa,  
Oklahoma.

Case No. 12610

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the setback requirements from 50' to 40' to allow a pole sign (sign is existing - applicant is only changing the sign) located at 5009 East Admiral Place.

Presentation:

Ray Torby, 1889 North 106th East Avenue, represented Craig Neon Company, Inc., and requested permission to replace the existing sign with a new one and retain the existing pole. The new sign will be 6' x 14' in size and will be smaller in square-footage than the existing sign.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 280 - Structure Setback From Abutting Streets) of the setback requirements from 50' to 40' to allow a pole sign (sign is existing - applicant is only changing the sign), subject to the execution of the removal contract on the following described property:

The East 139.54' of the West 801.50' of the North 260' of the South 300' of Lot 4, Section 3, Township 19 North, Range 13 East, Tulsa, Tulsa County, Oklahoma.

Case No. 12612

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance of the frontage requirements from 50' to 7½' to permit a lot split located north of 71st Street, on 66th East Avenue.

Presentation:

Dean Graber, 6835 South Canton Avenue, Suite B, requested that the lot split be granted in order to construct a single-story office building which will be owned by two separate parties. A drawing of the proposed structure was submitted (Exhibit "C-1"). Separate owners will own the front portion and the back portion of the proposed office structure. There is a permanent drive easement from the adjacent property which will provide access to the back portion of the property. The building will look much like a residence.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the frontage requirements from 50' to 7½' to permit a lot split (L-15797), per drawing submitted, including the roof as proposed and as per brick veneer on the following described property:

Case No. 12612 (continued)

Commencing at the most Easterly corner of Block 3, Plaza Village, an Amended Plat of Skyview Center, an addition to the City of Tulsa, Oklahoma, said corner being on the Westerly line of South 69th East Avenue; thence North 65°-24'-10" West a distance of 126' to the point of beginning; thence North 65°-24'-10" West a distance of 59.28'; thence South 24°-25'-50" West a distance of 183.37'; thence on a curve to the left being the North right-of-way of South 66th East Avenue an arc length of 60.67' with a radius of 1,505'; thence North 24°-25'-50" East a distance of 170.46' to the point of beginning, said tract having 0.24 acres, more or less.

UNFINISHED BUSINESS:

Case No. 12547

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to permit a mobile home in an RS-3 District located at the NW corner of 31st Place North and Xanthus Avenue.

Presentation:

The applicant, Robert Knight, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12547 to the June 2, 1983 meeting.

Case No. 12554

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the frontage, area livability space, side yard, front yard setback, parking and lot coverage to allow flexibility within the lots located at the southwest corner of 66th Place and South Peoria Avenue.

Presentation:

Chairman Smith advised that the applicant, Mike Taylor, is requesting that the application be continued.

Protestants: None.

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 continue Case No. 12554 to the June 2, 1983 meeting.

Case No. 12561

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in the Office Districts - Section 440.7 - Use Unit 1202 - Request to allow a tent revival from July 3rd to August 20, 1983 located north of the northeast corner of 46th Street North and Cincinnati Avenue.

Presentation:

Harold Brewer, 7343 South Darlington Avenue, was present and requested permission to allow a tent revival at the subject location. The application was continued at the previous hearing to allow the Tulsa City-County Health Department opportunity to review the application. Since that time the applicant has contacted the Health Department in regard to the request.

Protestants: None.

Board Comments:

Chairman Smith advised that a letter was submitted in response to Mr. Brewer's request to review the case (Exhibit "D-1"). The Health Department has no objection to the tent being placed at the previous mentioned location.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 610 - Principal Uses Permitted in the Office Districts - Under the Provisions of Section 440.7 and Use Unit 1202) to allow a tent revival from July 3rd to August 20, 1983, on the following described property:

Lots 19 and 20, Block 10, Fairhill 2nd Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12566

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to build a car wash in a CS District located South of West 27th Street North and Boston Place.

Presentation:

Marian Cornwell, 2738 North Cheyenne Avenue, requested permission to construct a car wash at the subject location and submitted a plot plan (Exhibit "E-1"). The application was continued from the previous hearing to allow the applicant sufficient time to prepare a plot plan. There will be two entrances to the subject property from Boston Place. The car wash will consist of 5 bays with an equipment room and landscaping will be provided on the property to a certain degree.

Protestants:

Mrs. Purser advised Millie Love, 122 East 25th Street North, submitted a letter in protest to the application (Exhibit "E-2").

Case No. 12566 (continued)

Board Comments and Questions:

Mrs. Purser inquired as to the hours of operation and Mrs. Cornwell stated that the car wash will be in operation from 7:00 a.m. to 10:00 p.m. and will be attended at all times.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to build a car wash in a CS District, subject to the hours of operation be limited between the hours of 7:00 a.m. to 10:00 p.m. and that the car wash be attended at all times on the following described property:

Lot 2, Block 1, Archer Heights Addition, City of Tulsa,  
Tulsa County, Oklahoma.

Case No. 12571

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the Major Street Plan setback from the centerline of I-44 Service Road from 50' to 35' to accommodate canopies for gasoline pumps located at 5150 South 33rd Street.

Presentation:

The applicant, Mark Roberts, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12571 to the June 2, 1983 meeting.

NEW APPLICATIONS:

Case No. 12581

Action Requested:

Variance - Section 1212.3 - Use Conditions - Request for a variance of the required screening from an abutting R District located at 10202 East 31st Street South.

Presentation:

Jack Cox, 1323 South Baltimore Avenue was present and requested a waiver of the screening requirement on the subject property. In order to receive approval from the Engineering Department it was required that the developer of the subject property locate on the easement and correct the channel to provide adequate flow. The fence would be provided on the property line which would prohibit the City from cleaning the channel. There is an existing fence to the back of the subject tract which screens residential property this side of the creek. A waiver of the screening fence is requested because there is an existing screening fence on the easement line.

Case No. 12581 (continued)

Protestants: None.

Comments and Questions:

Mrs. Purser suggested that approval be granted until such time that the existing fence is no longer provided. Mr. Cox stated that if the existing fence deteriorates the abutting property owner most likely would replace the fence to protect his property from the creek.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 1212.3 - Use Conditions) of the required screening from an abutting R District on the following described property:

The West 718.10' of Lot 2, Block 1, Bradford Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12583

Action Requested:

Variance - Section 1450 (a) - Structural Nonconformities - Request to permit enclosing a nonconforming front porch located at the NW corner of 16th Street and Denver Avenue.

Presentation:

Bruce Robson, 2208 East 23rd Street, was present and submitted a floor plan (Exhibit "F-1"). Mr. Robson explained that he owns three buildings in the immediate area and has previously converted two of them to office space by enclosing the front porch. The applicant is now requesting permission to enclose the front porch on the third structure. There will be no other additions to the existing structure. The enclosure of the front porch will be constructed of stucco and will be in keeping with the existing structure.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 1450 (a) - Structural Nonconformities) to permit enclosing a nonconforming front porch, per plan submitted on the following described property:

Lot 4, Block 4, Stonebraker Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12585

Action Requested:

Variance - Section 1211.3 - Use Conditions - Request for a waiver of the screening fence requirement on the east boundary; and an Interpretation - Section 1660 - Section 1211.3 - Request for an interpretation as to whether Section 1211.3 requires screening when abutting land separated by nonarterial street is not residential, but is zoned RS. This property is located at the SW corner of 15th Street and Yorktown Place.



Presentation:

Tom Tannehill, 1516 South Yorktown Place, attorney represented the owner of the subject property, United Insurance Brokerage, Inc., and submitted four (4) photographs (Exhibit "G-1") and a petition in support of the application signed by seventy-seven (77) surrounding property owners (Exhibit "G-2").

The subject property contains an existing one-story office building where the applicant is requesting the screening fence requirement be waived. The Gillette Mansion located on the SE corner of 15th Street and Yorktown Place includes an office zoned district on the front portion with the office portion of the Mansion zoned residential. In February 1982, the Board granted approval of an application allowing the property to be used for office space, but the zoning remained the same. The applicant requested that the Board interpret the Zoning Code so as not to require an office building be screened from another office building. Mr. Tannehill contended that Boulder Bank, the owner of Gillette Mansion, has contracted to sell the property with the use being office in nature.

The existing wrought-iron fence around the property is attractive and the only property owner affected by the screening fence would be the Gillette Mansion which is to be used for office purposes. The owners to the north and west of the subject property have no objection to the request. Mr. Tannehill advised that a screening fence would be much less attractive than the existing fence. If a screening fence were erected it would create a visibility problem for pedestrians.

Protestants:

James Kumpe, 1554 South Yorktown Place, stated that he objected to the application as an individual and as a member of the Gillette Historic District Association. A petition in protest to the application was submitted bearing 26 signatures of neighbors and Association members (Exhibit "G-3").

Don Austin, 1568 South Yorktown Place, contended that the OL zoning classification only extended to the front portion of the Gillette Mansion and the Homeowner's Association made an agreement with the previous owner of the property that just the house portion be zoned OL. According to Mr. Austin, it was his understanding when the previous property owners of the Mansion lost the property and converted it back to the bank, it was strictly agreed that the zoning reverts back to only OL use up to the front of the porch. The screening fence was erected on the subject property, but when inspections were made the screening panels were removed. Many of the neighbors have made numerous calls in attempting to reinforce the Board's decision. It was requested that the application be denied.

Ed Brett, 1557 South Yorktown Place, was present and reiterated some of the concepts evolved from the February 1982 meeting concerning the Gillette Mansion. Only the footprint of the building was converted to OL. He was concerned that the neighborhood support the development of the Gillette Mansion in maintaining the residential aspect. Mr. Brett contended that the panels placed behind the wrought-iron fence were put in place in order to be easily removed. The screening fence was required to block the parking from the residential street.

Since the developer decided to build an office structure rather than a residential building he should live with the screening fence as was required by the Board.

Discussion:

Discussion ensued concerning the requested interpretation as whether Section 1211.3 of the Zoning Code would require the screening fence on the subject property. A copy of the minutes of the previous meeting concerning the Gillette Mansion was reviewed by the Board members in reference to the conditions placed on approval. When the Board approved the plans for the Gillette Mansion they approved a concept which was a total development of this area. Basically, the request was for office use in the front and non-office or residential use in the rear. Legal Counsel advised that the Board needs to consider the application on its merits.

The Board asked Mrs. Miller, Protective Inspections, if the fence would have been included in the plans and Mrs. Miller stated that if the fence was not included in the drawings it would have been required in the zoning clearance and the panels would be in place by requirement. Mrs. Purser felt that the intention of the original application was that the panels remain in place until that property is used for offices at which time they could be removed. The house is not being used for an office and nothing has taken place to allow the removal of the panels. Mr. Victor reiterated that there seems no logical reason that the fence should not be in place at present. Mr. Jackere, Legal Counsel, advised that the Minutes reflect that the property to the south of the Mansion was to be developed as single-family lots. He felt the use conditions were still effective today and would run with the property.

VICTOR made a motion to deny the application until such time that the property across the street is developed in accordance with the previous application concerning the development of that entire property.

Mr. Jackere advised that the owners of the subject property, Boulder Bank has no objection to the screening fence being removed. The Board has the determination to make whether the waiver of the screening temporarily for the property across the street will benefit from the screening. The Code states that the screening fence shall be abutting the office uses.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-1-0 (Chappelle, Purser, Smith, Victor, "aye"; Wait, "nay"; no "abstentions"; none, "absent") to DENY a Variance (Section 1211.3 - Use Conditions) to waive the screening fence requirement on the east boundary, on the following described property:

The West 30' of Lot 2, and the East 50' of Lot 3, Block 1,  
Maywood Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the 35' height requirements to 41' for a single-family dwelling located at 8761 South Toledo Avenue.

Presentation:

Jerry White, 8402 South 74th East Avenue, was present and submitted a plat (Exhibit "H-1"); an elevation plan (Exhibit "H-2") and seven (7) photographs showing construction of the single-family dwelling proposed (Exhibit "H-3"). Mr. White intends to construct a residence on the subject property which will exceed the 35' height restriction. The applicant intends to place a pitched roof on the structure which would beautify the appearance rather than cutting the walls down to meet the 35' requirement.

Protestants:

Robert Nichols, 111 West 5th Street, represented the developers of Thousand Oaks Subdivision, Ira Crews and John L. Boyd, and requested that the application be denied. The Zoning Code has been amended concerning the height limitation which previously permitted 26' to the top of the top plate and now permits 35' to the top ridge line. The Code now provides the measurement to be the average elevation on the building wall. Mr. Nichols advised that there is not a hardship involved in this case. A provision in the subdivision covenants for this area requires that the building plans be approved by the Architectural Review Committee which have not been approved as of yet. There is unusual topography associated with the subject property, but the applicant should not be permitted to exceed the height restriction by 6'.

Applicant's Rebuttal:

Mike White, 8402 South 74th East Avenue, advised that when the building plans were submitted to the Building Inspector the average elevation was figured without looking at the site. The plans for the four-story house were approved at that time which included a pitched roof.

Discussion:

Dorothea Miller advised that one of the building inspectors reviewed the plans and contacted the applicant because of the proposed roof height as reflected in the plans. Mike White stated that Mr. Rice, one of the Building Inspectors, suggested that a flat roof be placed on the structure, but the applicant desires to place a pitched roof on the house to beautify the residence.

Discussion ensued concerning the average ground level of the residence. Mike White advised that from the bottom plate to the top plate on the fourth floor is measured at 35'. Mr. Victor suggested the Zoning Code allows the 35' height limit to be the average ground elevation with the average elevation being in the middle due to the house being built on a slant. Mr. Gardner illustrated the manner of construction on the hillside in which a residence would be back-filled. Mr. White advised that his residence will be back-filled because the house will be built on a slop ranging from 10' to 0'. If the average ground elevation is considered, the applicant would only be exceeding the height limitation by one-foot.

Case No. 12586 (continued)

Mr. Victor suggested that the Building Inspector review the plans and visit the site in order to advise the Board concerning the back-fill and average ground elevation.

Mr. Nichols did not feel that the back-fill should be considered in determining the height restriction. Mr. Jackere advised that average ground elevation according to the Zoning Code is a mid-point to the highest and lowest elevation at the building wall. He suggested that maintaining conformity is important. The Staff advised that not only would the back need to be back-filled, but also both sides.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12586 to the June 2, 1983 meeting to allow the Building Inspector to determine the permitted roof height based on the average ground elevation.

Case No. 12587

Action Requested:

Variance - Section 240.2 (c) - Request for a variance to enclose the front yard with a 6' chain link fence located at the SW corner of 48th Street North and Trenton Avenue.

Presentation:

Jerry Person, 1544 East 48th Street North, was present and requested that the variance allowing the enclosure of the front yard with a chain link fence be granted. The applicant advised the existing fence has been around two-thirds of the property for approximately seven years. When Mr. Person moved to the subject location he enclosed the remaining one-third of the yard.

Protestants: None.

Comments and Questions:

Chairman Smith asked if the fence would block the view on the corner of 48th Street North and Trenton Avenue and Mr. Person answered in the negative. The fence is a 6' chain link fence and there is no shrubbery encompassing the fence. Mr. Jackere advised that there is a relatively new provision in the Zoning Code concerning the height limitation which refers to a screening fence by interpretation. A screening fence in the front yard would have the tendency to block visibility for traffic and could increase susceptibility to crime. He suggested if the application is granted that approval be subject to the Engineering Department's approval.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 240.2 (c) to enclose the front yard with a 6' chain link fence, subject to no slats or shrubbery to be added, on the following described property:

Lot 1, Block 18, Northridge Addition to the City of Tulsa, Okla.

5.19.83:387(12)

Case No. 12589

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from south property line from 35' to 25' to line up with the building line across South 118th East Avenue located at the NE corner of 41st Street and South 118th East Avenue.

Presentation:

Jack Cox 1323 South Baltimore Avenue, was present and submitted a plat of survey (Exhibit "I-1").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the south property line from 35' to 25' to line up with the building line across South 118th East Avenue on the following described property:

Lot 1, Block 1, Ryon's Place, City of Tulsa, Tulsa County, Okla.

Case No. 12591

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from 25' to 15' on various subject tracts located south and west of the SW corner of 37th Street and Garnett Road.

Presentation:

Dwight Claxton, 5401 South Mingo Road, was present and submitted a plat of survey (Exhibit "J-1"). Mr. Claxton, the present developer, advised that the various corner lots in the subdivision were approved by the City Commission and Planning Commission for setback requirements in the platting process. The applicant is now seeking approval from the Board of Adjustment.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from 25' to 15' on various subject tracts, with the provision that the 15' setback become the side yard, per legal description on the following described property:

Lots 14, 15, and 34, Block 2; Lots 1, 22, 11 and 12, Block 4; Lot 1, Block 5; Lot 16, Block 6; All in South Brook II Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12592

Action Requested:

Variance - Section 620.2 (d) - Accessory Use Conditions - Request for a variance of the 32 square feet of surface area for business signs to 300 square feet located at the north side of Skelly Bypass, east of Harvard Avenue.

Presentation:

Chairman Smith advised that a letter was submitted by the applicant, Mike Maydell, requesting that the application be continued to the June 2, 1983 meeting due to a lack of time to prepare for the hearing (Exhibit "K-1")

Protestants: None.

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 continue this item to the June 2, 1983 meeting.

Case No. 12593

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance to allow no frontage on a dedicated street 30' to 0' (private street) located at 1509 East 19th Street.

Presentation:

Steve King represented Doug Shrout, 3227 East 31st Street, and submitted a plat of survey (Exhibit "L-1") and a plot plan showing a private street from 19th Street to the subject property (Exhibit "L-2"). Mr. King and Mr. Shrout purchased the subject property a couple months ago. The land planners devised two plans for the subject property, one with a public street from 19th Street and the other with a private street leading to the subject property. The public street or cul-de-sac plan would allow seven (7) lots which all meet minimum lot requirements. The street would crowd the tract and the 7,000 square-foot mansion and kill the estate value of the house. The private street plan was then devised and modified the lot to allow increase in the size of the lots making one less lot in the development. Many City Officials voiced their preference for the private street plan as opposed to the public street as the City does not have funds to maintain the public cul-de-sac. The plat as submitted has been filed and approved by the Planning Commission and the T.A.C., and is scheduled to go before the City Commission for final review. Due to the subject property not having frontage on the dedicated street (19th Street) the applicant is proposing to have the private street and approval from this Board to build the lots and fronts on the private street.

The applicant has contacted a restorer for the Spillers' house and will restore the mansion. They have also sold three of the lots on the west end and plan to build two houses in excess of 2,500 square feet. They have limited the two lots on the front to one-story houses so as not to interfere with the view of the estate.

Protestants:

Ed Lodes, 1524 East 19th Street, stated that he lives across the street from the subject property and is opposed to either proposal  
5.19.83:387(14)

showing access to the subject property. He advised a Scarlet Oak Tree which is approximately 50 years old would have to be destroyed if a street was put in to access the subject property. Mrs. Purser advised Mr. Lodes according to the Zoning Code, that the public street or cul-de-sac plan would be permissible without permission from this Board. Mr. Lodes then stated he would support the public street plan if one of the two were chosen.

Mac Arnett, 1760 South St. Louis Avenue, stated he lives to the rear of the subject property. Mr. Arnett, a member of the Swan Lake Homeowner's Association, stated he would prefer the circular drive if it is to be a dedicated street. He stated that he would not be in support of the private drive plan.

Lee Price, president of Swan Lake Homeowner's Association, 1719 South Peoria Avenue, was present and stated that he was not prepared to voice his opinion in this case because he did not receive notice of the hearing, but was informed of the meeting through the District 6 Chairman. Mrs. Purser advised that only property owners within 300' of the subject property are notified of the meeting and suggested that he lives further than 300' from the property.

Larry Pinkerton, attorney representing Loreine Dietrich, 1421 East 19th Street, who has a substantial concern with the proposed development of the subject tract. He felt that the presentation lacked adequate information and is concerned because property and aesthetic values are involved in the determination of this Board. Mr. Pinkerton advised that the property northwest of this tract is a PUD now under litigation which permits 8 homes going on the lot where formerly there was only one house. He expressed a concern with the traffic, fire safety and demand on the sewer system of the proposal if granted.

He urged that the Board reject the approval on a jurisdiction basis. Section 207 of the Zoning Code requires 30' on a public street or dedicated right-of-way. What the applicant proposes to do is referred to as a private street and Section 207 is not appropriate for consideration of this application. He stated that the residents have not had any consideration in the platting process and had no knowledge of it. He also questioned the hardship basis and did not feel that a hardship had been shown. He also did not feel that the notice information was adequate and does not contain sufficient information.

Applicant's Rebuttal:

Doug Shrout, 2729 South Florence Drive, Mr. King and Mr. Frandon's partner, was present and answered some of the questions brought up by the protestants. The applicant intends to preserve the 50-year old Scarlet Oak Tree by enclosing it in an island. The public street or cul-de-sac plan would encroach on the historic valued mansion which would pose a hardship on the mansion. The applicant seeks to maintain and preserve the integrity of the mansion, therefore, the private street would be more appropriate on the property.

Mr. Shrout advised he sent a letter to Mr. Price, president of Swan Lake Homeowner's Association, which included the plot plan for the private street and showing the intended development including proposed restrictions concerning height limitation, building materials, square-footage, etc.

Case No. 12593 (continued)

Mr. Shrout later received a letter from Mr. Price stating that the information he received cleared up a lot of information and did not state any concerns.

Concerning the use of the property under the RS-3 zoning classification, the applicant would be permitted to place eight building sites on the subject property. With the proposed plot plan it limits the building sites to a lesser number and would be more beneficial to the developers and neighborhood. The proposed houses will be of high quality and will be compatible with the neighborhood.

Discussion:

Mrs. Purser asked if the street was platted and became a public street what would be the assessment cost to the developer and Mr. Shrout advised they would install the street per City standards and dedicate it to the City of Tulsa.

Mr. Victor advised he agrees with the protestants and hates to see the more historical areas changed and divided up. He felt that the approval to be made today is on a sketch plat approving the concept of the private drive versus the public street. He did not feel that our action one way or another would have a lot of effect at this point. If we approve it, it still has to go through the final platting process. The protestants can appeal our decision. He felt the plan with the less houses would be more desirable.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-1 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to approve a Variance (Section 207 - Street Frontage Required) to allow no frontage on a dedicated street 30' to 0' (private street), per site Plan B showing the private drive and that the Scarlet Oak Tree as discussed will be on an island and that Lots 1 and 2 will contain one-story houses facing 19th Street as represented, on the following described property:

Lot three (3), except the North 60' of the East 151' thereof, and all of Lot four (4), in Block 26, PARK PLACE ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the duly recorded plat thereof, also known as 1509 East 19th Street, Plat filed, but not recorded Lots 4, 5, & 6, Block 1, Swan Lake Estates Addition to the City of Tulsa, Oklahoma.

Case No. 12594

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record-  
Request for a variance to allow two dwellings on one lot of record;  
and a Variance (Section 240.2(e) - Permitted Yard Obstructions -  
Request a variance to allow a detached accessory building that will cover more than 20% of the rear yard located at 1320 South Indianapolis Ave.

Presentation:

J. Ned Hansen, 1320 South Indianapolis Avenue, was present and submitted a plat of survey (Exhibit "M-1") and a plot plan (Exhibit "M-2").



Case No. 12594

Mr. Hansen advised that the variance to permit two dwellings on one lot is not applicable. The applicant proposes to locate a detached accessory building in the rear yard. The detached building will be 22' x 28' and will be used as a utility room, washroom, and for storage purposes.

Protestants:

James Rainey, 1307 South Indianapolis Avenue, stated his main concern is the possibility of permitting two dwellings on the subject lot. He stated he has no objection to the request as long as the detached accessory building is not used for rental purposes in the future. He suggested the two structures be connected which would not allow two dwellings on that tract. Mr. Victor advised Mr. Rainey that it is the neighbor's responsibility to report to the Building Inspector's Office if the applicant or future owner does not comply with the Board's restrictions.

Comments:

Mrs. Miller, Protective Inspections, advised when the applicant submitted his application there appeared to be two dwellings on the lot because the accessory building contained a kitchen. The Zoning Code permits 750 square feet or 20% of the rear yard coverage for a detached accessory building, whichever is less.

The Board suggested that a covenant be filed with the County Clerk's Office indicating that the accessory building never be used for rental purposes.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings on one lot of record; and to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions) to allow a detached accessory building that will cover 20% of the rear yard plus 25' maximum area and that the applicant file a covenant with the County Clerk's Office stating the accessory bldg. shall not be used for rental purposes, on the following described property:

Lot 18, Block 11, Summit Heights Addition to City of Tulsa, Oklahoma.

Case No. 12595

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Section 440.7 - Use Unit 1205 - Request to allow church use and related uses located at the NW corner of 111th Street and Yale Avenue.

Presentation:

The applicant, Stan Johnson, was not present.

Protestants:

A protest letter was submitted from five (5) immediate property owners and requested that the application be continued for thirty (30) days.

5.19.83:387(17)

Case No. 12595 (continued)

(Exhibit "N-1").

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 continue Case No. 12595 to the June 16, 1983 meeting.

Case No. 12597

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1207 - Section 440.3 - Request to permit the erection of a duplex in an RS-3 District; and a Variance - Section 440.3 (c) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the frontage requirements for a duplex from 75' to 60' located at 5525 South Quincy Avenue.

Presentation:

Casper Jones, 1302 South Fulton Avenue, was present representing Ted Dickson and submitted a plot plan for the 3 duplexes to the south of the property (Exhibit "O-1"). Mr. Dickson proposes to construct a duplex on the subject property. There is presently a single-family residence on the property which the applicant intends to remove and construct the duplex on the tract. Construction of the duplex will not begin for approximately one year. A variance of the frontage requirements is requested from 75' to 60'. The Board has approved many duplexes in this subdivision and some of those duplexes did not meet the frontage requirements. There are three duplexes located to the south of the subject property which are similar to the proposed duplex unit. Mr. Jones advised that the applicant would be willing to bring the plans before the Board prior to constructing the duplex unit.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District - Under the Provisions of Use Unit 1207 and Section 440.3) to permit the erection of a duplex in an RS-3 District; and a Variance (Section 440.3 (c) - Special Exception Uses in Residential Districts, Requirements) of the frontage requirements for a duplex from 75' to 60' on the following described property:

That part of Lot 11 and 12, Block 3, J. E. Nichols Subdivision to the City of Tulsa, Oklahoma; more particularly described as follows to wit: The North 60' of Lot 12 and the North 28' of Lot 11 and the West 14.50' of the South 32' of the North 60' of Lot 11, Block 3, J. E. Nichols Subdivision (containing 9,264 sq. ft.).

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1226 - Request to allow the incineration of animals at the animal shelter located at 4600 North Evanston Avenue.

Presentation:

Captain Lohr of the City Animal Shelter, 4600 North Evanston Avenue, was present and advised that the Animal Shelter proposes to construct and install two (2) crematory furnaces for animals that are euthanized at the subject location. The two crematories will have EPA approval and will have no smoke or particles coming from the stacks. The operation would take place three to four hours a day starting at 6:00 a.m. or 7:00 a.m. The ashes for the crematories would be transported to the dump and would not create an EPA problem. The crematories will be similar to the ones at hospitals for disposing of diseased tissue.

Bruce Williams, town master of the animal shelter, spoke in support of the application and advised the incineration of animals would be very beneficial.

Protestants:

Ronald Fleming, 4731 North Evanston, stated that he purchased the City's old incinerator, which is a state historical structure. Mr. Fleming has spent a tremendous amount of time and money restoring the incinerator and installing city sewer disposal that is EPA approved. His only objection to the approval is odors involved in the operation as it would devalue property in the area due to the obnoxious smell.

L. V. Roe, 4643 North Evanston Avenue, also advised that his main concern is the odor involved in the incineration of animals.

Applicant's Rebuttal:

Mr. Lohr advised that the City Engineering Department is preparing a list of specifications which operations such as this one must meet. He advised that the animal shelter is cleaned up twice a day and deodorized and there is no smell problem at the animal shelter. The employees at the animal shelter are also concerned with the odor involved in the process as they too are exposed to the smell. He advised the units will not give off any substantial odor.

Comments and Questions:

The Board suggested that the applicant furnish additional information concerning the proposed operation. Mr. Lohr advised the Engineering Department has the specific information which has been approved by the Tulsa City-County Health Department and EPA.

Mrs. Miller advised that Harold Miller of the City Engineering Department suggested the approval be subject to the Engineering Department furnishing documentation that there be no odor released from this unit.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential Districts - Under the

Case No. 12598 (continued)

Provisions of Use Unit 1226) to allow the incineration of animals at the animal shelter, that the unit to be installed have a control so there is no emission of noxious or offensive odors, subject to the unit being approved by the City Engineering Department in accordance with their specifications, Tulsa City-County Health Department and other governmental agencies concerned therewith, on the following described property:

A tract of land lying in the W/2, SW/4, SE/4 of Section 8, Township 20 North, Range 13 East in Tulsa, Tulsa County, Oklahoma, and being more particularly described as follows, to wit: Beginning at a point on the East line of Said W/2, SW/4, SE/4, 720.00' North of the Southeast corner; thence West 175.00'; thence North 200.00'; thence in a Northeasterly direction to a point on the East line of Said W/2, SW/4, SE/4, 1,100.00' North of Said Southeast corner; thence South along the East line of Said W/2, SW/4, SE/4 a distance of 380.00' to the point of beginning.

Case No. 12599

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to permit two dwellings on one lot of record; and a Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear yard setback from 20' to 10' & 6" and a variance of the side yard requirements from 10' to 3' located at 1132 North Cheyenne Avenue.

Presentation:

Monroe Wood, 7460 East 3rd Street, was present and advised he plans to remodel the existing structure and will not increase the square-footage. Formerly the structure was used as a servants quarters and a one car garage which is being converted into a dwelling unit. The applicant intends to enclose the garage space in his remodeling endeavors. Mr. Wood submitted five (5) photographs of surrounding properties containing two dwellings (Exhibit "P-1"); a plot plan (Exhibit "P-2") and a list indicating the addresses having two dwelling units within one block of the subject property (Exhibit "P-3").

Protestants:

Merle Inman, 1144 North Cheyenne, was present and advised he is a member of the neighborhood association who is attempting to upgrade the area. If two dwellings are continually permitted in this area property values will decrease. His main concern is if the property contains enough square-footage to house the two dwellings. He was also concerned if there would be adequate parking provided on the subject property.

Comments and Questions:

The proposed second dwelling would meet the requirements as a garage, but not the requirements of setback as a dwelling unit. Mrs. Miller, Protective Inspections, advised if there are two dwellings on one lot four parking spaces are required.

Case No. 12599 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208- One Single-Family Dwelling Per Lot of Record) to permit two dwellings on one lot of record; and a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the rear yard setback from 20' to 10'6" and a variance of the side yard requirements from 10' to 3', per plot plan, on the following described property:

Lot 5, Block 6, Pouder and Pomeroy Addition, City of Tulsa, Okla.

Case No. 12600

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1215 - Sections 740.2 and 740.4 - Request to allow a Use Unit 15, retail / office warehouse in a CS District located at the SW corner of I-44 and Garnett Road.

Presentation:

Charles Murphy represented Blythe Carney, 5812 South New Haven Avenue, and advised he is interested in acquiring the subject property to locate a retail/office warehouse on the site. A plot plan was submitted (Exhibit "Q-1").

Protestants: None.

Board Questions:

Chairman Smith asked if the structure would be similar to the unit located south of 21st Street and Garnett Road and Mr. Murphy answered in the affirmative. The Chair complimented the appearance of that structure.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Use Unit 1215 and Sections 740.2 and 740.4) to allow a Use Unit 15 retail/office warehouse in a CS District, subject to there being no outside work or storage, per plot plan, on the following described property:

A tract of land lying in Lots 1 and 2, Block 2, PHEASANT RUN ADDITION, an 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 East line of Said Lot 1, 90.00 feet North of the Southeast corner thereof; thence North 00°-28'-30" North along the East line of Lot 1 a distance of 433.33 feet to a point; thence due West a distance of 211.99' to a point; thence South 00°-28'-30" East parallel to the East line of Said Lot 1 a distance of 433.33' to a point; thence due East a distance of 211.99' to the point of beginning; containing 2.1089 acres, more or less.

Case No. 12601

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from the centerline of 28th Street from 50' to 40' located at 2747 South 137th East Avenue.

Presentation:

Dale Treat, 3619 South 124th East Avenue, was present on behalf of Bill Morgan and requested that the variance of the setback be granted. Mr. Treat submitted a plot plan (Exhibit "R-1") and a floor plan (Exhibit "R-2").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the setback from the centerline of 28th Street from 50' to 40', per plot plan and floor plan submitted, on the following described property:

Lot 29, Block 1, Eastland Acres II Addition, an Addition to the City of Tulsa, Oklahoma.

Case No. 12602

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Section 440.7 - Request to allow a school (Kindergarten through 8th grade) in an existing church building located at 146 South Sheridan Road.

Presentation:

Roger Bentz, 4305 South Darlington Avenue, represented the applicant, Cherie Salazer, who is seeking permission to allow a school (kindergarten through 8th grade) in the existing church building. Mr. Bentz submitted a photograph of the subject property (Exhibit "S-1").

Protestants: None.

Comments and Questions:

Mr. Victor inquired as to the maximum number of students permitted and Mr. Bentz stated that 250 students would be permitted based on the square-footage. Chairman Smith asked if adequate parking space would be provided and Mr. Bentz answered in the affirmative.

The Staff advised the plat waiver is working before the Planning Commission at this time.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1205 and Section 440.7) to allow a school (kindergarten through 8th grade) in an existing church building on the following described property:

5.19.83:387(22)

Case No. 12602 (continued)

Lots 2, 3, 4, 5, 12, 13, 14, 15 and 16, Block 7, Berryman's Estate Addition, City of Tulsa, Oklahoma.

Case No. 12603

Action Requested:

Variance - Section 1205.3 - Use Conditions - Request to permit parking along Harvard Avenue in a required front yard 35' located at 5511 South Harvard Avenue.

Presentation:

Leon Ragsdale, 1324 South Cheyenne Avenue, represented Woodland Acres Baptist Church and submitted a site plan (Exhibit "T-1"). Mr. Ragsdale advised that the Board previously approved church use on the subject property. The proposed parking will be located along 55th Street and Harvard Avenue. The reason for the application is that in a residential district church use is governed by the setback requirements. In this case the parking lot encroaches into the setback approximately 35'. The applicant has met with the City Engineering Department and has agreed to landscape along Harvard. The City Hydrology Department has reviewed the drawings and has approved the drainage plan. Mr. Ragsdale advised on Harvard from 51st to 55th Streets there are numerous occasions that the parking encroaches into the setback line.

Mr. Ragsdale advised a letter was sent out to the surrounding property owners stating the Church's intention and enclosed in the letter was a sketch of the proposed plan. A neighborhood meeting was also held at the church building to discuss any concerns of the surrounding property owners. The neighbors were concerned that the fence on the east boundary be continued. The property owners were also concerned with the tree preservation on the property.

Protestants: None.

Board Questions:

Mr. Victor inquired as to the hardship and Mr. Ragsdale advised the Church presently has a parking problem on the site. Additional on-site parking is needed to meet the requirements of the Zoning Code.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 1205.3-Use Conditions) to permit parking along Harvard in a required front yard 35', per plot plan, that the screening be continued on the east boundary, subject to the tree preservation as agreed to by the property owners and that landscaping be provided along Harvard Avenue as approved by the City Engineering and Traffic Engineering Departments on the following described property:

A tract of land located in the SW/4 of the NW/4 of Section 33, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the SW corner of the SW/4 of the NW/4 thereof;

Case No. 12603 (continued)

thence North 0°-02'-00" East a distance of 736.0'; thence South 89°-58'-00" East a distance of 50.0' to the point of beginning; thence South 89°-58'-00" East a distance of 30.0'; thence to the left on a curve of arc radius of 1,697.39' and arc angle of 8°-30'-26" an arc distance of 252.03'; thence South 11°-30'-03" East a distance of 504.36'; thence South 64°-54'-53" West a distance of 71.74'; thence North 89°-58'-25" West a distance of 317.0'; thence North 0°-02'-00" East a distance of 505.98' to the point of beginning, containing 3.92 acres more or less.

Case No. 12604

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1205 - Section 440.7 - Request to construct a new worship center, parking, drives and sidewalks (church use) in an AG District; and a Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - Request to allow present gravel parking lot instead of the required all-weather surface located at 4001 East 101st Street.

Presentation:

John Jarboe, attorney representing Catholic Diocese of Tulsa, 4001 East 101st Street, was present and submitted a site plan (Exhibit "U-1") and a photograph of the existing structure (Exhibit "U-2"). The Church requests permission to construct a new church facility which will be connected to the existing structure, which has been used for Church purposes many years. The subject property is zoned AG and the applicant is seeking a special exception for Church use and a variance to allow the gravel parking instead of the required all-weather surface. The parking lot as shown on the plans will allow 209 cars which includes 10% to 12% for compact cars.

The existing parking lot is now gravel and the applicant requests that the Board allow the applicant two (2) years in which to pave the lot. One reason for the variance request is the applicant does not have the hydrology work completed to determine exactly what the drainage would be when the lot is paved. Another reason for the waiver on the parking surface would hinder any delay in the issuance of a building permit.

The applicant proposes to channel the drainage into a detention pond if required by the Hydrology Department.

Protestants: None.

Staff Comments:

Mr. Gardner advised a plat waiver or platting the subject property would be required.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-1 (Purser, Smith, Victor, Wait, "aye"; no "nays"; Chappelle, "abstaining"; none, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Under the Provisions of Use Unit 1205 and Section 440.7) to construct a new



Case No. 12604 (continued)

worship center, parking, drives and sidewalks (Church use) in an AG District; and a Variance (Section 1340 (d) - Design Standards for Off-Street Parking Areas) to allow present gravel parking lot instead of the required all-weather surface on the condition that the applicant apply immediately to the Hydrology Department for the approval of the drainage plan and that the parking lot be in place two years from this date, subject to the applicant seeking a plat waiver or plat the property, on the following described property:

Beginning at the SE corner of the SW/4 of Section 21, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma; thence North 0°-08'-54" East a distance of 815.00'; thence due West a distance of 412.11'; thence due South a distance of 15'; thence due West a distance of 73.59'; thence due South a distance of 350.00'; thence due West a distance of 250.00'; thence due South a distance of 450.00'; thence due East a distance of 733.59'; to the point of beginning, containing 11.626 acres, more or less.

Case No. 12605

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Section 940 - Request for restaurant use in an IL District located at the NW corner of Admiral and 193rd East Ave.

Presentation:

George de Verges, 4111 South Darlington Avenue, was present and represented B. J. Harrison who owns the subject property. Four (4) photographs of the subject tract were submitted for the Board's review (Exhibit "V-1"). Mr. Harrison intends to construct a restaurant on the Industrial Zoned tract of land. The surrounding area contains many food or restaurant locations and Mr. Verges felt that the request would be compatible with the surrounding area.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1212 and Section 940) to allow a restaurant in an IL District, on the following described property:

Lot Two (2) and West Forty-eight (48) feet of Lot Three (3), Block One (1), HARRISON ADDITION to Tulsa, Oklahoma, according to the recorded plat thereof.

Case No. 12606

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the front setback requirements from 50' to 40' from 102nd East Avenue for new construction located at 4512 South 102nd East Avenue.

Case No. 12606 (continued)

Presentation:

Mr. Jones advised the request was amended to 40' instead of 25'.

Mr. Alan Kraft, 4512 South 102nd East Avenue, was present and submitted a site plan and elevation plan (Exhibit "W-1"). Mr. Kraft, the owner of the property, requested that the variance be granted and reviewed the plans with the Board members.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the front setback requirements from 50' to 40' from 102nd East Avenue for new construction on the following described property:

A tract of land beginning at a point 376' east of the Southwest corner of the SE/4 of the NW/4 of Section 30, Township 19 North, Range 14 East of the Indian Base and Meridian; thence North 278.9'; thence East 175'; thence South 278.90'; thence West 175' to the beginning, containing 1.12 acres, except the East 25' and the North 30' for street, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof; AND

The North 130' of a tract beginning 201' East of the Southwest corner of the SE/4 of the NW/4 of Section 30, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; thence North 278.90'; thence East 175'; thence South 278.90'; thence West 175' to the point of beginning, containing 1.12 acres, except the West 25' and the North 30' for street, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12606

Action Requested:

Request a refund of a portion of fees for Case No. 12606.

Presentation:

The Staff advised the applicant, Charles White, has requested a portion of the fees be refunded. The applicant requests the difference of fees between a major variance and a minor variance as he has reduced the request to a minor variance. The Staff would have no objection to refunding \$25 of the application fee.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to refund \$25 of the application fee.

Case No. 12607

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard setback from 5' to 1' to allow an addition to an existing residence located at 2022 North Maybelle Avenue.

Presentation:

Steve Curlee, 2022 North Maybelle, was present and submitted a plot plan (Exhibit "X-1"); a plat (Exhibit "X-2") and a floor plan (Exhibit "X-3"). Mr. Curlee advised that he plans to place an addition to the existing garage which will be from 6' to 8' in width. The addition will most probably be in compliance with the side yard setback, but the applicant requested the variance to assure conformity.

Protestants: None.

Board Comments:

The Board suggested that the applicant return to the Board in two weeks because the applicant was unsure of the setback relief needed at this time.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12607 to the June 2, 1983 meeting.

Case No. 12608

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Section 440.7 - Request to allow park use and facilities to include restrooms, shelter, playground equipment, etc., located west of the Intersection of 41st Street and Riverside Drive.

Presentation:

Jackie Bubenik, represented the applicant, River Parks Authority, 707 South Houston Avenue, Suite 315, and submitted detailed plans for the construction (Exhibit "Y-1") of a restroom facility, shelter and concession areas at the subject location.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1205 and Section 440.7) to allow park use and facilities to include restrooms, shelter, playground equipment, etc., per plan submitted, on the following described property:

A tract of land lying in the SE/4 of Section 24, and in the NE/4 of Section 25, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

5.19.83:387(27)

Case No. 12608 (continued Legal Description)

Beginning at a point located a distance of 40' West of the Intersection of the centerlines of Riverside Drive and 41st Street; thence 100' North to a point; thence 200' West to a point; thence 200' South to a point; thence 200' East to a point; thence 100' North to a point; said Point being the Point of Beginning and Said Tract containing 0.92 acres, more or less.

Case No. 12613

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard setbacks from 10' to 7' and 6' to add onto an existing residence located at 1136 North Cincinnati Avenue.

Presentation:

Richard Williams, 1136 North Cincinnati Avenue, submitted a plot plan (Exhibit "Z-1"). The applicant proposes to rebuild an addition to the existing residence which will be brought out two feet to line up with the existing setback of the house.

Protestants: None.

Staff Comments:

Mr. Gardner advised that the Ordinance requires the 10' setback because this area is zoned multifamily, but there are numerous single family residences in the area.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the side yard setbacks from 10' to 7' and 6' to add onto an existing residence, per plot plan, on the following described property:

Lot 12, Block 1, Adams Resubdivision of Block 1, Amended Plat of the Pouder & Pomeroy Second Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12614

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear yard setback from 20' to 6.10' to allow the enclosure of two existing patios. (House sets 17.10' from rear property line located at 5926 South 92nd East Avenue.

Presentation:

Harry Higgins, 5926 South 92nd East Avenue, submitted a plot plan (Exhibit "AA-1") and an elevation plan (Exhibit "AA-2"). The applicant proposes to enclose two patios which are located to the back of the residence. The two enclosed patios will be used as a sun room and a solar room.

Case No. 12614 (continued)

Protestants: None.

Board Comments and Questions:

The Board asked Mr. Higgins if he talked to the neighbor most affected by the proposal and he advised that the owner, who lives out of state, was notified of the request. The Board was concerned that there was no hardship. The original builder has already infringed on the building line which makes the house too large for the lot size.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the rear yard setback from 20' to 6.10' to allow the enclosure of two existing patios, on the following described property:

Lot 21, Block 4, Woodland View Park 4th Addition, City of Tulsa, Oklahoma.

OTHER BUSINESS:

Case No. 12552

Action Requested:

Review of Plans for Case No. 12552.

Presentation:

Chairman Smith advised a letter from Thomas Kivell was submitted requesting that the application be continued to the June 2, 1983 meeting to allow the applicant sufficient time in which to receive approval from the T.A.C. and T.M.A.P.C. (Exhibit "BB-1").

Protestants: None.

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 continue Case No. 12552 to the June 2, 1983 meeting.

Case No. 12492

Action Requested:

Request interpretation and clarification of plot plan for Case No. 12492.

Presentation:

Larry Andrews, 7014 South Birmingham Court, was present and read a letter to the Board which was addressed to the INCOG Staff concerning this matter (Exhibit "CC-1"). At the March 10, 1983 meeting the Board approved a variance of the setback from Birmingham Court from 35' to 29', per plot plan submitted. Mr. Andrews and his wife own the residence nearest the structure approved by the Board at the March meeting. The Andrews were furnished with a plot plan blueprint and was advised by INCOG Staff that if the plans were changed the builder would have

to apply for another variance.

Mr. Andrews contended that several items including the garage, entrance and driveway were favorable to their property values at that time. The builder has changed the plot plan in every way to the detriment of the Andrews' property. He therefore asked for an interpretation and clarification of the plot plan.

Discussion:

Mr. Gardner advised the structure is in the appropriate location, but the builder has changed the garage door opening; therefore, locating the driveway in a different place. Mr. Andrews' concern is if approval of a residence is granted per plot plan, does it bind that individual to place his driveway and garage as shown on the plan.

Chairman Smith was concerned with the drainage problem on the subject property. At the previous hearing the drainage was discussed, but the subject property is not in a floodplain and could not be considered by the Hydrology Department. Ruben Hayes was interested in the problem and talked to Mr. Smith concerning the matter.

Mr. Jones stated the determination should be made whether plot plan means plot plan in every aspect. Mrs. Purser suggested that the Board direct the Legal Department to pursue the applicant's conformance with the Board's approval. The Board requested that the Building Inspector place a red tag on the property immediately.

Mr. Jones suggested that the applicant will need to apply for an amended site plan.

Mrs. Miller advised the variance of the setback was the only request previously; therefore, the Building Inspection Department was not concerned that the driveway did not comply with the plan as he is permitted to build within 5' of the setback. In the past the Building Inspectors have worked all of the permits similar to this one. When the Board reviews a church or commercial structure the Board reviews the whole plan and that plan is strictly adhered to. The Building Inspection Department does not require a driveway to conform to the plot plan unless specifically required by the Board and the structure meets the required setback approved by the Board. Even though the Board approved a residence, per plot plan, the Department did not consider the driveway a part of the structure because a building permit is not needed in pouring a driveway.

Therefore, it was determined that a plot plan means a plot plan including driveways and anything on the plot plan.

There being no further business, the meeting was adjourned at 6:33 p.m.

Date Approved

*6-16-83*

*Chairman*