

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 208  
Thursday, March 18, 1976, 1:30 p.m.  
Langenheilm Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Guerrero Jolly, Chairman Purser, Mrs. Smith	Blessing	Castro, Mrs. Edwards Gardner Jones	Jenkins, Building Inspector Pauling, Legal Department

Chairman Jolly called the meeting to order at 1:34 p.m. and declared a quorum present.

MINUTES:

On MOTION of PURSER, the Board 4-1 approved the Minutes of March 4, 1976 No. 207).

NEW APPLICATIONS:

8956

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to locate a mobile home in an RS-2 District located at 500 South 73rd West Avenue.

Presentation:

A. D. David, the applicant, advised that he had purchased the subject property to be near his elderly parents and stated that he owned a mobile home and was requesting permission to locate his mobile home on the subject tract. He stated that he had lived out of state for a number of years and now he was needed to be near his parents as both of them are elderly and require his care.

Upon questioning by Board Member Purser, Mr. David advised that there are four other mobile homes within 300 feet of the subject property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board(4-0)approved an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 440 (6)-Mobile Homes) to locate a mobile home for a period of one year subject to the customary removal bond in an RS-2 District on the following described tract:

8956 (continued)

The West 38 feet of the East 208 feet of the North 1870 feet of the SW/4, of Section 6, Township 19 North, Range 12 East, Tulsa County, Oklahoma; LESS the South 30 feet of the North 1870 feet for road purposes,

8960

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-3 District located at 9186 East Latimer Court.

Presentation:

Mr. Ken Ogdon, 3342 South Oak Street, Wichita, Kansas, representing his sister the applicant, advised that this mobile home had been located on the property via Board of Adjustment approval since 1971. He stated that the purpose of maintaining the mobile home on the property was to allow his sister to care for their mother. Mr. Ogdon stated that there are other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board(4-0)approved an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home for a period of one year subject to the customary removal bond in an RS-3 District on the following described tract:

Lot 2, Block 1, Shirl Jon Addition to the City of Tulsa, Okla.

8961

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in an RS-3 District located at 2444 North Boston Avenue.

Presentation:

The applicant was not present.

<u>Protests:</u>	Francis Givens	Address:	2452 North Boston Avenue
	Alonzo L. Batson		2407 North Main Street
	Cecile C. Hill		2436 North Boston Avenue
	Zemula E. Smith		2503 North Boston Avenue

Board Action:

The Chair without objection continued application No. 8961 to April 1, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and instructed the Staff to advise the applicant that the application will be heard that date with or without the presence of the applicant, and that there were protestants to the application present this date.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements in an RS-3 District located south and east of Pine Street and Cincinnati Avenue.

Presentation:

Roy Marshall representing the Tulsa Urban Renewal Authority, advised that the application consists of properties owned by TURA located directly east of Cincinnati and directly south of Pine Street that have been replatted. Prior to the replatting, there were homes facing these two streets approximately every 50 feet with curb cuts but with the replatting there will be no homes facing the arterial streets. He further advised that TURA had constructed a six-foot screening wall along these arterial streets to separate the residential use from the arterial traffic. In addition, TURA has dedicated to the City of Tulsa an additional 20 feet of right-of-way on the east side of Cincinnati and on the south side of Pine to meet the 100 feet of right-of-way as set forth in the Major Street Plan for arterial streets, as previously the street had only 65 feet of right-of-way. Mr. Marshall further advised that there is a 35-foot setback requirement on the east and south sides of the screening wall and after the replatting, no homes will be facing arterial streets and all of the lots either adjoining or abutting an arterial street will be either a side yard or a rear yard, he is requesting a waiver of the 35-foot setback requirement and is requesting that a 20-foot setback be established as he felt that 20 feet is the standard rear yard setback in most subdivisions in the City.

Interested Parties:

Julius William, 1168 North Cincinnati, questioned the term "setback" stating that he was not familiar with the term and further asked if any of the properties were under consideration for purchasing, after which the applicant advised him that the application does not involve the acquisition of any properties and Bob Gardner informed Mr. Williams that the term "setback" means the distance between the rear of the single-family structure and the rear property line.

Mrs. Daniels, 428 East Oklahoma Place, questioned as to the type of homes to be constructed on the Elgin cul-de-sac at which time the applicant advised that they are to be single-family residences having approximately 1,000 or more square feet.

Charles Kirkhuff, 1401 West Easton, questioned whether the 20-foot setback would continue in the future on other properties along those streets at which time Bob Gardner advised that only the lots under application are being requested to be changed, advising that the 1970 Zoning Code required the 35 feet and prior to the acquisition of the properties by TURA a 20-foot setback had been established noting further that 20 feet is the standard RS-3 rear yard setback used in most subdivisions.

At this point in the hearing, a number of interested parties owning property within 300 feet of the property under application questioned whether their individual properties would be affected by the requested

8962 (continued)

change and what plans had been made for the area for the future, at which time Chairman Jolly advised them that only the properties owned by TURA were under application and would not affect properties west of Cincinnati, and that the future planning of that area was not a subject of the hearing this date.

Protests: None.

Board Action:

On MOTION of PURSER, the Board voted 3-0-1 (with Smith "abstaining") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 35 feet to not less than 20 feet in an RS-3 District on the following described tract:

Lots 3, 4, 5, Block 1; Lots 1, 3, 4, 5 and 11, Block 2; Lots 4, 7, 8, 9, 14, 15, 16, 17 and 18, Block 3; Lots 9, 10, 15, 16 and 21, Block 4; ALL in Unity Addition to the City of Tulsa, Okla.

8963

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins) to erect a restaurant in an IL District located at 4444 South Memorial Boulevard.

Presentation:

Fred Ecnstam, 10339 East 15th Street, representing the applicant, submitted a plot plan (Exhibit "A-1") advising that there is presently a facility on the subject tract but that the applicant plans to remove the existing facility and construct a new one as shown on the plot plan submitted. He advised that this is to be a fast food operation and that there are other restaurants in the area.

Bob Gardner stated that there were no setback requirements on the north property line since that property is also zoned IL.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places, Other Than Drive-Ins) to erect a restaurant per the plot plan submitted in an IL District on the following described tract:

The West 215.74' of the East 265.74' of the North 150' of the South 410' of the NE/4 of Section 26, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places, Other Than Drive-Ins) to erect a restaurant in an IL District located south and west of 37th Street and Memorial Boulevard.

Presentation:

Charles McKinney, the applicant, submitted a site plan (Exhibit "B-1") advising that the tract is now vacant and that he plans to build a restaurant on the subject tract. He further advised that there is approximately 54,000 square feet of land area on the subject tract and that the proposed structure is to be approximately 4,100 square feet in size and it is not to exceed 15 feet in height. He stated that the subject property is adjacent on the south to a service station and that no waivers or setback requirements were being requested. He stated that there are other restaurants in the area. Upon questioning by Board Member Purser as to why the site plan shows "carhop" service and if there was intended to be any carhop or outside service, Mr. McKinney advised that there was to be inside seating only.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 910-Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places, Other Than Drive-Ins) to erect a restaurant as presented and per plot plan submitted subject to no loud speakers and subject to the lighting being directed inward toward the parking lot at all times in an IL District on the following described tract:

A part of Lot 1, Block 1, "Dotson Center", an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit: Beginning at the Southeast corner of said Lot 1, Block 1, "Dotson Center", said point also being the Northeast corner of said Lot 2, Block 1, "Dotson Center"; thence North  $0^{\circ}-03'-00''$  East and along the East line of said Lot 1, Block 1 for 154.67'; thence due West for 240.00'; thence South  $0^{\circ}-03'-00''$  West and parallel to the East line of said Lot 1, Block 1 for 261.11' to a point on the South line of said Lot 1, Block 1; thence South  $64^{\circ}-40'-07''$  East and along the South line of said Lot 1, Block 1 for 45.43'; thence North  $57^{\circ}-41'-29''$  East and continuing along the South line of said Lot 1, Block 1 for 235.50' to the point of beginning and containing 54,411 square feet, more or less.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1227 - Heavy Manufacturing and Industry) to operate an automobile salvage yard in an IM District located northwest of 32nd Street North and Peoria Avenue.

8965 (continued)

Presentation:

The applicant was not present and the Staff advised that the application had not been properly advertised for this hearing date.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) continued application No. 8965 to April 15, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8966

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1213 - Convenience Goods and Services) to conduct retail sales of bread in an IL District; and an

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fencing Requirements) for a waiver of the screening requirements on the south where existing physical features provide visual separation of uses in an IL District located at 6521 East 46th Street.

Presentation:

William H. Mizener, the applicant, submitted three photos (Exhibit "C-1") of the existing screening fence advising that a waiver of the screening requirement was being requested. He stated that the existing fence was over six feet in height and it was located on the south side of 46th Street. In regard to the Exception for retail sales of bread, he advised that this was to be a thrift shop for the sale of day-old bread and that it was to be approximately 750 square feet in size. Upon questioning by Bob Gardner concerning any additional signs planned or any flashing signs the applicant advised that he did not anticipate any flashing signs, he stated that the signs would be flush mount sign ads.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fencing Requirements) for a waiver of the screening requirements on the south where existing physical features provide visual separation of uses; and an

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1213 - Convenience Goods and Services) to conduct retail sales of bread, subject to no flashing business signs, in an IL District on the following described tract:

The South 200' of Lots 10, 11, and 12; and the South 200' of the W/2 of Lot 13; ALL in Block 1, Katy Freeway Industrial Park Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 75' to 25' on the north; from 75' to 30' on the south and from 75' to 25' on the east, and an

Exception (Section 250.3 (d) - Modification of the Screening wall or Fence Requirements ) for a waiver of the screening requirements on the north, east and south in an IL District located southwest of 4th Street and Trenton Avenue.

Presentation:

Don Laden, representing Componets, Incorporated, submitted a plot plan (Exhibit "D-1"), a plat of survey (Exhibit "D-2") and a rendering depicting the surrounding zoning pattern (Exhibit "D-3"), advising that the applicant is proposing to construct a 100' x 150' structure in order to expand the present facility. He stated that the area is one of transition as the Comprehensive Plan designates the area for industrial development while at present the properties to the north and east consist of RM-1 zoning, rental properties and single-family homes and the properties to the south have industrial zoning and parking lots. Upon questioning by Board Member Guerrero as to the height of the proposed structure, Mr. Laden advised that the interior clearance height is to be 16 feet making the total height approximately 18 feet. In regard to the requested variance of the setback requirements, Mr. Laden stated that the existing facility does not have any setbacks and abuts the lot lines as does the CH zoned property to the northeast and the industrial building to the west of the subject property; however, the proposed structure is to be setback 25 feet from the north property line and 30 feet from the south property line. In regard to screening, Mr. Laden stated that he felt that due to the changing nature of the area that a screening fence would serve no real purpose inasmuch as the solid walls of the structure itself would serve the same purpose as a screening fence. Mr. Laden further stated that he felt both requests were proper due to the changing nature of the area and the future industrial development of the area as designated by the Comprehensive Plan. Upon questioning by Board Member Purser as to exterior storage, Mr. Laden advised that there is no exterior storage at present and none is planned.

Interested Parties:

William H. Leach of Route 1, Rose, Oklahoma, advised that he owns properties located at 1533 and 1535 East 4th Street and questioned the exact location of the proposed structure and also the setbacks proposed, at which time Mr. Laden pointed out on the plot plan the location of the proposed structure in relationship to the existing building advising that it is to be constructed on the east of the present building and it is to setback 25 feet from the north property line and 30 feet from the south property line. In regard to the two lots owned by the applicant that are located farther east of the subject tract, Mr. Laden advised that those two lots will not be built on, however, there are some lots to the east that are also owned by the applicant that have been rezoned industrially that are planned to be utilized in the future but are not under application this date.

8967 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board(4-0)approved a Variance (Section 930-Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 75' to 25' on the north; from 75' to 30' on the south and from 75' to 25' on the east; and an

Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for a waiver of the screening requirements on the north, east and south, as presented and per plot plan submitted in an IL District on the following described tract:

Lots 1 through 5, Block 8, Midway Addition to the City of Tulsa, Oklahoma.

8968

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-2 District located at 1415 East 73rd Street North.

Presentation:

Mrs. Sandra Scott, the applicant, advised that this request is for a third extension of a previous approval to locate a mobile home on the subject tract. She stated that she cares for her elderly grandmother who is crippled and requires constant care and that the mobile home is located on the rear portion of her grandmother's property.

Protests: None.

Board Action:

On MOTION of PURSER, the Board(4-0)approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year subject to the customary bond in an RS-2 District on the following described tract:

East 50 feet of Lot 8, and West 5 feet of Lot 9, Block 3, Golden Hills Addition to the City of Tulsa, Oklahoma.

8969

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park which will consist of the following facilities; picnic shelter, unlighted tennis court, landscaping and sidewalks in an RS-3 District located at Queen Street and Florence Pl.



Presentation:

Randy Nicholson, representing the City of Tulsa Parks and Recreation Department, submitted a site plan (Exhibit "E-1") advising that the actual request being made this date is only for the two unlighted tennis courts to be located in the northeast corner of the subject property. Mr. Nicholson advised that at present only funds for the tennis courts are available and the development of the remainder of the park will be completed at such time as funds become available for the remaining facilities.

Bob Gardner suggested that should the application be approved, that it be approved for park purposes as advertised so that the additional facilities can be developed as monies become available and that the approval not be tied to the specific site plan presented this date.

Protests: None.

Board Action:

On MOTION of SMITH, the Board(4-0)approved an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park in an RS-3 District on the following described tract:

NW/4, SE/4, SE/4, of Section 29, Township 20 North, Range 13 East, Tulsa County, Oklahoma, LESS the North 25' thereof.

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park to permit the construction of two tennis courts, in an RS-2 District located at 54th Street and Quebec Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa Parks and Recreation Department, submitted a site plan (Exhibit "F-1") advising that the subject property is located immediately adjacent to Carnegie Elementary School on the south with residential properties located to the west. He further advised that the proposed development for this tract is for two unlighted tennis courts to be located in the center portion of the subject property. In regard to runoff, Mr. Nicholson advised that the subject property is not located within a Flood Hazard Area and that the runoff from the proposed construction will be controlled so as to not exceed the existing runoff.

Protestants:

Mr. Tom Birbillis, 4109 East 54th Street, advised that his property adjoins the park property and he is against changing the existing park. He stated that the present application by the Park Department is only for the park proper and not for the entire park property. He advised that a petition had been circulated in the past against changing the park from its existing state. He stated that the park in its present

state is not unused, advising that approximately 40% of the park is now being used for sports activities, mostly by the adjoining school utilizing the four ball diamonds. He advised that a portion of the park is off limits for the school children as the foundations of a previous prefabricated structure had been left on the grounds and in his opinion as a civil engineer, on one portion of the park property it would require approximately seven feet of fill before the tennis courts could be constructed. Mr. Birbillis also stated that he was opposed to the opening of 54th Street as previously it had been a point of concern for the school children with the street being opened behind the park property. Mr. Birbillis advised that in his opinion a solution to the problem of the school use of the park and also an acceptable site for the tennis courts would be to combine the school property with the park property, making it a joint project. He advised that he had spoken to Mr. Hugh McKnight and to Mr. Bob McCartney about this proposal and they had responded favorably. Upon questioning by Board Member Purser concerning this proposal, Mr. Birbillis stated that he had not received anything in writing from the school board at this point, but they had stated that they were in favor of the proposal.

Interested Parties:

Mrs. Smith, 5423 South Marion, advised that previous petitions had been circulated in favor of the construction of the tennis courts, as the only access points to other tennis courts in the area would require the children to cross either Harvard, Yale or 51st Street. She stated that the area children needed a place to play close enough to enable them to ride their bikes to and from without crossing a major street. In regard to leaving the park in its existing state insofar as the natural beauty of the park is concerned, Mrs. Smith stated that the tennis courts will be unlighted and therefore would have no detrimental affect on the park property. She further stated that in her opinion the tennis courts would take only 3% of the park property leaving 97% in its natural state. Mrs. Smith also stated that with the tennis courts being unlighted there would be no reason for anyone to be in the park area at night, however, in regard to the security of the park, she advised that the Park Patrol will have this park on its list of areas to be supervised and it will be patrolled at regular intervals as are other public parks. In regard to the construction site of the tennis courts, Mrs. Smith stated that she was in favor of building the tennis courts, whether on the presently proposed area of park property or on school property should a joint park-school agreement be worked out.

Randy Nicholson, the applicant, presented a brief history of the project stating that he had held a meeting with the area residents approximately two weeks prior to this hearing and indicated to them at that time this proposed development. Mr. Nicholson advised that Mr. Birbillis was present at that meeting and presented his proposal to combine the park and school property to build the tennis courts on school property. Since that time, the Park Department had drawn up an alternate site for the tennis courts and has scheduled a meeting with Mr. McCartney to review the proposed plan and a long term lease on a particular portion of the school property to construct the tennis court facilities, however, this has not been consummated to date, and the Park Department is requesting the exception to begin construction of the facilities on the park.

property. Mr. Nicholson added that should the school board approve the proposed plan and the long term lease of the school property, the new site would be the west 150 feet of the school property fronting on 56th Street. Upon questioning by Board Member Purser, as to the time span involved with leasing the school property until the time construction could begin at the new site, Mr. Nicholson advised that in another similar case it had taken as long as three months to go completely through the process. Upon questioning by Board Member Guerrero, as to the additional expense involved in leveling the park property presently proposed for the construction site, Mr. Nicholson stated that developing the present park property would be more costly than the school site and that the school site was preferred from a planning standpoint as the topography is better than the park site; the existing school parking lot could be utilized for additional parking; and there is already some equipment and facilities on that site, however, the Park Department cannot proceed with that plan until a lease is agreed to and approved by all bodies involved and construction plans are processed. The Park Department is therefore requesting approval of the exception requested this date in order to begin construction of the facilities. Mr. Nicholson stated that should approval be given for the proposed school site then the Park Department would advertise for Public Hearing on that site, but until that happens they will proceed with their original plan for the park site.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park to permit the construction of two tennis courts, as presented including statements of proper drainage, in an RS-2 District on the following described tract:

A tract of land located in the SW/4 of the NE/4 of Section 33, Township 19 North, Range 13 East, Indian Base and Meridian, Tulsa County, Oklahoma, described by metes and bounds as follows:

Beginning at a point 1075.33' West (North 89°-58'-25" West) and 315.33' North (North 00°-00'-44" West) of the SE corner of said SW/4 of the NE/4 of said Section 33; thence South 89°-58'-25" East for a distance of 415.00' to a point on the East line of the W/2 of the SW/4 of the NE/4 of said Section 33; thence North 00°-00'-17" West along said East line for a distance of 525.00' to a point; thence North 89°-57'-37" West for a distance of 415.00' to a point; thence South 00°-00'-44" East for a distance of 525.10' to the point of beginning, said tract containing 5.00 acres.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park which will consist of the following facilities; unlighted tennis courts, playground, sidewalks, parking and landscaping in an RS-2 District located at 47th Place and Harvard Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa Parks and Recreation Department, submitted a site plan (Exhibit "G-1") advising that the proposed construction includes two unlighted tennis courts to be located in the southwest corner of the property and advised that one baseball diamond requires a slight relocation in order to provide for the parking area. In regard to ingress and egress points, Mr. Nicholson stated that due to the parking areas and existing and proposed ball diamonds they were unable to provide ingress and egress off of 47th Street and so had to make an access point on the western edge of the property. Mr. Nicholson stated that he had spoken with Mr. Thomas the City Traffic Engineer concerning these points and that they had been approved.

Protests: None.

Board Action:

On MOTION of SMITH, the Board(4-0)approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park which will consist of unlighted tennis courts, playground, side-walks, parking and landscaping; per plot plan, in an RS-2 District on the following described tract:

Lot 5, Patrick Henry Village Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 1680 (g) - Special Exceptions - Off-street Parking) to establish off-street parking in an RD District to be used in conjunction with commercial use on adjoining property; and an

Exception (Section 250.3 (g) Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening cannot be achieved in an RD District located north and west of 35th Place and Peoria Avenue.

Presentation:

A representative for the applicant was present and submitted a plot plan (Exhibit "H-1") and a site plan (Exhibit "H-2") advising that the screening waiver was being requested because the west 60 feet of the subject tract is zoned RD while the remainder of the tract is zoned CH. The fencing requirement would require the applicant to fence off the rear portion of his property and the applicant wishes to utilize the rear portion of the tract for parking to be used in conjunction with the commercial use located on the front portion of the subject tract. The rear portion is being requested for off-street parking only and no structures are planned to be constructed on that portion of the property.

In regard to fencing required on and around the subject tract, it was pointed out on the plot plan that a six foot cedar fence would be on the west and south and along the full length of the RD property on the north.

Interested Party:

John Story, Jr. of 3325 South Yorktown, representing the Southminster Presbyterian Church and as a nearby property owner, stated that he concurred with the application, however he was concerned with the question of debris being left on the grounds to blow onto the Church property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 250.3 (g) Modification of the Screening Wall or Fence Requirements) to remove the screening requirement between the residential and commercial subject to screening on the east, south and north around the RD zoned portion; and an

Exception (Section 1680 (g) - Special Exceptions - Off-street Parking) to establish off-street parking in an RD District to be used in conjunction with commercial use on adjoining property; per plot plan submitted on the following described tract:

The West 60' of the South 50' of Lot 6; and the West 60' of Lot 7, Block 2, Peoria Gardens Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 1205.4 - Off-street Parking and Loading Requirements - Under the Provisions of Section 1670) for a variance of the parking requirements for a senior high school and stadium in an AG District located at 6636 South Mingo Road.

Presentation:

George Day, representing the Union School District, submitted a master site plan (Exhibit "I-1") advising that the Union High School property consists of approximately 40 acres. He stated that the Zoning Code requires one parking space per 800 square feet of floor area for senior high schools and the final design concept for the School contains approximately 250,000 square feet which means 315 parking spaces would be required. He further stated that the football stadium would ultimately provide seating for 9,000 spectators and at a ratio of one parking space per four seats, would require 2,250 parking spaces, making the total parking requirement 2,565 spaces. Mr. Day pointed out on the master plan that 1,110 parking spaces are proposed, each being nine feet wide and twenty feet long, and advised that he felt the use of the facilities would not be affected by the reduced number of parking spaces as the athletic and academic functions do not occur at the same times. He further advised that school buses and public transportation used to accommodate school students and family spectators, bands and pep clubs would reduce the quantity of parking spaces required by the Code, and in the applicant's opinion, the requested variance would not cause substantial detriment to public good or impair the spirit, purposes and intent of the Zoning Code or the Comprehensive Plan.

8973 (continued)

Protests:

Kent Haywood, 6545 South Mingo, stated that he had concern with the amount of traffic going to and from the school.

In regard to traffic, Mr. Day advised that the master plan shows ingress and egress points on the north and south of the school property and that it was his understanding that South Mingo was eventually to become a four-lane arterial street.

Board Action:

On MOTION of GUERRERO, the Board voted 3-0-1 (with Smith "abstaining") to approve a Variance (Section 1205.4 - Off-street Parking and Loading Requirements - Under the Provisions of Section 1670) for a variance of the parking requirements for a senior high school per plot plan submitted, in an AG District on the following described tract:

NE/4, SE/4 of Section 1, Township 18 North, Range 13 East,  
Tulsa County, Oklahoma.

8975

Action Requested:

Exception (Section 250.3 (a) - Modifications of the Screening Wall or Fence Requirements) for a modification of the screening requirements on the north and east property lines, where the existing physical features provide visual separation of uses, in a CS District located at the southwest corner of 69th Street and South 66th East Avenue.

Presentation:

Troy Hood, the applicant, advised that at present the subject property is completely screened from ingress and egress on all sides. He stated that he is requesting a waiver of the screening on two sides between the property and the street to allow ingress and egress points on the north side which fronts on 69th Street and on the east side which fronts South 66th East Avenue. He stated that the property to the north of 69th Street is owned by a Church and the property to the east of South 66th East Avenue is vacant but is zoned for multifamily. Upon questioning by Board Member Purser as to the type of building proposed, Mr. Hood advised that it is to be a one-story office building.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 250.3 (d) Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purpose of the screening requirement cannot be achieved in a CS District on the following described tract:

Lot 2, Block 1, Plaza Village Addition to the City of Tulsa, Okla.

8978

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 25' to permit a lot-split in an RS-3 District located north and east of 30th Street and Detroit Avenue.

Presentation:

The applicant was not present. The Staff presented a letter (Exhibit "J-1") from the applicant requesting that the application be continued to April 15, 1976 as the lot-split was still pending before the Tulsa Metropolitan Area Planning Commission.

Protests: None.

Board Action:

On MOTION of PURSER, the Board(4-0) continued application 8978 to April 15, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8981

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the frontage and area requirements to permit a lot-split in an AG District located in the 12200 Block North 129th East Avenue.

Presentation:

The applicant was present and advised that the Tulsa Metropolitan Area Planning Commission had approved the lot-split subject to the Board's approval.

Protests: None.

Board Action:

On MOTION of SMITH, the Board(4-0) approved a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the frontage and area requirements to permit a lot-split (L-13676) in an AG District on the following described tract:

The East 198' of the NE/4, SE/4, NE/4; (LESS the South 440' thereof) in Section 5, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

8991

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the frontage requirements to permit a lot-split in an AG District located northeast of 108th Street and Houston Avenue.

8991 (continued)

Presentation:

The applicant was present and advised that the lot-splits had been approved by the Tulsa Metropolitan Area Planning Commission subject to the Board's approval.

Protests: None.

Board Action:

On MOTION of SMITH, the Board(4-0)approved a Variance of the frontage requirements to permit two lot-splits (L-13669 & L-13670) in an AG District on the following described tract:

Lots 6 & 7, Block 1, Palos Verdes Estates Addition to the City of Tulsa, Oklahoma.

Communication:

8944

The applicant was not present. The Staff advised that this is a communication from Mr. C. R. JoHansen concerning a previous hearing of the Board where he had received approval to erect two duplexes in an RS-3 District subject to conditions being met. Mr. JoHansen stated in his communication that he felt the cost of meeting those conditions was prohibitive with regard to showing a profit on the development and requested that those conditions be altered.

In discussion, the Chair stated the public hearing had been closed and dismissed any further consideration concerning this communication.

Communication:

7399

The Staff presented a letter (Exhibit "L-1") regarding a screening requirement at 704 West 23rd Street, stating that the screening requirement had been modified allowing the applicant to plant shrubs for screening instead of constructing a solid screening fence. The letter also stated that the shrubs that had been planted had died except for a few remaining ones that are at present only about two feet tall. The letter requested that the Board rescind their approval of the alternate means of screening and instruct the applicant to construct a screening fence.

Paul Jenkins, representing the Building Inspector's Office, stated that he felt that the applicant was not in compliance with the previous action with regard to screening being provided on the property.

David Pauling, Assistant City Attorney, advised that in his opinion, the applicant had complied with the original action by planting the shrubs to be used for screening, however, the shrubs had apparently not been maintained resulting in no screening being provided on the subject property.

Board Action:

On MOTION of GUERRERO, the Board voted(4-0)to instruct the Building Inspector's Office to advise the property owner to construct a screening fence on the property.



There being no further business, the Chair declared the meeting adjourned at 4:00 p.m.

Date Approved April 15, 1976

Tom W. Dally  
Chairman