

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 219
Thursday, September 2, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Blessing Jolly Purser, Mrs. Smith (in 1:47 p.m.)	Guerrero, Chairman	Edwards Etter, Mrs. Gardner	Jenkins, Building Inspector's Office Pauling, Legal Department (out 5:40 p.m.)

Acting Chairman Jolly called the meeting to order at 1:38 p.m. and declared a quorum present.

SPECIAL REQUESTS:

8984

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) appeal from a decision of the Building Inspector's order to construct a screening wall or fence along lot lines in common with an R District; an Exception (Section 250.3 (c) - Modification of the Screening Wall or Fence Requirements) to permit the delay of installation of the screening fence along a part of the west and north boundaries until the installation of a required storm sewer and retaining wall along the north and west boundaries is completed; and a Variance (Section 1213.3 (b) - Convenience Goods and Services - Under the Provisions of Section 1670) for a variance of the screening requirements until the completion of a storm sewer and retaining wall along the north and west boundaries in a CS District located north and west of 61st Street and Sheridan Road.

Presentation:

Charles Norman, the applicant, was not present at this time and the Staff advised that he was requesting a continuance of the subject application to November 4 as a contract had been let for the storm sewer and retaining wall and that the contract was in the Engineering Department for review and approval at the present time.

Protests:

Don Harris, 6011 South Lakewood, questioned why an additional continuance was required, after which Mr. Gardner advised that the contract must be approved by the City Engineer as the construction cannot be undertaken until such time as the engineering data has been approved. He pointed out that obtaining the approval of the contract may take some time because of the work load in the City Engineer's Office.

In Board discussion of the request, Chairman Jolly felt that the applicant had proceeded with the work as the contract had been let and the plans were being reviewed by the City Engineer. He supported the requested continuance and suggested that the item be passed to a later point in the

8984 (continued)

meeting when Mr. Norman would be present for other agenda items, after which Mr. Harris advised he would be leaving town and would not be able to await Mr. Norman's arrival. Upon questioning, he advised he would be willing to depend upon a report of the Board's decision from the Chair.

On MOTION of PURSER, the Board (4-0) passed further consideration of the requested continuance to a later point in the hearing to await the applicant's arrival.

At a later point in the meeting, Mr. Norman appeared and advised that the storm sewer had been designed, that the contract in excess of \$40,000 had been let and that the contract was in the City Engineer's Office for review and approval, noting that an additional 60 days would be required in order that the contract might be approved and work completed.

J. W. Bondurant, 6029 South Lakewood, advised the Board that he felt the applicant had moved toward completion of the storm sewer and retaining wall and understood that the contract was required to be approved by the City Engineer and the approval and work would take a minimum of 60 days in addition to weather and other circumstances which might require additional time for the project to be completed. He noted he had no objection to the requested continuance.

Board Action:

On MOTION of SMITH, the Board (3-0), (Purser out momentarily) continued application 8984 to November 4, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9162

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements to permit building on the property line; and 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 requirements cannot be achieved in an IM District located at 2700 East Newton Street.

Presentation:

Tom Archibald, representative for Construction Services, Inc., was not present. The Staff advised that the application had been continued in order that proper notice might be given, noting that the applicant had not yet furnished a new list of those persons to be notified of the application.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) continued application 9162 to September 16, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9188

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses) to bury one 5,000 gallon underground gas tank at Woodward Park; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a public park in an RS-2 District located south and east of 21st Street and Peoria Avenue.

Presentation:

The Staff advised that the subject application would require a continuance as an improper legal description had been published.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) continued application 9188 to September 16, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9172

Action Requested:

Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) to divide a tract of land into three lots (each being 2.5 acres or more) with each lot being granted, by deed, right-of-way for access along the east 30' of the tract, thus giving access to 116th Street in an AG District located at 5900 East 116th Street.

Presentation:

The Staff advised that the subject application would require a continuance as an improper legal description had been published.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) continued application 9172 to September 16, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

MINUTES:

On MOTION of BLESSING, the Board (4-0) approved the Minutes of August 5, 1976, (No. 217).

UNFINISHED BUSINESS:

9129

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 on the north and west from 75' to 0'; an Exception (Section 1680 - Special Exceptions) to establish off-street parking with access points in an RS-3 District abutting an Industrial District; and an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) to

modify the screening requirements where an alternative screening will provide visual separation of uses on the north and west in a CS, IL and RS-3 District located northeast of 41st Street and the Okmulgee Expressway.

Presentation:

Tom Birmingham submitted the plot plan (Exhibit "A-1"), advising that the mini-storage use will be located on that portion of the property zoned IL per plot plan with the screening on the west, which abuts the Expressway, being requested to be modified in order that the structure walls might act as the screening which in turn would require a waiver of the setback requirements on the west from 75' to 0' to permit the development as proposed. To the north of the IL District is an RS-3 area which is proposed for off-street parking with access to West 37th Street in conjunction with the use--the screening being requested for waiver at this location also in addition to a variance of the setback from 75' to 0' to permit the development as proposed. The City Commission, Mr. Birmingham pointed out, approved IL and RS-3 zoning with the proposed development in mind, understanding that the subject application before the Board would be required to permit the proposed development to take place on the property. Upon questioning, Mr. Birmingham advised that there are some residential structures to the north of the tract and that there is some shrubbery along the northern property line. He also advised that his clients would have no objection to the exterior of the development being earthen tone and compatible with the area.

From a planning standpoint, Mr. Gardner advised that the Comprehensive Plan designates the triangular area to the north and west of the subject property for industrial development. In the rezoning of the property, the 30' RS-3 strip was established with a concern for access to West 37th Street as the street is still maintained as a residential street. As presented by the applicant, there are residential structures to the north of the subject property as well as a tree grove. The Staff had no objection to the structure walls being utilized as screening; however, it was felt that these areas between the structures should be connected with screening so as to provide a continual wall for screening purposes. Mr. Gardner pointed out that the subject property is located in the building moratorium and any action should be conditioned upon the applicant's obtaining an exception to the moratorium from the City Commission with a notation that action taken this date should not be construed to set a precedent for removing the property from the moratorium.

Mr. Birmingham advised that an application for an exception to the moratorium had been submitted to the City Engineer even though a definite reply had not been received to date, and the property owner is aware that this exception must be granted prior to any development being permitted on the property.

Protests: None.

Board Action:

On MOTION of PURSER, 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 on the north

and west from 75' to 0'; an Exception (Section 1680 - Special Exceptions) to establish off-street parking with access in an RS-3 District abutting an Industrial District; and an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirements where an alternative screening will provide visual separation of uses on the north and west, per plot plan and subject to the structures being one-story, low profile; earthen-tone exterior paint being utilized; screening being provided between structures on the western boundary of the northern panhandle of the development; and subject to the property being removed from the moratorium area for flood prone properties by the City Commission with action taken this date not to be construed as a recommendation that the property should be removed from the moratorium but merely a finding that if the property is removed from the moratorium area the tract is suited for the use approved by the Board, in an IL, CS and RS-3 District on the following described tract:

Lots 1, 2, 21 and 22, Block 6, Interurban Addition to the City of Tulsa, Oklahoma.

9183

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 1205 - Community Services, Cultural and Recreational Facilities) to construct a nursing home facility in an RS-3 District located north and west of 81st Street and Sheridan Road.

Presentation:

Bill Jones presented a rendering of the proposed 100-bed nursing home facility for the aged which is being requested on the subject property. The development will include 60 double units, 40 single or private units, green space, parking and a service entrance for the structure. The total size of the property, exclusive of what would be required of street right-of-way is 276,000 square feet of land area, while the proposed structure would be 41,680 square feet in size, or a ratio of land to building of less than 20%. Mr. Jones described the area surrounding the subject property, noting that the development is proposed to face 81st Street, that it will accommodate private patients only and will not be subsidized, that 57 parking spaces are being proposed which exceeds the Code requirements of 42 parking spaces. A July, 1976 survey of Tulsa's nursing home facilities show that there are only three private room vacancies in Tulsa, Creek and Osage Counties. With regard to the impact that the use would have on the surrounding area, Mr. Jones noted that the use is a low traffic generator, that the use is not a noise-producing use, and that the development would be compatible with the single-family homes in the area. Mr. Jones advised also that the property will be required to be platted prior to development and that debenture bonds for the Haikey sewer were purchased sometime ago.

Protests:

The Staff submitted a communication (Exhibit "B-1") from Robert H. Duenner, which advises the Board that he cannot be present at the hearing but is very much opposed to the proposed development on the subject property.

John Moody, attorney representing area property owners (Boyd, Crews and Minshall), advised the Board that his clients are concerned with the impact that the proposed nursing home might have on the surrounding area which is in the process of being developed. Mr. Moody questioned the subject property as being the proper location for the use so near the single-family development, feeling that the use would not be compatible unless proper parking requirements, setbacks, etc., could be provided to make the development compatible. Mr. Moody requested that should the Board support the application, that approval be granted subject to the filing of a plat. He further advised that his clients would object if the balance of the 20 acres were going to be used for future expansion of the facility as it would then definitely have a detrimental effect on the surrounding properties.

Robert Duenner, 6100 East 81st Street, advised the Board that he was able to be present this date after all and that he owned five acres in the area which would more than likely be developed single-family as the balance of the area because of the proximity of Holland Hall to this area. Mr. Duenner questioned if the use were permitted in an RS-3 District, after which the Chair advised that the use is permitted via an exception. He advised that the area is experiencing sewer problems and he did not feel that the sewer system would be made available for this property until it is also made available for other properties in the area. Should the application be approved, Mr. Duenner requested that no more units than the proposed 100 be permitted within the development.

Roger Knoll, address unknown, advised the Board that Holland Hall is not taking a position one way or the other with regard to the application; however, because the school owns 160 acres in the area and the school's development is compatible with the area, the school would request that any uses permitted in the area be compatible with the surrounding area. He also advised that the school is concerned with additional traffic being directed into this area and requested that access and circulation be well planned. Mr. Knoll advised he would like to see the area maintained in a single-family manner as he did not wish to see commercial encroachment into the area.

Mr. Jones advised that the subject seven-acre tract is located some 900' from the property owned by Mr. Crews and Mr. Boyd and because the subject property is located to the south of their properties, his clients would be required to carry the runoff from the property to the north. Should his clients exercise their option on the remaining 13 acres, Mr. Jones did not feel that the nursing home would be expanded onto that property. With regard to the development to the east, Mr. Jones did not feel that the use would be detrimental to the neighborhood as the proposed use is less intense than many uses in the area including the elementary school which Holland Hall recently completed.

Board Action:

SMITH moved to deny application 9183. A tie vote being cast (2-2, with Jolly and Purser voting "nay"),

PURSER moved to approve the application, as presented per the rendering and subject to the property being platted. This motion dying for the lack of a second,

9183 (continued)

David Pauling, Assistant City Attorney, suggested that a tie contract might be considered committing the RS-3 between the subject property and RM-0 to single-family development.

PURSER amended the motion to include the tie contract, and the motion died for the lack of a second. The CHAIR declared application 9183 DENIED on the following described tract:

A part of the SE/4 of Section 10, Township 18 North, Range 13 East in the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at the SE corner of said Section; thence West along the South line of said Section 10, approximately 1,315' to the point of beginning; thence West along the South line of said Section 10, approximately 665' to the SW corner of the SE/4 of the SW/4 of said SE/4; thence North along the West line of said SE/4 of the SW/4 of the SE/4, approximately 421'; thence East parallel to the South line of said Section 10, approximately 805' to the centerline of a drainage channel; thence Southward with said drainage channel to the proposed right-of-way of East 81st Street; thence South approximately 50' to the point of beginning, containing 7 acres, more or less.

9130

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirement where an alternative screening will provide visual separation of uses on the north in an OL District located at the southwest corner of 55th Street and Memorial Drive.

Presentation:

Mr. Edwards referred to the Minutes of July 15, 1976, advising that the Board had approved the above-noted request subject to conditions, one of which was the submittal of a landscape plan showing the decorative berm and landscaping.

John Sublett, representing the applicant, submitted the landscape plan (Exhibit "C-1") to the Board as required for the Board's review and acceptance in accordance with their previous approval.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) accepted the landscape plan as required in the Board's previous approval of application 9130.

NEW APPLICATIONS:

9142

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Section 1670) to maintain a mobile home in an IM District located at 9 North 32nd West Avenue.

Presentation:

A representative for Raymond Brobst was present and requested permission to maintain a mobile home on the subject property, advising that the applicant was of the impression that a mobile home would be permitted on the property. The property has been supplied with a septic system and there are electric lines laid to the property; however, there is no City water to the property. A petition in favor of the mobile home (Exhibit "D-1") being located on the property was submitted on behalf of the applicant. Mr. Brobst's representative further advised that Mr. Brobst had removed the old residence from the property and improved the property in order that the mobile home might be placed on the property and then found that approval was required when electric service was requested.

David Pauling, Assistant City Attorney, advised the Board that this request is a principal use variance as a mobile home and is not permitted in the Industrial District by exception. He referred to the case pending in Supreme Court, noting that the Board had continued other such applications to await a decision of the Supreme Court. In the absence of protests and recognizing that the mobile home is on the property, in addition to recognizing the possible need to continue from time to time, Mr. Pauling suggested that the application be continued six months or one year with the applicant's consent, after which Mr. Brobst advised he would agree to the continuance. In further discussion, Mr. Pauling learned that the mobile home is on the property, but that no one is residing on the property at present, therefore the use is not in existence. He suggested a continuance for a shorter period of time as long continuances would be detrimental to the applicant. Mr. Gardner and Mr. Pauling advised that it may be possible for the applicant to obtain a temporary electrical hookup if the Board expressed a desire to permit the temporary service without prejudice to the decision of the Supreme Court.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) continued application 9142 to November 18, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, with a notation that it is the desire of the Board that temporary electrical service be provided the applicant without prejudice to the pending decision of the Supreme Court.

9157

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670) for a variance of the setback requirements from 10' to 0' in an OM District located at 6605 South Lewis Avenue.

Presentation:

Dean Larsen presented the plot plan (previously submitted) to the Board, advising that the subject application required a readvertisement to permit

9.2.76:219(8)

9157 (continued)

the variance of the setback requirements from 10' to 6' per plot plan in conjunction with the use which was previously approved.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved a Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670) for a variance of the setback requirements from 10' to 6' per plot plan previously submitted in an OM District on the following described tract:

The North 135' of the West 350' of Tract "A" Muzingo Hills Addition to the City of Tulsa, Oklahoma.

9177

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) to remove a miniature golf course; and an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1220 - Commercial Recreation: Intensive) for an exception to permit the operation of a portable open air miniature golf course until October 31, 1976 in an AG District located at 2617 South Elm Place, Broken Arrow.

Presentation:

David Nelson advised the Board that a temporary miniature golf course is being operated on the subject property at the present time, noting that when the operation was contemplated his client checked with the City of Broken Arrow and found that the property was not inside the Broken Arrow City Limits. Also in checking with the County, his client found that the County was not interested as there were no permanent structures to be placed on the property. However, his client neglected to check with the TMAPC who has jurisdiction in the matter since the property is within their five-mile perimeter. Mr. Nelson advised that the lease on the property terminates October 31, 1976 and that his client is requesting permission to continue the operation to that date. With regard to the existing operation, Mr. Nelson advised that his client understood that the original objection to the use was the outside music which has either been turned down in volume or removed from the operation. Should there be protests to the request, Mr. Nelson noted that his client would be willing to accept approval for 30 days rather than to October 31 as requested. Upon questioning as to other uses on the property, Mr. Nelson pointed out that a fire-works stand had been operated in the past on the subject property, but that it would not be in operation between now and October 31, 1976.

In reviewing the application, Mr. Gardner noted that the subject property is zoned RS-1 rather than AG and the Board has no jurisdiction, advising that in the past the Board has, in such cases, denied an application and given the applicant a certain period of time in which to remove the use from the property. He pointed out further that Stan Ewing, TMAPC Staff Planner for Broken Arrow had received many complaints in regard to the subject operation.

9.2.76:219(9)

Mr. Garnder advised that the Staff's primary concern is the fact that two mobile homes are located on one property and would not want the applicant to be in a position to request a lot-split in the future. He felt that the Board, should it support the application, should condition the approval in such a manner that the property could not be split and in the event the need for the second mobile home no longer exists, that it be removed from the property. The Chair then noted that two different time limits could be given for the two mobile homes.

Protests: None.

Board Action:

SMITH moved to approve the application, subject to the applicant's mobile home being permitted on an unlimited time basis, subject to the second mobile home being permitted for a period of five years, with the understanding that the applicant may reapply at the end of the five-year period, and subject to the approval being granted for this applicant only. Board Member Purser advised she would be reluctant to support the motion based on the unlimited time period, noting that she would not object to a ten-year limit on the applicant's mobile home. The motion was so amended.

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 310 - principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate two mobile homes--the applicant's mobile home being permitted for a period of ten years and the second mobile home being permitted for a period of five years, the approval to be granted to this applicant only with the understanding that the applicant may reapply at the end of the time periods granted; a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670) for a variance of the five-acre minimum for a mobile home to permit two mobile homes on 2 3/4 acres; and a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) for a variance of the required frontage on a dedicated right-of-way in an AG District on the following described tract:

The South 211' of the North 422' of the East 560' of the W/2, SW/4, NE/4 of Section 28, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

At this point in the meeting, the Chair was relinquished to Board Member Purser while Board Member Jolly left for a short period of time.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) for an exception to bury one 3,500 and two 5,000 gallon tanks underground at the Mohawk maintenance building in an AG District located at 4700 North Mohawk Boulevard.

Presentation:

Bill Shepherd, representing the City of Tulsa Park and Recreation Department, submitted the plot plan (Exhibit "E-1") requesting permission to bury one 3,500 and two 5,000 gallon tanks underground in order that gasoline might be stored on the premises for use by the maintenance facility

as opposed to utilizing two 55 gallon hand pumps at present with the gasoline being transported from the City Garage at Newblock Park. He noted that there would be 38 vehicles from the Zoo, maintenance facility and golf course refueling at the proposed location.

Eddie Hueston, representing the Park and Recreation Department, advised upon questioning that the 5,000 gallon tank was buried previously but had to be realigned and reset as required by the Fire Marshal and an inspector for the City. Since that time the Department has become aware that approval is required from the Board to permit the burial of the tanks as proposed.

Protests:

Paul Aldridge, Route 3, questioned what danger this would create to properties in the area even though the area is zoned AG. He noted that he owned the 26 acres in the immediate area and that he was concerned from a safety standpoint. Mr. Aldridge also expressed concern with regard to the persons he saw smoking near the tanks when he visited the area.

Mr. Hueston advised the Board that the Department is working to comply with the Fire Marshal and inspector and that the tank has been approved by the Health Department. He felt that if the requirements of these three agencies were met, then there would be no danger to the area surrounding the site, noting that storing the gasoline underground would reduce the danger of explosion.

Board Action:

On MOTION of SMITH, the Board (3-0-1, with Jolly "abstaining") approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) for an exception to bury one 3,500 and two 5,000 gallon gasoline tanks underground per plot plan at the Mohawk maintenance building in an AG District on the following described tract:

A portion of the S/2 of the SW/4 of the SE/4 of the NE/4 of Section 16, Township 20 North, Range 13 East of the Indian Base and Meridian, according to the U. S. Survey thereof, being more particularly described as follows: Beginning at the NW corner of said S/2, SW/4, SE/4, NE/4; thence East along the North boundary of said S/2, SW/4, SE/4, NE/4 a distance of 185.03' to a point; thence South on a line parallel to the East 1/8 line of said Section 16, a distance of approximately 330' to a point, that point lying on the East quarter line of said Section 16; thence West along the East quarter line a distance of 185.03' to a point, that point being the SW corner of the E/2 of the NE/4 of said Section 16; thence North along the East 1/8 line of said Section 16 a distance of approximately 330' to the point of beginning, consisting of 1.4 acres, more or less.

9190

Action Requested:

Exception (Section 710 - Principal Uses Permitted in the Commercial District - Section 1217 - Automotive and Allied Activities) to permit a muffler shop; and a Minor Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 114.81' to permit a lot-split (L-13788) in a CS District located at 19th Street and South 129th East Avenue.

Presentation:

Bill Cox, the applicant, was present.

The Staff advised that the lot-split had been continued by the Planning Commission to September 15, 1976 and that the application was not properly before the Board at this time.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) continued application 9190 to September 16, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9193

Action Requested:

Minor Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 135' to permit a lot-split (L-13790) in a CS District located northwest of 71st Street and Memorial Drive.

Presentation:

Thomas Marsh, the applicant, was not present.

The Staff advised that the Planning Commission had denied the lot-split and therefore the Board has no jurisdiction.

Protests: None.

Board Action:

There being no objections, the Chair declared application 9193 stricken from the agenda at this time as the Board has no jurisdiction in the matter.

9194

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a child care center in an RS-2 District located at 1224 South 131st East Avenue.

Presentation:

John Verardo requested permission to operate a child care center in the existing structure on the subject property, advising that he had received approval from the Health Department and the Welfare Department to care for 22 children. Upon questioning he advised that there is a single driveway

9.2.76:219(13)

and that the access had been reviewed by the Welfare Department and no objections had been presented. He further noted that once the residence is converted into the center, he would not reside in the residence. A lot-split had been previously approved to grant an access handle on the southern portion of the subject tract to the rear portion of the tract where a new residence will be constructed for his home. He advised that they are permitted to care for five children at present and reside in the structure, which is the plan until such time as there is a need to expand into two structures--the center and separate residence. Upon further questioning, he advised that the hours of operation would be from 7 a.m. to 6 p.m.

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) to operate a child care center, subject to no signs being permitted and subject to approval being granted to this applicant only, in an RS-2 District on the following described tract:

Lot 3, Block 4, Romoland Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect mini-storage buildings; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 100' to 75' from the center-line of Pine Street and a variance of the rear yard requirements from 10' to 5' in a CS District located at 6722 East Pine Street.

Presentation:

Kimble Ross, representing the applicant, submitted the plot plan which was later revised (Exhibit "F-1") and requested that his client be permitted to erect a 13-unit mini-storage development on the property, noting that a lesser number of units would make the development unfeasible. With regard to the variance of the front setback, Mr. Ross advised that the structures would align with the dental office structure to the west. The variance of the rear yard requirements, he noted, was being requested in order that the 13 units might be constructed as shown on the original plan submitted, after which it was pointed out in discussion that the variance of the rear yard requirement is immaterial at this time and not necessary if the Board should not support that portion of the application. Upon questioning, Mr. Ross advised that his client plans to screen the southern boundary of the property even though the plan presented does not show that screening will be provided.

In Staff and Board discussion, it was felt that the applicant should revise the plot plan originally submitted and then return to the Board with all provisions noted on the plot plan to be considered for approval. At

a later point in the hearing, Mr. Ross and his client, Mr. Huffman, returned to the Board with a revised plot plan and Mr. Huffman stated that he would reduce the number of units to be constructed in order that the 10' rear yard requirement would be met, that he had provided for screening on the southern boundary as required, and that the access point had been widened to 20' to permit proper circulation as requested by the Board.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect mini-storage buildings; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 100' to 75', per revised plot plan, in a CS District on the following described tract:

Lot 4, Block 1, Saint Peter and Paul Addition to the City of Tulsa, Oklahoma.

Action Requested:

Minor Variance (Section 206 - Number of Dwelling Units on a Lot) to erect more than 40 dwelling units on one tract of land; a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a waiver of the setback and yard requirements in the RM-1 and RM-2 Districts and a variance to construct buildings across lot lines and zoning district lines; and a request to construct multifamily units per plot plan submitted in an RM-1 and RM-2 District located south-east of 31st Street and Riverside Drive.

Presentation:

Charles Norman, representing Lincoln Properties, advised the Board that the subject property is zoned a combination of RM-1 and RM-2 and that a multifamily project on the entire tract is proposed per site plan (Exhibit "G-1") submitted. The application, he pointed out, does not require rezoning or a variance of the number of units permitted under the existing zoning. The development as proposed will require a variance to permit building across platted lot lines and established zoning district lines. The development of the two properties is presented as one development per the site plan submitted, which provides for 12 more dwelling units on the RM-1 portion of the property than is permitted but not more than permitted on an overall basis. Mr. Norman advised that the project equals or exceeds the perimeter boundaries required by both zoning districts in that the setback required from 31st Street and Riverside is 35' plus one-half the street right-of-way. In this instance the setback from Riverside Drive is 82' from the property line as is the setback from 31st Street which exceeds the required setback. RM-1 zoning requires that any building more than one story in height be located at least 50' from the nearest single-family area. The development to the east of the subject property is single-family and the minimum setback of the eastern RM-1 property line is 54' with the maximum being 72'. The total project involves 232 dwelling units, with the

required parking and livability space being provided. Mr. Norman pointed out the three single-family residences to the east which back to the proposed development, the two residences which side the proposed development and the one residence which faces north, pointing out that no access is proposed to be provided from the multifamily project to Boston Court to the east of the row of residences. Also proposed along the eastern boundary of the property is a six-foot wooden screening fence adjoining the single-family development. Mr. Norman submitted the landscape plan (Exhibit "G-2"), noting the existing trees which are to be preserved. Along the eastern boundary, he noted that as an amenity a specific planting scheme is proposed between the curb of Boston Place and the property boundary line which would not be required if the property were being developed strictly according to the RM-1 and RM-2 zoning boundaries. One exception to the six-foot fence is midway along the eastern property line where there presently exists a chain link fence with dense honeysuckle. It was felt inappropriate to place a screening fence at this particular location and possibly kill the honeysuckle; therefore, it is proposed that no wood screening fence will be erected at this point, but that additional planting will be provided on the apartment side of the property line. Should the property owner to the immediate east of this area desire a wood fence, it would then be constructed.

Mr. Norman advised he had reviewed the development proposal with the property owner that owns the southwestern lot on Boston Court, the property owner that faces 31st Street, and Mr. and Mrs. Epley who have no objections to the proposal. With regard to circulation, Mr. Norman pointed out that application had been filed with the City Commission for the vacation and closing of 31st Place and Boston Place, with interior circulation being provided for the development. In preparing the development plan, Mr. Norman pointed out that the following three considerations were kept in mind--eliminating traffic to Boston Court, submitting specific and acceptable screening solutions for the eastern property line, and locating the recreational facilities in the center of the development away from the single-family development to the east. Upon questioning, Mr. Norman advised that there are existing lighted tennis courts for Place One apartments which encroach onto the subject property and will be commonly shared by both developments. With regard to parking, Mr. Norman advised that he would amend the proposed 364 parking spaces to 356 which would reduce one row of parking nearest the Epley residence which was their only concern, but would not adversely affect the plan.

Mr. Gardner advised that the Staff had reviewed the development plan and noted that the proposed Riverside Expressway is still a part of the Major Street Plan and should it become a reality the alignment of the Expressway would not interfere with the northwest corner of the proposed development. It would cause a slight reduction in parking at that point which could be relocated nearer the tennis courts. Also, the recently adopted City moratorium maps show a portion of the property within the moratorium, even though the FIA maps do not. Any action taken by this Board for approval should require an exception from the maps of those buildings shown on the City maps prior to building permits being issued. Mr. Norman advised he would have no objection to the suggested condition regarding the moratorium.

Protests:

Jess Ray, 3210 South Cincinnati, advised the Board that the lights on the existing tennis courts are not being turned out at 10 p.m., and they are supposed to be, which creates a nuisance for the residents in the immediate

vicinity of the courts, and he felt that proposed development would be a detriment to the neighborhood and street system which cannot handle additional traffic from this project.

Mrs. Jess Ray, 3210 South Cincinnati, questioned whether or not the existing apartments would be removed and she was advised they would be. Also, she felt that parking would be a problem and that the parking provided would be inadequate.

Katherine South, 3213 South Cincinnati, expressed her concerns with regard to the additional traffic that would be created and possibly would utilize the neighborhood streets for access rather than 31st and Riverside.

Claudia Baker, representing GTC District 6, advised the Board that the District 6 Plan had been recently adopted with a provision that any such application would be reviewed by the Planning Team. She requested a continuance of the subject application until such time as the Planning Team has been given time to review the request, noting that the applicant was willing to meet prior to the hearing date but was out of town. She noted that the Planning Team was concerned with traffic, landscaping and the parking that is proposed.

In Board discussion, David Pauling, Assistant City Attorney, advised that the District 6 Plan had been adopted by the Planning Commission but had not yet been reviewed by the City and County Commissions. With regard to what mechanism the Planning Team might utilize to determine when such applications will be heard, Mr. Pauling noted it was his understanding that the Staff has assumed the responsibility of advising the Vision 2000 Staff when applications have been filed. Mr. Gardner then reviewed the procedure followed by the Staff with regard to notifying the Districts of the Board applications.

It was the consensus of the Board, at this time, that proper notification had been given and that the application should not be continued.

Bill Timberlake, 3046 South Cincinnati, expressed concern with regard to the existing and future traffic problems that would be created if the subject application were approved.

Jane Hayden, 3026 South Cincinnati, advised that she has resided in this area for six years and during that time has seen a gradual increase in traffic. She further felt that the dispensing of trash and debris on the surrounding properties would be increased and felt that the area could not withstand the increase traffic that would be created.

Mr. Norman referred to the District 6 Special District 3 site plan, noting that the plan provides for access from the subject property to Boston Place via the cul-de-sac, which is not proposed in the development requested this date. He further summarized his request before the Board, noting that the proposal does not involve a variance of the use or number of units permitted, that the perimeter yards exceed that which is required, and that the plan is significant in that the developer anticipated the concerns of the area residents when the plan was drawn.

9198 (continued)

A Four (4) acre tract of land and improvements situated thereof described as follows: A 4 acre tract of land beginning 44 Rods East of the NW corner of the NE/4 of Section 30, Township 22 North, Range 14 East, Tulsa County, State of Oklahoma; thence South 40 Rods; thence East 16 Rods; thence North 40 Rods; thence West 16 Rods; to the point of beginning, containing 4 acres in the NE/4, NW/4, NE/4 of Section 30, Township 22 North, Range 14 East, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

9199

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home; and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) for a variance of the frontage requirements from 300' to 220.17' in an AG District located northeast of 161st Street and Lewis Avenue.

Presentation:

E. M. Forister requested permission to locate a mobile home on the subject property until a permanent residence can be constructed on the property which would be approximately seven years from now. He noted that there are other mobile homes in the area and that the requested mobile home would be placed on the southern portion of the property.

Protests:

Bill Bell, Route 2, Box 306A, Bixby, advised the Board that he has resided on his property which abuts the subject property for two years and he felt that the location of the mobile home on the property would devalue properties in the area. He also expressed concern with regard to animals of any kind being permitted on the property. With regard to sanitary facilities, Mr. Bell advised he had been told by the Health Department that the subject property was not suitable for a septic system. He stated that he had purchased his property in this area because of the rural atmosphere and did not want to see his privacy invaded.

Mr. Forister advised the Board that he would be willing to locate the mobile home on the western portion of the tract away from Mr. Bell's property, which would be approximately 175' from Mr. Bell's home. He further noted that he did not want to decrease property values in the area as he intends to build his permanent residence on the tract in the future. He also noted he would have no objection to a five-year time limit on locating the mobile home on the property, noting that he is awaiting results of his percolation tests.

Board Action:

BLESSING moved to approve the subject application for a period of five years. This motion dying for the lack of a second,

on MOTION of SMITH, the Board voted 2-2 (with Blessing and Jolly voting "nay") to deny application 9199. There being a tie vote cast, the Chair declared application 9199 denied on the following described tract:

9181 (continued)

Board Action:

On MOTION of SMITH, the Board (4-0) approved a Minor Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the front footage requirements from 300' to 164' to permit a lot-split (L-13780) in an AG District on the following described tract:

The SW/4, SE/4, SW/4, LESS the West 496' all in Section 25, Township 22 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

9218

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 22.89' at 7304 South Birmingham and a variance of the side yard requirements from 5' to 4.4' at 2628 East 73rd Street in an RS-1 District.

Presentation:

Manly Carter, representing State Federal Savings and Loan Association, was not present. The Staff advised that the applicant was requesting the minor variance per plot plan (Exhibit "H-1") for the rear yard of the existing structure at 7304 South Birmingham and the minor variance per plot plan (Exhibit "H-2") for the side yard of the existing structure at 2628 East 73rd Street.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 22.89' per plot plan at 7304 South Birmingham, and a variance of the side yard requirements from 5' to 4.4' per plot plan at 2628 East 73rd Street in an RS-1 District on the following described tracts:

Lot 10, Block 1, Woodridge Addition and Lot 2, Block 5, Woodridge Addition, City of Tulsa, Oklahoma.

9219

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage and area requirements to permit a lot-split (L-13792) in an RS-3 District located southeast of 57th West Avenue and 37th Street.

Presentation:

Harry W. Allen, the applicant, was present.

The Staff advised that the lot-split had been approved by the Planning Commission, subject to the approval of the Board.

Protests: None.

9.2.76:219(22)

9219 (continued)

Board Action:

On MOTION of SMITH, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage and area requirements to permit a lot-split (L-13792) in an RS-3 District on the following described tract:

The West 50.84' of Lot 3, East 50.84' of Lot 3, West 50.84' of Lot 2 and the East 50.84' of Lot 2, All in Block 4, Richmond Acres Addition, Tulsa, Tulsa County, Oklahoma.

9221

Action Requested:

Minor 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-13803) in an AG District located at 4345 South 61st West Avenue.

Presentation:

John Sublett, the applicant, was not present. The Staff advised that the Planning Commission had approved the lot-split, subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved a Minor 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-13803) in an AG District on the following described tract:

The North 100' of the West 435.75', LESS the West 30' thereof in Section 29, Township 19 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma.

ADDITIONAL ITEMS:

Communication

7946


This is a Communication (Exhibit "I-1") from the Building Inspector's Office requesting a clarification of the Board's approval granted in application 7946 to Oral Roberts University as Use Unit 5 for athletic activities, questioning whether or not the verbage "as presented" would include a spectator stadium with a seating capacity of 2,400.

In reviewing the Minutes of application 7946 dated July 5, 1973 and recalling the hearing of that date, it was the Board's consensus that the approval granted "as presented" pertained only to the specific structure proposed on that date, and determined that any other buildings requiring building permits within this area should come back before the Board for review in public hearing.

There being no further business, the Chair declared the meeting adjourned at 5:55 p.m.

Date Approved

October 7, 1976


Chairman