

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 262
Thursday, June 1, 1978, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Jolly Lewis Purser, Chairman	Smith Walden	Etter Edwards Gardner (Out 4:45) Jones	Jackere, Legal Dept Miller, Bldg Insp Office

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, May 31, 1978, at 4:30 p.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:30 p.m. and declared a quorum present.

UNFINISHED BUSINESS

9961

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1225 - Light Manufacturing and Industry, and Section 710 - Principal Uses permitted in Commercial Districts - Section 1225- Light Manufacturing and Industry) to operate a chrome plating and warehousing operation in a CH and IL District located at 420-408 North Cheyenne Avenue.

Presentation:

William Tabler advised the Board that he now operates a chrome plating business at 412 North Cheyenne and requested permission to expand the operation to the properties under application in order that the business might comply with EPA requirements with regard to the treatment of waste. He pointed out that IL zoning permits the plating operation, but the CH does not; therefore, approval of the Board is required. Mr. Tabler further advised, upon questioning, that only the warehousing and office portion of the operation would be moved to the new location. He submitted two photographs (Exhibit A-1) of the existing operation as improved to date and of the structure prior to the time it was improved, noting that the expansion, when completed, would enhance the area. Mr. Tabler described the various uses in the area, pointing out that the properties to the north are vacant. In his final statements, he advised that the District Plan for the area has designated this area as industrial.

9961 (continued)

Protests: None

Board Action:

On MOTION of JOLLY, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") approved an Exception (Section 910 - Principal Uses Permitted in the Industrial District - Section 1225 - Light Manufacturing and Industry and Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to operate a chrome plating and warehousing operation in a CH and IL District on the following described tract:

South 40' of Lot 2, and the North 50' of Lot 3, Block 10,
Original Townsite of Tulsa, Oklahoma

9965

Action Requested:

Variance (Section 1205.4 - Community Service, Cultural and Recreational Facilities - Off-Street Parking Requirements - Section 1214.4 - Shopping Goods and Services - Parking Requirements - Under the Provisions of Section 1670) for a variance of the parking space requirements, and an Exception (Section 250.3 (b) (d) - Modification of the Screening Wall or Fence Requirements) for a waiver of the screening requirements on the north, south and west in a CS District located at the southwest corner of 62nd Street and South Sheridan.

Presentation:

Tom Birmingham submitted a plot plan (Exhibit B-1) and two photographs (Exhibit B-2) of the construction taking place on the subject property, pointing out the uses to the north and the elevation of the hill located to the south of the construction. He pointed out the location of the retaining wall on the southern portion of the property, indicating that there is a 10' elevation drop between the property line and the retaining wall. Mr. Birmingham pointed out that in speaking with the City Engineer regarding the development of the property, that the City Engineer had suggested that the hill not be disturbed as this might affect the existing runoff experienced.

The proposal for the property includes a waiver of the screening requirement on that portion of the property abutting RS zoning and development as the back of the structure is proposed to be a solid masonry wall with no windows or doors. Also, a solid wall is proposed on the south of the construction to act as screening in addition to the hill being located on that portion of the property. The fitness center will be a two-story structure with the first floor containing racquetball courts, an exercise area, swimming pool and sauna, whirlpool, and locker rooms. The second floor will contain a women's exercise area, indoor jogging track and storage--the fitness center to contain a total of 16,734 square feet of area. The retail center to be located on the tract is proposed to be 73' x 166' to contain uses compatible with the fitness center.

6.1.78:262(2)

Mr. Birmingham submitted a parking analysis sheet (Exhibit B-3), noting that the second portion of the application is a request for a variance of the number of parking spaces required for the proposed development as a number of spaces have been lost by retaining the hill in its natural state.

With regard to the use unit classification to be used in the calculation of parking spaces, Mr. Birmingham felt that the fitness center should be considered Use Unit 5 as a community center rather than a private club which requires a different parking requirement. Should the use be considered a community center, 86 parking spaces would be required (this number including the 12,000 square feet of commercial proposed); however, if the use is considered a private club, 93 parking spaces would be required (this number also including the proposed commercial). Whether 86 or 93 parking spaces are required, Mr. Birmingham noted that the plan as submitted proposes only 65 parking spaces due to the portion of the property to the south not being utilized.

Mr. Birmingham noted that the operation is presently located in a strip commercial center with other uses which include three fast food franchises and the parking spaces available in that particular area number only 58. At present there are 525 members at the center and there has never been a parking problem experienced, as the majority of the traffic for the fitness center is seen after 5 p.m. and on weekends. At the present location the center utilizes 5,000 square feet of floor area as opposed to the 16,734 square feet proposed.

In comparing other such centers and their parking requirements, Mr. Birmingham pointed out that the center at 61st and Lewis contains 14,000 square feet and provides only 25 parking spaces while the Thornton Y contains 40,800 square feet and provides 100 parking spaces for 1300 family memberships.

Mr. Birmingham further advised that his client owns the entire property, that his existing operation has been in business for eight years utilizing leased space and he now wishes to operate from his own structure. His client's survey of his operation also shows that the proposed number of parking spaces (86) will be adequate for the use and the commercial activities to be undertaken. He advised that the retail portion of the structure will contain a sporting goods business; however, there are no other firm tenants at present. Also, he pointed out that it would be to his client's disadvantage to have less than adequate parking available.

Upon questioning by the Board, Mr. Birmingham advised that 53 parking spaces are required for the commercial floor space proposed; therefore, the fitness center would be depending on those parking spaces for overflow. However, this needed overflow parking was a concern of the Board as it had not yet been determined what specific types of commercial uses would be located in the commercial center. Also, in discussion it was noted that the difference in the existing and

proposed facilities is the racquetball courts which require a greater amount of square footage which, in turn, creates the need for additional parking.

In his comments to the Board, Mr. Gardner advised that the Staff, also, was concerned with the commercial uses that might locate in the center which might require evening parking such as that proposed by the fitness center. Should the Board desire to approve the application, Mr. Gardner suggested that the Board might stipulate that the uses be permitted in the retail center only after public hearing before the Board in order that the Board might review the use and parking that might be required.

Upon questioning by the Board, Mr. Birmingham advised that the outer walls of the fitness center are in place, but that the commercial center development has not yet begun. Of the alternatives suggested by the Staff of reducing the size of the commercial structure or the Board reviewing proposed retail uses, Mr. Birmingham suggested that the Board review and approve the commercial uses.

Upon questioning by Alan Jackere, Assistant City Attorney, with regard to the parking requirements of Use Unit 5 and Use Unit 19 uses, Mr. Gardner pointed out that Mr. Birmingham had noted that the club is a membership club as opposed to general membership open to the public which would require additional parking.

Mr. Birmingham advised that members of private clubs generally are required to pay an initial fee and then monthly charges. He noted that 600 family memberships has been considered as a maximum for the fitness center, while the existing operation at present has 500 family memberships.

Protests: None

Board Action and Discussion:

LEWIS moved to approve the Exception to waive the screening requirement as proposed and to deny the Variance of the parking. There being no second to the motion, Board Member Lewis withdrew his motion for further discussion.

Upon questioning by Board Member Lewis, Mr. Birmingham advised that the peak usage is after 5 p.m. and on weekends--this usage being based on the operation of the existing center and the fact that other commercial uses are operating the same hours. He further noted that he could not represent that the commercial uses would not be open after 5 p.m. or on Saturday; however, he pointed out that the commercial uses would be compatible with the fitness center. He advised that the adjoining property owners are aware of the proposal and are in support. When questioned further, he pointed out that the existing facility includes locker rooms and an exercise area with a larger portion of the center being devoted to a nautilus machine. There is no track and no racquetball.

The Chair expressed concern with the number of women who are now becoming interested in racquetball and who would be playing throughout the day as opposed to the evening hours mentioned by the applicant.

Mr. Birmingham pointed out that there are two players per court which would mean a maximum of two automobiles per court. Also, he noted that he had been told that the courts are used usually one hour per pair rather than all day. In addition, he advised upon questioning that there are organized classes held four times per week, in addition to individual attention.

As a compromise, Board Member Jolly suggested that the commercial center be decreased in size from 12,000 square feet to 6,000 square feet which would provide for additional parking; or, the 12,000 square foot structure proposed could be permitted with the applicant appearing before the Board regarding individual uses which would provide control by the Board.

In discussion, however, Board Member Lewis was not sure that reasonable control would be enough. The Chair felt that use of the commercial center could be reasonably controlled Sunday through Friday; however, she was concerned with control on Saturdays, after which Mr. Birmingham noted that the peak usage of the fitness center is after 5 p.m. weekdays.

Mr. Gardner pointed out that an additional determination to be made by the Board is whether or not the use is a Use Unit 5 or 19 use which would set the parking requirements--this information being needed by the Building Inspector, regardless of the action taken by the Board.

On MOTION of LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") approved an Exception (Section 250.3 (b) (d) - Modification of the Screening Wall or Fence Requirements) for a waiver of the screening requirements on the north, south and west; denied a Variance (Section 1205.4 - Community Service, Cultural and Recreational Facilities - Off-Street Parking Requirements - Section 1214.4 - Shopping Goods and Services - Parking Requirements - Under the Provisions of Section 1670) for a variance of the parking requirements; and determined the fitness center to be a Use Unit 5, private club use, with parking requirements being utilized per the Use Unit 5 classification, in a CS District on the following described tract:

Lots 3 & 4, Block 2, Deborah Jean Addition to the City of
Tulsa, Oklahoma

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District - Section 640 (2) - Special Exception Uses in Office Districts, Requirements) to permit apartments; a Variance (Section 430 -

9967 (continued)

Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the rear yard requirements from 20' to 10'; and a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) for a variance of the frontage requirements to a public street, in an OL District, located southwest of 6602 East 30th Street.

Presentation:

Tom McCaslin, the applicant, was not present. The Staff submitted a letter (Exhibit C-1) from the applicant's attorney, requesting a continuance of the application to June 15.

Protests: None

Board Action:

On MOTION of JOLLY, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") continued application 9967 to June 15, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9976

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements where existing physical features provide visual separation of uses in a CH District located northeast of 2nd Street and Peoria Avenue.

Presentation:

W. M. Scott, owner of the property, advised the Board that a structure is located on the two lots to the west and that a portable storage tank for LP gas is located on the subject property on a concrete slab. Per the requirements of the State and the Fire Marshal, a fence is required to be provided surrounding the tank. Also, the Zoning Code requires screening of the property which abuts RM zoning; therefore, Mr. Scott proposed to modify the screening requirements by providing an eight foot metal screening fence, similar to siding, to the immediate north, east and west sides of the tank slab with the fence on the south side to contain a gate for passage to and from the tank.

Protests: None

Board Action:

On MOTION of JOLLY, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") approved an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirements by providing an

9976 (continued)

eight foot solid metal screening fence around the tank slab on the north, east and west sides with the south side having a gate as presented by the applicant, in a CH District on the following described tract:

Lot 13, Block 13, Lynch-Forsythe Addition to the City of
Tulsa, Oklahoma

9978

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-3 District located at 1436 East 56th Street North.

Presentation:

Dovie Wooten advised the Board that she wished to construct a child care center of concrete blocks to contain no more than 2,000 square feet of area on the subject property which also contains her residence. The subject property, she noted, is 2½ acres in size and measures 161.25' x 620'. With regard to the structure, Mrs. Wooten advised that it would be located on the eastern portion of the tract to the rear of the residence and that a driveway to the child care center would be provided. Further she pointed out that all property owners had been notified and that she had met with the Welfare Department regarding their requirements. With regard to building plans, Mrs. Wooten advised that the plans would be drawn once approval was obtained for the use.

Protests: None

Board Action:

On MOTION of JOLLY, amended by LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye" Smith and Walden "absent") 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 to be constructed of concrete blocks and not more than 2,000 square feet in size, subject to a plot plan being approved by the Board prior to the issuance of a building permit, in an RS-3 District on the following described tract:

Lot 10, Block 2, Grimes Heights Addition to the City of
Tulsa, Oklahoma.

9983

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of

6.1.78:262(7)

9983 (continued)

the setback requirements on a corner lot from 30' to 15' in an RS-2 District located at the southeast corner of Florence and 85th Place.

Presentation:

John Stava submitted a plot plan (Exhibit D-1), requesting a variance of the setback from 30' to 15' on a corner lot to permit the erection of a residence with a width greater than 50'. Mr. Stava advised that the structure would be facing the north rather than the west and the variance would be necessary to construct the residence as proposed. If the structure were built facing the west, it would then have side setback problems. Mr. Stava felt that the remaining corner lots on the eastern side of Florence would all be constructed in a north-south direction.

Upon questioning, the Chair advised that a protestant had been present at the previous meeting and felt that such a variance should be requested by a developer of a subdivision prior to the time the lots are sold in order that prospective buyers might be made aware of these instances prior to their purchase of properties.

Mr. Gardner noted that all corner lots on the east side of Florence would be developed in a north-south direction and that most of them would be before the Board for variances because of the fact that they were platted as corner lots. Should the structures be constructed facing the west, then a variance of the side yard would be required.

Board Action:

LEWIS moved to approve the variance from 30' to 20'. This motion dying for the lack of a second, JOLLY moved to deny the application. This motion dying for the lack of a second, Mr. Stava advised that he would be willing to settle on a compromise between 15' and 30', but felt that 30' was excessive.

On MOTION of LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") continued application 9983 to June 15, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the Board Members might view the area rather than compromising various figures without knowing the development of the area.

9997

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit the erection of two identification signs for Vo-Tech School District No. 18 in an RS-2 District located at 3420 South Memorial.

Presentation:

Prior to the applicant's presentation, the Staff advised that no notice had been mailed or published per the request of the applicant.

6.1.78:262(8)

Louis Levy, attorney representing Vo-Tech School District No. 18, described the Vo-Tech property and surrounding uses. With regard to the appeal from the Building Inspector, Mr. Levy advised that the Vo-Tech School Board authorized the construction of two signs on the subject property--one to replace an existing sign which is deteriorating on the Memorial frontage, the other located in front of the new structure and facing the Broken Arrow Expressway to be viewed from the Expressway by passersby.

Mr. Levy requested a waiver of the notice requirement as there is no one to give notice to that would be affected by the erection of the two signs; therefore, he felt no purpose would be served by meeting the notice requirements. The subject property, he pointed out, is zoned residential and the only zoning and development in the area is commercial and industrial. With regard to the signs proposed, Mr. Levy submitted a plan (Exhibit E-1) of the sign proposed to face the Broken Arrow Expressway which is 21' x 6' and 22' high and submitted a plan (Exhibit E-2) of the sign proposed to front Memorial which is 14' wide and 9½' high.

Upon questioning by the Board, Alan Jackere, Assistant City Attorney, did not feel that the Board had the power to waive the notice requirements for a variance but there is a provision within the Code which does require notice for minor variances. However, Mr. Levy felt that the Board had the authority to waive any requirement of the Code as seen fit. Further, he advised the Board that notice would be given if the Board felt there was a purpose served by doing so; however, the School District is not required to comply with the Zoning Code, but does so out of courtesy. Also, he noted that the School District had chosen to seek permits in order that safety inspections of the signs might be made by the City.

Board Member Jolly felt that when any agency that is not required to submit an application to the Board does, in fact, make application with the Board, that this should be a consideration of the Board in its action. He felt that the Board should accept the voluntary appearance this date and impose controls as felt necessary, otherwise the Board would lose the opportunity. The Chair agreed with the statements presented by Board Member Jolly.

Mr. Gardner suggested that the Board might find that this request is minor in nature which would then satisfy the notice requirements of the Code.

Dortha Miller, Building Inspector, questioned Mr. Levy with regard to the number of signs being applied for as the first application had requested three signs, while the presentation this date was for only two. Mr. Levy advised that he knew of only two signs being requested and that should a third sign be found necessary, he would then return to the Board on behalf of the School District at a later date.

9997 (continued)

Board Action:

On MOTION of LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") found the request to be a minor variance, therefore notice was waived.

On MOTION of JOLLY, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") upheld the decision of the Building Inspector for refusing to permit the erection of two identification signs; denied the Appeal (Section 1650 - Appeals from the Building Inspector); and approved the erection of two identification signs as a minor variance without notice being required, per plans submitted as to height and size, subject to the applicant's providing at a later date a site location for both signs, in an RS-3 District on the following described tract:

S/2 of SE/4 of NE/4 of Section 23, T-19-N, R-13-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

9986

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 1445 East 73rd Street North.

Presentation:

Mrs. A. E. McKee requested permission to locate a mobile home on the rear portion of the subject property which currently contains a residence that will be rented. She advised that she and her family would reside in the mobile home.

Protests: None

Board Action:

On MOTION of LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") 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:

The West 105' of the East 205' of Lot 9, Block 3, Golden Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

9987 (continued)

On MOTION of LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") continued application to July 6, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9989

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit the operation of a horticultural nursery in a residential district, together with an advertising sign; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses - Horticultural Nursery) to maintain a horticultural nursery, together with an advertising sign in an RS-3 District located at 10650 East 61st Street.

Presentation:

William Grimm requested permission for his client to maintain a horticultural nursery on the subject property, in addition to the existing 32 square foot advertising sign. Mr. Grimm described the area surrounding the property, advising that within ¼ mile is IL zoning and a planned exit ramp to the Mingo Valley Expressway. Within a half mile is the Union School District, grocery stores, retail firewood lot, day care center and another horticultural nursery. To the north of the subject property is industrial zoning and development. Mr. Grimm pointed out that the subject property was once developed as a Dairy Queen and later contained several different drive-in restaurant operations until the 1970's when it contained craft-type operations. He advised that his client has taken the lease on the property and since that time has repainted the structure, repaired the sign with new unlighted panels, erected a small security fence, and cleaned up debris that had accumulated on the property.

Mr. Grimm submitted a drawing of the property (Exhibit G-1) and 13 photographs (Exhibit G-2) of the subject and surrounding properties, pointing out the entrance, sign and surrounding residential properties.

Mr. Grimm advised that horticultural nurseries are not uncommon in residential districts, noting that two large nursery storage areas have been located in the vicinity of the subject property. Further, the sign located on the property is a nonconforming sign and has not been placed on the rear portion of the property which backs to industrial property.

Upon questioning, Mr. Grimm advised that the operation is primarily a retail operation with the clients being developers of new homes, with the hours of operation being 7:30 a.m. to 5:30 p.m. He pointed out that his client moved the operation in June 1977, but that the volume of nursery goods was not brought in until this Spring.

The Engineering School, she noted, is to eventually be constructed on the property behind her home; however, until that time it is to be developed as a parking lot. Mrs. Bradshaw advised that she objected to its use as a parking lot as it is too far from the main campus to do anyone any good. The structure on the property was razed three years ago at which time the residents were advised that it would be a park. Mrs. Bradshaw questioned improving the lot as a parking facility at present, when later it is to be beautified per the plans for Harvard and 4th Place. She advised she was interested in the present use of the property as well as the future use of the property; therefore, until such time as a structure is constructed, she noted she would like to see grass on the property.

Mrs. Rassie Byrum, 839 South Gary Place, questioned whether or not 823 South Gary Place was owned by the University and questioned the proposed use of the property. She felt that possibly 823 had been advertised instead of 831, as 831, which is next door to her property, is currently owned by the University. Mrs. Byrum pointed out the poor parking situation in the area at present, noting it was her understanding that the property would be developed as a museum.

Mr. Detrich advised the Board that he would accept a continuance of the application to the next meeting at which time he would provide the proposed usage of each lot under application. Further, he noted that he could answer the concerns of the protestants at this time in order that they would not have to return to the next meeting if that was their desire.

Mr. Detrich advised that the parking problems noted by the protestants are in the process of being corrected by providing additional parking throughout the Campus. The parking lots are developed on an individual basis as the University has been unable to obtain and assemble several lots at any one time. Further, he felt that the University properties has been well maintained.

Board Member Lewis pointed out that the concern is the timing and location of the proposed parking lots that may or may not be contiguous to the other parking lots. He advised that he would like to know what is planned for the properties, other than just the razing or renting of the structures.

The Staff advised that in the past a University representative had been with the area residents prior to an application being presented to the Board in order that concerns might be discussed and possibly solved; therefore, the applicant may wish to meet with the residents prior to the Board's again considering the application.

Board Action:

LEWIS moved to continue the application to June 15; however, Mr. Detrich requested additional time to meet with the protestants.

was not aware of which lots would be utilized for parking immediately or in the near future. He felt that more than likely those lots nearest existing parking lots would be improved as parking lots, but he could not be positive.

With regard to immediate construction plans, Mr. Detrich advised that Block 6 is almost entirely vacant with the exception of Lot 24 which contains a church. Plans are now to have the College of Engineering constructed on the west end of the entire block to the east of the Law School. Should funds become available, the Computer and Academic Center Building will be located east of the library and immediately west of Howell Field. The final construction plan is to extend the Student Services Building into the existing parking lot at that location. The west side of Harvard is planned to be developed as a green parkway rather than having buildings constructed on those University lots.

Protests:

Dr. Sandor Kovacs, Chairman of the Kendall Neighborhood Association residing at 3235 East 8th Street, felt that the most important consideration when removing a structure from a lot and covering it with asphalt for parking purposes is the additional water runoff that will be created. He advised that his back yard becomes a lake when it rains because there has been no provision made for runoff water between Gary and Gary Place in front of the Athletic Residence Hall. At one time the alley was a natural drainage area, but can no longer be used as such because the elevation was changed; therefore, the two lots on the north side of 8th Street presently flood. Dr. Kovacs felt that the parking lots were not well constructed or had proper drainage, which destroys the beauty of the area. The parking lot developed at Harvard and 8th, he pointed out, is rarely used as it is too far from the classrooms--the only time it is used being when there is a large athletic event at the University. Therefore, the lot is used by youngsters who congregate on the lot at night or by persons who repair their automobiles on the property and do not clean up their debris. After school events there is trash on the parking lots which makes life more unpleasant for the area residents until such time as the University maintenance crew arrives to clear the lot.

Dr. Kovacs advised that he was not against the growth of the University and what is necessary, but felt that blanket approval for something that may or may not happen would hinder the residents from enjoying their properties that were purchased and built prior to the time the University began to expand. He felt that the residents who have lived in the area 30 to 50 years should be permitted to live out their lives in a clean and beautiful surrounding. Upon questioning by the Board, Dr. Kovacs advised he had no objection to the renting of sturdy structures or razing delapidated structures, but his concern was with regard to whether or not parking lots will replace the old structures and when.

Irene Bradshaw, 3230 East 4th Street, advised the Board that she had been active in the Association and was aware of the University's plans.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community, Services, Cultural and Recreational Facilities) to use property for educational purposes and related off-street parking; and a Variance (Section 1205.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) for a variance from requirements of parking spaces on the same lot as the use in an RS-3 and RM-2 District located between 4th Place and 11th Street, Evanston and Harvard.

Presentation:

D. L. Detrich, representing the University of Tulsa, submitted a location map (Exhibit F-1), noting the various lots under application this date for educational and off-street parking purposes. The 25 lots under application, he pointed out, are presently zoned RS-3 and RM-2 and the proposed uses of the properties are permitted by Exception within the RS-3 and RM-2 zoning districts. Parking space requirements are based on specific uses and a variance of the spaces being located on the same lot as the use has been requested of the Board as in the past regarding off-street parking throughout the University Campus--as parking lots are developed as properties become available to the University. Mr. Detrich advised that the current and proposed three-building construction are in conformance with the long-range plan for the University and indicate the needs of today; therefore, the parking is requested this date in order that the parking situation can be kept ahead of the construction and of the Code requirements.

With regard to the lots under application, Mr. Detrich advised that the majority of the lots contain single-family structures and the plans at present are to destroy the delapidated structures to improve the properties that can be utilized for renting purposes. Mr. Detrich felt that the use of the properties as described would be compatible with the surrounding development and within the intent of the Code. Mr. Detrich also advised that the University had met all requirements of the Board regarding screening on past applications and would continue to do so.

Upon questioning with regard to which lots were to be cleared, which were to be rented and which would be developed as parking, Mr. Detrich began advising of the present use of each of the lots under application, pointing out that he did not know at present specifically which lots were to be utilized for parking.

Mr. Gardner pointed out that the Zoning Code requires screening adjacent to all residential properties where parking is located and the applicant has not requested a waiver of those screening requirements.

Mr. Detrich noted that to the best of his knowledge the University owns in excess of 80% of the properties in the area under application. Should a house be delapidated, it will be destroyed; should a structure be in good condition, it will be rented; however, Mr. Detrich

Protests:

Mrs. George Boevers, 10150 East 61st, advised the Board that the owner of Lot 4 was not notified of the hearing and that her neighbor was unable to attend. She submitted three photographs (Exhibit G-3) of the subject property, noting the entrance which is located directly across the street from her driveway and living room, the equipment that is parked on the front portion of the property at night, and the spot lights located on the corners of the building which light her entire residence. Mrs. Boevers advised that the property to the west of that under application has unsightly debris from the subject tract stored on it and is used for employee parking for the nursery. She pointed out that she had resided on her property 40 years and wanted to live her life on the property. She objected to the operation as it is located in an area that is zoned for residential purposes and is close to schools. Before the area was annexed into the City, commercial zoning was denied and the Dairy Queen continued to operate. Mrs. Boevers advised that the operation adds to the traffic problems in the area as 61st Street is a narrow, rural street which receives little care. The trees stored on the property are moved by trailers through the school area and water pressure in the area is lower when the nursery waters the trees, etc. She advised of the late deliveries that have been made, feeling that this property, if permitted to operate a commercial operation, would cause others to follow.

With regard to the delivery of goods, Mr. Grimm advised that he had been informed that on one occasion there was a problem with a delivery that came from out-of-state. He noted that the owner had indicated to suppliers that they want no deliveries after 3 p.m. With regard to there being no sidewalks for the school children, Mr. Grimm felt that this was a situation that would have to be remedied by the City. With regard to the flood lights, Mr. Grimm advised that these could be moved and that he had not wanted to remove the lighting prior to the security fence being completed.

Upon questioning, Mr. Gardner advised that retail sales will not meet the requirements of a horticultural nursery, noting that the nearby horticultural nursery recently approved by the Board was conditioned upon there being no retail sales. The Chair advised Mr. Grimm of the type of information that would be necessary for a determination as to whether or not the continued commercial operation was nonconforming. She advised that he was requesting continued use of a horticultural nursery on the property which does not permit retail sales.

Upon questioning, Mr. Grimm advised of the circular driveway on 61st Street that is used for delivery as well as customer pick-up. After being advised by the owner, Mr. Grimm pointed out that there is a road to the east of the structure for delivery purposes and that she would be willing to give up the retail sales use of the property. Mr. Grimm further pointed out that only $\frac{1}{4}$ of the structure is used as an office (desk and phone) and that the balance is used for storage of potting materials.

9989 (continued)

Mrs. Boevers questioned what type of road existed to the rear of the property, as she felt that it was only access along the property line. Mr. Grimm advised that the road would be gravelled as in the front parking and would be capable of being used in all types of weather.

Board Action:

On MOTION of LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") upheld the decision of the Building Inspector, and approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses - Horticultural Nursery) to maintain a horticultural nursery, subject to there being no retail sales taking place on the property; all lighting being directed interior; no signs being permitted; no deliveries being received at this location after 3:00 p.m.; no deliveries or pick-ups and loading of plants being undertaken in front of the structure, but in the rear; and the applicant being given 14 days in which to remove the existing advertising sign, in an RS-3 District on the following described tract:

E $\frac{1}{2}$, E $\frac{1}{2}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 31, Township 19 North, Range 14 East, Tulsa County, Oklahoma

9990

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a retail glass outlet; and an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where existing physical features provide visual separation of uses in a CS and RS-3 District located at 10737 East 11th Street.

Presentation:

John Taylor submitted a plot plan (Exhibit H-1) requesting permission to locate an 80' x 132' structure on the CS portion of the property where four existing structures will be removed. The structure will contain a retail glass outlet which is a Use Unit 15 use and requires approval of the Board. He advised that a portion of the overall tract is within the flood moratorium, but approval of the City Hydrologist had been received to place the structure in the CS portion. With regard to the screening requirement, Mr. Taylor advised that screening is required between the CS and RS-3; **however**, the RS-3 property to the north is that portion in the moratorium and will more than likely never contain construction.

Protests: None

9990 (continued)

Board Action:

On MOTION of JOLLY, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a retail glass outlet; 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 requirement cannot be achieved, per plot plan, in a CS and RS-3 District on the following described tract:

Lot 9, Block 2, East Eleventh Park Subdivision to the City of Tulsa, Oklahoma.

9991

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-3 District located at 14531 East 13th Street.

Presentation:

Helen Orman requested permission to operate a beauty shop in her garage on a part-time basis four days per week, scheduling two or three patrons only each day. Upon questioning, she advised that she would like to operate a shop Wednesday through Saturday between the hours of 9:00 a.m. and 4:00 p.m. The Board advised Mrs. Orman of the home occupation regulations which permit no signs. Upon advising the Board that the State required a small sign be posted, Mrs. Orman was advised by the Staff that that was a requirement that could be worked out with the State.

Protests:

Eldon Lauderdale, 14537 East 13th Street, submitted photographs (Exhibit I-1) of the residences in the surrounding area and a protest petition (Exhibit I-2) containing the signatures of 8 area residents opposed to the beauty shop. He advised that the residents are opposed to commercial operations in the residential neighborhood. He advised that his wife is a beauty operator and he operated a motor company for 29 years; however, neither of them ever thought to operate from their residence. Mr. Lauderdale advised the Board that the area is not on sanitary sewer and that there is a water shortage (pressure) in the area. Further, he pointed out that a card she had given area residents noted that she would take evening appointments which is not what she established before the Board this date.

Mrs. Lauderdale, 14537 East 13th Street, advised the Board that prior to last Summer the area residents had to draw the water they might need in the evenings during the afternoon when the water pressure was up. Dishwashers and washing machines were not operated during the day or evening, but in the middle of the night when pressure was up. Mrs. Lauderdale opposed the use as it would create additional water problems

For the residents.

Mrs. Orman advised the Board that the three residents to the east of the protestants had advised her that there were no water problems since the Lynn Lane Reservoir had been completed. Also, with only two or three patrons per day, she did not feel that this would create a problem. Upon questioning, Mrs. Orman advised that she had an L-shaped driveway that would hold approximately eight automobiles. Further, she noted that she planned to have a maximum of one patron at a time and that appointments could be scheduled whereas there was no more than one waiting. Upon further questioning by the Board, Mrs. Orman presented a card (Exhibit I-3), advising that she would not take evening appointments even though the card she had circulated provided evening appointments.

Board Action:

On MOTION of LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop Wednesday through Saturday only between the hours of 9:00 a.m. and 4:00 p.m.; permitting a maximum of three patrons per day with no more than one patron at a time being present at the premises for this service; and subject to the patrons parking in the driveway, in an RS-3 District on the following described tract:

The East 125' of the West 248.53' of Lot 9, Block 4,
Carol Acres Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for the Akdar Temple Association and off-street parking in an RM-2 District located at 20 East 21st Street.

Presentation:

Dale Savage, representing the Akdar Shrine Temple Association, advised the Board that the existing nonconforming building is located on Lots 1-3, that Lots 4 and 5 have been acquired by the Association, and that Lots 6 and 7 are under option for purchase when funds become available. There are at present 3,000 members in the Association, even though only 200 to 300 attend meetings at this time. The existing structure is two-story in height and there is a retaining wall located on either property line to the east and west.

Mr. Savage described the surrounding properties, advising that there are between 35 and 40 parking spaces available at present and parking expansion is proposed on Lots 4 and 5 to provide approximately 65 additional parking spaces. He also advised that a future rezoning application is contemplated as one-level parking is planned at present

9992 (continued)

with future plans for two-level parking for the Association as additional parking is needed. With regard to the additional parking proposed at this time, Mr. Savage pointed out that one additional access point would also be involved. By deed to the properties recently purchased, there is a condition that lighting would be directed interior and screening would be maintained.

Protests: None

Interested Party:

Mary Caroline Cole, 15 East 21st Street, questioned how the parking would be designed and where it would specifically be located and Mr. Savage explained.

The proposed additional access point is from Lot 5 to 21st Street-- the original access being on Boston to the rear of Lot 1. Mr. Savage advised that a plot plan for additional parking would be submitted to the Board at a later date.

Board Action:

On MOTION of JOLLY; the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for the Akdar Temple Association and off-street parking, in concept only, subject to the applicant's returning with final detailed plans for the Board's approval in an RM-2 District on the following described tract:

Lots 1, 2, 3, 4, 5, 6, & 7, Block 2, Second Amended
Riverside Addition to the City of Tulsa, Oklahoma

9993

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 from 75' to 16' on the south in an IL District located at 9016 East 46th Street.

Presentation:

Tom Tannehill submitted photographs (Exhibit J-1) of the subject and surrounding properties to familiarize the Board with the area, advising that the subject property is the only vacant lot in the industrial strip. His client, he advised, is proposing to expand the existing Chili Bowl Deli operation to within 16' of the south property line which abuts a creek channel. Because of the creek channel there is 71' between the structure wall and the developed properties to the south. Also, there is a high power line to the west which prohibits expansion in that direction.

9993 (continued)

Protests: None

Board Action:

On MOTION of LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") granted a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 75' to 16' on the south, as presented, in an IL District on the following described tract:

Lots 1, 2, & 3, Block 5, Alexander Trust Amended
Addition to the City of Tulsa, Oklahoma.

9994

Action Requested:

Minor Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 100.7' to permit a lot-split in an IL District; and a Minor Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 55' to permit a lot-split (L-14347) in an RS-3 District located at 2716 North Sheridan Road.

Presentation:

Phil Eller requested a variance of the frontage requirements in an IL and RS-3 District to permit a lot-split to clear title on the two parcels of ground. There is a vacant residence on the IL portion of the property. Mr. Eller described the uses in the surrounding area, noting that narrowness and depth creates the hardship required for the variances requested.

Protests: None

Board Action:

On MOTION of JOLLY, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") granted a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 100.7' in an IL District; and a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 55' in an RS-3 District to permit a lot-split (L-14347) on the following described tract:

A portion of the Northeast quarter of the Southeast quarter of the southeast quarter of Section 22, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows to wit:

9994 (continued)

Beginning at a point on the East boundary line of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 22, Township 20 North, Range 13 East, 485.7 feet south of the Northeast corner of the Northeast quarter of the Southeast Quarter of the Southeast quarter of Section 22, Township 20 North, Range 13 East, running thence North a distance of 155.7 feet, thence West a distance of 660 feet, thence South a distance of 145.1 feet, thence Easterly a distance of 660 feet, more or less, to the point of beginning.

9995

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 (g) - Exceptions) to establish off-street parking for employees and company vehicles in an RS-3 District located at the southeast corner of 10th Street and 71st East Avenue.

Presentation:

R. C. Cowherd, representing Guardian Security Systems, advised the Board that at present the office is located in the Triangle Building at the northwest corner of 11th Street and 71st East Avenue and additional parking is needed to satisfy the needs of the company. He noted that the subject property is not large enough to develop as a duplex and is not suitable for residential purposes. Further he pointed out the location of the retaining wall located on the property to the immediate south of the subject property, advising of the 15' elevation drop between 11th and 10th Streets. He submitted photographs (Exhibit K-1) of the subject and surrounding properties, advising of the uses in the area. Mr. Cowherd advised access is proposed from the parking lot to 71st East Avenue adjacent to the office located on 11th and will be utilized for employee parking. Upon questioning, he advised that there is one employee on duty 24 hours per day with others coming and going throughout the day and night from their assignments.

Protests:

Rita Sterling, 7128 East 10th Street, submitted a protest petition (Exhibit K-2) containing the signatures of 16 area residents opposed to the use of the subject property for off-street parking purposes as the entire street (10th Street) is residential. She pointed out the water problems existing at present with regard to runoff from 11th Street and down to 10th Street, feeling that these problems would be increased if the off-street parking were permitted. The area residents felt that traffic would increase which would create a safety hazard for the children playing in the area. Further, Mrs. Sterling advised that residences in the area have been improved which would indicate that area residents plan to remain in the area. She felt that approval of the off-street parking would lead to rezoning in the area.

9995 (continued)

Sue Vasicek, 7113 East 10th Street, advised the Board that she did not wish to see additional parking or water runoff in the residential area.

Mr. Cowherd advised that the parking would not create additional water problems as the property is located at the bottom of the hill. Also, he did not feel that additional traffic would be created, but that the present on-street parking would be eliminated which would, in turn, clear the street for the children. Mr. Cowherd pointed out that the northern portion of the subject property is maintained by Mr. Lane the neighbor to the east as he parks his boat and cars on that portion of the property from time to time. Lastly, he advised that the property owner resides in Alaska and has tried for some time to sell the property, but the "for sale" signs keep disappearing mysteriously.

Board Action:

On MOTION of LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") denied application 9995 in an RS-3 District on the following described tract:

Lot 12, Block 35, Sheridan Hills Addition to the City
of Tulsa, Oklahoma.

OTHER BUSINESS

9567

Review of plot plan as required by the Board in approval action of July 7, 1977.

Mary Caroline Cole submitted a plot plan (Exhibit L-1) for the review and approval of the Board in connection with the approval of an Exception to permit the construction, maintenance and operation of a nursing home for the Sisters of the Sorrowful Mother on property located at the southwest corner of 51st and 117th East Avenue. The original approval was granted in concept and the plan presented this date includes only minor changes to that proposed in July, 1977.

On MOTION of LEWIS, the Board 3-0 (with Jolly, Lewis and Purser voting "aye"; Smith and Walden "absent") approved and accepted the plot plan as meeting the concept approved for application 9567 on July 7, 1977.

Setbacks from streets, highways, expressways and service roads.

The Board wished to continue discussion of this item until such time as all members of the Board were present. There being no objections, the Chair tabled discussion of setbacks from streets, highways, expressways and service roads.

Front Yard Setbacks - Gregory Circle Addition

The Staff advised that the Building Inspector had requested a determination regarding the front yard setback in Gregory Circle Addition which was zoned and platted in 1966 as U1-C which provided a 25' setback. When the Planning Commission remapped the City, the area was mapped and zoned as RS-1 which requires a 35' setback. Now there is an applicant who desires to build on a vacant lot with a 25' setback as has been established by the other residences in the area prior to the remapping; however, the RS-1 requires a 35' setback.

In discussion, the Board determined that the Planning Commission, during the remapping process, did not intend to work a hardship on any property owner in the area; therefore, any vacant lot could be developed with a 25' front yard setback as previously established.

There being no further business, the Chair declared the meeting adjourned at 5:50 p.m.

July 29, 1978
Date Approved
Henry Purser
Chairman