

BOARD OF ADJUSTMENT
MINUTES of Meeting (No. 282)
Thursday, March 29, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Smith Thompson Wait	Purser	Gardner Howell Jones	Bates, Building Insp. Office Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, March 27, 1979, at 4:50 p.m., as well as in the Reception Area of the TMAPC Offices.

In the absence of the Chairman, Adrian Smith called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve the Minutes of February 1, 1979 (No. 278) and February 15, 1979 (No. 279).

UNFINISHED BUSINESS:

10222

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to erect mini-storage buildings in a CS District on Highway #51 and 137th West Avenue.

Presentation:

The Staff advised this application has been carried since October 1978 and the applicant had failed to appear because of drainage problems.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to dismiss Case No. 10222.

10286

Action Requested:

Exception (Section 1221.5 (5) - Business Signs and Outdoor Advertising - CS District Use Conditions - Under the Provisions of Section 1680 - Exception) to permit additional signs in a CS District; and a
Variance (Section 1221.5 (d) (2) (b) - CS District Use Conditions - Under the Provisions of Section 1670 - Variances) of the display area for a sign and the location at 5150 South 33rd West Avenue.

Presentation:

Mickey Huddleston, representing W. O. Smith, presented the plot plan (Exhibit "A-1") and advised that there is a drop of 12' to 15' on the lot; the sign, as proposed, is 30' high and if he were to move the sign to the corner in order to get visibility from I-44, the height would need to be 50'-60'. Mr. Huddleston exhibited a drawing (Exhibit "A-2") of the sign showing the size of the sign to be 202 sq. ft. The sign will be illuminated from the inside and will be lighted 24 hours per day. There is an existing sign, approximately 168 sq. ft. on the property.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 1221.5 (5) - Business Signs and Outdoor Advertising - CS District Use Conditions - Under the Provisions of Section 1680 - Exceptions) to permit additional signs in a CS District; and a Variance (Section 1221.5 (d) (2) (b) - CS District Use Conditions - Under the Provisions of Section 1670 - Variances) of the display area for a sign and the location, as presented and pursuant to drawings of the sign and the plot plan submitted, on the following described tract:

Lots 10, 11 and 12, Block 1, Richmond Acres Addition, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to erect and operate a car wash in a CS District; and an

Exception (Section 250.3 (b) & (d) - Modification of the Screening Wall or Fence Requirements) where an alternative screening will provide visual separation of uses; and where the purpose of the screening requirement cannot be achieved at 1624 - 1626 South Memorial Drive.

Presentation:

Richard Kidwell, 1219 Boston Court, presented the plot plan (Exhibit "B-1") pointing out the partial fencing planned for the south side of the property and the shrubbery to be planted along the fence. Traffic Engineering has approved the plan for traffic to enter from 17th Street and form two lines to come to the end of the building and enter the automatic car wash. There will also be line-up room for the cars in the self service area; by doing this it will eliminate any traffic flow or congestion problems on Memorial Drive. Pylons will be used to direct the lines of traffic once on the site and they will not be solid barriers. The hours of operation will be 7:00 a.m. to 10:30 p.m., seven days a week with an attendant on duty 100% of the time.

Ray Alberty, 2619 Wisconsin, Joplin, Missouri, listed the duties of the attendant as policing the area, making sure customers do not have problems with the equipment and provide change, if necessary; primarily the attendant will spend his time keeping the area clean. The walls of the

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car wash will be concrete block with the ends and front being brick; there will be a 36" wooden fascia on the building which will also be used for the vacuum or drying area. The inside of the wash bays will be covered with a 1/8" sheet of white fiber glass and the part not covered with fiber glass will be brick. The bulk of the lighting will be under the roof; there will be some 400 watt mercury vapor directional-type lights aimed at the building. There will not be any lights to the north or the south. The type of sign has not been determined as yet, but it will comply with the Ordinance. There will be an 8' screening fence on the north side and to the rear of the property.

Protestants:

O. C. Reed, 8915 E. Latimer Court, elder in the church which is across the street from the subject property, had no objections to the plans for the building, but felt there would be a problem with the traffic and the public using the church parking lot while getting into line at the car wash.

Vernon Cox, 2224 East 25th Place, also a member of the church, questioned the noise that will be generated at the car wash. The applicant stated the noise would be minimal and he did not anticipate any problem with that concern. Mr. Cox also expressed concern that car wash customers would pull onto the church lot to dry off their cars and Mr. Alberty advised him that the car wash lot would accommodate 78 cars at one time which should be sufficient space for their customers.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to erect and operate a car wash in a CS District; and an

Exception (Section 250.3 (b) & (d) - Modification of the Screening Wall or Fence Requirements) where an alternative screening will provide visual separation of uses; and where the purpose of the screening requirement cannot be achieved, subject to the conditions and presentations of the last two meetings; hours of operation to be 7:00 a.m. to 10:30 p.m., seven days a week; there will be an attendant on duty 100% of the time, whose primary duty is to keep the area clean; there will be an 8' screening fence on the north and west and a chain link fence on the south, with living shrubbery, wooden fascia, 3' in height across the front of the building; the uprights separating the stalls to be brick covered with white fiber glass on the inside; the building between will also be covered with wood, on the following described tract:

The E/2, S/2, SE/4, NE/4, SE/4 of Section 11, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

On MOTION of LEWIS, the Board voted 3-1-0 (Lewis, Smith, Wait "aye"; Thompson "nay"; no "abstentions"; Purser "absent") to amend the above MOTION to include the condition that the applicant return to the Board for approval of the plans for the sign.

10356

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS-3 District at 5400 South 65th West Avenue.

Presentation:

Robert E. Martin, 410 Beacon Building, advised that the applicant had lived on the subject property for about 20 years; however, their home burned down in February and they would like to place a mobile home on the property to live in until they decide what they want to do. There are other mobile homes in the semi-rural area.

Protestant:

S. J. Sakelaris, Wright Building, representing Buddy Richardson, a neighbor of the applicant, stated that the application includes Block 34 and that Block is in litigation in a title suit action in District Court; the dispute pertains to whether or not the applicant owns Block 34. Mr. Sakelaris also pointed out that the minimum frontage required was 100' and the lots in question were 20' frontage by 100' in depth and the three lots considered in the application would provide only 60' of frontage.

The Staff advised that the applicant owns the entire lot, but only six lots are under application. There was a question of whether the mobile home would face on 65th West Avenue which would provide a 200' frontage; however, the two lots which face 65th West Avenue were not advertised and included in the application.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to continue Case No. 10356 to April 12, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow readvertising to include the two frontage lots so the application will be properly before the Board.

10365

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 15' in an RS-3 District at 78th Street and Sheridan Road.

Presentation:

Wayne Cozart, 6106 East 32nd Place, presented a plot plan (Exhibit "C-1") and advised that the Board had continued the four lots, from the March 15, 1979 meeting, in order to allow time to check on the configuration of abutting lots in Sweet Briar, on the south and east. Mr. Cozart found that the owner to the south plans to request the same waiver on his property; the street on the east side curves and obviates the need for a 25' building line because it would not hinder site distance from the adjoining lots.

Protestants: None.

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Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 15' in an RS-3 District on Lot 31, Block 1; Lot 8, Block 8; Lot 1, Block 8; and Lot 9, Block 7, subject to all garages being setback 25' from the property line; the developer to file an affidavit with the County Clerk describing the waiver of setback to be filed with the plat, on the following described tract:

*6-1-79 JD
Lot 1
Block 7*

The Legal Description is same as Lots and Blocks described above, in Sheridan Valley Addition to the City of Tulsa, Oklahoma.

10373

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses - Variances - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a townhouse development with attached and detached dwelling units on individual lots in a CS District located southwest of 101st East Avenue and 156th Street.

Presentation:

Leon Ragsdale, 3025 East Skelly Drive, stated the application was to permit a combination of single-family, duplex, town and row houses using the concept of 10' front setback, zero side lot lines, 50' public streets, and to permit the use, by exception, for multifamily. Mr. Ragsdale presented a plot plan (Exhibit "D-1") pointing out the area that is within the floodplain and stated that the City Engineering Department had indicated that the existing Mingo Creek channel will ultimately be improved and there will be some detention facilities also provided. The plans shown by Mr. Ragsdale were only conceptual at this time. He pointed out that with the present direction of energy costs, land located as close to the expressway system as this piece of property, and the need to intensify the use of ground, our concern should be for how we can use our land more profitably. He was interested in seeing if the land can be used to create a nice looking project with options that would be desirable. Each lot is designed for a single unit, sold individually, and the houses would be built adjacent to each other without the vacancy of ground between the two units. There will be approximately 35 lots, on 14 acres, which would be included in the first phase of the project. The area does meet the requirements of the floodplain regulations, is out of the floodplain now and is zoned CS, and is being enhanced by additional channelization work. The applicant stated he felt this use would be better in terms of creating less floodplain impact than if it was solid parking lots which would be allowed in a CS District.

Protestants:

Marcie Platt, 1424 South 103rd East Avenue, stated that the protestants had appeared off and on for the past three years and at one time presented a Protest Petition bearing between 700 and 800 signatures of neighbors protesting this use of the property. She also advised that when the area is flooded, 15th Street and 101st are covered with water; therefore, if homes are put on the property on either side of these streets there will be no avenue of escape for the people. Mrs. Platt felt it would be best if the property was not developed, however, if it is developed, doctor's offices and insurance offices would be best since there would be a minimum of people in the area and no one will be there at night, thus reducing the danger of lives being endangered during flooding.

Carol Williams, Secretary for Tulsans For A Better Community, a neighborhood group formed after the 1974 flood, advised that there is no channelization planned in the area at this time. Mrs. Williams pointed out that the applicant's property is surrounded on two sides by creeks and there are no storm sewers in the area; all of the property received some water. Mrs. Williams also cited the Commission meetings when the homeowners were present to protest applications for the property.

Sharon Tate, 1321 South 97th East Avenue, presented letters of protest (Exhibit "D-2") bearing the signatures of 11 property owners in the area. She advised that the property to the south of the applicant was being utilized for a driving range and batting practice business; property west of the subject tract has ball diamonds and a stopping off place for truck drivers and she suggested the applicant try to find another use for his property until the time that the City detention plans are complete.

Mr. Smith noted that this concept of small lots has worked well in other parts of the City and asked for Staff opinion on these lots that are not in the floodplain. Bob Gardner advised that originally the Staff had supported residential usage on the portion of the property that was not in the floodway; the City Commission in reviewing this was opposed to residential development. An application for commercial was then filed which was contrary to the Comprehensive Plan, therefore, the Staff did not support the commercial application. Commercial zoning was approved by the City Commission as a compromise since, if there was additional flooding, it would not flood people.

Board Action:

On MOTION of LEWIS, the Board voted 3-1-0 (Lewis, Thompson, Wait "aye"; Smith "nay"; no "abstentions"; Purser "absent") to deny an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses - Variances - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a townhouse development with attached and detached dwelling units on individual lots in a CS District, on the following described tract:

The NW/4 of the SW/4 of Section 7, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

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For the Record:

Mr. Lewis stated he was extremely concerned about the flooding problems on Mingo Road and felt putting more people in homes in an area where the flood problems had not been resolved would be a mistake. He also felt that approving general, conceptual exceptions and variances such as the applicant was requesting was not a good policy. His motion for denial was based on these two reasons.

NEW APPLICATIONS:

10359

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 60' to 30.92' to permit a lot-split at 8734 East 28th Street.

Presentation:

Mr. Jones advised that all things were in order and all letters were in the file.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 60' to 30.92' to permit a lot-split on the following described tract:

Lot 7, Block 2, Beekman Place Amended, a Resubdivision of Lots 2 to 9 inclusive, Block 1 and Lot 1 to 19 inclusive, Block 2, Beekman Place, an Addition to the City of Tulsa, Tulsa County, Oklahoma; LESS: a tract of land in said Lot 7, beginning at the Southwest corner of said Lot 7; thence North 21°-05'-40" West a distance of 74.35'; thence North 36°-56'-51" West a distance of 25.09'; thence North 25°-29'-30" West a distance of 25.08' to a point on the Northwesternly line of Lot 7; thence Southwesterly along a curve to the right along said Lot line a distance of 3.70' to the most Westerly corner of said Lot 7; thence Southeasterly along the Westerly line of Lot 7 a distance of 123.60' to the point of beginning.

10360

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements and a variance of the side yard requirements from 5' to 0' in an RD District to permit a lot-split south and east of 55th Place and Lewis Avenue.

Presentation:

Charles Ford, 4100 East 51st Street, presented a plot plan (Exhibit "E-1") and explained that this was a complex of 10 duplex units, five of which have already been split. The purpose for requesting the lot-split is to sell the homes as individual, single-family dwellings. Mr. Ford

stated the soil in the area is sandy and the erosion of the soil and water drainage is a continual problem, but it is not a flood area.

Protestant:

John R. Greenstreet, 2650 East 45th Street, representing his parents who live at 5599 South Lewis Avenue, presented a summary (Exhibit "E-2") of items in opposition to the application. Mr. Greenstreet advised they were opposing the variance because of the following reasons: 1) It would establish an undesirable precedent; 2) it would have the effect of circumventing established rules relating to required frontage and required side yard setback distances; and 3) it would have the effect of abandoning any centralized responsibility for the private access street and for the surface water runoff problems which now exist in connection with this street. He suggested that as a solution to the drainage problem, the applicant might install east to west drains or dedicate the street to the City of Tulsa and they could install a storm sewer.

Interested Party:

Clyde Turner, 5550 South Lewis Place, questioned if the 5' setback would set a precedent.

Mr. Gardner advised Mr. Turner that the lot-split would be through the middle of the duplex and would not affect the side yard, rear or front setbacks.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements and a variance of the side yard requirements from 5' to 0' in an RD District to permit a lot-split on the following described tract:

Lots 2, 3 and 4, Block 1, Black Locust Park Addition; and
Lots 1 and 2, Black Locust Park Extended Addition, all in the
City of Tulsa, Oklahoma.

Action Requested:

Exception 710 (Principal Uses Permitted in Commercial Districts - Section 1217) for permission to build a U-Haul Mini-Storage building next to an existing U-Haul Rental Outlet in a CS District at 61st Street and Peoria Avenue.

Presentation:

Attorney for U-Haul, David L. Soble, 5310 East 31st Street, presented a plot plan (Exhibit "F-1") advising the Company proposed to build a mini-storage; a cement block building with metal roof, metal studs with sheetrock walls, and access from the outside and also the inside for safety and convenience. The side facing Peoria Avenue will have garage-type roll up doors; the back side will have regular size doors. The building will be painted off white with an orange stripe. Electrical wiring will be in the hallways, but not in the individual rooms; there will be no outlets provided for appliances or equipment.

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Dennis Bolden, 5140 South 103rd East Avenue, stated that there are service stations on the west and north corners; the lots to the south and east are vacant.

The Board expressed concern about the location, size of the building and the setback for the building. Several Board members also stated they would like the opportunity to check other commercial uses in the area.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to continue Case No. 10374 to April 12, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center to allow the Board time to look at the area and for the applicant to prepare something more graphic and in color for the Board's consideration.

10375

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to build a U-Haul Mini-Storage Building in a CS District at 2125 South 129th East Avenue.

Presentation:

David L. Sobel, 5310 East 31st Street, advised this was the same plan he presented in Case No. 10374, except for the garage doors on the front. U-Haul owns approximately eight acres in this area. The building will have opening-doors on the inside of the U-area with no doors on the outside of the building.

The Board expressed a desire to have a plan showing all the details as they will be when the building is completed.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to continue Case No. 10375 to April 12, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10376

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of side yard requirements from 5' to 3' at 84th Street and Gary Avenue.

Presentation:

Brian Beaird, 2727 South Fulton Avenue, presented a plot plan (Exhibit "G-1") and advised the house was designed specifically for the site and was designed around groups of trees on the lot. Mr. Beaird exhibited photographs (Exhibit "G-2") stating that the location for the house was based on a survey; when they were ready to pour the foundation, one

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very large tree, shown in the photographs, was in the way. Consequently, the house was moved 4 1/2' to accommodate the existing tree and the roof overhang violates the Building Ordinance by 2'.

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of side yard requirements from 5' to 3', per plot plan submitted, on the following described tract:

Lot 2, Block 3, Walnut Creek V Addition to the City of Tulsa, Oklahoma.

10377

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 25' to 18' on the north and a variance of 25' to 12' on the east, and request for permission to build across a lot line at 57th Street and 43rd West Avenue.

Presentation:

Brian Beaird, 2727 South Fulton Avenue, presented a partial working set with plot plan (Exhibit "H-1") stating an addition of a master bedroom is proposed on the south of the existing house; a small work area, laundry room and two car garage will be added to the west; a 12' addition to the living room will be on the north; and an existing porch on the east side will be remodeled. The applicant also plans to add a stone veneer to the frame house and some new windows. The new porch will be a finished concrete pad that extends out 5', 14' 6" long with 4' x 4' wood columns, encased in stone veneer to hold the roof.

Mr. Beaird was unable to inform the Board on other residences and setbacks in the area and it was decided a continuance would be in order so the applicant could return with information concerning the neighborhood.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to continue Case No. 10377 to April 12, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10379

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard from 25' to 21.5' at 3760 East 59th Place.

Presentation:

Otto A. Cantrell, 3760 East 59th Place, advised he would like to add a room to his house which would require a rear yard variance from 25' to 21.5'. The neighborhood has been in existence for the past 17 years and there are fences, trees and shrubbery so that the neighbors privacy would not be infringed upon. A plot plan (Exhibit "I-1") was presented.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard from 25' to 21.5', per plot plan submitted, on the following described tract:

Lot 10, Block 3, Rustic Hills Addition to the City of Tulsa, Oklahoma.

10380

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church use at 49th Street and South Waco Avenue.

Presentation:

J. Louis Emmert, Pastor of the Bible Fellowship Center, presented a plot plan (Exhibit "J-1") and advised the Board that the outside of the building will be brick veneer to match the church, which is across from the parking lot.

Protestants: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use, per plot plan submitted, on the following described tract:

The South 135' of Lot 8, Block 3, Greenfield Acres Addition to the City of Tulsa, Oklahoma.

10381

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1226 - Moderate Manufacturing and Industry) for permission to operate a concrete batch plant in an IL District located SW of 36th Street North and Mingo Valley Expressway.

Presentation:

Harvey Carpenter, 4111 South Darlington Avenue, advised his client was proposing an exception to allow a moderate industry, concrete batch plant, which is in existence and has been granted two exceptions in the past. The applicant has five years left on an option and one year on a principal lease and is also negotiating for a ten-year lease on the property. A plot plan (Exhibit "K-1") was presented.

Mr. Gardner advised that the batch plant is located in an industrial area that is sparsely developed and this area is a good location for an operation of this type.

Mr. Carpenter stated the Tulsa Airport Authority would have the authority to terminate the lease if they decide to put a runway in the area. Flintco is a party to the lease on the property and the applicant, Oklahoma Concrete Products will be subleasing from Flintco.

Protestants: None

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1226 - Moderate Manufacturing and Industry) to operate a concrete batch plant in an IL District, for a period of ten (10) years, on the following described tract:

Beginning at the SE corner of the NE/4 of Section 19, Township 20 North, Range 14 East, Tulsa County, Oklahoma; thence Westerly 331.10' to a point of beginning; thence North 150' along the East line of Section 19; thence West 300'; thence South 150'; thence East 300' to the point of beginning.

10383

Action Requested:

Exception (Section 630 - Bulk and Area Requirements In The Office Districts) to permit a floor area ratio of .40 and a two-story building in an OL District located south and west of 21st Street and Columbia Place.

Presentation:

Charles Norman, representing the prospective purchasers of the property, stated that the property is approximately three acres in size with substantial frontage on 21st Street. The western 1/3rd of the property is zoned OL and the remainder of the property is zoned RS-3. The subject application, which is to permit a floor area ratio of .40 and a two-story building in an OL District, is to be subject to the

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final approval of OL zoning by the City Commission and the submission of a detailed site plan to the Board showing the location and arrangement of the building. Mr. Norman advised that the Planning Commission Staff had recommended OL on all of the property except for the small lot on the east for which they recommended OM. The applicant is willing to accept this recommendation, subject to the Board approving the concept of the .40 ratio and the two-story buildings. As part of the agreement with the neighborhood Association, the applicant would also amend the application and reduce the OM request to OL on the small lot which fronts on Columbia Avenue. This would allow maximum development of the tract with two-story buildings and less floor area than under the zoning application as submitted.

Interested Parties:

Suzette Burch, 2687 South Utica Avenue, Chairman of the Utica Area Homeowners Association, advised that if the zoning on the property is reduced to OL the Homeowners Association will support the request for .40 floor ratio and the two-story buildings, subject to the two conditions presented by Mr. Norman.

Mrs. Earl R. Smith, 2502 East 19th Street, speaking in behalf of the Lewiston Gardens Homeowners Association, stated the group would not protest the request for a floor ratio of .40 and the exception for two-story buildings on the property if the OL zoning was approved by the City Commission; however, the Homeowners could not approve the procedure of the Board of Adjustment approving an exception to zoning which does not exist as yet.

Discussion for the Record:

Board member Lewis asked Mr. Jackere if the Board was empowered to grant exceptions conditioned on the zoning being approved at a later time and was told that the Board has done so on several occasions in the past. Mr. Jackere advised he had researched the question and was unable to find any authority one way or the other; he stated that the only problem he could foresee was that the City Commission might be influenced in one way or another by the Board of Adjustment's decision.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Smith, Thompson "aye"; no "nays"; Wait "abstaining"; Purser "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in the Office Districts) to permit a floor area ratio of .40 and a two-story building in an OL District, subject to approval of OL zoning by the City Commission, and the applicant returning to the Board with a detailed site plan, on the following described tract:

Lot 27, Harter's Second Addition and Lot 2, Block 2, Voight Addition to the City of Tulsa, Oklahoma.

10384

Action Requested:

Special Exception (Section 410 (440.2) - Principal Uses Permitted in Residential Districts - Home Occupations) for permission to operate an office in a residence at 1940 West 40th Street.

Presentation:

Wiley Mason, 1940 West 40th Street, advised he would like to operate a heating and air-conditioning office in his home. There would not be any shop equipment or storage on the property, no signs, no retail selling; Mr. Mason's wife will be the bookkeeper for the business.

The applicant and his brother-in-law are just starting the business and at the present time they pick up the materials and take them where the work is to be accomplished. If the business grows and there is a need to store supplies, Mr. Mason stated he would make provisions for a shop and office in another location.

Concerned Party:

Charlotte Baker, 1924 West 40th Street, presented a petition (Exhibit "L-1") bearing 78 signatures of homeowners in the area, stating they do not object to an office in the home provided the family continues to live in it and operate the office themselves. The homeowners, however, were opposed to any zoning change in the area.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Special Exception (Section 410 (440.2) - Principal Uses Permitted in Residential Districts - Home Occupations) to operate an office in a residence, to run with this owner only, subject to the representation made by the applicant and subject to no storage of materials involved in the business at the home, on the following described tract:

Lot 10, Block 7, Clinton Homesites Addition to the City of Tulsa, Oklahoma.

10385

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 20' to 9.22' at 4351 South Detroit Avenue.

Presentation:

David Graham, 4505 East 75th Street, presented a site plan (Exhibit "M-1") and advised the difficulty that has been encountered by the applicant in obtaining financing for this house was the honoring, by the attorney, of a 35' building line which was in the original deed of dedication. The attorney indicated there would be difficulty in obtaining title insurance if the applicant was to sell the property. The building was then moved to the east to fulfill the 35' building line requirement on the west side

10385 (continued)

which left a 9.22' setback from the rear yard. The lot is a result of a lot-split and if the 20' rear yard requirement was adhered to it would render the lot practically useless for building purposes.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 20' to 9.22', per plot plan submitted, on the following described tract:

The South 83' of the West 72.55' of Lot 4, Block 5, Demorest Addition to the City of Tulsa, together with the West 67.55' of the 25' wide vacated 45th Street being contiguous to the South of said Lot 4, Block 5, the West line of said vacated 45th Street, being 5' East of the SW corner of said Lot 4, Block 5, Demorest Addition to the City of Tulsa, Oklahoma.

10386

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Exceptions) to permit a floor area ratio of .40 and a building height of two stories in an OL District at 4404-4427 South Harvard Avenue.

Presentation:

Joe Wilkinson, architect representing the applicant, presented a plot plan (Exhibit "N-1") and advised there are two residences on the two lots to be used for this project. The OL zoning on the subject property is pending. Following the slope of the lot, the one-story portion of the building will be built near the street and the two-story would be near the rear of the lot where the land slopes. The building will be a steel frame with brick veneer, concrete floors, a covered canopy to the rear, and a minimum amount of high intensity lights on the building. The building will contain approximately 30,000 sq. ft. and will house 10-12 offices.

Ralph Jones, developer of the building, stated he realized that Harvard was a very busy street; however, he did not know what any developer could do to slow down the growth of Tulsa and was not sure that Harvard was any less busy than Yale, Sheridan or other streets. Mr. Jones didn't feel the traffic was nearly as heavy in this area as it was farther south near 51st Street and Harvard Avenue. The majority of the people that will occupy the proposed building would most likely go to the intersection of 41st Street and Harvard Avenue, which is not as congested. Extensive landscaping is planned by the applicant. The air-conditioning units will be roof-top units and the 16' facade will hide 1/3 to 1/2 of the units. Mr. Jones was very emphatic in his statements that the air-conditioning units would not be seen from the ground level, and if they were visible he would build a fence around them, move them closer to the center, or do whatever was needed to hide them.

10386 (continued)

T. L. Webb, 306 Beacon Building, representing the homeowners of Villa Grove, stated there is heavy traffic in the area and many drivers cut through the neighborhood to avoid the Harvard traffic. Other concerns of the group included the ingress and egress to the property, the type of lighting to be used, drainage plans for the area and that there be adequate plans and specifications for the project.

Jim Muckelroy, 4431 South Erie Avenue, expressed concern that this would set a precedent for two-story structures in the area. He also cited the dense traffic in the area and the difficulty of entering on-to Harvard Avenue.

Special Discussion for the Record:

Mr. Gardner advised that the subject property would require a subdivision plat or a waiver of the plat by the Planning Commission. He pointed out that there are two driveway cuts on the property whereas all other lots along Harvard have been allowed one access. Mr. Jones advised that if the two cuts were not allowed it would be necessary to return to his original plans of turning the building north and south, exposing 200' of the building to the neighborhood lots to the rear of the property.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to continue Case No. 10386 to April 12, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10387

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 300' to 145' in an AG District to permit a lot-split at 16511 South Pittsburg Avenue.

Presentation:

Mr. Jones advised the Board that all the information is in the file and the Planning Commission approved the lot-split in September 1978.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 300' to 145' in an AG District to permit a lot-split on the following described tract:

The North 290' of the South 580' of the East 610' of the SW/4, NE/4 of Section 28, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

10388

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts- Section 1212 - Eating Places Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods and Services- Section 1219 - Hotel, Motel and Recreation Facilities) for permission to operate the following uses in an IL Distirct: Use Unit 12, 13, 14 and 19 at 7966 East 41st Street.

Presentation:

Bill Ramsey, 3840 South Florence Place, stated he would like to add on 109' to the east end of the existing building so it would match the west end. The Use Units requested are all now in existence at the location. The architecture will be the same as that of the existing building. A plot plan (Exhibit "0-1") and picture (Exhibit "0-2") of the existing building were presented.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts- Section 1212 - Eating Places Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods and Services - Section 1219 - Hotel, Motel and Recreation Facilities) to operate the following uses in an IL District: Use Unit 12, 13, 14 and 19, with the provision that the applicant is going to add on to the east end of the building with the same architectural style and dimensions as the existing one-story portion of the building on the following described tract:

All of Block 3, Industrial Equipment Center, an addition to the City of Tulsa, Oklahoma; Less the East 150' thereof; and Less the West 86' of the East 236' of the North 150' thereof.

10389

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 30' to 1' to permit the erection of a carport at 2144 East 23rd Street.

Presentation:

R. Edward Owen, 4930 East 26th Terrace, advised the applicant wants to build a carport; the original home was built in the 1930's before the building setback requirements were included in the Zoning Code. There is an existing detached garage which was also built in the 1930's which is too short to house contemporary automobiles. The proposed carport will be build over the existing driveway. Mr. Owen presented a plot plan (Exhibit "P-1") and pictures (Exhibit "P-2") of the house and neighborhood.

Protestants: None.

10389 (continued)

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 30' to 1' to permit the erection of a carport, as submitted, on the following described tract:

Lot 1, and the East 25' of Lot 2, Block 2, Wildwood Addition to the City of Tulsa, Oklahoma.

10390

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District located south and west of 136th Street North and Memorial Drive.

Presentation:

Andy Studie, 1725 East Latimer Place, presented a plot plan (Exhibit "Q-1") and advised he wanted to locate a 20' x 60' mobile home on 2½ acres which is owned by his father. His father also has a home on the property. Access to the subject property is gained by an easement across the north 15' of Rick Mahoney's property. Mr. Studie plans to add another septic tank and stated he had not received the results of a percolation test which was completed the previous week.

Protestants:

Harvey Carpenter, attorney representing Rick Mahoney and other land owners in the area, advised of the heavy use of the easement. Meetings, involving 10-20 carloads of native American people, have been held every other Saturday in the summer since 1976. The past summer approximately 100-150 people spent 1½ weeks on the property and Mr. Carpenter noted the insufficient facilities for the group. There is a septic tank system on the property; however, the land slopes to the south and any water that may escape with insufficient lines will run onto Mr. Mahoney's property.

Mr. Lewis expressed concern that two homes would be contained on a 2½ acre tract, one of the smallest lots in the agricultural district.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-1 (Lewis, Smith, Thompson "aye"; no "nays"; Wait "abstaining"; Purser "absent") to deny an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District on the following described tract:

The North 15' of the SE/4, NE/4, NE/4, NE/4 and the SW/4, NE/4, NE/4, NE/4 of Section 35, Township 22 North, Range 13 East, Tulsa County, Oklahoma.

10391

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an Agriculture District at 181st East Avenue and 11th Street.

Presentation:

The applicant, R. C. Williams, 11220 East Archer Place, advised he would like to locate a mobile home on a 15-acre lot. The home would be placed on the back of the lot; the applicant had planned to build a home, but due to inflation is not able to do so. There are other mobile homes in the area.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Smith, Wait "aye"; no "nays"; Thompson "abstaining"; Purser "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an Agriculture District, for a period of five years, subject to the approval of the Health Department percolation test, on the following described tract:

The E/2, W/2, SE/4, SW/4, and the N/2, W/2, E/2, SE/4, SW/4 of Section 1, Township 19 North, Range 14 East, Tulsa County, Okla.

10392

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services) for permission to allow retail sales of frurniture in an IL District at 6566 East Skelly Drive.

Presentation:

Tom Tannehill, 525 South Main Street, Suite 202, representing the applicant, presented pictures (Exhibit "R-1") of the existing building and showroom, the new showroom facility and the atrium. Mr. Tannehill explained that the east portion of the existing structure is being utilized as the warehouse for the furniture; the south 11,700 sq. ft., will be showroom space, and on the north is approximately 15,000 sq. ft., that is currently being used to store furniture and as a showroom. The Finger Furniture Company plans to display office furniture on the north side and residential furniture on the south side. The will maintain the furniture rental business, but are requesting an exception to allow them the option to sell the furniture.

Curt Goss, 7970 East 59th Street, estimated that only 2% of the business would be walk-in retail, the balance would be rental.

Protestants: None.

10392 (continued)

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services) to allow retail sales of furniture in an IL District on the following described tract:

Lots 4 through 7, Block 1, Space Center Industrial District to the City of Tulsa, Oklahoma.

10393

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District located NW of 136th Street North and 108th East Avenue.

Presentation:

Miles Campbell, R. R. #2, Box 209, Collinsville, Okla., stated there were other mobile homes in the area and a trailer park to the east.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District, for a period of five years, on the following described tract:

The W/2 of Block 21, Industrial Heights Addition to the City of Collinsville, Oklahoma.

10394

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 44' from the centerline of Pine Street to permit a sign at 1449 North Peoria Avenue.

Presentation:

Vernon Dooley, right-of-way agent for the City of Tulsa, advised the City is preparing to modify the intersection at Pine and Peoria. At this location, Dairy Queen has a sign which will need to be relocated since the City is acquiring additional right-of-way. The only place to relocate the sign is on the north side of the building where it will be only 44' from the centerline of the street. Mr. Dooley presented a plot plan (Exhibit "S-1").

Protestants: None.

10394 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 280 - Structure Setback From Abutting Streets- Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 44' from the centerline of Pine Street to permit a sign, removal contract required, on the following described tract:

The NW/4, SW/4 of Section 5, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

10395

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 300' to 287.2' in an AG District at 2501 West 91st Street.

Presentation:

Mrs. Jim Moore, 2501 West 91st Street, advised the variance was needed in order to obtain a building permit.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 300' x 287.2' in an AG District on the following described tract:

A tract of land that is part of the W/2 of the W/2 of the SE/4 of Section 6, Township 18 North, Range 13 East, Tulsa County, Oklahoma, described as follows, to-wit:

Beginning 563.05' North of the SW corner of the W/2, SW/4, SE/4; thence Northerly along the West line thereof for 322.07' to the NW corner thereof; thence Easterly along the North line for 660.01' to the NE corner; thence Southerly along the East line thereof for 325' to the SE corner; thence Westerly and parallel to the North line for 660.01' to the point of beginning.

10396

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses) - Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a townhouse development with attached and detached dwelling units on individual lots in a CS District located north and east of Admiral Place and Garnett Rd.

10396 (continued)

Presentation:

The Staff recommended continuing Case No. 10396 to April 26, 1979.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to continue Case No. 10396 to April 26, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10397

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1219 - Hotel, Motel and Recreation Facilities - Under the Provisions of Section 1670 - Variances) to permit a tennis club facility in an RM-1 District; and in the alternative; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit a tennis club facility in an RM-1 District north and west of 71st Street and Lewis Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, representing the purchaser of the subject property, reminded the Board that this application for a special exception was before them on March 1, 1979, as a Use Unit 5 and they denied the application interpreting that it should be included within Use Unit 19. Mr. Johnsen advised that an appeal from this action had been filed with the District Court, alleging that the Board's interpretation was in error. Mr. Johnsen presented a map (Exhibit "T-1") of the area pointing out that this is not a traditional single-family area, but instead is in a high-intensity area and abutted with commercial property and an existing tennis facility. The facility would include six outdoor unlighted tennis courts and six indoor tennis courts with a small clubhouse facility in the front. Mr. Johnsen also pointed out that the only way a tennis court could be located in the area under Use Unit 19 would be to zone the area commercial, which would then also allow service station, primary retail uses, food places, etc., which would be more intense than a tennis club facility.

Mr. Johnsen, using the exhibits from the previous meeting, described the plot plan to the Board, stating he felt the facility was compatible with other uses in the surrounding area.

At this point, Mr. Thompson advised he wanted to disqualify himself since he had an interest in a tennis club in the downtown area and felt it would be a conflict of interest.

Mr. Smith stated he could not accept the design of the building and expressed concern for the Southbridge Office Park which is very high quality and would be abutting the tennis courts.

10397 (continued)

Mr. Lewis felt it was not only the question of being a metal building, but also dealt with the question of whether this would provide a neighborhood facility - does it blend physically as a neighborhood facility and not a commercial facility and is the use neighborhood or commercial. He explained that the Board was of the opinion that the building was too commercial in appearance and in use to justify overlapping into a Use Unit 5.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Smith, Wait "aye"; no "nays"; Thompson "abstaining"; Purser "absent") to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1219 - Hotel, Motel, and Recreation Facilities - Under the Provisions of Section 1670 - Variances) to permit a tennis club facility in an RM-1 District; and in the alternative; an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit a tennis club facility in an RM-1 District on the following described tract:

A tract of land that is part of the W/2 of the W/2 of the SE/4 of Section 6, Township 18 North, Range 13 East, Tulsa County, Oklahoma, described as follows, to-wit: Beginning 563.05' North of the SW corner of the W/2 of the SW/4 of the SE/4; thence Northerly along the West line thereof for 322.07' to the NW corner thereof; thence easterly along the North line for 660.01' to the NE corner; thence Southerly along the East line thereof for 325' to the SE corner; thence Westerly and parallel to the North line for 660.01' to the point of beginning.

10398

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - 420.2 (a) (2) Bulk and Area Requirements in the RMH District) to the rear yard from 20' to 13.5', and a variance of the side yard for an accessory building at 7950 South 85th Street.

Presentation:

Ron Percefull, 7052 East 71st Street, presented a plot plan (Exhibit "U-1") and advised the request was to allow construction of a special design, single-family residence on a corner lot. The accessory building is connected by a patio area with a screening fence and support beams between the two buildings.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - 420.2 (a) (2) Bulk and Area Requirements in the RMH District) to the rear yard from 20' to 13.5', and a variance of the side yard for an accessory building, per plot plan submitted, on the following described tract:

10398 (continued)

Lot 9, Block 13, Woodland Meadows Addition to the City of Tulsa, Oklahoma.

10399

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts) to permit a floor area ratio of .40 and a two-story building in an OL District at the SW corner of 44th Street and Harvard Avenue.

Presentation:

Harold Patrick, 7030 South Yale Avenue, Suite 109, representing the owners, advised the applicant was requesting an exception for a two-story building since the terrain slopes to the west, approximately 12' from the front to the rear property line. The plan is to create a one-story effect from Harvard with a building which is compatible with the neighborhood and will still utilize the topography of the land. The building will have residential type siding or redwood siding with real stone veneer columns, all in earth tones; 3/4" 1b. composition grade shingles which have the appearance of grey weathered shakes. The wooden sign will be on the facade of the building. Mr. Patrick presented a plot plan (Exhibit "V-1"), stating there would be 6,500 sq. ft. on the main level and a total square footage of 9,720.

Protestants:

T. L. Webb, 306 Beacon Building, presented a Protest Petition (Exhibit "V-2") signed by 22 residents in the area. He expressed concern about the time involved with construction of a two-story building and noted that intensity would increase at the beginning of construction. He agreed that the property would look nice from Harvard, but many of the people he represented would object to the two-story portion of the building which is to the west. Mr. Webb advised the protestants felt the applicant could make use of the property without the increased intensity.

J. A. Muckelroy, 4431 South Gary Avenue, speaking for 49 families in the Villa Grove Park Protective Association, advised of the heavy traffic in the Edison High School area noting that accesses both on 44th Street and on Harvard Avenue would greatly increase the probability of accidents.

Marvin Shirley, 3144 East 44th Street, also expressed concern about traffic in the area stating there was already a problem with cut-throughs between Harvard and 41st Street using 44th Street. He felt the exit on 44th Street from the subject property would compound the problem. Mr. Shirley questioned the parking on the location pointing out that with 39 parking spaces and the expected four to six tenants in the building it would allow approximately 4 parking spaces for each tenant.

Bob Kinney, 4404 South Gary Avenue, stated he had lived at this address for ten years and there have been drainage problems in the area all of that time. He urged the access to 44th Street be closed.

Leora Batten, 4446 South Gary Avenue, advised she would be looking at the back of this building and felt that the proposed structure would depreciate the value of the property in the neighborhood. Most of the people in the area are original homebuilders in the neighborhood.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in the Office District) to permit a floor area ratio of .40 and a two-story building in an OL District, subject to there being no access on 44th Street; as per plot plan and elevations and the entire presentation; 8' double-faced screening fence or 8' fence finished side to the neighborhood on the west; if a request is granted by the Planning Commission to waive the plat, drainage plans for the lot would require approval by the City Engineering Department and a copy signed by the City Hydrologist be filed with the Board prior to the issuance of a building permit; the building to be constructed with redwood siding, with real stone columns, earthtone colors, roof to be of 345 lb. composition grey shingles (which have the shadow effect of cedar shake shingles), on the following described tract:

The East 180' of Lot 1, Block 2, Villa Grove Park Addition to the City of Tulsa, Oklahoma.

10401

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements in a CS District located NE of 101st East Avenue and 21st Street.

Presentation:

Roy Johnsen, 324 Main Mall, presented a plot plan, (Exhibit "W-1") and stated that the tract his client is retaining will be short on frontage. At the time the development was put in place, arrangements were made with the adjoining owner for a mutual access agreement which was filed of record so the tract would not be landlocked.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements in a CS District, on the following described tract:

All that part of Lot 1, Block 1, Magic Circle South Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows to-wit: Commencing at the southeast corner of said Lot 1; thence due West along the South boundary of said Lot 1, a distance of 150.00'; thence North 26°-33'-54" East a distance of 22.36'; thence due North a distance of 200.00'; thence North 45°-00'-00" East a distance of 69.94' to the point of beginning; thence North 45°-00'-00" East a distance of 99.70'; thence due North a distance of 345'; thence due West a distance of 50.00'; thence due South a distance of 366.00'; thence on a curve to the right having a radius of 70.00' and a distance of 54.97' to the point of beginning, containing 18,605.562 square feet or 0.4271 acre; and 3.29.79:282(25)

10401 (continued)

Commencing at a point in the South boundary of said Lot 1, 150.00' from the Southwest corner thereof; thence due East a distance of 617.00'; thence North 26°-33'-54" East a distance of 22.36'; thence due North a distance of 200.00'; thence North 45°-00'-00" East a distance of 169.64'; thence due North a distance of 345.00' to the point of beginning; thence due North a distance of 586.17'; thence North 89°-59'-19" West a distance of 331.81'; thence South 49°-02'-41" West a distance of 735.07'; thence due South a distance of 33.35'; thence due East a distance of 150.00'; thence due South a distance of 71.05'; thence due East a distance of 736.95' to the point of beginning, containing 375,549.94 square feet or 8.6214 acres.

10402

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts- Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 75' from the centerline of 51st Street and from 110' to 90' from the centerline of Yale, located at the SW corner of 51st Street and Yale Avenue.

Presentation:

John Moody, 7060 South Yale Avenue, representing the purchaser of the tract, advised there is an existing building, Old Plantation Restaurant, immediately to the west of the subject property, which encroaches past the setback; there is also a beauty shop located on the subject tract which encroaches on the setback - both structures are located 55' from the centerline of East 51st Street. The applicant is requesting permission to have a 75' setback line from the centerline of 51st Street. South Yale Avenue has been improved to four-lane capacity, therefore, the applicant is requesting a variance of the setback requirements to 90' from the centerline of Yale. Mr. Moody presented a plot plan (Exhibit "X-1") and an aerial photo (Exhibit "X-2") of the area, stating that this arrangement would allow the applicant to retain more of the existing trees on the property.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 75' from the centerline of 51st Street and from 110' to 90' from the centerline of Yale Avenue, per plot plan submitted, on the following described tract:

The East 2.5 acres of the North 5 acres of the NE/4, NE/4, NE/4 of Section 33, Township 19 North, Range 13 East, Tulsa County, Okla.

There being no further business, the Chair adjourned the meeting at 9:10 p.m.

Date Approved May 10, 1979

Kathy Purser
Chairman