

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 293
Thursday, August 30, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Lewis
Purser, Chairman
Smith
Thompson
Wait

STAFF PRESENT

Gardner
Howell
Jones

OTHERS PRESENT

Jackere, Legal
Department
Miller, Building
Inspector's Off.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, August 28, 1979, at 10:45 a.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the Minutes of August 2, 1979 (No. 291).

MINOR VARIANCES AND EXCEPTIONS:

10548

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the area requirements in an AG District to permit a lot-split north-east of 146th Street North and Highway #169.

Presentation:

The Staff advised that the Planning Commission had approved the lot-split on July 11, 1979, subject to Board of Adjustment and City-County Health Department approval.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions": Lewis "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 area requirements in an AG District to permit a lot-split (L-14666) on the following described tract:

Part of the SE/4 of the SW/4 of Section 21, Township 22 North, Range 14 East of the IBM; Beginning at a point on the South line, said point being 870.16' West of the South quarter corner of said Section 21; thence Northeasterly at an angle to the left 35°-21.8276' from the South Section line for a distance of 455.14' to a point; thence Southerly a distance of 263.49'; to a point on the South Section line of said Section 21, said point being 499.04'

10548 (continued)

from the South quarter corner of said Section 21; thence West along the South line of said Section 21 a distance of 371.12' to the point of beginning.

10644

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 4.5' at 12243 East 39th St.

Presentation:

Mr. Jones stated that the house is already built and this action was to clear the title. A plot plan (Exhibit "A-1") was submitted to the Board which showed that the NE corner of the structure encroached 6" into the required side yard.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 4.5', per plot plan submitted, on the following described tract:

Lot 21, Block 9, Park Plaza East Addition to the City of Tulsa, Oklahoma.

10661

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for permission of a variance from 50' to 39' in a CS zoning to erect a canopy for service station at 1827 North Lewis Avenue.

Presentation:

Jerry McCoy, R. R. #1, Box 574, Sperry, presented a plot plan (Exhibit "B-1") and advised that the canopy would be constructed over existing service station pumps.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) from 50' to 39' in a CS zoning to erect a canopy for service station, per plot plan submitted, removal contract required, on the following described tract:

Lots 479, 480, 481, Block 37, Tulsa Heights Addition to the City of Tulsa, Oklahoma.

10671

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts) and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building an accessory building across a lot line; and request for a variance to permit an accessory building as the principal use on a lot located NE of Easton Street and 38th West Avenue.

Presentation:

Mr. Jones advised the Board that the applicant owns the entire block with the exception of one corner of the tract. The accessory building of 750 square feet will be constructed across a lot line on the southern part of the property. A plot plan (Exhibit "C-1") was presented. The accessory building will be used to store antique automobiles.

Mr. Gardner advised that the Staff was concerned that the applicant could sell the accessory building without selling the residence and if it's accessory to the house it should be tied to the house. The Staff recommended including a tie contract in the Board action.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to permit building an accessory building across a lot line; and a variance to permit an accessory building as the principal use on a lot, subject to no business use of the property and subject to a tie contract restricting the sale of the garage without sale of the house, per plot plan submitted, on the following described tract:

Lots 1 through 4 and Lots 8 through 14, Block 4, Cooper's Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

10486

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to operate an upholstery shop in an RS-3 District at 1231 South Florence Avenue.

Presentation:

John McGee, 1231 South Florence Avenue, stated he has painted the garage and part of the house. The briars have been cleaned out between the two garages; however Mr. McGee advised that the neighbor to the north has tires and rims, etc., near the garage and there wasn't any way to get those out. The fence row has also been cleaned out on the applicant's side. There has been no outside storage or additional employees. Mr. McGee attempted to purchase land in Hugo,

8.30.79:293(3)

10486 (continued)

Oklahoma, to move his business to, but the transaction did not materialize; however, he will continue to look for another location.

Protestants:

Henry Hoesloop, 5355 East 30th Street, informed the Board that there has been a substantial improvement in the appearance of the applicant's property. Mr. Hoesloop does not live in the area, but had been advised there was a helper employed in the upholstery business. The protestant expressed concern that granting this application would set a precedent in the neighborhood.

Ann Murray, 1211 South College Avenue, stated that she did not feel a business should be allowed in a residential neighborhood. Ms. Murray suggested the applicant find a place in a business zoned area and reside there. She referred to Mr. McGee's business as a psychological blight on the neighborhood.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate an upholstery shop in an RS-3 District, for a period of one year from this date, the outside painting to be completed within one month, no storage of any items outside, hours of operation to be 9:00 a.m. to 5:00 p.m., no home deliveries, on the following described tract:

Lot 17, Block 6, Pilcher Summit Addition to the City of Tulsa, Oklahoma.

10588

Presentation:

Roy Johnsen, 324 Main Mall, reviewed the application noting that the Board had approved the use on July 19, 1979, subject to the submission of a landscaping plan to effectively screen the south and east boundary. Mr. Johnsen presented a landscaping plan (Exhibit "D-1") and advised that the applicant has already constructed screening on the front of the property. The trailers on the lot will be parked behind the 6' wooden screening fence.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the landscaping plans, as presented, for Case No. 10588.

NEW APPLICATIONS:

10645

Action Requested:

Appeal (Section 1650 - Appeals From the Building Inspector - Appeal from a decision of the Building Inspector to cease operating a landscape business from a residence; also storage of landscape materials in an RS-1 District; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to operate a home occupation to permit a landscape contractor to operate for a period of six months at 5542 East 112th St.

Presentation:

Marilyn Eddy, 5542 East 112th Street, presented pictures (Exhibit "E-1") of her house and surrounding area, informing the Board that this is a nice neighborhood, she and her husband have a considerable investment in their property and they did not intend to downgrade the area. Mrs. Eddy stated that her husband had worked for Sun Oil Company the past 16 years and also pursued some landscaping work during non-working hours. Following an illness, Mr. Eddy decided to start a full-time landscaping business this past April. The applicant employs two other people at the present time and hopes to develop the business further after it is moved to another location. Most of the materials are delivered to the location site, but there is some storage on the property. A pickup truck and a one-ton truck are used in the landscaping business. The applicant now holds a real estate contract, with a commitment for financing, for a piece of property which is scheduled for zoning (Z-5313) to be heard by the TMAPC on September 26, 1979. The applicant requested the Board grant additional time to complete the zoning and purchase of the property in order to relocate the business.

Protestant:

Larry Campbell, Manager of the Tom S. Graham Developments, advised that this business was in violation of the zoning and also the restrictive covenants which the applicant agreed to uphold when the property was purchased. Mr. Campbell stated that the area was developing at this time and he felt prospective buyers in the area were deciding against the neighborhood due to the truck traffic involved with the landscaping business.

Chairman Purser informed the protestant that the Board had no authority to enforce the restrictive covenants.

Alan Jackere, Legal Department, advised that what the Board would do, in regard to this piece of property, would have no affect as far as the homeowner's rights are concerned, to enforce the restrictive covenants.

The Staff related that several calls had been received from area residents stating they did not object to a six month extension to allow the applicant time to secure another location; however, they were opposed to any additional time beyond the six month period.

10645 (continued)

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to uphold the Appeal (Section 1650 - Appeals From the Building Inspector) to cease operating a landscape business from a residence; also storage of landscape materials in an RS-1 District; and to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a landscaping contractor's business as a home occupation for a period of six months, and to allow the applicant sixty (60) days to move the business, on the following described tract:

and deny the

Building Inspector

9/27/79

Lot 8, Block 2, Fieldstone Addition to the City of Tulsa, Oklahoma.

10646

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to maintain a mobile home in an RS-3 District at 816 South 64th West Avenue.

Presentation:

P. H. Wootton, 816 South 64th West Avenue, advised that he had maintained a mobile home on this property the past two years. Mr. Wootton purchased another property to move the mobile home onto, but found there was water in the area and he sold the property. At this time, the applicant is attempting to acquire another property for the mobile home.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-3 District, for one year, removal bond required, on the following described tract:

Lot 15, Block 2, Trimble Addition to the City of Tulsa, Oklahoma.

10647

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a day care center in a church building at 513 East Virgin Avenue.

Presentation:

Marie Vinson, 1815 North Denver Avenue, advised that she had been approved to care for 35 children in the day care center. The hours of operation would be 6:00 a.m. to 6:00 p.m. on weekdays. There is a circle driveway on the subject property.

10647 (continued)

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center in a church building as presented, on the following described tract:

Lot 16, Block 3, Reedlawn Addition to the City of Tulsa, Oklahoma.

10648

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a care home for the elderly in an RS-1 District at the SE corner of Garrison Avenue and 66th Street North.

Presentation:

Mildred Brown, 1513 East 49th Street, advised she would like to operate a medium care home for elderly patients. The people residing in this center would be those who need someone to prepare meals and take care of their laundry and keep the rooms clean. Ms. Brown stated that she anticipated a maximum of 10 patients at the end of 5 years. The applicant stated she would be living on the premises and would need to employ another person to help with the work load. Ms. Brown has applied for a license, but it has not been received as yet. A Turley fire station is approximately 1½ miles away. A 1,500 gallon septic tank is located on the property. There will be a gravel, circle driveway. The six bedroom house is a frame house, a composition shingle roof and four or five outside doors.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a care home for the elderly in an RS-1 District, for a maximum of 10 people, with the stipulation that prior to any occupancy permit being granted, that the Board receive a letter from the Turley Fire Department that the building could be adequately served with fire protection; the State Health Department to have a letter in the file relative to the sanitary sewer services, and that the County Building Inspector furnish a letter to the Board that the planned modifications were in approval with the County, on the following described tract:

The East 121.78' of the West 126.78' of the N/2, N/2, of Lot 1, Block 3, North Turley Second Addition to the City of Tulsa, Oklahoma.

10649

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Requirements) where the purpose of the screening cannot be achieved SW of 73rd Street and Lewis.

Presentation:

The Staff noted that a letter (Exhibit "F-1") had been received from an adjoining property owner, stating he would prefer that no fence be installed.

Paul Ziegenfuss, 2241 East Skelly Drive, presented pictures (Exhibit "F-2") of the area, and a plot plan (Exhibit "F-3") and advised that approximately one year ago, the Board waived the first 80' of the screening requirement. Since the construction of the building, due to grade changes, it was necessary to erect a retaining wall between the Hardesty apartments and the subject property. Mr. Hardesty advised the applicant that he did not want a 6' fence on top of the retaining wall.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 250.3 (d) - Modification of the Screening Requirements) where the purpose of the screening cannot be achieved, per plot plan submitted, on the following described tract:

Lot 1, Block 9, Kensington Addition to the City of Tulsa, Okla.

10650

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) for permission to erect duplexes in an RS-3 District; and a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements) for permission of the lot size from 9,000 sq. ft. to 8,000 sq. ft. to permit a duplex as 1031 East 35th Place.

Presentation:

John Walton, architect, presented a plot plan (Exhibit "G-1") and advised that this would be a 1½-story unit. There is a total of 2,700 sq. ft. on the ground floor and approximately 1,030 sq. ft. on the second floor. There will be a single car garage and a double garage. There will be either brick or stone across the front of the duplexes with siding used above, wooden windows will be built with composition shingles on the roof.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) to erect a duplex in an RS-3

8.30.79:293(8)

10650 (continued)

District; and a Variance (Section 440.3 - Special Exception Uses in Residential Districts - Requirements) of the lot size from 9,000 sq. ft. to 8,000 sq. ft. to permit a duplex, per plot plan submitted, exterior to be brick or stone on the ground floor in front, with the exception of the garage doors, composition roof and siding on the second floor, on the following described tract:

The East Half of Lot 3, Block 2, Peoria Court Addition to the City of Tulsa, Oklahoma.

10652

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 44.2 - Mobile Homes) for permission to locate a home in an RS-1 District at 6722-R West 26th Street.

Presentation:

Delores Fox, 6722 West 26th Street, stated the mobile home had been moved to the property for her son and daughter-in-law to live in. The applicant was unaware a permit was needed. There are many other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Mobile Homes) to locate a mobile home in an RS-1 District, for a period of one year, removal bond required, on the following described tract:

Beginning at the NE corner of Lot 2, Block 3, Bridges Acres Addition; thence West 165'; thence South 103½'; thence East 2½'; thence South 100'; thence East 162½'; thence North 203½' to the point of beginning, Tulsa County, Oklahoma.

10653

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 75' to 10' from an R District and a variance of the setback requirements from 25' to 0' from 28th West Avenue in an IL District.

Presentation:

Charles Sublett, represented Ken Cunningham who is attempting to purchase the subject property in order to relocate his plumbing business in West Tulsa. Mr. Cunningham was denied a variance to continue his operation in the present location several months ago, was given 120 days to relocate and has been trying to comply. This is the final step in the process of getting his relocation site correctly zoned. The applicant contracted to purchase an old industrial-type structure in West Tulsa, the site of a chrome plating business, which has been in existence for over

10653 (continued)

30 years. An application to change the RS-3 zoning was filed; however, the northern portion of the subject property was withdrawn to appease the protestants. This action was taken with the realization there would be a setback problem. There is no proposed expansion of the existing structure except for covered parking to the rear of the property. A waiver of the front setback is needed since the existing building was built within 9' of the dedicated roadway. Mr. Sublett described the shape of the lot and the fact that the building was constructed long before the restrictions were imposed presented a hardship for the applicant. A plat of survey (Exhibit "H-1") was exhibited.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 75' to 10' from an R District and a variance of the building setback requirements from 25' to 0' from 28th West Avenue in an IL District, on the following described tract:

Lot 3, Block 40, Red Fork Addition to the City of Tulsa, Oklahoma.

10655

Action Requested:

Variance (Section 620.2 (d) - Accessory Uses Permitted in Office Districts - Under the Provisions of Section 1670) of the sign requirements from 32 sq. ft. to 50 sq. ft. in an OM District at 1831 East 71st St.

Presentation:

J. F. Replogle, Jr., representing the applicant, presented pictures (Exhibit "I-1") and dimensions (Exhibit "I-2") of the O.R.U. Dental Center and advised that the existing sign is slightly over 32 sq. ft.

Bob Gardner advised the Board that the size of the sign is based on street frontage; there is a dedicated street on the front and private streets on the sides, but those are not counted toward the signage. There is over two blocks in length of frontage and the sign in comparison to the overall size of the project is very small. This sign would use up the total signage permit for the entire center and the applicant would have to return for additional signage.

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 3-0-1 (Purser, Thompson, Wait "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to grant a Variance (Section 620.2 (d) - Accessory Uses Permitted in Office Districts - Under the Provisions of Section 1670) of the sign requirements from 32 sq. ft. to 50 sq. ft. in an OM District, per plan submitted, on the following described tract:

Lots 10 through 13, Block 1, Southridge Office Park Addition to the City of Tulsa, Oklahoma.

10656

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 (b) - Special Exception Uses in Residential Districts, Requirements) for permission to locate a mobile home in an RS-3 District at the SW corner of 54th Street North and Lewis Avenue.

Presentation:

Carol Robertson advised that she rents the subject property, keeps her horse there and now would like to move a mobile home onto the tract. There are other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Lewis, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 (b) - Special Exception Uses in Residential Districts, Requirements) to locate a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described tract:

The N/2 of the N/2 of the NE/4 of the SE/4 of the NE/4 of Section 7, Township 20 North, Range 13 East, Tulsa County, Oklahoma, less the West 200' thereof.

10657

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 between 101st and 111th Streets on the East side of Garnett Road.

Presentation:

William Lee, Suite 515 Beacon Building, advised he had purchased the property for investment purposes and would like to maximize his investment objectives by placing a mobile home on the tract. There is a horse barn, a new corral and a hay barn on the subject property.

Protestants:

Tim Willeys, 10341 South Garnett Road, stated he lives immediately south of the proposed mobile home site. Mr. Willeys was concerned with the property values in the area and the probability of setting a precedent in the neighborhood.

Cheryl Sands, 10405 South Garnett Road, advised that she and her husband have purchased property in the area and plan to build a home. Mrs. Sands felt that a mobile home in the area would lower property values.

Letters of protest were received from the Cedar Ridge Country Club (Exhibit "J-1") and Leo A. West (Exhibit "J-2").

Board Action:

On MOTION of SMITH, the Board voted 3-0-1 (Purser, Smith, Wait "aye"; no "nays"; Thompson "abstaining"; Lewis "absent") to deny an Exception

8.30.79:293(11)

10657 (continued)

(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 N/2 of the N/2 of the SW/4 of the NW/4, Section 28, Township 18 North, Range 14 East, Tulsa County, Oklahoma; less the following: Beginning at the SW corner thereof; thence East 264'; North 165'; West 264'; South 165' to the point of beginning.

10658

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1220 - Commercial Recreation: Intensive) for permission to have a skill driving facility (auto) in a CS District located south and west of 31st Street and Memorial Drive.

Presentation:

Roy Johnsen, 324 Main Mall, presented plot plans (Exhibits "K-1, K-2 and K-3") and a portfolio of plans (Exhibit "K-4"). Mr. Johnsen advised that the property under application was approximately five acres situated immediately adjacent to the Broken Arrow Expressway. The Malibu Grand Prix Corporation proposes to construct and operate a driving skill facility on the subject property. The concept is a race against the clock on the 1/2 mile concrete track, with approximately five or six cars on the track at any one time. The cars are powered by rotary engines, mufflered and are not comparable to go-carts. Mr. Johnsen noted that the expressway traffic noise would exceed that of the Malibu operation. The noise level of the cars is equal to or less than the average car. In addition there will be a clubhouse facility housing amusement type games.

John Lundeen, representative of the Malibu Grand Prix Corporation, explained the operation of the facility. He stated that 70% of the property will be open space with grass and plantings. Only licensed drivers will be permitted to use the facility with the average age of participants being 18-35 years. The price is \$1.50 per lap or approximately \$12.00 - \$14.00 for 30 minutes. The last ticket will be sold at midnight and the lighted sign will turn off at that time. There will be 10 full-time employees and 15 part-time employees with one manager and two assistants.

Mr. Johnsen presented a sign plan (Exhibit "K-5") and advised that the sign would be located adjacent to the expressway and far from any other property.

Malibu will lease this property and the lease will provide, if the landlord requests, that at the end of the operation the Corporation will remove all the facility.

The accident rate is minimal and the Malibu Corporation carries three million Dollars of insurance. The customer assumes liability for his own negligence. No alcoholic beverages are allowed on the property.

Protests: None.

10658 (continued)

Board Action:

On MOTION of THOMPSON, the Board voted 4-0-0 (Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1220 - Commercial Recreation: Intensive) to have a skill driving facility (auto) in a CS District, tied (subject) to the Malibu Grand Prix Corporation as the operator, per plot plans submitted, and as presented as to hours of operation, signage, etc., on the following described tract:

Description of a Tract of Land for Malibu Grand Prix. (This tract will become Lot 1, Block 1, Interchange Place when platted).

A tract of land situated in the SW/4 of the NE/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian in Tulsa County, Oklahoma, more particularly described as follows:

Beginning at the SE corner of said SW/4 of the NE/4 of Section 23; thence North 0°-02'-30" West along the East boundary of said SW/4 of the NE/4 a distance of 350.00 feet; thence North 81°-21'-08" West a distance of 266.38 feet to a point on a curve concave to the North and having a radius of 93.00 feet, to which point a radial line of said curve bears South 59°-00'-00" East; thence Westerly along said curve a distance of 214.26 feet; thence North 83°-32'-33" West a distance of 360.84 feet to a point in the right-of-way line of the Broken Arrow Expressway; thence South 37°-56'-51" East along the right-of-way line of said Expressway a distance of 317.84 feet; thence South 57°-14'-15" East along the right-of-way line of said Expressway a distance of 370.97 feet; thence North 89°-59'-23" East a distance of 283.40 feet to the point of beginning, containing 5.0003 acres of land.

10659

Action Requested:

Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Variances) to permit two houses on one lot. (One house will be removed when renovations are completed), at 1224 South 131st East Avenue.

Presentation:

James Madsen, 1224 South 131st East Avenue, presented a plot plan (Exhibit "L-1") and advised that the subject property was 1¼ acres which was subdivided into 2 parcels. Mr. Madsen stated he would like to move a house onto the property where the existing house stands and leave the existing house in place until the remodeling of the move-in is completed. The older house will then be removed or moved to the back of the property where it would become a rental house on the other lot. The applicant stated he planned to do the remodeling work and requested at least two years to accomplish this.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; to grant a Variance (Section 208- One Single-Family Dwelling Per Lot of Record - Under the Provisions of

10659 (continued)

1670 - Variances) to permit two houses on one lot, on the condition that once the house is completed, the old house be removed within 30 days, the entire process not to exceed two years, with the applicant returning to the Board in one year for a progress report and if he does not appear in one year, the approval action will be voided, on the following described tract:

*A portion of Lot 3,
Block 4, Roseland
Addition to the City
of Tulsa and more
particularly described
as follows:
9/27/79 JH*

Beginning 5' West of the NE corner of Lot 3; thence West along the North line of Lot 3, a distance of 150'; thence South and parallel to the West line of Lot 3, 122.5'; thence East and parallel to the South line of Lot 3, 135'; thence North and parallel with the East line of Lot 3, 46.25'; thence East and parallel with the South line of Lot 3, 15'; thence North and parallel to the East line of Lot 3, 76.25' to the point of beginning.

10660

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 61' from the centerline of Elwood Avenue at 4611 South Elwood Avenue.

Presentation:

Jim Barton, representing Practical Products Corporation, presented a plot plan (Exhibit "M-1") and advised that the flood moratorium area circles the backside of the existing building. The applicant plans to build an addition to the front of the existing building. A picture (Exhibit "M-2") of the existing building was exhibited.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 61' from the centerline of Elwood Avenue, per plot plan submitted, on the following described tract:

Beginning 152' South and 50' East of the NW corner of Lot 3; thence East to the Arkansas River sly 507' West to 50' East of the West lot line of Lot 3; North to the point of beginning in Section 25, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

10662-A

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit vehicle repair in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 91' from the centerline of Yale at the NW corner of 34th Street and Yale Avenue.

10662-A (continued)

Presentation:

Robert Chambers, representing T.R.U., Incorporated, noted that there has been a tune-up center at this location the past two years. Previously the tract was used for a filling station and was zoned for that purpose. The T.R.U. Corporation deals with car tune-ups and oil changes only. There will be no outside storage; a 500 gallon underground storage tank will hold the discarded oil and it will be pumped out when it is full. Vehicles are serviced in a 30-minute time frame and there will be no storage of vehicles overnight. Mr. Chambers presented a plot plan (Exhibit "N-1").

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit vehicle repair in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 91' from the centerline of Yale Avenue, per plot plan submitted, based on the representations as presented by the applicant, no outside work or storage, the use to be confined to the tune-up of engines and oil changes, on the following described tract:

Beginning 50' West of the NE corner of the SE/4 of the NE/4 of Section 21, Township 19 North, Range 13 East, Tulsa County, Oklahoma; thence South 140'; thence West 70'; thence North 140'; thence East 70' to the point of beginning.

10662-B

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit vehicle repair in a CS District NE of 2nd Street and Sheridan Road.

Presentation:

Robert Chambers, representing T.R.U., Incorporated, presented a plot plan (Exhibit "N-2") and advised that there are three bays on the tract and the applicant plans to add a driveway around the back of the existing structure.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit vehicle repair in a CS District, per plot plan submitted, based on the representation as presented by the applicant, no outside work or storage, the use to be confined to the tune-up of engines and oil changes, on the following described tract:

Lots 15, 16 & 17, Block "A", Crestview Estates Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1208 - Multifamily Dwelling and Similar Uses) to permit multifamily use in a CS District, located SW of Admiral Place and Garnett Road.

Presentation:

Roy Johnsen, 324 Main Mall, representing the owner, Wagon Wheel Shopping Center, Inc., stated he would like to amend the request to include approximately 7½ acres situated in the SW portion of the original 20 acres for which notice was given. Mr. Johnsen advised that this is a rental assistance project; however, this fact is not relevant to the question of determining whether or not a special exception should be permitted for multifamily use of the property. The subject property is part of a 40-acre tract which is zoned CS. The NE portion of the property contains some commercial uses and the remainder of the tract, 25 acres, is undeveloped. There is a stub street into the south portion of the tract under application which carries traffic into the neighborhood. Mr. Johnsen presented a map (Exhibit "0-1") of the area and pointed out the subject property and its location in District 5 and stated that this area is not overly dense as compared to the development standards. The District 5 Plan states that multifamily activities - such as apartments - are utilized many times as transitional uses to protect the single-family home from direct interface with commercial uses. In regard to traffic in the area, the applicant proposes to close the access point so there will be no vehicular access to the south. There will be pedestrian access to Walter Reed Elementary School. Mr. Johnsen noted that the enrolment at this School is declining and is below capacity at this time.

Mr. Johnsen presented a plot plan (Exhibit "0-2") and pointed out to the Board the low-density of the project with 53.7% of open area within the project. A crash gate will be provided; there will be continuous screening along the south and west sides of the property. The building setbacks on the south will be 50' and 75' on the west side. The Plan includes 11 one-bedroom, 80 two-bedroom, 12 three-bedroom and 12 four-bedroom units for a total of 115 dwelling units - almost 80% in one and two bedroom units. The apartments are two-story except for the front units, which are for the elderly. The units will be constructed of brick and cedar with mansard roof.

Mr. Brokaw, the owner and manager of the proposed project, advised there will be air-conditioning units installed on the roof with a 3' parapet wall around the building to completely hide the units.

Protestants: Approximately 100 present.

E. T. Watkins, 11335 East 3rd Street, resident of the neighborhood, presented protest petitions (Exhibit "0-3") bearing 968 names and pictures (Exhibit "0-4") of the neighborhood. Mr. Watkins advised the area residents did not want government help in their neighborhood and felt the occupancy guidelines would attract transient families who make no economic, cultural or aesthetic contribution to the surrounding area. The protestant also expressed concern about a rise in the crime rate throughout the area, congested traffic and drainage problems.

Paul E. Thornbrugh, 11435 East 5th Street, pointed out that the area has very few recreational centers and the owners of the subject property have permitted the vacant lot to be converted to baseball diamonds, which have served many young people through the years. Mr. Thornbrugh noted that the single issue of the application is what affect it might have on the neighborhood. The applicant advised that he felt the project would have a very adverse affect on the neighborhood, the health, welfare, safety, and best interests of the inhabitants. The Western Village area is an extremely fragile, family oriented neighborhood. The narrow streets, the compactness of the neighborhood, location to the schools and the number of vehicles in the area cannot handle any more traffic problems or housing developments.

Joe Anthony, 10929 East 3rd Street, stated he did not think there was a need for an inducement for this type of people to come into Tulsa because they will not contribute or help the welfare of the City. Mr. Anthony also noted the poor roads and traffic congestion in the area.

Amarilla Leikam, 303 South 108th East Avenue, stated she works in real estate and noted the difficulty even leasing houses in the area to people who have had experience with the element of the population living in subsidized housing. Mrs. Leikam also advised she didn't feel that an apartment complex that is 75' from the homeowners property line would allow enough space since the lots in the area are from 60' to 75' in width. The property values in the neighborhood have increased greatly in the past four years.

A letter of protest (Exhibit "0-5") from Mr. and Mrs. Tony P. Caughern, was presented to the Board.

Board member Lewis questioned what consideration should be given to the Federal funding of the project and attorney Alan Jackere advised that this would not be a proper consideration. The question to be answered is if apartments are appropriate because of traffic and other problems in the area. Chairman Purser and Mr. Lewis both agreed that the Federal funding should not be considered; however, they were concerned with the issues that might arise as a result of the funding.

Adrian Smith stated he felt this would go back to exceptions that the Board can grant if they will "not be injurious" to the neighborhood or otherwise detrimental to the public welfare," and in his opinion, this would be.

The applicant stated he did not feel the Board could use the zoning power to determine what type of people should be in this particular location. He felt the consideration would need to be confined to land use facts and the location standards of the community.

Board Action:

On MOTION of SMITH, the Board voted 4-1-0 (Purser, Smith, Thompson, Wait "aye"; Lewis "nay") to deny an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses) to permit multifamily use in a CS District, on the following described tract:

The West 811.86' of the N/2 of the SE/4 of the NE/4, and the South 213.31', less the East 460' thereof, Lot 8, and the West 328.25' 8.30.79:293(17)

10663 (continued)

of the North 427' of Lot 8, all in Section 6, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

10664

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for permission to operate a children's day care home for five children in an RS-3 District, and Section 440.2 - Home Occupations) for a variance of the sign requirements in an RS-3 District at 1823 South 123rd East Avenue.

Presentation:

Debra Cunningham, representing the applicant, advised the applicant has operated the day care center in her home for the past two years, keeping from 1 - 5 children. The applicant is licensed to operate a family day care home for as many as 5 children at one time. The house is located on a corner lot across from Cooper Elementary School. The yard is fenced and the children play in this area. Ms. Cunningham stated the applicant offers a very necessary and accessible service to the residents of the area as well as a very beneficial service to the children of the area by providing a home atmosphere for them. The applicant would also like to place a small sign in the front yard to help her keep a more constant business.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a children's day care home for five children in an RS-3 District; and to deny a Variance (Section 440.2 - Home Occupations) to permit a sign in an RS-3 District, on the following described tract:

Lot 27, Block 1, Stacey Lynn Fourth Addition to the City of Tulsa, Oklahoma.

10666

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; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts - Requirements -- Under the Provisions of Section 1670 - Variances) to permit the mobile home on a permanent basis to house the school custodian for convenience and security purposes located north and east of Garnett and Admiral Place.

Presentation:

Truman Rucker, Chairman of the Board of Trustees, Green Country Christian Academy, advised that arrangements have been made with the Tulsa Public Schools to purchase the old East Central High School building and campus. The facilities will be renovated at an approximate cost of three-quarter milliam Dollars. The proposed mobile home is to house the custodian and his family and to provide security for the investment. The mobile home

10666 (continued)

will be placed on the SE corner of the lot. The mobile home will be tied down, skirted, and very well-maintained. The home will be there for the express purpose of housing for the custodian and protection of the investment.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts -- Requirements - Under the Provisions of Section 1670 - Variances) to permit the mobile home on a permanent basis to house the school custodian for convenience and security purposes, for a period of five (5) years, on the following described tract:

The S/2, W/2, E/2, of Lot 1, Section 5, Township 19 North, Range 14 East, Tulsa County, Oklahoma; and Lots 1 and 2, Spring Lake Addition to the City of Tulsa, Oklahoma.

10667

Action Requested:

Variance (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) for permission to combine two lots into one in order to construct a pool at 2247 North Denver Place.

Presentation:

Adolph Crisp, 2247 North Denver Place, presented a plot plan (Exhibit "P-1") and advised he proposed to build a swimming pool on one of the two lots he owns. The applicant would need the variance and a tie contract for the two lots.

Protests: None.

Board Action:

On MOTION of Smith, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to grant a Variance (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) to combine two lots into one in order to construct a pool, subject to the execution of a tie contract, on the following described property:

Lots 19 and 20, Block 3, Oakcliff Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Case No. 10527

Bud Barnes, one of the proposed owners of the property, advised that the sign will be a 9' x 12' sign on a 30' single pole stand, from top of the sign to the ground. A second sign will be over the entryway to the office/waiting room area. This sign will be 6' high and 8' long containing the AAMCO Transmission logo, and will be placed on the 4' mansard. The letters of this sign will be 10" to 1' letters over the overhead doors. The free-standing pole

Case No. 10527 (continued)

sign will be placed approximately 35' from the southern property line.

On MOTION of LEWIS, the Board voted 4-1 (Lewis, Purser, Thompson, Wait "aye": Smith "nay") to approve the signs, as described; the curb sign will be a 9' x 12' AAMCO loco sign which will be on a 20' pole, making it 30' from the top of the pole to the ground, to be read from both sides; and a smaller AAMCO logo sign which will be 6' high, 8' long over the top of the entryway; and the words - World's Largest Transmission Specialist - to be put on the mansard over the six bay doors and the letters of the sign will be no taller than 18".

Case No. 9613

Rick Hoffman, representing the Racquet Ball/Aerobics Club, advised that the Club has arranged to remove the sign and repaint the area in either the white which was part of the facade, or the yellow which is the building color. The sign will be replaced by a 32 sq. ft. unlighted sign. A sketch of the sign (Exhibit "Q-1") was presented. Berms have been installed on the west side of the property. The parking lot size has been reduced and grass has been planted. To comply with the lighting requirements, the lights have been turned off completely.

Mr. Smith pointed out that the parking lot was built on City right-of-way and the berms also encroached on the right-of-way.

Mr. Hoffman had not represented the Racquet Ball Club before and was unfamiliar with past actions on the case.

On MOTION of THOMPSON, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to take the initial steps toward filing suit against the Racquet Ball Club based upon the original details and presentation of the case.

There being no further business, the meeting was adjourned at 7:05 p.m.

Date Approved

Sept. 27, 1979



Chairman