

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 294
Thursday, September 13, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, September 11, 1979, at 1:25 p.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser Called the Meeting to order at 1:40 p.m. and declared a quorum present.

MINOR VARIANCES AND EXCEPTIONS:

10665-A

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the floor area ratio in an OL District from 25% to 26% in the 6900 Block of South Canton Avenue.

Presentation:

Sam West, 6929 South Canton Avenue, advised that a minor design problem had created a need for the variance. The building was constructed with a large overhang for energy efficiency; when this overhang was enclosed it exceeded the allowable floor area ratio. Mr. West presented a plot plan (Exhibit "A-1").

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the floor area ratio in an OL District from 25% to 26%, per plot plan submitted, on the following described property:

The North 162.5' of the South 645', less the West 175' of Lot 1, Block 3, Burning Hills Addition to the City of Tulsa, County of Tulsa, Oklahoma; and the North 12.5' of the South 495' of the West 175' of Lot 1, Block 3, Burning Hills Addition.

10665-B

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the floor area ratio in an OL District from 25% to 27% in the 6900 Block of South Canton Avenue.

Presentation:

Sam West 6929 South Canton Avenue, presented a plot plan (Exhibit "B-1") and advised that in the process of dividing the office building into suites and suitable designs for a speculative rental market, the floor area ratio was exceeded.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the floor area ratio in an OL District from 25% to 27%, per plot plan submitted, on the following described property:

Lot 1, Block 3, Burning Hills, an Addition to the City of Tulsa, Tulsa County, State of Okla., LESS North 170.00' & LESS the So. 645.00' thereof; also being described by metes & bounds as follows, to-wit: Commencing at the centerline intersection of South Canton Avenue and East 71st Street South; thence North 0°-00'-22" East a distance of 705.00'; thence South 89°-49'-38" East a distance of 30.00' to the point of beginning; thence North 0°-00'-22" East along the West property line of Lot 1, Block 3, Burning Hills, a distance of 115.84'; thence South 89°-05'-02" East a distance of 299.90'; thence South 0°-00'-34" West along the East property line of Lot 1, Block 3, Burning Hills, a distance of 115.87'; thence North 89°-49'-38" West a distance of 299.89' to the point of beginning and containing 34,745.1041 square feet of 0.7976 acres more or less. Referred to herein as Tract B.

10668

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the floor area ratio from 25% to 27.5% at 2502 East 71st Street.

Presentation:

Bob Latch, 5401 South Sheridan Road, presented a plot plan (Exhibit "C-1") and advised that he had computed the density allowable on the gross area from the centerline of the street; however, the plans are 2½% over the permitted floor area ratio because there was no allowance for the 60' right-of-way on the front. The plat was presented to the Technical Advisory Committee on September 13, 1979.

Protests: None.

10668 (continued)

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the floor area ratio from 25% to 27.5%, per plot plan submitted, subject to the approval of the plat by the Planning Commission, on the following described property:

The E/2, E/2, NW/4, NW/4, NW/4, and the W/2, NE/4, NW/4, NW/4, of Section 8, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

10676

Action Requested:

Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 32' from the centerline of Utica to permit the erection of a free-standing sign at the NE corner of 16th Street and Utica Avenue.

Presentation:

Barbara Gardner, 1595 South Utica, presented a plot plan (Exhibit "D-1") showing the designated area for the proposed sign. The sign will be less than 32 square feet in size on a 4" x 4" post, 78" from the ground to the top of the sign. The sign will be placed approximately 3' inside the retaining wall on the property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve a Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 32' from the centerline of Utica Avenue to permit the erection of a free-standing sign, per plot plan submitted, subject to a removal contract, on the following described property:

Lot 9, Block 1, Orcutt Addition to the City of Tulsa, Oklahoma.

10682

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 35' to permit the erection of a sign at 2646 East 15th Street.

Dave Ward, 6929 East 15th Street, stated that he had erected a sign with a 50' setback and the sign is completely blocked by a building. He requested permission to place the sign 35' from the centerline of 15th Street.

10682 (continued)

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "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 35' to permit the erection of a sign, removal contract required, on the following described property:

Lots 1 and 2, Block 1, Jean Heights to the City of Tulsa, Okla.

10683

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 4'4" in an RS-3 District, at 5540 East 4th Street.

Presentation:

Gerald Green, 5540 East 4th Street, advised he had contracted to have two rooms built on his house; one room to be 13' x 20' and the other room 14' x 20'. The contractor made a mistake and built two 14' x 20' rooms which exceeded the side yard requirements. Mr. Green presented a plot plan (Exhibit "E-1").

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant 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 4'4" in an RS-3 District, per plot plan submitted, on the following described property:

Lot 2, Block 7, Bowlin Acres Addition to the City of Tulsa, Okla.

10691

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 31' to permit the erection of a sign at 1514 East 15th Street.

Presentation:

Alice Schoenborn, 1522 South Utica Avenue, stated she proposed to erect a sign 31' from the center median. The sign will be 6'-7" high and 8'- 6 3/4" wide. The body of the sign will be 4' x 7'-11". There is an existing sign frame on the location they will use which was left by the previous tenant.

Protests: None.

10691 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "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 31' to permit the erection of a sign, removal contract required, on the following described property:

Lot 1, Block 5, Orcutt Addition to the City of Tulsa, Oklahoma.

10700

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in The Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the floor area ratio from 25% to 28.3% in an OL District at 6815 South Canton Avenue.

Presentation:

Don Bingham, representing the Evergreen Trust, presented a plot plan (Exhibit "F-1") and stated this building will house a group of computer companies.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance (Section 630 - Bulk and Area Requirements in The Office Districts - Under the Provisions of Section 1630 - Minor Variances) of the floor area ratio from 25% to 28.3% in an OL District, per plot plan submitted, on the following described tract:

The North 275' of Lot 2, Block 3, Burning Hills, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

8234

UNFINISHED BUSINESS:

Presentation:

John Holland, 525 South Main, Suite 300, representing Independent School District No. 9, presented a substitute plot plan (Exhibit "G-1") and advised that the proposed buildings will be prefabs to accommodate additional students in the elementary school.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Wait "aye"; no "nays"; Smith "abstaining"; Thompson "absent") to approve the substitute plot plan for Case No. 8234.

10463

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) for permission to erect duplexes in an RS-3 District at 129th East Avenue and 24th Street.

10463 (continued)

Presentation:

The Staff presented a letter (Exhibit "H-1") from the applicant requesting a continuance of Case No. 10463.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10463 to September 27, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10518

Presentation:

A letter was received from the applicant (Exhibit "I-1") requesting a continuance since the specific plans and elevations are not complete at this time.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10518 to October 25, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10530

Presentation:

T. Austin Gavin and Father White presented parking plans (Exhibit "J-1") and noted that 60 parking spaces had been provided in the plans. This number is in line with the proposed occupancy of 240 persons for church services. The applicant stated that congregation will be using one-half or less of the existing auditorium space for the church services. The parking lot is 50' from the centerline of 101st Street. The lot will be hard surfaced.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve the location of the parking, the parking as to number as it relates to the representation that the applicant will be using one-half or less of the existing auditorium space. (Additional usage will require additional parking spaces per Zoning Code.)

10634

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1215 - Other Trades and Services) to permit an electrical contractor in a CS District; and an Exception (Section 1680 (g) - Special Exception) for permission to establish off-street parking in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to use a house for commercial purposes east of the northeast corner of Admiral and Delaware Avenue.

Presentation:

Ron Berry, attorney for Port City Electric, advised the Board that the application had been continued from the August 16, 1979 meeting to allow the applicant to furnish a plot plan which would show the size of the lot and the area. The request is to use the entire house - the front 138' was rezoned by Port City Electric - and to use a portion of the back area for a drive-around. Mr. Berry presented a plot plan (Exhibit "K-1").

Terry Whitley, Vice President of Port City Electric, stated there is an existing rent house unit on the back of the property. There will be a single gate in the stockade fence in order to reach the rental house, but there will not be a car gate.

Protestants:

Pat O'Connor, 2849 East Admiral Court, advised the elderly people, next door to the subject property, are in the process of selling their home because they are concerned it will be devaluated because of this business. Mrs. O'Connor noted that when the Women's Club used the property it was maintained as a residence and they used the access road from the expressway to gain entrance to the property. The protestant stated she understood their use of the house, but was opposed to their use of the back part of the property.

Mr. Gardner advised that he felt, in order for a screening fence to be effective on the property, it should be located approximately 5' behind the existing structure which would allow passage for maintenance purposes, but not allow truck traffic. He also stated that along the entire rear of the property and at least a portion of the east and west boundaries south of the structure should be screen fenced in order to physically close off the commercial activity from the residential area to the north.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit an electrical contractor in a CS District; to deny an Exception (Section 1680 (g) - Special Exception) to establish off-street parking in an RS-3 District; and approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to use the existing house for commercial purposes east of the northeast corner of Admiral and Delaware Avenue, subject to the construction of all fences required by the Code together with the placing of a 6' screening fence across the entire northern boundary of the property, no further north than 5' from the north side of the house; and on the east and west boundaries zoned RS-3; the finished side of the fence to be facing to the north, west and east and the fence to be maintained by the owners of the property, on the following described property:

All of Block 3 of Speedway Heights Addition, an addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof, except a part of Block 3 described as:

10634 (continued)

Beginning at the NW corner of Lot 14, in Block 2 of Speedway Heights Addition; thence west 3'; thence South parallel with the West line of Lot 14, Block 2, Speedway Heights Addition to the South property line; thence East 3'; thence North along the West lot line of Lot 14, in Block 2 of Speedway Heights Addition to the place of beginning.

NEW APPLICATIONS:

10669

Action Requested:

Variance (Section 1214.4 - Shopping Goods and Services - Off-Street Parking and Section 1219.4 - Hotel, Motel and Recreation Facilities - Off-Street Parking - Under the Provisions of Section 1670 - Variances) to exclude enclosed mall and atrium spaces from the computation of floor areas for the purpose of determining required off-street parking for the purpose of determining permitted floor areas under applicable floor area ratio limitations. (The proposed project includes shopping and hotel facilities; therefore Use Units 14 and 19 are applicable to the development.)

Interpretation (Section 1660 - In the alternative, applicant requests an interpretation of the Zoning Code that enclosed mall and atrium spaces not a part of retail trade establishments or hotel facilities, do not come within the provisions of Section 1214.4 and 1219.4 at the SW corner of 71st Street and Lewis Avenue.

Presentation:

Charles Norman, representing the Kensington Company, presented a plot plan (Exhibit "L-1") and advised that the subject property consisted of approximately 40 acres. Drive-in facilities of the United Bank, Sipes Supermarket and related shops are located on the tract. The mall and hotel project will be located in the center of the property. The project will include three levels; the ground level will contain 44,000 square feet of mall space, the second level will be a mall area of 21,000 square feet and the third level is the area which surrounds the atrium area. The three areas total 61,000 square feet which the applicant is requesting be excluded from computation of the floor area for the purpose of determining off-street parking since the areas are not used for the permitted uses.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Wait "aye"; no "nays"; Smith "abstaining"; Thompson "absent") to grant a Variance (Section 1214.4 - Shopping Goods and Services - Off-Street Parking and Section 1219.4 - Hotel, Motel and Recreation Facilities - Off-Street Parking - Under the Provisions of Section 1670 - Variances) to exclude enclosed mall and atrium spaces from the computation of floor areas for the purpose of determining required off-street parking and for determining permitted floor areas under applicable floor area ratio limitations (the proposed project includes retail shopping and hotel facilities; therefore, Use Units 14 and 19 are applicable to the development),

as presented, with a tolerance (enclosed mall and atrim areas) not to exceed 3% over the permitted footage, on the following described tract:

All of Block 6, Kensington Addition, an addition in the City of Tulsa, Tulsa County, Oklahoma, according to the Official Recorded Plat thereof; containing 1,929,511 square feet, or 44.29547 acres, less the following described properties:

All of Lot 1, Block 1, Kensington Fashion Center, an Addition in the City of Tulsa, Tulsa County, Oklahoma, according to the Official Recorded Plat thereof; containing 265,649 square feet, or 6.09846 acres; AND

All that part of Block 6, Kensington, an Addition in Tulsa, Tulsa County, Oklahoma, according to the Official Recorded Plat thereof; more particularly described as follows, to-wit:

Commencing at the NE corner of said Block 6; thence South $0^{\circ}-10'-03''$ West along the East boundary of said Block 6 a distance of 472.78' to a point, said point being the NE corner of Kensington Fashion Center, an Addition in Tulsa, Tulsa County, Oklahoma, according to the Official Recorded Plat thereof; thence North $89^{\circ}-49'-57''$ West along the north boundary of Kensington Fashion Center a distance of 182.00' to the point of beginning; thence along the Northerly boundary of Kensington Fashion Center as follows; South $0^{\circ}-10'-03''$ West a distance of 70.00'; thence North $89^{\circ}-49'-57''$ West a distance of 385.00'; thence North $0^{\circ}-10'-03''$ East perpendicular to the north boundary of Kensington Fashion Center a distance of 70.00'; thence South $89^{\circ}-49'-57''$ East parallel to the north boundary of Kensington Fashion Center a distance of 385.00' to the point of beginning containing 26,950 square feet, or 0.61869 acre; AND

All that part of Block 6, Kensington, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Official Recorded Plat thereof, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Block 6; thence South $0^{\circ}-10'-03''$ West along the east boundary of said Block 6 a distance of 210.00'; thence North $89^{\circ}-49'-57''$ West a distance of 85.00'; thence North $44^{\circ}-58'-08''$ West a distance of 211.16'; thence North $0^{\circ}-05'-17''$ West a distance of 75.00' to a point in the North boundary of said Block 6; thence North $89^{\circ}-54'-43''$ East along the North boundary of said Block 6 a distance of 220.00'; thence South $44^{\circ}-57'-37''$ East a distance of 21.17' to the point of beginning, containing 41,431 square feet, or 0.95112 acre; AND

The remaining part of Block 6 contains 1,861,124 square feet, or 42.72553 acres.

10670

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit retail sales of saunas, whirlpool tubs, spas, steam baths, swimming pool enclosures and related items. The showroom part of the building will be a Sun/Fun Pool enclosure which requires a special exception as a model home at 9801 East 21st Street.

Presentation:

Loyd Guffey, 3060 West 78th Street, presented a plot plan (Exhibit "M-1") and explained that the Sun/Fun Pool, one of the products to be sold, was classified as a model home requiring an exception. The structure will be built off the ground and has received floodplain permit approval.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit retail sales of saunas, whirlpool tubs, spas, steam baths, swimming pool enclosures and related items as presented, per plot plan submitted, on the following described tract:

The West 316.64' of Lot 1, Block 2, Magic Circle South Addition to the City of Tulsa, Oklahoma.

10672

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 13' in an RS-3 District at 6524 South Irvington Avenue.

Presentation:

The applicant was not present. The Staff presented a plot plan (Exhibit "N-1") and advised that the applicant, since this was a corner lot, had additional setbacks which would present a problem. The shape of the lot would also be a hardship.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-1 (Lewis, Smith, Wait "aye"; no "nays"; Purser "abstaining"; Thompson "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 13' in an RS-3 District, per plot plan submitted, on the following described property:

Lot 8, Block 5, Hidden Valley Estates Addition to the City of Tulsa, Oklahoma.

10673

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in The Office Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 99' from the centerline of Harvard Avenue, south and east of 45th Street and Harvard Avenue.

Presentation:

G. W. Newton, 2705 East Skelly Drive, presented a plat of survey (Exhibit "O-1") and pointed out that there are two entranceways which exceed the requirements by 6".

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Wait "aye": no "nays"; Smith "abstaining"; Thompson "absent") to grant a Variance (Section 630 - Bulk and Area Requirements in The Office Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 99' from the centerline of Harvard, per plot plan submitted on the following described tract:

The South 129' of Lot 1, Block 2, Villa Grove Heights No. 1 to the City of Tulsa, Oklahoma.

10675

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 13' in an RM-1 District at the SW corner of 72nd East Avenue.

Presentation:

Donald Herrington, 2202 South Madison Avenue, presented a plot plan (Exhibit "P-1") and advised that each unit of the townhouses would average 1,100', having a two-car carport, and will be individually owned on separate lots. Mr. Herrington stated that a 10' sideline on 72nd Street would enable him to face all the townhouses onto Oklahoma Street.

Alan Jackere advised that the application was advertised as a variance from 25' to 13' and the applicant is now asking for a variance from 25' to 10'.

Protestants: 5 present

Betty Hunter, 7204 East Newton Place, requested the application be continued since it was improperly advertised. Ms. Hunter also noted that the tract to the south of the subject property has not been rezoned, but is in the process of being rezoned.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10675 to September 27, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9.13.79:294(11)

10680

Action Requested:

Special 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 at 4900 South 69th West Avenue.

Presentation:

Elota Hall, 6111 South 41st West Avenue, presented a plat of survey (Exhibit "Q-1") and advised there are five other mobile homes in the area. The applicant plans to erect a home within the next five years.

Protests: None.

Board Action:

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

The SW/4 of the NE/4 of the SE/4, Section 30, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

10681

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) of the setback requirements - area requirements and street frontage requirements in an RS-3 District to permit a lot-split at 4147-49 East Skelly Drive.

Presentation:

Don Cummings, representing the applicant and also Mrs. Bowers, who holds a contract to purchase the subject property, advised there is a lot-split on the tract. The person requesting the lot-split plans to sell the property to Mrs. Bowers. The Planning Commission approved the lot-split on August 15, 1979. The duplexes on this property were constructed in 1960.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) of the setback requirements, area requirements and street frontage requirements in an RS-3 District to permit a lot-split (L-14706) at 4147-49 East Skelly Drive, on the following described property:

Lot 11, Block 1, Southern View Addition to the City of Tulsa, Oklahoma

9.13.79:294(12)

10684

Action Requested:

Appeal (Section 1650 - Appeals From the Building Inspector: — Appeal from a decision of the Building Inspector for refusing to permit the erection, alteration and operation of a school in an RS-3 District; and a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Special Exceptions) to permit a public school and related uses in an RS-3 District on the south side of 61st Street and 101st East Avenue.

Presentation:

John Holland, 525 South Main Street, Suite 300, representing Independent School District No. 9, advised that he was requesting a special exception to allow use as a public school in an RS-3 area. Mr. Holland withdrew the appeal.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Special Exception) to permit a public school and related uses in a RS-3 District, with the stipulation that prior to the issuance of any Building Permit the applicant present a plot plan to the Board, on the following described property:

Part of the NW/4 of Section 6, Township 18 North, Range 14 East, more particularly described as: Beginning at a point 990' East of the NW corner of said Section 6; thence East 660'; thence South 660'; thence West 660'; thence North 660' to the point of beginning, less and except the south 15.3' thereof, containing approximately 10 acres.

10685

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 30' to 25' in an RS-2 District at 4543 East 85th Street South.

Presentation:

Jay Menger, 3812 East 69th Street, advised he owned an irregular shaped lot with 118' of frontage narrowing to 30' at the back. He stated if he did move the house to the back it would be necessary to remove some of the trees which are a particular feature of the lot. Mr. Menger presented a plot plan (Exhibit "R-1").

Protests: None.

10685 (continued)

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 30' to 25' in an RS-2 District, per plot plan submitted, on the following described property:

Lot 23, Block 2, Brookwood II Addition to the City of Tulsa, Oklahoma.

10686

Action Requested:

Exception (Section 1030(a) - 1030(f) - Floodway Supplemental District Regulations - Under the Provisions of Section 1680 - Special Exceptions) for permission to have vehicular access across FD to OM and parking within FD in a manner not to impede present water flows through the designated FD area on 10 acres on the SW corner of 96th Street.

Presentation:

Ted Larken, 9901 South Sandusky Avenue, presented a plot plan (Exhibit "S-1") and a Topographic Study (Exhibit "S-2"). Mr. Larken advised that he would like to begin Phase I of a low-rise, office complex, and would need vehicular access and storage from Delaware to the OM area to serve the buildings. The applicant stated that it was his understanding the FD area would be amended within the next 18 months, due to other improvements which are to take place. Mr. Larken advised he would like to move Phase I as close to the street as possible in order to utilize and expand from the existing gravel driveway.

A letter from Charles, Hardt, City Hydrologist, (Exhibit "S-3") stated that he did not have an objection to a driveway being constructed at the existing grade across the floodway.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Wait "aye"; no "nays"; Smith "abstaining"; Thompson "absent") to approve an Exception (Section 1030(a) - 1030(f) - Floodway Supplemental District Regulations - Under the Provisions of Section 1680 - Special Exceptions) to have vehicular access across FD to OM and parking within FD in a manner not to impede present water flows through the designated FD area, as per drawing and site plan submitted, subject to the approval of the City Hydrologist, on the following described property:

The South 5.92 acres of Lot 4 and the North 4.08 acres of Lot 5 in Section 20, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exception) for permission to construct an automobile wash in a CS District at 15th Street and Trenton Avenue.

Presentation:

Neil Bogan, 201 West 5th Street, representing the owner of the property, presented information in support of the application (Exhibit "T-1") and advised that the subject property is zoned CS. Some exceptions and variances had been secured previously and a tie agreement had been entered into with the City of Tulsa, for the construction of a laundromat facility on the tract. This facility was to be built 2' from the rear lot line which abuts an R District. After receiving approval for the laundromat facility, it was determined the project was not economically feasible for the applicant. This application is for a six bay car wash, to be constructed of vertically scored concrete block with a white epoxy finish. The only metal on the building will be a 2', 9" fascia on the 12' high building. The building will be 120' x 30' and will be constructed 20' onto Lot 4, more than 30' from the abutting R District. A 6' cedar fence will be constructed along the R zoned property line. The lights on the property will be directed toward the structure and to 15th Street. There will not be an attendant on duty; however, the applicant does have a business across the street from the subject property.

Protestant's Comments:

The Staff advised they had received a telephone call from Dr. Howard Johnson, 15th Street and Trenton Avenue, voicing an objection to the application.

Walley Easter, 1920 East 35th Place, advised that he owns two apartments to the north of the subject property. Mr. Easter stated he felt that a car wash, whether attended or not, would generate all kinds of trash. The traffic is heavy in the area and the alley is always congested.

Interested Party:

Don Laden, Utica Tower Building, Suite 910, advised he was appearing before the Board as a representative of the Board of 15th Street Merchants and Property Owners. Mr. Laden stated he could not speak for the group officially as they did not have a quorum present at the last meeting when this application was discussed. In discussion of the car wash, the Board of Merchants and Property Owners basically had three items that they were concerned with: 1) That there be a screening fence to the north of the facility to separate it from the residential area; 2) the lighting be directed away from the single-family area; and 3) that the structure itself be masonry. Mr. Laden stated that the present buildings on the subject property were in ill-repair and did not enhance the neighborhood. He urged the Board members to give their favorable consideration to the application.

Mr. Bogan advised he felt the traffic would be somewhat alleviated with the use of this property as a car wash as opposed to its original intended use as a laundromat. He stated the applicant would erect a screening fence along the alley if the area residents requested it. Board

10687
~~10678~~ (continued)

member Smith noted that the screening fence might present a security problem in the area. The car wash is manually operated and could possibly be used 24 hours per day. The Board discussed limiting the hours of operation and Mr. Bogan informed them that the owner will be working in the laundromat across the street until 1:00 a.m. and does a good deal of business until midnight. The applicant would be willing to chain off the car wash when he is ready to close the other business.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exception) to construct an automobile wash in a CS District, as presented, the north property line to be screened, all lighting be directed away from the residential single-family area, building to be of masonry construction with epoxy coating, hours of operation to be from 7:00 a.m. to 11:00 p.m. daily on the following described tract:

Lot 4, Block 2, Clark's Addition to the City of Tulsa, Tulsa County, Oklahoma.

10688

Action Requested:

Special 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 at 8800 East 116th Street North.

Presentation:

Bob McCullough, R. R. #1, Box 873, Owasso, Oklahoma, advised there are five other mobile homes in the mile section where he proposes to locate a mobile home. Mr. McCullough has a home on the property and his son will live in the mobile home until he is financially able to purchase a home.

A letter (Exhibit "U-1") was received from the Owasso Board of Adjustment, stating they have no objection to the mobile home, but requesting the approval be limited to three years only.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve a Special 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 three years on the following described property:

A tract of land situated in the N/2 of the NW/4 of Section 12, Township 21 North, Range 13 East, Tulsa County, State of Oklahoma, more particularly described to-wit: Beginning at a point on the North line of the N/2, NW/4, said point being 826.30' East of the NW corner of said N/2, NW/4; thence South a distance of 1,324.34' 9.13.79:294(16)

10688 (continued)

to a point on the South line of the N/2, NW/4; thence East along the South line of the N/2, NW/4 a distance of 827.00 feet to a point; thence North a distance of 1,324.96' to a point on the North line of the N/2, NW/4; thence West along the North line of the N/2, NW/4 a distance of 826.30' to the point of beginning, according to the U. S. Government Survey thereof.

10689

Action Requested:

Exception (Section 440 - Special Exception - Uses in Residential Districts, Requirements - Under the Provisions of Section 1680 - Special Exceptions) for permission to locate a mobile home in an RS-1 District at 4949 South 65th West Avenue.

Presentation:

Kevin Kelly, 22 Eucha Drive, Jenks, advised he would like to place a mobile home on 1 1/3 acres which he has purchased. The neighbors have no objections to the mobile home. There are other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve an Exception (Section 440 - Special Exception - Uses in Residential Districts, Requirements - Under the Provisions of Section 1680 - Special Exceptions) to locate a mobile home in an RS-1 District, for a period of one year, removal bond required, on the following described tract:

The S/2 of Lot 5, Lot 6, Block 1, John Hale Subdivision, an addition to the City of Tulsa, Oklahoma.

10692

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'; and request for a variance of the rear yard requirements from 35' to 15' at 41st Street and 135th East Avenue.

Presentation:

Robert Anderson, 5932 East Skelly Drive, presented a plot plan (Exhibit "V-1") and a plat (Exhibit "V-2"). Mr. Anderson pointed out that on Lot 1, Block 1 and Lot 1, Block 2 there is a 100' easement that cannot be built on. There is only 40' behind the front building line to the easement.

Mr. Gardner explained that 20' would be the minimum rear yard; before 1970 there were several subdivisions where the rear structures are 20' from the right-of-way. In 1970 the minimum was increased from 20' to 35'. The Board has, in the past, reduced the rear yard when there was a hardship of constructing a house on a lot. He also stated he thought the Board would want to review each of the lots rather than a blanket waiver.

10692 (continued)

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve 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', per plot plan submitted and as requested, except DENY Lot 3, Block 1, and Lot 1, Block 2, and to review these lots when specific house plans are available; and, a variance of the rear yard requirements from 35' to 20' for all lots backing onto 41st Street and to approve a variance of the front setback from 25' to 20' for lots 4 & 5, Block 11 and Lots 3, 4, & 5, Block 14; on the following described tract:

Lot 1, Block 1; Lots 1, 7, 8, & 16, Block 5; Lots 10 & 11, Block 7; Lot 1, Block 8; Lots 15 & 16, Block 10, Lots 16 & 17, Block 11; Lots 5 & 6, Block 12; Lots 5 & 6, Block 13; and Lot 10, Block 14, All in Park Plaza East IV Addition; and request for a Variance of the rear setback requirements from 35' to 15' to the vicinity of 41st Street and 135th East Avenue; the legal description being; Lots 1, 2, 3, 4, 5 & 24, Block 11; and Lots 1, 2, 3, 4 & 5, Block 14; All in Park Plaza East IV Addition to the City of Tulsa, Oklahoma.

10693

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Section 1680 - Special Exceptions) for apartments in an OL District located 600' West of the intersection of North 24th West Avenue and West Newton Street.

Presentation:

Glen Sands, representing Gilcrease Hills Development Corporation, presented a site plan (Exhibit "W-1") and a zoning map (Exhibit "W-2") showing the location of the 7.5 acre tract. Mr. Sands stated the site plan was not complete and he requested concept approval, subject to the filing and review of a detailed plot plan prior to construction. The development will be made up of 96 individually owned townhouses in the \$45,000 - \$50,000 price range. A Homeowner's Association will be formed, probably with their own amenities. On the north of the subject property is an undeveloped RS-3 tract with one house; to the west is a 150' buffer RS-3 owned by the applicant, to the south is the Skyline East Subdivision (the price range of homes in this area is \$55,000 - \$65,000 and up), to the east is an RS-3 tract which has one house on it—approximately 150' east of the applicant's property.

Board member Lewis voiced concern that the applicant could be misled if the Board would approve the concept and then the site plan not be acceptable to the Board when it was submitted. The applicant stated he was aware of this problem. Mr. Sands advised that he did have a site plan; however, after discussing the plan with the City Engineer he found there would be some changes to be made due to detention requirements.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve an Exception (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Section 1680 - Special Exceptions) for apartments in an OL District, in concept only, as presented on the Concept Plan - with approximately 100 units on 7.5 acres of land; the Board to review and approve a set of architect's plans with the elevations and plot plans and dimensions before a Building Permit is issued, on the following described tract:

A tract of land situated in the E/2 of the NW/4 of Section 34, Township 20 North, Range 12 East of the Indian Base and Meridian, Osage County, Oklahoma, said tract being more particularly described by metes and bounds as follows, to-wit:

Commencing at the NW corner of said Section 34; thence South $88^{\circ}-57'-08''$ East along the North line thereof a distance of 1,317.08' to the NW corner of said E/2 of the NW/4; thence South $0^{\circ}-36'-16''$ West along the West line of the said E/2 of the NW/4 a distance of 30.00' to the point of beginning; thence South $88^{\circ}-57'-08''$ East a distance of 713.20'; thence South $0^{\circ}-36'-16''$ West a distance of 463.73'; thence North $88^{\circ}-57'-08''$ West along the North line of Skyline Ridge Fourth Addition to the City of Tulsa, according to the duly recorded plat thereof, a distance of 713.20' to a point on the West line of said E/2 of the NW/4; thence North $0^{\circ}-36'-16''$ East along the West line thereof a distance of 463.73' to the point of beginning, Less and Except the South 25' thereof.

OTHER BUSINESS:

Case No. 9085

Kenneth Keeney, San Angelo, Texas, representing General Telephone Company, presented a plot plan (Exhibit "X-1") and advised the Company proposes to construct an addition 82' x 83'. This addition will double the size of the existing building. The original facility was approved per specific plot plan. We are requesting to substitute plot plans in the file.

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve the substitution of the new plot plan for the files to include an addition to the General Telephone Company building.

Case No. 10277

The Staff advised that the Board had approved plans for the YWCA building at 1920 South Lewis Avenue; however the plot plan that the Building Inspector has does not meet the plot plan that was approved. Mrs. Miller pointed out that the building would be closer to 19th Street according to the new plot plan (Exhibit "Y-1").

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10277 to September 27, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and request the applicant to be present in order to discuss the plot plan.

Interpretation:

Mrs. Miller advised this would be a western and country concert in an agriculturally zoned area. Ten acres will be used for the concert with an additional 20 acres used for parking. This concert will involve one day, but possibly could be longer if the promoters wish to build a stage. There is a possibility of 5,000 people in attendance. The property in question is in Section 29, Township 21 North, Range 13 East, and is approximately at 81st Street North and North Lewis Avenue.

Mr. Jackere stated he was contacted about this concert also, and he informed the Board that in order to determine where it belongs one would need to look through the various descriptions of the Use Units, and also, the uses that are included in the particular Use Unit. Mr. Jackere felt that the temporary nature of the concert would align with the temporary uses contained in the Temporary Open Air Uses suggested in Use Unit 4; i.e., tent revival, circus or carnival.

George Suppes, 1640 South Boston, representing Waterhole Productions, sponsors the concert, advised this is a one-day, one-time happening. Approval has been given by the landowners and the neighboring landowners.

The Board members were not opposed to interpreting this application as a Use Unit 4 if it occurred only once; however they were concerned that this area would become a permanent concert home. Mrs. Miller pointed out that a Use Unit 4 would go in an agricultural area by right, but if determined it would be a Use Unit 20, then the applicant would need to file an application with the Board.

On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to interpret a rock concert use of a piece of property, that does not happen more than once every six months, as being a Use Unit 4.

There being no further business, the Chair adjourned the meeting at 5:45 p.m.

Date Approved October 11, 1979

Harry J. Purser
Chairman