

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 329
Thursday, February 19, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman Smith Victor Wait (in at 2:20 p.m.)	Lewis Wait (out at 4:28)	Gardner Hubbard Jones	Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, February 17, 1981, at 9:35 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, the Chairman called the meeting to order at 1:38 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve the Minutes of January 8, 1981, (No. 326) and January 22, 1981, (No. 327).

Building Inspector Requests an Interpretation of Electrical Generating Windmills in Residential and Commercial Districts.

Mr. Jones advised the Board that this item of business was continued from the February 5th meeting to allow time for the Building Inspector's Office and the Legal Department to review existing guidelines and to explore the possibility of preparing proposed guidelines.

Mr. Jackere advised that he had met with Dorothea Miller, Don Irwin, and Charles Banks, all of the Building Inspector's Office, as well as Mr. Gardner, and it was concluded that several options for interpretation were available to the Board. Mr. Jackere explained that the Board has the power to interpret the text of the Zoning Code where there is some ambiguity as to how it should be interpreted and, further, to make an interpretation as to where a particular type of use is to be categorized into the Use Units. In addition, Mr. Jackere advised, the Board has the power to determine what is or is not customary and accessory in each of the Zoning Districts. Mr. Jackere reminded Board members that they had expressed concern over the safety factors involved in installation and operation of the windmills, as well as a concern as to whether or not windmills were appropriate in these particular districts, and stated that he had taken these concerns into consideration when drawing up the options. Mr. Jackere proceeded to state the options available to the Board for their consideration, as follows:

1. The Board can find that these devices are not customary and incidental to the principal uses permitted in any of the zoning districts. Such a finding would necessitate the Board's concluding that the same was a principal use and would require the Board's determination of which Use Unit most appropriately fits the device.

Building Inspector's Request: (continued)

2. The Board can find that the devices are customary and incidental to any one or all of the zoning districts. A finding that such use is customary and incidental in any of the districts would allow installation of the same as a matter of right, subject, of course, to the bulk, area, and other restrictions found in each district. For example, a wind generating device would have to meet the 26-foot height limitation in the RS-3 District. An application for a taller device would require this Board's approval of a height variance.
3. The Board could determine that these devices could best be handled (as to location and height) by an amendment to the Zoning Code;
 - a. by allowing it as a special exception with, for example, a 60-foot limitation in all districts, or
 - b. by amending §220(c) of the Code to include these devices--this would in effect allow same by right in each district subject to the height and other requirements found in §220(c).

Mr. Jackere advised that there was one other consideration that had been submitted as a possible option earlier in the day by the Building Inspector. This option is that, if the Board should determine these devices to be customary and incidental to residential districts, a point might be reached where one residential owner may wish to install one of the larger generating devices because of the possibility of Public Service Company of Oklahoma purchasing the excess wattage produced which would not be needed for the home operation. Mr. Jackere explained that in that type of situation, it could closely resemble a commercial type of use, or a use that could be classified as a principal use in a residential district. The Board might, therefore, wish to limit the size of the device in terms of wattage output if determined to be customary and incidental in the residential district.

Mr. Victor again stressed his concern over the safety hazards involved. Mr. Smith asked if there were safety devices which would shut off the windmill during high winds.

Mr. Jackere explained that devices of this type are considered structures and would require a permit for the installation, and that the Building Inspector has the power to require an Engineer's Certificate with regard to design detailing and specifications for the installation.

Robert Critz was present to address the Board and advised that he was an engineer in Tulsa and had studied these types of devices for approximately ten years. Mr. Critz stated that he would like to see these devices approved for residential districts as customary and incidental and felt that the height limitation should be held at 26 feet. This would mean that the device would be small and would not be capable of producing more than 2KWs.

Mark Freeman, Vice-President of Crosswinds International, was present to address the safety angle of the windmills. Mr. Freeman advised that Crosswinds International sells windmills in the immediate area. Mr. Freeman further advised that there are automatic motorized tail assemblies which do shut the device off and which further provide mechanical and electrical breaking so that the device does not rotate in a high wind. Mr. Freeman explained that all systems sold by Crosswinds International are incorporated with this feature.

Building Inspector's Request: (continued)

On MOTION of SMITH and SECOND by Victor, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to continue this item of business until the March 19, 1981, meeting in order to allow time for the written submission of options available to the Board, as well as submission of documentation from Mr. Critz and Crosswinds International, if they desire to do so.

MINOR VARIANCES AND EXCEPTIONS:

11371

Action Requested:

Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback from 50' to 35' from the centerline of 11th Street on the SE corner of 11th Street and Trenton Avenue; and, a request for a variance of the setback from 50' to 35' from the centerline of 11th Street and from 50' to 35' from the centerline of Utica Avenue to permit the erection of two pole signs. This property is located on the SE corner of 11th Street and Trenton Avenue and on the SE corner of 11th Street and Utica Avenue.

Presentation:

John Burkhardt, representing Hillcrest Medical Center, was present to address the Board and submitted elevations for sign #1 (Exhibit "A-1"), elevations for sign #2 (Exhibit "A-2"), and a map depicting in red the proposed location of the two pole signs (Exhibit "A-3"). Mr. Burkhardt advised that he was not certain of the reason for locating the signs 35' from the centerline, but observed that the location of the signs closer to the streets was probably requested to ensure more exposure to the public.

Protestants: None.

Remarks:

Mr. Gardner advised that most of the signage along 11th Street was located out to the property line and, as of 1970, removal contracts have been required due to the planned right-of-way on 11th Street. Mr. Gardner urged the Board members to consider the safety aspects of signs located closer than 50' to the centerline, and suggested that they might wish to condition the approval based upon City Traffic Engineering approval and the customary removal contract.

Mr. Burkhardt advised that he had been in contact with Traffic Engineering and that they were in the process of reviewing the proposed signs and location.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to continue Case Number 11371 until March 5, 1981, in order for the applicant to return with a more detailed plot plan.

11380

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the front setback requirements from 25' to 18' in an RS-3 District. (House existing) This property is located at 5811 East 46th Street.

Presentation:

Judy Mullins, Greene and Andress Realtors, was present to address the Board and submitted an inspection plat (Exhibit "B-1") and advised that the closing date on the house would be the following day. Ms. Mullins further advised that the house had been built some time ago and that the company would like to see the variance approved before the closing date.

Protestants: None.

Board Comments:

Mr. Victor asked Ms. Mullins what portion of the house violated the setback requirement. Ms. Mullins stated that the portion in violation was part of the front living room.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, 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 front setback requirements from 25' to 18' in an RS-3 District, on the following described property:

Lot 17, Block 4, Fairfield Addition to the City of Tulsa, Okla.

UNFINISHED BUSINESS:

11345

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the front setback requirements from 25' to 8' to permit the erection of a porte cochere. This property is located at 6007 So. Irvington Avenue.

Presentation:

This Case had been continued from the January 22nd meeting in order to allow the applicant to prepare a more detailed drawing of the proposed porte cochere and, in addition, to attempt to improve upon the flat roof that was proposed previously.

John Olson, 6007 South Irvington Avenue, was present to address the Board and submitted a final plot plan (Exhibit "C-1"), as well as a layout of photographs with a sketch layout depicting the appearance of the proposed porte cochere (Exhibit "C-2"). Mr. Olson also submitted a photograph of the front of the property, taken from a side view (Exhibit "C-3"). Mr. Olson advised that a gabled appearance had been added, thus eliminating the flat-roof appearance.

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11345 (continued)

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, 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 1670 - Variances) of the front setback requirements from 25' to 8' to permit the erection of a porte cochere, per revised plot plan, on the following described property:

Lot 39, Block 12, Park Plaza Addition to the City of Tulsa, Okla.

11342

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) request for a variance of the size of an accessory building from 750 square feet to 875 square feet to permit the erection of a barn in an RS-3 District. This property is located at 4625 East 91st Street.

Presentation:

Dorothy Ann Donovan, 4625 East 91st Street, was present to address the Board and submitted a revised plat of survey (Exhibit "D-1") depicting the proposed new location of the barn, as well as a photocopy of an article on this type of barn/residence from the TULSA WORLD dated October 26, 1980 (Exhibit "D-2"). Ms. Donovan advised that she would like to add 10' to the width and length of the barn, creating a square-footage of 2,150, rather than the original square footage of 1,750.

Protestants: None.

Board Comments:

Mrs. Purser asked Ms. Donovan how she arrived at the 1,750 square feet or the 2,150 square feet if she advertised for only 875 square feet. Ms. Donovan replied that she had submitted plans that reflected a two-story barn.

Mr. Smith asked Ms. Donovan what she planned to store in the barn. Ms. Donovan stated that she had one show horse and wished to acquire two additional horses and the horses would then be housed in the barn. Ms. Donovan continued by stating that, in the future, the barn would be converted for use as a residence.

Mr. Victor asked Ms. Donovan if there was an existing residence on the property. Ms. Donovan replied that there was. Mr. Victor then asked if the existing residence would be removed when conversion of the barn occurred. Ms. Donovan stated that it was a very old home and would, at some point, have to be removed.

Mrs. Purser asked Ms. Donovan if the first floor of the barn was 875 square feet. Ms. Donovan replied that it was. Mrs. Purser then asked Mr. Jackere if, when the square-footage of a barn is figured, the loft is figured in. Mr. Jackere advised that the loft would be included if it was usable space.

11342 (continued)

Remarks:

Mr. Gardner advised the Board members that the issue of square-footage was before them because the barn is considered an accessory building, which involves footage limitations, and not a principal structure that would become a residence, on which there is no limitation of footage.

Brief discussion ensued as to square-footage advertised and square-footage requested.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case Number 11342 until March 19, 1981, in order to allow time for readvertisement.

NEW APPLICATIONS:

11362

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1670 - Variances) request for a variance to permit sales of yard ornaments and yard statuary in an RS-3 District, and permit an 8' x 16' portable building; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to sell yard ornaments and yard statuary in an RS-3 District. This property is located at 1445 South Erie.

Presentation:

Garvis Hendrix, 9808 South 228th East Avenue, Broken Arrow, Oklahoma, was present to address the Board and submitted a plot plan (Exhibit "E-1"). Mr. Hendrix advised the Board that he had a health problem that made it difficult to work a full day without resting. Mr. Hendrix further advised that he had five years to continue working before retirement and would like to pursue this home occupation upon retirement. Mr. Hendrix stated that, for the time being, this would be a part-time sales occupation only and that there would be no excess noise, no dust, no blocking of view, no loading or unloading by trucks, no traffic problem, and, further, that there would be no employees other than himself. Mr. Hendrix explained that he owned Lots 9 and 10, and that Lot 9 had an existing residence on it which his daughter lived in. Mr. Hendrix stated that off-street parking would be provided on Lot 10, and that he would be placing a small portable building on that lot.

Protestants:

Jim Alexander, 1441 South Erie Avenue, submitted a petition containing the signatures of several neighborhood residents opposing approval of this application (Exhibit "E-2"), and stated that one reason the neighborhood was opposed to this proposed business was due to the fact that the property was not posted for the public hearing and that many neighbors did not receive notice of the hearing. Mr. Alexander further stated that it was the feeling among the neighbors that there would, indeed, be an increase in traffic flow and that there were quite a number of young children in the area. Mr. Alexander continued by saying that it was of importance to the neighborhood to retain the residential stability of

11362 (continued)

of the area, as well as the value of the property.

Mrs. Purser advised Mr. Alexander that posting of the property with signs was not the policy of the Board of Adjustment--that individual notices were mailed to homeowners within a 300-foot radius of the subject property.

Roger Williams, 1435 South Erie, concurred with Mr. Alexander's objections, as did Teddy Hutton Stout, 1440 and 1436 South Erie. Ms. Stout voiced an additional concern over the availability of parking.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny the Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1670 - Variances) to permit sales of yard ornaments and yard statuary in an RS-3 District, including an 8' x 16' portable building; and, to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to sell yard ornaments and yard statuary in an RS-3 District, on the following described property:

Lots 9 & 10, Block 7, Smithville Addition to the City of Tulsa, Ok.

11363

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance to permit the erection of an 8-unit apartment house. (Ordinance permits 7 units); and, a request for a variance of the number of parking spaces required from 12 to 8; and, a request for a variance of the side yard on both sides from 10' to 9'; located at 644 S. Quaker Ave.

Presentation:

Bailey Nicholas, P. O. Box 52219, was present to address the Board and submitted a plot plan (Exhibit "F-1"). Mr. Nicholas advised that he would like to erect 8 units with the same number of parking spaces. Mr. Nicholas further advised that a dedicated (right-of-way) alley located at the rear of the property would be utilized as the ingress & egress to the apartment units. Mr. Nicholas explained that the request for a variance of the number of parking spaces from 12 to 8 was due to the fact that the property was not large enough to accommodate the 12 that would be required. Mr. Nicholas also explained that if a 7-unit apartment complex was built, as permitted by the Zoning Code, parking requirements still could not be met.

Remarks:

Mr. Gardner advised that, during development of this area, the Zoning Code did not require adequate off-street parking; however, due to the fact that parking had become a major problem in the area, the Code was revised to require that adequate off-street parking be provided. Mr. Gardner further advised that one alternative that might be considered by Mr. Nicholas would be to erect a complex with three units on the lower level and four on the upper level, with additional parking (possibly as much as four spaces) under the fourth apartment.

11363 (continued)

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Nicholas if he could prove a hardship to the Board. Mr. Nicholas could not.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit the erection of an 8-unit apartment house; and, a variance of the number of parking spaces required from 12 to 8; and, a variance of the side yard on both sides from 10' to 9', on the following described property:

Lot 7, Block 1, East Lynn Addition to the City of Tulsa, Oklahoma.

11364

Action Requested:

Variance (Section 420.2 (d) 2 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance to permit two signs with a combined 50 square feet of signage (4' x 8' and 3' x 6') in an RM-2 District (Ordinance permits one sign, 32 square feet in size); and, a Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 50' to 48' to allow a sign to remain; located at 5051 South Toledo Avenue.

Presentation:

John Miller, 5840 South Memorial Drive, Suite 301, was present to address the Board and submitted a location map depicting in red the proposed locations of both signs (Exhibit "G-1") and ten photographs (Exhibit "G-2") of the area.

Mr. Miller advised that one of the two requested signs is an existing property location sign which was installed upon the completion of the widening of 51st Street. A 2-foot error was made in the calculation of the setback figure for the existing sign, Mr. Miller explained, and it was brought to his attention when the electric meter for the sign was inspected. Mr. Miller advised that this existing sign measured 3' x 6' and the proposed second sign would measure 4' x 8' and, further, that there are plans to surround the signs with attractive flower beds.

Protestants: None.

11364 (continued)

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Purser, Victor, Wait, "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to approve a Variance (Section 420.2 (d) 2 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit two signs with an accumulative 50 square feet of signage (4' x 8' and 3' x 6') in an RM-2 District and, a Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 48' to allow a sign to remain, subject to a removal contract, on the following described property:

The South 262' of Lot 1, Block 1, Lincoln Estates III Addition to the City of Tulsa, Oklahoma.

11365

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1204 - Public Protection and Utility Facilities - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit a transmitting tower in an OM District; located east of the southeast corner of 68th Street and Yale Ave.

Presentation:

Roy Johnsen, 324 Main Mall, was present to address the Board in the capacity of attorney for the property owner, Vector Properties, Inc., and submitted a preliminary site plan (Exhibit "H-1"). Mr. Johnsen advised that he also represented Swanson Broadcasting and KRMG radio station and that they wished to erect a new building for the location of the corporate headquarters and the broadcasting studio on the subject property. Mr. Johnsen stated that the present transmitting towers were located in Mannford and that the studio uses a microwave relay tower in sending the signals to Mannford. Mr. Johnsen advised that a new microwave relay tower would need to be erected at the new location and that this tower would measure 180' in height, would be triangular in shape with solid steel round legs, and that it would be the apparatus to which would be affixed several antennae. Mr. Johnsen explained that the two "dishes" of the tower could either be round or rectangular in shape--the round "dish" measuring approximately 10' in diameter, and the rectangular "dish" measuring approximately 3' x 6'--and that these two dishes would be attached to the tower and pointed in the direction of Mannford. Mr. Johnsen further explained that the triangular base dimension of the tower would not exceed 8½' from leg to leg, and that the tower would be constructed of galvanized steel.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Purser, Victor, Wait, "aye"; no "nays"; Smith "abstain"; Lewis "absent") to approve an Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1204 - Public Protection and Utility Facilities - Under the

11365 (continued)

Provisions of Section 1680 - Exceptions) to permit a 180' transmitting tower in an OM District, as per plot plan, and description, on the following described property:

A part of the E/2 of the W/2 of the SW/4 of the SW/4 of Section 3, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, and being more particularly described as follows, to-wit: Commencing at the NE corner of the E/2 of the W/2 of the SW/4 of the SW/4 of Section 3, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, said point being the NW corner of Lot 2, Block 2, Burning Hills, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence North 89°-50'-02" West along the South line of East 68th Street South and the North line of said E/2, a distance of 112.50' to the point of beginning; thence South 00°-00'-17" West a distance of 234.30' to a point; thence North 89°-50'-02" West a distance of 135.00' to a point; thence North 00°-00'-17" East a distance of 140.00' to a point; thence South 89°-50'-02" East a distance of 35.00' to a point; thence North 00°-00'-17" East a distance of 94.30' to a point on the North line of said E/2; thence South 89°-50'-02" East a distance of 100.00' to the point of beginning and containing 28,309.89 square feet, or .6504 acres, more or less.

11366

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the rear yard requirements from 20' to 11' to permit the erection of a two-car garage; located at 1903 West 47th Street.

Presentation:

Wiley Hammock, 1903 West 47th Street, was present to address the Board and submitted a Plat of Survey (Exhibit "I-1"). Mr. Hammock advised the Board that, since the conversion of the original garage into a den, he did not have a garage in which to park his two vehicles. Mr. Hammock further advised that he had consulted with his neighbors and that they had no objections to the erection of the proposed garage.

Protestants: None.

Board Comments:

Mr. Victor asked Mr. Hammock if he intended to construct a new driveway at the location of the proposed garage. Mr. Hammock replied that he was uncertain if they would put in a concrete drive or a gravel drive. Mr. Victor then advised Mr. Hammock that, under the Zoning Code, a hard surface was required.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, 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 1670-Variances) of the rear yard requirements from 20' to 11' to permit the erection of a two-car garage, per plot plan, on the following described property:

11366 (continued)

Lot 9, Block 6, Hill Haven Addition to the City of Tulsa, Okla.

11368

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1213 - Convenience Goods and Services - Under the Provisions of Section 1680 - Exceptions) request for an exception to allow a convenience store in an IL District; and, a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 50' to 45' from the centerline of Madison Avenue; located on the northeast corner of Archer Street and Madison Avenue.

Presentation:

Russell Spurlock, P. O. Box 15004, was present to address the Board and submitted a set of plot plans (Exhibit "J-1"), on which he made a revision in Lot description to reflect Lots 23 and 24 rather than the 26 and 27 as stated.

Mr. Spurlock advised the Board that he would redesign the building if the request for the variance of the setback was not approved. Mr. Spurlock further advised that one of the two buildings on the lots had been used for a grocery for the last 25 years and, possibly, longer. Mr. Spurlock explained to the Board that he had removed one of the buildings and that the other structure would be removed when he had the new building erected.

Protestants:

Louise McCreary, 11450 South 82nd East Avenue, Bixby, Oklahoma, stated that she owned residential Lots 21 and 22 immediately next to the subject property and that she wished it to remain residential.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1213 - Convenience Goods and Services - Under the Provisions of Section 1680 - Exceptions) to allow a convenience store in an IL District; and, a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 45' from the centerline of Madison Avenue, per plot plan, on the following described property:

Lots 23 and 24, Block 7, Frisco Addition to the City of Tulsa, Oklahoma.

11369

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) request for an exception to allow a motor home to be utilized as a watchman's quarters and office in conjunction with a church. This property is located

in the 1500 Block of West 71st Street.

Presentation:

Jack Still, a member and representative of the First Apostolic Church, was present to address the Board and advised that a motor home had been purchased and placed on the property for use as a watchman's quarters and a temporary office during construction of the Church. Mr. Still stated that construction supplies had been stolen in the past and it is hoped that a watchman on the premises would prevent further theft. Mr. Still explained that construction of the Church has been temporarily delayed due to financial problems, and that he had been served notice of violation by the Building Inspector's Office.

Board Comments:

Mr. Smith asked Mr. Still for an approximate time duration for which the motor home would be needed on the property. Mr. Still indicated that he would estimate the construction of the Church to be completed in 24 months and that the motor home would be removed upon completion of construction.

Mr. Jackere advised the Board members that there is an Ordinance which provides for nonresidential use of a motor or mobile home during the time of construction for a period of one year.

Protestants:

Robert B. Hubbard stated that he owned property which abutted the Church's property at their southwest corner and, further, that he had not received written notice. Mr. Hubbard submitted to the Board eight (8) photographs of the subject property and motor home (Exhibit "K-1"). Mr. Hubbard advised that it was his understanding from the Building Inspector's Office that the building permit the Church is presently constructing under expired over one year ago and has not been renewed. Mr. Hubbard further advised that the property did not have proper sewage facilities and that he had filed a complaint once previously because of sewage draining into the ditch on the north side of 71st Street. Mr. Hubbard stated that when construction of the Church commenced, a five-wheel truck was placed near the motor home, where it remains to date.

Mrs. Purser asked Mr. Hubbard if the five-wheel truck was used for storage. Mr. Hubbard replied that he did not know what it was used for. Mrs. Purser then asked Mr. Hubbard if there was any outside storage of construction materials. Mr. Hubbard stated that he could not be certain due to the fact that the property was overgrown with weeds and vegetation.

W. R. Heath, 6905 South Union Avenue, stated that when the church use was approved on this property, the surrounding property owners had no objection; however, in the past two years, the condition of the subject property had deteriorated considerably with the location of the motor home, the five-wheel truck, and an accumulation of trash and debris. Mr. Heath advised that the footings for construction had been poured, but had been poured approximately two years previously and that, to his knowledge, no further construction had taken place.

11369 (continued)

Remarks:

Mr. Gardner advised that the Board had granted approval for church use on this property in 1975. The Zoning Code has been recently amended to extend the time period from two years to three years, but that the amended time had also expired. Mr. Gardner further advised that the Zoning Code language read, "...for the purpose of this provision, utilization shall mean actual use or the issuance of a building permit when applicable, provided construction is diligently carried to completion." Mr. Gardner explained that, under the circumstances, the Church would have to apply again to the Board for approval of church use on the property.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 11369 until March 19, 1981, in order that the applicant might use the same application, thereby eliminating the need for an additional filing fee for readvertisement.

NOTE: Due to the fact that Board member Wait's presence was required elsewhere, Case Number 11374 was taken out of order of its appearance on the agenda in order to allow for a majority vote (three "like" votes are required for Board action on variances, exceptions, or interpretations). Therefore, Case Number 11374 will reflect a vote by Mr. Wait and all Cases reviewed following that will reflect his absence. These Minutes reflect the Cases in the order of appearance on the agenda.

11372

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit a car wash in a CS District; and, a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 110' to 97' from the centerline of 71st Street; located at 7015 South Lewis Avenue.

Presentation:

Cliff Crayden, representing Phillips Petroleum Company, was present to address the Board and submitted a plot plan (Exhibit "L-1"). Mr. Crayden advised that Phillips Petroleum owns and operates a "self-serve" service station on the subject property and that they wished to construct a one-bay building with an enclosed car wash which would be free of charge to customers who purchase a full tank of gasoline. Mr. Crayden further advised that the variance of the setback was being requested to provide easier access to the car wash.

Mr. Crayden explained that if Phillips complied with the required 110' setback requirement, it would create a sharp turn into the car wash which the customers would have to maneuver. Mr. Crayden advised that the proposed building would be 16' x 31' and would be erected on the east side of the property, approximately 37' from the property line.

11372(continued)

Remarks:

Mr. Jackere asked Mr. Crayden if the Building Inspector's Office requested Phillips to apply to the Board. Mr. Crayden stated that, when Phillips applied for a building permit the Building Inspector's Office advised them that a use variance was needed.

Protestants: None.

Board Comments:

Mrs. Purser asked if the proposed building was to be a detached accessory building. Mr. Crayden explained that, presently, there is only one structure on the property--a cashier's building measuring 8' x 12'--and that the proposed building would not be attached to that.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680 - Exceptions) to permit a car wash 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 97' from the centerline of 71st Street, per plot plan, on the following described property:

The South 205' of the West 200' of Section 5, Township 18 North, Range 13 East, Tulsa County, Oklahoma, in the City of Tulsa.

11373

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1680 - Exceptions) request for an exception to allow parking, washing, and repair of trash trucks in a CG District; located at 8544 East 11th Street.

Presentation:

Lee Richey, 8191 East 16th Street, was present to address the Board and submitted a plot plan (Exhibit "M-1"), as well as four photo layouts (Exhibits "M-2a through M-2d") depicting the use of the surrounding property. Mr. Richey advised that the property is in the floodplain, but that he had received permission from the Hydrologist's Office to build in the floodplain on the condition that the building is erected one foot above the 100-year floodplain. Mr. Richey advised that there would be a privacy fence on the south side of the property, as well as on the west side.

Protestants:

Norman Spencer, 933 South 87th East Avenue, stated that his property adjoined the subject property and that his residence sits diagonally across from the proposed location of the parked trash hauling vehicles. Mr. Spencer further stated that he felt this would create an unsightly appearance from his property, as well as an unpleasant aroma when the wind comes from the southwest, thus decreasing the value of his property.

Earl Stamps, 934 South 87th East Avenue, stated that he received full benefit of the fumes from the trash trucks the previous summer.

Applicant's Comments:

Mr. Richey submitted a photograph to the Board depicting an office building next to which he parked his trash trucks for six years in the past (Exhibit "M-3") and stated that he had never received a complaint about the fumes that were generated. Mr. Richey further stated that he has used the subject property since the previous May for the parking of the trash hauling vehicles and had not received complaints about the fumes for the duration that the property has been utilized as such.

Mr. Spencer returned before the Board and advised the members that Mr. Richey parks approximately nine trucks at the location presently, and that he was concerned over the additional number of trucks that might be parked on the property in the future.

Mr. Richey advised the Board that the number of vehicles would remain at nine.

Remarks:

Mr. Gardner advised the Board that the applicant proposed to erect a tilt-up concrete building, which can be constructed as a matter of right on the property and be utilized for the washing and repairing of vehicles. Mr. Gardner explained that the issue at hand was that of the storage of the vehicles on the subject property. Mr. Gardner further explained that he had spoken with the applicant and had been informed that the vehicles would be parked on the extreme southern portion of the lot. Mr. Gardner stated that there was substantial vegetation on the southern portion of the lot between the proposed location of the building and the residences to the south of that location, and that the Board had the authority to impose any number of various conditions upon the property, such as, hard surface pavement, screening fences, etc.

Board Comments:

Mr. Victor asked Mr. Gardner if the property owners in the area had any recourse through the City-County Health Department on the issue of the aroma as a nuisance. Mr. Gardner advised that the Health Department would have to look into that issue.

Mrs. Purser asked Mr. Richey if he was proposing to erect a concrete building measuring 60' x 40' and a truck washing facility measuring 12' x 32'. Mr. Richey replied that he was. Mrs. Purser then asked what would be in the 60' x 40' concrete building. Mr. Richey advised that two bays for truck repairs would be located inside the building, as well as an office.

Discussion ensued as to screening alternatives and possible relocation of the proposed buildings.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to continue Case Number 11373 until March 5, 1981, in order to allow

11373 (continued)

another Board member to be present, as well as to allow time for the applicant to return with a specific proposal addressing the concerns of the Board with regard to screening of the parking of the vehicles.

11374

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680 - Exceptions) request for an exception to allow sales and repair of new motorcycles in a CS District; located at 1724 South Harvard Avenue.

Presentation:

Mr. Jones submitted to the Board a letter of protest from Mrs. G. M. Smead, 1727 South Gary Place, (Exhibit "N-1") and a letter of protest from Mr. and Mrs. Henry M. Blackburn, 1731 South Gary Place, (Exhibit "N-2").

W. B. Holloway, 819 South Denver Avenue, representing Norman and Louise McDonald, dba K & N Motorcycles, Inc., was present to address the Board and submitted an 11-page information packet (Exhibit "N-3"), as well as 11 photographs depicting the surrounding area of the subject property and businesses operating in the immediate area (Exhibit "N-4"). Mr. Holloway advised the Board members that Mr. and Mrs. McDonald had owned and operated K & N Motorcycles, Inc., for the past ten years and, prior to that, were associated with Yamaha in California where they had owned and operated a business since 1957. Mr. Holloway further advised that K & N Motorcycles presently operates out of two locations--one at 51st Street and Memorial Drive and the other in the 6100 Block of New Sapulpa Road--and that Mr. and Mrs. McDonald wished to expand and open a third store on the subject property. The store that has been selected, Mr. Holloway explained, is a 7,500 square-foot, one-story, commercial building out of which will operate a retail motorcycle dealership, with the hours of operation to be from 9:00 a.m. until 6:00 p.m., Tuesday through Friday, and from 9:00 a.m. until 4:00 p.m. on Saturday, to be closed all day Sunday, Monday, and holidays.

Mr. Holloway advised the Board of the approximate percentage breakdown of the operation of K & N Motorcycles, as follows: 70% - new motorcycle sales; 23% - parts and accessories sales; 4% - used motorcycle sales; and, 3% - service labor. Mr. Holloway explained that all service would be performed in the basement area of the building, and that approximately five persons would be employed at this new store. Mr. Holloway briefly reviewed the exhibited photographs with the Board members. Mr. Holloway directed the attention of the Board members to the exhibited information packet which detailed eight of K & N's competitors that presently operate retail motorcycle sales in CS Districts and briefly reviewed those with the Board.

Protestants:

George Winkert, 1724 South Gary Place, stated that he was concerned that, with the operation of a retail motorcycle sales shop in the area, motorcycles would be racing up and down the streets, in the driveways, and across the lawns. Mr. Winkert further stated that he was concerned

that an older "kid" population would be generated by the proposed motorcycle shop and that this age group would interact with the elementary school-age children attending school in the area, thus creating a poor influence on the younger children. Mr. Winkert concluded by stating that he did not wish to see such an old, well-established neighborhood deteriorate by allowing a motorcycle retail sales store in the area.

Riverend Tom Scott, Beams of Light Tabernacle Church, 1704 South Harvard Avenue, voiced his concern over the excess noise that would be generated by K & N establishing their business at the subject location.

Cecil Bliss, 1711 South Gary Place, stated that he felt irreparable damage would be done to the students at Sidney Lanier Elementary School if K & N was allowed to operate from the subject location due to the fact that the noise would be distracting to the student population at Lanier.

Applicant's Comments:

Mr. Holloway stated that he did not feel there would be an abundance of motorcycle riders in the immediate area any more than there would be an abundance of Cadillac drivers or Ford drivers in locations where new cars of that make are sold.

Board Comments:

Mrs. Purser asked that the Minutes reflect that the Board members read the exhibited letter of protest from Mrs. Smead.

Mr. Smith asked Mr. Holloway if dirt bikes (louder, less muffled bikes) would be sold and, if so, where the testing ground would be located on the property. Norman McDonald, the owner of K & N, addressed Mr. Smith's question by stating K & N sells a bike referred to as a dirt bike, but that they are not "street legal bikes" and would not, therefore, be operated on the street. Mr. McDonald further advised that all testing of the dirt bikes is done on a two-acre tract of land located at the store on New Sapulpa Road. Mr. McDonald explained that all cycles to be sold at the Harvard store would be street legal, and that the sound decibels are the same as those required on cars, both federally and statewide.

Mr. Smith asked Mr. McDonald if there would be any dirt bikes sold at the Harvard store. Mr. McDonald replied that, if any were sold from that location, they would not be operated on the premises--they would simply be loaded on a cycle trailer and hauled off by the purchaser.

Mr. Victor asked what level of involvement the repairs would entail. Mr. McDonald advised that the repairs performed at the Harvard store would all be minor and that all major repairs would be performed at the New Sapulpa Road store, at which is located a complete machine shop.

Mr. Smith asked Mr. McDonald if K & N was a full franchise dealer. Mr. McDonald replied that it was and had been since 1959. Mr. Smith then asked Mr. McDonald if there were standards with which K & N had to comply. Mr. McDonald stated that there were, and briefly summarized those for the Board members.

11374 (continued)

Mr. Victor asked Mr. McDonald if the stores located at 51st Street and Memorial Drive and New Sapulpa Road abutted any residential property. Mr. McDonald stated that, at the New Sapulpa Road location, a Holiday Inn was located to the west and residences were located behind the store, and the store at 51st and Memorial was located in a Commercial District.

Mr. Smith asked Mr. McDonald how the purchased motorcycles would be removed from the premises. Mr. McDonald advised that the back entrance of the store would be utilized for the service entrance and that either the back entrance or the side entrance would be utilized as the sales entrance.

Mr. Wait asked Mr. McDonald if the front entrance would be used for the cycle traffic. Mr. McDonald replied that it would not be.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-1 (Smith, Victor, Wait, "aye"; no "nays"; Purser "abstaining"; Lewis "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680 - Exceptions) to allow sales and minor repair of motorcycles in a CS District, as presented, with the hours and days of operation to be from 9:00 a.m. until 6:00 p.m., Tuesday through Friday, from 9:00 a.m. until 4:00 p.m. on Saturday, and to be closed on Sunday, Monday, and all holidays, on the following described property:

Lots 6 & 7, and the North 30' of Lot 8, Block 1, Exposition Heights Second Addition to the City of Tulsa, Oklahoma.

11375

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 110' to 78' from the centerline of 41st Street to permit enclosing the existing drive-through canopy; located at 5307 East 41st Street.

Presentation:

Rick Braselton, 6111 East Skelly Drive, was present to address the Board and submitted a plot plan (Exhibit "0-1"), as well as a layout of four photographs (Exhibit "0-2"). Mr. Braselton advised the Board that the Bank of Tulsa presently occupies the structure on the subject property and that the structure is utilized as a drive-in facility for the bank. Mr. Braselton stated that the Bank would be vacating that structure and that his company would like to use the building for office space and, in addition, would like the building line to be continued for the length of the bank for a possible subsequent future building. Mr. Braselton explained that the drive-through lanes in the canopy would be removed, the structure would be enclosed, and would then be used as additional office space.

Protestants: None.

11375 (continued)

Board Comments:

Mrs. Purser asked Mr. Braselton if there was a driveway located on the property. Mr. Braselton advised that the drive-through is in existence, but that it would be enclosed. Mrs. Purser asked if there was a driveway (curb cut) to the south of that portion to be enclosed. Mr. Braselton stated that there was not and that there would not be in the future.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to continue Case Number 11375 until March 5, 1981, in order to allow more Board members to be present for a majority vote.

11376

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1215 - Other Trades and Services - Under the Provisions of Section 1680 - Special Exceptions) request for permission to display and sell portable buildings in a CS District; located at 19th Street and Sheridan Road.

Presentation:

Mr. Jones advised that the Board had granted the applicant permission on May 29, 1980, to use this tract of land for the same purpose until January 1, 1981.

Lloyd Rose, Route #3, Box #880, Sand Springs, Oklahoma, was present to address the Board and advised the members that he used the property for display of portable buildings only and did not build them on the property.

Discussion ensued as to whether or not the applicant had complied with the Board's previous conditions.

Remarks:

Mr. Gardner asked Mr. Rose if there were presently any buildings on the lot. Mr. Rose replied that there were not.

Mr. Jackere asked Mr. Rose how many buildings he anticipated being displayed on the lot at any one time. Mr. Rose advised that he anticipated no more than four buildings at any one time. Mr. Jackere then asked Mr. Rose how large the lot was. Mr. Rose replied that the lot measured 150' x 200'.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1680 - Special Exceptions) to display and sell portable buildings in a CS District, for a period of one year, with the stipulation that the building setback will be 60' behind the existing curb on Sheridan, on the following described property:

11376 (continued)

Part of Lot 2, Block 2, Lynn Addition (situated in Section 10, Township 19 North, Range 13 East) a subdivision in Tulsa County, Oklahoma, according to the official recorded plat thereof, to-wit: Beginning 574.24' South of the Northeast corner of Lot 2; thence Westerly 200'; thence Northerly 150'; thence Easterly 200'; thence South 150' to the point of beginning.

11378

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses - Airports) request for an exception to permit airport use that will allow construction and expansion of present hotel facilities; located to the south and east of Young Street and 75th East Avenue.

Presentation:

Carl Cannizzaro, representing the Tulsa Airport Authority, was present to address the Board and submitted a plot plan (Exhibit "P-1"). Mr. Cannizzaro explained that the plot plan reflected the proposed hotel expansion which the Board wished to review before approval was given. Mr. Cannizzaro briefly reviewed the plan with the Board.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses - Airports) to permit airport use that will allow construction and expansion of present hotel facilities, per plot plan, on the following described property.

A tract of land, containing 15.2437 acres, that is part of the NE/4 of Section 26, Township 20 North, Range 13 East, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Starting at the SE corner of the NE/4 of Section 26; thence northerly along the easterly line thereof for 1,627.71'; thence Westerly at a right angle for 1,924.61' to the Point of Beginning of said tract of land; thence Southerly along a deflection angle to the left of 89°-56'-30" for 224.15'; thence Southeasterly along a deflection angle to the left of 28°-03'-41" for 216.22' to a point on the Northeasterly right-of-way line of Gilcrease Expressway; thence continuing Southeasterly along a deflection angle of 00°-00'-00"; and along said right-of-way line, for 209.50'; thence Southeasterly along a deflection angle to the left of 11°-01'-48" and along said right-of-way line for 50.31'; thence Southeasterly along a deflection angle to the left of 04°-39'-24", and along said right-of-way line for 60.80'; thence Southeasterly along a deflection angle to the left of 06°-30'-20", and along said right-of-way line for 75.78'; thence Southeasterly along a deflection angle to the right of 31°-40'-27", and along said right-of-way line for 6.21'; thence Northeasterly along a deflection angle to the left of 96°-54'-50", and along said right-of-way line, for 3.59'; thence Southeasterly

11378 (continued)

along a deflection angle to the right of $65^{\circ}14'-23''$ and along said right-of-way line for 243.35'; thence Southeasterly along a deflection angle to the right of $04^{\circ}-57'-49''$, and along said right-of-way line for 82.27'; thence Southeasterly along a deflection angle to the left of $07^{\circ}-13'-22''$, and along said right-of-way line, for 77.71'; thence Northeasterly along a deflection angle to the left of $88^{\circ}-13'-48''$ for 333.88'; thence Northeasterly along a deflection angle to the left of $01^{\circ}-44'-31''$ for 407.39'; thence Northwesterly along a deflection angle to the left of $90^{\circ}-07'-34''$ for 596.55' to a point of curve; thence Northwesterly and westerly along a curve to the left, with a central angle of $37^{\circ}-22'-12''$ and a radius of 351.97', for 229.57' to a point of tangency; thence Westerly along said tangency for 416.53' to the Point of Beginning of said tract of land.

11379

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1212 - Eating Places Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods and Services) request for an exception to permit Use Unit 12, 13 and 14, in an IL District. This property is located at 6820 East 41st St.

Presentation:

Al Grossich, President of the Car Care Corporation, 2213 East 61st Street, was present to address the Board and submitted a plot plan (Exhibit "Q-1"). Mr. Grossich advised the Board that he wished to erect a building at the subject location to be utilized as space for stores and, possibly, a restaurant. Mr. Grossich further advised that the surrounding property was all zoned Commercial, and that he owned two additional buildings within 500 to 600 feet east of the subject property on which the Board had granted exceptions for similar uses. Mr. Grossich stated that the property did have the proper number of parking spaces for the property and that the City Engineer's Office had approved the entrance and exit locations.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1212 - Eating Places Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods and Services) to permit Use Units 12, 13 and 14 in an IL District, per plot plan, on the following described property:

Lots 22, 23 and 24, in Block 4, LESS the West 150' of Katy Freeway Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the height requirements from 26' to 60' 9" to permit the erection of a six-story building; and, a Variance (Section 1208.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) request for a variance of the number of parking spaces from 150 to 81 to permit the erection of a six-story building to be occupied by the elderly, located on the northeast corner of 66th Place and Newport Avenue.

Presentation:

Jack Cox, 1323 South Baltimore Avenue, was present to address the Board in the capacity of representative for the owner, Tulsa Seniors Housing Associates, and submitted a plot plan (Exhibit "R-1"), a Grading and Paving Plan, a Storm Sewer Plan (Exhibit "R-2"), a Water Plan (Exhibit "R-3"), and a general information handout (Exhibit "R-4"). Mr. Cox advised that the proposed structure would abut a mini-storage area, townhouses, and undeveloped land. It would be owned by an individual group, but managed by the Tulsa Housing Authority. Mr. Cox further advised that sufficient property was available for additional parking, if needed.

Protestants: None.

Remarks:

Bob Gardner advised that similar proposals have been approved by the Board in the past. The elderly require about 1/2 the amount of parking as a conventional project. The high-rise building has better security for the elderly and the density is permitted under the RM-2 zoning. The Board should restrict the use to elderly housing and require additional parking in the future if the use is ever converted to a conventional apartment project.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the height requirements from 26' to 60' 9" to permit the erection of a six-story building; and, a Variance (Section 1208.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) of the number of parking spaces from 150 to 81 to permit the erection of a six-story building to be occupied by the elderly, per plot plan, limiting the use to elderly housing, with the stipulation that, if the use changes in the future, the applicant return to the Board for review of parking requirements and any other use that may be put to the property at that time, on the following described property:

Lot 2, Block 1, Cline Addition to the City of Tulsa, Oklahoma.

There being no further business to come before the Board, the Chair adjourned the meeting at 5:30 p.m.

Date Approved

March 19, 1981


Chairman