

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 330
Thursday, March 5, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis, Vice-Chairman Smith Victor	Purser Wait	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, March 3, 1981, at 9:20 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Vice-Chairman Lewis called the meeting to order at 1:34 p.m.

MINUTES:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve the Minutes of February 5, 1981, (No. 328).

MINOR VARIANCES AND EXCEPTIONS:

11370

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for the following variances: (1) Variance of the lot width and lot area requirements; (2) variance of the front yard setback from 35' to 28'; and, (3) variance of the rear yard requirements from 25' to 20'; to permit a lot-split; located in the 2700 Block on East 28th Street.

Presentation:

Mr. Jones advised the Board that the Tulsa Metropolitan Area Planning Commission (TMAPC) had approved a lot-split (L-14981) on February 18, 1981, subject to the approval of this Board.

The applicant, Ed Schermerhorn, arrived late and protestants were heard from prior to the applicant's presentation.

Protestants:

Ed Hill, 2655 South Columbia Place, stated that he owned the property behind the subject lot. Mr. Hill advised that he felt the subject lot was too small for the neighborhood and that it should not be split into two undersized lots. Mr. Hill stated that, if a home was erected on the undersized lot, it would not conform to the other homes in the area, which are larger and are built on larger lots. This, Mr. Hill explained, would result in the decrease of the value of the property in the neighborhood. Mr. Hill submitted to the Board a plot plan of the subject property (Exhibit "A-1").

11370 (continued)

Presentation:

Ed Schermerhorn, 2202 East 49th Street, was present to address the Board and advised that a residence was in existence on the larger of the two lots--that lot measuring 140' across the front and the smaller lot measuring 94.7'. Mr. Schermerhorn stated that he wished to build another single-family dwelling on the smaller of the two lots, and that the structure would be restricted to a depth of 32' or 33' and a width of approximately 65'. Mr. Schermerhorn further stated that he was renovating the existing residence and that the existing and proposed residences would both be compatible with the other neighborhood homes.

Board Comments:

Mr. Smith asked Mr. Schermerhorn how large the proposed residence would be. Mr. Schermerhorn advised that it would be approximately 2,400 sq. ft., and would be of the Cape Code New England Salt Box-type construction.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 2-1-0 (Smith, Victor, "aye"; Lewis "nay"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the lot width and lot area requirements; a variance of the front yard setback from 35' to 28'; and, a variance of the rear yard requirements from 25' to 20' to permit a lot-split, with the stipulation that the proposed residence be restricted to a minimum of 2,300 sq. ft. on the 94.7' lot. Due to the fact that a majority vote was not reached, the Chair entertained a substitute motion.

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case Number 11370 until March 19, 1981.

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, 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 to permit the erection of two pole signs. This property is located on the SE corner of 11th Street and Trenton and the SE corner of 11th St., and Utica Avenue.

Presentation:

Mr. Jones advised the Board that this application was continued from the February 19th meeting in order for the applicant to return with more detailed information.

John Burkhardt, representing Hillcrest Medical Center, was present to address the Board and submitted a plot plan depicting in red and yellow the location of the proposed sign #1 and sign #2 (Exhibit "B-1"), a plot plan depicting in red and yellow the location of proposed sign #2 (Exhibit "B-2"), and a letter (Exhibit "B-3") from Bill Thomas, City

11371 (continued)

of Tulsa Traffic Engineer, stating that the Office of Traffic Engineering had no objection to the location of the signs, and that his office could predict no creation of a traffic problem if a six-foot clearance to the bottom of the signs is maintained.

Mr. Burkhardt explained that sign #1, the 11th and Trenton sign, would be located approximately 8' from the curb and would direct the public to the Emergency Room Entrance, the west entrance, and parking facilities. Mr. Burkhardt advised that sign #1 would be 5' wide at its widest point, approximately 15" deep, would have two vertical front and back faces measuring 5' x 5' each, the lower-most face to begin 6 feet above the surface of the land. Mr. Burkhardt stated that sign #2, the 11th and Utica sign, would be located 8' to 10' from the curb and would direct the public to the Emergency Room Entrance, to the east and west entrances, and to the parking facilities, and would measure the same dimensionally as sign #1. Mr. Burkhardt explained that sign #2 would be installed as an illuminated sign and that sign #1 is not presently intended to be illuminated, but that the application requests an illuminated sign due to the fact that Hillcrest Medical Center may wish, in the near future, to make sign #1 an illuminated sign.

Mr. Burkhardt pointed out that the Hillcrest Drive and Hillcrest Circle signs on the exhibited blueprints from the February 19th meeting were not a part of this application. Mr. Burkhardt additionally informed the Board members that there were numerous signs located within the 50' setback requirement along 11th Street. Mr. Burkhardt also advised that he had removal contracts prepared and ready for City execution.

Protestants: None.

Remarks:

Mr. Gardner advised the Board that the signs must be located on Hillcrest Medical Center property and not in the City right-of-way and suggested that it be made a part of the motion, if approved.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback from 50' to 35' from the centerline of 11th Street on the southeast 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 St., and from 50' to 35' from the centerline of Utica Avenue (existing right-of-way may be 40') to permit the erection of two pole signs, per plot plan and sign blueprints, with the stipulation that the signs are to be located on property belonging to Hillcrest Medical Center, that both signs maintain the six-foot clearance as required by the Traffic Engineer, and subject to execution of removal contracts for both signs, on the following described property:

11th & Trenton - 35' from centerline of 11th;
11th & Utica - 35' from centerline of 11th;
35' from centerline of Utica; Lot 7, Block 1 of
Reamended Plat of Forest Park Addition, to Tulsa, Oklahoma; and
Lot 1, Block 2 of Perryman Heights Second Addition, to Tulsa, Ok.

11384

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 requirements from 50' to 42' from the centerline of 11th Street to permit a pole sign that will overhang 8'; located at 947 South Erie Street.

Presentation:

Mr. Jones advised the Board that this application has been continued two times, and that it was denied on February 5, 1981, due to the fact that the applicant did not appear before the Board on the three previous occasions that the application was to be reviewed.

Ray Toraby, President of the Craig Neon Sign Company, 4939 East Admiral Place, was present to address the Board and submitted two photographs of the subject sign on the property (Exhibits "C-1 and C-2"). Mr. Toraby advised that the sign is in existence and that it is within the property line. He stated, however, that the variance was being requested because compliance with the setback requirements would result in blockage of the driveway by the sign.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "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 42' from the centerline of 11th Street to permit a pole sign that will overhang 8', subject to the execution of a removal contract, on the following described property:

Lot 6, Block 27, White City Addition to the City of Tulsa, Okla.

11389

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 frontage and area requirements to permit a lot-split; located at 713 South Rockford.

Presentation:

Mr. Jones advised the Board that the Planning Commission had approved a lot-split (L-15105) on February 18, 1981, subject to the approval of this Board.

John Denney, representing the applicant, Bill Meacom, was present to address the Board.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Gardner if there were other lots in the immediate area that had been split. Mr. Gardner replied that there were several.

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Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements to permit a lot-split (L-15105), on the following described property:

Lots 5 and 6, Block 4, Parkdale Addition in the City and County of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

10383

Presentation:

Mr. Jones advised the Board that this was an application that was approved on March 29, 1979, subject to the applicant returning with a detailed site plan. Mr. Jones further advised the Board that Charles Norman had telephoned him and wished the Board to know that he was no longer representing the applicant even though his name appeared on the agenda.

Lynn Meyer, McCune, McCune, and Associates, was present to address the Board. Mr. Meyer advised that he was representing Crow/Dobbs and submitted a site plan (Exhibit "D-1") and a drainage and grading plan (Exhibit "D-2"). Mr. Meyer stated that he had spoken with Charles Hardt, City Hydrologist, and had been informed that the subject property had been designated to be in the floodplain at this time, however, that it would not be in the new floodplain maps that will be approved later this year. Mr. Meyer further stated that Mr. Hardt is requiring him to file a floodplain development permit so the existing drainage area would not be filled in. Mr. Meyer advised that the property was purchased from the landowners to the west and that they had made a request that a driveway be maintained from which access could be gained to South Columbia Avenue. Mr. Meyer advised that this request had been complied with. Mr. Meyer stated that parking spaces required for the proposed building is 98 spaces and the site plan reflected 140 spaces.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Meyer if he had elevation plans to submit. Mr. Meyer stated that he did not.

Mr. Lewis asked Mr. Meyer what the facade of the building would be. Mr. Meyer advised that the design department had not completed the building design to date, but that it had been indicated to him that the facade would be brick.

Mr. Victor asked Mr. Meyer if the City Commission had approved OL Zoning for the district, which had been a condition set out by the Board when they reviewed the application on March 29, 1979. Mr. Meyer stated that it was zoned OL.

Remarks:

Mr. Jackere suggested that, if approved by the Board, the site plan should reflect on the south boundary the condition of screening as required by

10383 (continued)

the Code. If the applicant should desire a waiver of those screening requirements, he may return to the Board at a later date with a specific request.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve the site plan as submitted, subject to the following: (1) Subdivision plat; (2) the right-of-way will be observed 60' on the front; (3) the screening requirements on the south will be complied with; and (4) maintain strict preservation of the site plan as presented; and to continue for notice, the request for a waiver of the screening requirements to April 2, 1981, on the following described property:

Lot 27, Harter's Second Addition and Lot 2, Block 2, Voight Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plats thereof.

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. This property is located at 8544 East 11th Street.

Presentation:

Mr. Jones advised the Board that this application had been continued from the February 19th meeting in order to allow another Board member to be present for a majority vote, 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.

Lee Richey, 8191 East 16th Street, was present to address the Board and submitted a plot plan depicting a proposed pine tree hedge which would serve as a screening mechanism along 11th Street for the parked trucks (Exhibit "E-1"). Mr. Richey advised the Board that a concern voiced by the protestants at the February 19th meeting was one of an offensive odor being emitted from the site by the garbage trucks. At this point, Mr. Richey submitted a letter from Thomas D. Elliff, Pastor of the Exciting Eastwood Baptist Church, (Exhibit "E-2") and advised the Board that his disposal trucks were parked adjacent to the office building leased by the Church for approximately one year. The exhibited letter briefly stated that for the duration that the trucks had been parked adjacent to the office building, nothing offensive in regard to odor or debris had presented itself as an annoying problem. In addition, Mr. Richey addressed a concern that had been voiced over decrease in value of the surrounding property. Mr. Richey stated that he did not feel the operation would create such a decrease and, if a decrease in value was noted, it would be due to the fact that the property is located in a floodplain.

Remarks:

Mr. Gardner advised the Board that parking while awaiting washing and repair of the disposal trucks during the day was permitted by right in

the CG District; however, overnight storage and parking was not permitted and approval for this aspect of the operation was being sought through a request for an exception.

Protestants:

Cyrus Northrop, 5001 South Fulton Avenue, stated that he was an attorney representing ten protestants, as follows: Dr. Gary Goforth, Dr. Hans Fichtenberg, Dr. Stanley Grogg, Dr. Fred Northrop, Dr. Paul Campbell, Dr. Earl Parker, Dr. Barcaly Sappington, Gene Gates, and Mr. and Mrs. Earl Stamps. Mr. Northrop advised that the seven doctors he represented owned a million-dollar medical facility directly across the street from the subject property and that Mr. Gates operated a pharmacy directly across the street. Mr. Northrop submitted to the Board a petition executed by 48 property owners and residents of the neighborhood stating their opposition to the approval of the application (Exhibit "E-3"). Mr. Northrop advised that he had driven by the location earlier in the day, at which time there were 11 disposal trucks parked on the property--two additional trucks over the limit of 9 which Mr. Richey has stated would be parked at any one time. Mr. Northrop stated that the odor was substantial and felt it would be worsened by the elements of a summer season and, further, that he felt approval of the application would result in a decrease in value of not only the residential property, but the million-dollar medical facility across the street which houses the protesting physicians.

Applicant's Comments:

Mr. Richey addressed the issue of eleven rather than nine trucks being parked on the premises by stating that two of those eleven trucks are up for sale at this time and, once they are sold, there will be only nine trucks.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 2-1-0 (Lewis, Smith, "aye"; Victor "nay"; no "abstentions"; Purser, Wait, "absent") to deny the Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1680 - Exceptions) to allow parking, washing, and repair of trash trucks in a CG District. Since the motion did not receive 3 concurring votes, the Chair asked if there were any other motions.

MOTION was made by VICTOR to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1680 - Exceptions) to allow parking, washing, and repair of trash trucks in a CG District, per plot plan, and subject to a maximum number of nine (9) trucks being parked on the premises at any one time. The Motion died for lack of a SECOND.

The Chair declared the application denied on the following described property.

Lot 5, Block 1, Forrest Acres 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:

Mr. Jones advised the Board that this application had been continued from the February 19th meeting in order to allow for the presence of more than three Board members for a majority vote.

William B. Jones, representing the Bank of Tulsa, was present to address the Board and requested the Board continue the application to March 19th, 1981, in order to allow time for detailed site plans and landscaping plans to be furnished and submitted to the Board members for their review.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case No. 11375 to March 19th, 1981, to allow for submission of more detailed information.

11355

Action Requested:

Exception (Section 240.2 (c) - Permitted Yard Obstructions - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit a 7' wall on the front of lots in an OL District. This property is located to the north and west of 49th Street and Lewis Avenue.

Presentation:

Mr. Jones advised the Board that the balance of the application has been continued from the February 5th meeting in order to allow for proper advertisement of a variance of the building setbacks. Mr. Jones advised, however, that it was discovered that there was no problem with the setback and readvertisement was not necessary.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to strike Case No. 11355 from the agenda.

NEW APPLICATIONS:

11377

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 side yard requirements from 5' to 1'

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11377 (continued)

to allow a carport to remain; located at 3320 South Florence Avenue.

Presentation:

Roy Comer, 1730 South Norfolk Avenue, was present to address the Board and submitted a plot plan (Exhibit "F-1"). Mr. Comer advised that the carport was in existence and the supporting posts were 6' from the property line, but that the overhang of the roof is within 1-foot on one end and 22" on the other end. Mr. Comer stated that the roof is guttered so as not to create a water runoff problem for the neighbors.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Comer if the carport was constructed on a side yard. Mr. Comer stated that it was.

Mr. Smith asked Mr. Comer if a driveway would be installed to the carport. Mr. Comer advised that he had intentions of installing a driveway that would be no longer than the existing driveway.

Mr. Victor advised that he would have to abstain from voting on any action on this application due to the fact that his firm's title block appeared on the plot plan.

Applicant's Comments:

Mr. Comer stated that no employee of the firm, Coleman, Ervin and Associates, drew the carport onto the plot plan. Mr. Victor advised that he would still prefer to abstain from voting.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case No. 11377 until March 19, 1981, to allow for the presence of additional Board members to obtain a majority vote.

11382

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 10' to permit an addition to the present church building; located at 1046 East Pine Place.

Presentation:

Mr. Jones submitted to the Board a copy of the Minutes of Case No. 6833 from the December 3, 1970, Board of Adjustment meeting (Exhibit "G-1"), at which time the Board granted a variance to reconstruct a church 9' from the front property line and on the west property line on this same property.

Willie Taylor, 725 North Union, Chairman of the Building Committee of the Greater Mount Olive Baptist Church, was present to address the Board and submitted a rough plot plan (Exhibit "G-2"), as well as a

11382 (continued)

letter in support of the variance from Wilber Northington, 3510 North 29th Street, Waco, Texas (Exhibit "G-3"). Mr. Taylor advised that the other property owners in the immediate area had built within 5' of the alley and that this additional construction would be used for classroom space for the younger people in the congregation.

Protestants: None.

Board Comments:

Mr. Victor asked Mr. Taylor who owned the property on the corner to the east of the church. Mr. Taylor advised that it was owned by an elderly woman who resided in a nursing home in Shawnee, Oklahoma. Mr. Taylor explained that the owner had willed that property to the Church. The property to the east and directly across the street from Mount Olive Baptist Church, will be sold to Mount Olive Baptist Church after the owner's death.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "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 10' to permit an addition to the present Church building, per plot plan, on the following described property:

Lot 23, and the North 111' of Lot 24, Block 2, Booker T. Washington Addition to the City of Tulsa, Oklahoma.

393
11838

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) request permission of a variance of the setback requirement to be changed from 25' to 20' & 4" to allow an addition to an existing building; located at 6004 South Sheridan Road.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case No. 11383 to April 2, 1981.

11385

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1680) request permission for an exception to permit .40 floor area ratio; and, a Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) request permission to permit a two-story building; located at 2240 East 49th Street.

3.5.81:330(10)

11385 (continued)

Presentation:

Ray Frogge, 11 East Broadway, Sand Springs, Oklahoma, was present to address the Board and submitted a set of plans which included a grading and plot plan, a second-story floor plan, a front elevation, an existing floor plan, and a floor plan for the proposed addition (Exhibit "H-1"), as well as three photographs of the surrounding area (Exhibits "H-2", "H-3" and "H-4").

Mr. Frogge also submitted a rendering of the proposed addition and advised that he would have the rendering reduced in size for submission to the Board of Adjustment Office.

Discussion ensued as to the total amount of floor area proposed. It was determined that the application, if approved as requested, required a .47 floor area ratio and the applicant would have to show a hardship as well as continue to be readvertised. The Board determined that the applicant should revise his plans to live with the .40 floor area ratio.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1680) to permit .40 floor area ratio; and, a Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) to permit a two-story building, as requested, subject to the applicant returning to the Board on March 19, 1981, with a revised floor plan reflecting the .40 floor area, and subject to the front elevation remaining as submitted and per rendering submitted, on the following described property:

Lot 6, Block 1, Lewis Square Addition, City of Tulsa, Tulsa County, Oklahoma.

11386

Action Requested:

Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1680) requests a Use Unit 15 for other trades and services in a CS District; and a Special Exception (Section 250.3 (a & d)- Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) requests to modify the screening requirements where existing physical features provide visual separation; located east of the NE corner of 107th and 11th Streets.

Presentation:

Roy Johnsen, 324 Main Mall, was present to address the Board in the capacity of attorney for the owner of the property and submitted a set of plans consisting of a plot plan, a floor plan, the south elevation, a roof framing plan, and construction details (Exhibit "I-1").

Mr. Johnsen advised that immediately to the west of the subject property was a muffler shop which fronts 11th Street, and to the north of the

muffler shop and to the west of the subject property was Lease Lights, Inc., which had been approved by the Board for Use Unit 15 in the district, subject to the erection of a screening fence which has not yet been erected. Mr. Johnsen further advised that his clients, Mr. Stutsman and Mr. Oliver, proposed to locate their business, Tulsa Excavation, Inc., on the subject property and that they owned the property to the north, as well. Mr. Johnsen explained that Mr. Stutsman and Mr. Oliver were presently in violation due to the fact that they had commenced earth work in the drainage area along the north boundary without a permit. Mr. Johnsen stated that, since that earth work occurred, Charles Hardt, the City Hydrologist, had consulted with the property owners, reviewed the building and drainage plans, inspected the site, examined the elevations, and determined all to be acceptable. Mr. Johnsen advised that materials from the old MTTA facility had been salvaged by the property owners for use in the proposed construction and had been stored on the property to the north of the property under application. Mr. Johnsen stated that a large gas tank had been moved onto the property from the old MTTA facility and that Mr. Stutsman and Mr. Oliver believed they had sold it. Mr. Johnsen advised that the tank has not been sold and that it remains on the site as an unsightly item. Mr. Johnsen further advised that some equipment used by Tulsa Excavation, Inc., will be stored on the property and that some of the equipment is stored on the property at the present time. Mr. Johnsen concluded by briefly summarizing the surrounding businesses and land uses in the area.

Board Comments:

Mr. Lewis asked Mr. Johnsen what was proposed for the southern portion of the lot. Mr. Johnsen advised that a one-story building with approximately 14,200 square feet would be constructed and that Tulsa Excavation, Inc., would occupy the northern portion with their offices and one bay with an overhead door for maintenance of equipment, and that the balance of the space would be available for lease by other trades and services businesses and offices. Mr. Johnsen stated that the construction would consist of stucco over concrete block, overhead doors, and metal facia trimming and framing.

Mr. Victor asked Mr. Johnsen to explain the request for modification of the screening requirements. Mr. Johnsen explained that the southern portion of the property is under mortgage and the northern property is not; therefore, the property under application is 50 feet short of the residential zoned property to the north and is not abutted by a residential district, thus not requiring compliance of the screening requirements. Mr. Johnsen stated that a screening fence on the north boundary would serve no useful purpose at this time other than to screen the applicants' own property.

Protestants:

Richard Hucket, 303 East 29th Street, stated that he was one of the owners of Knollwood Apartments directly west of the subject property and advised that, within approximately a four-block area on 11th Street near the subject property there are about six different apartment projects. Mr. Hucket submitted to the Board photocopies of five 8" x 10" photographs depicting the storage of material on the subject property (Exhibits 1-2 through 1-6) and advised that the photographs had been taken in January, and, since that time, additional materials had been

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moved onto the property for storage. Mr. Hucket stated that he had reason to believe that the appearance of the subject property had decreased the value of his property due to the fact that he had lost a contract for sale of the Knollwood Apartment Complex and was informed by the real estate agent that the buyers had indicated that they would not purchase the property because of the "junk yard" to the east.

Mr. Jackere asked Mr. Hucket if he had filed a complaint on the situation. Mr. Hucket advised that he was in the process of filing a complaint on the subject property, as well as on Lease Lighting, Inc., for failure to erect the screening fence that had been a condition of approval.

Mr. Lewis asked Mr. Hucket if he objected to a waiver of the screening requirements as requested by Mr. Johnsen. Mr. Hucket replied that he did not, as long as there was no storage of materials on the north portion of the property. Mr. Hucket also stated that he concurred with Mr. Johnsen's remark that the proposed building would improve the appearance of the area.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services - Under the Provisions of Section 1680) to permit a Use Unit 15 for other trades and services in a CS District; and, a Special Exception (Section 250.3 (a & d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to waive the screening requirement on the north property line until such time that the north portion of the property is developed residentially or is sold, all subject to the plans submitted, with the condition that no outside storage will be permitted, on the following described property:

The South 275' of Lot 10, Block 2, East Eleventh Park Subdivision, City of Tulsa, Tulsa County, Oklahoma.

11387

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 740 - Special Exception Uses in Commercial Districts, Requirements - Section 1208 - Multifamily Dwellings) request for an exception to permit multifamily use in a CS District; located north and east of 61st Street and Memorial Drive.

Presentation:

Mr. Jones advised the Board that a continuance had been requested on this application by the protestants. There were no protestants to the request for continuance.

Protestants: None.

11387 (continued)

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case Number 11387 Until March 19, 1981.

There being no further business to come before the Board, the Chair adjourned the meeting at 3:46 p.m.

Date Approved

April 2, 1981

Harvey J. Purser
Chairman