CITY BOARD OF ADJUSTMENT MINUTES of Meeting No. 336 Thursday, May 28, 1981, 1:30 p.m. Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT

MEMBERS ABSENT

STAFF PRESENT

OTHERS PRESENT

Lewis Purser, Chairman

Smith

Victor

Wait

Hubbard Jones Jackere, Legal Department

Miller, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, May 27, 1981, at 9:25 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

The Minutes of May 14, 1981, (Meeting No. 335) were not ready for approval.

MINOR VARIANCES AND EXCEPTIONS:

11479

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Section 205 - Division of Lots - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements to permit a lot-split in an RM-T District. This property is located at 5550 South Lewis Place.

Presentation:

Mr. Jones submitted to the Board a plat and legal description of the subject lot to be split for Lewis Park Townhomes (Exhibit "A-1") and advised the Board that, on May 20, 1981, the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-15185), subject to the approval of this Board.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Section 205 - Division of Lots - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split (L-15185) in an RM-T District, on the following described property:

Tract "A"-A tract of land, containing 0.5648 acre, that is a part of the NW/4 of the SW/4 of Section 32, Township 19 North, Range 13 East, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Starting at the NW corner of the SW/4 of said Section 32; thence Easterly along the Northerly line of said SW/4 for 495.00' to the "point of beginning" of said tract of land; thence Southerly and parallel to the Westerly line of the SW/4 for 10.00'; thence Westerly and parallel to the Northerly line of the SW/4 for 155.00'; thence Westerly and parallel to the Westerly line of the SW/4 for 147.00'; thence Northerly and parallel to the Westerly line of the SW/4 for 165.00' to a point on the Northerly line of the SW/4; thence Easterly along the Northerly line of the SW/4 for 181.93' to the "point of beginning" of said tract of land.

Tract "B"-A tract of land, containing 0.7479 acre, that is a part of the NW/4 of the SW/4 of Section 32, Township 19 North, Range 13

East, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Starting at the Northwest corner of the SW/4 of said Section 32; thence Easterly along the Northerly line of said SW/4 for 495.00' to the "point of beginning" of said tract of land; thence Southerly and parallel to the Westerly line of the SW/4 for 10.00'; thence Westerly and parallel to the Northerly line of the SW/4 for 34.93'; thence Southerly and parallel to the Westerly line of the SW/4 for 155.00'; thence Easterly and parallel to the Northerly line of the SW/4 for 199.55'; thence Northerly and parallel to the westerly line of the SW/4 for 165.00' to a point on the Northerly line of the SW/4; thence Westerly along the Northerly line of the SW/4 for 164.62' to the "point of beginning" of said tract of land.

11482

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 21'. This property is located at 5909, 5915 and 5921 East 5th Place.

Presentation:

Gerald Snow, 800 North Lynn Lane, was present to address the Board and submitted a plot plan for Lot 10 (Exhibit "B-1"), a plot plan for Lot 11 (Exhibit "B-2"), and a plot plan for Lot 12 (Exhibit "B-3"). Mr. Snow advised that the residences depicted in the exhibited plans were existing and that when the plans were drawn up, he was under the belief that the property was in an RS-3 zoned area, which would have allowed for construction 50' from the centerline. Mr. Snow further advised that only one corner on each of the dwellings was over the setback requirements.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; 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 front setback requirements from 25' to 21', per plot plans on the following described property:

Lots 10, 11, and 12, Block 1, Gleason Heights Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

11459

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for an exception to permit the operation of a day nursery in an RS-3 District. This property is located at 7915 East 17th Street.

Presentation:

Mr. Jones advised that this Case had been continued from the April 30th meeting in order to readvertise for the tract to the west, as well as the use.

Becky Johnson, representing ABC Child Care Center, was present to address the Board and submitted a plat of survey of the property to be purchased to the west (Exhibit "C-1"), as requested by the Board, as well as a Receipt and Contract of Sale for the property (Exhibit "C-2").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit the operation of a day nursery in an RS-3 District, on the following described property:

The East 90' of the South 150' of the SW/4 of the SE/4 of the NE/4 of the SE/4 of Section 11, Township 19 North, Range 13 East, of the Indian Base and Meridian; LESS the South 30' thereof, to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Section 206 - Number of Dwelling Units on a Lot-Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1670) request for a variance in livability space from 1.76 acres to 1.70 acres; and, a Variance in land area from 5.455 acres to 4.91 acres; and, a Variance to permit 128 dwelling units; all in Phase I of the project. This property is located northeast of 31st Street and 129th East Avenue.

Presentation:

Stan Ewing, 5550 South Lewis Avenue, was present to address the Board and submitted a plot plan of the property depicting the location of Phase I and Phase II of the proposed project (Exhibit "D-1"), as well as a Table of Development Areas in Acres and Percentage of Cabin Place Addition (Exhibit "D-2"). Mr. Ewing explained that the proposed development of Cabin Place would occur in two phases on one tract of land--Phase I to be developed on the 4.7 acre parcel located on the southeast portion of the tract and Phase II to be developed on the remainder of the 22-acre tract located to the northwest, as depicted in the exhibited plot plan.

Mr. Ewing pointed out that, through the northern portion of the north 300' (approximately 5.85 acres), there was a floodway easement and that reallocation of some of the dwelling units outside of that 5.85-acre area resulted. Throughout the process of distributing the dwelling units on the site, Mr. Ewing noted that there were too many units on the Phase I site to create a separate Lot of Record. Mr. Ewing explained that, for mortgage purposes, creation of a separate lot was necessary. Mr. Ewing advised that Phase I development would be handled as a "test" to allow for introduction into Phase II, a significantly larger project.

Protestants:

Charles Koke, 13120 East 30th Place, advised that his property backed up to the subject property and that he was concerned about paving and the close proximity of the proposed apartments to his property. Mr. Koke further advised that the subject property was uphill from his and that he could foresee the water runoff being a major factor in damaging his property. Mr. Koke explained that, across the street on the opposite side of 31st Street was the Cimarron Apartment Complex which he felt was a prime example of "crammed-in apartments." Mr. Koke pointed out that security was very lax, miscellaneous trash and junk was strewn about, the screams could be heard at night, as well as general loud noise. Mr. Koke stated that separation of the complex from his property was provided by a vacant field and that he was of the opinion that a privacy fence would not help the situation to any great extent.

Applicant's Comments:

Mr. Ewing addressed the runoff issue by advising that there were two storm sewers which drained onto the tract which, once platting is completed and development started, would be piped back into the creek facility at the rear of the property. Mr. Ewing continued by stating that all screening requirements would be complied with.

Board Comments:

Considerable discussion ensued as to the layout of the proposed development, specifically, the parking next to the residential area and second-story windows in dwelling units which might allow for full or partial view of the residential area. The Board expressed a desire to view architectural renderings of the development, as well.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor; "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case No. 11472 until June 11, 1981, to allow the applicant time to work with the plans in order to address the concerns of the Board.

NEW APPLICATIONS:

11476

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670) request for a variance to permit a mobile home in a CS District. This property is located at 7001 South Union Avenue.

Presentation:

Kenny Smith, 502 West Sixth, was present in the capacity of legal counsel for the applicant, George Hill, and advised that Mr. Hill had, at one time, a residence on the subject property. Mr. Smith explained that the residence had burned and all that remained was a concrete slab, on which Mr. Hill placed a mobile home. Mr. Smith also explained that Mr. Hill is attempting to sell the property and that an employee of Mr. Hill's currently resides in the mobile home on the subject property. Mr. Smith stated that the mobile home will be skirted and tied down, and at such time that the property is sold, the mobile home will be removed.

Protestants:

W. R. Heath, 6905 South Union Avenue, advised that a portion of his property bordered the subject property and that the subject property served as the main egress to some new additions—West Highlands I, II, and III, as well as the Page Belcher Golf Course—which he felt were far too sophisticated to be represented by a mobile home in the area. Mr. Heath further advised that the mobile home appeared to be occupied by more than one family and that there were service vehicles on the property, such as tire service vehicles, vans, etc.

Leroy Smith, 6907 South Union Avenue, advised that his property adjoined the subject property and that he was of the feeling that approval should have been obtained by the applicant for placement of the mobile home before it was moved onto the property. Mr. Smith also concurred with Mr. Heath's comments regarding the number of occupants of the mobile home and the service vehicles situated on the property.

Board Comments:

Mr. Lewis asked Mr. Smith if there were other mobile homes in the area. Mr. Smith replied that there were none at all in the area.

Applicant's Comments:

Mr. Smith stated that there was only one family occupying the mobile home and that there was one service vehicle parked on the property-a tire service truck owned by Mr. Hill and used by Mr. Hill's employee. Mr. Smith explained that the mobile home was located in the middle of a $2\frac{1}{2}$ acre lot and was naturally screened from Union Avenue by trees, as well as from the residents to the north by additional trees. Mr. Smith stated that the closest mobile home was located at 81st Street and Union Avenue.

Gary Neal, 502 West 6th Street, Mr. Smith's supervising attorney, advised that the owner was attempting to sell the property, which is zoned CS, and that it was the feeling that some form of commercial development was imminent. Mr. Neal explained that, pending sale and development of the property, Mr. Hill wished to put the property to some useful purpose and it was felt that the rental income from the mobile home was the most logical use until such time that the best and highest use can be attained for the property. Mr. Neal stated that the mobile home was of a recent vintage, would be skirted and tied down, and that a means of ingress and egress to the mobile home in the form of an attached deck-type porch with permanent steps would be constructed.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to deny a variance (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670) to permit a mobile home in a CS District, on the following described property:

The North 276' of the South 660' of the West 396' of the SW/4 of the SW/4 of Section 2, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

NOTE:

On June 5, 1981, the Board of Adjustment Office received a memorandum from the Tulsa City-County Health Department advising that the lot in question in Case No. 11476 was not suitable for the proposed use. This memorandum was entered into the file as(Exhibit "E-1").

11480

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) request for an exception to permit church use and a day nursery on the property; and, a Variance (Section 1204.3 (a) .1 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Seciton 1670) request for a variance of the lot area of one-acre. This property is located on the SE corner of 47th Street and Union Avenue.

Presentation:

Henry Penix, 4145 South Rockford Place, was present to address the Board. Mr. Penix explained that the church would be small with seating for approximately 100 to 150 persons.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Penix if the proposed day nursery would be utilized in conjunction with the church, or if it would be made available to the public, as well. Mr. Penix advised that the nursery would be in operation five days a week, from 7:00 a.m. to 5:00 or 5:30 p.m., with facilities to accommodate 20 to 24 children. Mr. Penix further advised that two of the infant nurseries, the fellowship hall, and the kitchen would be included in the day care nursery use and indicated that the day care center would be used in conjunction with the church. Mrs. Purser then asked Mr. Penix if, at any time, building a day care center larger than would be used for religious education would be contemplated. Mr. Penix replied that, that would not be the case.

Mr. Victor expressed a desire to review a site plan depicting the location of the proposed building on the property.

Mrs. Purser commented that she would like additional information, as well, in the form of construction material to be used, structure type, and the characteristics of the surrounding neighborhood. Mr. Penix advised that the church would be constructed of concrete block with a brick front.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case Number 11480 until June 11, 1980, to allow for additional information to be presented.

11481

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit multifamily dwellings and accessory uses customarily incidental thereto in a CS District; and, a Variance (Section 206 - Number of Dwelling Units On a Lot - Under the Provisions of Section 1630 - Minor Variances) request for a variance to permit more than 40 dwelling units on one lot. This property is located NE of Riverside Drive and 81st Street.

Presentation:

Roy Johnsen, 324 Main Mall, was present on the behalf of Charles Norman to address the Board. Mr. Johnsen advised that the property development would be part of the Kensington development, which encompasses several hundred acres extending from 81st Street to 71st Street. Mr.

Johnsen further advised that this particular portion of Kensington contains slightly under eight (8) acres and is situated on 81st Street, west of Lewis Avenue. Mr. Johnsen explained that he felt this Case would not warrant submission of a site plan because of the surrounding land usage and continued by stating that the property to the east is zoned OM, the property to the west is the proposed site of the Riverside Expressway, to the north is existing Oral Roberts University graduate housing developed to RM-2 standards, and to the south is 81st Street with all property to the south of that zoned and/or used for multifamily purposes. Mr. Johnsen advised that the proposed apartments would be of the garden-type and would meet all the bulk and area requirements as set out in the Zoning Code. Mr. Johnsen stated that the property would be required to go through the platting process.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1680 - Exceptions) to permit multifamily dwellings and accessory uses customarily incidential thereto in a CS District; and, a Variance (Section 206 - Number of Dwelling Units On a Lot - Under the Provisions of Section 1630 - Minor Variances) to permit more than 40 dwelling units on one lot, on the following described property:

Commencing at the SE corner of said SW/4, SE/4; thence North $89^{\circ}-32'-05"$ West along the south boundary of said SW/4, SE/4 a distance of 590.27 feet; thence North $0^{\circ}-27'-55"$ East a distance of 50.00' to the point of beginning; thence North $89^{\circ}-32'-05"$ West parallel to and 50.00' from the south boundary of said SW/4, SE/4 a distance of 153.41'; thence North $38^{\circ}-48'-49"$ West a distance of 921.16'; thence North $36^{\circ}-11'-47"$ West a distance of 153.36'; thence South $8^{\circ}-37'-46"$ East a distance of 0.00'; thence on a curve to the right having a radius of 1,901.14' a distance of 193.81'; thence South $2^{\circ}-47'-18"$ East a distance of 223.21'; thence on a curve to the left having a radius of 1,301.36' a distance of 205.91'; thence South $11^{\circ}-51'-15"$ East a distance of 48.68'; thence on a curve to the right having a radius of 423.29' a distance of 91.01' to the point of beginning, containing 343,662 square feet or 7.8894 acres; being part of SW/4, SE/4 of Section 7, T-18-N, R-13-E, Tulsa Co., Ok., described above.

11483

Action Requested:

Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Under the Provisions of Section 1670) request for a variance of the front setback requirements from 100' to 55'; and, a Variance of the side yard requirements (on the north) from 10' to 5'; and, a Variance of the land area requirements and green area; and, a Variance (Section 1208.4 - Off-Street Parking and Loading Requirements-Under the Provisions of Section 1670) request for a variance of the number of parking spaces from 12 to 11; and, an Exception (Section 610-Principal Uses Permitted in Office Districts - Under the Provisions of

Section 1680) request for an exception to permit multifamily use in an OL District; and, an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) request for an exception to modify the screening requirements where an alternative screening will provide visual separation of uses. This property is located at 1615 South Utica Avenue.

Presentation:

Robert Johnson, 308 East 29th Street, was present to address the Board and submitted a site plan depicting elevations and floor plans for the first and second floors (Exhibit "F-1"), as well as eight color photographs of the surrounding area (Exhibit "F-2"). Mr. Johnson advised that the structure on the subject property was a burned out residence and gave a general description of the area explaining that the surrounding property was occupied generally by apartment houses. He stated that an orthopedic shoe shop was situated next to the existing structure, on the other side was a 12-unit apartment building of older vintage with no parking, next to that was a 16-unit apartment building with parking.

Mr. Johnson also stated that, on down the street, was a group of four apartment buildings consisting of 8 units each. Mr. Johnson then explained his proposal to the Board advising that he would convert the property into an 8-unit apartment dwelling--four 1-bedroom units on the first floor and four 1-bedroom units on the second floor. He advised that the property could accommodate 12 parking spaces but, with 11, more green area could be developed. Mr. Johnson stated that there was an existing fence at the rear of the property, as well as vegetation, which would provide the required screening of the parking and, since no modification of the existing screening was proposed, there would be no drainage affected. He advised that the only modification proposed in the existing parking would be wheel stops on each space, and that the proposed building would set on the property where the present burned out structure sets.

Protestants:

Steve Blazier, 1616 South Victor Avenue, submitted a petition of opposition signed by 24 area residents (Exhibit "F-3") and advised that essentially what was occurring was a change from light business use to multifamily use and that he did "...not want a condominium in my back yard." Mr. Blazier advised that the existing structure on the subject property has been used as a doctor's office previously and that at night the parking lot was chained up, thus preventing access to it. Mr. Blazier further advised that, with a good rain, runoff from the parking lot created considerable standing water in his back yard. He explained that the existing fence referred to by Mr. Johnson was not, in his opinion, a privacy fence since it was of the chicken wire variety and concluded by stating that he felt that the presence of the proposed multifamily dwelling would decrease the value of his property.

Applicant's Comments:

Mr. Johnson commented that he had acquired the property in January of this year, so he had no knowledge of complaints lodged by neighbors against the previous owner in regard to water runoff from the parking lot.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 2-1-1 (Lewis, Smith, "aye"; Purser "nays"; Victor "abstaining"; Wait "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Under the Provisions of Section 1670) of the front setback requirements from 100' to 55'; and, a Variance of the side yard requirements (on north) from 10' to 5'; and, a Variance of the land area requirements and green area; and, a Variance (Section 1208.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) of the number of parking spaces from 12 to 11; and, an Exception (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Section 1680) to permit multifamily use in an OL District, per plot plan submitted, subject to approval of drainage by the City Hydrologist; and, to deny an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to modify the screening requirements where an alternative screening will provide visual separation of uses, all on the following described property:

Lot 13, Block 16, Orcutt Addition to the City of Tulsa, Tulsa County, Oklahoma.

NOTE: This Case was denied due to the lack of three "aye" votes.

11484

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the setback on the corner lots from 25' to 15' (front yard) in an RS-3 District; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Special Exception Uses in Residential Districts, Requirements (duplex use)-Under the Provisions of Section 1680) request for an exception to permit duplex use in an RS-3 District. This property is located in the 6700 Block East on 79th Street South.

Presentation:

Mr. Jones advised that this Case would have to be republished due to an error in the original publication.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case Number 11484 until June 11, 1981.

11485

Action Requested:

Variance (Section 620.2 (d) .1 - Accessory Use Conditions (Business Signs) - Under the Provisions of Section 1670) request for a variance of the size of a sign in an OL District; and, a Variance to permit two signs on the same property. This property is located on the NE corner of 31st Street and Louisville Avenue.

Presentation:

Pat Malloy, 1924 South Utica Avenue, representing Frontier Federal Savings and Loan, was present to address the Board and submitted a set of plans consisting of a plot plan, measurements, and details of the proposed signs (Exhibit "G-l"). Mr. Malloy advised that one of the proposed signs did not need a variance of the size, but a variance to permit both signs on the property was needed due to the fact that both would be located on 31st Street. Mr. Malloy cited for the Board several existing signs similar in size in the surrounding area, and further explained that the larger proposed sign would not be a traffic hazard and would be 72 square feet in size.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 620.2 (d) .1 - Accessory Use Conditions (Business Signs) - Under the Provisions of Section 1670) of the size of a sign in an OL District from 64 square feet to 72 square feet; and, a Variance to permit two signs on the same property, per plans submitted, on the following described property:

Lot 9, Block 4, Loma Linda Addition to the City of Tulsa, Tulsa County, Oklahoma.

11486

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in Office Districts-Under the Provisions of Section 1670) request for a variance of the height limitation to permit a two-story building; and, an Exception (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1680) request for an exception to allow approximately 40% floor area ratio in an OL District. This property is located at 4554 South Harvard Avenue.

Presentation:

Richard Reese of Oil and Gas Consultants, 320 South Boston Avenue, Suite 1210, was present to address the Board and submitted a set of plans consisting of a plot plan, first floor plan, second floor plan, south elevation, and east elevation (Exhibit "H-1") and three color photographs (Exhibit "H-2") of the Southchase Office Building located at 4520 South Harvard Avenue, the Medical Building located at 4720 South Harvard Avenue, and the French Villa Apartments located at 4726 South Harvard Avenue. Mr. Reese advised that, on February 5, 1981, an application was approved by the Board for 30% floor area ratio on the subject property and, after calculation, it was discovered that 40% floor area ratio and 2 stories would be needed for operation. Mr. Reese further advised that the two-story building would allow three trees on the property to remain, thus giving the lot a better appearance. When asked to address the hardship required for approval of the variance, Mr. Reese could cite no hardship other than businessrelated.

Protestants:

A number of protestants were present and were represented by T. L. Webb, attorney at law, Suite 306, Beacon Building, however were not heard from. In addition, a petition of opposition signed by area residents were submitted (Exhibit "H-3").

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to deny a Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) of the height limitation to permit a two-story building; and, an Exception (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1680) to allow approximately 40% floor area ratio in an OL District, on the following described property:

The South-half of Lot 3, Block 3, Villa Grove Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

11487

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680) request for an exception to permit the operation of a ceramic shop as a home occupation in an RS-3 District. This property is located at 3730 South 114th East Avenue.

Presentation:

Glenda Mendoza, 3730 South 114th East Avenue, was present to address the Board and advised that she had been working with ceramics as a hobby and that she had recently acquired a kiln used for firing ceramic works. Ms. Mendoza further advised that several of her friends had requested her to fire their ceramic works for them, for which the requested exception was required. Ms. Mendoza explained that she had been made aware of approval of a home occupation from a friend and that she made application voluntarily and, further, that she had visited with most of her neighbors within a 300' radius, none of whom objected to the home occupation.

Protestants: None.

Board Comments:

Mrs. Purser asked Ms. Mendoza if she taught classes in her home. Ms. Mendoza replied that she did not--that she would sell a few paints, would pour molds from which greenware resulted and sell a few of those, and that she would fire for friends. Mrs. Purser then asked if the garage door would be modified in any way to accommodate the home occupation. Ms. Mendoza advised that she intended to install a sliding glass door in front of the garage door, and that when the garage door was pulled down, it would not change the appearance of the residence. The Board explained to Ms. Mendoza that the Home Occupation Regulations would not allow such a modification since the home occupation would be visible during the day when the garage door was up. Ms. Mendoza assured the Board that she would not modify the garage in that manner if the Regulations did not permit it.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations - Under the Provisions of Section 1680) to permit the operation of a ceramic shop as a home occupation in an RS-3 District, subject to the following conditions: (1) Approval granted for a one-year period; (2) compliance with all Home Occupation Regulations; (3) to run with this owner only; (4) no classes be conducted on the premises; and, (5) to be restricted to no more than four (4) customers each day, all on the following described property:

Lot 13, Block 4, Garnett Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

11488

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the front setback requirements to permit building 6' from the property line (41' from the centerline of the street). This property is located at 1349 South 75th East Avenue.

Presentation:

Loring Davis, representing the owner of the property, Gary Casteel, was present to address the Board and submitted a site plan (Exhibit "I-1"). Mr. Davis explained that Mr. Casteel wished to erect a three-car garage on the west side of his lot in order to preserve several old trees that are located on the east side of the lot. Mr. Davis advised that the neighbors in the immediate area had been contacted and reactions to the proposed three-car garage were favorable. Mr. Davis advised that the garage would be in violation of the setback line by approximately 18', and that there was a sump, or soft spot, on the property to the east side where the proposed garage would normally be located.

Protestants: None.

Board Comments:

The Board expressed a desire to view the subject property in order to obtain an idea as to the appearance of South 75th East Avenue and the general area if approval is granted and a three-car garage is erected.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case Number 11488 until June 11, 1981, to allow for the members to view the subject property and, in addition, the Board requested that Mr. Davis provide photographs of the subject property and area at the June 11th meeting.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the front yard setback requirements from 30' to 26'; and, a variance of the side yard requirements from 10' to 5' (on one side, the other side is 5' from the property line); and, a variance of the rear yard requirements from 25' to 10' in an RS-2 District. This property is located at 1209 East 21st Place.

Presentation:

Sam West, L and S Development, was present to address the Board on the behalf of Mr. & Mrs. Fitzpatrick, owners of the property and submitted a plot plan (Exhibit "J-l"). Mr. West advised that the proposed structure would have 4,000 feet on the ground floor, with a studio and playroom to be located above the garage on one end, and would have the appearance of being a one-story structure.

Protestants:

Nick Jones, 1242 East 28th Street, Chairman of the Board of Trustees of the Mapleridge Association, spoke on behalf of members of that Association. Mr. Jones advised that the neighborhood residents were not opposed to the construction of new residences in the Addition; however, they wished for any construction to be in strict conformance with the Zoning Code. It was Mr. Jones' feeling that a residence of basically the same character could be constructed on the subject property without requesting variances to the Code and, further, that he could find no hardship to constitute the approval of such.

Ken Lackey, 1219 East 21st Place, stated that his property bordered the property belonging to Mr. and Mrs. Fitzpatrick and that he did not believe that he would be opposed to approval of one variance, but that he could not support a request for three variances. Mr. Lackey advised that he felt the residence could be redesigned to more closely fit the lot. Mr. Lackey submitted to the Board a petition of opposition signed by 25 area residents (Exhibit "J-2").

Pat O'Brien, 1223 East 21st Place, advised that his property was two lots east of the subject property and felt that construction of such a dwelling as presented would decrease the quality of life in the Mapleridge Addition, as well as decrease the value of the property in the Addition.

Joe Walsh, 1220 East 21st Place, advised that he felt a smaller dwelling could be constructed and remain effective in accommodating Mr. Fitzpatrick's needs and concurred with the comments of the other protestants.

Mr. Jones received a telephone call from one protestant during the Board meeting and advised the Board that the protestant had signed the petition.

Applicant's Comments:

Patty Fitzpatrick, 1124 East 19th Street, advised that she had lived in the Mapleridge Addition for approximately five years and preferred not to move away from that Addition, but that her husband was in a wheelchair and the new residence was designed in such a manner to

accommodate her husband's handicap. Mrs. Fitzpatrick further advised that the residence when situated differently on the lot could be located further back on the lot, but they intended to install a swimming pool since that was the only type of exercise her husband was allowed to perform. Mrs. Fitzpatrick explained that the dwelling would be characteristic of the other homes in the Mapleridge Addition, and that she and her husband had made every effort to situate the residence on the lot in such a fashion as to avoid complaints and protests from area residents.

Board Comments:

Considerable discussion ensued as to the possibility of an alternative arrangement of the residence on the lot and Mr. Lewis suggested that the protestants and the applicant discuss the possibility of such alternatives that might accommodate everyone concerned.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case Number 11489 until June 11, 1981, to allow time for the protestants and the applicant to dicsuss possible alternatives.

11490

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680) request for an exception to permit an increase in the floor area ratio from 25% to 40% in an OL District; and, a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670) request for a variance of the height limitation of one (1) story in an OL District to permit the construction of a two-story structure; and, an Exception (Section 610 - Principal Uses Permitted in Office Districts - Section 1204 - Public Protection and Utility Facilities - Under the Provisions of Section 1680) request for an exception to permit the construction of a radio tower whose height will not exceed 190'; and, a Variance (Section 620.2 (d) Accessory Use Conditions - Under the Provisions of Section 1670) request for a variance of the size of a business sign in an OL District. This property is located at 22nd Place and 92nd E. Ave.

Presentation:

Leon Ragsdale, 3025 East Skelly Drive, was present to address the Board and submitted a plot plan (Exhibit "K-1"). Mr. Ragsdale advised that the users of the subject property would be Signal Media Corporation, owner of KELI Radio Station, and that the existing lease at the Fairgrounds for the Radio Station would expire on May 31, 1982. Mr. Ragsdale further advised that he had applied to the Tulsa Metropolitan Area Planning Commission for rezoning the property to OM from RS-3, which will be heard on June 10, 1981.

Protestants:

Mr. Jones submitted to the Board a letter of protest to the request for an exception dated May 18, 1981, from R. W. Steele, President, Indian Acres Development, Inc. (Exhibit "K-2").

Board Comments:

Mr. Lewis questioned the appearance of the application on the Board of Adjustment agenda prior to action for the rezoning request on June 10.

Mr. Ragsdale explained that he had been informed that the requests for the exceptions and variances could be acted on prior to TMAPC action for the rezoning and, in the event that rezoning to OM was granted, approval for the exception to permit the tower and for the variance of the size of a business sign would still be needed from the Board.

Brief discussion ensued as to the more logical approach for action--TMAPC prior to Board of Adjustment or vice versa.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to continue Case Number 11490 to June 11, 1981.

11491

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 730) request for a variance of the front setback requirements from the cneterline of Harvard from 100' to 80.5'; and, a Variance of the rear yard setback requirements on the east from 10' to 2'; and, a Variance of the floor area ratio from 50% to 65%. This property is located at 3735 South Harvard Ave.

Presentation:

Raymond Harrison, Route 8, Box 640, was present to address the Board and submitted a site plan (Exhibit "L-l"). Mr. Harrison advised that he had called the Board of Adjustment Office to obtain the nature of zoning of the subject property and was told CS but, being somewhat hard of hearing, believed the property to be CH. Mr. Harrison explained that he had the architect draw up the plans according to a CH zoned area, resulting in the need for a variance of the lot coverage. Mr. Harrison further explained that, on the east, the building would have been 5' from the east property line; however, a 3' fire escape was needed, thus requiring a variance of the rear yard setback requirements from 10' to 2'. Mr. Harrison advised the Board that the existing building that is on the property has a 90' setback from the centerline of Harvard, as do several other structures within half a block either direction.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Harrison if the structure was in existence on the property. Mr. Harrison stated that it was not--that the lot was occupied by a Sonic Drive-In, which would be removed and a new office building erected in its place. Mrs. Purser asked Mr. Harrison to prove a hard-ship in relation to the property. Mr. Harrison could not. It was the general opinion of the Board members that Mr. Harrison could prove no hardship required for approval of the variances.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to deny a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 730) of the front setback requirements from the centerline of Harvard from 100' to 80.5'; and, a Variance of the rear yard setback requirements on the east from 10' to 2'; and, a Variance of the floor area ratio from 50% to 65%, all on the following described property:

Lots 7 & 8, Block 2, 36th Street Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

11492

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from the centerline of Lewis Avenue of 50'; and, a Variance of the rear yard setback requirements from 20' to 10' (as per plot plan). This property is located at 17th Street and Lewis Avenue.

Presentation:

Russ Roach, 209 East 21st Street, was present to address the Board and submitted two alternative site plans (Exhibit "M-1"), a preliminary plat (Exhibit "M-2"), a site plan (Exhibit "M-3"), and six (6) color photographs depicting the subject property and area (Exhibit "M-4"). Mr. Roach advised that the subject property has been rezoned RM-T on April 28, 1981, by the TMAPC. Mr. Roach further advised that the largest of the proposed units would be 2,000 square feet in size and that enclosed garages would be located underneath the units. Mr. Roach compared the two alternative site plans with the site plan that has been utilized and in existence from the beginning of the process and pointed out the advantages of the site plan labeled Exhibit "M-3". Mr. Roach further stated that the site plan used from the beginning of the process was the plan favored by the area residents, the TMAPC Staff, the TMAPC members, and the Tulsa City Commission and that this plan would allow the proposed units to line up with the existing structures on Lewis. The vegetation on the property was pointed out in the exhibited photographs, and Mr. Roach indicated a preference for the vegetation to remain.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from the centerline of Lewis of 50'; and, a Variance of the rear yard setback requirements from 20' to 10', per plot plan and landscape plan submitted (Exhibit "M-3"), on the following described property:

The West 140' of Lot 14, Glen Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

5.28.81:336(17)

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) request for a variance of the maximum square footage of a detached accessory building from 750 square feet to 861.96 square feet in an RS-3 District. This property is located at 1221 South Newport Avenue.

Presentation:

Joseph Totera, 1221 South Newport Avenue, was present to address the Board and submitted a plat of survey (Exhibit "N-1"), a set of plans Exhibit "N-2"), and a copy of a letter from Don Young, Assistant Building Inspector, dated May 5, 1981, (Exhibit "N-3"). Mr. Totera advised that he had applied for a building permit in order to build a detached accessory building and that he had received the approval of the Building Inspector's Office to begin construction. Mr. Totera explained that the concrete had been poured and the construction completed when he was served notice by the Building Inspector's Office that the building exceeded the maximum square footage allowed. Mr. Totera stated that the building was a garage with living quarters, but that the living quarters were not utilized for that purpose--that it was used solely for storage purposes.

Remarks:

Ms. Miller advised the Board that no building permit had been issued, but that the Building Inspector's Office did have a temporary application which was being held pending Board approval.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Totera if he had residences on both lots that he owned. Mr. Totera advised that he had only one residence on one lot and that the garage was existing on the property but that he had added on to it and that the addition resulted in more square footage than was required. Mr. Lewis asked Mr. Totera if he intended at any time in the future to conduct any type of business out of that addition to the garage. Mr. Totera replied that he did not.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the maximum square footage of a detached accessory building from 750 square feet to 861.96 square feet in an RS-3 District, on the following described property:

Lot 18, Block 6, Ridgewood Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Section 1216 - Gasoline Service Stations) request for a variance of the setback requirements to permit building 39.8' from the property line (89.8' from centerline of 21st Street) to allow proper vehicular circulation. This property is located on the SW corner of 21st Street and Columbia Avenue.

Presentation:

Thomas Keleher, 2626 East 21st Street, was present to address the Board and submitted a set of plans consisting of a site plan, a mechanical site plan, and a plat of survey (Exhibit "0-1"), nine black and white photographs depicting the surrounding area (Exhibit "0-2"), and one color photograph rendering of the proposed gasoline service station (Exhibit "0-3"). Mr. Keleher advised that the proposed facilities would occur on property that has existing facilities of a similar type owned by Consumer Oil Company. Mr. Keleher explained that the vehicular traffic circulation would be improved if the building is allowed to be constructed 39.8' from the property line. Mr. Keleher directed the Board's attention to the site plan on which were red markings depicting the location of the building if was to be in compliance with the setback requirements and noted that the rear pump island would be located quite some distance to the rear, thus requiring customers to drive that distance to obtain access to the pumps. Mr. Keleher cited several structures in the immidate area which were erected in close proximity to his request and directed the attention of the Board to the exhibited black and white photographs, some of which depicted measurements.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-1 (Lewis, Smith, Victor, "aye"; no "nays"; Purser "abstaining"; Wait "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Section 1216 - Gasoline Service Stations) of the setback requirements to permit building 39.8' from the property line (89.8' from the centerline of 21st Street) in order to allow proper vehicular circulation, per plot plan submitted, on the following described property:

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

11495

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1670) request for a variance of the setback requirements from 50' to 38' from the centerline of the street to permit an addition to the present school. This property is located at 3745 South Hudson Avenue.

Presentation:

Mr. Jones advised the Board that when the original building was erected, there was a 5' setback requirement from 36th Street, thus allowing for the building to be erected 5' from the property line.

Betty Kaiser, Administrator, Undercroft Montessori School, 3745 South Hudson, was present to address the Board and submitted a plot plan (Exhibit "P-1") and a floor plan (Exhibit "P-2"). Ms. Kaiser advised the Board that the proposed additions would resemble the architectural construction of the original building and explained that the additions would consist of two I-frame pre-fab buildings which are the present property of the Tulsa Public School System and are located directly across the street at Waite Phillips Elementary School. Ms. Kaiser further explained that one of the pre-fabs would be attached to the east end of the existing building and the other pre-fab would be attached to the west end. Ms. Kaiser stated that, without the expansion, the existing space would not accommodate the school.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1670) of the setback requirements from 50' to 38' from the centerline of the street to permit an addition to the present school, per plot plan submitted, on the following described property:

A tract of land in the NW/4 of the SE/4 of Section 22, Township 19 North, Range 13 East of the I.B.&.M., Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is 550' South of the North line and 55' East of the West line of said NW/4 of the SE/4; thence Easterly and parallel to the Northerly line of said NW/4 of the SE/4 for 700'; thence Southerly and parallel to the Westerly line of said NW/4 of the SE/4 for 200'; thence Westerly and parallel to the Northerly line of said NW/4 of the SE/4 for 700'; thence Northerly and parallel to, and along a line that is 55' East of the Westerly line of said NW/4 of the SE/4 to a point of beginning of said tract, subject to rights-of-way and easements of record.

BOARD POLICY:

- How Applications Should be Handled That Have to be Republished due to an Error Made on the Application by the Applicant.

Brief discussion ensued as to determining the process to be followed in the event an applicant makes an error on an application (i.e., in the form of providing an incorrect legal description, etc.). Several options on policies were discussed, as follows: Should the applicant be given the burden of notifying the property owners to which notices were sent? Should the applicant be required to pay an additional fee for placing such a burden on the Board of Adjustment Staff? Out of courtesy, should the Staff attempt to notify all property owners that received notice? Following discussion of

Board Policy: (continued)

the options, it was determined that there is no decision that could be enforced, especially in the event that an error is not detected until the date of the actual Board meeting on which the subject application is being reviewed.

There being no further business to come before the Board, the Chair adjourned the meeting at 6:02~p.m.

Date Approved

Chairman