

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting (No. 347)
Thursday, October 1, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis, Chairman (in at 2:00 p.m.) Purser, Vice-Chairman Victor Wait (out at 3:22 p.m.)	Smith	Gardner Jones Hubbard	Jackere, Legal Department Miller, Protective Inspections

After declaring a quorum present, Vice-Chairman Purser called the meeting to order at 1:45 p.m.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, September 30, 1981, at 9:35 a.m., as well as in the Reception Area of the TMAPC Offices.

MINUTES:

There were no Minutes ready for approval.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 11582

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances - Request for a variance of the setback requirements from 50' to 38' from the centerline of 11th Street to permit the erection of a pole sign. The property is located at 2603 East 11th Street.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to continue to October 15, 1981, in order to allow for the presence of the applicant.

Case No. 11640

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 rear yard setback from 25' to 20' and a variance of the front yard setback from 35' to 31' in an RS-1 District, located at 4915 South Columbia Place.

Presentation:

Walter Tempinski, 211 East 45th Court, was present to address the Board requesting a variance of the rear yard and the front yard setback. The back yard setback is for recreational purposes. Mr. Tempinski stated that the house could not be shifted any closer to Columbia Place because of a large existing tree. Mr. Tempinski stated that an office building, fences, and wooded area are surrounding his property. A plot plan was submitted (Exhibit "A-1").

Board Comments:

Commissioner Victor asked Mr. Tempinski what the overall dimensions of the property was from the east-west direction and Mr. Tempinski said there was 100 feet.

Commissioner Purser asked if he had received a lot-split and Mr. Tempinski stated that he had several years ago.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard setback from 25' to 20' and a variance of the front yard setback from 35' to 31' in an RS-1 District, per plot plan submitted, on the following described property:

The South 140' of Lot 10, Block 3, Villa Grove Subdivision,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 11650

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 21.8' in an RS-3 District. This property is located at 13724 East 30th Street South.

Presentation:

The applicant was not present to address the Board.

Mr. Jones advised the Board that the purpose of this application is to clear up a title. Mr. Jones stated that the house is already built and only one corner of the house is over the setback. A Plat of Survey (Exhibit "B-1") was submitted to the Board.

Protestants: None.

Case No. 11650 (continued)

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Smith, "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 21.8' in an RS-3 District, in accordance with the plot plan submitted on the following described property:

Lot 34, Block 5, Eastland Acres II Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

Case No. 9197

Clarification:

Request for clarification (continued from September 17, 1981).

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board and advised the Board that at the last meeting he had asked for a clarification of a case decided in 1977 because of a missing exhibit from the microfilm files. Mr. Norman submitted a substitute exhibit (Exhibit "F-2") to make a part of the files and to identify those portions of the Oral Roberts University campus which were in question. Mr. Norman admitted to the Board that he had misstated some of the facts at the previous meeting. As shown on the exhibit, there was not included in the 1977 application the bulk of the campus which is shown as Case No. 3670. When the tracts shown on the exhibit in 1977 were platted, they only covered the portions of the campus that are outlined in red on the exhibit just submitted. That application dealt with the perimeter of the then established campus. Under Case No. 3670's decision in 1962, the entire campus has been developed without individual applications for all of those buildings that are in existence on the campus. Mr. Norman stated that the 1977 application then reincluded the four (4) properties that had been included in the numbered cases shown on the exhibit and some tracts that have never been approved by the Board. Mr. Norman stated that it was not a renewal of the entire campus application. The perimeter development standards were imposed in Case No. 9197 because that application dealt with lanes on the perimeter of the already established ORU campus. Mr. Norman proposed to substitute the map as Exhibit "F-2" in 9197 and to interpret the Minutes of that case that the development for university purposes can occur within the area shown in red, subject to the perimeter development standards that were approved by the Board at that time.

Board Comments:

Commissioner Victor asked Mr. Norman to restate his request. Mr. Norman stated that he is requesting an interpretation of the Minutes of Case No. 9197 to mean that approval was given to ORU to use all the property that is outlined in red on "Exhibit F-2" for university purposes including customary accessory uses without individual applications to the Board of Adjustment, subject to the perimeter development standards previously approved by the Board in that case.

Case No. 9197 (continued)

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to accept the submitted substitute "Exhibit F-2" for Case No. 9197 and move for approval for the applicant to use the property described in "Exhibit "F-2" for university purposes, subject to the perimeter development standards as set up in 1977 being followed.

Discussion:

Discussion ensued as to screening fence requirements.

It was also noted that a chain link fence does not or would not meet the screening fence requirement.

Action Requested:

Appeal From The Decision of The Building Inspector - Under the Provisions of Section 1650 - Appeals From The Building Inspector - for refusing to grant a permit for the drilling of a test hole to be used for the testing of down-hole tools in an IR District; and, a Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1670 - request for a variance to permit the drilling of a test hole to be used for the testing of down-hole tools in an IR District; and, a Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1222.2 and 1222.3 - Research and Development - Under the Provisions of Section 1670 - request for a variance of the enclosed structure requirements to permit the utilization of a test hole for testing down-hole tools not in an enclosed structure in an IR District, located at 4502 East 41st Street.

Open Remarks:

The Chairman reminded the applicant that the Board had heard the request twice, field checked the property and the applicant had 10 minutes to present the case.

Presentation:

Keith Milheim submitted an aerial view of the test-hole location (Exhibit "C-1"), a diagram and top view that shows the new location in comparison to the old well and structure (Exhibit "C-2") and a photo (Exhibit "C-3") showing the size of the new mast in relationship to the existing mast. The mast over the new location will be approximately 8 or 9 feet higher than the old mast and the old mast would be removed.

Mr. Milheim presented a diagram (Exhibit "C-4") showing the sound levels which would be generated during the drilling operation.

The Board asked several questions of the applicant relating to the outside activity that would take place, i.e. How often will the truck be used? How far will the truck be located from the hole? How long will the drilling operation last? How much noise will there be? How deep is the hole going to be? How much noise will be made changing the pipe? Why do you need 20,000 feet of test cable if the hole is 3,000 feet? Why does the truck have to be 150 feet from the hole?; etc.

After much discussion the Board made the following motions.

Board Action:

On MOTION of VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to uphold the decision of the Building Inspector and to approve a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1222.2 and 1222.3 - Research and Development - Under the Provisions of Section 1670) of the enclosed structure requirements to permit the utilization of a test hole for testing down-hole tools not in an enclosed structure in an IR District, for this particular well only and as represented by the applicant.

Case No. 11616 (continued)

On MOTION of VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1670) to permit the drilling of a test hole to be used for the testing of down-hole tools in an IR District, subject to:

1. The location as depicted on the Exhibits,
2. that the motors be equiped with "hospital" mufflers, and
3. that no pipe be pulled or changed between the hours of 9:00 p.m. and 7:00 a.m. during the drilling operation;

on the following described property.

A point in the N/2, SE/4, NE/4 of Section 28, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma, Said Point being 493.64' East of the West line of Said N/2, SE/4, NE/4 and 379.8' North of the South line of Said N/2, SE/4, NE/4.

Case No. 11623

Action Requested:

Appeal from the Decision of the Building Inspector - Under the Provisions of Section 1650 - Appeals from the Building Inspector - Request an appeal from the Building Inspector for refusing a permit to construct a building 8' from the east boundary line which abuts an AG District; and a Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 - Request for a variance of the setback requirements along the east boundary line from 75' to 8' (abutting an AG District) in an IL District, located at 1315 North Mingo Road.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to continue to October 15, 1981, to allow for the presence of the applicant.

Case No. 11629

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 used car lot and minor repair in a CS District, located NE of 46th St., North and Lewis Avenue.

10.1.81:347 (6)

Case No. 11629 (continued)

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to continue to October 15, 1981, to allow for the presence of the applicant.

NEW APPLICATIONS:

Case No. 11631

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Request for a variance of the size of the two accessory buildings from 750 square feet to permit two, 24' x 30' accessory buildings in an RS-1 District, located at 2790 East 45th Place.

Presentation:

Nathan Graham, Suite 406, Petroleum Club Building, was present to address the Board on behalf of the applicant, Robert Santee. Mr. Graham submitted a Petition of Support (Exhibit "D-1") signed by 31 property owners and neighbors within a 300' radius of the subject property, and a drawing of the proposed buildings (Exhibit "D-2").

Mr. Graham advised the Board that the construction would include 2 buildings -- one to be used for storage and the other to be used as a garage. The buildings will be connected with a covered breezeway.

Board Comments and Questions:

Commissioner Purser stated that the subject property needed to be filed at the courthouse so that any prospective buyer would be notified that this could not be used for business or the breezeway enclosed and the City would be a party to it. Mr. Graham said that he would file of record a restrictive covenant to that effect.

Mr. Jackere stated that the restrictive covenant runs to the benefit of the City and to the property owners.

Applicant's Comments:

Mr. Graham said that the east edge of the breezeway would have about a 6-foot privacy fence for the benefit of the people on the east side of the subject property. Commissioner Lewis did not want the applicant to place the fence in the same position that a wall would be put in.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of the two accessory buildings from 750 square feet to permit two, 24' x 30'

Case No. 11631 (continued)

accessory buildings in an RS-1 District, in accordance with the drawings submitted, subject to no fence being erected on the sides of the covered breezeway where a connecting wall could be built. Further, that an instrument be filed of record that the use of the structure be as approved by the Board on this date and that no business use, no residential use be permitted in the structure. The breezeway shall not be enclosed for any type of use, on the following described property:

Lot 2, Block 8, Villa Grove Park Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 11632

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RM-1 District, located at 5518 East Xyler Avenue.

Presentation:

Ray Eastman, 5364 East Young Street, was present to address the Board.

Board Comments:

Commissioner Lewis asked if the lot was vacant and Mr. Eastman said that a house was on the lot. Commissioner Lewis asked Mr. Eastman why he needed a mobile home on the lot in addition to the house. Mr. Eastman stated that he plans to live in the mobile home and rent the house which he is now buying. Mr. Eastman also stated that a mobile home has been on the lot before. Commissioner Lewis asked if there were other mobile homes in the area and Mr. Eastman said there were several in the surrounding area.

Mr. Eastman asked the Board if the mobile home could be put on a permanent foundation. The Board advised Mr. Eastman that he could put it on a permanent foundation, but would still have to get the Board's approval each year.

Discussion:

Discussion ensued as to the permanence of the mobile home.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RM-1 District for a period of one (1) year, removal bond required, on the following described property:

Lot 5, Block 9, Industrial Addition to the City of Tulsa, Tulsa
County, Oklahoma.

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680 - Request for an exception to permit automotive and allied activities in a CS District. (automotive repair) This property is located at 1515 North Mingo Road.

Presentation:

Gene Boomershine, 1844 North 106th East Avenue, contractor for the Mingo Car Wash, was present to address the Board and advised that this would be a pre-engineered 30' x 90' metal building with a 14' eave height. The building would have 4 car wash bays and 4 bays for minor repair and tune-up work. Mr. Boomershine advised the Board that all work would be done on the interior of the building. A site description and location of the car wash was submitted (Exhibit "E-1").

Board Comments:

Commissioner Purser asked what surrounded the subject property. Mr. Boomershine stated that the lot across the street is vacant, there is a service station to the south, a residential area to the north, and flood land to the east.

Staff Comments:

Mr. Gardner stated that the subject property is in an industrial area. The Staff would be concerned that the work be done inside the building and no outside storage or junk.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "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) to permit automotive and allied activities in a CS District, (automotive repair), subject to the following conditions: (1) All work be done on the interior of the building; (2) no outside storage permitted; (3) no body work be performed on the premises; and, (4) all work to be performed will be minor tune-ups and detailing (repair), on the following described property:

A tract of land in the SW/4 of the SW/4 of the SW/4 of the SW/4 of Section 30, Township 20 North, Range 14 East of the Indian Base and Meridian, according to the U. S. Survey thereof, particularly described as follows, to wit: Beginning at a point 80' East and 210' North of the SW corner of said Section 30; thence North parallel to the West line of said Section a distance of 120'; thence East parallel to the South line of said Section a distance of 192'; thence South parallel to the West line of said Section a distance of 120'; thence West parallel to the South line of said Section a distance of 192' to a point of beginning.

Discussion:

Commissioner Purser asked that Mr. Boomershine give the name and address of his employer so that a copy of the Minutes could be sent informing him of the work restrictions. (Lloyd G. Neblett, 1515 North Mingo Road)

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Duplex - Under the Provisions of Section 1680 - Request for an exception to permit duplex use in an RS-3 District; and a
Variance - Section 440.3 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Request for a variance of the minimum lot area from 9,000 square feet to 7,500 square feet in an RS-3 District, located at 1748 South Xanthus Avenue.

Presentation:

Terrence P. Quinn was present to address the Board stating that he owns the property at 1748 South Xanthus Avenue. Due to some extensive remodeling that needs to be done to Mr. Quinn's house, which is now renting, he would like to put up a duplex on the subject property. Mr. Quinn stated that there were 2 garage apartments immediately behind the property, with duplexes on the southwest corner of the block.

Board Comments:

Commissioner Victor asked the size of the proposed duplexes. Mr. Quinn advised the Board that the duplexes would be approximately 3,000 square feet, with one bedroom. Mr. Quinn stated that there was a need for rental property in that area. Commissioner Lewis asked the applicant if there were houses on either side of the property or across the street. Mr. Quinn advised the Board that there were houses surrounding the property and was of the opinion that the duplexes would be an asset to the neighborhood.

Commissioner Purser stated that the applicant is asking for duplex use which requires an exception, but in order for the exception to be granted, a variance would need to be granted because Mr. Quinn does not have the minimum lot size.

Protestants: Robert Carew
Ivan Roark

Address: 1743 South Xanthus Avenue
1738 South Xanthus Avenue

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Duplex - Under the Provisions of Section 1680) to permit duplex use in an RS-3 District, and to deny a Variance (Section 440.3 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the minimum lot area from 9,000 square feet to 7,500 square feet in an RS-3 District, on the following described property:

Lot 4, Block 2, Edgewood Plaza Addition to the City of Tulsa,
Tulsa County, Oklahoma.

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 35' to 26.6' (from the property line) in an RS-3 District, located at 4314 South Utica Avenue.

Case No. 11635 (continued)

Presentation:

Jack Wellhousen, 7836 East 22nd Place, was present to address the Board and submitted a Plat of Survey (Exhibit "F-1") and a plot plan (Exhibit "F-2"). Mr. Wellhousen plans to build a house on the property at 4314 South Utica Avenue stating that it is a lot-split in an established neighborhood. The reason for the variance is to line up with and match the existing houses which are presently existing in the surrounding area. Mr. Wellhousen stated that the houses on the west side of Utica Avenue have setbacks of approximately 26' with some varying from 20' to 30'.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, 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) of the setback requirements from 35' to 26.6' (from the property line) in an RS-3 District, on the following described property:

The South 86' of the North 196.72' of the East 155' of the SE/4 of the NW/4 of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; LESS 30' deeded to the City of Tulsa, and known as 4314 South Utica Avenue.

Case No. 11636

Action Requested:

Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1213 - Convenience Goods and Services - Under the Provisions of Section 1680 - Request for an exception to permit a convenience store in an IL District. This property is located at 3100 East Pine Street.

Presentation:

The applicant, Bob Darby, was not present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to continue to October 15, 1981, to allow for the presence of the applicant.

Case No. 11637

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 a pre-school use for Head Start in the Seminole Hills Community Center Building, at 1624 East Virgin Street.

Case No. 11637 (continued)

Presentation:

Juanita Mansker with Tulsa County Head Start, 764 East Virgin Street, was present to address the Board requesting an exception for a Head Start Center in the Seminole Hills Community Center Building, which is in conjunction with Tulsa Housing Authority. The Head Start would serve 20 to 35 pre-school children, ages 3 to 5, 5 days a week. A plot plan was submitted Exhibit "G-1").

Board Comments:

Commissioner Purser asked Ms. Mansker if she had followed the State License Department's requirements. Ms. Mansker said that the State had looked at the property, but could not act until the Building Inspector gave approval. The State indicated that when the inspection was done, they could proceed with their plans.

Commissioner Lewis asked if there was an outdoor play area and Ms. Mansker said there was a play area to the south which would need to be fenced.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit a pre-school use for Head Start in the Seminole Hills Community Center Building, on the following described property:

Lots 15, 16, & 17, Block 2; and Lots 2, 3, & 4, Block 3 Bullette Heights Second Addition, and vacated Troost Avenue, to the City of Tulsa, Oklahoma.

Case No. 11638

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 side yard requirements from 5' to 18"; and a Variance of the rear yard requirements from 20' to 3' & 6" in an RS-3 District. The property is located at 1852 East 16th Street.

Presentation:

Mr. Jones advised the Board that the applicant withdrew his application and is requesting a refund of his fees. The letter written by the applicant, Mr. Whitcomb, requesting the withdrawal and refund was submitted (Exhibit "H-1").

Comments:

Commissioner Lewis asked if the refund should be granted. Mr. Gardner stated that the public hearing portion which is \$25 of the fee had not been expended, but the remainder of the fee was used for maps.

Protestants: None.

Case No. 11638 (continued)

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to accept withdrawal of the application and approve a refund in the amount of \$25.

Case No. 11639

Action Requested:

Exception - Section 630 - Bulk and Area Requirements in Office Districts- Under the Provisions of Section 1680 - Request for an exception to permit a floor area ratio of .33 in an OL District, at 4625 South Harvard.

Presentation:

Roy Johnsen, 324 Main Mall, was present to address the Board requesting a special exception to increase the floor area in an OL District. Mr. Johnsen submitted a plot plan and building plans (Exhibit "I-1"), a grading plan which was approved by the City Engineer's Office (Exhibit "I-2"), and a picture showing the elevation of the building (Exhibit "I-3").

Mr. Johnsen stated that there was a previous action on this property by a prior owner in which the Board approved a floor area ratio of .295. When FAMCO purchased the property, they thought they were buying a tract in which the permitted floor area ratio was .295 of the gross. FAMCO was unaware of that designed building. Mr. Johnsen stated that FAMCO actually filed for an issuance of the building permit. The building was designed and planned assuming that 30' could be added off of Harvard to the net lot area and then apply the previously approved floor area ratio of .295. FAMCO is seeking a second Special Exception as it were to take the floor area ratio to 32.16 based on the net lot area.

Mr. Johnsen stated that the previous owner sought the .295 for the building that he desired at that time, part of 1980, which was approved. While the options were on zoning for the purchase of the subject property, the previous owner then, based on a preliminary plan with no elevations and without the drainage issue having been addressed, came to the Board and sought a Special Exception for .40 which was denied. When the exception failed, renegotiations were entered into at which time the mistake took place. Mr. Johnsen stated that when they were denied by the Building Inspector's Office, they became aware of the mistake that they had made. The Code contemplates that in an OL District a higher floor area can be approved as a Special Exception. There is no requirement of proving or showing a hardship.

Mr. Johnsen stated that the three (3) lots immediately to the north of the subject property are zoned OL. The Citation Office Building is located to the south of the subject property, the eastern portion of the south boundary contains duplex lots, which were approved by a previous Board of Adjustment application. The east boundary is abutted by a large lot with a house on the very northern portion, which is 46th Street. Mr. Johnsen stated that the subject property is separated from any immediacy of a home.

Presentation: (continued)

Mr. Johnsen stated that he had done research on the area and found that there are a number of floor area increases that have been approved by the Board along Harvard Avenue, some of which include two-story structures. Only two were denied. Mr. Johnsen stated that those which were approved were basically what the land owner thought he needed and could do a good job with rather than the Board trying to establish some policy limit.

Mr. Johnsen said that the past action of the Board would indicate some consistency that increases in the permitted floor area would be entertained if it can be done in an appropriate manner on that particular side.

One of the issues that has come up on some of those applications were drainage. Mr. Johnsen stated that the design of this building, instead of having one building, actually separated into two in order to meet certain drainage criteria and having gone to the extent of having a drainage plan prepared and submitted to the Hydrology Department and was approved September 2, 1981. Mr. Johnsen stated that the drainage has been studied in detail on this tract and has received approval.

Board Comments:

Commissioner Lewis asked Mr. Johnsen to explain how the drainage works and how it has been solved.

Applicant Comments:

Mr. Johnsen stated that the design of the plan is that the outside water will be collected in a trough and is directed between the two (2) buildings, being the reason for constructing the two buildings, then is directed close to the south. Mr. Johnsen stated that the drainage plan was the best possible one for the subject property.

Discussion ensued as to the drainage.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1680) to permit a floor area ratio of .33 in an OL District, in accordance with drawings submitted, subject to confirmation from the City Hydrology Department that the review that was had prior to this approval is consistent with the detail that was contemplated as the result of the meetings of the Board of Adjustment members and the City Hydrologist, on the following described property:

Lot 5, Block 3, Villa Grove Heights No. 1, an Addition to Tulsa, Tulsa County, Oklahoma.

Case No. 11642 (continued)

Comments:

Mr. Jones said that a 30' high sign would be permitted on the property line, but anything above 30' has to setback one-foot for every foot above the 30 feet.

Mr. Gardner stated that the amount of signage (display surface area) in the CS District is based upon the amount of street footage the tract has.

Mrs. Miller stated if there is one sign, they are permitted 2.2 square feet per foot of street frontage, and if there are more than one, they are permitted 1.5 square feet.

Discussion ensued as to the location of the sign.

Mrs. Miller stated that the edge of the sign would have to be 75' from the centerline to comply with the Ordinance. She also said that could be permitted without City Commission's approval.

Commissioner Lewis suggested a continuance of the case to obtain more information concerning the signs.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to continue to October 15, 1981, Case No. 11642.

Case No. 11643

Action Requested:

Variance - Section 1221.5 (a) - Business Signs and Outdoor Advertising- Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 57' to 50' to permit a 37' high sign in a CS District, located at 4516 East 13st Street.

Presentation:

C. J. Hill, representing Oklahoma Neon Sign Company for Osage Oil Company, was present to address the Board. Mr. Hill presented the same request and presentation as stated in Case No. 11641, but at a different location.

Protestants: None.

Comments:

Mr. Jones said that a 30' high sign would be permitted on the property line, but anything above 30' has to setback one-foot for every foot above the 30 feet.

Mr. Gardner stated that the amount of signage (display surface area) in the CS District is based upon the amount of street footage the tract has.

Mrs. Miller stated that if there is one sign, they are permitted 2.2 square feet per foot of street frontage, and if there are more than one, they are permitted 1.5 square feet.

Discussion ensued as to the location of the sign.

Case No. 11641

Action Requested:

Variance - Section 1221.5 (a) - Business Signs and Outdoor Advertising- Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 57' to 50' to permit a 37' high sign in a CS District, located at 6909 South Sheridan Road.

Presentation:

C. J. Hill, representing Oklahoma Neon Sign Company for Osage Oil Company, was present to address the Board. Mr. Hill stated that the proposed sign, which is used all over the State of Oklahoma, is 37' high. Mr. Hill advised that if the sign was moved back to comply with the 30' Ordinance, the sign would be in the middle of the driveway.

Comments:

Mr. Jones said that a 30' high sign would be permitted on the property line, but anything above 30' has to setback one-foot for every foot above the 30 feet.

Mr. Gardner stated that the amount of signage (display surface area) in the CS District is based upon the amount of street footage the tract has.

Mrs. Miller stated that if there is one sign, they are permitted 2.2 square feet per foot of street frontage, and if there are more than one, they are permitted 1.5 square feet.

Discussion ensued as to the location of the sign.

Mrs. Miller stated that the edge of the sign would have to be 75' from the centerline to comply with the Ordinance. She also said that could be permitted without City Commission's approval.

Commissioner Lewis suggested a continuance of the case to obtain more information concerning the signs.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to continue to October 15, 1981, Case No. 11641.

Case No. 11642

Action Requested:

Variance - Section 1221.5 (a) - Business Signs and Outdoor Advertising- Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 57' to 50' to permit a 37' high sign in a CS District, located at 621 South Sheridan Road.

Presentation:

C. J. Hill, representing Oklahoma Neon Sign Company for Osage Oil Company, was present to address the Board. Mr. Hill presented the same request and presentation as stated in Case No. 11641, but at a different location.

Protestants: None.

Case No. 11643 (continued)

Mrs. Miller stated that the edge of the sign would have to be 75' from the centerline to comply with the Ordinance. She also said that could be permitted without City Commission's approval.

Commissioner Lewis suggested a continuance of the case to obtain more information concerning the signs.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to continue to October 15, 1981, Case No. 11643.

Case No. 11644

Action Requested:

Variance - Section 1221.5 (a) - Business Signs and Outdoor Advertising- Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 57' to 50' to permit a 37' high sign in a CS District, at 5935 South Lewis Avenue.

Presentation:

C. J. Hill, representing Oklahoma Neon Sign Company for Osage Oil Company, was present to address the Board. Mr. Hill presented the same request and presentation as stated in Case No. 11641, but at a different location.

Protestants: None.

Comments:

Mr. Jones said that a 30' high sign would be permitted on the property line, but anything above 30' has to setback one-foot for every foot above the 30 feet.

Mr. Gardner stated that the amount of signage (display surface area) in the CS District is based upon the amount of street footage the tract has.

Mrs. Miller stated if there is one sign, they are permitted 2.2 square feet per foot of street frontage, and if there are more than one, they are permitted 1.5 square feet.

Discussion ensued as to the location of the sign.

Mrs. Miller stated that the edge of the sign would have to be 75' from the centerline to comply with the Ordinance. She also said that could be permitted without City Commission's approval.

Commissioner Lewis suggested a continuance of the case to obtain more information concerning the signs.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to continue to October 15, 1981, Case No. 11644.

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational - Under the Provisions of Section 1680 - Request for an exception to permit a club in an RM-1 District; and a Variance - Section 440.7 (d) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 25' to 5' along the east boundary in an RM-1 District, at 713 East Tecumseh Ave.

Presentation:

Odis Jackson, 1337 East Woodrow Place, was present to address the Board on behalf of Booker T. Washington High School Club 30. Mr. Jackson advised the Board that Club 30 consists of 10 classes starting in 1930 to 1939. The Club has purchased a building and wish to move it to the subject location at 713 East Tecumseh Avenue. Mr. Jackson advised that the request is also for a variance of the setback from 25' to 5'.

Comments and Questions:

Commissioner Lewis asked if there were any nonresidential buildings or uses surrounding the building and Mr. Jackson answered no. Commissioner Lewis asked what type of activities would take place at this location and inquired as to the time the building would be used. Mr. Jackson said that the building would be used for class meetings, reunions and recreation activities. He also said that the activities would take place after 5:00 p.m. Commissioner Lewis also asked if there would be a bar or any dancing in the building and Mr. Jackson stated that there would not be. Mr. Jackson also said that other classes from the School could use the building with their activities approved.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational - Under the Provisions of Section 1680) to permit a club in an RM-1 District; and a Variance (Section 440.7 (d) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the setback requirements from 25' to 5' along the east boundary in an RM-1 District, subject to the use of the structure being for "Club 30" members and their immediate families only as a private club, as presented to the Board by the applicant, with no bar, to run with this owner only, on the following described property:

The East 100' of Lot 4, Block 1, Pershing Addition to the City of Tulsa, Oklahoma.

Discussion:

Commissioner Purser advised Mr. Jackson to add to his bylaws or constitution that if this property is sold to another class or club of people that they would have to get the Board's permission.

Case No. 11646

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 1670 - Request for a variance to permit a 720 square-foot accessory building to be used as a living quarter in an RS-3 District, at 3147 South Cincinnati Avenue.

Presentation:

William Ware, 3147 South Cincinnati Avenue, was present to address the Board. Mr. Ware and his wife would like to build a 720' accessory building. Mr. Ware said that the building would be used as a guest cottage for their friends and relatives who come to see them. Mr. Ware advised that the building would be a single-story building. Mr. Ward submitted a list of approximately 20 signatures of neighbors who had no objections to the building (Exhibit "J-1") and also, submitted a Plat of Survey (Exhibit "J-2"). Mr. Ware also stated that his daughter might live at that location in the future. The proposed building would look like an enclosed garage. Mr. Ware is also proposing to have a concrete driveway opening on to 32nd Street, which only runs between Cincinnati and Detroit Avenues at that location. He also stated that 6 trees would have to be removed in order to construct this building.

Board Comments:

The Board was concerned that the proposed building not be used for rental purposes in the future. The Board also decided to look at the site before making a decision.

Protestants: None.

Discussion:

Mr. Jackere inquired of the applicant if he would be willing to file a restrictive covenant stating that the property would not be used for rental purposes.

Mr. Gardner suggested that the Board look at the site to determine if this use would be appropriate for the area.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to continue to October 15, 1981, Case No. 11646, in order to allow the Board members to view the subject property.

Case No. 11647

Action Requested:

Variance - Section 1320 (f) - Off-Street Parking and Off-Street Loading- Section 1208 - Multifamily Dwelling and Similar Units - Under the Provisions of Section 1670 - Request for a variance of the required parking spaces from 8 to 4 in an RM-2 District, SE of Lawton Avenue and Riverside Drive.

Presentation:

Allen Hill, 2325 East 13th Street, was present to address the Board. Mr. Hill advised the Board that the application was wrong because they are not requesting only 4 parking spaces, but are asking a variance from the

Case No. 11647 (continued)

Zoning Code Section 1320 (f) which says that one parking space may not pass through another one for access.

Mr. Hill submitted a site plan (Exhibit "K-1") for the proposed four townhouses. Mr. Hill stated that each townhouse has an enclosed garage and the proposed owners of the townhouses, each will park in the space in front of their townhouse because of a large existing tree. Mr. Hill submitted photographs of the tree (Exhibit "K-2"). Mr. Hill stated that parking could be placed in front if the tree was removed, but he is requesting that the tree be permitted to remain. Mr. Hill stated that there is on-street parking currently parallel along Riverside Drive on both sides.

Protestants: None.

Interested Party: R. John Green, 320 Wright Building.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "absetntions"; Smith, Wait, "absent") to approve a Variance (Section 1320 (f) - Off-Street Parking and Off-Street Loading - Section 1208 - Multifamily Dwelling and Similar Units - Under the Provisions of Section 1670) of the required parking spaces from 8 to 4 in an RM-2 District, per plot plan submitted, on the following described property:

Lot 8, Cardiff Resubdivision of a part of Blocks 11 and 12,
Norvell Park Addition to the City of Tulsa, Tulsa County,
Oklahoma.

Case No. 11648

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Office Districts- Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 130' to 90' (along the west side) in an OM District at the SW corner of 71st Street and Yale Avenue.

Presentation:

Gary VanFossen, 4520 South Harvard Avenue, Suite 100, was present to address the Board and submitted a diagram (Exhibit "L-1") and a letter with an attached diagram written to the neighbors concerning the subject property (Exhibit "L-2").

Mr. VanFossen is proposing to build a five-story building of which the top floor conflicts with the setback requirements. To the west of the subject property is a ridge that is built-up and is heavily wooded, which is zoned residential. The nearest houses to the property in existence are further than the 250' requirement and only 5 houses exist within the 300' radius. Mr. VanFossen stated that there have been no calls or objections from the neighbors who received the letter with the attached diagram.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) of the setback requirements from 130' to 90' (along the west side) in an OM District, in accordance with drawings submitted, on the following described property:

The N/2 of the East 410' of the NE/4 of the NE/4 of Section 9, Township 18 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma.

There being no further business to come before the Board, the Chair adjourned the meeting at 5:11 p.m.

Date Approved

Jan 21, 1982
Adrian M. Smith
Chairman

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