

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 374
Thursday, October 28, 1982
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith Victor Wait	Purser	Gardner Jones Martin	Jackere, Legal Department Miller, Protec- tive Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, October 26, 1982, at 3:50 p.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:02 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of September 30, 1982 (No. 372).

WITHDRAWN CASES:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to withdraw Case No. 12232 and No. 12262 as requested by the applicant.

UNFINISHED BUSINESS:

Case No. 12168

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a special exception to allow a mobile home in an RS-3 District; and a Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one-year time limit. This property is located at the SE corner of Mohawk Blvd. and Harvard Avenue.

Presentation:

The applicant, R. D. Coffman, was not present.

Protestants: None.

Staff Comments:

Mr. Gardner advised that the Staff has tried to contact the applicant, but has been unsuccessful in their endeavor. The applicant has made two requests. The mobile home could be granted with a removal bond required for a period of one year, if the Board so decided. Mr. Gardner suggested that the variance be denied because the applicant can reapply after one year. If the Board desires, he suggested that the Board deny the whole application since the applicant has not been present for several meetings. The application has been continued since the September 2, 1982 meeting.

Case No. 12168 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-1-0 (Chappelle, Smith, Victor, "aye"; Wait, "nay"; no "abstentions"; Purser, "absent") to deny a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in an RS-3 District; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements) of the one-year time limit, on the following described property:

NW/4 of the SW/4 of Section 16, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 11965

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the required setback to allow the erection of a sign from 50' to 46' from the centerline of Harvard Avenue. This property is located at 5416 South Harvard Avenue.

Presentation:

The applicant, Jimmy Williams, was not present.

Protestants: None.

Comments:

Dorotha Miller advised that the applicant was to appear before the City Commission before he appears before this Board again.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the November 18, 1982 meeting.

Case No. 12221

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the required setback from the centerline of Harvard Avenue from 50' to 46'. This property is located at 3242 East Admiral Place.

Presentation:

Laura Smith was present representing Dr. Troy Cool, 3242 East Admiral Place, and submitted a drawing of the proposed sign (Exhibit "A-1"). The proposed sign will come within 46' from the centerline of Harvard Avenue and Admiral Place. If the sign were moved back 4' it would interfere with the side walk around the building. The proposed sign does not block the view from the two streets.

Protestants: None.

Case No. 12221 (continued)

Comments:

Mr. Gardner advised that the drawing was not correct. If the Board approves the application, it will be granted as requested rather than per the drawing, which would give the applicant a variance of 46' from the centerline of Harvard Avenue.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 280 - Structure Set-back From Abutting Streets) of the required setback from the centerline of Harvard Avenue from 50' to 46', as the applicant has represented and not as shown on the submitted drawing, with a removal contract imposed, on the following described property:

Lots 11 and 12, Block 1, University Park Addition, LESS and EXCEPT the South 20' of Lot 12.

Case No. 12225

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request for off-street parking adjacent to Atlas Fence Company. This property is located at the SW corner and SE corner of Admiral Court and Columbia Avenue.

Presentation:

The applicant, Tom Rutherford, was not present.

Protestants:

There were many individuals present in protest to the application. The application was continued at the previous meeting at the applicant's request, therefore, the Board decided to hear the protestant's presentation.

Phillip Potter, 2711 East Admiral Court, was present representing many of the property owners in the area and submitted a Protest Petition, bearing approximately 33 signatures (Exhibit "B-1"), twenty-one (21) photographs of the subject property (Exhibit "B-2"), and two letters of protest from property owners in the area (Exhibit "B-3").

Mr. Potter stated that if the request is granted, it will decrease property values in this residential area. Many of the doors and windows of Atlas Fence Company have been boarded up. A large sawdust and sand pile inside the structure creates a fire hazard, and a large hole which is as deep as the building is tall and is about 10 feet wide, creates another hazard.

Sand and gravel from the Fence Company gathers in the streets and plugs the area sewer drains. The Company piles trash and wood on the street and on the subject property. The residents in the subject area have requested that this application be denied.

Comments:

Alan Jackere, Legal Department, advised that the property owners should make their complaints to the Building Inspector's Office because the applicant has not been permitted to use the subject property for the

Case No. 12225 (continued)

proposed use. The subject area is zoned for residential use and any other use on that tract is in violation of the Zoning Ordinance.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) for off-street parking adjacent to Atlas Fence Company, on the following described property:

Lots 12 and 13, Osarka Place and Lot 1, Block 4, Fairmont Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12233

Action Requested:

Variance - Section 1211.3 - Use Conditions - Request for a variance of the Screening requirement from the abutting R District; and a Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance of the side yard requirements. This property is located at 1518 South Cheyenne Avenue.

Presentation:

David Sobel, Attorney-at-Law, 717 South Houston Avenue, was present stating at the last meeting that the Board approved a Special Exception for office use. The applicant is now requesting the variance of the side yard requirement, and the variance for the screening requirement is being modified. There is an existing carport on the subject property, which the applicant proposes to build a conference law library over. The adjoining neighbors do not object to the proposal. Mr. Sobel submitted a letter from Betty and Milton Cochran stating that they do not object to the structure as long as it does not intrude over the property line and encroach into their property line (Exhibit "C-1"). The property owners to the south have requested that the applicant tie the fence to their existing fence.

Protestants: None.

Comments:

Dorothea Miller, Protective Inspections, advised that there is an existing encroaching carport which the applicant intends to line up with the second floor. The roof line may extend over the property line.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) to waive the fence to the point where the new screening fence on the south will tie into the adjacent property owner's fence (just to the corner), and that the screening requirement be deleted on the west property line (alley), and to approve a Variance (Section 630 - Bulk and Area Requirements in the Office District) of the side yard requirements provided that the building does not encroach on the adjoining property to the south including the roof line, on the following described property:

Case No. 12233 (continued)

The South 20' of Lot 14, and the North 30' of Lot 5, Block 2
Stonebraker Heights Addition to the City of Tulsa, Tulsa County,
Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12250

Action Requested:

Variance - Section 420.2 - Accessory Use Conditions - Request for a
variance of the three (3) foot setback from the rear lot line from
3 feet to 2 feet, nine and one-half inches. This property is located
at 71 North Victor Avenue.

Presentation:

Norma Bellmard, 71 North Victor Avenue, was present and advised that
Midwest Portable Building Company set her building back 2' 9½" from the
lot line rather than 3', therefore, she is asking that the structure re-
main where it is.

Protestants:

Mr. Smith advised that a protest letter had been submitted from the
property owner to the south of the tract, Essie Helscel White (Exhibit
"D-1").

Comments:

Mr. Victor asked what the building was used for, and Ms. Bellmard stated
that it was used for her personal possessions. Mr. Victor asked if she
operates a business or intends to, and the applicant answered no. Mrs.
Miller stated that she has received several complaints that the building
has been used for a ceramic shop.

Mrs. Miller, Protective Inspections, advised that the builders were
stopped because the plot plan was different that what was being con-
structed.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0
(Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions";
Purser, "absent") to approve a Variance (Section 420.2 - Accessory Use
Conditions) of the three (3) foot setback from the rear lot line from
three feet to two feet, nine and one-half inches, that the building
not be used for anything other than customary accessory residential use,
on the following described property:

Lot 22, Block 3, Barton Addition to the City of Tulsa, Tulsa County,
Oklahoma.

Case No. 12255

Action Requested:

Variance Section 430 - Bulk and Area Requirements in the Residential
Districts - Request for a variance of the setback from the centerline
of Fulton from 55' to 45.5 feet. This property is located at 5508 East
35th Street.

Case No. 12255 (continued)

Presentation:

Richard Karnbach, 5508 East 35th Street, was present and submitted a plat of survey (Exhibit "E-1"). The applicant is not requesting the variance for new construction, but merely wants to allow his house and garage to remain as is. Mr. Karnbach recently sold the subject property, but the sale was terminated at the closing because the structure is a non-conforming structure and it protrudes over the setback line.

Protestants:

There were no protestants but three interested parties were present, stating that they would object to the applicant adding onto the existing structure, but did not object to the allowing the present building to remain.

Comments:

Mr. Gardner advised that the applicant is requesting that the Board approve the application per the plat of survey, because that is the way it was constructed. The applicant's building is 9½' closer to the centerline of the street than the Zoning Ordinance permits.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Fulton from 55' to 45.5', per plat of survey, on the following described property:

The North 150' of Lot 4, Block 8, of the Resubdivision of Lots 2, 3 and 4, Block 3, and Blocks 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 Yorkshire Estates Addition, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and known as 5508 East 35th Street.

NEW APPLICATIONS:

Case No. 12245

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to sell Christmas trees during the 1982 Christmas season. This property is located at the SE corner of 41st Street and Harvard Avenue.

Presentation:

J. D. Spitzer, 5401 West Skelly Drive, was present requesting permission to sell Christmas trees at Southwest Nursery.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to sell Christmas trees during the 1982 Christmas season, on the following described property:

10.28.82:374(6)

Case No. 12245 (continued)

Lot 1, Block 1, Villa Grove Heights #1 Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12246

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request for a Use Unit 17 (mini-storage) in a CS District. This property is located at 8534 East Admiral Place.

Presentation:

Carl Smith, 8534 East Admiral Place, was present stating that he has an existing convenience store and ceramic store at this location and he proposes to build a small mini-storage building on the rear portion of the subject property, which will be approximately 4,000 square feet in size.

Protestants: None.

Interested Party's Comments:

Howard Sanders, 47 South 85th East Avenue, was present stating that he owns the property to the west of the subject property. He stated that he approves of the proposed mini-storage, but is concerned about the water drainage and requests that the application provide for proper drainage for the subject property.

Discussion:

Discussion ensued concerning the drainage for the subject property. Mr. Carl Smith advised the Board of the flow of drainage on the subject tract. Dorothea Miller, Protective Inspections, advised that the drainage plans must be approved by the Hydrology Department prior to the issuance of a building permit.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) for a Use Unit 17 (mini-storage) in a CS District, subject to review and approval of the City Hydrology Department prior to the issuance of a building permit, on the following described property:

Lot 3, Block 3, Day Suburban Acres to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12247

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to locate mini-storage and office warehouse in a CS District; and a Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the frontage requirement in a CS District to permit a lot-split. This property is located west of the intersection of East 62nd Street South and Peoria Avenue.

Case No. 12247 (continued)

Presentation:

Frank Moskowitz, 3530 East 31st Street, was present representing the applicant, Bob Parmele, Jr., and submitted a plot plan (Exhibit "F-1"). There is presently a water slide on the property, but the applicant intends to level the land and construct mini-warehouses, some offices, and an office warehouse on the subject property.

Protestants: None.

Interested Party's Comments:

Bobbie Parrish, 6633 South Indianapolis Avenue, was present and inquired as to the proposed square-footage contained in the buildings. She also reviewed the plans with the Board members and had no objections to the request.

Questions and Comments:

The Board inquired as to the construction of the proposed buildings. Mr. Moskowitz stated that the structures will be one-story in height and will be constructed of cement blocks.

Staff Comments:

Mr. Gardner advised that the Planning Commission approved the lot-split. The applicant has created several "flag lots" on the property and each lot will be separately owned although all would use the one cul-de-sac street for access to the property. The Staff would request that no outside storage be permitted and that the structures be of masonry construction as presented by Mr. Moskowitz.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Smith, Victor, Wait, "aye"; no "nays"; Chappelle, "abstaining"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to locate mini-storage warehouses and an office warehouse in a CS District, that no outside storage be permitted and that the building(s) be of masonry construction, and that they be an earth-tone color as represented by Mr. Moskowitz; and a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the frontage requirement in a CS District to permit a lot-split (L-15597) on the following described property:

The East 333.00' of the South 483.29' of Lot 2, Block 1, Zandbergen Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat thereof.

Case No. 12248

Action Requested:

Variance (Section 910 - Bulk and Area Requirements in the Industrial Districts) of the frontage requirement from 50' to 0' to allow access by a private street. This property is located at the NE corner of 59th Street and 100th East Avenue.

Presentation:

Rex Hall, 1055 North Owasso Avenue, was present representing John Zink, the owner of the subject property, requesting a waiver of the frontage requirements. The applicant intends to put in a private street, and

Case No. 12248 (continued)

replatting and rededicating will be done at a later date. The intent is to vacate the street right-of-way, and the street will be owned by the owner association. The street will be built to coincide with the City specifications. He proposes to construct the buildings as soon as possible, if granted. The property will exist as one big lot.

Protestants: None.

Comments:

Mr. Gardner stated that if the applicant sells the property into individual lots, all of the lots would need frontage on a dedicated street. Mr. Gardner stated that the applicant must put in a storm sewer and drainage for a dedicated street. Mr. Hall advised that the water, sanitary sewer, and storm sewer have already been put in. If the vacation of the street is approved by the City and meets their specifications, the Staff does not have a problem.

Mr. Jackere suggested that, if approved, it be subject to approval by the City Engineering Department.

Mr. Smith suggested that the applicant obtain the vacation of the street right-of-way and then come before the Board.

The City Commission needs to act on the request first and then the matter will go before District Court before it comes back to this Board.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the December 16, 1982 meeting.

Case No. 12249

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to allow a Use Unit 15 in a CS District. This property is located at 9528 East 51st Street.

Presentation:

Roy Martin, 6910 East 62nd Street, was present representing the applicant, Elizabeth Cooper. Mr. Martin advised that the applicant intends to build a retail carpet and tile store on the subject property.

Protestants: None.

Interested Party's Comments:

Bob Triplett, Jr., 5001 East 68th Street, was present as an interested party and requested that the special exception be granted.

Comments:

Mr. Smith asked if there would be any outside storage and Mr. Martin answered no.

Dorothea Miller, Protective Inspections, advised that Use Unit 15 is required primarily because of the installation of the carpet and tile.

Case No. 12249 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to allow a Use Unit 15 in a CS District, subject to no outside storage being permitted, on the following described property:

The East 117' of the West 217' of Lot 8, Block 1, 51st & Mingo Commercial Center, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 12251

Action Requested:

Special Exception - Section 240.2 (h) - Permitted Yard Obstructions - Request for a permitted yard obstruction (carport) by special exception requiring Board of Adjustment approval. This property is located at 10724 East 29th Street.

Presentation:

Curtis Culver, attorney representing Harvey Hunter, 10724 East 29th Street, was present and submitted eighteen (18) photographs of the subject carport and others in the area (Exhibit "G-1"). Mr. Culver advised that this case was heard previously as a variance, but has been filed again as a special exception. The applicant has requested that the special exception be granted so his existing carport will be permitted.

Protestants: None.

Comments:

Mr. Jackere advised that when the case came before the Board previously as a variance, it was improperly before the Board. The special exception request for the carport does not require the finding of a hardship.

Mr. Gardner advised that a hardship is not required, but the Board must determine if the carport would be appropriate or inappropriate for this particular area. The Board needs to determine if it is in keeping with the spirit and intent of the Zoning Code and if it would be detrimental to the public welfare.

Mr. Victor felt that if the carport tied in with the existing house he would be more in favor of the carport, but the carport appears to be a standard prefabricated structure.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 240.2 (h) - Permitted Yard Obstructions) for a permitted yard obstruction (carport) on the following described property:

Lot 16, Block 14, Valley Glen 2nd Addition to Tulsa County, Okla.

Case No. 12251 (continued)

Comments:

Alan Jackere, Legal Council, suggested that the Zoning Ordinance be amended to require the finding of a hardship to permit a carport, since the Board tends to be unsupportative of carport structures. He suggested that the Planning Commission hold a public hearing to amend the Zoning Code.

Mr. Hunter, the applicant, requested a refund of his fees for the first application since it was improperly before the Board.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to refund the filing fees previously paid for Case No. 12180.

Case No. 12252

Action Requested:

Special Exception - Section 240.2 (h) - Permitted Yard Obstructions - Request to allow a carport in the front yard. This property is located at 4934 South Detroit Avenue.

Presentation:

Wanda Baker, 4934 South Detroit, was present requesting permission to allow her existing carport in her front yard. Ms. Baker submitted the plat of survey (Exhibit "H-1"). Ms. Baker also presented a map showing the other carports in the neighborhood.

Protestants: None.

Board Comments:

Mr. Victor inquired as to the appearance of the carport and Ms. Baker stated that it has large posts which support the structure and has a shed-type roof with wood shingles. It is consistent with the design and architecture of the house.

The Board felt that they should look at the carport before they act on the matter.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the November 18, 1982 meeting to allow the Board members to view the site.

Case No. 12253

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a pre-school in an RS-3 District. This property is located at 2703 North Yorktown Place.

Presentation:

Betty Jones, 2547 East 47th Place North, was present requesting permission to locate a pre-school in Bunche Elementary School. The proposed

Case No. 12253 (continued)

pre-school will be supported by the school system.

Protestants: None.

Board Comments:

Mr. Smith asked about the playground facility and Ms. Jones stated that the pre-school will have their own playground facility and will be separated from the regular school system.

Mr. Victor inquired as to the proposed sign and Ms. Jones stated that there is a fence close to her room and a sign will be erected next to the fence.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a pre-school in an RS-3 District, on the following described property:

Beginning at a point on the South line of the SE/4 of the SE/4, Section 19, Township 20 North, Range 13 East, in Tulsa, Tulsa County, Oklahoma, 320' East of the center of Yorktown Street; thence North parallel to the East line of Said Section 19, a distance of 990' to a point; thence East and parallel to the South line of Said Section 19, a distance of 660' to a point; thence South and parallel to the East line of Said Section 19, a distance of 990' to a point on the South line of Said Section 19; thence West along the South line of Said Section 19, a distance of 660' to the point of beginning. LESS that part of the South side of Said Section 19 that has been dedicated for highway purposes (Apache Street). Containing 15 acres, more or less, and all located in the SE/4 of the SE/4 of Section 19, Township 20 North, Range 13 East, in Tulsa County, Oklahoma.

Case No. 12254

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial District - Request for a variance of the 75' setback from an abutting R District for a plant expansion. This property is located at 1422 North Utica Avenue.

Presentation:

Cheryl Zoller, 1422 North Utica Avenue, was present representing Everett Williams of ABC Uniforms and Linens, and stated that the applicant proposes to enlarge and enclose a loading area for trucks to protect the products and uniforms. It would also be a protection for the drivers from the rain and other weather conditions. The existing building which is located at Oklahoma Place and Utica is located 66' from the curb and the fence is 12' from the curb.

Protestants: None.

Case No. 12254 (continued)

Board Comments:

Mr. Victor asked where the expansion would be located and Ms. Zoller stated that it would be facing Troost Avenue and it will be tied into the roof pitch of the existing structure.

Discussion ensued concerning the site of the structure, the access, and screening fence. Mr. Victor stated that he would like to see a drawing of the building and the expansion.

Mr. Gardner suggested that if the Board approved the application that it be subject to a copy of the plot plan being submitted and that there not be any access to Troost and that the screening fence remain on the west.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the 75' setback from an abutting R District for a plant expansion, subject to there being no access to Troost Avenue and that the screening fence on the west be maintained, and subject to the applicant submitting a copy of the plot plan to the Staff, on the following described property:

Lots 7-12, Block 4, Utica Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12256

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request to permit Use Units 12, 13 and 14 in an IL District; and a Variance - Section 930 - Bulk and Area Requirements in the Industrial District - Request for a variance of the setback from abutting R Districts and a request for a variance of the setback from the centerline of 51st Street from 100' to 80'; and a Variance - Sections 1212, 1213 and 1214 - Use Conditions - Request for a variance of the screening requirements when abutting an R District. This property is located at the NE corner of 51st Street and 103rd East Avenue.

Presentation:

David Cannon, 5630 South Memorial Drive, was present and submitted a new handout consisting of the elevation plan, floor plan, and site plan (Exhibit "I-1"), and a photograph showing a rendering of the proposed structure (Exhibit "I-2").

Mr. Cannon advised that there are four lots which are 25' x 140' and this land is zoned IL. Most of the surrounding properties are also zoned under the IL classification. The only access to the four lots is from 50th Place in the rear. The applicant is requesting a 5' setback from the RS District. The applicant is also requesting a waiver of the screening requirement on the north and west.

The proposed structure will be started on December 15, 1982, and the proposed tenant will operate a restaurant which will serve from 6:00

Case No. 12256 (continued)

a.m. to 3:00 p.m. The restaurant will be strictly a restaurant and will not be similar to a tavern and will not sell alcoholic beverages. The exterior of the building will be a concrete building with a steel deck and roof, similar to a contemporary type exterior.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial District) to permit Use Units 12, 13, and 14, in an IL District; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial District) of the setback from an abutting R District and a variance of the setback from the centerline of 51st Street from 100' to 80'; and a Variance (Sections 1212, 1213, and 1214 - Use Conditions) of the screening requirements when abutting an R District, that the approval be in accordance with the new drawings submitted, that there be a 5' setback on the east property line between the RS and IL Districts, and that no screening be required on the west, on the following described property:

Lots 1-20, Block 54, Alsuma Addition in Tulsa County, Oklahoma.

Case No. 12257

Action Requested:

Variance - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to allow a mobile home to be used for a residence/office for security purposes; and a Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the setback to the south to 10 feet to line up with existing buildings. This property is located at the SW corner of 51st Street and Tacoma Ave.

Presentation:

Lewis Cline, 2852 East 35th Street, was present and submitted a site plan (Exhibit "J-1"). Mr. Cline advised that the Board previously granted a request to allow mini-storage on the subject property. The applicant is asking permission to locate additional mini-storage and also proposes to locate a mobile home on the subject property for residential and office purposes. He stated that there is only one location on the subject tract that he can place the mobile home for connecting and utilizing the utilities.

Protestants: None.

Board Comments:

Mr. Smith asked if the individual who will reside in the mobile home will also operate the mini-storage. Mr. Cline stated that there is a woman living in a house on the subject property who will reside in the mobile home and will manage the mini-storage. The existing house on the subject property will be sold, destroyed, or removed.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions";

10.28.82:374(14)

Case No. 12257 (continued)

Purser, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in the Commercial District) to allow a mobile home to be used for a residence/office for security purposes; and a Variance Section 730 - Bulk and Area Requirements in the Commercial Districts) of the setback to the south to 10' to line up with existing buildings, on the following described property:

Lots 3 and 4, Cameron-Cline Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12258

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a mobile home in an RM-1 District; and a Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance from the centerline of Xyler Street from 50' to 36'. This property is located at 5404 East Xyler Street.

Presentation:

Jonnie Summerlin, 2239 North Erie Avenue, was present and submitted a plat indicating the proposed location of the mobile home (Exhibit "K-1"). Mr. Summerlin stated that he intends to locate a mobile home on the subject property. There are other mobile homes located in the immediate area. The mobile home will face north and south rather than east and west, because of the downhill slopes on the property.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a mobile home in an RM-1 District; and a Variance (Section 430 - Bulk and Area Requirements in the Residential District) from the centerline of Xyler Street from 50' to 36', for a period of one (1) year, removal bond required, subject to the Health Department's approval, on the following described property:

Lot 3, Block 8, Dawson Industrial Addition in Tulsa County, Oklahoma.

Case No. 12259

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a 12' x 70' mobile unit on church property for classroom use in an RS-3 District. This property is located at 701 South Mingo Road.

Presentation:

Paul Gallahar, 9024 East 33rd Street, was present representing Wesleyan Methodist Church and submitted a plat showing the proposed location of the mobile unit (Exhibit "L-1"). The Church is requesting permission to place a mobile unit behind the existing church building for expansion

purposes. The mobile unit will accommodate three classroom facilities. Mr. Gallahar advised that the unit will be placed on a foundation and will be a permanent structure.

Protestants: None.

Comments:

Discussion ensued concerning the use of the mobile unit and its relationship to the Zoning Ordinance. Mr. Jackere advised that there is a Health Code that deals with temporary nonresidential uses of mobile homes, but there is no such thing as a permanent use of a mobile home for a nonresidential purpose. Mr. Gallahar advised that the Church intends to rebuild some time in the future, but needs this approval to facilitate their growth expansion and are unable to rebuild at this time.

Mr. Jackere advised that the unit technically does not meet the definition of a mobile home, and Mrs. Miller added that a Building Permit is not required for this structure. If the Board approves the use of the structure, it should be subject to the Building Inspector viewing it and checking the fire wall separation and other protections. Most mobile homes have a Zoning Clearance Permit. On a temporary nonresidential mobile home a removal bond is required and can be approved for nine (9) months as a rule, and is required to be removed within one year. The applicant could then seek relief through the City Commission for an extended period of time. Mr. Jackere stated that the structure would not meet the Building Code.

Mr. Gardner suggested that restroom facilities should be included since it is for a meeting facility. Mr. Gallahar stated that the bathroom facilities could be hooked up if required.

Mr. Gardner also suggested that a time limit of two to three years be placed on the facility and require that the Building Inspectors view the facility even though it does not meet the Building Code per se. In the interim, there will be changes in the Building Code and the Zoning Code in the future as it relates to modular construction.

Mr. Victor inquired as to the construction of the mobile unit and Mr. Gallahar stated that it will have beige aluminum siding and will look like wood, having a metal small pitched roof.

Mr. Gallahar stated that there are restroom facilities in the mobile unit, but they do not intend to install those facilities unless required.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to locate a 12' x 70' mobile unit on the Church's property for classroom use in an RS-3 District, for a period of three (3) years, subject to the Building Inspector's reviewing the site for safety and health protection, on the following described property:

The North 200' of the East 363.51' of the West 423.51' of Lot 11, in the SW/4 of the SW/4 of Section 6, Township 19 North, Range 14 East of the I.B. & M., according to the U. S. Survey thereof, Tulsa County, Oklahoma.

Case No. 12259 (continued)

The applicant was advised to contact the Building Inspections Office concerning this matter.

Case No. 12260

Action Requested:

Variance - Section 420.2 (d) 2 - Accessory Use Conditions - Request to increase the surface area of landscaped ground identification sign. Increase of 33 square feet requested to enlarge sign to a total of 65 square feet of surface. This property is located at 8900 South Sheridan Road.

Presentation:

Stanley Hall, 2442 East 21st Street, was present and submitted an elevation rendering of the subject property (Exhibit "M-1"). Mr. Hall stated that the variance is requested due to the site features and right-of-way, which was granted the property when platted. The proposed sign will be located in an island and will have some natural and proposed landscaping. The landscaping and proposed sign will be used in a condominium development.

Protestants: None.

Board Comments:

Mr. Smith inquired as to the size of the proposed sign and Mr. Hall stated that it will be 42' high and 20' in length with a stone planter and landscaping around the sign.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 420.2 (d) 2 - Accessory Use Conditions) to increase the surface area of landscaped ground identification sign and to grant the increase to 33 square feet as requested, to enlarge the sign to a total of 65 square feet of surface, on the following described property:

Lot 1, Block 1, Chimney Ridge Townhomes Subdivision, a Subdivision in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12261

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to locate two dwellings on one lot of record; and a Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to locate a mobile home in an RS-3 District; and a Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the bulk and area requirements to permit two dwellings on one lot. This property is located at 8750 South 32nd West Avenue.

Presentation:

Gerald Hardesty, 3750 South 32nd West Avenue, was present and submitted a plat (Exhibit "N-1") and a site plan (Exhibit "N-2"). Mr. Hardesty requested permission to place a mobile home on the subject property and

Case No. 12261 (continued)

does not intend to locate the mobile home on the property until April 1983. Mr. Hardesty and his future wife will reside in the mobile home and will live on the same tract as Mr. Hardesty's mother. There are other mobile homes in the immediate area.

Protestants: None.

Comments:

Mr. Smith inquired as to the sanitary sewer system and the applicant stated that the mobile home will be on the City sewer system.

Mr. Jackere stated that if the application is approved, that it could only be granted for a period of one year. The Board members discussed if the application should be continued until April 1983, or if it should be granted at this time, granting the approval until November 1983.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to locate two dwellings on one lot of record; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to locate a mobile home in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the Bulk and Area Requirements to permit two dwellings on one lot for a period of one year, removal bond required, subject to Health Department approval, on the following described property:

Lot 3, Block 22, Original Town of Red Fork, Tulsa County, Oklahoma.

Case No. 12263

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to expand parking facilities and perimeter driveway for Shadow Mountain Institute. This facility is to have 58 spaces for staff and overflow parking. This property is located at 6200 Block of South Sheridan Road.

Presentation:

Stan Ewing, 3314 East 51st Street, Suite CC, was present on behalf of Shadow Mountain Institute and Cunningham Consultants, and submitted a site plan (Exhibit "0-1"), and a letter from R. O. Newman, Jr., of the Warren Professional Building Corporation, stating that they have no objection to the proposed parking facility (Exhibit "0-2").

The subject tract has been before this Board on two previous occasions: One for a 30-bed hospital facility for the Dillion Family and Youth Services, Inc.; and two, to permit two 30-bed residential centers as presented. The parking facility which was provided has not been adequate for the site and 15 to 45 additional parking spaces are needed.

The increase in parking spaces is due to an increase in their growing stock and consulting staff which uses the parking facilities; therefore, leaving no parking spaces for visitors and clients which come in on a referral basis. The applicant proposes to extend the driveway off the existing parking lot and continuing to use the single access point off

Sheridan Road, without introducing any new access points. A 58 parking space facility is proposed to accommodate the parking need.

After filing the application, Mr. Ewing met with the City Engineering Department and was made aware of some problems concerning the right-of-way on Sheridan Road. The City is initiating the widening of Sheridan Road from 61st Street to a point approximately 300' to 400' south of the tract to a four-lane facility. The City plans to cut off 8' of that hill and needs additional or temporary right-of-way. The City intends to relocate the parking lot further west since they cannot put it on a three to one slope.

The original two applications were granted on six acres, with the applicant owning a total of 20 acres at this location. The proposed intent of this application is about the only way of obtaining access to the remaining 14 acres of the subject tract. The applicant has moved beyond the boundaries of the advertised area.

The applicant has contacted the adjacent landowners, the Warren Professional Building Corp., stating that they were aware of the 45' shift to the west of the parking facility and stating they have no objection to the parking facility or to the relocation.

Protestants: None.

Discussion: Discussion ensued concerning proper notification being made for this case.

Mr. Jackere advised that he has talked with representatives of the Warren Corporation. The Board could find that the applicant has substantially complied with the notice requirements and due to the fact that the only abutting property owner has been made aware of some possible problems and is not in opposition to the proposal.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to expand parking facilities and perimeter driveway for Shadow Mountain Institute, and this facility will have 58 spaces for staff and overflow parking, to be approved as advertised, per plot plan submitted, on the following described property:

All of the East 150' of the south 5 acres of the South-Half of the NE/4 of the NE/4 of Section 3, Township 18 North, Range 13 East, of the Indian Base and Meridian in the City of Tulsa, Tulsa County, Oklahoma; LESS and EXCEPT the East 50' for street right-of-way.

The Board requested that the applicant submit another copy of the plot plan.

Case No. 12264

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from Elgin Avenue from 50' to 30' in order to construct a garage. This property is located at 260 East Tecumseh Avenue.

Presentation:

Bettye Butler, the owner of the subject property at 260 East Tecumseh Avenue, was present and submitted a plat of survey (Exhibit "P-1"). Ms. Butler proposes to construct a garage on her property which will line up with her existing house. She stated that if the garage were located 20' further back it would tend to chop up her yard and would cause her the inconvenience of getting out of her car and opening the gate to get access to the garage.

Protestants: None.

Board Comments:

Mr. Victor inquired as to the size of the proposed garage and Ms. Butler stated that it would be an approximate 18' x 20' two-car garage. Mr. Smith asked if a business would be located in the garage and Ms. Butler answered no.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from Elgin Avenue from 50' to 30' in order to construct a garage, on the following described property:

Lot 1, Block 10, Meadowbrook Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12265

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office District - Request for a variance from the front setback from the centerline of 14th Place from 50' to 40' to permit construction of a new building. This property is located at the NE corner of 14th Place and Utica Avenue.

Presentation:

Bruce Bolzie, 3164 South Owasso, was present and submitted a plat of survey (Exhibit "Q-1"), and a site plan (Exhibit "Q-2"). The applicant plans to build a new one-story single tenant office building on the subject property. Because of the setback requirements for the site, the building sets 6" over the existing sewer line which requires the applicant to relocate the sewer line to the east side of the property. The sewer serves the building to the north, therefore, consideration of that property owner has been taken into account. The most feasible and proposed method of the relocation is to take the new sewer connection to the adjacent landowner to an existing man hole on his property. The request is for a setback from the centerline of 14th Place from 50' to 45' rather than the original request to 40'.

Case No. 12265 (continued)

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office District) from the front setback from the centerline of 14th Place from 50' to 45' to permit construction of a new building, on the following described property:

The North 66.2 feet of the South 108 feet, LESS the West 5 feet thereof, and LESS beginning 42 feet North of the Southwest corner of Lot 13; thence East 10.26 feet; thence Northwest 14.51 feet; thence South 10.20 feet to the point of beginning, of Lot 13, Block 5, in Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat thereof.

Case No. 12266

Action Requested:

Special Exception - Sections 410 & 610 - Principal Uses Permitted in the Residential and Office Districts - Request to locate a single-family dwelling in an RM-1 and an OL District; and a Variance - Sections 630 & 430 - Bulk and Area Requirements in the Office and Residential Districts - Request for a variance of the frontage requirements from 60' to 50' and also, a variance of the side yard requirement from 10' to 5' all to permit a single-family dwelling. This property is located at 535 East Latimer Court.

Presentation:

Donald Bybee, 707 South Houston, was present representing Tulsa Urban Renewal Authority, the owners of the subject property. The subject property is gradually being cleared and redeveloped. In the future, the intent is to ask for rezoning of the entire area into single-family residential zoning. At this time, the applicant is proposing to move an already existing single-family dwelling unit onto this property. This has been a practice of TURA many times in the past.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Sections 410 & 610 - Principal Uses Permitted in the Residential and Office Districts) to locate a single-family dwelling in an RM-1 and an OL District; and a Variance (Sections 630 & 430 - Bulk and Area Requirements in the Office and Residential Districts) of the frontage requirements from 60' to 50' and also, a variance of the side yard requirement from 10' to 5' all to permit a single-family dwelling, on the following described property:

The East 25' of Lot 21 and the West 25' of Lot 22, Block 11, Greenwood Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 10414

Action Requested:

Consider approval of Amended Site Plan for Case #10414.

Presentation:

Stan Ewing, 3314 East 64th Street, was present representing Cunningham Consultants and stated that this request coincides with a previous case heard today - Case No. 12263 - Jack Dillion. The request concerning the parking lot was a new application, but this request on the proposed driveway was an amendment to the previously approved site plan. The driveway will be added to connect the parking lot.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the amended site plan as submitted.

There being no further business the Chair adjourned the meeting at 3:50 p.m.

Date Approved December 2, 1982


Chairman