

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 392  
Thursday, July 28, 1983, 1:00 p.m.  
Langenheimer Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser Smith Victor Wait	Chappelle	Gardner Jones Kedzie Martin	Hubbard, Protective Inspections Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor Room 919, Tuesday, July 26, 1983, at 3:35 p.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Mr. Wait called the meeting to order at 1:06 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve the Minutes of June 16, 1983 (No. 389) and June 30, 1983 (No. 390).

UNFINISHED BUSINESS:

Case No. 12641

Action Requested:

Variance - Section 1211.4 - Off-Street Parking and Loading Requirements- Request for a variance of the required parking spaces from 17 spaces to 12 spaces, Under the Provisions of Section 1670; and a Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance from the required setback from the centerline of Peoria Avenue from 100' to 47' located at 1544 North Peoria Avenue.

Presentation:

Dr. Adolph Williams, P. O. Box 6310, was represented by Joe Robinson, an architect. This is a continuance of a previous application requesting a setback from the centerline of Peoria Avenue. The continuance was to readvertise. The Board previously granted relief from 17 parking spaces to 12. The original request was presumed to have been for an extension of the Doctor's office, but this is not the case. The building is a separate free-standing facility which is to be used as a private membership club.

Protestants: None.

Comments and Questions:

Mr. Jackere advised that the parking relief had been granted, based on the fact that the building was to be used as a doctor's office. He advised that the Board hear the request for the parking variance again due to the fact that the building would not be used as a doctor's office. The applicant had no objection to the parking variance being reheard.

Mr. Gardner stated that at the previous meeting the waiver of parking dealt with the use of the doctor's office and not with a private club which would generate much more traffic. He suggested asking the applicant about the nature of the club so as to get an idea of how many patrons might be present.

Mr. Robinson advised that the doctor is in full-time private practice--he sees a normal patient load. The club will be open during the evening hours--after 5 p.m.

There would not be any significant amount of traffic generated during the working day for the private club. There is a slightly higher parking requirement for a club than there would be for a doctor's office. The seating arrangement allows for only 40 people to be in the club at one time. Other available parking near the club is on the street and at a shopping center across the street from the club. The shopping center across the street and the available parking spaces do not belong to the applicant. It was suggested that the applicant might be able to make some arrangements to use the parking at the shopping center across the street.

There will be a membership fee involved in order to get into this club. The club is not in operation as of yet. The building that will be used is an abandoned doctor's office/dwelling.

Mr. Robinson had written a letter to the Building Inspector stating what the uses of the property would be. This letter was submitted in April. The doctor's office and the subject building is closer to the street than the building to the north which is a residence. If they were required to abide by the full setback, the doctor's office and the existing subject building would be in the City's Major Street Plan right-of-way. The doctor's office sits about 4 feet closer to the east than the subject building. The proposal is to expand the residence, but it will still be further away from the centerline of the street than the doctor's office. The building will be used after normal working hours. Ms. Hubbard stated that once the use of a building is changed or the land use is changed, the owner must comply with the parking requirements.

The applicant had no problem with not using both buildings at the same time. The doctor intended for the parking capacity which is used in the daytime for his practice to be used for his private club parking at night. Mr. Gardner stated that the building can be used for whatever the owner wants, but the parking requirements must meet the Code if the use of the building is changed after a variance has been granted.

A MOTION was made by VICTOR that the application be approved, subject to the conditions that the seating capacity of the private club be limited to 40 people and that the operation of the club be after the operating hours of the clinic. After a second by Purser and a vote of 3-1-0 (Purser, Smith, Victor, "aye"; Wait "nay"; no "abstentions"; Chappelle, "absent"), there was further discussion concerning when the club could be used. The motion was amended to state that the operating hours of the club be after 5:00 p.m. each day regardless of whether the Doctors' building is closed some day of the week.

Case No. 12641 (continued)

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Variance (Section 1221.4 - Off-Street Parking & Loading Requirements) of the required parking spaces from 17 spaces to 12 spaces, Under the Provisions of Section 1670, and a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) from the required setback from the center-line of Peoria Avenue from 100' to 47', subject to the conditions that the seating capacity of the private club be limited to 40 people and the operating hours of the club be after 5:00 p.m., each day, on the following described property:

Lots 23 and 24, Block 4, Booker T. Washington Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12683

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial District - Use Unit 1212 - Request for an exception to permit a restaurant in an IL zoned District under the provisions of Section 1680; and a Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219 - Request for an exception to allow motel use in an IL zoned District Under the Provisions of Section 1680; and a Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the 25-foot setback requirement for 58th Street to 5 feet as 58th Street is actually 2' wide and has deep drainage ditches - Under the Provisions of Section 1670; and a Variance - Section 1221 - Business Signs and Outdoor Advertising - Request for a variance to allow future motel to share applicants' double sign pylons for joint free-standing signs. This sign would be an off-premise sign for the motel and the motel would waive any additional free-standing on-premise signs, Under the Provisions of Section 1670, located at the SE corner of 49th West Avenue and West 58th Street.

Presentation:

Lee Counsellour, 2880 LBJ Suite #202, Dallas, Texas, was present and represented Waffle House Restaurants, Inc. The case was continued from the last meeting because the Chairman had a conflict on this particular case, leaving the Board without a quorum. Mr. Smith requested to do the same again this time. Mr. Victor took the Chair for this case. The applicant is in the process of acquiring the subject property from the McDonald's Corporation. The property is adjacent to a new McDonald's Restaurant which is under construction. The applicant would like to place a 24-hour coffee shop on the forward portion of the property and a motel to the rear of the property, with common access. They also have common access agreements with McDonald's Corporation.

The applicant stated that 58th Street is a wide drainage ditch and it seems unlikely that it would ever be developed as a street. They did not move to vacate 58th Street as a street because that would cause problems with the motel.

Concerning the last item, the applicant requests that they be able to have a joint high-rise sign set up as close to the freeway as

Case No. 12683 (continued)

they can. The applicant is also requesting a 25-foot high variance on the sign. The Code permits 50 feet, but since the property is in a low lying area and the freeway is elevated 25 to 30 feet above the property, they are asking that the sign be elevated 50 feet above the freeway elevation.

Protestants: None.

Comments and Questions:

Mr. Smith advised that the subdivision plat for this case was to Tulsa County and not to the City of Tulsa. There was some question as to whether the subject property was in the City of Tulsa or in the unincorporated area of Tulsa County. Paula Hubbard found that the property was in the County. The Chair advised the applicant that this Board has no jurisdiction over this case, that it must be brought before the County Board of Adjustment. The Board will stand the cost of readvertising the case.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-1 (Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Chappelle, "absent") to refund all of the fees to the applicant. The fees of the applicant will be applied to the new case and the exhibits will be passed on to the County.

Case No. 12694

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the front setback requirement from East 48th Street from 35 feet to 30 feet in an RS-1 zoned District Under the Provisions of Section 1670 located at 2122 East 48th Street.

Presentation:

The applicant, John Woolman, was not present.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case No. 12694 to the August 11th, 1983 meeting.

Case No. 12695

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1205 - Request for an exception for community services, cultural and recreational uses (proposed day care center in Wiley Post Elementary School) in an RS-3 zoned district Under the Provisions of Section 1680 located at 5424 North Madison Ave.

Presentation:

Ethel Baccus, 2711 North Main Street, was present and requested a special exception so she can open a day care center in Wiley Post

Case No. 12695 (continued)

Elementary School. After talking to the Education Service Center, the applicant chose this location to open the day care center. This school is in one of the thirteen target school areas.

Protestants: None.

Comments and Questions:

The Staff advised that this case was continued because there was not a quorum at the previous meeting. The applicant stated that the hours of operation of the day care center will be from 7:00 a.m. until 6:00 p.m., Monday through Friday. There will be a maximum of 22 children in the center. There will be a sign on the fence on the north side of the play area -- the sign will not be large.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1205 - Community Services, Cultural and Recreational) for a day care center in Wiley Post Elementary School in an RS-3 zoned District, Under the Provisions of Section 1680, on the following described property:

Beginning 511' South and 888' West of the NE corner of the NE/4; thence South 631.37' West approximately 812' to right-of-way, Northeasterly along the right-of-way approximately 675'; thence East 577.5' to the beginning, ALL in Section 12, Township 20 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12697

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1208 - Request for an exception for multifamily dwelling and similar uses (proposal for fourplex) in an RS-3 zoned District Under the Provisions of Section 1670 located at 2642 North St. Louis Avenue.

Presentation:

Travis McGilbra, 2462 North Boston Avenue, was present and represented by Don McCorkle, his attorney. The subject property is a vacant lot and the applicant submitted two photographs of the property (Exhibit "A-2"). The first photograph is of an existing building that is directly south of the vacant lot that Mr. McGilbra proposes to move the fourplex onto. The second photograph shows the fourplex that the applicant is proposing to move. The two buildings are essentially the same. The applicant submitted a petition (Exhibit "A-1") which consisted of about 15 names of neighboring residents. These people indicated that they did not have an objection to his application. The applicant feels that it is not reasonable for him to be expected to develop his property as a single-family residence since it is adjacent to a fourplex. It is compatible to the surrounding development and is realistic for development.

Protestants: None.

Comments and Questions:

Mr. McCorkle advised that the fourplex the applicant wants to move on the subject property has been vacant for several years. The multi-family residences in that area are scattered -- it is a very mixed use area.

Mr. Gardner asked what the hardship was that made this property unique. Mr. McCorkle responded by saying that there is a hardship when a person cannot use their property in any appropriate way without having a variance of this sort.

The applicant was asked what prevented the owner of the subject property from bringing in an old single-family unit. The applicant responded by saying that the owner would not be able to sell the lot with a single-family residence on the lot because of the multifamily structure next door. There are some single-family structures in the area.

Mr. Jackere informed that the Board has the authority to grant the variance based on the finding of a hardship, the hardship being that the property is not usable in its current zoning category for RS-3 single-family purposes. Mr. Gardner informed that there are other uses that could be made of the property, such as a duplex, and the applicant needs to demonstrate that he cannot use the subject property for a duplex either. Mr. Jackere informed that the Board had the authority to grant the minimum variance necessary to make the property usable.

Mr. McCorkle stated that there were two issues--compatibility and hardship--and he felt that the applicant had adequately addressed those two issues. He feels that the options for the owner are pretty well stated. Ms. Purser requested that the applicant address the duplex issue since normally, when the Board grants a variance, they go to the next highest level--in this case, a duplex. The applicant felt that a fourplex would be the most compatible thing to move in, since there is one next door to the subject property. In an area of mixed uses, it is not feasible for someone to come to a vacant lot and spend a lot of money to develop that property, because it is an area of less economic value. Mr. Jackere pointed out that there are many vacant lots in the area and the applicant needs to show some hardship and show how his property is different from these other lots. Mr. Jackere informed that based on the evidence the Board would have the power to grant a duplex use of the subject property. Mr. Gardner advised that a duplex variance could be granted under the advertising for this case.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential District - Under the Provisions of Use Unit 1208) to allow a duplex (2 dwelling units) in an RS-3 zoned District Under the Provisions of Section 1670, on the following described property:

Lot 2, Block 3 Apache Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1206 - Request for a variance of the setback from abutting R Districts from 75 feet to 1-foot in an IL zoned District Under the Provisions of Section 1670 located East of the NE corner of 100th East Avenue and 61st Street.

Presentation:

Max Heidenrieck, 7002 South Birmingham Court, was present and requested to amend the variance from 1-foot to 5 feet on the side yard setback. The applicant submitted a plot plan (Exhibit "B-1"). The subject property is zoned IL. The property on the east is also zoned IL, so the applicant can build right on the property line. The land to the west is zoned residential which calls for a 75' setback. Since the lot is only 120' wide, it would be hard for the applicant to build anything on it with a 75' setback. There will be several buildings on the subject property which will be sold separately. The buildings will be one-story (12 feet) high and will be a warehouse-showroom type complex.

Protestants:

Mrs. A. E. Brentlinger, 5933 South 100th East Avenue, was present and was speaking in behalf of herself and the area residents of the subject property. Mrs. Brentlinger submitted a petition (Exhibit "B-2") which was signed by many of the area residents protesting any change from the 75' setback. Her home is adjacent to the subject property, and she is concerned about future variances which might be granted. She has lived at her present location for many years and has improved the area which she would like to continue to live in. Mrs. Brentlinger submitted photographs of the area (Exhibit "B-3"). One of the photos is of a sign which was erected on the subject property which reads in part "Will build to suit". The neighborhood residents feel that this would not be an unusual hardship situation.

The applicant had spoken to Mrs. Brentlinger and indicated to her that he could build a street adjacent to her property and put the warehouse on the east side of his property. There is no objection to a street from the adjacent property owners--they would prefer a street built to the specifications of the City Engineer, rather than any variance of the required 75-foot setback. This action would ease the property owner's fear of excessive water drain-off. Ms. Purser asked what kind of street the applicant was talking about and Mrs. Brentlinger indicated that it would be a private driveway that he could come into his property on.

Mrs. Brentlinger received notification in May, 1982, that the subject property and the lot to the east of it were being rezoned together. Mrs. Brentlinger also submitted a Soil Report (Exhibit "B-4") and a Sewage Disposal System Report (Exhibit "B-5").

Mr. A. E. Brentlinger, 5933 South 100th East Avenue, stated that the applicant knew of the 75-foot setback at the time he purchased the property and he does not feel that there should be a variance granted.

Comments and Questions:

Ms. Purser stated that the applicant had negated his comment that the land was not usable with a 75-foot setback because he could have half

of his buildings and still maintain the setback. The applicant said that this was not financially feasible, but Ms. Purser informed him that the Board could not consider economic reasons as a hardship.

Ms. Purser stated that the IL zoning has a 75-foot setback from a residential area for a reason--so that there won't be an industrial building right next to a house. There is a house right next door to this subject property. The house was there first and a building 5-foot from the line would interrupt their light, their sound, and their breeze. If the vote goes to grant the variance, then the surrounding area is doomed to go industrial.

Ms. Purser stated that the idea of a street would seem like a good compromise, except for a letter from the Health Department (Exhibit "B-6"), which indicates that the sewage systems of the residents in that area (septic tanks) are marginal systems due to the clay content of the soil and any additional runoff could cause malfunctioning of the systems.

Ms. Purser asked the applicant if he had indicated to Mrs. Brentlinger that he was interested in building a driveway next to her property. The applicant said that he had been willing to do something different.

Mr. Jackere informed that the subject property and the land to the east of it were applied for by two different owners in a joint application. He wondered if the Planning Commission and the City Commission gave any consideration to the fact that the lot to the west only had 120 feet and it would be difficult to build an industrial building in that space with a 75-foot setback to the west.

Mr. Gardner stated that the properties were filed simultaneously on the same application. This requires a single subdivision plat of that property. He stated that as he understood it, the applicant was dealing with not only the subject tract, but also the tract to the east. The only reason he had the one tract before the Board was that that is the only one that requires a variance because to the east of him and to the north of him, the property is already zoned industrial. His plan shows both pieces of property. The property is being treated as one piece of property.

Discussion ensued about where the sewer was located for this property and possible alternatives for the placement of the buildings.

Ms. Purser said that she was finding it very difficult to find a hardship to grant the applicant a variance.

Discussion ensued as to where the water would run off from the land.

As discussion ensued concerning the plot plan, it was discovered that the architect had made a mistake in the dimensions.

A MOTION was made by PURSER to grant a variance from 75 feet to 40 feet. After a Second by Wait, a vote of 2-1-1 (Purser, Wait, "aye"; Victor, "nay"; Smith, "abstaining"; Chappelle, "absent") showed that this motion did not pass and the application would be denied by reason of not having 3 affirmative votes.



Case No. 12705 (continued)

Applicant's Rebuttal:

The applicant stated that the buildings along the side would be better than a street as far as drainage problems because of the space between the buildings. The drainage does go to the center street and would fall that way. All of the drainage has to be approved by the City Engineering Department before any specific plans could be approved. He informed the Commission that the land behind the property is zoned IL and it is being developed into large industrial tracts. The corner of 100th East Avenue and 61st Street is also zoned IL--the people in that area are totally surrounded by IL now.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 3-0-1 (Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Chappelle, "absent") to DENY a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Use Unit 1206) of the building setback from abutting R Districts from 75 feet to 5 feet in an IL zoned District under the provisions of Section 1670, on the following described property:

The East 120 feet of the W/2 of the SW/4 of the SE/4 of the SW/4 of Section 31, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12690

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1208 - Request for a variance of lot width from 60 feet to two lots of 50 feet each, and a variance of livability space per dwelling unit from 4,000 square feet to 1,736 square feet approximately, to permit a lot split under the provisions of Section 1670 located at 1417-1419 East 35th Street South.

Presentation:

The applicant, Anita Beatt, was not present.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case No. 12690 to the August 11, 1983 meeting.

Case No. 12704

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225 - Request for a variance of the frontage requirement from 150 feet to two lots with frontages of 55 feet and 110.1 feet in an IL District to permit a lot split under the provisions of Section 1670 located at 2806 North Sheridan Road.

Case No. 12704 (continued)

Presentation:

Jerry Snider, 5 West 22nd Street, #360, represented the applicant, Charles Jarvis. The subject property is zoned IL. The present use of the property is an aircraft repair shop. The applicant has requested that the property be split into two tracts, the new tract will be the north 55 feet of the east 250 feet of the existing property. A minor variance is requested concerning the frontage requirement for an IL tract on a major arterial to create one 55-foot frontage and one of 110.1'. The general location is across Sheridan Road from the Tulsa International Airport and there are numerous tracts in existence all along that arterial with less than the frontage required by the Ordinance.

Protestants: None.

Comments and Questions:

The applicant advised that to the south of the property are businesses involved in the aircraft industry and to the north is a vacant lot. The zoning line is zigzagged with pockets of RS-3 coming in where there are older homes. The plan is for industrial, but zoning has never been sought on all of the lots. There are numerous lots in the same area of the size that the applicant is asking for. Mr. Gardner advised that the Planning Commission had approved this lot split, subject to this Board's approval.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Use Unit 1225) of the frontage requirement from 150 feet to two lots with frontages of 55 feet and 110.1 feet in an IL District to permit a lot split (L-15862) under the provisions of Section 1670, on the following described property:

Lot 4, Block 4, Mohawk Acres Addition to the City of Tulsa,  
Tulsa County, Oklahoma.

Case No. 12710

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1204 - Request for a variance of frontage from 150 feet to 0 feet to permit a lot split under the provisions of Section 1670, located at the west side of South Union Avenue, north of 81st Street.

Presentation:

The applicant, Noel Ward, was not present.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case No. 12710 to the August 11, 1983 meeting.

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Case No. 12713

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance of the minimum street frontage requirement on a public street or dedicated right-of-way from 30 feet to two lots of 25 feet to permit a lot split under the provisions of Section 1670, located south and east of South 68th East Avenue and East 101st Street.

Presentation:

E. O. Sumner, 8173 East 31st Place, was present and represented the owner of Prestige Properties. He presented a sketch plat (Exhibit "C-1") and requested that the frontage variance be granted. The property will be used for 2 single-family residences.

Protestants: None.

Comments and Questions:

Chairman Smith asked if there would be a plat and was informed that there would not be. It was made clear that there would be only one house set on each lot and both would have access to 103rd Street.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Variance (Section 207 - Street Frontage Required) of the minimum street frontage requirement on a public street from 30 feet to two lots, each having 25 feet of frontage under the provisions of Section 1670, with the condition that there be only one single-family residence on each of these 2 lots, on the following described property:

The South 475.88' of the North 795.88' of the W/2 of the W/2 of the NE/4 of the NW/4 of Section 26, Township 18 North, Range 13 East of the Indian Base and Meridian, County of Tulsa, State of Oklahoma, according to the U. S. Survey thereof; containing 3.60 acres more or less; AND, the W/2 of the W/2 of the NE/4 of the NW/4, LESS the North 795.88' thereof, of Section 26, Township 18 North, Range 13 East of the Indian Base and Meridian, County of Tulsa, State of Oklahoma, according to the U. S. Survey thereof; containing 3.97 acres, more or less.

Case No. 12714

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the setback requirement from the centerline of East 75th Street South from 60' to 50' under the provisions of Section 1670, located at the NW corner of East 74th Street South and South College Place.

Presentation:

Dan Frank, 3920 East 79th Street, was represented by Marlene Vanhorn, the Designer for the applicant, who submitted a plot plan (Exhibit "D-1"). A variance is requested to add more square-footage to the piece of property which is a corner lot.

Case No. 12714 (continued)

Protestants: None.

Comments and Questions:

The house will face east thus making the south boundary the side yard. Chairman Smith suggested that the building line which was stated as 35' on the plot plan be changed to 25'.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts) of the setback requirement from the centerline of East 75th Street South from 60' to 50' under the provisions of Section 1670, per corrected plot plan to show a 25-foot setback off of 75th Street, on the following described property:

Lot 15, Block 2, Guier Woods IV Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12717

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the setback requirement from 47th Place from 25' to 20' under the provisions of Section 1670, located at 4735 Atlanta Place.

Presentation:

D. Linsay Perkins, 6447 South Indianapolis Place, was present and presented a site plan (Exhibit "E-1") and requested that the variance be granted. Lot 1, Block 1, of The Oaks Addition is platted to have a 15' side yard building line, and he is asking for a change from 25' to 20'. The house on Lot 1, Block 1, will look directly at his house on Lot 5, Block 1.

Protestants: None.

Comments and Questions:

Mr. Perkins advised that the applicant's house would be 5' further away from 47th Place than the house it faces to the west. Birmingham Place is just a paper street and does not exist next to him.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Under the Provisions of Use Unit 1206) of the setback requirement from 47th Place from 25' to 20' under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 5, Block 1, The Oaks Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12719

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the setback requirement from Elgin Avenue from 50' to 47' under the provisions of Section 1670, located at the NW corner of Latimer Place and Elgin Avenue.

Presentation:

David Loop, 707 South Houston, Suite 201, was present and was represented by Don Bye, an employee of the Tulsa Urban Renewal Authority, the owner of the lot in question. The lot is 120' deep by 90' wide and has a 40' utility easement at the rear of the lot. It has a 25' building setback at the front of the lot. The potential buyer of the lot would like to build a house that would encroach 2' & 10" into the building line. The applicant is requesting a variance.

Protestants: None.

Comments and Questions:

There was no drawing and Chairman Smith advised that it was a very small variance that the applicant was asking for.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Under the Provisions of Use Unit 1206) of the setback requirement from Elgin Avenue from 50' to 47' under the provisions of Section 1670, on the following described property:

The North 65 feet of Lot 15 and the South 25 feet of Lot 14, Block 2, Douglas Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12645

Action Requested:

Variance - Section 1420 (a) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1206 - Request for a use variance to replace a nonconforming structure (storage building) with a new metal building under the provisions of Section 1670, located at 1112 South Rockford Avenue.

Presentation:

C. D. Williams, 1112 South Rockford Avenue, was represented by his brother, Vernon Williams. The applicant requested a variance to replace an older storage building (formally a dwelling) with a new one. All the lots on this block may have storage buildings on them except for two. Some of them do have two storage buildings. The applicant submitted a plot plan (Exhibit "F-1") and photographs (Exhibit "F-2") of the subject property.

Protestants: None.

Case No. 12645 (continued)

Comments and Questions:

The applicant advised that the existing building on the lot is larger than the one his brother is planning to move in. The old building was a rent house and has been used for storage for some time and is dilapidated. The old building is still standing, but if the variance is granted the old building will be torn down within a couple of months. Mr. Jackere pointed out that the Code does not speak to the replacement of a nonconforming use structure with another structure and continue using that nonconforming use, unless that nonconforming use structure is destroyed or damaged in excess of 50 to 75 percent of its current replacement cost. The applicant stated that the building has been infested with termites--it is completely gone inside. Mr. Gardner stated that if the Board considers the application as a trade of one building for another it should be on the condition of the removal of the old building or he would not have to remove it.

Interested Party:

Jo Williams, 1136 South Rockford Avenue, stated that all the applicant wants to do is to replace an old building that is eaten up with termites, ready to fall, with a new metal building. The old building sets back on the alley.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Variance (Section 1420 (a) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Use Unit 1206) to replace a nonconforming structure (storage building) with a new metal building under the provisions of Section 1670, subject to the removal of the existing nonconforming storage building within 60 days, on the following described property:

Lots 5 and 6, Block 2, Orchard Addition to the City of Tulsa,  
Tulsa County, Oklahoma.

Case No. 12680

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1207 - Request for an exception to allow duplex dwellings in an RS-3 zoned District under the provisions of Section 1680, located at the NE corner of Pine Street and Union Ave.

Presentation:

Chairman Smith advised that a letter had been submitted (Exhibit "G-1") by Stephen R. Clark, attorney for the Gilcrease Hills Homeowner's Association, requesting that the case be continued. Charles Norman, the applicant, was present and did not object to the continuance.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to continue Case No. 12680 to the August 11, 1983 meeting.

Case No. 12689

Action Requested:

Variance - Section 420.2 (b) - Accessory Uses in Residential Districts- Use Unit 1206 - Request for a variance to allow a detached accessory building in the side yard under the provisions of Section 1670, located at 1257 South 105th East Avenue.

Presentation:

Wilson Deardorff, 1257 South 105th East Avenue, was present and requested a variance in order that he could build a garage which would extend about ten feet into his side yard. The applicant's house is built 15' further back than any other house on the street and the garage would be behind the back of any neighboring house along his street. The applicant submitted a rough sketch (Exhibit "H-1") of his property.

Protestants: None.

Comments and Questions:

The applicant advised that the garage would be 5' off of the fence line. The neighbors have been informed of the plans to build this garage and do not object. The name of the street was changed from 104th to 105th East Avenue.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Variance (Section 420.2 (b) - Accessory Uses in Residential Districts - Under the Provisions of Use Unit 1206) to allow a detached accessory building in the side yard under the provisions of Section 1670, on the following described property:

Lot 20, Block 2, Crescent Heights Addition, Tulsa County, Okla.

Case No. 12693

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit three (3) mobile homes on three (3) separate lots under the provisions of Section 1680; and a Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one-year time limitation and the customary removal bond under the provisions of Section 1670; and a request for a refund of fees, located at 3701 South Nogales Ave.

Presentation:

C. R. Torbrett, 4315 South Vancouver Avenue, was present and submitted photographs of the subject property (Exhibit "I-1"). In 1979, a permit to park a mobile home was granted to the applicant which he did not use. In 1980 another mobile home permit was granted and the applicant moved 2 new mobile homes on the property. The applicant said that the 1980 permit was for one or more mobile homes. A few months ago, the applicant moved another home onto the land with the understanding that he could do this, but he was not able to have this mobile home connected. After some discussion, the

Case No. 12693 (continued)

applicant was advised to come back before the Board and have the situation clarified. The applicant has spent a lot of money getting the land in the improved condition it is in.

Protestants: None.

Comments and Questions:

Chairman Smith advised that the applicant has permission to put the mobile homes on the subject property with unlimited time. The applicant was asked why he was under the impression that he had permission for more than two mobile homes. His answer was that he had requested one or more and he has three lots and wants to have one mobile home on each of the lots. Ms. Purser stated that if the Board granted the applicant previously two mobile homes on two lots, then the Board has already determined the direction of that street--three on three lots would not make much more difference.

The applicant was also concerned as to where his mobile homes should be set on the lots. He has lined them up with the houses in the area--20 feet from the street. The houses in that area according to the zoning are supposed to be 25 feet from the street.

Chairman Smith stated that he thought that the applicant was right and that the Board may have been unclear. Permission had been given for one mobile home on each of the three lots, and Mr. Smith felt that the applicant should be able to do that and also should have his money refunded for having to appear before the Board again.

Concerning the required 25-foot setback, the Ordinance would allow him to line up with the houses in the area, so he does not need special permission.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1209) to permit three (3) mobile homes on three (3) separate lots under the provisions of Section 1680, to approve a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements) of the one-year time limitation and the customary removal bond under the provisions of Section 1670, and to approve a request for a refund of filing fees, on the following described property:

Lots 12, 13 and 14, Block 1, First McBirney Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12708

Action Requested:

Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209 - Request for a variance to permit a mobile home (for live-in security purposes) in an IL District under the provisions of Section 1670, located at 840 East Apache Street.



Case No. 12708 (continued)

Presentation:

Premium Processed Metal, P. O. Box 6448, was represented by Jerry Harmon, who now resides at the subject property. The applicant has had problems on several occasions with people stealing from him after hours.

Protestants: None.

Comments and Questions:

Mr. Harmon advised that the mobile home will be placed on the west side of the big building on the subject property. The mobile home is visible through the trees of an adjoining park, but it is not visible from Lansing Street on the east or from the south. It is visible from Apache Street. The mobile home does set back about 75 feet from the street. The mobile home is 14' by 65' and will be occupied for at least a year or two--it will take that long to recycle the precious metal on the property.

Interested Party:

Rubie Mae Hytche, 1039 Young Street, informed the Board that she was not in objection with the proposed variance because he kept the place very neat and was a fine young man. She also stated that the applicant helped with the security in the area.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1209) to permit a mobile home (for live-in security purposes) in an IL District under the provisions of Section 1670 for a period of 3 years, on the following described property:

Lots 9-19, Block 3, Gentry 2nd Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12709

Action Requested:

Variance - Section 420.2 d (2) - Accessory Use Conditions in Residential Districts - Signs - Use Unit 1208 - Request for a variance of maximum sign surface area from 32 square feet to 125 square feet; and a variance of the maximum sign height from 15 feet to 20 feet under the provisions of Section 1670, located at 6805 South Lewis Avenue.

Presentation:

Williamsburg Commons, 6805-A South Lewis Avenue, was represented by Casper Jones, 1302 South Fulton Avenue, who submitted a rendering of the proposed sign (Exhibit "J-1"). At the present time, the apartments have an existing sign which is 8' x 16'--128 square feet. The old sign is a wooden sign and looks like a billboard. The applicant would like to put up a new sign that will blend in with the apartments. The hardship in this case is the size of the tract of ground--there is approximately 1,000' along Lewis and the Ordinance would only permit them a 32 square-foot sign on each street frontage. They are on a corner and the property is zoned OM and RM-2. The

Case No. 12709 (continued)

Board did permit apartments in the OM. On the west side of the street for a mile, from 61st to 71st Streets it is all zoned CS, except for one little tract of ground. There are large commercial signs all up and down this mile.

Protestants: None.

Comments:

The new sign will be put up where the old sign is.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Variance (Section 420.2 d (2) - Accessory Use Conditions in Residential Districts - Signs - Under the Provisions of Use Unit 1208) of maximum sign surface area from 32 square feet to 125 square feet; and a variance of a maximum sign height from 15 feet to 20 feet under the provisions of section 1670, per drawing submitted, on the following described property:

The North 100' of the West 50' of Lot 1, Block 1, Williamsburg Plaza Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12711

Action Requested:

Variance - Section 930 - Bulk and Area Requirement in the Industrial Districts - Use Unit 1223 - Request for a variance of the setback requirement from the centerline of Norfolk Avenue, Madison Avenue and 3rd Street from 50 feet to 25 feet under the Provisions of Section 1670, located between 3rd and 4th Streets and Norfolk and Madison Avenues.

Presentation:

Carl Willis, 7213 Memorial Drive, submitted an artist's rendering of the proposed structure (Exhibit "K-1") and a Site Plan (Exhibit "K-2"). One-third of the subject property is zoned CH and two-thirds is zoned IM. The property is owned by a single owner and it covers an entire block. There is no residential property adjacent to this property. The proposed building that is being considered to be put on this property is compatible with the rest of the buildings in the area. The building proposed is a file records retention building which would be totally self-contained with interior parking space. The variance is requested in order to allow the maximum building space in order to accommodate the interior parking. The project has been studied carefully and a survey was made of several corporate executives, the Chamber of Commerce, and Downtown Unlimited and it was decided according to their recommendation that there is a grave need for a record retention storage facility downtown. As proposed, the exterior walls of the building are on the lot lines, and the applicant would like for the IM zoning to be varied in order to be conforming with the CH zoning which is on the majority of the property.

Protestants: None.

Case No. 12711 (continued)

Comments:

Mr. Gardner stated that most of the other buildings in the area are built to the property line. The applicant was not sure if the building was to be metal construction with brick and masonry facing, or if it will just be a masonry structure. The building is planned right now to be single-story until a time when additional stories might be needed. The plans are to build an attractive building compatible with the other buildings in the neighborhood. The reason for having interior parking is for added security and so as not to detract from the area with exterior parking. The plans are subject to building approval and if the City Fire Code requires that the inside be sprinkled for fire protection, it will be.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Use Unit 1223) of the setback requirements from the centerline of Norfolk Avenue, Madison Avenue and 3rd Street from 50 feet to 25 feet under the provisions of Section 1670, per site plan, on the following described property:

Lots 3,4,5,6, 11, 12, 13, and 14, ALL in Block 10, also known as Block 10-B, Hodge Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12712

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the setback requirement from 35' to 25' under the provisions of Section 1670, located at 7410 South Birmingham Court.

Presentation:

William Doyle, 201 West Fifth Street, Suite 400, attorney for Mr. & Mrs. Mitchell, was present. Mr. and Mrs. Mitchell obtained title to the single-family residential lot from Adam's Realty in about May of 1983. The vacant lot is a part of a resub. of two additions and is at the intersection of Birmingham Court and 74th Street. The proposed house will face east on Birmingham and the side yard will face north on 74th Street. The Board previously granted a similar request at the other end of this block in Case No. 11167. The Board previously granted a request modifying the setback on Birmingham Court in Case No. 6949. The applicants request a setback from 35' to 25' for the side yard adjacent to 74th Street. The applicants presented a plot plan (Exhibit "L-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Under the Provisions of Use

Case No. 12712 (continued)

Unit 1206) of the setback requirement from 35' to 25' under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 1, Block 2, Ridgecrest Addition, a Resubdivision of Lots 3, 4, and 5, Block 2, Southern Hills Estates, A Resubdivision of Blocks 1, 2 and 3, La Velle Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12715

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request for a variance to permit off-street parking under the provisions of Section 1670, located at 1319 East 33rd Street.

Presentation:

Brookside State Bank was represented by C. H. March, 4510 East 31st Street, attorney for the applicant. Mr. March submitted a plat of survey (Exhibit "M-1") which shows the location of the property and some photographs (Exhibit "M-2") of the subject property and surrounding area. The applicant would like to put a parking lot on the subject property to provide adequate parking for the bank employees--the existing employee parking is not big enough to provide adequate parking. A wall would be built around the proposed parking lot on the north side and on the east side. The lighting would be the same as the existing lot and there would be only one entrance/exit. This is the applicant's effort to help with the parking problem in the Brookside area.

Protestants:

Joe McCormick, 1776 One Williams Center, represented Marie Erickson and others in the area. Mrs. Erickson already has a parking lot on the west side of her property. The proposed variance would permit a parking lot on the south side of her property. The residents are concerned about the traffic in the area. The homes in the area are very nice and many of the people in the area have been there a long time. They are concerned that the bank is trying to expand into their residential community. Mrs. Erickson's house is on a hill and would be looking into the parking lot.

Ann Walker, 1334 East 32nd Place, a homeowner on the cul-de-sac is concerned about the future growth of the bank. She is confused about the applicant's statement that they are trying to help with the parking problem in the area since all the bank's parking lots are closed or guarded at night when parking is really needed in the area. She informed that the employees who were not parking in the employee parking lot were parking in the bank parking lot and could not see how this presented a hardship to the bank. She also informed that the house on the subject property was just repainted and reroofed last summer and was now a very nice looking house. She is concerned about the future plans of the bank.

Alta Anthony, 1326 East 32nd Place, was concerned that the valuation of the property in the area would be ruined because of all the parking lots on 33rd Street.

Case No. 12715 (continued)

Marie Erickson has lived in her home 35 years and she does not want to move yet.

Comments and Questions:

Mr. March advised that there is currently a residence on the subject property and there is a house next to it on the east side. The protestants present at the meeting are from around the cul-de-sac behind the street on which the subject property is located. There is no reason why the house could not be used as a residence. The applicant has owned the property since 1968, but it has been used off and on for residential purposes since they bought it. The house has been empty for several years. There is no difficulty in using the house for residential due to the parking lot on the west side of it. Chairman Smith asked if the hardship had been stated by the applicant. Mr. March said that a dozen or more of the employees had to park on the street which compounds the parking situation in Brookside. Mr. Smith advised that the Board was only supposed to consider those things that are unique to a particular piece of property like the shape, topography, or exceptional narrowness of the lot as a hardship. The Staff advised that there has been a special parking study started, but it has not been completed.

Applicant's Rebuttal:

Mr. March stated that the guarded parking lot and the closed parking area would provide more security in the area than the vacant house would. He also pointed out that there were no protestants from 33rd Street, which is the street the parking lot would be located on.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to DENY a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1210) to permit off-street parking under the provisions of Section 1670, on the following described property:

Lot 4, Block 1, Cedar Haven Addition to the City of Tulsa,  
Tulsa County, Oklahoma.

Case No. 12716

Action Requested:

Variance - Section 920.1 - Accessory Uses Permitted in Industrial Districts - Use Unit 1217 - Request for a variance to permit a residence (living quarters for the manager) under the provisions of Section 1670; and a Variance (Section 1217.4 - Off-Street Parking and Loading Requirements - Request for a variance of the parking space requirement from 9 spaces to 6 spaces under the provisions of Section 1670, located South of the SE corner of 58th Street and Mingo Road.

Presentation:

The applicant, Max Heidenreich, was not present.

Protestants: None.

Case No. 12716 (continued)

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case No. 12716 to the August 11, 1983 meeting.

Case No. 12718

Action Requested:

Special Exception - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request for an exception to permit an existing carport to encroach over the front setback requirement under the provisions of Section 1680; and a Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard requirements from 5' to 2' and a variance of the setback requirement off of Louisville Avenue from 50' to 38' under the provisions of Section 1670, located at 3748 South Louisville Avenue.

Presentation:

Hugh Hill, 3748 South Louisville Avenue, was present and presented photographs of the existing carport frame (Exhibit "N-1"). At the time the applicant built the frame, he was under the impression that the law read 35'--he built it 38'. The applicant also submitted a plat of survey (Exhibit "N-2"). The carport is on the east side of the house and the house faces east on Louisville. The applicant submitted a petition signed by his neighbors (Exhibit "N-3"), which stated that they would not be bothered by a carport at that address.

Protestants: None.

Comments:

Paula Hubbard informed the Board that the variance was not needed because the Code provides for a carport encroaching building setbacks by an exception. The applicant advised there are twelve carports in a 4-block area that are 35' or closer to the street. The nearest carport is in the next block. The applicant has a garage that he uses for purposes other than parking his car in. The carport is strictly to protect the applicant's car from the neighbor's tree. The sides of the carport are open, so it will not block the view for traffic. The carport will match the house when it is finished. The trim will be the same as the house and it will have a three inch drop front to back. Mr. Smith was informed that there were 49 notices sent out and no one showed up.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Special Exception (Section 240.2 - Permitted Yard Obstructions - Under the Provisions of Use Unit 1206) to permit an existing carport to encroach over the front setback requirement under the provisions of Section 1680, on the following described property:

Lot 13, Block 8, Thirty-Sixth Street Suburb Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1220 - Request for an exception for Commercial Recreation, Intensive, (automobile race track) under the provisions of Section 1680, located north of the NE corner of Pine Street and Mingo Road.

Presentation:

Ron Henderson, 1643 East 15th Street, was present and proposed to relocate the Tulsa Speedway Racetrack from the fairgrounds to northeast Tulsa, next to the Tulsa International Airport. The subject property is presently not being used because of flood control measures. The property is the former Flamingo Mobile Home Park. The applicant showed an aerial photograph of a four square-mile area. Certain areas of the floodplain can be corrected through cut and fill operations, but the former Flamingo Mobile Home Park property has some severe elevation problems. All of the ideas which they have come up with for the subject property are for recreational purposes. The number one problem with the property is that it has not been maintained and has become severely blighted over the past eight years. The subject property has been continually used for a dumping ground. The applicant stated that as they have talked to the various property owners in the area, they are behind this application one hundred percent because they want the property cleaned up and maintained. The area will be a first class recreational park. Concerning the airport, officials of the airport have said that in the future, the runway nearest the proposed racetrack would be one of the noisiest in Tulsa. The applicant has retained the nation's largest accoustical sound engineering firm, Bolt, Bearneck and Newman, Inc., and Mr. Charles Detrich was present--he is one of the nation's outstanding engineers in accoustics. Stan Durrett, the owner of Tulsa Speedway, was also present.

Mr. Charles Detrich informed the Board that there is great compatibility between the airport and the racetrack. Both are activities that produce noise as part of the business. They both work at controlling the noise they produce. From Mr. Detrich's experience of dealing with the problems of environmental noise and in dealing with the problems with racetracks, he has found that some of the best facilities in the country in terms of finding land compatibility are those tracks which are located near airports and industrial parks. The homes nearby the subject property are already exposed to a lot of noise from traffic and the airport. Mr. Detrich did some environmental sound measurements at locations on Pine Street. The present environment is dominated by transportation noise--this is not an unusual situation. He found that the sound levels, even at the closest of the sites, are higher in terms of sound energy than the contribution that the racetrack would bring based upon some measurements which were furnished to him by the present owner of the race track. These were taken in the neighborhood around the present racetrack operation at the fairground. A person could still detect the sound pattern of the racetrack, but the racetrack sounds would not produce any impact of the sounds that are not already there due to the present airport and highway noises.

Mr. Jackere had a question as to how a louder sound could be heard at the same distance as a lower sound.

Mr. Detrich informed the Board that the sanctioning bodies for race-tracks have rules that restrict the noise levels--the present rule is 92 decibels per car. Mr. Detrich advised that there are techniques for the control of motor racing noise, and these generally involve trying to control it right at the source with exhaust mufflers on race cars. There is a rule such as this at the present Tulsa Speedway.

Stan Durrett, the owner of the Speedway Track, informed that his present lease at the fairgrounds runs out in one more year. He said that they had picked the location of the subject property because of the lower number of houses nearby. Also, most of the wind is from the south, southwest, which would be blowing the sound away from the houses in the area to the north, northwest where there are not any houses. The applicant would agree to the same restrictions that they have right now and would run under those conditions. The races at the track would be weekend races and the curfew is 10:20--no races can be started after that time. They propose to operate on the same schedule if they move to the subject property.

Interested Party:

Eugene Colleoni, 1534 South Delaware Avenue, a member of District #4 where the Speedway is presently located, spoke in favor of the proposal. He indicated that he was well aware of all the problems the racetrack has caused at its present location and he sees this as an opportunity to relocate this activity and continue it in an area where it probably will not be noticed as much. He stated that the impact on the residents of the subject area would not be the same as the impact that has occurred to those who live near the existing racetrack, because the racetrack is within a few hundred feet of single-family homes which surround the present location. He informs that the new location for the Speedway is a considerable distance (1,500 feet or more) from a residential area.

Protestants:

Leo Birbilis, 8910 East Oklahoma Place, lives in the area of the subject property. He stated that it did not seem fair to move the problem from 15th and Delaware to Pine and Mingo. He is concerned with the noise, and is also concerned about the fact that Speedway is a private operation and the public would not really have a public organization they could go to with their complaints. The people in the area would only hopefully have the cooperation of the operators to alleviate their problems with the noise. He informed that, according to the City Prosecutor, the violations in regards to disturbance of the peace are negated if the Board grants the special exception. Mr. Birbilis feels that they already have enough noise in the area of the subject property. Mr. Birbilis is also afraid of what the move of the Speedway to this area might do to the values of the property surrounding it. He requests that the Board either deny the application or continue it so that the people in the area would have time to get a case together concerning the impact the special exception would have on them.

Comments:

Mr. Victor stated that he would like to take a look at the sight.



Case No. 12720 (continued)

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case No. 12720 to the August 11, 1983 meeting to allow the Board members time to view the site.

Case No. 12721

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a school offering a compulsory education curriculum under the provisions of Section 1680, located at 1574 South 79th East Avenue.

Presentation:

Kenny Joe Smith, 502 West Sixth Street, was present representing Dillon Family and Youth Services, Inc. Presently on the subject property is a group home in which there resides 15 children ages 11 through 14 years. There is a maximum number of 16 children which can be at this location at one time. The structure which the applicant is proposing to build would take the place of a temporary school which was granted July 14, 1983. The maximum number of students which would be present at the school at any one time would be 28-- at this time they would have 25 as soon as they are able to complete the building. The student body would consist of the 15 children living at the group home on 79th and 10 other children which live at another group home at 15th and Victor. The administrator of the school was present and presented a site plan (Exhibit "0-1").

Protestants: None.

Comments:

Mr. Gardner advised that the Staff did review the plot plan and had no problems with it. Mr. Smith advised the school is a regular school, teaching the "three Rs". The school would operate during normal school hours, 9:00 a.m. through 3:00 p.m., Monday through Friday. Nancy Smith, the administrator of the school, informed that the school was part of a program in caring for the children-- they have emotional and learning problems.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1205) to permit a school offering a compulsory education curriculum under the provisions of Section 1680 with the conditions that it be limited to a maximum number of 28 children and that it operate Monday through Friday between the hours of 9 a.m. and 3 p.m., on the following described property:

The E/2 of the S/2 of the SW/4 of the NE/4 of the SE/4 and the East 20 feet of the W/2 of the S/2 of the SW/4 of the NE/4 of the SE/4, LESS 30 feet on the East and 30 feet on the South for street purposes, ALL in Section 11, Township 19 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request for an exception to permit a duplex under the provisions of Section 1680; and a Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - Request for a variance of the all-weather surfacing material for unenclosed off-street parking areas to permit a gravel driveway under the provisions of Section 1670; and a Variance - Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the frontage requirement from 75' to 64' to permit duplex use under the provisions of Section 1670, located north of the NE corner of Woodrow Place and Columbia Avenue.

Presentation:

Ross Silvey, 5851 East 21st Place, was represented by Ted Genner, the applicant's contractor. The applicant submitted photographs of the subject property (Exhibit "P-1") and the surrounding property. The applicant feels that the subject property would have its best use as a rental. It has been a rental use for a number of years. Mr. Silvey purchased the property about a year and a half ago. The applicant feels that most occupants could not afford to rent the property renovated. It is a very large house--four bedrooms, two baths, and one kitchen. At one time it is thought that the house was used as a duplex with the families sharing the kitchen. The applicant feels that a duplex would provide the most livable space in the smallest area and would help the entire block -- it is run down and needs something. The applicant is asking for a variance to permit a gravel driveway because the house has an existing gravel drive and this type of driveway is very common in the area. Also, there is a drainage problem in the area and the applicant feels that the gravel drive would cause fewer drainage problems than a paved area. The nearest storm drain is at the corner of Columbia and Wilson which is 220 feet away. The applicant submitted a plot plan (Exhibit "P-2").

Protestants: None.

Comments:

Mr. Silvey stated there are no other duplexes in the area, but on Columbia Place there is a small rental unit behind a residence.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1207) to permit a duplex under the provisions of Section 1680, to DENY a Variance (Section 1340 (d) - Design Standards for Off-Street Parking Areas) of the all-weather surfacing material for unenclosed off-street parking areas to permit a gravel driveway under the provisions of Section 1670, and to approve a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements) of the frontage requirement from 75 feet to 64 feet to permit duplex use under the provisions of Section 1670, on the following described property:

The N/2 of the W/2 of Lot 3, Block 6, City View Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a church under the provisions of Section 1680; and a Variance - Section 1205.3 - Community Services, Cultural and Recreational Facilities Use Conditions - Request for a variance of the minimum lot area to permit a church from 1-acre to .711 acre under the provisions of Section 1670, located at the NW corner of 14th Street and 121st East Avenue.

Presentation:

David Neinhuis, 450 South 92nd East Avenue, was represented by Phil Moffit who was representing the Tulsa Gospel Chapel. The present location of the Tulsa Gospel Chapel is at 4th Street and Trenton Ave. The members of the organization desire to build a new facility. They have been at their present facility for over 20 years. The applicant submitted a site plan (Exhibit "Q-1") and a floor plan (Exhibit "Q-2"). The lot is 305' by 100' deep and they are proposing to put a 4,000 square-foot building on it. They have about 38 parking spaces on the plot plan with two areas of access to the building. To the east of the subject property is a fairly new residential area, and on the west most of the property is vacant with a few scattered residences. There is access within 3 or 4 blocks to Garnett, which will be the main area of access to the property along 15th Street. There is another access at 13th Street and to 124th East Avenue. The land is undeveloped. Water and sewer services are both available to the subject property. The lot slopes 2 to 3 feet from the front to the back, which would cause drainage problems and could be taken care of with a detention pond. The applicant would like to blend in with the neighborhood. The applicant contacted about 20 people in the area and 3/4ths of these people indicated that they would not mind a church being placed on the subject property. The applicant submitted the copies of the Zoning Variance Questionnaire and Results which was used to gain this information (Exhibit "Q-3").

Circulation in the area is light to moderate.

Protestants:

Charles Knight lives next door to the subject property. He submitted a 3-page petition (Exhibit "Q-4") of all the property owners in the area saying that they are against the church for four reasons: (1) There are four churches in the neighborhood now, (2) there is one church adjoining the property, (3) a church is required to be on a 1-acre tract, and the subject property does not contain that much land, and (4) ample parking could not be provided on this size lot, so eventually there would be overflow into the street. Mr. Knight informed that the City had a natural drain on the property. When asked if there were problems with the other churches in the area, Mr. Knight said that there were parking problems and problems with school children playing in the street. Mr. Knight submitted photographs of the subject property (Exhibit "Q-5") to show how low lying the land is. He is concerned about potential water drainage problems.

Loretta Jackson lives to the west of the subject property and was also concerned with the drainage problems in the area.

Case No. 12723 (continued)

Interested Party:

Thomas Johnson, 1311 South 121st Street East, is for the church because he feels that it will bring his property value up to get rid of the vacant field. He feels that the church has come up with a solution to the drainage problem. He informed that the parking problem is a baseball problem.

Applicant's Rebuttal:

The applicant stated that the natural drainage is not through the subject property. The drainage starts to the south. It goes to the back and the channel barely cuts into the corner of the property. He also informed that there is enough room on the land to provide 50% more parking spaces than what they have done. He also stated that there is not another church adjoining the subject property. The nearest church is at least half a lot to the west and across the street.

Comments:

The applicant advised that the church which is located about a block away from the subject tract is entirely different from the church which is requesting the variance.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case No. 12723 to the August 11, 1983 meeting in order to allow the Board time to look at the site and the property.

Case No. 12724

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request for a variance of the frontage requirement on two tracts of land; and a variance of the frontage requirement on Lewis Avenue and 51st Street from 150' to 73' and 45 feet respectively on Tract I; a variance of the frontage requirement on Lewis Avenue and 51st Street from 150' to 130' and 135 feet respectively on Tract 2, all under the provisions of Section 1670, located at the NW corner of 51st Street and Lewis Avenue.

The Staff advised that the TMAPC had not made a decision on the lot-split.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case No. 12724 to the August 11, 1983 meeting.

OTHER BUSINESS:

Case No. 12430

Action Requested:

Request for review of revised site plan for Case No. 12430.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case No. 12430 to the August 11, 1983 meeting.

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

Date Approved AUG 25, 1983

  
Chairman