

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 394
Thursday, August 25, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Purser (in at 1:10 p.m.) Victor, Acting Chairman Wait	Smith, Chairman	Compton Jones Wiles	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, August 23, 1983, at 11:10 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Acting Chairman Victor called the meeting to order at 1:05 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve the Minutes of July 14, 1983 (No. 391) and July 28, 1983 (No. 392).

UNFINISHED BUSINESS:

Case No. 12379

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Request to allow an airport in an AG District located East of the NE corner of 36th Street North and Memorial Drive.

Presentation:

Franklin Casey, the applicant, requests a 90-day continuance of this case.

Protestants: None.

Comments:

The Staff informed the applicant has filed a rezoning application for industrial medium, and he wants to have the rezoning case heard before any decision is made on the Board of Adjustment application.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 12379 to the November 17, 1983, meeting.

Case No. 12570

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the lot width from 60' to 30'; a variance of the lot area from 6,900 sq. ft. to 3,775.5 sq. ft.; a variance of the land area; a variance of the livability space and a variance of the side yard requirement from 5' to 0'.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Section 430 - Request to allow 4 dwellings on two lots of record located west of the NW corner of East 36th Place and New Haven Ave.

Presentation:

The applicant, Dimension Properties, Inc., was not present.

Protestants: None.

Comments:

The Staff informed this case has been continued four times.

Mr. Jackere informed the Board cannot withdraw a case.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the lot width from 60' to 30'; a variance of the lot area from 6,900 sq. ft. to 3,775 sq. ft.; a variance of the land area; a variance of the livability space; a variance of the side yard requirement from 5' to 0'; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Section 430) to allow 4 dwellings on two lots of record, on the following described property:

Lots 5 and 6, Devasher Subdivision, 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 Avenue.

Presentation:

The applicant, Charles Norman, and the protestants would like this case continued to the September 22, 1983, meeting.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 12680 to the September 22, 1983, meeting.

Action Requested:

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

Presentation:

J. Henderson was represented by Joe Ferris, 816 Enterprise Building. Mr. Ferris informed this case has been continued several times.

Protestants:

Sophie Timme, 9124 East Newton Place, represented the group of protestants. The people in the area are concerned with the noise the racetrack would bring. Mrs. Timme informed many people in the area have health problems and the noise would cause additional damage to their health. She talked about two other places which would be much better sites to relocate the racetrack. She indicated a petition with at least 800 signatures had been signed in protest to this case.

State Representative Gary Stallemier, 1213 North 76th East Avenue, was present to speak on behalf of the people in his House District. He informed there are about one thousand homes in the area of the subject property that will be affected immediately by the racetrack. He is concerned with the noise and the added air pollution which the racetrack will generate. Mr. Stallemier also is concerned with the fact that someday an airport runway will run right to the subject property and could put a large number of people in danger should a plane crash while landing or taking off. He is also concerned that land values in the neighborhood will drop and flood problems will increase.

Dale Irwin, 9133 East Latimer Street, informed the present location of the speedway is County property, not City property. The people who live in the area of the fairgrounds moved in and decided to live near the racetrack. Mr. Irwin did not look for property near the racetrack, and he does not want to live near one now. He read several paragraphs from Article 2, Section 3, of The Charter of the City of Tulsa which deals with the powers of the City Police concerning public amusements; amusements tending to annoy persons; noises for the purpose of business, amusement, or otherwise; the definition of what shall be a nuisance in the City and within a thousand feet of the incorporation line and to abate such nuisances; and the regulation of the use of motor vehicles within the City Limits.

Mr. Irwin made several comments about the economic impact of the racetrack: (1) Motor racing is not a self-sustaining industry--it depends heavily on contributions from sponsors to pick up the bills; (2) it essentially does not provide jobs--the people who work at the racetracks work as an avocation rather than as a vocation. There will be a few part-time jobs; and, (3) it will not bring additional resources to the City. The business that will appear at the racetrack is already here. A promotor who lives out of the City will receive the profits from the racetrack.

Mr. Irwin is concerned about the extra noise the racetrack will cause in the neighborhood. He listed several things which could be expected if the racetrack moved to Pine and Mingo: (1) Riffraff--not all people that follow the races are riffraff, but some do appear; (2) dirt and dust if the wind is not from the south; (3) thousands of people to be coming to the races and annoying the neighborhood with litter; (4) people drinking beer and stronger drinks; and, traffic jams.

Mr. Irwin is concerned that, in time, due to changes in ownership or a change in promoters, there will be other kinds of vehicles and entertainment allowed on the subject property.

Mr. Irwin would like the Board to deny this special exception.

Eugene Colleoni, 1534 South Delaware Avenue, informed the racetrack was not at the fair grounds before the residences were. There was a horse racetrack there, but not a car racetrack. Mr. Colleoni stated the Board had to decide whether the people around the present location of the speedway would retain the nuisance, or whether it will be moved and annoy other people.

Mr. Victor asked Mr. Colleoni how far he lives from the existing track. He lives one and a half miles away from the racetrack. Mr. Victor asked if Mr. Colleoni had any comments about dust, concerts, and trash resulting from the traffic. Mr. Colleoni informed if these things do occur, they occur in the boundaries of the fairgrounds. The attendance brings about 3 or 4,000 cars when they have a full house. They do not get the trash in the neighborhood. He informed the dust problem was a serious problem years ago, and it has been solved by the owners spraying the racetrack with dust-settling chemicals. Mr. Colleoni informed the Board could lay down the restriction of no concerts. There was one concert held by the management of the fairgrounds. There were riots and trouble for several days as people assembled to go to the concert.

Applicant's Rebuttal:

Mr. Ferris informed the Board can put restrictions on the racetrack and should do so to protect the residents in the area. The trash is no problem. There will be fifteen acres dedicated--any trash will be on the speedway grounds. He said the question is whether or not this is a legitimate use of the property which is mostly in the floodplain. It is in an industrial area. This is not a 24-hour operation, it is a 2 or 3 hour, once a week, Saturday night operation.

Comments:

Mr. Victor stated when he viewed the site and listened to the sounds in the area, the noise from the airplanes was not all that bad. It did not sound as loud to him as the racetrack would from a comparable distance.

Ms. Purser feels that this exception will be detrimental to the neighborhood and to the general welfare.

Case No. 12720 (continued)

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1220) for Commercial Recreation, Intensive, (automobile racetrack)- Under the Provisions of Section 1680, on the following described property:

Commencing at the SW corner of Section 30, Township 20 North, Range 14 East; thence North approximately 603' to the Point of Beginning; thence East approximately 1,255'; thence North a distance of approximately 152'; thence East along the North property line of Lot 1, Block 1, Wolf Point Industrial Parkway West approximately 436' to the right-of-way for Mingo Creek; North approximately 1,800' along said right-of-way to the Burlington Northern Railway Right-of-Way; thence West along the Railroad Right-of-Way a distance of approximately 1,800' to the centerline of North Mingo Road; thence South along Mingo Road a distance of 1,800' to the Point of Beginning, and containing 69 acres, more or less.

Case No. 12723

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.

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 was represented by Phil Moffit, 3531 South Richmond Avenue. The Church which is requesting the special exception and the variance is the Tulsa Gospel Chapel. The applicant proposes to build a 3,500 square-foot church building on the subject property. The proposed building will be in keeping with the neighborhood in appearance and in size. The applicant submitted a floor plan and a site plan (Exhibit "A-1"). The subject property is mainly horse pasture and there is quite a bit of vacant ground in the area. The applicant feels a Church building in the area will improve the property values--some of the property owners have indicated to the applicant that they feel the same way. There is plenty of parking--the parking the applicant has proposed for this building meets the City standards by more than 50 percent. Utilities are close to the area--sewer is 200 feet away, and the water is on the other side of the street. There are existing drainage problems in the area, but the drainage does not come from the subject property, it comes from further south. The only problem the Church would bring about would be the drainage directly from the subject property--it drains to the back of the property. They would have a detention pond which would keep the water from flowing off any faster than it is now; therefore,

Case No. 12723 (continued)

it would not be a problem to the neighbors. If houses were built in the area, they would not be subject to these regulations imposed by the City. Services will be held on the subject property on Sunday and one time in the middle of the week.

Protestants:

Chester Jones, 12010 East 13th Street, is concerned with the drainage in the area. He has had to build a dyke around his home to keep the water out, and he is afraid a concrete parking lot will only increase his problems. The dyke is about 2 or 3 feet high and runs the length of his property.

Charles Knight, 12022 East 13th Street, informed a petition has been submitted two meetings ago which protested this application. Mr. Knight informed there is a natural drain which comes across the subject property. The land is very low on the south end. There is a drainage problem in the area already, and he is concerned that the problem will grow worse. He is also concerned with parking problems in the area. The people who cause the parking problems are ball players from East Central High School. He submitted a copy of the petition which was submitted before (Exhibit "A-2"). The petition consists of 64 names.

B. J. Jackson, 11931 East 14th Street, is concerned with the water and parking problems. Mr. Jackson informed there are already 3 church buildings in the area, and he is afraid another one might hurt his property value.

Applicant's Rebuttal:

The City has proposed that the Church build a dyke on their property to keep the water on the parking lot, so that it will not flow out any faster than it is flowing out now. There would be the same drainage problems if there was a house built on the property. The membership of the Church now is approximately 80 people. The parking on the lot would very adequately meet the parking needs of the Church members, even if they were to double in size. Before they went into the area, they did a survey of the neighbors (within 300 feet of the subject property). Fourteen of the residents said there would be no problem at all for the applicant to put a Church in, five of the residents were against it, and five of them were not home. Most people who are against it are so because of the drainage problems, but these problems will be taken care of. The size of the group prohibits the need and the expense for a larger building. That is why they need this amount of property.

Comments and Questions:

Ms. Purser asked the applicant if he had addressed a hardship. He informed he did not know he had to have a hardship for a variance to be granted.

Mr. Jackere informed the purpose of the 1-acre minimum is to assure that there is adequate parking. He informed the applicant's plan showed 51 parking spaces that he is required based on the floor area of the chapel and sanctuary, but the actual plans only show 38. The applicant informed the plans show 56 parking spaces. Mr. Jackere informed the Code requires that you not have any parking within a

required front yard. Twelve of the spaces on the plans were in the front yard. The applicant informed according to the Code requirements, according to auditorium size, they are required to have from 40 to 42 parking spaces. The auditorium is less than half of the building size.

The applicant informed some architects in town had told him he must have one parking space for 40 sq. ft. of auditorium.

Ms. Hubbard informed according to the plan that was submitted two meetings ago, on some rough calculations, there should be 51 parking spaces which would be required. On the site plan which was submitted two meetings ago, the applicant shows 38 parking spaces, with 6 of those being in the required front yard.

Mr. Jackere informed the Code prohibits parking of any kind within a required front yard.

Discussion ensued as to the amount of parking required.

Ms. Purser informed that granting a variance requires a hardship be found. Mr. Victor informed that an approval of the variance would require that the Board finds that you have a hardship based upon some characteristic of the property, or the use (if it could be demonstrated that there was no other use for which the property could be used, or if it could not be used for that zoning).

Ms. Purser told the applicant he needed to establish how this piece of property is unique. Law requires that the Board find a hardship of some kind, and she cannot see one.

Mr. Victor asked if any excess of land would be any basis for finding a hardship--that he would have to have more land than he needs.

The seating capacity of the sanctuary is 170.

Ms. Purser informed the numbers in the Zoning Code are bare minimums.

The applicant informed their present location is at 6th Street and Utica Avenue and they have a smaller building than the proposed building. The new site has double the parking spaces as the old site.

Mr. Victor informed there would be no room for growth or expansion, and the applicant informed that rather than adding onto the facility, they would start another facility. This has been a tradition. They would not have any need for expansion.

Ms. Purser informed she thinks one of the reasons in the Zoning Code for the one-acre minimum is not only parking, but the amount of green space that would be around the building since Churches are allowed in residential districts. There is not much space at all on this lot that's not covered by either parking lot or building, and the Board would not allow a single-family house to do that--they have standards of coverage.

Case No. 12723 (continued)

Board Action:

On MOTION of WAIT and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1205) to permit a Church - Under the Provisions of Section 1680, and a Variance (Section 1205.3 - Community Services, Cultural and Recreational Facilities - Use Conditions) of the minimum lot area to permit a Church from 1-acre to .711 acres - Under the Provisions of Section 1670, on the following described property:

The E/2 of Lot 6, Block 5, Elmhurst Addition, Tulsa County, Oklahoma.

Case No. 12733

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - (Community Services, Cultural and Recreation) - Use Unit 1205 - Request for an exception to permit Church use - Under the Provisions of Section 1680, located at the SE corner of 15th Street and Lynn Lane.

Presentation:

The applicant, Ken Brunson, requested that this case be continued to the September 8, 1983, meeting.

Protestants:

H. J. Pearse, 1551 South Lynn Lane, presented a petition opposing this application. The protestant was not aware that the applicant was going to ask for a continuance.

Comments:

Mr. Victor informed it is the custom of the Board to grant one continuance for the applicant or the protestants.

Mr. Jones stated that this case has been postponed once before by the applicant--he wants time to have some architectural renderings and plot plans prepared. The request states that the engineering work and the platting have not been finished.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to direct the Staff to write a letter to the applicant to instruct him to contact the protestants appearing today when his plans are finished, so they can see them before they come to this Board in two weeks.

On MOTION of PURSER and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 12733 to the September 8, 1983, meeting.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Section 440.6 - Request to permit a mobile home in an RS-3 zoned district - Under the Provisions of Section 1680, located at the SW corner of Atlanta Avenue and Tecumseh Avenue.

Presentation:

Gary Sadler, 10759 East Admiral Place, submitted 6 pictures of the subject property and the surrounding area (Exhibit "B-1"). He would like to place a mobile home on the subject property. The mobile home is a 1981 model and the applicant feels that having the mobile home on the subject property will increase the property values in the area rather than bring them down. There are no other mobile homes in the immediate area

Protestants:

Ted Cotton, 1012 North Delaware Place, is the Chairman of District 3, Greater Tulsa Council. He is opposed to mobile homes being allowed in this area. He informed the people in the area do not want mobile homes around them.

James Reed, 2214 North Atlanta Place, informed there is a mobile home about 4 blocks from the subject property for which no one received notice. He does not want any more mobile homes in the area.

John Palovik, 2525 West 68th Street, does not want mobile homes brought into the area. He feels that mobile homes degrade permanent properties. He and his wife wrote a letter in protest to this application (Exhibit "B-2").

Virginia Reed, 2229 North Atlanta Court, does not want mobile homes moved into the area.

Applicant's Rebuttal:

Mr. Sadler stated that many mobile homes look as decent as the homes in the area.

Comments:

Mr. Wait agreed that the area could use cleaning up.

Mr. Victor informed there are homes that look better than those in the photographs which were submitted by the applicant.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1209 - Section 440.6) to permit a mobile home in an RS-3 zoned district - Under the provisions of Section 1680, on the following described property:

Lot 450, Block 36, Tulsa Heights Addition, City of Tulsa, Okla.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12752

Action Requested:

Variance - Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1207 - Request for a variance of the minimum frontage requirement of 75' to frontages of 37.5' and 20.56'; and a variance of the required 5-foot side yard to 0' to permit splitting three existing duplexes in an RS-3 zoned district - Under the Provisions of Section 1670, located at the NE corner of 45th Street and 30th West Avenue.

Presentation:

Roger Merchant, 625 Hickory Hill Road, Sapulpa, Oklahoma, received previous permission from the Board to build duplexes on the subject property, and now he would like the land split so they can be sold separately.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Use Unit 1207) of the minimum frontage requirement of 75' to frontages of 37.5' and 20.56' and a variance of the required 5-foot side yard to 0' to permit splitting three existing duplexes (L-15704, L-15911, L-15912) in an RS-3 zoned district - Under the Provisions of Section 1670, on the following described property:

Lots 1-6, Block 2, Park Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12753

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for a variance of the setback requirement from the centerline of Garnett Road from 100' to 80' in an OL zoned district - Under the Provisions of Section 1670, located at the NE corner of 14th Street and Garnett Road.

Presentation:

Paul Hoey, 2251 East Skelly Drive, represented the property owner. About 18 months after the owner bought the subject property, the City put the east portion of the property in the floodway. The applicant would like to build a small office building on the subject property, and this variance would give him enough property out of the floodway to build on. Mr. Hoey submitted a plot plan (Exhibit "C-1").

Protestants: None.

Comments and Questions:

Ms. Purser informed the hardship is that part of the property is in the floodway. Ms. Purser asked the applicant about the surrounding area. Mr. Hoey informed there is a home on the SE corner of the intersection where the subject property is located.

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Case No. 12753 (continued)

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Use Unit 1211) of the setback requirement from the centerline of Garnett Road from 100' to 80' in an OL zoned district - Under the Provisions of Section 1670, on the following described property:

The South 125' of Lot 7, Block 7, Elm Hurst Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12761

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 Joplin Avenue from 50' to 40' in an RS-3 zoned district - Under the Provisions of Section 1670, located at the SE corner of King Place and Joplin Avenue.

Presentation:

Chuck Martin, 5904 East King Place, would like to build a 24' by 24' garage--he needs the variance to keep from running over the sewer lines. The existing house encroaches the required setback, and he wants to line the garage up with the house. He submitted the plans for the garage (Exhibit "D-1").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "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 the centerline of Joplin Avenue from 50' to 40' in an RS-3 zoned district - Under the Provisions of Section 1670, on the following described property:

Lot 27, Block 14, Amended Plat of Blocks 14, 18 and 19, Maplewood Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12766

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 70th East Avenue from 50' to 42' in an RS-3 zoned district - Under the Provisions of Section 1670, located at the NW corner of 70th East Avenue and 66th Place South.

Presentation:

Jerry Mitchell, 6799 East 66th Place, submitted a plot plan (Exhibit "E-1") and informed he would like to add 643 square feet to the existing house on the subject property. This addition would not be any closer to the street than the present house is. The subject

Case No. 12766 (continued)

property is a corner lot. The structure will match the rest of the house in composition.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "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 the centerline of 70th East Avenue from 50' to 42' in an RS-3 zoned district - Under the Provisions of Section 1670, per plot plan, on the following described property:

Lot 29, Block 5, Park Plaza Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12741

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1218 - Request to permit a restaurant in an IL zoned district - Under the Provisions of Section 1680.

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219 - Request to permit a motel in an IL zoned district - Under the Provisions of Section 1680, located east of the SE corner of 51st Street and 122nd East Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, requested the special exceptions be granted for a LaQuinta Motor Inn and a free-standing companion restaurant. The motel will be 3 stories tall and the people around the subject property were notified. No hardship is necessary for a special exception. Mr. Johnsen submitted a plat of survey (Exhibit "F-1").

Protestants: None.

Special Discussion:

There was question as to whether or not there was frontage on 51st Street. If there is, a variance action would be required, and Mr. Johnsen would like to continue his case until the September 8, 1983, meeting. After much discussion, Mr. Jackere suggested that the case be heard today, and if Mr. Johnsen feels he needs further relief, the case can be continued for two weeks. Mr. Johnsen would like to keep his application alive and continue this case as to the question of frontage to the September 8, 1983, meeting.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 12741 to the September 8, 1983, meeting so the applicant can further advertise to include a request

Case No. 12741 (continued)

for a variance of the frontage requirement, to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1218) 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 - Under the Provisions of Use Unit 1219) to permit a motel in an IL zoned district - Under the Provisions of Section 1680, on the following described property:

All that part of Lot 2, Block 1, Business Commons at Metro Park, a Resubdivision of part of Lot 1, Block 4, Metro Park, an addition to the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows, to wit:

Beginning at a point in the North Boundary of said Lot 2 a distance of 418.40' from the Northwest corner thereof; thence South 89°-49'-03" East along the North Boundary of said Lot 2 a distance of 20.50'; thence South 58°-52'-03" East along the Northeasterly Boundary of said Lot 2 a distance of 416.00'; thence South 31°-07'-57" West a distance of 380.00' to a point in the Southwesterly Boundary of said Lot 2; thence North 58°-52'-03" West along the Southwesterly Boundary of said Lot 2 a distance of 240.00'; thence North 31°-07'-57" East a distance of 18.96'; thence along a curve to the left having a radius of 100.00' a distance of 54.02'; thence North 00°-10'-57" East a distance of 348.72' to the POINT OF BEGINNING, containing 124,461 square feet or 2.857 acres, more or less.

Case No. 12750

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Units 1217 and 1227 - Request for a variance of the frontage requirement on an arterial street from 200' to 165.5' in an IM zoned district - Under the Provisions of Section 1670.

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 27 - Request for an exception to permit a salvage yard in an IM zoned district - Under the Provisions of Section 1680, located at 13603 East Apache Street.

Presentation:

The applicant, Wayne Keith, was present.

Protestants:

A letter from Paul E. Swain requested this case be continued until the September 8, 1983, meeting. The applicant had no objection to the continuance.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 12750 to the September 8, 1983, meeting.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit locating two mobile homes in an RS-3 zoned district - Under the Provisions of Section 1680.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request for a variance to locate two mobile homes permanently and a waiver of the customary removal bond requirement - Under the Provisions of Section 1670, located at 5015, 5119, and 5121 East Virgin Street.

Presentation:

Gabriel Lucero, 5015 East Virgin Street, informed that last year the Board gave him permission to put two mobile homes on the subject property. Now he would like the one-year requirement waived.

Protestants:

Sam Manipella, 5314 South Yale Avenue, Suite 601, was present on behalf of the adjoining property owners. This is an essentially industrial district, and the protestant is concerned that if the resident population is increased, there will be a problem with people being in a minor hazardous situation. The land next to the subject property is an automobile salvage and reclamation yard. They are not going to do anything that will create a permanent hazard to the neighborhood, but people haphazardly running about could cause a problem. He feels the number of residents should be cut back.

Ms. Purser informed the protestant that single-family houses could be built on the subject property without any kind of fences.

Mr. Victor asked if the protestant was protesting against the use of the land or against the applicant and what is going on at the subject property. Mr. Manipella said that he was protesting the use--the increased usage of residential property. Mr. Victor informed the protestant that the applicant was not requesting an increase, he was just asking to stay where he has been living for a year.

Applicant's Rebuttal:

Mr. Lucero informed he does have a fence around his property.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1209) to permit locating two mobile homes in an RS-3 zoned district - Under the Provisions of Section 1680, for a Period of five (5) years with removal bond required, and to DENY a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements) to locate two mobile homes permanently in an RS-3 District - Under the Provisions of Section 1670, on the following described property:

Case No. 12751 (continued)

The West 75' of the East 150' of the West 730.5' of Lot 13, Block 1, S. R. Lewis Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12754

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for a special exception to permit a mobile home in an RS-3 zoned district - Under the Provisions of Section 1670, located at the SE corner of Xyler Street and Atlanta Avenue.

Presentation:

Lillian Long, P. O. Box 51095, was represented by Hubert Long. Mr. Long submitted 8 pictures (Exhibit "G-1") of the subject property and surrounding area. The mobile home is in a mobile home park right now--it is not on the subject property. There is a mobile home about three blocks away, one two doors down and one six blocks away. The mobile home is a 1982 model.

Protestants:

Ted Cotton, 1012 North Delaware Place; James Reed, 2214 North Atlanta Place; and Virginia Reed, 2229 North Atlanta Court; were present protesting this case. The protestants submitted a petition (Exhibit "G-2") protesting this application.

Comments:

Ms. Hubbard informed the application for the mobile home which is two blocks down from the subject property was heard by the Board in March, 1983.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 12754 to September 8, 1983, meeting to allow the Board members time to view the site.

Case No. 12755

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 2nd Street from 50' to 32', 4 inches, in an RS-3 zoned district - Under the Provisions of Section 1670, located at the NW corner of East 2nd Street South and 104th East Avenue.

Presentation:

Leon Hix, 52 South 104th East Avenue, is doing the construction work on the home on the subject property for John Jezek. The existing building line at this time is 40' and four inches. The applicant wants an eight foot addition along the south perimeter of the house. Mr. Hix submitted a plot plan (Exhibit "H-1"). The lot is a corner lot--this could be considered its hardship.

Protestants: None.

Case No. 12755 (continued)

Comments:

Ms. Purser informed if she lived next door, she would have a concern, yet no one from the neighborhood showed up for the meeting.

The building and the addition are both single-story.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "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 the centerline of 2nd Street from 50' to 32' and 4 inches, in an RS-3 zoned district - Under the Provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 2, Block 2, Rosewood Addition in Tulsa County, Oklahoma.

Case No. 12757

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 100' to 50'; a variance of lot area from 10,000 square feet to 7,000 square feet and a variance of land area from 2,200 square feet/unit to 2,125 square feet/unit in an RM-1 zoned district - Under the Provisions of Section 1670, located North of the NE corner of 5th Street and Victor Avenue.

Presentation:

Joseph Coleman, 610 South Main Street, had originally planned to build two 4-unit apartments on consecutive lots which would have given them a lot 100-foot wide and 140 feet deep--for this they would not have had to come before the Board. This would have conformed to the RM-1 zone. The owner of the second piece of property is not ready to proceed to build on his property. The applicant would like to build one 4-unit apartment on the subject property. The proposed building will be two stories and will have privacy fences around both sides. It will have required parking in the front and in the back. There is Victor Street in front of the subject property and an alley behind it. The apartments will be completely modern. The surrounding area is zoned for apartments. The subject property is within a half block of CH zoning and CG zoning. There is no single-family zoning in the neighborhood.

Protestants:

Mr. Billy Bob Quillman, 419 South Victor Avenue, lives directly south of where the proposed apartments will be located. He informed all of the houses in this neighborhood with the exception of one, are single dwelling houses. Several of the people in the neighborhood are retired. There is a duplex on the property next to the subject property, as well as a duplex on the west side of the street. Mr. Quillman is concerned that the apartments will cause a lot of traffic in the area. There was an apartment on the subject property at one other time with which the neighbors had a lot of trouble. The building was finally condemned. He informed the subject property is sinking about 1-inch a year.

Case No. 12757 (continued)

Glenna Brown, 405 South Victor Avenue, asked about the frontage requirement.

Beatrice Cole, 415 South Victor Avenue, is concerned with the parking and the traffic in the area. She informed that Victor Avenue is very narrow.

Applicant's Rebuttal:

Mr. Coleman informed the address of the subject property is 413 Victor Avenue. He stated there will be four parking spaces in the front of the apartments off the street. There is a similar apartment at 624 South Quincy Avenue. There will be a total of 8 off-street parking spaces. They are only planning on building on the vacant lot right now. The proposed building will be maintained, there will be landscaping, and the property will be well-lighted, and will upgrade the neighborhood as far as the quality of appearance.

Comments and Questions:

Ms. Purser asked the applicant if he had addressed the hardship.

Mr. Jackere informed this is an awkward situation because the City has zoned this area for multifamily apartments recognizing that the lots are narrow--they don't meet the required frontage and some of the other bulk and area requirements. The courts have said these factors are grounds for a hardship. Narrow lots are not generally found in RM-1 zoning.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-1 (Chappelle, Purser, Wait, "aye"; no "nays"; Victor, "abstaining"; Smith, "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 1208) of lot width from 100 feet to 50 feet; a variance of lot area from 10,000 square feet to 7,000 square feet and a variance of land area from 2,200 square feet/unit to 2,125 square feet/unit in an RM-1 zoned district - Under the Provisions of Section 1670, per drawing submitted, on the following described property:

Lots 19 and 20, Block 7, Abdo's Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12758

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Area-Wide Special Exception Uses - Use Unit 1205 - Request for an exception to permit a heliport in a CS zoned district - Under the Provisions of Section 1680.

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Automotive and Allied Activities - Request for an exception to permit vehicle repair and service in a CS zoned district - Under the Provisions of Section 1680.

Variance - Section 250.1 (b) - Screening Wall or Fence Specifications - Request for a variance of six-foot screening requirement on portions

Case No. 12758 (continued)

of the subject tract in a CS zoned district - Under the Provisions of Section 1670.

Special Exception - Section 250.3 (a) (b) - Modification of the Screening Wall or Fence Requirements - Request for an exception to modify or remove the screening requirement on portions of the subject tract in a CS zoned district - Under the Provisions of Section 1680, located at East 11th Street South at Mingo Valley Expressway.

Presentation:

Stuart Nyander, 717 South Houston Avenue, was representing the American Red Cross. The applicant would like to put a heliport on the east side of the property, away from the residential subdivision which is toward the expressway. The applicant has applied for an FAA application, but one of the requirements is that they get local approval before they can proceed any further. The subject property is next to the new bank. The heliport will be used in emergencies for blood transport. It will be a very low usage facility--the Red Cross does not own any helicopters. There has been only one practice landing in the years they have been at the present location. The proposed heliport will provide a designated special place for a helicopter to land should an emergency arise.

There will be a courtyard in the back of the building which will be fenced where the Red Cross will have their own motor pool. They will do minor repair work on their vehicles. This work will be done inside a building. The tools needed for the repair work will be stored in an attachment to the main building. They do their own minor repair work so they can be sure to have vehicles running when they need them. Major work is taken to a local major automobile dealership. The maintenance work is done on a needed basis--not all the time.

The Building Inspector will require a screening wall around all R districts. One side of the property is the expressway--it is a flood prone area. There will be a screening fence on the north boundary, but the applicant would like to be able to work with the City Hydrologist to work out the rest of the screening.

Protestant:

W. W. Simpson, 10218 East 7th Street, is concerned with flooding in the area. He wanted to know if there would be a wall to prevent flooding. He was informed the hydrologists would take care of the flooding problem. There would be some protection and improvement of the situation to him by virtue of the construction going on at the subject property.

Comments and Questions:

Mr. Victor asked why they couldn't use a parking lot to land on in an emergency. The applicant informed him that Use Unit 2 says they must come and apply for the use.

Ms. Purser asked about the flight path of the helicopters, and the applicant informed there is space for them to come in and they will come in over the least populated area.

Mr. Jackere asked the applicant under what circumstances the heliport would be used and he was informed it will be at a blood center, and if they need to transport blood in an emergency, a helicopter will

come and take the blood to wherever it needs to go.

At the Harvard location, the helicopter landed in the parking lot in a designated area.

Bill Probes, of the Red Cross, informed the Board that the one landing on Harvard was made during one of the City-wide disaster drills to be able to move blood in the event of an aircraft disaster, major explosion, fire, etc., where a lot of people need blood quickly during traffic congestion times. There has to be a plan to protect the citizens of the community to move large volumes of blood in times of major disaster quickly to one of the regional hospitals.

Ms. Purser was informed the plans for the new blood center are not any different from the plans at the present location.

The applicant does not own a helicopter and does not plan to purchase one. They would like a designated heliport in order to free the space from any other encumbrances so that the helicopter can get in without having to move something. This would expedite the movement quickly in and out.

Discussion ensued as to what a heliport is.

There was a question as to whether the heliport is needed at all in this situation. Mr. Jackere would like to see the people come in where they anticipate the use of their property for landing helicopters-- come to the Board, get a site review, and place appropriate conditions on it other than treating it as an excessory use. Ms. Purser was concerned that if the Red Cross moved, they would be stuck with the use of a heliport for somebody who might be using it constantly.

Mr. Jackere informed the Board could approve the special exception for the emergency use of the Red Cross only.

Discussion ensued as to where the buildings would be located. Mr. Wait asked the applicant when the buildings were to be built and he informed that construction was to begin either at the end of this calendar year or in the early spring, and the construction would take 12 to 15 months to complete. The building will be approximately 56,000 square feet on three levels.

Mr. Jackere informed the only place they had a screening requirement was to the north along the boundary of where the homes are.

Ms. Purser feels that the houses to the north of the subject property are entitled to a screening fence.

The Staff informed the Board that the special exception would allow some type of substitute screening as opposed to the variance which would allow to do away with the screening altogether.

Further discussion ensued as to requirements for heliports.

Mr. Jackere would like the Special Exception for a heliport continued to September 8, 1983 meeting, to allow the Legal Department to take a

look at the ramifications of a heliport in this location and to get with the applicant in terms of what the FAA is requiring.

Ms. Purser informed the FAA looks at safety factors, not noise factors.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Area-Wide Special Exception Uses - Under the Provisions of Use Unit 1205) to permit a heliport in a CS zoned district - Under the Provisions of Section 1680, to the September 8, 1983 meeting, to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Automotive and Allied Activities) to permit vehicle repair and service in a CS zoned district - Under the Provisions of Section 1680, with the conditions that it be used only for Red Cross owned vehicles, that there be only minor maintenance, that the work be done inside an enclosed building, and that all materials used for the maintenance work be stored inside an enclosed building, to DENY a Variance (Section 250.1 (b) - Screening Wall or Fence Specifications) of six-foot screening requirement on portions of the subject tract in a CS zoned district - Under the Provisions of Section 1670, and to approve a Special Exception (Section 250.3 (a) (b) - Modification of the Screening Wall or Fence Requirements) to modify or remove the screening requirement on portions of the subject tract in a CS zoned district - Under the Provisions of Section 1680, with the fencing being waived on the boundary line along RS-3, except for the northernmost boundary line abutting the existing single-family homes, subject to modification of the fencing by the City Hydrologist for water control, on the following described property:

Part of Lot 1, Block 1 of "Guaranty Center North Addition", an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to wit:

Beginning at the Northwest corner of Said Lot 1; thence North 89°-58'-05" East along the North line thereof, a distance of 317.60' to a point; thence South 00°-06'-01" East a distance of 212.00' to a point; thence North 89°-58'-05" East a distance of 347.10' to a point on the East line of Said Lot 1; thence South 00°-56'-00" East along Said East line a distance of 17.35' to a point; thence South 02°-43'-00" East along Said East line a distance of 486.60' to a point; thence South 11°-17'-00" West along Said East line a distance of 140.84' to a point; thence North 53°-47'-23" West a distance of 433.03' to a point; thence South 89°-57'-46" West a distance of 311.67' to a point on the West line of Said Lot 1; thence North 00°-01'-09" East along Said West line a distance of 597.54' to the point of beginning, containing 8.647 acres more or less.

Action Requested:

Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209 - Request for a variance to locate a mobile home in an IL zoned district - Under the Provisions of Section 1670, located at 801 North Mingo Road.

Presentation:

Warren Sanders, 3454 East 61st Place, has just completed construction of a travel trailer park, and he would like to set up a mobile home on the subject property for his park managers to live in. He submitted a brochure (Exhibit "I-1").

Protestants: None.

Comments:

Ms. Purser informed the travel trailer park is permitted by right; only the mobile home is not permitted.

The Staff informed no one is permitted to live in the travel trailers.

Ms. Hubbard stated the main reason for having the mobile home on the subject property would be to keep an eye on the RV park for security reasons.

Ms. Purser stated the hardship is that this is an unusual use of industrially zoned property because it has the travel park on it.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1209) to locate a mobile home in an IL zoned district - Under the Provisions of Section 1670, as long as the travel trailer park is located on the subject property, on the following described property:

A part of Block 1, AMENDED PLAT OF VAN ESTATES NO. 1, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit: Commencing at the Southwest corner of Lot 5, Block 2, EXPRESSWAY VILLAGE CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence North $79^{\circ}-50'-25''$ East along the South line of Said Lot 5 a distance of 203.16' to the Southeast corner of Said Lot 5 to the POINT OF BEGINNING; thence North $0^{\circ}-02'-16''$ West along the East line of EXPRESSWAY VILLAGE CENTER a distance of 698.58'; thence North $89^{\circ}-58'-27''$ East a distance of 90.00'; thence North $0^{\circ}-02'-16''$ West a distance of 684.94' to a point on the North line of the AMENDED PLAT OF VAN ESTATES NO. 1, Said point being 290.00' East of the Northwest corner thereof; thence North $89^{\circ}-58'-27''$ East a distance of 222.00'; thence North $0^{\circ}-02'-16''$ West a distance of 330.00' to the Northernmost Northwest corner of AMENDED PLAT OF VAN ESTATES NO. 1; thence North $89^{\circ}-58'-27''$ East along the North line of AMENDED VAN ESTATES NO. 1 a distance of 1,044.44'; thence South $20^{\circ}-13'-42''$ West a distance of 1,607.30' to a point on the South line of AMENDED VAN ESTATES NO. 1; thence South $72^{\circ}-36'-49''$ West along the South line

Case No. 12759 (continued)

of AMENDED VAN ESTATES NO. 1 a distance of 490.41'; thence continuing along Said South line on a bearing of South 79°-50'-13" West a distance of 336.84' to the POINT OF BEGINNING and containing 1,553,600.00 square feet, or 35.6664 acres, more or less.

Case No. 12760

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for an exception to permit office use in an RM-2 zoned district - Under the Provisions of Section 1680.

Special Exception - Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements - Request for an exception to waive the screening requirements from abutting residential districts - Under the Provisions of Section 1680.

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance of the setback requirement from abutting residential districts from 10' to 4.22' - Under the Provisions of Section 1670.

Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - Request for a Variance of the required all-weather parking surface requirement - Under the Provisions of Section 1670, located at 123rd East 21st Street.

Presentation:

Robert Lawrence, 525 South Main Street, Suite 204, represented the property owner. The land has a unique shape--it is shaped like a butcher knife. The building on the subject property was built in 1953. It has been used as an office building since that time. The rear portion of the property is a bird sanctuary and has native timber, which acts as natural screening. It is a beautiful park area. The property is bounded on the east by Lee School and on the west by the railroad right-of-way. There are many apartments in the area. There are also spots in the area that have been granted exceptions. The applicant submitted 12 photographs of the subject property (Exhibit "J-1"). The applicant would like to enclose the garage that is on one end of the existing building and make a reception area out of it--this is the only work he plans to do on the existing building that will change its appearance. A plot plan was submitted (Exhibit "J-2"). The applicant is not planning on expanding his business size or renting to anyone else. He will not be increasing the roof area at all. The parking area is gravelled at this time. The applicant would like the variance on the hard-surfacing to be granted for a period of 18 months so they can recover a little bit financially and then put in the black top. The existing driveway is concrete. The existing building houses a graphic arts studio. Part of the property has a concrete wall built on it.

Interested Party:

Jim Owens, 2301 South Boston Avenue, is concerned that the use might be expanded in later years due to a change in ownership. He would

Case No. 12760 (continued)

like the applicant's request restricted to him.

Applicant's Rebuttal:

The owner has no intention of selling the subject property.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1211) to permit office use in an RM-2 zoned district - Under the Provisions of Section 1680, as long as this use shall remain, and a Special Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to waive the screening requirements from abutting residential districts - Under the Provisions of Section 1680, as long as the natural screening materials remain; and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the setback requirement from abutting residential districts from 10' to 4.22 feet - Under the Provisions of Section 1670, on the existing building only, and to DENY a Variance (Section 1340 (d) - Design Standards for Off-Street Parking Areas) of the required all-weather parking surface requirement - Under the Provisions of Section 1670, with enforcement of the variance being delayed for 18 months, on the following described property:

The East 100' of the South 237 feet of all that part of the South-Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (S/2 NE/4 SE/4 SW/4) and the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE/4 SE/4 SW/4) lying East of the Railway in Section Twelve (12), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma according to the U. S. Government Survey thereof.

Case No. 12762

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1211 - Request for a variance of the setback requirement from the centerline of Peoria Avenue from 100' to 50' in an IM zoned district - Under the Provisions of Section 1670, located at the NE corner of 5th Place and Peoria Avenue.

Presentation:

Larry Harral, 1717 East 15th Street, represented the World and Tribune Federal Credit Union. The applicant would like to build a Federal Credit Union on the block. The property is directly across from the Central Assembly Church. The variance is necessary in order to build on this particular site at the present time because of the Master Street & Highway Plan that Tulsa has adopted. The existing buildings surrounding the subject property are approximately 8 feet from the curb line. The proposed building will be back about 40 feet from the curb line on the subject property. The applicant presented photographs of the existing buildings that adjoin the subject property. None of the buildings in the area set back as far as the proposed building will set on the subject property. A plot plan was submitted (Exhibit "K-1").

Case No. 12762 (continued)

Protestants: None.

Comments:

Part of the parking is shown on the plan to be within the 50-foot setback. The parking will be 6 to 8 feet from the curb line.

Mr. Jackere informed if the existing buildings in the blocks north and south of the subject property were in the same block, he would have the right to average their setbacks and use that number as his setback.

The Staff informed what the applicant is asking for is not what is shown on the site plan. This would allow the building to be placed right on the right-of-way line, because the right-of-way would only be 50 feet. The applicant informed he requested 50 feet because they would like some leeway--they just have a preliminary plot plan.

The Staff informed they had no problem with granting the variance per the plot plan. The applicant informed they would like to have the option of moving the building a little closer to the right-of-way line if necessary, to best utilize the lot and the trees. The applicant anticipates they will go with this plan, but they do not want to be locked into it since it is preliminary.

The Staff suggested that the Board grant the variance per plot plan, and then if they want to amend the plot plan, they can come back to the Board for that. The advertisement would cover anything over 50 feet because that would be something that would be less restrictive than what was advertised.

The applicant informed the difference between what he is asking and the plot plan is only about 10 or 12 feet according to the scale.

The applicant would like the 50-foot setback so that if they decide to add on to the building in a few years, they will not have to come back before the Board.

Mr. Jackere stated the Board is under the obligation to grant the minimum relief necessary to accomplish the applicant's purposes at this time.

Discussion ensued as to whether the parking requirements would be met if the parking spaces in the right-of-way were removed, and the applicant informed they would still have plenty of parking.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Use Unit 1211) of the setback requirement from the centerline of Peoria Avenue from 100' to 57' in an IM zoned district - Under the Provisions of Section 1670, with the site plan approved in concept only, on the following described property:

Lots 7, 8, 9, 10, 11 and 12, Block 3, Sunset Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12763

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1209 - Request for an Exception to permit a mobile home in an AG zoned district - Under the Provisions of Section 1680.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to permit two dwelling units per lot of record (existing residence plus proposed mobile home) in an AG zoned district - Under the Provisions of Section 1670, located at 464 West 73rd Street.

Presentation:

Billy Joe and Wanda Wheat, 464 West 73rd Street, would like to put a mobile home on the subject property for their son and his family to live in. The lot of record is five acres and there is an existing permanent home on the property. The applicants own a 2 1/2 acre tract of land which has frontage on Elwood Avenue. They also have a 30-foot private access easement.

Protestants: None.

Comments:

Mr. Jackere stated the applicants did not include all of their ownership in the application. The two pieces of property have separate deeds and the applicants were only concerned with the 5-acre tract. There is nothing on the 2 1/2 acre tract.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Under the Provisions of Use Unit 1209) to permit a mobile home in an AG zoned district - Under the Provisions of Section 1680, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit two dwelling units per lot of record (existing residence plus proposed mobile home) in an AG zoned district - Under the Provisions of Section 1670, for a time period of seven years, on the following described property:

The W/2 of the N/2 of the N/2 of the SE/4 of the NE/4 of Section 11, Township 18 North, Range 12 East in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12764

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit storage and repair of company cars in a CS zoned district - Under the Provisions of Section 1680, located at the NW corner of 106th East Place and Admiral Place.

Presentation:

Guardian Enterprises, Inc., was represented by George Cowherd, 7038 South Richmond Avenue. The applicant presented a plat of the area 8.25.83:394(25)

Case No. 12764 (continued)

and told about the area surrounding the subject property. The property was originally used as a service station. The applicant uses the subject property to maintain the fleet of patrol cars. There are approximately 15 cars that are parked on the property during the day which are used in the evening. The property has has had the use of maintaining these cars.

Protestants: None.

Comments and Questions:

Ms. Purser asked the applicant why he came before the Board, and Mr. Jackere informed her they had some difficulties with some properties to the east along Admiral Place and when the TMAPC Staff went out to field check that property, they noticed the applicant was in violation. The land has had this use since 1979.

Ms. Purser asked if there was any outside work on automobiles and the applicant informed there was not. The applicant does not do any salvage work and they store everything inside except the cars. They do not do any heavy work on the subject property.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217) to permit storage and inside repair of company security patrol cars in a CS zoned district as described by the applicant - Under the Provisions of Section 1680, on the following described property:

That part of Lot Five (5), in Spring Grove Subdivision of Lot Two (2), Section Six (6), Township Nineteen (19) North, Range Fourteen (14) East, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to wit: Beginning at the Southeast corner of the Highway property line of Lot Five (5), Spring Grove Subdivision of Lot Two (2), Section 6, Township 19 North, Range 14 East of the Indian Base and Meridian, situated in the County of Tulsa, State of Oklahoma, according to the Recorded Plat thereof; thence West along the Highway property line One Hundred Sixty-five (165) Feet to a point; thence North One Hundred Twenty-five (125) Feet parallel to the East line of Lot Five (5) to a point; thence East One Hundred Sixty-five (165) Feet parallel to the South line of the Highway property line to a point on the East line of Lot Five (5); thence South One Hundred Twenty-five (125) Feet along the East line of Lot Five (5) to a point of beginning.

Case No. 12765

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit school and church use in an RS-1 zoned district - Under the Provisions of Section 1680, located at the SW corner of 11th Street and Lynn Lane.

Case No. 12765 (continued)

Presentation:

Faith Christian Academy was represented by Max Boggs, 12721 South 121st Street, Broken Arrow. The applicant would like to use the old Lynn Lane School facility for their school. They have leased the buildings on the subject property from the Tulsa Public Schools. The applicant would also like to have religious services in the school gymnasium--use it as a worship hall. They do not plan any new construction on the site and will have approximately the same hours as the public schools. The school will have about 225 or 250 students, from kindergarten through twelfth grade. The school has about 22,000 square feet of space.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "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 (kindergarten thru the twelfth grades) and church use in an RS-1 zoned district - Under the Provisions of Section 1680, on the following described property:

Beginning at the NE corner of the NE/4; thence West 234'; South 418'; East 234'; North 418' to the point of beginning, Section 11, Township 19 North, Range 14 East.

Platted Legal - Lynn Lane Estates, Lots 5, 6, 7, and the vacated street on the South of Lot 7, Block 2 and the East 437' of Lot 1 and all of Lot 2 and all the vacated street adjacent on the South in Block 3, in Tulsa County, Oklahoma.

Case No. 12767

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1205 - Request for an Amended Site Plan and Development Standard review per plans submitted, located at the SE corner of East 17th Street and South Utica Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, represented Saint John's Medical Center. Mr. Norman informed last February the Board approved an application for the construction of the new child care center at the location of the subject property. The applicant now wants to reduce the building from the two-story building which was presented in February to a one-story building, and he would like to relocate the building as shown on the site plan which he submitted (Exhibit "L-1"). The building will be closer to Victor Avenue, but the east face of the building will be behind the front of the single-family house that is on the property immediately south. The building is a little closer to 17th Street and is closer to the property line to the south. This project would result in the removal of seven existing single-family structures, all of which are in poor condition. The major underground storm sewer established the location of the west face of the building. The

Case No. 12767 (continued)

fencing will be a four-foot high fence on Victor, which could be adjacent to the play area for the smaller children, and there will be a six-foot high fence on the play area nearest to Utica Avenue. There will be a canopy over the entrance. The revised plan results in more driveway space at the drop-off area for the entrance to the building. The kitchen has been relocated to the south side of the building and the parking area for delivery vehicles will be on the Utica side of the building with deliveries on the south side of the structure. The applicant provided the neighbors with copies of the revised site plan. The new structure will be a little closer to the neighbors' houses, but will be only one-story. The applicant is asking for permission to amend the site plan and reduce the building from two-story to one-story.

Protestants:

Mrs. Bradshaw and Mrs. Craig were concerned about the parking situation in the area, but have made an agreement with the hospital and know who to go to if they have any problems

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve the Amended Site Plan and Development Standards as submitted, on the following described property:

The West 40' of Lots 1 and 2, Block 17, and the East 10' of vacated alley; Lot 1, Block 17, the East 100' of Lot 2, Block 17; Lot 3, Block 17, and 10-foot vacated alley; Lot 14, Block 17, and 10-foot vacated alley; Lot 15, Block 17, and 10-foot vacated alley; Lot 16, Block 17, and 10-foot vacated alley; ALL in Orcutt Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12768

Action Requested:

Variance - Section 1208.4 - Multifamily Dwelling and Similar Uses - Off-Street Parking and Loading Requirements - Use Unit 1208 - Request for a variance to reduce the required number of parking spaces from 110 to 86 in an RM-1 zoned district - Under the Provisions of Section 1670, located South of the SE corner of 61st Street and Yorktown Avenue.

Presentation:

The applicant, Michael Gibbens, requests this case be continued to the September 8, 1983, meeting.

Protestants: None.

Board Action:

On MOTION of WAIT and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 12768 to the September 8, 1983, meeting.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request for an exception to permit duplex use in an RS-3 zoned district - Under the Provisions of Section 1680, located at 2732 East 29th Place North.

Presentation:

Cornell Miller, 1812 West Marshall, informed he has a permit for a duplex to be moved on the subject property. The duplex was placed in the middle of two lots which are each 50' by 100'. The subject property is located on the dead-end of the expressway. There are no neighbors across the street or on either side of the subject property. The nearest duplex to the subject property is located on 26th Street. The duplex is 26' by 34'. The applicant plans to live in part of the duplex and rent out the other part.

Protestants:

Erlene Walker, 2747 East 29th Street North, did not want the zoning changed from RS-3. She was also protesting the fact that he moved the building in the area without a permit. Ms. Walker informed there are no duplexes in the area, and the area is made up primarily of senior citizens. There is only one entrance into the area because of the freeway. Ms. Walker submitted a petition signed by 35 property owners (Exhibit "M-1") who are against the rezoning of the area. The subject property is next to the back of Ms. Walker's property. She informed the duplex is a two-story building.

Mr. Victor informed Ms. Walker that the Board does not change zoning on property; the Board only allows people to do certain things that are specifically permitted under the Zoning Ordinances.

Ms. Walker was concerned that there would be an increase in traffic in the area.

Mr. Jackere informed the protestant that the applicant could build a house on each one of the lots and have a family in each one of the houses--a duplex would not increase traffic over what he can do by right.

Ms. Walker informed the duplex has no roof on it--it is a two-story building with a flat roof.

Ms. Walker is concerned that if this duplex use is permitted, other duplexes might be moved into the area as well.

Applicant's Rebuttal:

Mr. Miller informed there are only 7 homes within 300' from the subject property. He stated the protestant had said a lot of things that are not true. He feels that he is upgrading the area. He informed there is no flat roof on the duplex--there is no roof on it at all. They are in the process of putting a roof on the building now.

Comments and Questions:

Mr. Jones informed he had just found out from the Building Inspector's office that a duplex was moved onto the subject property without a permit.

Case No. 12769 (continued)

The applicant informed he had a building permit, but Ms. Hubbard said she has no record of a permit being issued. Mr. Miller stated that he got the permit before he even purchased the building. Ms. Hubbard requested that the applicant call her and give her the permit number.

Mr. Jackere stated that ordinarily, before a person can get a building permit, they have to come before the Board, because a person cannot put a duplex on a single-family lot without this Board's approval.

The applicant informed their building permit was just to put the building on the lot--they understood that the building was not to be used as a duplex until they received this Board's permission. The applicant understands that he may not be able to use the building as a duplex.

Mr. Victor stated he cannot see how a duplex would affect the density of the area. Ms. Purser agreed with Mr. Victor, but informed she would have a problem if someone moved a duplex in on the two lots next to her house--it just wouldn't fit in.

The Board informed the applicant to get with Ms. Hubbard as soon as possible to get the problem with the building permit cleared up. The Board also suggested that the applicant talk to some of the people of the area.

Mr. Jackere informed the petition was signed by people who do not want a zoning change from RS-3.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 12769 to the September 8, 1983, meeting to allow the Board members time to view the site and to allow time to solve the building permit issue.

Case No. 12770

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request to permit a mobile home in an RS-3 zoned district - Under the Provisions of Section 1680.

Variance - Section 440.6 (a) (c) (d) (e) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one-year time limitation to permit permanent occupancy, variance of the removal contract, and a variance of the removal bond posting requirement in an RS-3 zoned district - Under the Provisions of Section 1670, located west of the NW corner of Norfolk Avenue and 26th Place North.

Presentation:

Eula M. Kelly was represented by Jessie Kelly, 1110 East Ute Street, her brother. The applicant would like to move a mobile home on the subject property. The wheels will be taken off of the mobile home and it will be put on a foundation. The applicant will cover the mobile home with rocks and will put a roof on it--it will not look like a mobile home when they get finished with it. They plan to do the work on the mobile home as soon as they get permission, and it should be completed within 3 months. The applicant's brother, who is a mason, will do the work on the mobile home. There is a mobile home about 1 block away and one about 3 or 4 blocks away. The mobile home which they would like to move on the subject property has two bedrooms--it is single-wide and about 60' long. The home is a 1978 model. The mobile home will be completely covered with rock--you will not be able to see the metal.

Protestants: None.

Comments:

Mr. Victor stated he would have a hard time granting the variance until the work is finished. There is no guarantee that it will be approved at that time, but the Board members indicated they would look at the application favorably if the applicant did what was presented.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1209) to permit a mobile home in an RS-3 zoned district - Under the provisions of Section 1680, and to continue this case to the January 12, 1984, meeting where the variance will be considered at that time and the applicant will return with pictures of all sides showing that the work is completed, on the following described property:

Lots 9 and 10, Block 2, Warehousing Addition to the City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the Chair adjourned the meeting at 5:36 p.m.

Date Approved _____

Sept 23, 1983

Chairman