

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 395
Thursday, September 8, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Chappelle
Purser (in at 2:00 p.m.)
Smith, Chairman
Victor
Wait

STAFF PRESENT

Gardner
Jones
Wiles

OTHERS PRESENT

Hubbard, Protective
Inspections
Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Wednesday, September 7, 1983, at 10:48 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of August 11, 1983 (No. 393).

UNFINISHED BUSINESS:

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 by letter (Exhibit "A-1") that this case be continued until the October 20, 1983, meeting to allow time for some planning work to be done on the application.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12733 to the October 20, 1983, meeting.

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 Ave.

Presentation:

Roy Johnsen, 324 Main Mall, requests a Variance of the frontage requirement from 150' to 20'. At the last meeting, the Board granted the two Special Exceptions. The tract has an irregular shape with 20.5 feet of frontage on 51st Street. There is also access on 52nd Street. The Staff presented the plat of survey which was submitted at the previous meeting.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a variance of the frontage requirement from 150 feet to 20 feet, per the re-advertisement 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.

Case No. 12750 (continued)

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:

Wayne Keith, through his attorney, requested by letter (Exhibit "B-1") that this case be continued to the September 22, 1983, meeting.

Protestants:

Paul Swain, attorney for the adjoining landowners, has no objection to the continuance.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12750 to the September 22, 1983, meeting.

Case No. 12754

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an 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:

Hubert Long, 1263 North Granite Avenue, would like to move his mobile home to the subject property. It is in a mobile home park right now. There is a mobile home right next to where the applicant would like to move his mobile home--it is in the same block.

Protestants:

Virginia Reed, 229 North Atlanta Court, informed the people in the area do not want mobile homes moved in. She submitted 11 pictures of some of the neighboring houses in the block and of the mobile home which is in the area now (Exhibit "C-1"). The people in the area were not notified when a permit was granted to move this mobile home in. She submitted a notarized copy (Exhibit "C-2") of the names of the people who live within 300 feet of the mobile home which is already in the area saying they would like a notice when the hearing comes up on that mobile home--it is located at 2221 North Atlanta Avenue. The mobile home which Mr. Long would like to move on the subject property would be about 4 or 5 lots south of the mobile home which is already in place. The mobile home which is already in the area was moved in, in June.

Ted Cotton, 1012 North Delaware Place, is the Chairman of District 3, of Greater Tulsa Council. He informed the people in the area feel that moving in a mobile home will hinder the future development of the area.

Applicant's Rebuttal:

Mr. Long informed that at the last Board meeting he submitted pictures of the mobile homes in the area, and they are nice looking. He stated that his mobile home is brand new--it has only been lived in about 3 months. He submitted a rough sketch showing how the mobile home would be set on

Case No. 12754 (continued)

the subject property (Exhibit "C-3").

Comments:

The Staff informed the previous application that was approved on the northwest corner of this same intersection has been removed. The other action (12481) had no protestants or interested parties at the meeting. This was permitted on March 10, 1983.

Mr. Victor stated that in Case No. 12481 the applicant represented that there were many other mobile homes in the area and that there was no protest from any of the neighbors. This is apparently not the case. He also stated that the Board does not know if other mobile homes in the area are there legally.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in 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 1670, on the following described property:

Lot 123, Block 11, Tulsa Heights 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 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 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 St., South and Mingo Valley Expressway.

Presentation:

Stuart Nyander, P. O. Box 3289, would like to change the work heliport to helicopter land site. With the Board's concurrence, he is going to send an application to the FAA to ask them to grant permission to the Red Cross for the helipad landing area and not to the site--it will be cancelled if the Red Cross ever abandons the site. He submitted a Notice of Landing Area Proposal (Exhibit "D-1"), a map showing the location of the helicopter land site (Exhibit "D-2"), and a letter to the Department of Transportation (Exhibit "D-3").

Case No. 12758 (continued)

Protestants: None.

Comments:

Mr. Jackere informed the application should be handled as a Special Exception with conditions imposed as requested by the applicant in addition to the condition that it run with this owner only (for Red Cross use only).

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve 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 helicopter landing site in a CS zoned district - Under the Provisions of Section 1680, this use to run with this owner only, for emergency purposes only, 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.

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, requested by letter (Exhibit "E-1") that this case be continued to the October 6, 1983, meeting to allow him to reach an agreement with an adjacent property owner.

Protestants: None.

Board Action:

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

Case No. 12768 (continued)

Purser, "absent") to continue Case No. 12768 to the October 6, 1983, meeting.

Case No. 12769

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 Avenue, submitted 6 pictures of the subject structure and the area (Exhibit "F-1"). The property is located on a dead-end street and there are only 6 houses within 300 feet of the subject property. He informed the duplex is set in the middle of two lots, and he has no intention of splitting the lots. Mr. Miller would like to live in one side of the duplex and rent out the other side.

Protestants:

Ideilla Blackwell, 2640 East 27th Street North, objects to a duplex in the neighborhood because the area is not zoned for duplex use. She submitted 9 pictures (Exhibit "F-2") and a petition signed by 38 people in the area (Exhibit "F-3"). She lives about 2 blocks from the subject property.

William Walker, 2747 East 29th Street North, does not want duplexes in the area because it is not zoned for these types of houses. He is concerned that the applicant would not take care of the property. He informed the applicant already has one vacant house in the area.

Charles Brooks, 2703 East 28th Street North, feels that if the law specifies that this is a single-family dwelling place, it should stay that way. He objects to this application because the people in the area do not want a duplex moved in.

Mrs. D. R. Roseburrow, 2712 East 29th Street North, would like a single-family dwelling put on the subject property, but not a duplex.

Applicant's Rebuttal:

Mr. Miller submitted notes from people who do not mind the duplex being moved in on the subject property (Exhibit "F-4").

Comments:

Ms. Hubbard advised that a building permit and a house-moving permit had been issued and were approved pending this Board's approval. Copies of these were submitted (Exhibit "F-5").

Mr. Victor informed there is a lot of room in the area for development, and one duplex in the area could lead to others requesting permission to put additional duplexes there. He also informed the circulation to the area is not very good.

Board Action:

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

9.8.83:395(6)

Case No. 12769 (continued)

Purser, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1207) to permit duplex use in an RS-3 zoned district - Under the Provisions of Section 1680, on the following described property:

Lots 5 and 6, Block 5, Square Deal Addition to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12777

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request for a variance of the minimum frontage on a public street or dedicated right-of-way from 30 feet to 0 feet to permit a lot split in an AG zoned district - Under the Provisions of Section 1670.

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance of the lot area from 2 acres of lots of .9 and .5 acres, a variance of the land area from 2.2 acres to lots 1.09 and .5 acres, and a variance of lot width from 200 feet to 165 feet and 135 feet to permit a lot split - Under the Provisions of Section 1670, located south of the SW corner of 46th Street North and North Lewis Avenue.

Presentation:

O. B. Johnston, 3100 South Jamestown Avenue, would like to split a piece of property that has three houses built on it, so he can sell them separately. The Planning Commission has already approved the lot split. He submitted a tract plan (Exhibit "G-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 207 - Street Frontage Required - Under the Provisions of Use Unit 1206) of the minimum frontage on a public street or dedicated right-of-way from 30 feet to 0 feet to permit a lot split (L-15878) in an AG zoned district - Under the Provisions of Section 1670, a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of lot area from 2 acres to lots of .9 and .5 acres, a variance of land area from 2.2 acres to lots of 1.09 and .5 acres, and a variance of lot width from 200 feet to 165 feet and 135 feet to permit a lot split (L-15878) - Under the Provisions of Section 1670, on the following described property:

TRACT 2:

A tract of land situated in the SE/4 of the NE/4 of Section 18, Township 20 North, Range 13 East, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point which lies 986.5 feet North of the SE corner of the SE/4 of the NE/4; thence Northerly along the East line of the SE/4 of the NE/4 a distance of 165'; thence Westerly and parallel to South line of the SE/4 of the NE/4 a distance of 238'; thence Southerly

Case No. 12777 (continued)

and parallel to the East line of the SE/4 of the NE/4 a distance of 165'; thence Easterly and parallel to the South line of the SE/4 of the NE/4 a distance of 238' to the point of beginning, less City street right-of-way.

TRACT 3:

A tract of land situated in the SE/4 of the NE/4 of Section 18, Township 20 North, Range 13 East, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point which lies 986.5' North and 308' West of the SE corner of the SE/4 of the NE/4; thence Northerly and parallel to the East line of the SE/4 of the NE/4 a distance of 165'; thence Westerly and parallel to the South line of the SE/4 of the NE/4 a distance of 135'; thence Southerly and parallel to the East line of the SE/4 of the NE/4 a distance of 163.5'; thence Easterly and parallel to the South line of the SE/4 of the NE/4 a distance of 135' to the point of beginning.

Case No. 12782

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 requirements from the centerline of East 80th Street South from 50' to 45' to permit construction of a new dwelling in an RS-3 zoned district - Under the Provisions of Section 1670, located at the NW corner of East 80th Street South and South 87th East Avenue.

Presentation:

Greg Miller, 1506 East 68th Place, requests the variance be approved. The proposed house will not fit on the property the way his plot plan (Exhibit "H-1") is laid out. The setback variance will be from 80th Street. The people to the west do not object to this application, and there is a vacant house to the north.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 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 East 80th Street South from 50' to 45' to permit construction of a new dwelling in an RS-3 zoned district - Under the Provisions of Section 1670, per plot plan, on the following described property:

Lot 14, Block 8, Woodland Meadows Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12783

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 lot width from 100' to two lots having widths of 67.6; and 65.2' respectively in an RS-1 zoned district to permit a lot split - Under

the Provisions of Section 1670.

Variance - Section 207 - Street Frontage Required - Request for a variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30' to two lots having frontages of 15' a piece in an RS-1 zoned district - Under the Provisions of Section 1670, located East of the SE corner of East 47th Place and South Lewis Avenue.

Presentation:

John Stava, 2205 East 51st Street, requests that this variance be approved based on the fact that it is a conforming use within the neighborhood. This is the rear portion of a Church's property and there is sewer available to the property. There is also a storm sewer which runs through the northwest corner of the tract. A lot split has been approved.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "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 lot width from 100' to two lots having widths of 67.6' and 65.2' respectively, in an RS-1 zoned district to permit a lot split (L-15924) - Under the Provisions of Section 1670, and a Variance (Section 207 - Street Frontage Required) of the minimum frontage requirement on a public street or dedicated right-of-way from 30' to two lots having frontages of 15' a piece in an RS-1 zoned district - Under the Provisions of Section 1670, per plot plan, on the following described property:

A tract of land located in the W/2 of the S/2 of the S/2 of the NW/4 of the SW/4 of Section 29, Township 19 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

BEGINNING at the NE corner of the said W/2 of the S/2 of the S/2 of the NW/4 of the SW/4; thence Westerly along the North line thereof, a distance of 230.30 feet; thence Southwesterly a distance of 329.71 feet to the South line of said W/2 of the S/2 of the S/2 of the NW/4 of the SW/4; thence Easterly along the South line thereof, a distance of 235.68 feet to the SE corner of the Said W/2 of the S/2 of the S/2 of the NW/4 of the SW/4; thence Northerly along the East line thereof, a distance of 329.67 feet to the POINT OF BEGINNING, less the North 25 feet for street right-of-way.

NEW APPLICATIONS:

Case No. 12771

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, located north of the NW corner of Pine Street and 129th East Avenue.

Presentation:

Fred Frew, 6936 East Woodrow, submitted 2 pictures of the subject property (Exhibit "I-1") and signatures showing he has the approval of the people within 300 feet of the subject property (Exhibit "I-2").

Protestants: None.

Comments:

There is a mobile home about a half of a mile away.

Mr. Smith informed this should be subject to the approval of the Health Department, because sometimes old septic tanks, although existing, may not work. He also stated that the land is zoned RS-3, so they can only approve the application for 1 year, removal bond required.

Mr. Gardner informed the zoning to the west is industrial--someday the subject property probably will be industrial.

Mr. Victor informed the applicant can come back for an extension of the one-year time limitation, but that has to be advertised as a Variance --he is not advertised for that now.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in 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, for a period of one year, with removal bond required and subject to Health Department approval, on the following described property:

Begin 75 feet South of the NE corner of East Half of Southeast Quarter of the Southeast Quarter; thence West 313 feet, South 133 feet, East 313 feet, North 133 feet to a point of beginning Section 29, Township 20 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 12773

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1207 - Request for a variance of the setback requirement from the centerline of Madison Place from 50' to 33.5' to enclose an existing carport in an RM-2 zoning district - Under the Provisions of Section 1670, located south of the SW corner of 60th Street and Madison Place.

Presentation:

Tom Stewart, 6014 South Madison Place, would like to enclose both halves of a duplex's carport to make garages out of them. The carport is attached to the duplex structure. The enclosed part of the structure will not encroach any further than the building roof does now. There will be a wall dividing the two garages. Each garage will be 10 feet wide. He submitted a plat of the subject property (Exhibit "J-1").

Protestants: None.

Comments:

Mr. Gardner informed the Staff's concern from a design standpoint would be that there be garage-type doors rather than a passage door. The applicant informed there will be garage-type doors.

Discussion ensued as to whether there was enough room for two garages.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12773 to the September 22, 1983, meeting to allow the Board members time to view the site.

Case No. 12774

Action Requested:

Variance - Section 1330 (b) - Off-Street Parking and Off-Street Loading - Setbacks - Use Unit 1210 - Request for a variance of the setback requirement for off-street parking from 55' to 25' in an RM-2 zoned district - Under the Provisions of Section 1670.

Special Exception - Section 250.3 (b) - Design Standards for Off-Street Parking - Section 1340 (e) - Request for an exception to modify the screening requirement for unenclosed off-street parking abutting an R District - Under the Provisions of Section 1680.

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for an exception to permit off-street parking in an RM-2 zoned district - Under the Provisions of Section 1680.

Review of parking, landscaping, and proposed lighting plans for BOA Case 12551, located at East 11th Street South to East 12th Street South on South Trenton Avenue and South St. Louis Avenue.

Presentation:

David Page, 900 World Building, was present representing Hillcrest 9.8.83:395(11)

Case No. 12774 (continued)

Medical Center. Mr. Page informed the Board previously granted a special exception for off-street parking and requested he return with a diagram of the layout of the parking, the landscaping, and the lighting (Exhibit "K-1"). They now have three additional requests. They would like to use trees and bushes as screening instead of a fence--they feel this would beautify the area. The light fixtures are on 30-foot poles and face downward. There is lighting on the edge of the lots which is hidden in the trees. There are security cameras on some of the light poles. The requested variance would allow parking for about 120 more cars. There is a parking shortage in the area, and this would increase the parking capacity of the lot by 50 percent. Hillcrest feels this will not adversely affect the looks of the neighborhood and the area.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 1330 (b) - Off-Street Parking and Off-Street Loading - Setbacks - Under the Provisions of Use Unit 1210) of the setback requirement for off-street parking from 55' to 25' in an RM-2 zoned district - Under the Provisions of Section 1670, a Special Exception (Section 250.3 (b) - Design Standards for Off-Street Parking - Section 1340 (e)) to modify the screening requirement for unenclosed off-street parking abutting an R District - Under the Provisions of Section 1680, and a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit off-street parking in an RM-2 zoned district - Under the Provisions of Section 1680, per plot plan and exhibits, on the following described property:

Lots 4, 5, 6, 10, 11, 12, 16, 17, 18, 23, and 27 thru 40, all in Block 3, Forest Park Addition, according to the re-amended Plat in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12775

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1206 - Request for an exception to permit a home occupation (beauty shop) in an RS-3 zoned district - Under the Provisions of Section 1680, located west of the NW corner of Gary Place and Florence Place.

Presentation:

Debra Black, 2331 South Florence Place, would like to use the existing breezeway and the garage of her house as a beauty shop. She submitted plans of what she would like to do (Exhibit "L-1"), and a petition (Exhibit "L-2") which is a character witness for her. She will have between 12 and 15 patrons per day and she will operate during the same hours she has been. She will not have anyone working with her and there are usually not more than 2 or 3 customers present at one time.

Protestants:

Edwin Revis, 2313 South Florence Place, submitted a petition (Exhibit

Case No. 12775

"L-3") signed by 285 people in the neighborhood who objected to the application. Mr. Revis spoke on behalf of the Triad Homeowner's Association. The homeowners are concerned with traffic in the area and do not feel this would be in the best interest of the neighborhood. They are also concerned that the granting of this special exception will set a precedence and other businesses will be brought in. They are afraid their property values will be damaged.

Comments:

Ms. Purser stated the reason for the home occupation is for an occupation that will be carried on in a home that the neighborhood would not know occurs. The zoning states that an exception is to be given to a business that would not change the character of the neighborhood. Ms. Purser feels that if this is a business that is now being carried on in a commercial area and that the character of the business is not really changing any, that it does not belong in a residential district. This is a full-scale operation that was previously carried on at another location.

Mr. Victor agreed with Ms. Purser's statements and informed that most of the home occupations the Board has granted to allow beauty shops have been part-time operations.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Special Exception (Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Use Unit 1206) to permit a beauty shop in an RS-3 zoned district - Under the Provisions of Section 1680, on the following described property:

Lot 9, Block 2, Wil-Rey Terrace Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12776

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for a variance to permit a two-story building to seek affirmative relief as a special request in an OL zoned district - Under the Provisions of Section 1670, located west of the NW corner of South 69th East Avenue and South 66th East Avenue.

Ms. Purser removed herself from the Board to become a protestant in this case.

Presentation:

Eugene Brumble, 7331 East 62nd Street, was represented by Randy Frances. The applicant obtained a building permit (in error) to build a two-story office building on the subject property. They were 2/3rds of the way finished with the building when they received protests and had to stop construction. The applicant submitted 4 pictures (Exhibit "M-1") and a copy of the building permit (Exhibit "M-1"). The second story was to be used as an art studio for Mrs. Swindler's personal use. Mr. Frances submitted a plot plan (Exhibit "M-3").

Protestants:

Ellis Gibson, 6926 South 67th East Avenue, submitted a map (Exhibit "M-4") and 6 photographs (Exhibit "M-5"). He informed there are some very nice looking one-story office buildings in the area and the residents are glad to have them there. However, they do not want two-story buildings in the area. He would like the error of the Building Inspector's office corrected by having the building reduced in size from two-story to one-story. He is concerned that property values will drop and that other two-story buildings may be allowed in the area if this one is.

Kathy Purser, 6776 South 69th East Avenue, informed the applicant is requesting a variance, and a variance requires a hardship that has to do with the piece of property. She asked that the Board examine the facts to see if the applicant does have a hardship.

Kathy Wilson, 7415 South 73rd East Avenue, informed the homeowners are very concerned about situations such as this occurring in this area. They did not protest OL zoning in the area because they felt it was an acceptable buffer. They do not want two-story buildings.

Interested Parties:

Eugene Brumble, 7331 East 62nd Street, informed the two-story building would be no taller than some of the one-story buildings in the area.

Mr. James Swindler, 4120 East 51st Street, is the owner of the building. He did not intend to do anything wrong, and he feels it is unfair for him to bear the brunt of the error.

Applicant's Rebuttal:

Mr. Frances feels it is an unfortunate mistake, but they complied to the best of their ability. He thinks it would be unfair for them to have to bear the burden of the mistake.

Comments:

Mr. Gardner informed the OL serves as a buffer, so there is quite a bit of significance as to the limitation of the height of structures and the types of use. He informed what makes this building a true two-story building are the doors, windows, and the stairway on the rear. The first thing that could be done to remove the building as a two-story building would be to remove the windows, doors and stairways from the second level. He feels this is the least the Board can do. He informed that just because there is an error in the issuance of a building permit, the applicant does not have an inherent right to keep the structure as is.

Mr. Jackere informed the Board is not dealing with a question of height, but with the question of stories--a set of rooms.

Mr. Victor stated that if a building permit had not been issued, his vote would probably be against the application on the basis of the two stories. He feels that allowing the two stories could make it harder on the Board to enforce limiting buildings to one story in that area. He has not heard any hardship for having the second story.

Application No. 12776 (continued)

Mr. Jackere informed from a planning standpoint the objection to the second story is the right of privacy to the abutting residents. He feels the purpose of the Code is to prevent an invasion of abutting property owner's privacy.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; none, "absent") to DENY a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Use Unit 1211) to permit a two-story building to seek affirmative relief as a special request in an OL zoned district - Under the Provisions of Section 1670, on the following described property:

Commencing at the most Easterly corner of Block 3, Plaza Village, an Amended Plat of SKYVIEW CENTER, an Addition in Tulsa County, Oklahoma, said corner being on the Westerly line of South 69th East Avenue; thence North 65°-24'-10" West, along the Northeasterly line of said Block 3, for a distance of 185.28' to the POINT OF BEGINNING; thence continuing North 65°-24'-10" West, along the Northeasterly line of said Block 3, for a distance of 66.05'; thence South 24°-35'-50" West, for a distance of 194.74' to a point on the Southwesterly line of said Block 3; thence Easterly along a curve to the left having a radius of 620' for a distance of 14.15' to a P.C.C. in the Southerly line of said Block 3; thence continuing Easterly along a curve to the left having a radius of 1,505' for a distance of 52.87' to a point that is 191.35' Westerly from the Southeast corner of said Block 3, measured along the Southerly property line of said Block 3; thence North 24°-35'-50" East for a distance of 183.37' to the POINT OF BEGINNING.

Case No. 12778

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an Exception to continue current mobile home sales operation in a CS zoned district - Under the Provisions of Section 1680, located at 11742 East Admiral Place.

Presentation:

Dewey Helt was represented by Ken Bradley, 4815 South Harvard Avenue, Room 418. The applicant leases the subject property from Fairmont Foods. There are many mobile home sales offices in the area. The lease agreement was made in November, 1981, and is valid until October 31, 1984. There are 22 mobile homes located on the lot, and the expense for moving those would be great. They would like the variance granted at least until the expiration of the lease.

Protestants:

Ralph Burns, 11725 East 1st Street, lives directly behind the subject property. Mr. Burns submitted 14 photographs (Exhibit "N-1") and informed he cannot enjoy any privacy with people shopping until midnight every night at the subject property. He also informed the property is not well-kept, and a security light located on the subject property

Case No. 12778 (continued)

causes security problems for him. He feels the property values in the area are decreased because of the mobile home sales lot. Mr. Burns stated the retaining wall on the subject property is not in good condition.

Applicant's Rebuttal:

Mr. Bradley informed there is a solid concrete 6-foot high retaining wall at the rear of the subject property.

Comments and Questions:

In answer to a question asked by Mr. Victor, the applicant informed the mobile homes are sold from the subject property.

Mr. Victor has observed the property is not well-kept and is concerned it could cause health problems to the neighbors.

Ms. Purser informed the Board has only approved mobile home sales when the applicant has come in with a plan telling how they will put the mobile homes and how the landscaping will be--it can almost look like people live there.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217) to continue current mobile home sales operation in a CS zoned district - Under the Provisions of Section 1680, on the following described property:

The East 250' of Lot 2, Block 1, less and except the North and West 150' of Western Village Mart Addition to Tulsa County, Oklahoma.

Case No. 12779

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit continued operation of existing mobile home sales in a CS zoned district - Under the Provisions of Section 1680.

Appeal - Section 1650 - Request for an appeal from the decision of the Building Inspector for citing current mobile home sales operation as a nonconforming use, located east of the SE corner of South 119th East Avenue and Admiral Place.

Presentation:

Joe Branscum, 11920 East Admiral Place, was represented by John Sublett. He informed there have been mobile home sales on Admiral Place for many years. He submitted an Affidavit (Exhibit "0-1"). The old zoning on the property allowed for mobile home sales. There have been mobile home sales on the subject property since 1969. There is a solid wall behind the subject property which separates it from the residences. There are two storage buildings on the subject property. The office is a mobile home. Mr. Branscum informed they have some landscaping plans for the subject property. They plan to set up a double-wide display which will be seen from

Case No. 12779 (continued)

Admiral. The mobile homes are about 10 feet away from the wall which separates the subject property from the residential property. There will be seven double-wide mobile homes and 35 or 40 single-wide mobile homes on the subject property. There is a wood stockade fence that covers the area. Mr. Branscum presented a plat of the property and his plans for landscaping the property. The applicant has been using the property for mobile home sales since 1981. The proposed landscaping will be across most of the front of the lot. Mr. Sublett submitted an aerial photograph of the area (Exhibit "0-2").

Protestants: None.

Comments:

Mr. Jackere informed concerning the appeal that the applicable Code provision is either 1410 or 1420 depending on the amount of coverage of the structures on the lot other than fences. Structures are things that have a fixed location on the ground. Section 1410 requires removal of the use within five years from the time that it became nonconforming. He does not feel that any evidence has been presented which demonstrates that this comes within that second provision.

Interested Party:

Ed Cohen, 2602 South Harvard Avenue, informed he had served on the Board of Adjustment for 17 years. He feels that what is happening in this case is completely contrary from the philosophy which the Board pursued then--they were helpful. He owns the property at Admiral and Garnett. He feels the Board needs to have a policy that people who own property in the City can follow so they will know whether or not the Board will grant a request--there needs to be criterion for the applicant's to meet. He feels the Board needs to be consistent in their decisions.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217) to permit continued operation of existing mobile home sales in a CS zoned district - Under the Provisions of Section 1680, and to DENY and Appeal (Section 1650) from the decision of the Building Inspector for citing current mobile home sales operation, on the following described property:

Lot 1, Block 2, Western Village Mart Addition, less and except the West 150' of the North 150' thereof, Tulsa County, Okla.

Case No. 12780

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1211 - Request for an exception to permit a home occupation (bookkeeping office) in an RS-3 zoned district - Under the Provisions of Section 1680, located south of the SW corner of Seminole Street & Columbia Place.

Case No. 12780 (continued)

Presentation:

Geneva Barnaby, 1616 North Columbia Place, would like to have a book-keeping office in her home. She does not think it will disrupt the neighborhood and would not require on-street parking. Most of her client contact will be outside of the office--there will be no more than 10 to 15 clients coming to her home in a month. She works full-time (9. a.m. to 5 p.m.), so will be doing this after regular office hours and on weekends.

Protestants: None.

Comments:

The applicant does not plan any exterior alterations to her home, and she does not plan on having any employees.

She has no problem with coming back before the Board if the business is no longer part-time. The applicant informed the Board that when the job becomes full-time she will move outside of her home.

Mr. Gardner informed if the Board was concerned that the use might grow, they might consider a specific time period for the applicant to come back for her case to be reviewed.

The applicant has lived at the subject property for five years, and she has had no complaints from her neighbors.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Use Unit 1211) to permit a bookkeeping office in an RS-3 zoned district - Under the Provisions of Section 1680, with the conditions that the hours be limited to after 5 and on weekends and that the clients coming to the home be limited to 15 a month, on the following described property:

Lot 8, Block 3, Anelen Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12781

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit automobile sales in a CS zoned district - Under the Provisions of Section 1680, located east of the SE corner of East 31st Street and 101st East Avenue.

Presentation:

The applicant, Doyle Ramsey, does not want this case continued. He has been waiting for over 30-days and has a contract to buy the subject property, subject to the approval of this Board. It will hurt Mr. Ramsey financially if he has to wait any longer, and he might lose the property.

Case No. 12781 (continued)

Protestants:

Mark Sherman, who represents Regency Oldsmobile, requested by letter (Exhibit "P-1") that this case be continued to the September 22, 1983, meeting so they will have time to review the application.

Comments:

Mr. Smith informed the Board will usually grant one continuance for the applicant and one continuance for the protestants.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12781 to the September 22, 1983, meeting.

Case No. 12784

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Request for an exception to permit a restaurant in an IL zoned district - Under the Provisions of Section 1680, located at the SE corner of 41st Street and Sheridan Road.

Presentation:

Max Tankersley, 4240 South Peoria Avenue, was represented by Minor Perkins. He represents American Bar-B-Que Restaurants, who owns the subject property. They are the Luther's Bar-B-Que Restaurant Franchisee for this area. He submitted exhibits (Exhibit "Q-1") which told about the Restaurant. There are approximately 90,000 people within a 3-mile radius of the subject property--it is a heavily traffic commercial area. There are businesses of all kinds in the immediate area. They feel the use of the subject property as a restaurant would be in keeping with the area--it will upgrade the area. He submitted a tentative site plan (Exhibit "Q-2") and informed there is plenty of parking. The seating capacity is approximately 190.

Protestants: None.

Comments:

Mr. Gardner informed anytime an application is approved per plot plan, they can come back before the Board if the plot plan is changed slightly. No new hearing is necessary to substitute a new plot plan that meets the spirit of the Board approval.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1212) to permit a restaurant in an IL zoned district - Under the Provisions of Section 1680, per plot plan, on the following described property:

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

Case No. 12785

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit automotive and Allied Activities (sales, service, and installation of products for 4-wheel drive vehicles) in a CS zoned district - Under the Provisions of Section 1680.

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the frontage requirement from 150' to 50' in a CS zoned district - Under the Provisions of Section 1670, located at the NE corner of Admiral Place and South 177th East Avenue.

Presentation:

The applicant, Steve Sharples, requested by letter (Exhibit "R-1") that this case be continued to the September 22, 1983, meeting.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12785 to the September 22, 1983, meeting.

Case No. 12786

Action Requested:

Special Exception - Section 1420 (a) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1206 - Request for an exception to expand a nonconforming structure in an OL zoned district - 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 the centerline of South Sandusky Avenue from 50' to 47' to expand a nonconforming structure (warehouse and office) in an OL zoned district - Under the Provisions of Section 1670, located south of the SW corner of Sandusky Avenue and 11th Street.

Presentation:

Mike Ramsey, 6207 South 120th East Avenue, represented the property owners who would like to add a front porch to the house on the subject property. They need 3 feet of the easement to make it a useful size porch.

Protestants: None.

Comments:

Mr. Jackere informed the applicant can expand the structure for residential purposes--this is permitted by special exception.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception

Case No. 12786 (continued)

(Section 1420 (a) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Use Unit 1206) to expand nonconforming structure in an OL zoned district - Under the Provisions of Section 1680, and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the setback requirement from the centerline of South Sandusky Avenue from 50' to 47' to expand a nonconforming residential structure (house) in an OL zoned district - Under the Provisions of Section 1670, on the following described property:

Lot 22, Block 3, Beverly Hills Addition in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12787

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1209 - Request for an exception to permit a mobile home in an AG zoned district - Under the Provisions of Section 1680, located north of the NW corner of 101st Street South and Yale Avenue.

Presentation:

James Walter, 9631 South Urbana Avenue, would like to put a mobile home on the subject property for his babysitter to live in. The lot is about 4½ acres and joins the applicant's property. This would not be permanent--they have 4 years left on their lease of the subject property. The trees and a hill will screen the mobile home--the top of the mobile home might be visible from Yale Avenue. The landowners in the area do not object to the plans. He submitted a plot plan (Exhibit "S-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Use Unit 1209) to permit a mobile home in an AG zoned district - Under the Provisions of Section 1680, for a period of four years, to run with this owner only, per plot plan, on the following described property:

A 4.55 acre portion of the NE/4 of the NE/4 of the SE/4 of Section 21, Township 18 North, Range 13 East. The 4.55 acres begin at the Northeast corner of the NE/4 of the NE/4 of the SE/4 of Section 21, Township 18 North, Range 13 East; then it goes South 300' along the east line, then turns west for 660'; then it turns North for 300' along the West edge of the property line; and, then goes East 660' along the North edge of the property line. The 4.55 acres consist of a rectangular tract 300' x 660', in Tulsa County, Oklahoma.

There being no further business, the Chair adjourned the meeting at 4:19 p.m.

Date Approved Sept 23, 1983

Adrian M. Smith
Chairman