

CITY BOARD OF ADJUSTMENT
Minutes of Meeting No. 422
Thursday, September 20, 1984, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Clugston, In at 1:15 Smith Victor	Purser	Gardner Jones Phillips	Hubbard, Prot. Inspections Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, September 18, 1984 at 9:25 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 1:10 p.m.

MINUTES

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to **APPROVE** the Minutes of August 23, 1984 (No. 420).

UNFINISHED BUSINESS:

Case No. 13263

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1217--Request an exception to allow an auto wash in a CS zoned district under the provisions of Section 1680, located on the SE/c of 71st Street & Sheridan.

Presentation:

The applicant, William J. Doyle, 201 West 5th Street, represented the Musket Corporation which owns the Love Stores. This Corporation acquired the subject property (former location of a Getty Station) and proposes to build a car wash. Mr. Doyle stated that Rich's joins the subject property on the east and BOK joins it on the west. It is in Kirkdale Addition. He submitted a plot plan (Exhibit A-1) and architectural renderings (Exhibit A-2) and discussed them with the Board. A model of the car wash was presented and discussed. The car wash is planned to be a high volume project and special attention has been given to planning in relation to parking, detailing, stacking, and gasoline service. The interior of the building will house a Love's store, which will sell typical Love's merchandise (i.e. pop, chips, sandwiches, etc.) and gasoline sales will be less than normal, since the main service provided will be the car wash.

Case No. 13263 (continued)

Interested Parties:

Steve Walker of Rees Associates, Inc., 4200 Perimeter Center Drive, Suite 245, Oklahoma City, Oklahoma, replied to a question by Mr. Victor that the exterior construction will be a metal skinned building with a panel-type construction.

Mr. Lindle Pierson, 10601 Pennsylvania Avenue, Oklahoma City, informed in response to a question by Mr. Smith, that the Musket Corporation had this equipment in another location and there has been no problem with the noise from the generators. He informed that most of the noise would be caused by the wind in the tunnel (which is generated by a wind machine). He reported that the car wash is valet service and that attendants stand directly outside the tunnel to dry the cars and have expressed no adverse effects from noise.

Comments and Questions:

Mr. Chappelle inquired as to the hours of operation. Mr. Pierson informed that the car wash will be open from 8:30 a.m. until 6:30 p.m. seven days a week.

Mr. Gardner suggested to the Board that many of the staff's concerns have been answered in the presentation. He did suggest that the color scheme presented in the model be made a part of any motion.

Mr. Clugston asked about the Love's sign and Mr. Doyle replied that it would be a standard Love's sign, and they would keep it in line with the proposed color schemes.

Mr. Doyle replied to a question by the Board that the car wash will be attended at all times and the front of the building and the store will be well maintained.

Protestants:

Mr. Rich, 6532 71st Street, the owner of Rich's, stated that all the buildings that face 71st Street were required to have a 75' setback from the property line. He stated that it is his understanding that the building which is proposed will setback 50' from the property line. He expressed his concern that this building will block his building. He informed that he wanted to know more about what type of screening would be used between his property and the car wash and stated that the equipment used in the car wash is state-of-the-art and may not have been in use long enough to determine long-range side effects from the noise. He discussed the problems he has had in the past with parking and traffic on Rich's lot.

Joel D. Rich, 6532 71st Street, is part owner of Rich's and expressed many of the same concerns his father has. He stated that he understood that the proposed car wash will meet the setback requirements, but that the size of the building and traffic are the two problems he is most concerned with. He stated that the size of the structure to be built is determined by use and the building may be larger than the site plans presented today. He also informed that on high volume days (i.e. after a rain, warm spring days, etc.) traffic would be a severe problem.

Case No. 13263 (continued)

Applicant's Rebuttal:

Mr. Doyle explained that the car wash will meet the setback requirements and that their plans for the subject property will not facilitate the problems Mr. Rich has on his property, as far as traffic and parking are concerned.

Interested Parties:

Mr. Hugh Moxley, 902 East Independence, Wichita, Kansas, replied to a question by Mr. Clugston that the new equipment to be used in the car wash will create no more noise than a regular coin-operated car wash. He informed that he has one in operation in Wichita and has had no problems nor complaints with the noise. He explained that the water pumps will be located on the far side of the tunnel from the convenience store and the noise will be buffered by concrete walls. In his store in Wichita the noise from the car wash is not audible inside the building.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a Special Exception (Section 710--Principal Uses Permitted in the Commercial Districts--Under the Provisions of Use Unit 1217) to allow an auto wash in a CS zoned district under the provisions of Section 1680, subject to the design as presented (including the color scheme of light green and silver) and subject to the following hours of operation for the car wash: 8:30 a.m. until 7:30 p.m., seven days a week, on the following described property:

Block 1, Kirkdale Commercial Center, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13261

Action Requested:

Special Exception--Principal Uses Permitted in an Agriculture District--Use Unit 1202--Request permission to operate an existing sewage treatment plant in an AG district, under the provisions of Section 1680, located at 71st Street and the Arkansas River.

Presentation:

The application was presented by Barbara Shirley, 2030 Jackson, who submitted a plot plan (Exhibit B-1) and described the plans for the sewage treatment plant. She presented a location map (previously exhibited on August 9, 1984 as Exhibit S-1) and explained that this case was originally heard by this Board on August 9, 1984, but was continued to readvertise for additional property. The Board approved a smaller portion of property at the August 9, 1984 meeting and she identified the section which was approved. In answer to a question by Mr. Clugston, Ms. Shirley described the Water Department's present contracts on the land. One which is presently under construction is the stabilizing of the edge of the bank on the Arkansas River. She informed the Board that a lagoon is a form of drying, not just sludge.

Case No. 13261 (continued)

Protestants:

M. F. Allen, 101 West 81st Street South, owns 77 acres abutting the subject property. He informed, in regard to the new drying beds being covered with asphalt, that there would be a problem with surface water. He stated that the pipes which carry the disposed wastes are four feet high and that the process of evaporation will cause odor and pollution. Although his well is 1/2 mile away from the sewage treatment plant, he protests any expansion of the current use.

Comments and Questions:

Mr. Clugston asked Ms. Shirley if the City Water and Sewage Department plans to make this plant obsolete. She replied that it has never been their intention to do away with this plant. She stated there is no alternative site to serve this area of Tulsa. She informed that neither the lagoons nor the plant discharge into the Arkansas River. In regard to Mr. Allen's comment about evaporation, she informed the Board that there will be less evaporation into the air than before the improvements were made. The Sewage Treatment Plant inherited several drainage problems when the 71st Street Bridge was constructed and they are presently trying to solve them.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Principal Uses Permitted in an Agriculture District--Use Unit 1202) to operate an existing sewage treatment plant in an AG district, under the provisions of Section 1680; per plot plan submitted; on the following described property:

Lots Eight and Nine of Section One, Township Eighteen North, Range Twelve East and the Northeast Quarter of the Northwest Quarter and Lot 2 of Section Twelve, Township Eighteen North, Range Twelve East, containing one hundred-eighteen and seventy-six hundredths acres more or less.

Case No. 13238

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in Residential Districts--Use Unit 1205--Request an exception to permit church uses and related activities in an RS-3 zoned district under the provisions of Section 1680; and a

Use Variance--Section 410--Principal Uses Permitted in Residential Districts--Request a variance to permit parking for church use (Lots 5 & 6); and a

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD, and RM Districts--Request a variance of the setback from the centerline of Garrison Avenue from 50' to 45' to permit expansion of an existing church; and a

Case No. 13238 (continued)

Variance--Section 430.1--Bulk and Area Requirements In the RS, RD and RM Districts--Request a variance of the 25' setback from abutting R district; and a

Special Exception--Section 250.3--Modification of the screening wall or fence requirements--Request an exception to remove screening requirements from Lots 5 & 6; and a

Variance--Section 1205.3--Use Conditions--Request a variance of 1-acre lot minimum to 24,500 sq. ft. and of the lot width from 100' to 75', located N. of NW/c of 28th Street North & Garrison.

Presentation:

The applicant, Ms. Verdell Crawford, 2828 North Garrison, represented the Friendly Church of God in Christ in their request to allow an addition to an existing structure on the subject tract. She informed that the church is a remodeled residence. A plot plan was submitted (Exhibit C-1) and discussed. In answer to a question by the Board, Ms. Crawford stated that the church has been meeting at the present location since 1971.

Protestants: None

Comments and Questions:

Mr. Victor asked the applicant why it was necessary to add a 50' addition when a 45' addition would not require a variance. Reverend Todd, 1520 East Martin Luther King Drive, Okmulgee, (Contractor) answered that the applicant wanted to provide as much new space as possible for future growth.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "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 1205) to permit church uses and related activities in an RS-3 zoned district under the provisions of Section 1680; and a **Use Variance** (Section 410--Principal Uses Permitted in Residential Districts) to permit parking for church use (Lots 5 & 6); and a **Variance** (Section 430.1--Bulk and Area Requirements In the RS, RD and RM Districts) of the setback from the centerline of Garrison Avenue from 50' to 45' to permit expansion of an existing church; and a **Variance** (Section 440.7--Special Exception Uses in Residential Districts, Requirements) of the 25' setback from abutting R district; and a Special Exception (Section 250.3--Modification of the Screening Wall or Fence Requirements) to remove screening requirements from Lots 5 & 6; and a **Variance** (Section 1205.3--Use Conditions) of 1 acre lot minimum to 24,500 sq. ft. and of the lot width from 100' to 75'; subject to the plot plan submitted; all on the following described property:

Case No. 13238 (continued)

Lots 5, 6 and 20, and N/2 of Lot 19, Block 6, Standard Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13251

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Use Unit 1202--Request an exception to allow a pre-release center in an IL zoned district under the provisions of Section 1680, located at 20th East Archer.

Presentation:

The applicant, David S. King, Route 5, Box 164, Sand Springs, was not present, but requested by letter (Exhibit D-1) that the case be continued until October 18, 1984.

Protestants: None

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13251 until October 18, 1984.

Case No. 13275

Action Requested:

Variance--Section 1217.3--Use Conditions--Request a variance to allow open air storage or display of merchandise offered for sale within 300 feet of an adjoining R district, located W. of NW/c of Admiral Place & Garnett.

Presentation:

Charles E. Norman, Attorney representing the applicant, informed that this case was heard on August 23, 1984 and at that time a Special Exception was approved for use of the land. At that time it was advised that the applicant readvertise for open air storage within 300 feet of an adjoining R district.

Protestants: None

Comments and Questions:

There was discussion about the necessity of a screening wall between the open air storage area and the abutting R district. Mr. Norman was informed that since he did not advertise for relief of a screening wall, his client must meet the standard requirements (which include a screening wall).

Board Action:

on MOTION of VICTOR and SECOND by CHAPPELLE, the Board vote 3-1-0 (Chappelle, Clugston, Victor, "aye"; Smith "nay"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 1217.3--Use Conditions) to allow open-air storage or display of merchandise offered for sale within 300 feet of an adjoining R district, on the following described property:

Case No. 13275 (continued)

All of the West Half of the West Half of the East Half (W/2, W/2, E/2) of Lot One (1), of Section Six (6), Township Nineteen (19) North, Range Fourteen (14) East, City of Tulsa, Tulsa County, Oklahoma less and except the Southerly 75.00 feet thereof; and All of the East Half of the East Half of the West Half (E/2, E/2, W/2) of Lot One (1) of Section Six (6) Township Nineteen (19) North, Range Fourteen (14) East, City of Tulsa, Tulsa County, Oklahoma less and except the Southerly 75.00 feet thereof, and the Northerly 17.00 feet of the West Half of the East Half of the West Half (W/2, E/2, W/2) of Lot One (1) of Section Six (6), Township Nineteen (19) North, Range Fourteen (14) East, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13286

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1209--Request an exception to permit a mobile home (double wide) in an RS-3 zoned district under the provisions of Section 1680; and a

Variance--Section 440.6--Special Exception Uses in Residential Districts, Requirements--Request a variance of the one-year time limitation for a mobile home to permanently, located at 10833 1/2 East 11th Street.

Presentation:

The applicant, Mildred Whiten, was not present.

Comments:

There was discussion about Ms. Whiten's intent to build a house on the property rather than install a mobile home. This was discussed at the Board meeting on September 6, 1984 and the case was continued to allow time to apply for a Building Permit. (Due to her absence at this meeting, the Board concluded that she planned to build a home.)

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **DENY** without prejudice a **Special Exception** (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1209) to permit a mobile home (double wide) in an RS-3 zoned district under the provisions of Section 1680; and a **Variance** (Section 440.6--Special Exception Uses in Residential Districts, Requirements) of the one-year time limitation for a mobile home to permanent use; on the following described property:

Lot 8, Block 2, less south 300'; East Eleventh Park, an addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13298

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in a Residential District--Use unit 1209--Request special exception to allow a mobile home in an RS-3 zoned district under the provisions of Section 1680; and a

Variance--Section 440.6--Special Exception in Residential District--Use Unit 1209--Request a variance of the one-year time limitation, located at 17 North 50th West Avenue.

Presentation:

The applicant, C. B. Brand, 20 North 49th West Avenue, (the owner of the subject property) informed the Board that he bought this land from the city. Previously there had been an old mobile home on the lot, which was a converted trolley car. He now requests that he be allowed to install a 27' single-wide travel trailer on the location. Utility hook-ups and sewage are available. The travel trailer belongs to a man whose business frequently requires him to be out-of-town and he wants to rent the lot from Mr. Brand. There are no mobile homes in the area.

Protestants:

Daphne McGinnis, 21 North 50th West Avenue, informed the Board that she and her husband own a large home in this RS-3 zoned district and they do not want a travel trailer installed as a permanent dwelling. There are no other mobile homes in the area and she does not want a precedent set. She informed that the trailer has already been blocked up and is ready for use.

John McGinnis, 21 North 50th West Avenue, informed the Board that the travel trailer is 8' x 27' and is not large enough to rent as a dwelling. He does not like the way it looks next to his property.

Comments and Questions:

There was discussion about the size of the travel trailer and the fact that the advertisement is for mobile home usage. The request does not apply to the intended use.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **DENY** a **Special Exception** (Section 410--Principal Uses Permitted in a Residential District--Under the Provisions of Use Unit 1209) to allow a mobile home in an RS-3 zoned district under the provisions of Section 1680; and a **Variance** (Section 440.6--Special Exception in Residential District--Under the Provisions of Use Unit 1209) of the one year time limitation; on the following described property:

Case No. 13298 (continued)

Lot 12, Block 1, Orf's Tracts, an addition to the City of Tulsa,
Tulsa County, State of Oklahoma.

Case No. 13299

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD, and RM Districts--Use Unit 1205--Request a variance of the 50' setback from the centerline of Rosedale to 23' to permit an addition to an existing church in an RM-2 zoned district under the provisions of Section 1670; and a

Variance--Section 1205.3--Use Conditions--Request a variance of the minimum lot area of 1 acre to 13,000 sq. ft.

Presentation:

The applicant, Reverend Ira Pisachobbe, 24 South Rosedale, presented the application on behalf of Bowen Indian Church, and requested that the variances be allowed to permit an addition to their existing church building. He submitted a site plan (Exhibit E-1).

Protestants: None

Comments:

The staff discussed the required 5' sideyards for property abutting residential property.

Mr. Gardner informed that the requested variance of 50' to 23' would encroach City right-of-way.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "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 1205) of the 50' setback from the centerline of Rosedale to 25' to permit an addition to an existing church in an RM-2 zoned district under the provisions of Section 1670; and a **Variance** (Section 1205.3--Use Conditions) of the minimum lot area of 1 acre to 13,000 sq. ft.; per site plan submitted; on the following described property:

Lots 25 through 28, Block 12, Overlook Park, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13300

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in a Commercial District--Use Unit 1217--Request a special exception to allow boat sales in a CS zoned district, under the provisions of Section 1680; and a

Case No. 13300 (continued)

Variance--Section 1217.3 (a)--Request a variance of the required screening requirement from an abutting "R" district; and a

Variance--Section 1217.3 (b)--Request a variance to allow open air storage and display of merchandise for sale within 300' of an abutting "R" district, all located at 5929 South Peoria.

Presentation:

Bruce Straub, 4815 South Harvard, represented the owners of O'Reilly Marine, and informed the Board that the reason for the request was to allow an additional building to be constructed behind the boat dealership for the maintenance of boats. He stated that the owner sells only pleasure boats, and has no sea-going vessels on his property. The property is being platted, and a plot plan was submitted (Exhibit F-1).

Protestants: None

Comments and Questions:

Mr. Victor asked Mr. Straub why a variance of screening requirements was advertised. Mr. Straub submitted pictures indicating a "natural screening" provided by shrubs and trees between the subject property and the abutting residential district (Exhibit F-2).

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Special Exception** (Section 710--Principal Uses Permitted in a Commercial District--Under the Provisions of Section 1680; and a **Variance** (Section 1217.1 (a)) of the required screening requirements from an abutting "R" district, providing that no vegetation within the East 20' of the south 150' on the SE portion of the property be removed; and a **Variance** (Section 1217.3 (b)) to allow open air storage and display of merchandise for sale within 300' of an "R" district; subject to CS zoning; per plot plan submitted; on the following described property:

Lots 8 and 9 of Southlawn Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13301

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in an RS, RD and RM Districts--Use Unit 1206--Variance of the setback of 60' from the centerline of Oswego to 40' to permit construction of an addition to a dwelling under construction in an RS-1 zoned district, under the provisions of Section 1670, located at the SW/c of 62nd Street and Oswego.

Presentation:

Don Kirberger, 4901 South Sheridan, stated his intention to build an addition to his home (which is under construction) in the form of a

Case No. 13301 (continued)

porte cochere. He submitted a site plan (Exhibit F-1) and discussed it with the Board.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a **Variance** (Section 430.1--Bulk and Area Requirements in an RS, RD and RM District--Under the Provisions of Use Unit 1206) of the setback of 60' from the centerline of Oswego to 40' to permit construction of an addition to a dwelling under construction in an RS-1 zoned district, under the provisions of Section 1670, per site plan submitted, on the following described property:

Lot 1, Block 2, Braeswood Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13302

Action Requested:

Variance--Section 420.2--Accessory Use Conditions--Use Unit 1206--Request a variance of the 3' setback to 1' to permit a detached accessory building (garage) in an RS-2 zoned district under the provisions of Section 1670, located at 223 East 25th Street.

Presentation:

The applicant, Duff Weddle, 223 East 25th Street, was present.

Protestants:

Leo Oliver, 227 East 25th Street, requested a continuance of the case because his attorney, Kenneth King, could not be present at the meeting.

Comments:

Mr. Gardner described the case for the Board.

Mr. Victor informed that it is the policy of the Board to grant one continuance to each the applicant and the protestant.

Mr. Weddle stated that his business requires him to travel overseas and he cannot be sure when he will be available. Mr. Victor suggested if he needs to be away during the next scheduled meeting, he can request a continuance by mail.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13302 until October 4, 1984.

Case No. 13303

Action Requested:

Variance--Section 1211.4--Off-Street Parking and Loading Requirements--Use Unit 1211--Request a variance of the 26 required parking spaces to 14 spaces for an office in a CH zoned district under the provisions of Section 1670, located on the NW/c of 12th Street and Boston.

Presentation:

Sietang Ting, 5215 South Wheeling, is the owner of a 3-story building on the subject property. He informed that it had been previously used as a business with retail sales on the first floor and rental apartments on the top two floors. He explained that the building was in bad repair when he purchased it and he has rennovated the first floor at a cost of over \$60,000.00. He plans to rennovate the top two floors and the parking lot as soon as possible.

Protestants:

Larry Rhoades, 1112 South Boston, (Regional Manager of Contemporary Services) stated his opposition to a variance on the parking restrictions.

Comments and Questions:

Mr. Gardner responded to a statement by Ms. Hubbard that Mr. Ting's building meets the density requirements for apartment dwelling in a CH zoned district and advised that the area is being rezoned CBD, which does not require off-street parking.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Variance** (Section 1211.4--Off-Street Parking and Loading Requirements--Under the Provisions of Use Unit 1211) of the 26 required parking spaces to 14 spaces for an office in a CH zoned district under the provisions of Section 1670, on the following described property:

South 4' of vacated alley, north 40' of Lot 2, Block 202, Original Townsite, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13304

Action Requested:

Special Exception--Section 420--Accessory Use in Residential Districts--Use Unit 1205--Request an exception to allow a home occupation (beauty shop) in an RS-1 zoned district under the provisions of Section 1680, located S. of SE/c of 2nd Street and 183rd East Avenue.

Presentation:

Ms. Linnie Hinley, 255 South 193rd East Avenue, requested that she be allowed to have a beauty shop in her garage. There will be a single-

Case No. 13304 (continued)

door entrance on the side of the garage and the exterior of the house will stay the same. She emphasized that she will be using the shop for her neighbors and will not be advertising for additional customers. Her garage is a single-door garage, with a single driveway, but she stated that most of her customers live within walking distance from her home.

Protestants: None

Comments:

Mr. Smith informed the applicant that she did not need to put a sign in the front of her home, but that she could put one in a window which would meet the State Board of Cosmetology's requirements.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 420--Accessory Use in Residential Districts--Under the Provisions of Use Unit 1205) to allow a home occupation (beauty shop) in an RS-1 zoned district under the provisions of Section 1680, subject to the Home Occupation Rules and Regulations; subject to a Restrictive Covenant being filed which limits this use to this owner only; and subject to the following hours of operation: Monday, Tuesday, Wednesday and Friday from 9:00 a.m. until 6:00 p.m., on the following described property:

Lot 12, Block 3, Indian Hills Estates, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13305

Action Requested:

Special Exception--Section 410--Uses Permitted in the Residential Districts--Use Unit 1209--Request an exception to allow a mobile home in an RS-3 zoned district under the provisions of Section 1680; and a

Variance--Section 440.6--Special Exception Uses in Residential Districts, Requirements--Request a variance of the one-year time limitation for a mobile home to 10 years, located N. of NE/c of Virgin Street & Kingston Avenue.

Presentation:

The applicant, Francis Meyers, 7120 E. Virgin Street, requested by letter that Case No. 13305 be withdrawn (Exhibit H-1) and that her fees be refunded.

Protestants: None

Comments:

Mr. Smith informed that since the case has been advertised the hearing fee is all that can be refunded.

Case No. 13305 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to WITHDRAW Case No. 13305 and refund the \$25.00 hearing fee.

Case No. 13306

Action Requested:

Special Exception--Section 420--Accessory Uses in Residential Districts--Use Unit 1205--Request an exception to permit a home occupation (sell hand tools) in an RS-3 zoned district under the provisions of Section 1680, located on the SW/c of Pine & Kingston.

Presentation:

The applicant, Phillip Morgans, 2719 East Latimer Court, informed that the application was made on behalf of his father, who owns a home on the subject property. The home is the residence of an elderly friend and Mr. Morgan explained that his father sells hand tools from the garage of the house. He submitted pictures of the yard (Exhibit 1-1) and described this as a "perpetual garage sale". He informed that his father is retired and he does this to supplement his income and to help the elderly woman who lives in the house. He stated that the home is well-maintained and realizes that the present operation is in violation of the restrictions placed on residential use. He apologized for his father's negligence. In answer to a question from the Chair, he informed that his father buys these tools as "over-runs" from factories. He also sells at flea markets.

Protestants:

Ms. Sylvia Place, 1512 North Kingston, informed that Mr. Morgan's yard is cluttered with different types of equipment and tools and that it is a hazard on a busy corner. She reported that when she and her husband left to come to this meeting there were tools strung down the driveway to the road. On several occasions he has sold cars and campers from this yard. Ms. Place stated that the residence on the subject property has a one-car garage with no parking available and that at times cars have been parked with their bumpers even with Pine Street. She stated that there have been ten to twelve wrecks on the corner of Kingston and Pine and many have been directly related to the congestion caused by Mr. Morgans' business. In her opinion the other residents are tired of this confusion in their residential neighborhood.

Comments:

Chairman Smith informed that the district directly across the street from the subject property is zoned commercial.

Mr. Linker informed that home occupation requires that the applicant be a resident of the property and since Mr. Morgans does not reside in the house, home occupation does not apply.

There was discussion about Mr. Morgans' business and its effects on the neighborhood. The Board was in agreement that it did not improve the area.

Case No. 13306 (continued)

Applicant's Rebuttal:

Mr. Morgans informed the wrecks Ms. Place referred to were not a direct result of his father's "garage sale" and that the neighbor across Kingston sells yard ornaments in her yard. He stated that the cars and the camper that were sold were his own and his father let him sell them there because it is a highly visible corner.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 420--Accessory Uses in Residential Districts--Under the Provisions of Use Unit 1205) to permit a home occupation (sell hand tools) in an RS-3 zoned district under the provisions of Section 1680, on the following described property:

Lot 1, Block 2, Maplewood Amended Addition to the City of Tulsa, Tulsa County, OK.

Case No. 13307

Action Requested:

Special Exception--Section 440--Special Exception Uses in a Residential District--Use Unit 1209--Request an exception to allow a mobile home in a residential district, under the provisions of Section 1680; and a

Variance--Section 208--One Single-Family Dwelling Per lot of Record--Use Unit 1209--Request a variance to permit more than one dwelling on a lot of record; and a

Variance--Section 440.6--Special Exception Uses in a Residential District--Use Unit 1209--Request a variance of the 1-year time regulation, located at 5300 West 29th Street.

Presentation:

The applicant, Jack Hood, was not present.

Protestants: None

Comments:

Mr. Jones informed that this property is located in the county and the case has been transferred to the County Board of Adjustment.

Mr. Clugston asked how this mistake was made. Mr. Smith informed him that in some cases it is hard to tell where the city limit line ends and it is an easy error to make.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to STRIKE Case No. 13307 from the Agenda.

Case No. 13318 (continued)

dwellings in an RS-3 zoned district under the provisions of Section 1670, per plot plan submitted; on the following described property:

N 150' of S 295' of W 140' of Lot 4, Block 2, Exposition Gardens
 Addition to the City of Tulsa, Tulsa County, OK.

Case No. 13319

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in Residential Districts--Use Unit 1205/10--Request an exception to allow educational, cultural and recreational purposes and related off-street parking in RS-3 and RM-2 zoned districts under the provisions of Section 1680; and a

Variance--Section 1205.4--Off-street Parking and Loading requirements--Request a variance from the required parking spaces for Use Unit 5, located in the T.U. area.

Presentation:

Frank Hettinger, 600 South College, represented Tulsa University and presented a map showing the properties T.U. has acquired in the surrounding area in the past few years. He described those acquisitions as they apply to T.U.'s comprehensive plan. The agreement they have made with most of the previous owners is to allow them to live there rent-free until their deaths or the University will find them another place to live. In one such situation, the elderly person who resides in the home feels it is no longer a safe place to live, and T.U. will be moving her into another vacant location. Since the existing structure is in bad repair, T.U. plans to raze it and use the property in one of the ways allowed by the special exception requested. He stated that the University does not have the power of imminent domain in the area and the homes they acquire are not acquired under duress. The reason for this application is to allow the University to use the land in one of the ways covered by the application until a more permanent use for the land is established. At that time, another action will be necessary.

Protestants:

Joe Gibson, 1401 South Marion, represented his son, who owns apartments next to T.U.'s property. He informed that these apartments were given to his son (of Santa Anna, California) as an investment; however, he could not be present at this meeting to protect his investment. Mr. Gibson expressed concern over the University's growth as it involves the surrounding neighborhood. Mr. Gardner reminded Mr. Gibson that the University does not have imminent domain in the area and his investment will be safe. He stated that he wanted to be sure that his son will benefit from his property. In answer to a question by the Board, he explained where his property is in relation to the subject tracts.

James Boatwright, 613 South Harvard, informed that he thinks the area should be studied carefully by the TMAPC and a long-range plan should be implemented so that the surrounding residents will know what the

Case No. 13319 (continued)

future holds. He feels it is 'Inconsistent to grant use by various exceptions and variances. He suggested that a long-range comprehensive plan would grant the adjacent neighbors "peace-of-mind" and give everyone involved a better understanding of what the University plans to do in terms of growth. He informed that he has been inconvenienced on numerous occasions by overcrowded parking conditions during special events. He referred also to the loud music coming from the fraternity houses near him and informed that neither the University nor the Tulsa Police Department will claim authority over them.

Paul Strokey, 5th and College, Chairman of the Board of Trustees for the University United Methodist Church, appeared on behalf of that congregation. He informed that they own the property the church is on, as well as two other pieces of property (which he pointed out on the map) the University has marked as acquisitions. He informed that for fifty years their church has worked very closely with T. U. and have had an excellent relationship. He informed that the University has always been courteous. His concern is in the fact that the application does not state specific uses for each property. The church is in the process of presenting a 25-year plan to the University and since he has seen the University's 25-year plan, he knows that they plan to change the neighborhood drastically in the next few years. He informed that the church does not want another parking lot across the street from them and if "blanket" use is granted, the University will be free to do just that. (He stated that this request has nothing to do with the fact that the church rents their parking lot to the University, but rather is a concern over the traffic in the area.)

Eric Burkes, 1011 South Evanston, began with a statement of fact about the condition of the downgrade from Skelly Stadium to Delaware. He informed that it poses a water runoff problem for residences in the area which the University may not have taken into account in their master plan. If the University is allowed to pave lots 11 and 12 of Block 27, College Addition, (which is immediately adjacent on the north to Mr. Burkes' property), the excessive runoff which is consistent from the parking lot of the car wash, there will be damage to their property. He suggested that the University should prepare an impact study of the drainage and its effects on the City storm sewers. He noted that it is the practice of the University to pave curb-to-curb without adequate drainage and they should be responsible to the downhill residents. If such a study showed a runoff to be likely, they should be required to contain and control that runoff by means of adequate curbing or ditching. He requested that they be required to properly ditch the east side of lots 11 and 12, Block 27, and the side adjacent to their property. This would prevent water backing up in the alleyway and flooding their property. Mr. Burkes stated that his second concern is adequate screening of the properties adjacent to him. He informed that his property (which is reclaimed from "slum" rental property over the past year) is OL zoned, which puts him at a disadvantage in requiring a screening fence. He requested, that since his property is used as residential, the University be required by the Board to construct a screening

Case No. 13319 (continued)

fence between the subject property (Lots 11 and 12, Block 27) and his property (Lot 10, Block 27). He feels that this will protect his property from the debris that accumulates in a parking lot and is inevitably blown by the wind, invading private residences. He stated that he and his wife have no objection to any of the proposed uses of the properties in question, but feel they have a right to protect their investment through the reasonable requests presented.

A letter of protest was submitted to the staff by Ms. Barbara Reinhardt (Exhibit R-1).

Applicant's Rebuttal:

Mr. Hettlinger informed that the University offers a great advantage to private property owners in the T. U. area because they have a "ready cash market" anytime they decide to sell their homes. He responded to Mr. Burkes' concern about the screening that it is the policy of the University to screen all the parking lots unless requested not to do so by the adjacent property owner. He also informed that the University will eventually be tearing down the apartments next to Mr. Gibson's property, which will give him less competition and benefit him financially.

Comments and Questions:

Mr. Gardner informed that the University brings this type of application before the Board to establish use other than residential to allow them to use such properties before permanent use is decided. He stated that they always come back before the Board with specific plans when they are ready to add a new building.

Mr. Victor asked why a variance was needed for required parking. Mr. Gardner informed that the University meets all the required parking for all the buildings, with the exception of the stadium. The parking requirements cannot be met on the same lot as the buildings because they are only 50' lots, so this is a typical variance request which will allow them to meet the parking requirements on another lot.

Mr. Strokey asked the Board about the closing of streets and whether the Board has jurisdiction in that area. Mr. Gardner informed that the closing of the streets would have to go before the City Commissioners and the University must own all the adjacent properties before this request can be made. He assured Mr. Strokey that any street that provided access to property that abuts that street could not be closed.

There was discussion about specific uses of the properties involved in this application. Mr. Gardner informed that the University is limited to the three specific uses outlined in the application (parking, open space and use of existing buildings as office).

Ms. Hubbard explained that the University replaced a parking lot with a lighted tennis court and had to come to the Board to get relief on the displaced parking spaces.

Case No. 13319 (continued)

Mr. Clugston expressed concern over the University possibly building a lighted tennis court next to a privately-owned residence.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "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 1205/10) to allow educational, cultural and recreational purposes and related off-street parking in RS-3 and RM-2 zoned districts under the provisions of Section 1680; subject to the property being used as open-space, parking, existing buildings as temporary office, and recreational; prohibiting lighted recreation adjacent to privately owned residential property; subject to the erection of a screening fence (6 feet in height) along the common boundary line between lots 10 and 11, Block 27, College Addition; and a **Variance** (Section 1205.4--Off-street parking and Loading Requirements) from the required parking spaces for Use Unit 5; all on the following described property:

1. 3223 E. 4th Place, Lot (5), Block (1), College Addition
2. 3101, 3107 E. 4th Place, Lots (20), (21), Block (1) College Addition
3. 3015 E. 4th Place, Lot (24), Block (1), College Addition
4. 3013 E. 4th Place, Lot (25), Block (1), College Addition
5. 432 South Florence Avenue, Lot (2), Block (4), College Addition
6. 434 South Florence Avenue, Lot (3), Block (4), College Addition
7. 443 South College, Lot (9), Block (4), College Addition
8. 3133 E. 5th St., Lot (17), Block (5), College Addition
9. 3107 E. 5th St., Lot (23), Block (5), College Addition
10. 430 South Harvard Ave., N35 ft. Lots 11, 12, Block 6, College Addition
11. 3235 E. 5th St., Lot (16), Block (6), College Addition
12. 3240 E. 5th St., Lot (10), Block (7), College Addition
13. 3244 E. 5th St., Lot (11), Block (7), College Addition
14. 3248 E. 5th St., Lot (12), Block (7), College Addition
15. 520 South Harvard Ave., Lot (13), Block (7), College Addition
16. 3239 E. 5th Place, Lot (15), Block (7), College Addition
17. 3223 E. 5th Place, Lot (19), Block (7), College Addition
18. 3219 E. 5th Place, Lot (20), Block (7), College Addition
19. 3215 E. 5th Place, Lot (21), Block (7), College Addition
20. 3211 E. 5th Place, Lot (22), Block (7), College Addition
21. 3209, 3205 E. 5th Place, Lot (23), E16 2/3 Ft., Lot (24), Block (7), College Addition
22. 3124 E. 5th St., Lots (6) and (7), Block (8), College Addition
23. 3132 E. 5th St., Lot (8), Block (8), College Addition
24. 3148 E. 5th St., Lot (12), Block (8), College Addition
25. 3139, 3143, 3147 E. 5th Place, Lots (13), (14) and (15), Block (8), College Addition

Case No. 13319 (continued)

26. 3135 E. 5th Place, Lot (16), Block (8), College Addition
27. 552 South Harvard Ave., Lot (6), Block (15), College Addition
28. 626 South Harvard Ave., Lot (13), Block (15), College Addition
29. 563, 579 South Gary Place, Lots (14) and (18), Block (15), College Addition
30. 555 South Gary Place, Lot (20), Block (15), College Addition
31. 547 South Gary Place, Lot (22), Block (15), College Addition
32. 531 South Gary Place, 3236 E. 5th Pl., Lot (26), Block (15), College Addition
33. 720 South College, Lot (5), Block (19), College Addition
34. 719 South College, Lot (8), Block (20), College Addition
35. 3135 E. 8th St., Lot (16), Block (21), College Addition
36. 3244 E. 7th St., Lot (11), Block (22), College Addition
37. 802 South Florence, E/2 Lot (1), Block (23), College Addition
38. 3016 E. 8th St., W/2 Lots (1) and (2) Block (23), College Addition
39. 802 South College, Lot (1), N/2 Lot (2), Block (24), College Addition
40. 803 South Delaware, Lot (1), Block (25), College Addition
41. 2816 E. 8th St., Lot (4), Block (25), College Addition
42. 816 South Evanston, N50 Ft. Lots (11) and (12), Block (25), College Addition
43. 2831 E. 10th St., Lots (13), (14), (15), Block (25), College Addition
44. 2819 E. 10th St., Lot (16), Block (25), College Addition
45. 2811 E. 10th St., Lot (17), Block (25), College Addition
46. 2815 E. 10th St., Lot (18), Block (25), College Addition
47. 2807 E. 10th St., Lot (19), Block (25), College Addition
48. 2803 E. 10th St., Lot (20), Block (25), College Addition
49. 1007 South Evanston, Lot (11), Block (27), College Addition
50. 1003 South Evanston, Lot (12), Block (27), College Addition
51. 1008 South Florence, Lot (2), Block (28), College Addition
52. 802, 804 South Harvard, Lot (1), Block (1), Resurvey Vine Haven Addition
53. 824 South Harvard, Lot (5), Block (1), Resurvey Vine Haven Addition
54. 826, 828, South Harvard, Lots (6), Block (1), Resurvey Vine Haven Addition
55. 832 South Harvard, Lot (7), Block (1), Resurvey Vine Haven Addition
56. 819 South Gary Pl., Lot (18), Block (1), Vine Haven Addition
57. 807 South Gary Pl., Lot (21), Block (1), Vine Haven Addition
58. 808 South Gary Pl., Lot (2), Block (4), Vine Haven Addition
59. 812 South Gary Pl., Lot (3), Block (4), Vine Haven Addition
60. 3241 E. 11th St., Lots (11) and (12), Block (4), Vine Haven Addition
61. 815 South Gary Ave., Lot (19), Block (4), Vine Haven Addition

Case No. 13321

Action Requested:

Variance--Section 207--Street Frontage Required--Use Unit 1205--Request a variance of the minimum street frontage from 30' to 0' to allow private access and to permit a lot split in an RS-1 zoned district under the provisions of Section 1670, located at 6800 Block of Timberlane Drive.

Presentation:

Mike Taylor, 5359 South Sheridan, representing Sisemore-Sack-Sisemore, submitted a plat of survey (Exhibit S-1) and described it to the Board. The request was approved by the TMAPC September 19, 1984 subject to Board of Adjustment approval. He informed that the original request for a variance of street frontage from 30' to 0' would not be necessary. Since that time they have changed their plot plans to include handles which will be in excess of 30' frontage for each handle with a minimum width of 22 1/2' at the narrowest point. The property owner has 65' of private mutual access and landscaping easement and it will be divided in half to allow 32 1/2' per lot handle to Tracts B and C. This will retain the private mutual access. Each tract is in excess of 3 1/4 acres.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Variance** of the frontage per the TMAPC action taken on September 19, 1984, on the following described property:

A tract of land, containing 2.5386 acres, that is part of Lot 1, Block 2, "Branliff Hills", an addition in the City of Tulsa, and also part of the E/2 of the NE/4 of the SW/4 lying north and east of Timberlane Road in Section 5, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: "Beginning at a point" that is the northeast corner of the SW/4 of Section 5, said point being the most northerly corner of Lot 1, Block 2, "Branliff Hills"; thence S 44°51'44" E along the northeasterly line of said Lot 1 for an actual field distance of 483.21', said distance being previously described as 484.88'; thence S 70°07'20" W for 119.98'; thence N 54°55'46" W for 162.00'; thence N 84°34'08" W for 87.00'; thence S 53°19'14" W for 129.00'; thence S 71°19'14" W for 52.00; to a point on the easterly right-of-way line of Timberlane Road; thence N 11°22'00" W along said right-of-way line for 60.00' to a point of curve; thence northwesterly and continuing along said right-of-way line on a curve to the left with a central angle of 11°34'51" and a radius of 964.72' for 194.99' to a point of tangency; thence N 22°56'51" W along said tangency and continuing along said right-of-way line for an actual field distance of 40.11', said distance being previously described as 37.00'; thence northeasterly for an actual field

Case No. 13321 (continued)

bearing and distance of N 67°40'42" E for 247.31', said bearing and distance being previously described as N 66°35'48" E and 246.68' to the "point of beginning" of said tract of land.

OTHER BUSINESS:

Case No. 12263

Action Requested:

Consider substitute plot plan for Shadow Mountain Institute. Originally approved by the Board of Adjustment on November 4, 1976.

Presentation:

Kenny Smith, attorney representing Dillon Family and Youth Services, Inc. (which owns and operates Shadow Mountain Institute), informed that they are substituting the plot plan to allow them to build a new classroom building. The site plan was submitted (Exhibit T-1) and described. They are not proposing additional parking, as it is to be used for minor children.

Protestants: None

Comments and Questions:

Mr. Jones informed that he had visited with Ms. Hubbard about the case and they have concluded that this is an accessory use to the original approval. (The original use was approved per plot plan, which only allowed for a building with 30 beds; thus, they need approval of a new plot plan.)

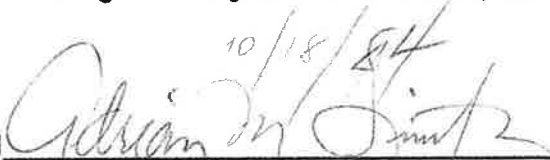
Mr. Clugston asked Mr. Jones what the original approval was for. Mr. Jones informed that the original approval was a special exception for psychiatric hospital use.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a substitute plot plan for Case No. 12263.

There being no further business, the meeting was adjourned at 6:50 p.m.

Date Approved

10/18/84


Chairman

9.20.84:422(34)