

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 428
Thursday, December 13, 1984, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith Victor	Clugston Purser	Gardner Jones Phillips	Hubbard, Protective Inspections Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 11, 1984, at 10:30 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 1:05 p.m.

MINUTES:

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 APPROVE the Minutes of November 1, 1984 and the Minutes of Case No. 13390.

UNFINISHED BUSINESS:

Case No. 13330

Action Requested:

Special Exception—Section 910—Principal Uses Permitted in the Industrial Districts—Use Unit 1219—Request an exception to allow a military crew quarters (motel) in an IL zoned district, located at the Tulsa International Airport.

Presentation:

The applicant, D. J. Hartz, was not present.

Protestants: None

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. 13330 until January 10, 1985.

12.13.84:428(1)

Case No. 13273

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1215—Request an exception to allow a dry cleaning facility in a CS zoned district under the provisions of Section 1680; and a

Variance—Section 1215—Use Unit 15—Other Trades and Services—Request a variance of the 1500 sq. ft. floor area for a dry cleaners, located S. of SW/c of 81st Street and Sheridan.

Presentation:

The applicant, Royal Cleaners, Inc., P. O. Box 35979, Tulsa, Oklahoma, was represented by owner, Frank Lucenta. He informed the Board that he was negotiating a compromise with the protestant and would like to continue the case until January 10, 1985.

Protestants:

Richard Riddle, Suite 200, Park Tower, 5413 South Yale, attorney representing Sheridan Ponds Apartments, informed that he was in favor of the continuance.

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. 13273 until January 10, 1985.

Case No. 13340

Action Requested:

Use Variance—Section 310—Principal Uses Permitted in the Agricultural Districts—Use Unit 1227—Request a use variance to permit a salvage yard in an AG zoned district, located at 4212 North Lewis Avenue.

Presentation:

The applicant, Ann Bledsaw, 4406 North Lewis, Tulsa, Oklahoma, informed the Board that she is waiting to hear from the Hydrology Department. The Staff sent a letter requesting a response on the best use for her land. The application was heard on October 18, 1984 and the use variance was denied. On November 15, 1984, the case was continued to allow the staff time to draft a letter to Rueben Haye in regard to what use would be appropriate for the property. She informed that she does not want to invest anymore of her time in these meetings, since she has to take off from her job to attend them. She requested that the Board make a decision based on the letter.

Protestants: None

Comments and Questions:

Mr. Jones informed that a letter was received from Rueben Haye today and Ms. Bledsaw could not be reached (Exhibit "A-1").

Case No. 13340 (continued)

Mr. Gardner informed that Mr. Haye's letter was in response to the letter sent at the Board's request. Mr. Haye does not have the authority to determine land use, but can make suggestions based on the hydrology of the area.

Based on the letter from Mr. Haye, there was discussion about the possibility of allowing the salvage yard.

Mr. Jackere informed the Board that the application for salvage was denied on October 18, 1984, and the case was continued to allow the applicant time to readvertise for a suitable use. The applicant has not readvertised, and the salvage yard cannot be considered at this time. The Board can continue the item again to allow her to readvertise for a salvage yard.

Ms. Bledsaw informed the Board that she is tired of the issue and cannot spend anymore of her time in this way. She withdrew her request.

This item was STRIKEN from the agenda without prejudice by the Chairman for lack of a new notice. The requested salvage operation was denied on October 18, 1984.

Case No. 13363

Action Requested:

Special Exception—Section 910—Principal Uses Permitted in the Industrial Districts—Use Unit 1227—Request an exception to allow a salvage yard in an IM zoned district, located S. of SE/c of Archer Place and 25th West Avenue.

Presentation:

The applicant, Gene Paddock, 125 South 25th West Avenue, explained that November 29, 1984, there were several protestants present. He stated that after that hearing they met him in the hall and informed him that they would not protest further since he needs the salvage yard to make a living.

Protestants:

John Selph, County Commissioner, explained that some of the protestants are still concerned. A screening fence will make it more acceptable, and he requested a limit on the number of cars. He informed that there were protestants who thought the meeting was yesterday and came then.

Comments and Questions:

The Staff submitted an aerial photograph of the property (Exhibit "B-1") and Mr. Gardner explained that dimensions of the property are drawn on the photo. There are primarily industrial uses located to the east. Some of the houses to the north are zoned industrial. A screening fence on the west and south sides, and limiting the number of cars would be his suggestion if the Board is inclined to approve the application.

Case No. 13263 (continued)

Mr. Smith described the photograph, informing the Board that the storage area is approximately 200' x 200'. There will be no need to screen this use from the batch plant.

Commissioner Selph explained that he would have no objections with the mentioned restrictions.

Mr. Victor asked the applicant how many cars he intends to keep on the property. Mr. Paddock informed that he has approximately 30 at the present time and would like to have more. Mr. Victor informed that he would suggest that the north side of the property be screened also.

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 **APPROVE a Special Exception** (Section 910—Principal Uses Permitted in the Industrial Districts—Use Unit 1227) to allow a salvage yard in an IM zoned district; subject to screening fences (minimum of 8' high) on the North, West and South boundaries of the South 200' of East 200' of the W/2 of subject property; and limiting the maximum number of salvaged cars to 30; on the following described property:

All of that part of the West Half (W/2) of the Northwest Quarter (NW/4) and the Southeast Quarter (SE/4) of Section Three (3), Township Nineteen (19) North, Range Twelve (12) East, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point 25 feet East of the center of Section Three (3), thence East a distance of 632.15 feet, thence South a distance of 472.2 feet to a point on the North right-of-way of the county drainage ditch, thence in a Northwesterly direction along said right-of-way a distance of 653.96 feet, thence North a distance of 309.55 feet to the point of beginning.

Case No. 13396

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1217—Request an exception to permit mini-storage in a CS zoned district; and a

Variance—Section 1217.3—Automotive and allied activities—Request a variance to permit open-air storage within 300' of an R district, located on the NW/c of 11th Street and 127th East Avenue.

Presentation:

The applicant, George Goswick, 1040 South 127th East Avenue, Tulsa, Oklahoma, 74128, informed that he intends to develop the property under application into a mini-storage facility. Most of the storage

Case No. 13396 (continued)

facilities provide additional storage for motorhomes, boats, and other vehicles that need to be stored outside. He explained that he does not plan to use the entire property for mini-storage at the present time. He has 330' of frontage on both 11th Street and 127th East Avenue. He stated that he has talked to his neighbors within 300' of his property and has had no objections. He informed that he has envisioned an automotive repair shop on the 11th Street frontage. He stated that 11th Street was highway 66 before it was developed, and there is more traffic now than when it was a highway. He does not want to sell cars.

Protestants: None

Comments and Questions:

Mr. Smith asked Mr. Goswick if there are other garages in the area. He explained that there is one on the corner of 11th Street and 129th. There is no 128th East Avenue.

Mr. Goswick explained that he has been a contractor for 25 years and is familiar with development procedures.

Mr. Gardner explained that Mr. Goswick is advertised specifically for mini-storage use. Mr. Gardner noted that Mr. Goswick reported that his neighbors have no objections to his application, and the legal advertisement was for mini-storage.

Mr. Victor explained to the applicant that the Board cannot grant the entire use unit on the property. Mr. Victor asked Mr. Gardner why the variance is necessary if the use requested is mini-storage. Mr. Gardner explained that the application implies that there will be outside storage provided with the mini-storage units. Mr. Goswick agreed with that explanation.

Mr. Smith asked for a plot plan and the applicant informed that he did not want to prepare any plans until he found out if he could use the land for this use.

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 **APPROVE** a **Special Exception** (Section 710—Principal Uses Permitted in the Commercial Districts—Under the provisions of Use Unit 1217) to permit mini-storage only in a CS zoned district; and to **DENY** a **Variance** (Section 1217.3—Automotive and allied activities) to permit open-air storage within 300' of an R district; subject to plot plans to be submitted for approval before the issuance of a Building Permit; on the following described property:

SE/4, SW/4, SE/4, SE/4 of Section 5, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13399

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1212—Request a variance of the required 150' of frontage to 135' to permit a lot split in a CS zoned district, located W. of SW/c of 51st Street and Memorial.

Presentation:

The applicant, DLN Realty of Oklahoma, Inc., was represented by Mike Taylor of Sisemore-Sack-Sisemore, Inc., 5359 South Sheridan, Tulsa, Oklahoma, 74145. Mr. Taylor explained that the application is made on behalf of Shoney's Restaurant. Their plans are to build a Captain D's Restaurant on the subject property. The TMAPC approved the lot split on December 5, 1984. He submitted a plot plan (Exhibit "C-1"). He explained that there are several other properties in the area that violate the 150' frontage requirement, and this use will be compatible with the uses in the area. The required off-street parking will be met on the lot.

Protestants: None

Comments and Questions:

Mr. Jackere asked Mr. Taylor to explain the hardship involved in this request. Mr. Taylor explained that his clients cannot develop the property under the present zoning requirements, since this property is on the corner of a parking lot, and there are other uses in the area that violate the frontage requirements.

Mr. Gardner informed the Board that the TMAPC approved the lot split subject to no additional curbe cuts for access. Mr. Taylor explained that the restaurant will be accessed through the same cuts that Handy Dan uses.

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 **APPROVE** a **Variance** (Section 730—Bulk and Area Requirements in the Commercial Districts—Under the provisions of Use Unit 1212) of the required 150' of frontage to 135' to permit a lot split in a CS zoned district; per plot plan submitted; and subject to the restriction imposed by the TMAPC that no additional curb cuts be made for access; finding as a hardship that the public protection to be provided for by the 150' minimum frontage, is addressed in the "no additional access" restriction; and finding that the variance granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan; on the following described property:

A tract of land, containing 20,250 square feet, that is part of Lot 1 in Block 13 of Southern Plaza, Blocks 8 through 15,

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Case No. 13399 (continued)

inclusive, an addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: "Beginning at a point" on the north line of Lot 1 in Block 13 of Southern Plaza, said point being 331.00' east of the northwest corner thereof; thence due east along the northerly line of said Lot 1 for a distance of 135.00'; thence due south for 150.00'; thence due west for 135.00'; thence due north for 150.00' to the Point of Beginning of said tract of land.

NEW APPLICATIONS:

Case No. 13401

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1209—Request to permit an existing mobile home in an RS-3 zoned district; 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 N. of NW/c of Pine Street and 129th East Avenue.

Presentation:

The applicant, Fred Frew, 1722 North 129th East Avenue, explained that the mobile home is a double-wide unit and submitted a picture (Exhibit "D-1"). He stated that the use was approved one year ago with a one-year time limitation, and he is now requesting that it be allowed permanently so a foundation can be built under the mobile home.

Protestants: None

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 APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1209) to permit an existing mobile home to remain in an RS-3 zoned district; and a Variance (Section 440.6—Special Exception Uses in Residential Districts, Requirements) of the one-year time limitation for a mobile home to permanently; finding that the variance granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan; finding a hardship in the fact that the applicant cannot make the double wide mobile home permanent without modifications which require the relief granted; on the following described property:

Begin 75 feet South of the NE corner of the East Half of the Southeast Quarter of the Southeast Quarter; thence West 313

Case No. 13401 (continued)

feet, South 133 feet, East 313 feet, North 133 feet to a point of beginning, Section 29, Township 20 North, Range 14 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13402

Action Requested:

Variance--Section 730--Bulk and Area Requirements in the Commercial Districts--Use Unit 1215--Request a variance of the 100' setback from the centerline of a secondary arterial to 90' to permit Wendy's to add on to two drive-in restaurants in CS zoned districts, located at 6148 East 51st Street and 1744 South Garnett.

Presentation:

The applicant, Wendy's International, is represented by Steve Krekus, 1001 West Eulless Blvd., Suite 345, Eulless, Texas, 76018. Mr. Krekus informed that he is the original construction supervisor and represents Wendy's in their proposed addition to two restaurants in Tulsa. They are planning to add onto the front of both locations. He submitted photographs of the proposed addition (Exhibit "E-1") which includes a solarium extension (10' from the existing structure). The addition was designed to enhance the public appeal of the restaurants. The addition will not cause any obstruction of traffic.

Protestants: None

Comments and Questions:

Mr. Victor asked if there are any other buildings on the streets adjacent to these locations which encroach the setbacks. Mr. Krekus informed that there are no other buildings with the same frontages as these, which encroach the setbacks. There is a gasoline station on the corner of 51st and Sheridan which encroaches the setback; however, it does not front 51st Street. The Wendy's restaurants line up with the other buildings at the present.

Mr. Victor asked Mr. Krekus if there is a hardship involved. Mr. Krekus explained that the addition enhances the area, while it does not obstruct the traffic and is not detrimental to the neighborhood. Mr. Krekus explained also, that there is no other way for the buildings to be expanded except to the front, without taking up required parking.

Mr. Krekus explained the type of materials to be used in the structure.

Mr. Victor explained that the Board may need the opportunity to visit the site, so that a better judgement may be made.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions";

Case No. 13402 (continued)

Clugston, Purser, "absent") to CONTINUE Case No. 13402 until December 27, 1984 to allow the Board time to visit the locations of the restaurants involved.

Case No. 13403

Action Requested:

Special Exception—Section 910—Principal Uses Permitted in the Industrial Districts—Use Unit 1218—Request an exception to allow a drive-in restaurant in an IM zoned district; located on the SE/c of Pine and Peoria.

Presentation:

The applicant, Betsy Baldwin Bala, 3113 South Florence, Tulsa, Oklahoma, was represented by Steve Collins, 5511 South Toledo, who submitted a plot plan (Exhibit "F-1") and explained that the restaurant use is permitted at this location. The applicant intends to put a McDonald's restaurant at the location, and the drive-in window will need the special exception (which is permitted in IM zoned districts). Mr. Collins explained that the subject property is part of an IM District which has been segregated from the other industry by the Cherokee Freeway. There are CH and CS zoned properties abutting the subject property and both allow drive-in restaurants by special exception. There are two existing buildings on the subject property which will be removed (a Dairy Queen and a service station).

Interested Parties:

Ms. Augusta Mann, 1323 North Peoria, asked to see the plot plans. She asked the Board if approval of this application will change the zoning on her property. She was informed by the Board that the zoning will not be changed.

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 APPROVE a Special Exception (Section 910—Principal Uses Permitted in the Industrial Districts—Under the provisions of Use Unit 1218) to allow a drive-in restaurant in an IM zoned district; per plot plan submitted; on the following described property:

A tract of land in the West Half (W/2) of Lot One (1), Section 31, Township 20 North, Range 13 East of the Indian Base and Meridian according to the U. S. Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma. Said tract being that portion of said West Half (W/2) of Lot 1, bounded by the South right-of-way of East Pine Street, the East right-of-way of North Peoria Avenue, and the Northerly right-of-way of U. S. Highway Number Seventy-five (75); being further described as follows, to-wit; Commencing at the Northwest corner of said West Half (W/2) of Lot 1, thence N. 88°02'00" East along the

Case No. 13403 (continued)

North line of said West Half (W/2) of Lot 1, a distance of 68.63 feet to a point, thence S. 01°58'00" East a distance of 41.31 feet to a point on the South right-of-way of East Pine Street and the POINT OF BEGINNING, thence S. 02°31'57" East a distance of 7.00 feet to a point, thence S. 87°28'03" West a distance of 21.00 feet to a point, thence S. 50°36'24" West a distance of 0.00 feet, thence along a curve to the left having a radius of 35.00 feet, an arc distance of 31.64 feet to a point, thence S. 01°11'16" East a distance of 104.63 feet to a point, thence S. 17°57'01" East a distance of 86.68 feet to a point, thence S. 28°46'11" East a distance of 75.59 feet to a point, thence N. 47°28'51" East a distance of 394.16 feet to a point, thence N. 01°58'00" West a distance of 30.00 feet to a point, thence N. 89°05'41" West a distance of 114.4 feet to a point, thence S. 87°28'03" West a distance of 97.12 feet to a point, thence S. 02°31'57" East a distance of 5.00 feet to a point, thence S. 87°28'03" West a distance of 10.00 feet to a point, thence N. 02°31'57" West a distance of 5.00 feet to a point, thence S. 87°28'03" West a distance of 100.00 feet to the POINT OF BEGINNING, said described tract containing 61,093.17 square feet, more or less.

Case No. 13404

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Industrial Districts—Use Unit 1226—Request a variance of the setback from the centerline of Utica from 100' to 55' and of the setback from the centerline of 6th Street from 65' to 53', all to permit construction of a building in an IM zoned district, located on the NE/c of Utica and 6th Street.

Presentation:

The applicant, Arkansas Valley Properties, was represented by Kenneth Miles, 201 West 5th Street, Suite 400, Tulsa, Oklahoma, 74103, who submitted a site plan (Exhibit "G-1"), which depicts the actual variances requested in color. He explained that the variances are consistent with the other buildings in the area, as well as with the District 4 Comprehensive Plan. He submitted an area map with the other sites encroaching the setbacks marked in pink and the subject property marked in yellow (Exhibit "G-2"). He also submitted pictures of these buildings (Exhibit "G-3").

Protestants: None

Comments and Questions:

Mr. Victor asked Mr. Miles about the required off-street parking and suggested that the applicant may need more relief. Mr. Miles informed that they have more than the required off-street parking. Mr. Victor informed that the required parking on the site plan appears to be located within the major street setback.

Case No. 13404 (continued)

Ms. Hubbard suggested that the application can be continued to allow the applicant to submit a revised plot plan, or to apply for additional relief.

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. 13403 until January 10, 1985 to allow the applicant to revise his plot plan or to apply for additional relief.

Additional Comments:

Mr. Gardner explained that the Building Inspector researched the question and determined that the parking proposed is permitted and no relief is necessary. The Board can act on the matter today, provided the applicant can demonstrate a hardship based on the location of the existing buildings that encroach the 100' setback imposed in 1970.

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 APPROVE a Variance (Section 930—Bulk and Area Requirements in the Industrial Districts—Under the provisions of Use Unit 1226) of the setback from the centerline of Utica from 100' to 55' and of the setback from the centerline of 6th Street from 65' to 53', all to permit construction of a building in an IM zoned district; finding that the existing setback encroachments along Utica and Sixth Street and the shape of the lot are the basis for a hardship; and finding the variance requested will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code or the Comprehensive Plan; on the following described property:

That portion of Block 10 (10), ABDO's Addition to Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows: Beginning at a point on the South line of said Block Ten, said point being 136.3 feet East of the Southwest Corner thereof; thence North and parallel to the West line a distance of 98.18 feet to the Southerly right-of-way line of MK&T Railroad; thence Northwesterly along said right-of-way line a distance of 115.81 feet to the East right-of-way line of Utica Avenue; thence South parallel to and 30.0 feet East of the West property line, Block Ten, a distance of 123.13 feet to a point; thence around a curve to the left having a radius of 23.45 feet to a point on the South property line of Block Ten, said point being 44.60 feet East of the Southwest Corner thereof; thence East a distance of 91.70 feet to the point of beginning.

Case No. 13405

Action Requested:

Special Exception—Section 910—Principal Uses Permitted in the Industrial Districts—Use Unit 1214—Request an exception to allow shopping goods and services in an IL zoned district, located at 4383 South 91st East Avenue.

Presentation:

The application was made in behalf of the Mary Alexander Trust Estate, and presented by Patrick Dowd, 4383 South 91st East Avenue, Tulsa, Oklahoma, of American Airlines. Mr. Dowd explained that the warehouse is leased by American Airlines and they wish to use it as a surplus store. They have an abundance of parts, unclaimed freight, etc. that they wish to sell from this location. He submitted three photographs of the property (Exhibit "H-1").

Protestants: None

Interested Parties:

Bob Laird, a representative of the Mary Alexander Trust Estate, defined the area under application for the Board.

Comments and Questions:

Mr. Victor asked Mr. Dowd what the intended hours of operation are. Mr. Dowd informed that they will open the store from 11:00 a.m. until 8:00 p.m. Wednesday through Saturday.

Mr. Smith asked if all the business will be conducted inside the building. After discussion, Mr. Dowd informed that there will be some outside storage involved.

Mr. Jones suggested that a particular use needs to be established, because there are several uses in Use Unit 14 that may not be appropriate for this area. Mr. Victor asked what the use can be defined as. Mr. Dowd suggested that it is retail sales.

Mr. Smith stated that the case report indicates two lots in the subdivision are under application. He asked for an explanation as to which lot the building is on. Mr. Laird explained that he owns most of the industrial district surrounding the subject property, as well as the subject building. He informed that he leases the building to American Airlines. The building sits on Lot 5 and part of Lot 4. He informed that only a portion of the building will be used for sales.

Mr. Gardner suggested that any approval could be limited to the existing structure on the property defined in the legal description.

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 APPROVE a Special Exception (Section 910—Principal Uses in the Industrial Districts—Under the

Case No. 13405 (continued)

provisions of Use Unit 1214) to allow retail sales of surplus aircraft and ground equipment, and unclaimed freight in an IL zoned district; limited to the existing structure and the adjacent land; and limited to American Airlines use only; finding that the special exception is not detrimental to the area and meets the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 4 and 5, Block 2, Alexander Trust Amended, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13406

Action Requested:

Variance—Section 240.2—Permitted Yard Obstructions—Use Unit 1206—Request a variance to permit a detached accessory building to be located in a side yard (used as a garage) in an RS-2 zoned district, located S. of SE/c of 99th Street and Sandusky.

Presentation:

The applicant, William Lobeck, Jr., 9915 South Sandusky, was represented by Mark Morrisett, 2500 North Sheridan Road, Tulsa, Oklahoma, who submitted a plot plan and explained the request to the Board (Exhibit "I-1"). He informed that the garage will be 42' from the side property line, which is well within the sideyard setback. A major portion of the garage will be in the rear yard. He stated that if a covered walkway was added between these two structures, the applicant would not be required to seek relief. It is their position that such a requirement would result in unnecessary hardship, and request that the garage be allowed to be detached in the side yard without the connecting walkway.

Protestants: None

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 APPROVE a Variance (Section 240.2—Permitted Yard Obstructions—Under the provisions of Use Unit 1206) to permit a detached accessory building to be located in a side yard (used as a garage) in an RS-2 zoned district; finding a hardship in the fact that a major portion is in the rear yard; and finding that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 4, Block 3, Woodlar Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13407

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206--Request an exception to allow a home occupation (office for an antenna business) in an RS-3 zoned district, located on the SE/c of 8th Street and Harvard.

Presentation:

The applicant, F. G. White, Jr., 811 South Harvard, Tulsa, Oklahoma, informed that he has a phone in his residence that he takes business calls on. He does not store antennas outside, nor does he sell from his residence. He takes referrals from businesses and installs antennas. He does not keep a large inventory of antennas, which he stores in the garage.

Protestants: None

Comments and Questions:

Mr. Gardner asked Mr. White if he installs antennas on cars on his property. Mr. White informed the Board that he does not install antennas on cars in his yard. He does have several cars on his property, since all his children own cars and visit him often.

In answer to Mr. Victor's question, Mr. White informed that he was reported to Code Enforcement because someone thought he was rebuilding cars in his yard as a business. This is not the case. When Code Enforcement came to investigate, he was informed that the business phone would have to be approved by this Board. He has been installing antennas for twenty years, eight of those years he has lived at this residence.

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 APPROVE a Special Exception (Section 420—Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) to allow a home occupation, (office for an antenna business) in an RS-3 zoned district; subject to the Rules and Regulations of home occupation; permitting no outside storage or retail sales at this location; on the following described property:

The South 46' of Lot 3 and North 16' of Lot 4, Block 8, Braden Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13408

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1206—Request an exception for church, school and related uses and purposes to allow construction of a church sanctuary in an RS-3 zoned district; and a

Case No. 13408 (continued)

Variance—Section 1205.4—Off-Street Parking and Loading Requirements—Request a variance of the required 292 on-site parking spaces to 216 spaces and to permit 76 off-site parking spaces, located on the NW/c of Quincy Place and 49th Place.

Presentation:

The applicant, Beltran, Bishop of the Roman Catholic Diocese of Tulsa, is represented by Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, 74103, who requested by letter (Exhibit "J-1") that the case be continued until December 27, 1984.

Protestants: None

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. 13408 until December 27, 1984.

Case No. 13409

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1217—Request an exception to allow an automobile maintenance garage for the existing automobile sales lot in a CS zoned district, located at 5102 North Peoria.

Presentation:

The applicant, Andrew Briscoe, 4148 East Tyler, Tulsa, Oklahoma, 74115, explained that he sells cars from the lot and is requesting that he be allowed to build a garage so that he can tune up the cars before they are sold. There is an existing building on the lot and he will be building an additional building. He has been doing the tune-ups outside, but the weather will hamper that soon. After the garage is built, there will be no mechanical work done outside.

Protestants: None

Comments and Questions:

Mr. Smith asked Mr. Briscoe if there are ever cars on the lot waiting for repairs. Mr. Briscoe explained that he will not be doing repair work on any cars other than the ones he has for sale on his lot.

Mr. Chappelle asked if there are similar uses in the area. Mr. Briscoe stated that there are other garages in the area.

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 APPROVE a Special Exception (Section 710—Principal Uses Permitted in the Commercial Districts—Under the

Case No. 13409 (continued)

provisions of Use Unit 1217) to allow an automobile maintenance garage for the existing automobile sales lot in a CS zoned district; finding that the use is in keeping with the existing use; limiting repairs to tune-up and minor repairs on the automobiles for sale on the lot only; prohibiting outside storage or work other than car sales; on the following described property:

The East 150' of North 150' of South 225' of SE/4, SE/4, NE/4 of Section 12, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13410

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an exception to allow a parking garage for an existing church in an RD zoned district, located at 7100 East 31st Street.

Presentation:

The applicant, Woodlake Assembly of God Church, 7100 East 31st Street, Tulsa, Oklahoma, was represented by Bob Swanson, 5200 South Harvard, who is the architect who designed the proposed parking garage. Mr. Swanson informed the Board that he is also a member of the Woodlake Assembly of God Church. He explained that the congregation has outgrown the present facility, which has created a parking problem. When the church was built in 1971, the congregation numbered 400 and they now have a regular Sunday morning attendance of 1100 to 1200 people. The church owns a five-acre site and one of those acres is under water. It is on that acre that the church proposes to meet their additional parking needs. When the five acres was platted, there was a provision made that designated the lake as a separate lot to be maintained as open and recreation space. There is a covenant in the Certificate of Dedication that indicates that any foregoing restrictions can be changed by the mutual consent of the owners of Lots 1 and 2, Woodlake Village (the church) and the TMAPC. Mr. Swanson stated that the lake is no longer desirable to the church in its present state and they have invested a lot of time and energy trying to develop a plan that is suitable to the needs of the church, as well as the homeowners of Woodlake Village Condominiums. He submitted the site plan they are proposing and explained to the Board that they had considered filling in their half of the lake and paving the surface, but have come up with a more feasible plan (Exhibit "K-1"). He also presented an architectural rendering for the Board's perusal. He informed that the parking structure will meet all the Code's requirements and the use is what requires relief. There will be three levels of parking, which will make the structure 24' to 26' high.

Case No. 13410 (continued)

Comments and Questions:

Mr. Gardner explained to the Board that the Church was not a party to PUD 108 (Woodlake Village); nor were the developers of PUD 108 a party to the subdivision plat involving the church. Mr. Gardner also questioned whether the TMAPC has the authority to require the church to solicit their approval in order to use the lake for their own purposes.

Mr. Victor asked Mr. Swanson if the lake is a retention pond. Mr. Swanson explained that the lake is not a retention pond, but is an old farm pond.

There was discussion about the legal implications of the subdivision covenants of Woodlake Village. Mr. Swanson explained that the clause included in PUD 108 regarding the lake was an agreement between Woodlake Assembly of God and the seller of the property, and not the developers of Woodlake Village.

Protestants:

Betty Griffin, 7016 East 33rd Street, represented the Woodlake Homeowners Association. She introduced Ray Parks, President of the association. She submitted photographs (Exhibit "K-2"); and an aerial photograph of the property (Exhibit "K-3"). Ms. Griffin explained that the homeowners association has been aware of the parking problem for sometime, as it adversely affects the traffic in the neighborhood on Sunday mornings and evenings. She stated that for the past eight months they have negotiated with the church in order to find a solution which is acceptable to both parties. She informed the Board that the solution they are proposing is by no means acceptable to them. They are in opposition to any changes being made to the lake. She quoted from the Minutes of the TMAPC meeting on July 21, 1971 regarding PUD 108, and submitted a copy to the Board (Exhibit "K-4"). She submitted Minutes of the June 25, 1971 TMAPC meeting also (Exhibit "K-5"). She explained that it is their understanding that the church is responsible to the homeowners to maintain the aesthetic beauty of the lake. She submitted two pictures taken from the balcony of one of the condominiums (Exhibit "K-6"). Ms. Griffin explained that many of the condominiums around the lake have been flooded, and they are concerned that any loss of absorption capacity of the ground or lakes will increase the flooding problems. The lake in question is not adequate to handle anymore water, including drainage from a parking lot. The proposed drainage through the parking structure will result in gasoline, oil, and exhaust fumes, as well as trash and debris, in the lake, which will cause contamination to fish, ducks and the other wildlife thriving there now. Ms. Griffin stressed that the parking lot will cover the majority of the existing lake and will result in the destruction of trees on the north side and disturb the natural process of the lake, creating stagnation. She explained that in working with the church, they have explored many alternatives which might be available and which the homeowners could support in order to help solve the parking and traffic problems. However, the current plan is unacceptable. She submitted a copy of the

Case No. 13410 (continued)

Certificate of Dedication filed by Woodlake Assembly of God Church when the subdivision was platted and read the underlined text (Exhibit "K-7"). A petition stating their protest was submitted (Exhibit "K-8").

Pam Greenman, 7310 East 33rd Street, Woodlake Village Condominiums, Tulsa, Oklahoma, urged the Board to subject this application to a hydrology report. She expressed her concern over flooding in the area.

Ken Meredith, 3122 South 70th East Avenue, Tulsa, Oklahoma, explained that he lives in Sheridan Terrace, which is west of the subject property. His reservations are in regard to the traffic, as there are only two accesses into the cul-de-sac. He also took the opportunity to inform the Board, as well as the church that he is annoyed by the mercury vapor lighting in the parking lot which keeps his front yard in constant light.

Charles R. Lacey, 3241 South 70th East Avenue, informed that the pond does accept drainage from the neighborhood from an underground pipe. He stated that the Woodlake Condominiums own half of the pond, so the church should not be allowed to drain it.

Lee Towns, 3204 South 73rd East Avenue, informed that the pictures submitted earlier were taken from the balcony of his condominium. He stated that he is disturbed by the thought of a parking garage right outside his window. He is also concerned that the proposed parking garage will devalue his property.

John Castro, 3235 South 70th East Avenue, informed the Board that his home has flooded twice without the parking garage over the lake and stated his concern that the garage will cause a greater flood hazard.

J. C. Doggett, 7227 East 32nd Place, stated that his condominium has large glass doors facing the lake and he is concerned with this infringement on his right to enjoy the lake, which belongs in part to the homeowners. He is not only disturbed by the aesthetic loss, but with the loss in property value he faces. He explained that the lakes around the condominiums are the main reason he purchased his home, and feels it will affect his ability to sell his home if the garage is built as proposed.

Ray Parks, 7028 East 32nd Street, Tulsa, Oklahoma, informed that there has been a rat population which they are struggling to control. He feels that this will be difficult to do if the ecology becomes imbalanced.

Naomi Freeman, 3131 South 70th East Avenue, Tulsa, Oklahoma, lives on the corner across from the church and is concerned about the traffic problem.

Case No. 13410 (continued)

David Warren, 7302 East 31st Place, Tulsa, Oklahoma, stated that he is in protest of the application.

Darlene Kaslinski, 7303 East 32nd Street, Tulsa, Oklahoma, informed that she has lived in Woodlake Condominiums for seven years. She stated that the parking lot of the church is used for all types of recreation and they have had problems with teenagers "hanging out" there. She has called the police on numerous occasions to report the noise at night.

John Schmidt, 7025 East 33rd Street, Tulsa, Oklahoma, asked that his name be listed as a protestant.

Laura Holmes, 7232 East 32nd Place, stated that she rents her home at this location, and stated her protest to this application.

Joan Weaver, 7234 East 32nd Place, emphasized the elevation of the church in regard to the elevation of the neighborhood. She is concerned that the added height will further endanger the drainage problems. There are three access roads to the church which are currently unable to handle the church traffic, and a larger parking would only complicate the situation further. She suggested that the church might consider offering three services on Sunday mornings, as the large downtown churches have done.

Additional Comments:

Mr. Victor agreed with the property owners that the lake adds to the aesthetic value of their homes. It also adds to the character of the neighborhood. However, the issue here is land use. He expressed a concern with the ingress and egress into the area and invited the church to respond. He suggested that they request a report from Traffic Engineering and Hydrology.

Interested Parties:

Ted Robertson, Official Board member of Woodlake Assembly of God Church, stated that they have hired a hydrologist to report to the Board. He explained that the church's opinion is that the addition will not be detrimental to the area, and their hydrologist told them that filling in the lake will not affect the flooding aspect of the community. He explained that one of their options is to fill in the lake and pave the surface. They would build a retaining wall on the property line, which runs through the center of the lake. He also referred to the Certificate of Deed filed with the subdivision plat and stated that it implies that the church can use the lake as it chooses, if it becomes undesirable as an open space.

H. A. Brummett, Senior Pastor, Woodlake Assembly of God Church, informed the Board that the church initiated the dialogue with the homeowners association and hired an engineering firm to explore the hydrology. Their report was that filling in the lake would not adversely affect the drainage in any way. He stated that at the present time, the church has an agreement with the City of Tulsa

Case No. 13410 (continued)

Transportation System to shuttle their members from Mall 31 at 31st and Sheridan.

Henry Daubert, Manser-Daubert-Williams Engineering, informed that the lake is a natural pond and not part of a planned storm sewer. The pond, in its present state, is not capable of holding any drainage water even without the parking garage.

Doug Heuber, informed that he is a member of the church and an architect. He addressed the ingress and egress problems brought up by Mr. Victor. He explained that there are three access cuts into the church parking lot at the present and there will not be any added. The parking garage will exit into the existing parking lot and the same three exits onto the city streets will be used. He pointed out that the parking structure will not take traffic any further into the neighborhoods than it is now. He stated, that in his opinion as an architect, this garage is as attractive as a parking garage can be.

Additional Comments:

Mr. Victor asked Mr. Swanson if the parking garage is the only solution to their parking problems. Mr. Swanson informed that it is the best solution and that it has always been their intent to use the lake for another purpose when necessary. There are, however, other solutions.

Mr. Victor asked Mr. Swanson how the church intended to reclaim the lake from the beginning. Mr. Swanson informed that there was not a "master plan," but they did intend to use it.

Mr. Gardner suggested that the case could be continued to allow the applicant to present the case before the TMAPC to determine if they have jurisdiction.

Mr. Gardner asked Mr. Swanson if the protestants were to favor filling in the north half of the lake and paving the surface, would that be more desirable to the church. Mr. Swanson informed that paving the lake would only provide them with 100 parking spaces. They need to build a parking garage somewhere on the property. This is the most feasible and least complicated site.

Mr. Swanson asked the Board why they needed to go to the TMAPC and what questions they would answer. Mr. Jackere informed him that he needs relief from the TMAPC if the lake is involved.

Mr. Victor suggested that he might not need TMAPC approval to put a parking garage elsewhere on the property, and that he is correctly advertised for a parking garage. He suggested that the applicants might benefit from a continuance to allow them time to research an alternative site for the garage.

Case No. 13410 (continued)

Mr. Jackere informed the Board that the TMAPC cannot impose standards on applications which are not included in a PUD. There are no standards by which to judge the issue. This Board can impose standards. However, he reminded the Board that they are not responsible to enforce restrictive subdivision covenants. If the lake is indeed a condition of plat approval, the church is in danger of violating those covenants.

Mr. Victor informed that he is not inclined to favor a parking garage over the lake with other land available. Mr. Swanson informed that they do have an alternative site plan which shows the parking garage on the west side of the church.

After more discussion about the legality of the subdivision covenants, the Board made the following motion.

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. 13410 until January 10, 1985.

Case No. 13411

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1206/09—Request an exception to allow a mobile home in an AG and RS-3 zoned district; and a

Variance—Section 440.6—Special Exception Uses in Residential Districts, Requirements—Request a variance to permit a mobile home permanently in an RS-3 zoned district; and a

Variance—Section 208—One Single-Family Dwelling Per Lot of Record—Request a variance to allow two dwelling units (1 house, 1 mobile home) per lot of record, located at 4406 North Lewis.

Presentation:

The applicant, Ann Bledsaw, 4406 North Lewis, Tulsa, Oklahoma, informed that the request is to allow her son to place a mobile home on the back of the subject property. She informed that her husband is in bad health and they need their son to help them care for the land. Her son was flooded in the Memorial Day Flood also and needs a place to put his mobile home. The mobile home will be placed on an existing pad which has a City sewer hookup. The subject property is 5.7 acres.

Protestants: None

Interested Parties:

G. H. Parson, 2323 East 43rd Street North, is a neighbor of the Bledsaws and informed that he will welcome the company of new neighbors.

Case No. 13411 (continued)

Comments and Questions:

There was discussion about which zoning district the mobile home will be placed in. It was determined that the mobile home pad is in the AG zoned district, which makes the first variance request void.

Mr. Gardner suggested that the Board may want to limit the approval to five years, after which time another variance to allow a permanent use can be considered.

Ms. Hubbard informed that since the pad is in the AG district, the mobile home can be placed there permanently, if approved by the Board, without a variance necessary.

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 APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Agricultural Districts—Under the provisions of Use Unit 1206/09) to allow a mobile home in an AG zoned district; and a Variance (Section 208—One Single-Family Dwelling Per Lot of Record) to allow two dwellings per lot of record; and to WITHDRAW a Variance (Section 440.6—Special Exception Uses in Residential Districts, Requirements) to permit a mobile home permanently in an RS-3 zoned district, finding that the request is not necessary since the mobile home is in an AG zoned district; and finding that the variance granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code or the Comprehensive Plan; on the following described property:

N/2, S/2, NE/4, NE/4, less north 4 acres of Section 18, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 12950

Action Requested:

Review of Revised Site Plan for B.O.A. Case No. 12950.

Presentation:

The applicant, Korean Mission Church of First Baptist Church, was represented by Jim Coleman, 610 South Main Street, explained that they are requesting a slight variance of setback from 100' to 30'. He stated that the plat required a retention pond on the south end of the property, which forced them to move the building closer to the street. He submitted a site plan (Exhibit "L-1"). He also asked for a waiver of screening requirements.

Protestants: None

Case No. 12950 (continued)

Comments and Questions:

Ms. Hubbard explained that the applicant cannot be granted a waiver of the screening requirements since he is not advertised for one.

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 APPROVE a substitute plot plan for Case No. 12950.

There being no further business, the meeting was adjourned at 4:30 p.m.

Date approved 1-10-65

Casey Clugston - Acting
Chairman

