

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 431
Thursday, January 24, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Clugston, in at 2:30 p.m. Purser, out at 4:10 p.m. Victor, Acting Chairman	Smith, Chairman	Gardner Jones Phillips	Linker, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, January 23, 1985, at 8:55 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Acting Chairman Victor called the meeting to order at 1:01 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to APPROVE the Minutes of January 10, 1985.

UNFINISHED BUSINESS:

Case No. 13343

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1210/11—Request an exception to permit an office expansion and off-street parking in an RM-2 zoned district, located N. of NE/c of 14th Place and Denver.

Presentation:

The applicant, Larry Harral, 1717 East 15th Street, Tulsa, Oklahoma, 74104, was not present.

Protestants: None

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to CONTINUE Case No. 13343 until February 7, 1985.

Case No. 13414

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1206—Request a variance of the 50' setback from the centerline of 69th East Avenue to 43' to permit a carport in an RS-3 district, located at 6904 East 9th Street.

Presentation:

The applicant, John Cannon, 6904 East 9th Street, was represented by his wife, Mrs. John Cannon. She informed that the case was continued to allow the Board time to visit the site.

Protestants: None

Comments and Questions:

Mr. Gardner explained that the carport will be in the sideyard and will not be obtrusive. The abutting residence to the south is several feet closer to the center of the street than Mr. Cannon's existing house. The carport will add an additional 12' to the existing structure.

Mr. Gardner asked Mrs. Cannon if the carport will be built to cover the existing pad. Mrs. Cannon explained that the carport will not cover the entire pad. Mr. Gardner explained that the street is wide and the right-of-way is more than the typical 50' right-of-way.

Mr. Victor noted that there are other carports in the vicinity.

Mr. Victor asked Mrs. Cannon to describe the materials that will be used to build the carport. Mrs. Cannon explained that the carport is under contract with a construction company and she is not sure what they will use.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; "abstentions"; Clugston, Smith, "absent") to APPROVE a Variance (Section 430.2—Bulk and Area Requirements in the RS, RD and RM Districts—Under the provisions of Use Unit 1206) of the 50' setback from the centerline of 69th East Avenue to 43' to permit a carport in an RS-3 district; finding that by reason of lot size, and the fact that it is a corner lot, the literal enforcement of the terms of the Code would result in unnecessary hardship to the applicant; and finding a hardship demonstrated by the other house to the south, which encroaches the setback from the centerline; on the following described property:

Lot 10, Block 3, Sheridan Hills Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13417

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1210—Request a variance of the required setback from an abutting R district to permit a two-story enclosed parking garage to be built across a zoning line in a CS and RS-3 zoned district; and a

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Request a variance of the 50' setback from the centerline of Braden to 25' to permit construction of a structure; and a

Special Exception—Section 250.3(d)—Modification of the Screening Wall or Fence Requirements—Request an exception to remove the screening requirements; all located at 4747 South Yale.

Presentation:

The applicant, Dean Bailey Oldsmobile, 4747 South Yale, Tulsa, Oklahoma, was represented by Louis Levy, 5200 South Yale, Tulsa, Oklahoma, who reminded the Board that the case was heard on January 10, 1985 and a full presentation was made at that time. The Board continued the case to allow time to visit the site.

Protestants: None

Comments and Questions:

Mr. Gardner explained that there is one structure on the same street as the subject property which is built on the property line. The property to the East of Braden Avenue is zoned RM-2 (apartments) and the ordinance permits structures to within 10' of the property line. Some of the buildings on that property are 10' from the property line. If the applicant could be satisfied with that same setback, he would be consistent with the zoning across the street.

Mr. Victor explained that there are several existing buildings on Braden Avenue which are properly set back from the property lines, and only one building which is built on the property line. He feels that the majority of the structures comply with the Code, and since the proposed building is a large structure, it will be detrimental to the nature of the neighborhood.

Mr. Levy explained that they are currently using all the property up to the property line for parking. If they are required to comply with the RM-2 requirements (10' setback from the property line), they will lose 10' of parking. He informed that 2' to 3' from the property line will be acceptable to them.

Mr. Gardner informed that if the property was zoned P (parking), the applicant could build a parking building to within 10' of the property line. This zoning change could be accomplished within 60 to 90 days by making application to the TMAPC.

Case No. 13417 (continued)

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to APPROVE a Variance (Section 730—Bulk and Area Requirements in the Commercial Districts—Under the provisions of Use Unit 1210) of the required setback from an abutting R district to permit a two-story enclosed parking garage to be built across a zoning line in a CS and RS-3 zoned district; and a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD, and RM Districts) of the required 50' setback from the centerline of Braden Avenue to 35' to permit construction of a structure; and a Special Exception (Section 250.3(d)—Modification of the Screening Wall or Fence Requirements) to remove the screening requirements; finding a hardship for the first variance demonstrated by the applicant's intent to meet the provisions of the RS-3 zoning in regard to access cuts; and finding a hardship for the second variance demonstrated by the fact that the structures on the RM-2 zoned property across the street are to within 10' of the existing property line, and this property could be zoned Parking, which permits a building within 10' of the property line; and subject to the existing decorative brick wall being maintained in good repair; on the following described property:

Lot 28, Block 1, Staiger Addition and Lots 12 through 16, Block 1, Office Parkway Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13423

Action Requested:

Special Exception—Section 310—Principal Uses Permitted in the Agricultural Districts—Use Unit 1205—Request an exception to allow a church in an AG zoned district, located 1/2 mile East of the SE/c of Yale and 101st Street.

Presentation:

The applicant, Southern Hills Church of Christ, 2706 East 51st Street, Tulsa, Oklahoma, was represented by Ed Everett, 1617 South Harvard, Tulsa, Oklahoma, who informed that the church owns 13.5 acres between Sheridan and Yale on the south side of 101st Street. He stated that the church has been working with the Staff to develop the land, and it was suggested that a street be dedicated between the subject property and the adjacent property to the west. When they sold the west 14 acres, the developer had the property rezoned, with one of the conditions recommended by TAC being that each property owner dedicate half of the road. He explained that when the property was heard by the Board in 1963, there was a question about the legal description of the property. Mr. Everett informed that the church originally owned a 28-acre tract and planned to use the west half for the church. The buyer changed his mind and wanted the western half of the property, causing the legal description to be changed for the application. However, the site plan is the same. There are no buildings on the subject property at the present time.

Case No. 13423 (continued)

The building will be all brick and will be a contemporary design. The additional land will be developed into a park to be maintained for church uses. The only school use will be a day school for preschool age children. A site plan was submitted and described (Exhibit "A-1"). The building will sit on the front 1/3 of the subject property.

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to APPROVE a Special Exception (Section 310—Principal Uses Permitted in the Agricultural Districts—Under the provisions of Use Unit 1205) to allow a church in an AG zoned district; limiting any school use to preschool only; limiting the primary use to church use; per plans submitted and building materials as described (all brick); on the following described property:

A tract of land lying in the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 27, Township 18 North, Range 13 East, more particularly described as follows, to wit: the point of beginning being the Northeast corner of the NW/4 of Section 27; T-18-N; R-13-E; thence N 89°51'03" West along the North line of said Section a distance of 449.60 feet; thence South 00°17'23" West a distance of 1321.06 feet; thence South 89°51'37" East a distance of 450.00 feet to a point which is the Southeast corner of the NE/4 of the NW/4 of Section 27, T-18-N, R-13-E; thence North 00°16'36" East a distance of 1320.99 feet to the point of beginning containing 13.61 acres, more or less.

Case No. 13437

Action Requested:

Variance—Section 1212.4—Off-Street Parking and Loading Requirements—Use Unit 1212—Request a variance of the parking requirements for a restaurant, 4 on-site, 44 off-site, in a CH zoned district, located on the NE/c of 17th Street and Main, and the NE/c of 17th Street and Boulder.

Presentation:

The applicant, Carl Marks, was not present, but requested by phone that the application be withdrawn.

Protestants: None

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to WITHDRAW Case No. 13437 at the applicant's request.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13444

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1206—Request a variance of the 85' setback from the centerline of 31st Street to 80' to permit an existing dwelling in an RS-3 zoned district.

Presentation:

The applicant, Fifty-Nine-Hundred Harvard, Inc., was represented by Tom Haddan, 502 Main Mall, Suite 201, Tulsa, Oklahoma. Mr. Haddan submitted a plat of survey (Exhibit "B-1") and informed the Board that the house was purchased in trade for another piece of property. They intend to sell the subject property. The encroachment from which they are seeking relief was apparently the original builder's mistake and 5900 Harvard, Inc. needs to clear the title.

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to **APPROVE** a **Variance** (Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Under the provisions of Use Unit 1206—Request a variance of the 85' setback from the centerline of 31st Street to 80' to permit an existing dwelling in an RS-3 zoned district; finding a hardship demonstrated by the irregular shape of the lot; per plat of survey submitted; on the following described property:

Lot 8, Block 11, Summerfield, an addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13439

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1206—Request an exception to allow church use in an RM-1 zoned district; and a

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Request a variance of the 50' setback from the centerline of Pine Place to permit construction of a church building; and a

Variance—Section 1205.3—Use Conditions for Use Unit 5—Request a variance of the required 1-acre lot area to 7250 sq. ft. and 100' lot width to 50', E. of the SE/c of Norfolk and Pine Place.

Case No. 13439 (continued)

Presentation:

The applicant, Willis West, 1135 East Pine Place, Tulsa, Oklahoma, 74106, was represented by Turner Johnson, 570 East 49th Street North, Tulsa, Oklahoma. Mr. Johnson explained that the church has weekend seminars at least once a year. The proposed facility is a dormitory for the out-of-town visitors who attend. It will not be used for church uses. He submitted a plot plan (Exhibit "C-1"; a floor plan (Exhibit "C-2"); and elevations (Exhibit "C-3"). He explained that the subject property is a vacant lot which belongs to the church, and is separated from it by a vacant lot and a parking lot. The building will be a concrete block structure.

Protestants:

Geraldine White, P.O. Box 425, Okmulgee, Oklahoma, informed that the subject property belongs to her and if the church wants to build on the property, they will have to buy the property from her.

Interested Parties:

A letter of support was submitted from Wilber L. Northington, 1539 North Norfolk, Tulsa, Oklahoma (Exhibit "C-4").

Comments and Questions:

There was discussion about the ownership of the property and the applicant's specific use. There was confusion about who the property belongs to. The Staff suggested that since there will be no church use on the subject property, and since the ownership was not clarified, the case should be continued and the applicant should readvertise under a different use unit. Mr. Victor instructed the applicant and the protestant to compare their legal descriptions.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to CONTINUE Case No. 13439 until February 21, 1985.

Case No. 13440

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an exception for a home occupation to allow a beauty shop in an RS-3 zoned district, located W. of SW/c of 78th Street and 69th East Avenue.

Presentation:

The applicant, Patricia Tipton, 6808 East 79th Street, Tulsa, Oklahoma, informed that she has owned and resided on the subject property since November 1984. She is a hairstylist, and is expecting her first child. Approval of this application would allow her to continue to service her regular clients from her home, while caring for her new baby. She explained that they are adjusted to

Case No. 13440 (continued)

having two incomes and it will be a financial hardship if she cannot continue to work. She intends to work from 8 a.m. until 5 p.m., five days a week, having no more than eight customers in one day. Their driveway is adequate for four cars, however, there should be no more than two parked at one time. She does not intend to advertise and there will be no signs in the yard. They will be enclosing a 200 sq. ft. patio to accommodate the shop, and it can be converted into a den when she no longer needs to work at home.

Protestants:

Sanford Ragge, 6819 East 80th Street, Tulsa, Oklahoma, represented 18 homeowners in the area, all of whom signed a petition of protest submitted (Exhibit "D-1"). He stated that the homeowners feel the establishment of a commercial business in their neighborhood will bring unreasonable traffic problems, along with unnecessary safety hazards for their children. They also feel that the use will be detrimental to their property values. The neighborhood covenants state that the homeowners will protect the neighborhood integrity and property values, and prohibit commercial business from being established. He stated that there is a strip center within 300 yards of the neighborhood where Mrs. Tipton could lease a commercial space.

Comments and Questions:

Mr. Jackere asked Mr. Ragge if the neighborhood streets were used as a short-cut to Sheridan. Mr. Ragge informed that it is used by some people to avoid the traffic on the corner of 81st Street and Sheridan.

Ms. Purser explained that some home occupations are more acceptable than others, and in her opinion, a beauty shop generates more traffic than is conducive to neighborhood life. She complimented Ms. Tipton on her presentation.

Applicant's Rebuttal:

Mrs. Tipton explained that this addition to her home will increase her property value up to \$10,000.00. She stated that she is concerned about the integrity of the neighborhood and does not feel that her beauty shop will be a threat.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to DENY a Special Exception (Section 420—Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) for a home occupation to allow a beauty shop in an RS-3 zoned district; finding that the beauty shop use will generate more traffic than is acceptable for this neighborhood, and thus cause substantial detriment to the public good; on the following described property:

Case No. 13440 (continued)

Lot 11, Block 2, Deer Hollow Estates, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13441

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an exception for a home occupation to permit an office use in an RS-3 zoned district, located at 3208 South Toledo Avenue.

Presentation:

The applicant, Scott Burnett, 3208 South Toledo, Tulsa, Oklahoma, informed that he was approached by Code Enforcement Inspector Bob Baker and told that he would need to apply for a permit to have a home occupation in his residence. Mr. Baker did not state any reasons for the inspection, nor did he explain what the violation was. Mr. Burnett informed that he has a business phone in his home, which rings there when his secretary (his mother) cannot answer the calls that come to her. His employees do not meet at his home, nor do they pick up their wages there. He informed that Mr. Jackere explained to him that he did not violate any ordinance which would warrant a home occupation. He informed that on several occasions he drove his large truck home during lunch and parked it in his driveway. Burnett Insulation provides a service and not a product, so there is no need for customers to come to his home for any reason. He submitted four photographs of his residence (Exhibit "E-1") and explained that this is his home and he is raising a one-year old daughter there. He has no intention of turning this residence into a commercial business. He stated that he listed his phone number and home address in the yellow pages of the Southwestern Bell phone book in order to provide a mailing address.

Protestants:

Harry Turner, 3213 South Toledo, Tulsa, Oklahoma, lives across the street from the subject property. He stated that he objects to a business being run in a "family" neighborhood. He submitted a petition of protest bearing the names of 40 homeowners (Exhibit "E-2"). He also submitted the December/January issue of "Community Hi-Lighter," which featured an article on Burnett Insulation, listing Mr. Burnett's home address (Exhibit "E-3"). He stated that he works during the daytime, but that the residents who are at home during the daytime have been disturbed by the increased traffic in the area.

Betty Hanson, 3219 South Toledo, Tulsa, Oklahoma, informed that a neighbor of hers was stopped by a telephone service truck asking for directions to Burnett Insulation, listed at the applicant's home address. This disturbed them, so they began to watch the house. There was a great deal of traffic generated after the Burnetts moved in eighteen months ago, and large trucks come and go from the house.

Case No. 13441 (continued)

She stated that a large insulation truck was parked on the street every night until recently. She is adamantly opposed to this application and does not think commercial businesses should be allowed in residential areas.

Tom Sark, 4510 East 32nd Place, Tulsa, Oklahoma, stated that he is convinced that Mr. Burnett is operating an insulation company from his home. He stated that there is sufficient traffic (trucks, as well as cars) to indicate that the work crews are given orders from this address.

Richard Tomlinson, 3228 South Toledo, Tulsa, Oklahoma, informed that he is aware of the yellow page ads which advertise a commercial business being run from the residence on the subject property. He is opposed to this use, even if it is unobtrusive. He does not think commercial uses belong in residential districts.

Applicant's Rebuttal:

Mr. Burnett explained that he uses a warehouse at 9721 East 51st Street, which is leased to a friend. He has two semi-tractor trailer rigs in which to store the insulation materials. That is where he meets his crews, assigns work orders, and pays wages. He also uses the phone in his friend's office there. He reiterated that he does not meet any crews at his residence, nor does he drive a truck home in the evenings.

Additional Comments:

Ms. Purser explained that Mr. Burnett should use the warehouse address in any future advertising and stated that she would favor a motion to deny the special exception with the understanding that the home occupation is not necessary for Mr. Burnett to continue to use his business phone and desk only. There should be no other business activities conducted from this residence should such a motion be approved.

There was discussion about the use of yellow page ads with residential addresses listed. Mr. Jackere informed that it is not a violation of any City Ordinance.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; Clugston, "abstaining"; Smith, "absent") to **DENY** a **Special Exception** (Section 420—Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) for a home occupation to permit an office use in an RS-3 zoned district; finding that a home occupation is inappropriate at this location, and unnecessary in order to keep a desk and a business phone line in the residence; on the following described property:

Lot 11, Block 5, Conway Parkway Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13442

Action Requested:

Variance—Section 240.2(d)—Permitted Yard Obstructions—Use Unit 1206—Request a variance to permit a detached accessory building in the side yard and to permit 868 sq. ft. of floor area for an existing and proposed accessory building in an RS-3 zoned district, located N. of NW/c of 61st Street and 31st W. Avenue.

Presentation:

The applicant, Lois Baker, 5910 South 31st West Avenue, Tulsa, Oklahoma, informed that she is proposing to build a garage in the sideyard of her residence. There will be one car parked in the garage and no living space will be included. There are other accessory buildings in the area that are this large (868 sq. ft.). She does not intend to operate any business from this building, stating she has a full-time job (accounting clerk at T. D. Williamson Company, Inc.). She submitted plans (Exhibit "F-1").

Protestants: None

Comments and Questions:

Ms. Purser asked why the accessory building is so large. Ms. Baker informed that she needs the space for storage.

Mr. Gardner suggested that any motion for approval include a provision for a restrictive covenant stating that the accessory building cannot be used as a residence.

Ms. Purser explained to the applicant that the Board does not question her word that the building would not be used as a residence, but that the restrictive covenant would prevent future owners from using the structure as a rental property.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-1 (Chappelle, Purser, Victor, "aye"; no "nays"; Clugston, "abstaining"; Smith, "absent") to APPROVE a Variance (Section 240.2(d)—Permitted Yard Obstructions—Under the provisions of Use Unit 1206) to permit a detached accessory building in the sideyard and to permit 868 sq. ft. of floor area for an existing and proposed accessory building in an RS-3 zoned district; finding that the literal enforcement of the terms of the Code would inflict undue hardship on the applicant due to the size of the lot; subject to a restrictive covenant being filed with the County Clerk's office prohibiting the use of the building for residential or commercial uses; on the following described property:

Lot 22 and South 25' of Lot 23, Block 2, Summitt Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13445

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1211—Request an exception to permit office use in an RM-2 zoned district; and a

Variance—Section 440.8—Special Exception Uses in Residential Districts, Requirements—Request a variance to permit the existing 3-story building height; and a

Variance—Section 630—Bulk and Area Requirements in the Office Districts—Request a variance to permit the existing .55 floor area ratio and building setbacks, located on the SW/c of 13th and Carson.

Presentation:

The applicant, George W. Owens, was represented by Bruce Bolzle, 2626 East 21st Street, Suite 8, Tulsa, Oklahoma, who submitted three photographs of the subject property (Exhibit "G-1") and explained that the existing property is three lots containing four buildings, which are used for residential uses. There are two, three-story six-plexes which front East 13th Street (the South access road to the Broken Arrow Expressway); a four-plex, which faces South Carson Avenue; and a two-story single-family house, which also faces South Carson Avenue. He submitted a plot plan (Exhibit "G-2") and a site plan (Exhibit "G-3"). He reminded the Board that there is office activity in the area (e.g. adjacent parcels on South Denver have been used for office uses for sometime). In the neighborhood surrounding the subject property, there is a "sprinkling" of OL and OM office uses. They will remove the westernmost existing three-story apartment building and the existing four-plex and use the space for parking. The remaining two buildings will be converted to general office use. About 1/3 of the office space will be occupied by Mr. Owens and Mr. Bolzle. There will be no additions to the building, other than Code Requirements (i.e. secondary exit stairway). The character of the buildings will be maintained and the exteriors will be cleaned. A hard all-weather surface will be provided for the parking.

Protestants: None

Comments and Questions:

Ms. Purser asked the Staff if the proposed use violates the Comprehensive Plan. Mr. Gardner explained that the Ordinance requires .5 floor area ratio for office use, and the existing building is .55. Mr. Bolzle's request for this variance will allow him to retain the existing building, rather than cut it down in order to meet the requirements of the Code. The Comprehensive Plan calls for this particular area to be office or apartment uses, or a combination of those two. The Comprehensive Plan also encourages the preservation of the older structures in this area. This particular use will comply with the spirit and intent of the Code, since a zoning change would not place restrictions on the use and the buildings could all be torn down and replaced with new office buildings.

Case No. 13445 (continued)

Mr. Victor pointed out that the area is in transition and this use will upgrade the area, and will be restorative.

Board Action:

On MOTION of PURSER and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1211) to permit office use in an RM-2 zoned district; and a **Variance** (Section 440.8—Special Exception Uses in Residential Districts, Requirements) to permit the existing three-story building height; finding a hardship demonstrated by the applicant's desire to restore an existing building without structural changes; and a **Variance** (Section 630—Bulk and Area Requirements in the Office Districts) to permit the existing .55 floor area ratio and building setbacks; finding a hardship demonstrated in the fact that the special exception was approved to allow the use, and the variance reduces the overall density of the area; and finding that the variance granted does not violate the spirit and intent of the Code or the Comprehensive Plan; per plans submitted; on the following described property:

Lots 1, 2, and 3, Block 4, Friend Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13446

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an exception to permit a church and a private school in an existing school building in an RS-3 zoned district; and a

Variance—Section 420.2(d)—Accessory Uses in Residential Districts—Request a variance to permit the erection of an identification sign larger than permitted; and a

Variance—Section 1340(d)—Design standards for off-street parking areas—Request a variance of the required all-weather material to permit gravel to be used for the parking areas, located at 7370 East 71st Street.

Presentation:

The applicant, Sheridan Victory Center, represented by Attorney Charles Norman, 909 Kennedy Center, Tulsa, Oklahoma, proposes to install temporary parking facilities to meet the needs of their congregation. They are leasing the Thoreau Jr. High School facility, owned by the Independent School District No. 1, Tulsa, Oklahoma. The terms of the lease (which was renewed for two years prior to this hearing) included a provision for temporary parking,

Case No. 13446 (continued)

to be removed when the lease expired. Mr. Norman explained that his clients did not know that the terms of the lease also required a variance of Section 1340, to be determined by this Board. He submitted five photographs (Exhibit "H-1") of the subject property and explained that the Victory Christian Center operates a full school system (i.e. grades K4-12) and has an enrollment of 750. The church staff is made up of 100 people and their offices are in the Thoreau building. Since Thoreau was a junior high school, the parking provided is inadequate. The church meets for worship on Sunday mornings at the ORU Mabee Center, but the Wednesday night service at Thoreau sometimes attracts 700 members. Mr. Norman submitted a plot plan (Exhibit "H-2") and explained that church has added approximately 500 parking spaces, surfaced with gravel. He stated that within the next two years, Sheridan Victory Center will complete new facilities which will accommodate the school and the church and at that time, the gravel surface will be removed from the parking lot at a nominal expense. If an oil mat is laid over the gravel, it will increase the expense of removal. There is also a variance requested for relief from the sign requirements. There are two informational signs existing on the subject property (approximately 4' x 8'), which will be removed and replaced by one large sign, the specific dimensions of which are not before the Board at this time. Mr. Norman's clients have taken into consideration the fact that the surrounding residents are concerned with the run-off from the subject tract. They are willing to submit themselves to a hydrology report, if the Board is inclined to require one. They will comply with any hydrology suggestions that result from such a report by April 1, 1985. Mr. Norman pointed out that the running track, which was displaced by the placement of the parking lot in front of the school, will be replaced in the near future.

Comments and Questions:

Ms. Purser asked Mr. Norman why a larger sign is needed. Mr. Norman explained that they want to remove the smaller signs and use only one sign. Since only one will be used, a larger one will be more visible. They intend to meet with the Southeast Tulsa Homeowners Association and discuss the specifics of any proposed sign, prior to submitting the dimensions to the Board for approval.

Ms. Purser asked Mr. Norman why the gravel lots were placed on the side of the school nearest to residential property. Mr. Norman explained that the location of the lot was chosen since the other available space is presently used as a soccer field by the neighborhood children, and is used as a play area for the school.

Protestants:

A letter of protest was submitted by Attorney James R. Hays, 4815 South Harvard, Tulsa, Oklahoma, stating that the gravel lot does not comply with the residential nature of the immediate area (Exhibit "H-3"). He also pointed out that the jogging trail, which was torn up, was a joint effort on behalf of the students and residents of the area, and they resent it being destroyed without proper notice.

Case No. 13446 (continued)

Carmen Farrell, 7428 East 70th Street, informed that she is a homeowner who lives across 71st Street from the subject property. She referred to the increased traffic the church has caused in the area, as well as the construction noise. She is unhappy about the lack of notice, since the parking surface (gravel) has already been installed, as well as stadium lights, which are a nuisance to the surrounding residents. The lights have been installed without directional shields, and shine directly into her home. She also stated that the dust and gravel has caused a problem, and will continue to as the weather becomes dry and warm. She does not feel that a two-year lease is a temporary lease.

Judy Halpern, 7420 East 70th Street, Tulsa, Oklahoma, has lived in the area for 12 years. She informed that there are six homes which back up to 71st Street, one of which is her home. Traditionally this area has been plagued by Southwesterly winds, which will be a problem with a gravel lot directly across the street. All the windows on their home open to the South, since their home has solar heat. This causes a problem not only in relation to the dust from the gravel lot, but since the lights have been installed, they have had to use shades in the evenings to keep the bright lights from disturbing them. The glare from the lights affects their living room, kitchen and two bedrooms. The lights are supposed to be on a timer, but twice since they have been installed, she has had to call to have them turned off after 10:00 p.m. She is concerned with the increased traffic generated by the Wednesday evening services, in an area designed for junior high school traffic. She pointed out that 71st Street is a two lane street, and the average attendance of those services is 750 persons. She informed that the evening before, an off-duty policeman directed traffic, blowing a whistle outside her kitchen window for over half an hour. She also informed that she is opposed to any sign which might resemble the one used at Victory Christian School's former location.

Cathy Wilson, 7415 South 70th East Avenue, Tulsa, Oklahoma, informed that she was very involved with Thoreau Junior High School, as a PTA member, and after it closed, as a member of the committee seeking suitable tenants. She stated that the present lease was supported by the Southeast Tulsa Homeowners Association as a school use only, not as a church use. The area cannot support the amount of traffic generated by such a large church. She stated that the lease agreement she read stated that the jogging trail was not to be disturbed. She also stated that she resents the "after-the-fact" manner in which this has been handled. She is the chairman of the James B. Lake Park Committee, which is trying to negotiate a bid with the City Parks and Recreation Department to use the land as a park. It was not her understanding that the one-year lease with Victory Christian Center would be renewed without their knowledge. She would not have approved of the renewal, had she been asked.

Case No. 13446 (continued)

Ken Adams, 7227 East 65th Place, Tulsa, Oklahoma, is a member of the Board of the Southeast Tulsa Homeowners Association. He suggested that the Board assure the community that any approval of the variances requested will be limited to the specific lease presently contracted with Victory Christian Center, and that such uses will be temporary. He suggested a six-month approval, during which time a study can be done for appropriate sign placement, and so that any proposed retention area by the City can be decided when the Rafael Plaza study is completed.

Applicant's Rebuttal:

Mr. Norman explained that any person who did not receive notice of the hearing must not live within 300' of the subject property. He stated that the school is an outgrowth of the church and the uses are intertwined. Victory Christian Center thought they met the requirements of the law since the lease they signed was with a public institution. It was not intentional to lay the parking lots and assume they would be approved. He reiterated the fact that the jogging trail will be replaced by April 1, 1985, and any sign proposal will be submitted to the Southeast Tulsa Homeowners Association. He explained that the lights are adjustable and the light shields are on backorder from the manufacturing company. When they arrive, the lights can be directed away from the residential area. Mr. Norman's clients meet the standards of the code in regard to off-street parking requirements, however they are asking for a variance of the required surface material.

Additional Comments:

There was discussion about the sign requirements, in relation to church and school uses. Mr. Jackere informed that Mr. Norman's clients are limited by the Code and the Building Inspector will be responsible to enforce those limitations.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1205) to permit a church and a private school in an existing school building in an RS-3 zoned district; subject to the use being limited to the existing lease, which expires in August, 1986; and to DENY a Variance (Section 1340(d)—Design Standards for Off-Street Parking Areas) of the required all-weather material to permit gravel to be used for the parking areas; finding that the applicant failed to demonstrate a hardship; and finding that the variance requested could cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and to CONTINUE the balance of the case concerning the sign, until February 21, 1985; on the following described property:

Case No. 13446 (continued)

Beginning at the Northeast corner of the Northwest Quarter (NW/4), Northeast Quarter (NE/4) of Section 11, Township 18 North, Range 13 East, Tulsa County, Oklahoma; thence due West, along the North line of Section 11, a distance of 1,371.53 feet; thence due South a distance of 49.00 feet; thence Southeasterly along a curve to the left a radius of 225 feet, a distance of 128.39; thence South $32^{\circ}41'39''$ East a distance of 50.24 feet; thence Southeasterly along a curve to the right a radius of 360 feet, a distance of 164.40 feet; thence South $6^{\circ}31'42''$ East a distance of 337.84 feet; thence due East a distance of 1,217.53 feet; thence North $0^{\circ}07'50''$ West a distance of 702.00 feet to the point of beginning, containing 20.660 acres, more or less:

Less the following: Beginning at a point on the North line of the NW/4, NE/4, of Section 11, Township 18 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma, said point being 1,161.53 feet West of the Northeast corner of said Northwest Quarter, Northeast Quarter; thence continuing West a distance of 210.0 feet; thence due South 49.0 feet; thence along a curve to the left having a radius of 225.0 feet a distance of 128.39 feet; thence South $32^{\circ}41'39''$ East a distance of 50.24 feet; thence around a curve to the right having a radius of 360.0 feet a distance of 80.0 feet (plus or minus) to a point 285.0 feet South of the North Line of said Northwest Quarter, Northeast Quarter; thence due East a distance of 110.0 feet (plus or minus) to a point; thence North a distance of 285.00 feet to the point of beginning; containing 1.16 acres, more or less.

Case No. 13447

Action Requested:

Use Variance—Section 610—Principal Uses Permitted in the Office Districts—Use Unit 1217—Request a use variance to permit automobile sales and rentals in an OMH zoned district; located W. of NW/c of 51st and Yale Avenue.

Presentation:

The applicant, G. A. McCune, was represented by Attorney Charles E. Norman, 909 Kennedy Building, Tulsa, Oklahoma. He informed that the application is limited to a tract with approximately 151' of frontage on 51st Street. The location was the former site of an Arby's restaurant. The property is owned by Mr. McCune, who owns a much larger tract including the Thrifty Rent-A-Car (directly abutting the subject property to the west); the circular garage to the east, which has been converted into a tire store; and additional property to the north of the subject tract. Mr. Norman submitted four photographs (Exhibit "I-1") of the subject tract and the abutting property owned by Mr. McCune. The property was rezoned two years ago at Mr. Norman's request (on behalf of Mr. McCune) from CS to OMH, to permit the construction of a mid-rise office building.

Case No. 13447 (continued)

Economic conditions have slowed that project, and since Arby's has vacated the existing building, the request for a variance will permit the use of that vacant building for a period not to exceed two years. The variance will relieve the applicant of the procedural approach of rezoning the property to CS during this interim time, and changing it back to OMH when the mid-rise can be built.

Protestants: None

Comments and Questions:

Mr. Victor asked Mr. Norman if the use will be an expansion of the Thrifty Rent-A-Car. Mr. Norman informed that it will not be an expansion of the the existing Thrifty Rent-A-Car, but will be a separate operation.

Mr. Clugston asked if there will be any additional construction. Mr. Norman informed that the existing building will be used as it is. There will be a need for some sort of a sign.

Mr. Gardner suggested that the time frame is the key issue. There were interested parties present at a previous hearing and it would be in the best interest of those persons to limit the use to a temporary period of time. The highest and best use is office use, and that is what the applicant eventually intends to develop there.

Mr. Clugston pointed out that the existing car rental and sales uses, and the garage abutting the subject tract, do not conform to the existing zoning.

Mr. Gardner informed that the zoning change from commercial to office was made to provide additional square footage not permitted under the CS zoning. Office use is allowed by special exception in CS zoned districts, without the demonstration of a hardship. However, commercial uses are not allowed in OMH districts by special exception. They require a use variance, which requires the demonstration of a hardship. It is a strange twist in the Code, and in itself can be deemed a hardship.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Use Variance** (Section 610—Principal Uses Permitted in the Office Districts—Under the provisions of Use Unit 1217) to permit automobile sales and rentals in an OMH zoned district; finding a hardship demonstrated in the fact that the area is designated commercial, but the subject tract was rezoned OMH to allow a greater floor area for a future office project; limiting the use to a two-year time limitation; on the following described property:

Case No. 13447 (continued)

The east 151' of the west 265' of Lot 10, Interstate Central Extended, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13448

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1214—Request a variance of the 150' frontage to 100' and of the 50' required front yard to 20' all to permit an existing building in a CS zoned district, located W. of SW/c of 25th West Avenue and I-44.

Presentation:

The applicant, Gerald Cypert, 3340 South 63rd West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit "J-1") and explained that he is under contract to purchase the subject tract. The existing building will be torn down and a new building will be constructed. The new building will be 50' x 80' and the existing building is approximately 30' x 25'.

Protestants: None

Comments and Questions:

Mr. Victor asked Mr. Cypert what type of business he plans to conduct on the subject tract. Mr. Cypert informed that he plans to lease the building.

Mr. Victor expressed his concern that the plot plan does not indicate parking, nor ingress and egress. Mr. Cypert informed that entire frontage of the property will be a curb cut. He informed that they do not intend to begin the project for a least one year.

Mr. Victor explained that Mr. Cypert would need to present a detailed site plan before he could acquire a Building Permit, and there might not be enough space left for parking on the subject tract. Mr. Cypert informed that he was under the impression that he need only bring a casual sketch of his proposal, since he is not ready to begin construction.

Mr. Gardner asked Mr. Cypert if the lot has been split. Mr. Cypert informed that the lot has been split. Mr. Gardner informed that the first variance requested is mute, if the lot split was approved before 1970. He suggested that any motion for approval should be subject to approval of the lot split. Mr. Cypert did not bring a copy of the lot split.

Mr. Gardner informed that the "required front yard" referred to in the case report should read "building setback."

Case No. 13448 (continued)

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "absent") to CONTINUE Case No. 13448 until February 21, 1985.

Case No. 13449

Action Requested:

Special Exception—Section 630—Bulk and Area Requirements in the Office Districts—Use Unit 1211—Request an exception to allow 40 percent floor area ratio in an OL zoned district; and a

Variance—Section 630—Bulk and Area Requirements in the Office Districts—Request a variance to allow 1 1/2 stories in an OL zoned district, located on the SW/c of New Haven and 51st Street.

Presentation:

The applicant, Wilfred Sanditen, was represented by Attorney Roy Hinkle, 1515 East 71st Street, Suite 307, Tulsa, Oklahoma, 74136, who submitted a site plan (Exhibit "K-1"); a plot plan (Exhibit "K-2"); and a plat of survey (Exhibit "K-3"). Mr. Hinkle explained that the topography of the subject property, and the problems with the drainage have required his client to reduce the ground floor area for this particular lot. The subject property is part of an office-complex development. He informed that they met with the surrounding homeowners and discussed several concerns. There was a drainage problem on this particular lot, since it set higher than the immediate area, and drained to the southwest onto three abutting residential lots. The proposed building will allow them to cut the lot down, so that it will only be 2 1/2 feet taller than the abutting properties. Since they will be sacrificing ground floor area for drainage purposes, they are requesting they be allowed to utilize the additional space provided in the attic of the proposed structure. The roof is high-pitched and there is ample space to design limited office space in that area. It will not be an entire second story, but rather about 1/2 the floor area of the first floor. The proposed structure will only be 26 1/2' high.

Protestants: None

Comments and Questions:

Mr. Gardner referred to a similar case, which was heard by the Board in November, 1984. Both developers designed high-pitched roofs, which accommodated lost floor area displaced by topographical problems. Mr. Gardner stated that since Mr. Hinkle's client has lost ground floor area, he has to rearrange his building somehow to recover that loss and still provide necessary parking.

Interested Parties:

A letter was submitted from Rita Icenogle, 5140 South Marion, Tulsa, Oklahoma, listing several conditions agreed upon by the applicant and the abutting residents (Exhibit "K-4"). Ms. Icenogle was

Case No. 13449 (continued)

present. The conditions are as follows: (1) No windows will be installed in the rear or sides of the building; (2) Run-off will be adequately and properly handled to abutting properties; (3) There will be adequate parking provided for the second story addition; and (4) The second story will add no height to the original plans.

Mary Cottingham, 3805 51st Place, Tulsa, Oklahoma, objects to any windows on the back of the structure. She informed that the agreement made between the applicant and the abutting property owners limited the rear and sides of the building to no windows at all. Earlier in the presentation, she thought she heard discussion about windows on the rear first story. She is not a protestant, but wants to be sure that the agreement made will be adhered to.

Applicant's Rebuttal:

Mr. Hinkle informed that the plans submitted are the same plans presented at the homeowners' meeting. There will be a retaining wall and a screening fence between the windows on the rear of the building and the abutting residences.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to APPROVE a Special Exception (Section 630—Bulk and Area Requirements in the Office Districts—Under the provisions of Use Unit 1211) to allow 40 percent floor area ratio in an OL zoned district; and a Variance (Section 630—Bulk and Area Requirements in the Office Districts) to allow 1 1/2 stories in an OL district; finding a hardship demonstrated by the topography and hydrology of the lot; per plot plan and elevations submitted (no windows on the rear side of the top floor); on the following described property:

A tract of land that is part of the NW/4 of the NE/4 of the NW/4 of Section 33, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows to-wit: "Beginning at a point" on the northerly line of the NW/4 of the NE/4 of the NW/4 of said Section 33, said point being 505.00' easterly of the northwest corner thereof; thence S. 0°01'05" West and parallel to the westerly line of the NE/4 of the NW/4 for 175.00' to a point on the northerly line of "W.L. North Addition," an addition to Tulsa County, Oklahoma; thence S. 89°56'49" E., parallel to the northerly line of Section 33 and along the northerly line of "W.L. North Addition" for 155.00'; thence N. 0°01'05" East and parallel to the westerly line of the NW/4 of the NE/4 for 165.00' to a point on the northerly line of Section 33; thence N. 89°56'49" West along said northerly line for 155.00' to the "Point of Beginning" of said tract of land.

Case No. 13450

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1214—Request a variance of the .75 floor area ratio to permit an addition to an existing shopping center in an AG, OL an CG zoned district; and a

Variance—Section 1214.4—Off-Street Parking and Loading Requirements—Request a variance of the requirement that the open mall space be included in the computation of required parking spaces; and a

Variance—Section 1320(d)—Off-Street Parking and Loading Requirements—Request a variance of the requirement to locate parking spaces on the same lot containing the use, located on the NE/c of 71st and Memorial.

Presentation:

The applicant, Homart Development Company, et al., was represented by Attorney Roy Johnsen, 324 Main Mall, Suite 900, Tulsa, Oklahoma. Mr. Johnsen informed that Homart Development Company is the development subsidiary of Sears and Roebuck Company. He submitted a plot plan of Woodland Hills Mall (Exhibit "L-1"), as well as the revised plot plan approved on June 25, 1981 (Exhibit "L-2"), and explained that the mall property contains five parcels at the present time (i.e. Dillard's, Brown's, Sears, Sanger-Harris, and the leasable mall space). The latter parcel ties the other four parcels together. Previously this parcel has come before the Board for the same type of variances. Those applications were structured on the concept that the Zoning Code contemplates a "lot" and within that "lot" you must have enough zoning to permit the floor area ratio, and the off-street parking. In the mall situation, the parking requirements are met for the retail businesses that exist, but that does not include the open mall area. His clients are requesting that they be allowed to compute the required parking spaces without including the open mall area. Parking for the whole mall (excluding the open area and including the food area) will exceed the Code requirements by 250 spaces after the proposed expansion. Mr. Johnsen explained that Dillard's is proposing to add a third floor and will need a variance of the required off-street parking, since the individual parcels do not provide all their off-street parking on the lot of use. He submitted charts containing the floor areas of the existing buildings, as well as the floor area of the proposed addition to Dillard's (Exhibit "L-3"); and a parking analysis of the entire Woodland Hills Mall (Exhibit "L-4"). He explained that a hardship is imposed because the Code contemplates parking requirements per lot. This is a large tract with individual ownerships, which could allow the parking to be met on adjacent lots. Dillard's falls short of the required parking within their parcel, but the parking can be met on the entire parcel. A plat of survey was submitted (Exhibit "L-5").

Protestants: None

Case No. 13450 (continued)

Comments and Questions:

There was discussion about the plat of survey and the plot plan. Mr. Johnsen described them to the Board.

Mr. Victor clarified that the applicant proposes an 80,000 sq. ft. addition without adding any parking spaces. Mr. Johnsen reminded the Board that the mall exceeds the required off-street parking, including the proposed addition. The only variance is that the parking be permitted off the lot of use. He pointed out that Dillard's owns additional land for parking; however, they desire to complete the building addition before the parking is added. This additional parking will be a future project. Mr. Clugston added that the parking should be added before the next Christmas season, to which Mr. Johnsen replied that it would.

Mr. Gardner stated that if there were no individual ownerships, the parking provided would be more than adequate. However, since the land is divided into parcels, a hardship is imposed to the individual ownerships, in regard to parking.

There was discussion about the variance request to permit the .75 floor area ratio. Mr. Johnsen explained that variance does not apply to the Dillard's addition, but rather to the mall as a whole.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to APPROVE a Variance (Section 730—Bulk and Area Requirements in the Commercial Districts—Under the provisions of Use Unit 1214) of the .75 floor area ratio to permit an 80,000 sq. ft. addition to an existing shopping center in an AG, OL and CG zoned district; and a Variance (Section 1214.4—Off-Street Parking and Loading Requirements) of the requirement that the open mall space be included in the computation of parking spaces*; and a Variance (Section 1320(d)—Off-Street Parking and Loading Requirements) of the requirement to locate parking spaces on the same lot containing the use; finding that the multiple ownership lines constitute a hardship; per plans submitted; on the following described property:

Woodland Hills Mall Shopping Center, more particularly described as follows: All that part of the SW/4 of Section 1, Township 18 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to wit: Beginning at a point in the East boundary of said SW/4, 60.00 feet from the Southeast Corner thereof, thence due West parallel to and 60.00 feet from the South Boundary of said SW/4 a distance of 2308.95 feet to a point 330.00 feet from the West boundary of SW/4, thence N. 0°03'42" E., parallel to and 330.00 feet from the west boundary of said SW/4, a distance of 270.00 feet; thence due west parallel to

Case No. 13450 (continued)

and 330.00 feet from the south boundary of said SW/4 a distance of 270.00 feet to a point 50.00 feet from the west boundary of said SW/4; thence N. $0^{\circ}03'42''$ E. parallel to and 60.00 feet from the west boundary of said SW/4, a distance of 634.04 feet; thence S. $36^{\circ}48'30''$ E. a distance of 0.00 feet; thence on a curve to the left having a radius of 50.00 feet, a distance of 46.42 feet; thence due East a distance of 129.97 feet; thence on a curve to the left having a radius of 25.00 feet a distance of 39.24 feet; thence North $0^{\circ}03'42''$ East a distance of 154.59 feet; thence on a curve to the right having a radius of 175.00 feet, a distance of 186.51 feet; thence North $61^{\circ}07'30''$ East a distance of 569.65 feet; thence South $28^{\circ}52'30''$ East a distance of 48.00 feet; thence North $61^{\circ}07'30''$ East a distance of 106.51 feet; thence on a curve to the right having a radius of 152.00 feet a distance of 76.60 feet; thence due East a distance of 416.32 feet; thence North $0^{\circ}03'42''$ East a distance of 48.00 feet; thence due East a distance of 547.39 feet; thence on a curve to the right having a radius of 300.00 feet a distance of 236.06 feet; thence South $44^{\circ}54'55''$ East a distance of 310.65 feet to a point in the North boundary of the SE/4 of the SW/4, 209.97 feet from the Northeast corner thereof; thence North $89^{\circ}59'50''$ East along the North boundary of the SE/4, SW/4, a distance of 209.97 feet to the northeast corner of the SE/4, SW/4; thence South $0^{\circ}05'09''$ West along the East boundary of said SE/4 a distance of 1,259.84 feet to the point of beginning.

***Reaffirms previous approved variances excluding mall area from F.A.R. computations.**

Case No. 13451

Action Requested:

Variance—Section 240.2(e)—Permitted Yard Obstructions—Use Unit 1206—Request a variance of the 750 sq. ft. floor area to 995 sq. ft. to permit an addition to an existing accessory building in an RS-3 zoned district, located on the NW/c of 7th Street and Louisville.

Presentation:

The applicant, A. H. Sharp, 3621 East 7th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit "M-1") and a plat of survey (Exhibit "M-2") and explained that he is proposing to build an addition to a detached two-car garage. The addition will be made of the same building materials (i.e. eaves, siding, roof), and will be used to store tools. Since he retired from Douglas Aircraft eighteen months ago, his tools have been stolen twice. His insurance adjustor informed him that he will reconsider his insurance rates if he builds a secure place to lock the tools in. The tools stolen had a value of \$3,800.00. He does not intend to conduct a business from this building. It is for his personal use.

Case No. 13451 (continued)

Protestants: None

Comments and Questions:

Mr. Gardner informed that due to the size of the building, the Board should consider making a restrictive covenant a part of any motion for approval. (A restrictive covenant can restrict the use of such a building from business or residential uses).

Mr. Victor asked Mr. Sharp why he did not consider connecting his garage to his home with this addition. That would have made this application unnecessary. Mr. Sharp explained that a contractor designed the addition, and he did not question it.

Ms. Hubbard explained that you can have as many accessory buildings as you want in the side or rear yard, as long as the total square footage does not exceed 750 sq. ft. A permit is not required for an accessory building under 100 sq. ft.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to APPROVE a Variance (Section 240.2(e)—Permitted Yard Obstructions—Under the provisions of Use Unit 1206) of the 750 sq. ft. floor area to 995 sq. ft. to permit an addition to an existing accessory building in an RS-3 zoned district; finding that the applicant met the burden of proof to demonstrate a hardship; subject to a restrictive covenant being filed with the County Clerk's office stating that the accessory building cannot be used for business or commercial purposes; per plot plan submitted; on the following described property:

Lot 11, Block 3 of the Amended Plat of Lots 9, 10, 11 and 12, Block 3, Lots 7, 8, 9, 10, 11, and 12, Block 4, Lots 20-30, Block 5, Braden Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13452

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Industrial Districts—Use Unit 1225—Request a variance of the 80' setback from the centerline of East 58th Street to 70.8' to permit an existing building in an IL zoned district, located E. of the NE/c of Garnett and 58th Street.

Presentation:

The applicant, Lee Roy Smith, 5808 South 5th Street, Broken Arrow, Oklahoma, informed that he owns the subject tract and the building on the property. His building meets the standards of the Code (i.e. it is within the building setback requirements). There are other buildings on the street that set closer to the building setback than his building does. He presented pictures to the Board to verify that.

Case No. 13452 (continued)

Protestants: None

Comments and Questions:

Ms. Hubbard informed that she could see no reason the applicant should be before the Board. Mr. Gardner informed that existing building on the subject property is setting in front an established building setback line which is a part of the subdivision plat, but is not a zoning violation. The TMAPC has jurisdiction over the subdivision plat. His neighboring property owners in the addition could file a lawsuit against him, since he violates the plat, however, there are others which have gone unnoticed. He suggested that the Case be continued to allow time for the Staff to determine what legalities are involved in this violation.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to CONTINUE Case No. 13452 until February 7, 1985.

OTHER BUSINESS:

Case No. 11843

Action Requested:

Approval of Revised Site Plan for Case No. 11843.

Presentation:

The applicant, Life Christian Center, was represented by Pastor Guy Rowe, 5150 East 101st Street, Tulsa, Oklahoma. Mr. Rowe informed that on June 24, 1982 the Board of Adjustment approved a site plan for the Life Christian Center School located on 101st, just east of Yale Avenue. Several of the buildings have now been constructed on the site as approved, and they now wish to initiate the final phases of construction of the school to accommodate the maximum 800 student level for which the site was originally designed and approved. He submitted a site plan (Exhibit "N-1") and pictures of the existing structures (Exhibit "N-2"), and explained that they are in the middle of a lateral field, which consumes their open space and grass area (8,160 feet of lateral field). He described the site plan, indicating the buildings eliminated by the lateral field. They are proposing to increase the size of one of the buildings on the front of the property, to recapture some of the lost building square footage. They have designed the building as such, in order to save the maximum number of trees and still comply with the request of the adjacent neighbors that no parking be placed on the front of the property. The building will be 10' taller than the existing gym and will be a three-story classroom facility.

Protestants: None

Case No. 11843 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to APPROVE the revised site plan for Case No. 11843, finding that the proposed change does not violate the spirit and intent of the Board's approval action.

Case No. 11712

Action Requested:

Consideration of substitute plot plan for Case No. 11712.

Presentation:

The applicant was not present.

Protestants: None

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to CONTINUE Case No. 11712 until February 7, 1985.

SPECIAL ITEM:

Action Requested:

Building Inspector requests an interpretation in regard to where paper collection receptacles are permitted within the zoning code.

Presentation:

Ms. Hubbard informed that she was not ready to make a presentation at this time.

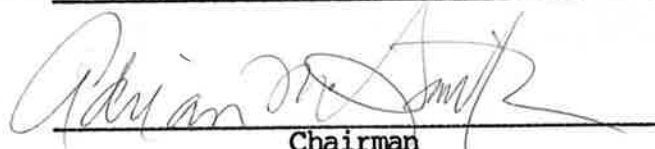
Board Action:

ACTING CHAIRMAN VICTOR CONTINUED this item until February 7, 1985.

There being no further business, the meeting was adjourned at 5:15 p.m.

Date Approved

7-7-85



Chairman

1.24.85:431 (27)

