

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 453
Thursday, December 5, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Clugston White Wilson		Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections Smith, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 3, 1985, at 12:10 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-2 (Bradley, Wilson, White, "aye"; no "nays"; Chappelle, Clugston, "abstaining"; none, "absent") to **APPROVE** the Minutes of November 21, 1985.

UNFINISHED BUSINESS

Case No. 13763

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213, 1214 - Request a variance of setback from the centerline of Yale Avenue from 110' to 100' and of the setback from the centerline of 32nd Street from 50' to 46'.

Variance - Section 1213.3(b); 1214.3(b) - Use Conditions - Request a variance of the required 6' screening fence.

Variance - Section 1213.4, 1214.4 - Off-Street Parking and Loading Requirements - Request a variance of the required 50 parking spaces to 49.

Variance - Section 208 - Structure Setback from Abutting Streets - Request a variance to allow off-street parking within the Major Street and Highway Plan, located on the NE/c of 32nd and Yale Avenue.

Presentation:

The applicant, Mike Austin, 5323 East 36th Street, Tulsa, Oklahoma, stated that he is proposing to build an office/retail center on the corner of 32nd and Yale. He asked the Board to allow parking in the

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Case No. 13763 (continued)

off-street area on Yale. Mr. Austin pointed out that the other businesses in the area use this space along the street for parking.

Comments and Questions:

Mr. Jones informed that the applicant was granted the first three variances listed above at the September 26, 1985 meeting and the parking within the Major Street and Highway Plan is the only issue to be considered at this time.

Ms. Bradley asked if there is a roadway on the east side of the property in question. Mr. Austin stated that there is a 25' roadway which is an access road.

Mr. Gardner asked the applicant to state the number of required parking spaces that are in the right-of-way. Mr. Austin replied that, in his estimation, approximately 8 or 10.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Wilson, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 208 - Structure Setback from Abutting Streets) to allow off street parking within the Major Street and Highway Plan; per plot plan submitted; finding that the remaining action requested was granted by the Board at the September 26, 1985 meeting; on the following described property:

Lot 4, Block 1, Yorkshire Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13843

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211 - Request for a use variance to maintain an office in an RS-1 district, located at 3230 East 31st Street.

Presentation:

The applicant, Michael Hilsabeck, requested by letter (Exhibit A-1) that Case No. 13843 be withdrawn.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Wilson, Clugston, "absent") to WITHDRAW Case No. 13843.

Case No. 13847

Action Requested:

Variance - Section - Bulk and Area Requirements In Residential Districts - Request a variance from the required 35' front yard setback, located at 3756 South Florence.

Presentation:

Mr. Jones informed that this case is advertised to be heard on December 19, 1985 and was erroneously placed on the December 5th agenda.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Wilson, Clugston, "absent") to **STRIKE** Case No. 13847.

NEW APPLICATIONS

Case No. 13851

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the required 55' setback from the centerline of Louisville to 51.4' to allow for existing house and to clear title on the front (south) portion of the house, located at 7025 South Louisville.

Presentation:

The applicant, Kathy Gorrell, was represented by Bill Stewart, 2405 East Skelly Drive, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit B-1). He explained that, during the process of obtaining financing, it was discovered that one end of the 16-year old house in question is encroaching 3.6' over the building line. Mr. Stewart asked the Board to grant the variance request in order to clear the title on the property.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Wilson, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of the required 55' setback from the centerline of Louisville to 51.4' to allow for an existing house and to clear title on the front (south) portion of the house; per plat of survey submitted; finding a hardship imposed on the applicant by the curvature of the street and the irregular shape of the lot; on the following described property:

Lot 8 and the south 4' of Lot 7, Block 3, Vienna Woods Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13852

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial District - Use Unit 1217 - Request a special exception to allow for existing boat sales in a CS zoned district.

Variance - Section 1217.3(b) - Use Conditions - Use Unit 1217 - Request a variance to allow outside storage of merchandise within 300' of an R district.

Variance - Section 1217.3(a) - Use Conditions - Use Unit 1217 - Request a variance of the screening requirements, 1104 East Skelly Drive, Tulsa, Oklahoma.

Presentation:

The applicant, Gll Scott, 4806 South 70th East Avenue, Tulsa, Oklahoma, submitted a site plan (Exhibit C-1) and explained that he rented an empty service station for his boat sales business and was not aware the property could not be used for this type of operation. He asked the Board to allow him to sell boats in the CS zoned district.

Comments and Questions:

Ms. Bradley asked the applicant to state what is located to the west of his business. Mr. Scott answered that a vacant lot is on the west and a vacant motel is behind the subject property.

Mr. Chappelle asked Mr. Scott how many boats are on the lot and he replied that there are 13 at the present time.

Mr. Gardner informed that the area to the south of the subject lot is zoned RM-2, which is an error and is being corrected. The back portion of the motel is zoned CS and was allowed to extend into that district. In 1970 the zoning line was not drawn properly and the map should have shown the back portion of the motel and the service station as CS. He pointed out that the only part that abutts residential is the southeast corner which is next to the RM-2 apartments. Mr. Gardner explained that, after the correction is made on the map, the applicant will not need the screening variance or the request for outside storage of merchandise.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Wilson, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial District - Use Unit 1217) to allow for existing boat sales only in a CS zoned district; to APPROVE a Variance (Section 1217.3(b) - Use Conditions - Use Unit 1217) to allow outside storage of merchandise within 300' of an R district; and to APPROVE a Variance (Section 1217.3(a) - Use Conditions - Use Unit 1217) of the screening requirements; finding

Case No. 13852 (continued)

that the granting of the special exception request would not be detrimental to the area and would be in harmony with the spirit of the Code and the Comprehensive Plan; finding that the 2 variance requests will no longer be needed after the mapping error is corrected; on the following described property:

A portion of the NE/c of the NE/4 of the NE/4 of Section 36, T-19-N, R-12-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows to-wit; Commencing at a point on the southerly right-of-way of the 51st Street Bypass, said point being 655' west of the NE/c of said section, and 100.36' south of the north boundary of said section, thence in a southeasterly direction along said right-of-way a distance of 150.58' to a point which is 113.68' south of the north boundary of said section, a distance of 143.34' to a point, thence west a distance of 150' to a point which is 257.02' south of the north boundary of said section, thence north and parallel to the east boundary of said section a distance of 156.66' to the southerly right-of-way of said Bypass and the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13853

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1215 - Request a special exception to allow a ceramic shop as a home occupation in an RS-3 zoned district, located at 3604 South 108th East Avenue.

Presentation:

The applicant, Pat Winans, 3604 South 108th East Avenue, Tulsa, Oklahoma, asked the Board to allow the operation of a small ceramic business in her home.

Comments and Questions:

Mr. Chappelle asked Ms. Winans to state the days and hours of operation for the ceramic shop. She replied that she will work in the shop from approximately 10 a.m. to 6 p.m., Tuesday thru Saturday.

Ms. Wilson inquired if classes are taught in the Winan home and she answered that she does not teach. She explained that she has greenware, paints, supplies and kilns for firing.

Ms. Bradley asked Ms. Winans if she sells her products and she answered that she sells greenware, paints and supplies.

Ms. White asked the applicant if she can operate within the Home Occupation Guidelines and she answered in the affirmative.

Case No. 13853 (continued)

Mr. Chappelle requested that Ms. Winans state the number of customers expected during an average day and she replied that there is 1 car coming to her house every 4 or 5 hours.

Ms. Wilson asked the applicant if she has a sign on her property and she answered that she does not. Ms. Winans explained that she did have a sign, but after she was cited by Code Enforcement it was removed.

Ms. Bradley voiced a concern that the ceramic business might grow and become a detriment to the neighborhood. Mr. Gardner pointed out that the Board should base its decision on the size of the operation at this time.

Mr. Chappelle submitted a letter and photographs (Exhibit D-1) from Code Enforcement.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Wilson, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1215) to allow a ceramic shop as a home occupation in an RS-3 zoned district; subject to the days and hours of operation being from 10 a.m. to 6 p.m., Tuesday thru Saturday; subject to no classes being conducted on the premises; subject to Home Occupation Guidelines; finding that the granting of the request will not be injurious to the neighborhood and that the level of the applicants operation meets the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 30, Block 8, Shannon Park 6th Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13854

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback to 0' to allow for an addition to an existing dwelling from the side yard, located at 616 West 13th Street.

Presentation:

The applicant, Tom Thixton, 1119 South Owasso, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and explained that the owner of the property in question is proposing to build a 1,000 sq. ft.

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Case No. 13854 (continued)

addition to an existing house. Mr. Thixton stated that the house was built in about 1925 and is encroaching on the setback approximately 3'. He asked the Board to allow the addition to line up with the existing structure.

Comments and Questions:

Ms. Bradley asked Mr. Thixton if the house will line up with the houses on Galveston and he answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Wilson, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback to 0' to allow for an addition to an existing dwelling from the side yard; per plot plan; finding a hardship imposed on the applicant by the corner lot location, with setbacks on 2 streets and finding that there are numerous setback encroachments in the older area; on the following described property:

Lot 12, Block 6, Childers Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13855

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential District - Use Unit 1205 - Request a special exception to allow an existing fraternal home (lodge) in an RS-3 district, located at 5226 East 41st Street North.

Presentation:

The applicant, H. Ed Terrell, 3141 South 76th East Avenue, Tulsa, Oklahoma, stated that the subject property is adjacent to the Mohawk Golf Course. He informed that his organization, Knights of Columbus, has been located on the 3-acre tract for approximately 4 years, but it was previously operated as the Moose Lodge.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Wilson, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential District - Use Unit 1205) to allow an existing fraternal home (lodge) in an RS-3 district; finding that the property has been used as a meeting place for similar organizations for several years and that the use is compatible with the neighborhood and in harmony with the Code and the Comprehensive Plan; on the following described property:

Case No. 13855 (continued)

E/2 of the N/2 of the NE/4 of the NW/4, SW/4, Section 15, T-20-N, R-13-E, Tulsa County, less and except east 147' of the south 120' of the NE/4, NW/4 of the SW/4, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13856

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of 4th Street to 36' to allow for an existing carport, located at 6116 East 4th Street.

Presentation:

The applicant, William Turner, 6116 East 4th Street, Tulsa, Oklahoma, submitted photographs (Exhibit F-1) of existing carports in the area. Mr. Turner asked that the Board allow an existing carport to remain on his property.

Protestants:

A letter of protest (Exhibit F-2) from neighbors to the west, Harold and Rene Butler, was submitted to the Board by Mr. Chappelle.

Comments and Questions:

Mr. Chappelle submitted a letter and photographs (Exhibit F-3) from Code Enforcement, stating that this department has received complaints about the Turner's carport.

Ms. Bradley asked Mr. Turner if his carport extends to the north further than other carports on the block. The applicant stated that it lines up with others in the block.

Ms. Wilson noted that the carport in question extends past the existing house and asked the applicant if he discussed its construction with his neighbors. Mr. Turner informed that the metal carport has been in place for approximately 5 years and his neighbor to the west lived there when it was built and there has not been a problem until recently.

Ms. Wilson pointed out that most of the carports in the area were, evidently, built without Building Permits.

Staff discussed the fact that contractors are erecting carports without acquiring a Building Permit. Ms. Wilson asked Ms. Hubbard and Mr. Smith to keep a record of applications and the contractors doing construction.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Wilson, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section

Case No. 13856 (continued)

430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of 4th Street to 36' to allow for an existing carport; finding that the carport has been in place for approximately 5 years and that there are many carports in the older area that encroach on the setback; on the following described property:

Lot 7, Block 3, Sheridan Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13857

Action Requested:

Variance - Section 420.2(a)(3) Accessory Use Conditions - Use Unit 1206 - Request a variance of required 3' setback to 1.5' for the side yard to allow for newly constructed carport, located at 1412 South Rockford.

Presentation:

The applicant, Elsa Forstner, 1410 South Rockford, Tulsa, Oklahoma, submitted a site plan (Exhibit G-1) and photographs (Exhibit G-2) explained to the Board that Allied Home Specialties, Inc. constructed a carport for her without acquiring a Building Permit. Ms. Forstner informed that she was not aware of this until she was cited by Code Enforcement and, at that time, found that the carport encroached 1 1/2' on the side yard setback.

Comments and Questions:

Ms. Bradley asked the applicant how long the carport has been in place and she answered that it was built in September of 1985.

Ms. Bradley asked Ms. Forstner if she shares the driveway with her neighbor and she answered in the affirmative.

A letter of support (Exhibit G-3) was submitted.

Protestants:

Paul Fielding, 1414 South Rockford, Tulsa, Oklahoma, stated that he is not opposed to the carport, but believes that what Ms. Forstner thinks is the property line is actually on his property.

Mr. Jackere pointed out to Mr. Fielding that the Board has the ability to approve 1.5' from the property line. He suggested to the protestant that if they do that and he contests the fact that this is closer than 1.5', he can supply that proof to Code Enforcement or file a lawsuit against the owner.

Applicant's Rebuttal:

Ms. Forstner informed that she had the property surveyed years ago and then erected the fence. She stated that the carport is 1.5' inside her property line.

Case No. 13857 (continued)

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Wilson, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 420.2(a)(3) - Accessory Use Conditions - Use Unit 1206) of required 3' setback to 1.5' for the side yard to allow for newly constructed carport; finding that there are other carports in the area and that the existing carport does not cause substantial detriment to the neighborhood; on the following described property:

Lot 3, Block 6, Bellview Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13858

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a day care center in an RS-2 zoned district, located at 1423 South Garnett Road.

Presentation:

The applicant, Drucilla Hampton, 1423 South Garnett Road, Tulsa, Oklahoma, submitted photographs (Exhibit H-1) and stated that she is proposing to open a day care center for infants only. She explained that she has a circle drive and has 5/8-acre of land which will supply adequate parking. Ms. Hampton informed that her hours of operation will be from 7 a.m. to 6 p.m.

Comments and Questions:

Mr. Chappelle asked the applicant how many days each week the center will be open. She replied that the center will be open from Monday thru Friday.

Ms. Bradley requested that the applicant state the number of children she expects to have enrolled. She replied that the house has approximately 2,400 sq. ft. of floor space and will service from 25 to 40 infants. The applicant stated that she lives in the home at the present time, but plans to move out and utilize the entire house for the day care center.

Mr. Chappelle asked if there will be exterior changes to the house and Ms. Hampton replied that the only changes will be the parking area in front of the house.

Ms. Bradley asked Staff if the house is located in a flood area. Mr. Jones stated that this is a Use Unit 5 and if approved by the Board will be subject to a plat and a review by Stormwater Management. Ms. Hampton informed that the property is in the flood plain and the City has bought the land behind her lot and a detention pond is planned.

Case No. 13858 (continued)

Mr. Gardner pointed out that the property is zoned RS-2, but the lots are large acreage size and are not subdivided into a typical subdivision.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-1-0 (Chappelle, Wilson, White, "aye"; Bradley, "nay"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a day care center in an RS-2 zoned district; per state license; subject to the day care operation being limited to the existing structure only; subject to the days and hours of operation being from 7 a.m. to 6 p.m., Monday thru Friday; subject to signage not to exceed 12 sq. ft.; on the following described property:

South 100' of Lot 6, Block 8, Elmhurst Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13859

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 11 - Requests a variance to exclude an enclosed atrium space from the computation of floor area for the purpose of determining the permitted floor area under applicable floor area ratio limitations for two office buildings within an OL zoning district pursuant to the terms and conditions of PUD No. 373. In the alternative, applicant requests an interpretation of the Zoning Code that enclosed atrium spaces, not a part of the occupied area of an office building, do not come within the limitations of applicable floor area ratio, located on the east side of Lewis Avenue, south of East 51st Street.

Presentation:

The applicant, Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit 1-1) and floor area calculations (Exhibit 1-2). He stated that the property in question is located on the east side of South Lewis and to the south of Fikes Shopping Center. Mr. Norman pointed out that 2 office buildings are joined at their corners by an atrium. When a detailed site plan was submitted to TMAPC it was discovered that the architects had not counted the atrium within the gross square footage of 93,500 sq. ft. and therefore, the maximum square footage exceeds the amount permitted by 6,837 sq. ft. Mr. Norman noted that the plans have been approved by TMAPC in all other respects, as conforming to the requirements of the PUD, and asked permission to deduct the atrium which will be open space and not occupied.

Case No. 13859 (continued)

Comments and Questions:

Ms. Bradley asked if there would be adequate parking if the atrium space is excluded. Mr. Norman replied that there will be enough parking for the occupied office space.

Mr. Chappelle submitted a letter of support (Exhibit 1-3) from the District 18 Planning Team.

Ms. Bradley asked Mr. Norman to address the hardship. He replied that the unique design of the building constitutes a hardship.

Board Action:

On MOTION of WHITE and SECOND by CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Wilson, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 11) to exclude an enclosed atrium space from the computation of floor area for the purpose of determining the permitted floor area under applicable floor area ratio limitations for two office buildings within an OL zoning district pursuant to the terms and conditions of PUD No. 373; per plot plan submitted; subject to the atrium not being occupied and reserved as open space only; on the following described property:

A tract of land being a part of the SW/4 of the NW/4 of the NW/4 and a part of the NW/4, of the NW/4, of the NW/4, Section 32, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, being described by metes and bounds as follows, to-wit: Commencing at the NW/c of Section 32, Township 19 North, Range 13 East, said point being the centerline of the intersection of East 51st Street South and South Lewis Avenue; thence South 0°08'35" west along the west line of Section 32 and the centerline of South Lewis Avenue a distance of 527.35' to the point of beginning; thence south 89°58'46" east a distance of 329.39' to a point on the west line of Lot 1, Block 1, Spanish Gardens Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence south 0°00'36" west along the west line of said Lot 1, Block 1, Spanish Gardens Addition a distance of 132.00' to the SW/c of said Lot 1, Block 1, Spanish Gardens Addition; thence south 89°58'45" east along the south line of Lot 1, Block 1, Spanish Gardens Addition a distance of 329.54' to a point, said point being the SE/c of Lot 1, Block 1, Spanish Gardens Addition and on the west line of the Resubdivision of Columbia Terrace 2nd Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, said point being on the centerline of East 52nd Street South; thence south 0°03'47" west along the west line of the Resubdivision of Columbia Terrace 2nd Addition, a distance of 329.75'; thence north 89°58'26" west a distance of 329.77'; thence north 0°08'35" east a distance of 81.00'; thence north 89°58'26" west a distance of 329.77' to a point on the west line of Section 32, Township 19 North, Range 13 East; thence north 0°08'35" east along the west line of said section and the centerline of South Lewis Avenue a distance of 380.69' to the point of beginning, and containing 234,164.91 sq. ft. or 5.376 acres, more or less.

Case No. 13860

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217 and 1206 - Request a special exception to construct a single-family dwelling in a CH zoned district in conjunction with a mini-storage facility, located at 135 South Memorial.

Presentation:

The applicant, James Wilson, was not present.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Wilson, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 13860 to December 19, 1985.

Case No. 13861

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 25 - Request a special exception to allow a light industrial use in a CH zoned district, located on the NW/c of 36th Street North and Hartford Avenue.

Presentation:

The applicant, Dave Hall, 5438 East 25th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit J-1) and photographs (Exhibit J-2) and stated that he is representing the owners of the property in question, which was formerly the Northland Shopping Center and is now the Panoramic Business Center. Mr. Hall informed that the center is located on 22 acres of land and covers 130,000 sq. ft., of which approximately 60% is occupied. He asked that the Board allow light industrial businesses, such as machine shops, light fabrication assembly and similar uses, which are compatible with the CH zoning. The applicant stated that one of the owners of the center also owns 4 of the residential lots to the west and 2 houses to the northeast of the subject property.

Comments and Questions:

Ms. Wilson stated that she has been told that the new owner would only manufacture large TV screens, and asked if there would be multiple uses at the center. Mr. Hall replied that there are several uses in the center at this time, one of which is manufacturing of large TV screens (Exhibit J-3).

Protestants:

Maxine Johnson, 345 East 36th Place North, Tulsa, Oklahoma, stated that she is concerned about the types of businesses that would be located in the center. Ms. Johnson pointed out that she would like to know whether chemicals would be used in the center and, if so, what method would be used for their disposal.

Mr. Hall noted that no objectionable odors, smoke, heat, noise or vibration will be permitted. He pointed out that any chemical waste will have to be disposed of according to regulations. Mr. Hall

Case No. 13861 (continued)

stated that the businesses that are proposed for the center are electronic assembly, small fabrication, welding, machine shop and large TV screen production. He pointed out that the intent is to revitalize the area and that it would be counterproductive to allow an offensive business to locate in the center.

Interested Parties:

Maven Thompson, 342 East 36th Place North, Tulsa, Oklahoma, stated that he is pleased to see the empty buildings being filled. He asked Mr. Hall to state the hours of operation for the businesses in the center. Mr. Hall replied that he could not answer this question since it has not been determined exactly what businesses will be located there.

Harvey Anderson, 2720 North Cheyenne, Tulsa, Oklahoma, informed that he owns 7 lots on Garrison, which is north of the center, and is concerned if the club that is operating there will remain. Mr. Hall answered that the long range plans are to make the center entirely industrial; however, the center is partially empty and there are no plans to close any existing businesses. Mr. Chappelle asked Mr. Anderson if he is opposed to the light industry and he answered that he is supportive of the project.

Pete McCrory, 2822 East 90th Street, Tulsa, Oklahoma, represented Faith Christian Fellowship Church, which is located to the east of the center. He stated that the main concern of the church is that restrictions be placed on whatever is located in the center, so that it is maintained and looks acceptable.

Applicant's Rebuttal:

Mr. Hall pointed out that the owners are planning to upgrade the center and it is their intention to better the community.

Additional Comments:

The Board discussed screening and hours of operation for the businesses. Ms. Bradley pointed out to the applicant that he has the option to apply for rezoning.

Board Action:

Ms. Bradley's motion for approval, subject to screening on the north and west, hours of operation being from 8 a.m. to 6 p.m. and no outside storage, died for lack of a second.

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-1-0 (Chappelle, Wilson, White, "aye"; Bradley, "nay"; no, "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 25) to allow a light industrial use in a CH zoned district; subject to the subject property being screened on the north and west; finding that the granting of the special exception request will not be injurious to the neighborhood and does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 13861 (continued)

A tract of land being a part of Block 1, Northland Center, to the City of Tulsa, Tulsa, County, Oklahoma;; more particularly described as follow, to-wit: Commencing at the SW/c of Block 1, Northland Center, to the City of Tulsa. Thence N 0°05'18" E along the west line of Block 1 for a distance of 486.72' to the true Point of Beginning. Thence continuing N 0°05'18" E along said west line for a distance of 143.28' to the NW/c thereof. Thence N 79°36'40" E for a distance of 475'. Thence N 60°46'12" E for a distance of 284'. Thence S 53°27'34" E for a distance of 226.73'. Thence in a southwesterly direction on a curve to the right having a radius of 394.79' for a length of 33.96'. Thence S 53°48'13" E for a distance of 134.39' to a point of curvature. Thence on a curve to the left having a radius of 201.35', a central angle of 36°11'47" for a length of 127.20'. Thence east for a distance of 150.32' to a point on a curve. Thence in a southerly direction along the east line of Block 1 on a curve to the left having a radius of 1960 feet for a length of 80.77'. Thence S 89°49'42" W for a distance of 1248.36' to the Point of Beginning.

Beginning at a point on the south line of Block 1, that is 120.82' S 89°50'13" W of the SE/c of Block 1. Thence continuing S 89°50'13" W along the south line of Block 1 a distance of 1146.35' to the SE/c of Block 1. Thence N 0°05'18" E along the west line of Block 1 a distance of 486.72'. Thence N 89°49'42" E a distance of 1248.36' to a point on a curve and the east line of Block 1. Thence in a southerly direction along the east line of Block 1 on a curve to the left having a central angle of 4°15'23", a radius of 1960', and a length of 145.60' to a point of tangency. Thence S 03°31'17" E a distance of 95.05' to a point of curve to the right having a central angle of 1°37', a radius of 4701.54', and a length of 132.65'. Thence S 89°51'01" W a distance of 118.74'. Thence S 0°09'47" E a distance of 114' to the point of beginning. Containing 13.74 acres, more or less.

Beginning at the SE/c of Block 1, Northland Center to the City of Tulsa. Thence S 89°50'13" W along the south line of Block 1, a distance of 120.82'. Thence N 0°09'47" W a distance of 114.0'. Thence N 89°51'01" E a distance of 118.74' to a point on a curve and the east line of Block 1. Thence in a southerly direction on a 1°13'07" curve to the right having a radius of 4701.54' and a length of 114.0' to the point of beginning. Containing 0.31 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13862

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 15 - Request a special exception to allow general merchandising of billiard equipment in a CS zoned district.

Variance - Section 1215.4 Off-Street Parking and Loading Requirements - Request a variance of parking space requirement from 32 to 30.

Variance - 730 - Bulk and Area Requirements in the Commercial Districts - Request a variance of building setback from 38' to 15' on the south and from 38' to 25' on the east, located at 1237 South Memorial Drive.

It was pointed out by Mr. Jones that the applicant will need additional relief, which is a variance of the screening requirement on the south and east boundaries. He suggested that, if the Board is inclined to approve the present application, the balance of the application be continued in order that it can be advertised and appear on the December 19, 1985 agenda.

Presentation:

The applicant, Karen Vanschoyck, was represented by Henry Daubert, Mansur-Daubert-Strella, Inc., 1648 South Boston, Tulsa, Oklahoma, who submitted a plot plan (Exhibit K-1) and photographs (Exhibit K-2). He explained that the need for parking spaces from 32 to 30 should not create a parking problem since the business is primarily a wholesale and service operation and very little retail is involved. He informed that the company would sell and service coin operated billiard tables and game machines. Mr. Daubert pointed out that the owner of the subject property is also the owner of the lot to the east and plans to improve and move in the house on this lot; therefore the setback on this property would not be a problem. He noted that there is vacant land to the south of the subject tract and that the owners of the property have been working with Stormwater Management through the development of the project and will meet any requirements imposed by this office.

Comments and Questions:

Ruben Haye, Stormwater Management Department, stated that his office has been reviewing this project with Mr. Daubert and his firm for several months and pointed out that, when the Building Permit is finally approved, it will meet all of the conditions that are necessary. He informed that on-site detention will be required to offset any increase in water runoff.

Ms. Bradley asked Mr. Haye to state the size and location of the detention pond. He replied that it will probably be located to the rear of the building, but could be located under the building if it is elevated on piers. He informed that the size of the pond has not been calculated at this time.

Case No. 13862 (continued)

Ms. Bradley asked Mr. Haye if there is an ordinance that prohibits building in the floodplain. He informed that it is permissible to build in the floodplain, but there are many conditions that must be met.

Ms. Wilson asked Mr. Haye if the building in question needs to be built up on piers to prevent flooding or does it need to be built up in order to place a detention pond underneath.

Mr. Haye replied that Stormwater Management does not set the size of the building, but when the plans are submitted they are routed to his office if there is a problem with water runoff. He informed that there was a problem with the original plans and they were denied, but this plan to put the building on stilts removes many of these problems.

Ms. Hubbard pointed out that if the building is built on piers, the setback requirements may change.

Protestants:

Catherine Shanks, 8525 East 12th Street, Tulsa, Oklahoma, stated that she has lived down stream from the subject property for 25 years and disagrees with Stormwater Management's statement that this building will not add to the water problem in the area. She asked the Board to deny any building along the creek.

Mr. Propst, 1243 South 83rd East Avenue, Tulsa, Oklahoma, pointed out that any paving in the area will cause added flooding. He asked the Board to deny further construction along the creek. Mr. Propst explained that the bridge on Memorial is clogged with debris and the water runs over the street during heavy rains. Photographs were submitted (Exhibit K-2).

Michael Herridge, 1236 South 83rd East Avenue, Tulsa, Oklahoma, asked Mr. Haye to state his appraisal of the condition of the bridge across Jones Creek at Memorial Drive. Mr. Haye replied that the creek is not large enough to carry the 100 year stormwater runoff and that is why there is a designated flood plain. The boxes under Memorial, by today's standard, are not large enough to convey the 100 year runoff, therefore, water runs over the bridge at this point. Mr. Haye stated that silt has built up under many bridges in the City.

Mr. Jackere asked, if the silt is not removed and the creek is not large enough to convey the runoff, if it is the criteria of Stormwater Management that the construction of the building will increase the runoff at the site in question. Mr. Haye answered that the water runoff will not be increased.

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Case No. 13862 (continued)

Mr. Herridge pointed that the proposed detention pond will be on his rear property line. He stated that he bought his property in 1980 and it was not in the floodplain at that time, but as of this date his lot is in a Class A flood zone. He asked the Board to deny the request.

Applicant's Rebuttal:

Mr. Daubert informed that the building location is in the flood plain, but is not in the floodway. He pointed out that building is prohibited in the floodway. Mr. Daubert pointed out that the building may be built on piers to prevent blockage of any floodwater that might flow through the area. He stated that the building will contain 17,000 sq. ft. and the paved area will be less than 1/2 acre. It was noted by Mr. Daubert that there are 2 upstream detention facilities planned on Jones Creek.

Ms. Wilson asked if the existing parking lot is gravel and Mr. Daubert answered in the affirmative.

Mr. Chappelle pointed out that the Board will have to rely on the determination of Stormwater Management to assure the community that the water problem will not increase in the area.

Mr. Gardner stated that the building can not be taller than 29' or it will not meet the setbacks. He pointed out that there were no building controls prior to 1978 and everything that was built prior to that time compounded the drainage problem for the people along the creek today. Now there are requirements to be met and the developers are required to abide by guidelines which will prevent further water runoff problems to the south.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-1 (Bradley, Chappelle, Wilson, White, "aye"; no "nays"; Clugston, "abstaining"; none, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 15) to allow general merchandising of billiard equipment in a CS zoned district; and to **APPROVE** a **Variance** (Section 1215.4 Off-Street Parking and Loading Requirements) of parking space requirement from 32 to 30; and to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in the Commercial Districts) of building setback from 38' to 15' on the south and from 38' to 25' on the east; subject to Stormwater Management and Hydrology approval; and continue the application to allow for additional relief; on the following described property:

Lot 4, Block 3, Forrest Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13868 (continued)

A tract or parcel of land lying in the NW/4 of Section 27, T-19-N, R-13-E of the Indian Base and Meridian in Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described by metes and bounds as follows: Beginning at a point that is 1680' east of the NW/c of said Section 27, said beginning point being in the center line of East 41st Street, and said beginning point being 180' east of the center line of Darlington Avenue; thence south 89°58'18" east along the north line of Section 27 and along the center line of East 41st Street, a distance of 770' to the west R.O.W. line of Fulton Avenue, being point for corner; thence south along the west R.O.W. line of Fulton Avenue a distance of 339.53' to the north R.O.W. line of East 42nd Street, being point for corner; thence due west along the north R.O.W. line of East 42nd Street, a distance of 770.00' to point for corner; thence north along a line parallel to the west line of Section 27, a distance of 339.91' to place of beginning.

There being no further business, the meeting adjourned at 5:35 p.m.

Date Approved 12-19-85


Chairman

12.05.85:453(27)

