

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 465
Thursday, May 15, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman White		Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 13, 1986, at 1:22 p.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 1:00 p.m.

MINUTES:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Wilson, "absent") to APPROVE the Minutes of May 1, 1986.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14064

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the front yard setback from 30' to 28' in order to permit an existing structure, located at 3507 East 74th Street.

Presentation:

The applicant, Robert VonRhee, 3507 East 74th Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit A-1) and stated that he is trying to sell his home which was constructed over the setback boundary in 1968. He asked the Board to grant the variance request in order to clear the title.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Minor Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the front yard setback from 30' to 28' in order to permit an existing structure; per survey submitted; finding that the house was constructed over the building line in 1968 and is in alignment with the surrounding homes; on the following described property:

5.15.86:465(1)

Case No. 14064 (continued)

Lot 3, Block 2, Denwood Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14047

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RS-1 zoned district.

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements - Request a variance to waive the 1 year time limit to 3 years.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request a variance to permit one dwelling and a portion of another on one lot of record, located on the SW/c of 14th and 173rd East Avenue.

Presentation:

The applicant, Frank Barber, 2743 South 94th East Avenue, Tulsa, Oklahoma, asked the Board to allow him to place a mobile home at the above stated location for a period of 3 years. Mr. Barber explained that he plans to retire in 3 years and will be moving to another part of the state.

Comments and Questions:

Ms. White asked the applicant what portion of the tract is specified for the location of the mobile home. Mr. Barber stated that he does not have a plot plan to present to the Board.

Elbert Grattopp, 1410 South 173rd East Avenue, Tulsa, Oklahoma, informed that he is the owner of the property in question and that his house is 12' over the property line of the lot in this application. He stated that the mobile home will be located on the west boundary of this tract.

Ms. White asked if there are other mobile homes in the area and Mr. Barber replied that there is one approximately 1/2 block to the west of the proposed location.

Ms. White inquired if the trailer would be on a sewer and Mr. Barber replied that it would be hooked up to a septic system.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal

Case No. 14047 (continued)

Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS-1 zoned district; to APPROVE a Variance (Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements) to waive the 1 year time limit to 3 years; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling per Lot of Record) to permit one dwelling and a portion of another on one lot of record; subject to Health Department approval and execution of a Removal Bond; finding that there are other mobile homes in the area and finding a hardship demonstrated by the size of the tract; on the following described property:

North 165' of Lot 4, Block 9, Lynn Lane Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14048

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 17 or 23 - Request a use variance to permit an existing trash truck maintenance business in an RS-3 zoned district, located at 1402 East 56th Street North.

Presentation:

The applicant, Glenn Haynes, 6308 West 36th Street, Tulsa, Oklahoma, stated that he is the owner of the buildings located at the above stated address and asked that Andy's Trash Service be allowed to continue to use the property as a maintenance shop, office and storage area for steel trash containers. Mr. Haynes informed that the business has been operating at the present location for 2 years and that it is a one man operation, with 1 trash truck and 1 spare truck. Mr. Haynes informed that the building has 2,600 sq. ft. of usable space and is located on the west 2 1/2 acres of a 4-acre tract, with a house located on the remaining 1 1/2 acres. The applicant informed that an 80-acre pasture is north of the subject tract, commercial buildings to the west and houses to the north (fronting on 54th Street North). He stated that the subject property was open land outside the City limits in 1949, in 1950 a shop was constructed on the lot, in 1957 a steel fabricating business operated on the land, in 1967 the property was annexed to the City and the Board granted permission for the business that was operating on the property at that time to continue.

Joe Shellnight, 503 East 3rd Street, Owasso, Oklahoma, stated that he is the owner of the land in question and owner of the rent house on the property, while Mr. Haynes owns the building that houses the trash service. He pointed out that the surrounding homes are on 2 1/2-acre tracts which are deep and are not close to the maintenance building.

Case No. 14048 (continued)

Comments and Questions:

Mr. Jackere asked the applicant to describe in detail what is involved in a trash truck maintenance business.

Mr. Haynes informed that the trash service has an office on the premises, maintenance is performed inside the building, and trash containers and 1 truck are stored outside.

Mr. Jackere asked the applicant how many trash containers are stored on the property and Mr. Haynes replied that he is not sure.

Mr. Jackere inquired if the trucks are washed out on the property and the applicant stated that he does not know.

Ms. White asked Mr. Haynes to state the days and hours of operation for the business. The applicant informed that the business operates 6 days each week and the owner probably starts on his route about 3 a.m.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 17 or 23) to permit an existing trash truck maintenance business in an RS-3 zoned district; finding that a trash truck maintenance business would not be in harmony with the neighborhood or the Code and the Comprehensive Plan; on the following described property:

Lot 9, Block 2, Grimes Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14049

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from 50' to 34' to allow for the construction of a garage, located on the SE/c of 32nd Street and South Irvington Avenue.

Presentation:

The applicant, Ms. John Duchan, 3201 E. 32nd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1) and requested permission to construct an attached garage on an existing house.

Comments and Questions:

Ms. Bradley asked the applicant if the garage will protrude farther toward the street than other buildings along the street. Ms. Duchan replied that she thinks it will be closer to the street than the surrounding houses.

Case No. 14049 (continued)

Ms. Duchan pointed out that it is not feasible to place the garage at any other location on the lot and that there is a garage across the street which is closer to the centerline than the one that is proposed.

Mr. Gardner informed that the ordinance changed in 1970 and a front setback from both streets was required. He pointed out that, prior to that time, 32nd Street was a side yard and construction was permitted much closer to the street.

Ms. Hubbard informed that platting probably took place prior to 1970 and that the variance request should actually be from 35' to 34', since the side yard setback at that time would have been 35'.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from 50' to 34' to allow for the construction of a garage; per plot plan submitted; finding that platting occurred prior to 1970 when a lesser side yard setback was required and finding a hardship imposed on the applicant by the corner lot location and front setbacks from both Irvington Avenue and 32nd Street; on the following described property:

Lot 13, Block 4, Lorraine Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14050

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Street - Use Unit 1221 - Request a variance of the setback from the centerline of 21st Street from 60' to 34' to allow an identification sign in an RM-2 District, located at 2552 East 21st Street.

Presentation:

The applicant, Georgian Court Nursing Home, was represented by Kenneth Brown, 2552 East 21st Street, Tulsa Oklahoma, who submitted a sign plan (Exhibit C-1). He explained that the front yard of the nursing home is a very small area and if the sign is installed according to the required setback it will be located inside the building. Mr. Brown stated that the facility has no other identification sign on the property and, due to landscaping protruding toward the street and a concrete wall on the west, a sign would not be visible if placed close to the building.

Protestants: None.

Case No. 14050 (continued)

Comments and Questions:

Mr. Chappelle asked the applicant if he plans to remove the existing sign and Mr. Brown replied that the nursing home does not have a sign in place at this time.

Ms. Bradley asked where the sign will be located on the property and Mr. Brown replied that it will be installed on the east side of the front lawn.

Ms. Bradley asked Mr. Brown if there are other signs in the area that are as close to the street as the sign in question and he replied that there are several.

Mr. Gardner pointed out that, at the time of construction, the facility was permitted to develop within 10' of their north property line, while newly developed properties have been required to dedicate additional right-of-way and are set back farther from the street.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Street - Use Unit 1221) of the setback from the centerline of 21st Street from 60' to 34' to allow an identification sign in an RM-2 District; per sign plan submitted; subject to the execution of a Removal Contract and subject to 1 sign only for the use; on the following described property:

East 189' of Lot 29, Harters Second Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14051

Action Requested:

Variance - Section 1211.4 - Off-Street Parking and Loading Requirements - Request a variance of the required parking spaces from 1 space/300 sq. ft. to 1 space/400 sq. ft., located East of East 49th Street South and South Harvard Avenue.

Presentation:

The applicant, Paul Baker, Jr., 4815 South Harvard, Suite 510, Tulsa, Oklahoma, submitted a plat of survey (Exhibit E-1), a copy of the Certificate of Occupancy and a Building Permit (Exhibit E-2). He stated that the building in question was constructed 18 years ago. Mr. Baker explained that on April 25, 1986 he applied for a zoning clearance permit and the City cited the parking spaces for the building as nonconforming. He pointed out that there were no parking requirements in effect until July 1, 1970. Mr. Baker informed that there are approximately 42 parking spaces that exist

on the City right-of-way and cannot be counted in the parking requirements for the project. He pointed out that there were no parking requirements when the building was constructed and asked the Board to allow 1 space for each 400 sq. ft., which would allow the building to have the required amount of parking spaces at this time.

Comments and Questions:

Mr. Chappelle asked Mr. Baker if the total number of parking spaces is 274, including those in the right-of-way and he answered in the affirmative.

Ms. Bradley asked Mr. Baker to state the use of the building in question and he informed that it is used as a commercial office building.

Mr. Jackere stated that he is advised by the Building Inspector that 271 spaces are required and the applicant has 274. Mr. Baker informed that, according to Code, he can only count those parking spaces that exist within the property line.

Ms. White asked the applicant if he plans to change any of the office space to retail use and he replied that there is approximately 10,000 sq. ft. of retail on the north side of the building, which has been there since its construction, and the remainder will continue to be office space.

Mr. Gardner pointed out that the building met the parking requirements until the ordinance was changed in 1980; however, no additional floor area (construction) should be permitted.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Variance (Section 1211.4 - Off-Street Parking and Loading Requirements) of the required parking spaces from 1 space/300 sq. ft. to 1 space/400 sq. ft.; per survey submitted; subject to 274 parking spaces being retained; subject to no new buildings being constructed; subject to no change being made in the office and retail mix; finding a hardship demonstrated by the fact that the building was constructed in 1968 under the old ordinance; on the following described property:

Lots 1 and 2, Patrick Henry Village, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, except a tract described as follows: Beginning at the SE/c of said Lot 1; thence west 140'; thence northeasterly 197' to the easterly boundary line of said Lot 1 at a point 11' south of the NE/c of said Lot 1; thence south 139' to the point of beginning, AND

Case No. 14051 (continued)

All that part of the SE/4, NW/4, SW/4, SW/4 of Section 28, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit: Beginning at the NW/c of the SE/4, NW/4, SW/4, SW/4; thence S 89°59'42" E along the north boundary line of the SE/4, NW/4, SW/4, SW/4 a distance of 91.12' to a point, said point being the SW/c of Lot 3 of Patrick Henry Village, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence S 17°05'40" W a distance of 151.28'; thence S 45°09'45" W a distance of 65.38' to a point in the west line of the SE/4, NW/4, SW/4, SW/4; said point being in the east boundary of said Lot 1; thence N 0°05'24" W along the east line of Lots 1 and 2 of said Patrick Henry Village and along the west boundary of the SE/4, NW/4, SW/4, SW/4 a distance of 190.70' to the point of beginning; containing 174,137 sq. ft. or 3.99764 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14052

Action Requested:

Use Variance - Section 410/910 - Principal Uses Permitted in Residential/Industrial Districts - Use Unit 1209 - Request a use variance to allow a mobile home as residence in association with the School Property for security purposes, located at 9315 East 46th Street North.

Presentation:

The applicant, Mingo Public School, was represented by Bill Snodgrass, 4588 North Mingo, Tulsa, Oklahoma, who submitted a plot plan (Exhibit F-1) and explained that the mobile home is needed for security purposes. He informed that the Airport Authority owns undeveloped land to the north and west of the school, on the south is 46th Street and 4 residences are located to the east of the subject property. Mr. Snodgrass informed that the mobile home will be located behind the school.

Comments and Questions:

Mr. Gardner informed that the west lot is zoned IL and the east lot is zoned residential and asked which of the lots the mobile will be located on. Mr. Snodgrass replied that a part of the mobile will be located on both of the lots.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to **APPROVE** a **Use Variance** (Section 410/910 - Principal Uses Permitted in Residential/Industrial Districts - Use Unit 1209) to allow a mobile home as residence in association with the School Property for security purposes; per plot plan submitted; finding a hardship demonstrated by the mixed zoning on the tract; on the following described property:

5.15.86:465(8)

Case No. 14052 (continued)

Lots 12 and 13, Mingo Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14053

Action Requested:

Special Exception - Section 240.2(c) - Permitted Yard Obstructions - Request a special exception to allow an existing 6' front yard fence, located at 3701 South Louisville, Tulsa, Oklahoma.

Comments and Questions:

Mr. Jackere informed that Code Enforcement has measured the distance from the centerline of the street to the fence in question and found it to be 53', which requires no relief

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to STRIKE Case No. 14053.

Case No. 14054

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to permit the construction of a boat house, boat storage building, ramp, dock and related facilities on premises subleased from the Tulsa River Parks Authority in an AG zoned district, located at downtown River Park area.

Presentation:

The applicant, Jacqueline O'Neill, 320 South Boston, Tulsa, Oklahoma, requested by letter (Exhibit G-1) that Case No. 14054 be continued until June 12, 1986, to allow additional time for discussion with area property owners.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to CONTINUE Case No. 14054 to June 12, 1986.

Case No. 14055

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception to allow office use in an RM-2 zoned district, located at 1709 South Carson, north of the NE/c of 17th Place and Carson.

Case No. 14055 (continued)

Comments and Questions:

Mr. Jones informed that a letter (Exhibit H-1) requesting withdrawal of the application was received from the applicant, Beverly Carson.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to WITHDRAW Case No. 14055.

Case No. 14056

Action Requested:

Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Use Unit 1211 - Request a special exception modifying the screening requirements, located on the NE/c of 51st Street and Columbia Place.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted photographs (Exhibit I-1) and explained that the office complex in question is abutted on the west and east with apartment projects. Mr. Johnsen stated that the apartment owners to the west prefer landscaping instead of the required screening fence and the owners to the east request that the existing wrought iron fence be left in place.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a **Special Exception** (Section 250.3 - Modification of the Screening Wall or Fence Requirements - Use Unit 1211) modifying the screening requirements; subject to landscaping being installed and maintained for screening; on the following described property:

A tract of land, containing 0.4408 acres, that is part of Lot 11, Block 3, Villa Grove Subdivision, City of Tulsa, Tulsa County, State of Oklahoma, and also part of existing Columbia

Case No. 14056 (continued)

Place, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the SW/c of said Lot 11; thence N 0°10'52" E along the westerly line of Lot 11 for 15.00'; thence due west for 25.00' to a point in the centerline of Columbia Place; thence N 0°10'52" E along the centerline of Columbia Place for 167.00' to a point on the southerly right-of-way line of Interstate 44; thence N 62°33'51" E along said southerly right-of-way line for 28.21' to a point in the westerly line of Lot 11; thence N 85°07'53" E along said right-of-way line for 75.29'; thence S 0°10'52" W for 201.39' to a point on the southerly line of Lot 11; thence due west along the southerly line of Lot 11 for 75.00' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14057

Action Requested:

Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Request a special exception to remove the screening requirement in an RS-3/IL pending zoned district from an RS district.

Variance - Section 1340.d - Design Standards for Off-Street Parking Areas - Request a variance of the required all-weather surface for parking, located on the SE/c of 56th Street and 107th East Avenue.

Presentation:

The applicant, Floyd Ashley, 5905 East 30th Street, Tulsa, Oklahoma, stated that his business stores used railroad ties and building materials on a gravel surface. Mr. Ashley asked the Board to allow this storage and customer parking on the gravel.

Protestants: None.

Comments and Questions:

Mr. Gardner informed that the property in question was recently zoned Industrial and at that time would have been required to have a hard surface for the parking area.

Ms. White asked how many people are parking at the location and Mr. Ashley replied that 6 or 7 people are coming and going on the site.

Mr. Chappelle informed that a letter of opposition (Exhibit J-1) to the application was received from the District 18 Planning Team.

Case No. 14057 (continued)

Mr. Ashley informed that the property to the north and east of the property in question is zoned industrial and the land to the south and west is zoned residential.

Mr. Gardner pointed out that a screening fence would be required on the west and on the south, but this area will be zoned industrial in the future.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Special Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement in an RS-3/IL pending zoned district from an RS district; and to DENY a Variance (Section 1340.d - Design Standards for Off-Street Parking Areas) of the required all-weather surface for parking; finding that the subject tract is zoned industrial, pending a floodway determination; and finding no hardship demonstrated by the applicant that would justify the granting of the variance request; on the following described property:

Lots 1 and 2, Block 1, Golden Valley Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14058

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to allow an existing double wide mobile home on a foundation in an RS-3 zoned district.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request a variance of the 1-year time limitation for a mobile home to permanently, located north of the NE/c of 45th Street and South Waco.

Presentation:

The applicant, Gayle Nobles, 4347 South Waco, Tulsa, Oklahoma, submitted a photo (Exhibit K-1) of her mobile home and asked the Board to allow it to be located permanently at the above stated address.

Case No. 14058 (continued)

Comments and Questions:

Ms. Bradley asked the applicant if she lives in the mobile home and Ms. Nobles answered in the affirmative.

Ms. Bradley inquired if there are other mobile homes in the area and the applicant replied that there are several in the neighborhood.

Mr. Gardner asked Ms. Nobles how her double wide mobile compares with the homes in the area and she replied that the frame houses are smaller and not as nice as her mobile home.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow an existing double wide mobile home on a foundation in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440.6 - Special Exception Uses in Residential Districts, Requirements) of the 1-year time limitation for a mobile home to permanently; finding that there are other mobile homes in the area and that the mobile home in question is permanent and comparable to, or larger than, the houses in the neighborhood; on the following described property:

Lot 18 and 19, Block 2, Hilldale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14059

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Request a special exception to allow a restaurant in an IL zoned district, located east of the NE/c of U. S. 169 and East Marshall.

Presentation:

The applicant, Vincent Witt, 2105 East Admiral Boulevard, Tulsa, Oklahoma, submitted photographs (Exhibit L-2), a location map and petition of support (Exhibit L-1), and asked permission to operate a small restaurant in an Industrial area.

Comments and Questions:

Ms. White asked the applicant to state the days and hours of operation for the cafe and Mr. Witt informed that he will serve lunch only at this time, but may plan to stay open longer if the public demands it.

Case No. 14059 (continued)

Ms. Bradley asked Mr. Witt if he is renting space for the restaurant and he answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Special Exception (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1212) to allow a restaurant in an IL zoned district; subject to days and hours of operation being Monday through Friday, 6 a.m. to 7 p.m.; finding that the restaurant will be compatible with the industrial area and the granting of the special exception request will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 2, Block 3, Interchange Business Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14060

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1202 - Request a special exception to permit converting an automatic teller machine unit to an unmanned self-service postal vending unit, located at 5129 South Harvard, South of the SE/c of 51st and Harvard.

Presentation:

The applicant, Pat Malloy, 1924 South Utica, Suite 810, Tulsa, Oklahoma, stated that Frontier Federal has been operating an automatic teller machine at the above stated location and asked the Board to allow the conversion of this unit to an unmanned postal vending unit.

Comments and Questions:

Mr. Chappelle asked the applicant if there will be changes in the structure and Mr. Malloy informed that there will be changes in the structure to accommodate the postal unit, but no changes in the size.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1202) to permit converting an automatic teller machine unit to an unmanned self-service postal vending unit; finding that the special exception

Case No. 14060 (continued)

request is in harmony with the Code and the Comprehensive Plan; on the following described property:

That part of the N/2 of the NW/4 of Section 33, T-19-N, R-13-E of the Indian Base and Meridian, according to the U. S. Survey thereof described as follows: Beginning at a point 50' east and 400' south of the NW/c of said Section 33, east a distance of 50' to a point, thence S 00°02'00" W a distance of 50' to a point, thence west a distance of 50' to a point, thence N 00°02'00" E a distance of 50' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14061

Action Requested:

Special Exception - Section 1680.1(g) - Special Exception General - Use Unit 1210 - Request a special exception to permit off-street parking use, including a parking structure on property zoned residential (existing right-of-way of Broken Arrow expressway on ramp proposed for relocation) but abutted by properties zoned in office and commercial classification, located south and east of the SE/c of 21st and Columbia Place.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, represented Investment Real Estate, Inc., and submitted a location map (Exhibit M-3) and photographs (Exhibit M-2) of the area in question. Mr. Johnsen explained that his clients have entered into an agreement to purchase the Tulsa Greenhouse, consisting of 2 1/2 acres, which abutts the off ramp of the Broken Arrow Expressway on the west and south. He noted that his clients also own the Parkland Plaza building which is located to the west of the on ramp, therefore, their property is divided by this ramp. Mr. Johnsen informed that the ramp is very close to Columbia Avenue and does not have the customary stacking distance. He pointed out that they have consulted with the State Highway Department and the City Traffic Engineering Department and they were in agreement that the traffic situation would be greatly improved if the on ramp could be moved to the east side of the Tulsa Greenhouse property. Mr. Johnsen informed that he and his clients have met with Commissioner Metcalfe and discussed an exchange of property in order to move the ramp. He stated that the City was supportive of the exchange, providing that the none of the cost would be incurred by the City. Mr. Johnsen informed that the south portion of the ramp is zoned residential and needs approval of the Board to use this space for off-street parking and a parking garage. He explained that his clients received consent of the City Commission to present this land use issue to the Board. Mr. Johnsen stated that there are residences to the south of the property in question and one homeowner was concerned that

traffic from the complex would go south to 22nd Street. He informed that his clients have no intentions of opening up a drive to the south. Many trees are on the boundary of the property and a 10' strip of landscaping will be reserved along the entire boundary line, with a 25' setback for all buildings. A landscape concept (Exhibit M-5), Use standards (Exhibit M-1) and an aerial photo (Exhibit M-4) were submitted. Mr. Johnsen informed that a Watershed Permit will be required and the construction will not be allowed to add greater water discharge downstream. He stated that all lighting for the project will have shielded fixtures.

Comments and Questions:

Ms. Bradley asked Mr. Johnsen if the ramp is now located on City or State property and he replied that this property is City owned, but an easement is granted to the State, which will require a release.

Ms. White asked if the proposed parking lot will provide parking for the Parkland Plaza building. Mr. Johnsen stated it will provide parking for an office building which will be constructed where the greenhouses are now located, and maybe secondary parking for Parkland.

Protestants:

Randy Stainer, 2729 East 22nd Street, Tulsa, Oklahoma, stated that he owns property in the area and is concerned that the traffic will increase in the area if the application is approved. Mr. Stainer voiced a concern that the construction will aggravate an already serious water problem and suggested that the water problem should be improved instead of merely not being worsened. He pointed out that a plot plan should be available for viewing.

Mr. Gardner pointed out that the applicant would be permitted to build an office building with parking underneath on the CH portion and not be limited in height.

Robert Farris, 2811 East 22nd Street, Tulsa, Oklahoma, stated that his property is to the south of the subject tract and suggested that the moving of the ramp would only aggravate the traffic and water problems. Mr. Farris pointed out that the granting of the special exception request would only be an economic asset to the applicant, with no regard to the public interest.

Ms. Robert Farris, 2811 East 22nd Street, Tulsa, Oklahoma, asked the Board to deny the application. She pointed out that the area is attracting young families and the added traffic generated by the office complex will be dangerous to the children.

Applicant's Rebuttal:

Mr. Johnsen pointed out that the State Highway Department and City Engineers agree that a problem exists and that it would be in the interest of the public to move the ramp. He noted that Stormwater Management is an agency that deals with water drainage and it will determine the amount of detention required for the project.

Additional Comments:

Mr. Stainer voiced a concern that the existing berm will be lowered and excess water will drain toward his property.

Mr. Gardner noted that years ago a City Commission made the decision to zone the property in question the same as the downtown zoning, which is the most intense zoning classification.

Mr. Johnsen pointed out that when application is made for a Watershed Permit, notice will be given to those residents that are within 300' of the subject property.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to **APPROVE** a **Special Exception** (Section 1680.1(g) - Special Exception General - Use Unit 1210) to permit off-street parking use, including a parking structure on property zoned residential (existing right-of-way of Broken Arrow expressway on ramp proposed for relocation) but abutted by properties zoned in office and commercial classification; per development standards submitted; subject to no ingress or egress from the south (Delaware Street); and subject to Stormwater Management approval; finding that the granting of the special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

EXISTING RAMP RIGHT-OF-WAY

Those strips, pieces or parcels of land lying in parts of Lots 1, and 3, Block 1, Bryn-Mawr, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, described as follows:

The south 112 ' of said Lot 1, AND

Beginning at the SE/c of said Lot 3, thence west along the south line of Lot 3 a distance of 29.4', thence N 31°27' W a distance of 130', thence N 55°58' W a distance of 155.10' to a point on the north line of Lot 3, thence east along the north line of Lot 3 a distance of 122.68' to the NE/c of Lot 3, thence southeasterly along the east line of Lot 3 a distance of 234.2' to the point of beginning; AND

Case No. 14061 (continued)

Those strips, pieces or parcels of land lying in parts of Lots 24 and 25, Harter's Second Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, described as follows:

Beginning at the NE/c of said Lot 24, thence west along the north line of Lot 24, a distance of 330' to the NW/c of Lot 24, thence S 68°38' W a distance of 247', thence N 89°59' E a distance of 100' to a point on the east line of Lot 24, thence north along the east line of Lot 24, a distance of 90' to the point of beginning, AND

Beginning at a point on the south line of said Lot 25, a distance of 130' west of the SE/c of Lot 25, thence west along the south line of Lot 25, a distance of 125', thence north a distance of 142', thence S 27°20' E a distance of 98', thence S 55°27' E a distance of 97.1' to the point of beginning, AND

The west 75' of said Lot 25; AND

That part of South Delaware Avenue bounded on either side by those strips, pieces or parcels of land described above, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14062

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request a variance of setback from the centerline of Peoria Avenue from the required 100' to allow for the construction of a building as per site plan, located on the NE/c of 49th Street and Peoria Avenue.

Presentation:

The applicant, Tim Minnix, P. O. Box 790845, Dallas, Texas, submitted a site plan (Exhibit N-1) and stated that he is the general contractor representing Burger Street, Inc. He informed that he is proposing to construct a restaurant at the above stated location and that the building will be 80' from the centerline of Peoria and 30' from the property line. Mr. Minnix pointed out that Winchell's Doughnut Shop which is immediately to the north is 15' from the property line or 65' from the centerline of Peoria.

Comments and Questions:

Ms. White asked if the doughnut shop is 15' closer to the street than the proposed restaurant and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston,

Case No. 14062 (continued)

"absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of setback from the centerline of Peoria Avenue from the required 100' to 80' to allow for the construction of a building as per site plan; on the following described property:

Lots 5 and 6, Block 18, Bellaire Acres II Extended Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 14065

Action Requested:

Consideration to modification of previously approved plot plan for BOA No. 11961 in order to expand business.

Variance - Section 1217.3 - Automotive and Allied Activities Use Conditions - Request a variance to permit open air storage or display of merchandise for sale within 300' of an R District.

Variance - Section 1217.4 - Off-Street Parking Requirements - Request a variance to waive the required 1 parking space per 1,000 sq. ft. of open air storage, located on the NE/c of 123rd East Avenue and 11th Street.

Presentation:

The applicant, Richard Morgan, 12345 East Skelly Drive, Tulsa, Oklahoma, was represented by Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, who submitted a plot plan (Exhibit O-1) and photographs (Exhibit O-2). Mr. Norman explained that the applicant operates Tulsa Boat Sales in an existing building which contains approximately 6,000 sq. ft. He pointed out that Mr. Morgan is proposing an expansion of his sales and service area and an additional 7,000 sq. ft. will be added. Mr. Norman stated that his client received permission from the Board at an earlier date to conduct a boat sales business in the CS zoned district, but when he attempted to acquire a Building Permit the screening and off-street parking requirements were addressed. It was noted that the area is largely undeveloped and there are no existing residences except immediately to the west. Mr. Norman pointed out that most of the property in the triangle between 11th Street, the expressway and 129th East Avenue is eligible for corridor zoning and there are mixed commercial and industrial uses in operation there at this time. It was pointed out by Mr. Norman that there seems to be a difference in open air storage and display for sale. An existing chain link fence encloses the area that contains the new boats without accessories, which includes approximately 20% of the inventory, and the remaining boats in this area consists of those left for repair. He stated that customers do not enter this area. Mr. Norman explained that parking requirements are normally established by the size of the building and not by open air storage or display. He pointed out that there is not established in

Case No. 14065 (continued)

the Code an off-street parking requirement for open air storage and display of boats. He noted that the 23 concrete off-street parking spaces meet the parking requirements for the buildings on the property and the new portion that will be constructed, and that the boats stored inside the chain link fence will not generate additional traffic.

Comments and Questions:

Ms. Bradley asked Mr. Norman if the boats are stored on the north portion of the property and he replied that storage is on the north and east side of the existing building.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE modification of previously approved plot plan for BOA No. 11961 in order to expand business; to APPROVE a Variance (Section 1217.3 - Automotive and Allied Activities Use Conditions) to permit open air storage or display of merchandise for sale within 300' of an R District; and to APPROVE a Variance (Section 1217.4 - Off-Street Parking Requirements) to waive the required 1 parking space per 1,000 sq. ft. of open air storage; per plot plan submitted; subject to restricted access to the storage area; finding a hardship demonstrated by the fact that the Code does not specifically address off-street parking requirements for open air storage and display of boats; and finding that there are mixed commercial and industrial uses in the area; on the following described property:

All of Block 3, Pennant Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14066

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow used car sales and repair of cars in a CS zoned district.

Variance - Section 1217.3(b) - Automotive and Allied Activities, Use Conditions - Request a variance to allow open air storage and display of merchandise for sale within 300' of an R district, located south of the SE/c of 46th Street North and Peoria Avenue.

Presentation:

The applicant, Datin Watson, Sr., 12304 East Archer, Apt. B, Tulsa, Oklahoma, submitted a location map (Exhibit P-1) and explained to the Board that he has just moved to the area and would like to open a used car business at the above stated address.

Case No. 14066 (continued)

Comments and Questions:

Ms. Bradley asked the applicant if the lot has been used for a car lot in the past and he replied that a used car business was operated on the lot in 1978.

Mr. Gardner asked Mr. Watson if the lot is being used for tire sales and he replied that the tire sale business is to the north of the subject lot.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow used car sales and repair of cars in a CS zoned district; and to **APPROVE** a **Variance** (Section 1217.3(b) - Automotive and Allied Activities, Use Conditions) to allow open air storage and display of merchandise for sale within 300' of an R district; subject to used car sales and repair only; finding a hardship imposed on the applicant by mixed zoning in the area; and finding that the special exception request is in harmony with the Code and the Comprehensive Plan; on the following described property:

The north 300' of the south 400' of the north 555' of the south 772.5' of the east 190' of the west 240' of the west 14.86 acres of Lot 1, Section 18, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14068

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required 20' rear yard setback to 5' to allow attaching a proposed out building, located at 1640 East 31st Street.

Presentation:

The applicant, Design Properties, Inc., was represented by Jack Arnold, 7318 South Yale, Tulsa, Oklahoma, who submitted a plot plan (Exhibit Q-1) and explained that his company owns 4 adjoining lots and has sold a new home on the southwest building site. He stated that the sale is contingent on attaching the detached garage to the house with a utility room. Mr. Arnold informed that the neighbors are in support of the construction. Photographs (Exhibit Q-2) and letters of support (Exhibit Q-3) were submitted.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required 20' rear yard setback to 5' to allow attaching a proposed out building; per plot plan submitted; on the following described property:

The west 79' of the south 133'; and the east 9' of the west 79' of the north 133' of a tract beginning 341.7' west and 50' south of the NE/c of the NE/4, of the NE/4, of the NE/4 of Section 19, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; Thence west 158.3' to the NE/c of Lot 1, Block 1, Leland Terrace Addition; Thence south 266' to the SE/c of Lot 6, Block 1 of said Addition; thence east 0.52' to a point of curve; Thence along a curve to the left with a radius of 75' for 48.26' to a point of reverse curve; Thence along a curve to the right with a radius of 50' for 84.54'; Thence east 39.47'; Thence north 266' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 12290

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to use property in the CS District for multi-family dwellings, Use Unit 8, in accordance with the bulk and area requirements of the RM-2 District and development standards and site plan approved by the Board of Adjustment, located north and east of East 61st and Memorial Drive.

Presentation:

The applicant, Charles Norman, Suite 909 Kennedy Building, Tulsa, Oklahoma, explained that this application concerns 35 acres (Eaton Square) of a 60-acre tract located at 61st Street and Memorial Drive, which was approved earlier for multi-family use. A site plan (Exhibit R-1) was submitted for 308 units located on 10 acres which is before the Board today and conforms to the development standards (Exhibit R-5) which were approved for the project. Mr. Norman pointed out that the standards prohibit 3-story buildings within 80' of the north property line and these north buildings are 81' from that boundary. Building No. 14 is a 2-story building and is closer than 80', but 2-story buildings were permitted closer to the boundary. A grading plan (Exhibit R-2) indicating that water run-off is contained in a detention pond, a perimeter planting layout (Exhibit R-3) indicating the 10' screening area, and a fence detail (Exhibit R-4) were submitted.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to use property in the CS District for multi-family dwellings, Use Unit 8, in accordance with the bulk and area requirements of the RM-2 District and development standards and site plan approved by the Board of Adjustment; per site plan, grading plans, fence details, landscape plan and development standards submitted; on the following described property:

Phase II

Being a tract of land situated in Section 36, T-19-N, R-13-E, Memorial South Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows:

Commencing at the Southwest corner of Block 1, of Memorial South Center, said corner being the northeast corner of the intersection of East 61st Street South with South Memorial Drive; Thence S 89°59'55" E, 1124.27 feet to the Place of Beginning;

Thence, from the Place of Beginning, N 00°00'05": E for 49.62 feet to the beginning of a curve to the right having a radius of 300.00 feet, a central angle of 37°00'00", and a tangent length of 100.38 feet;

Thence in a northeasterly direction on a curve to the right for 193.73 feet to the end of said curve;

Thence N 37°00'05" E for 78.72 feet to the beginning of a curve to the left having a radius of 250.00 feet, a central angle of 49°30'13", and a tangent length of 115.26 feet;

Case No. 12290 (continued)

Thence in a northeasterly direction on a curve to the left for 216.00 feet to the end of said curve;

Thence N 12°30'08" W for 166.92 feet to the beginning of a curve to the left having a radius of 250.00 feet, a central angle of 21°23'15", and a tangent length of 47.21 feet;

Thence in a northwesterly direction on a curve to the left for 93.32 feet to the end of said curve;

Thence N 26°00'00" E for 243.22 feet to an angle point;

Thence N 73°00'00" E for 195.00 feet to a point for corner;

Thence N 00°00'08" W for 250.00 feet to a point on the north line of said Block 1 of Memorial South Center;

Thence N 89°59'52" E along the northerly line of Block 1 for 421.94 feet to the northeast corner of Block 1;

Thence S 00°08'45" E along the easterly line of Block 1 for 1271.51 feet to the southeast corner of Block 1;

Thence N 89°59'55" W along the southerly line of Block 1 for 797.80 feet to the Place of Beginning and containing 18.484 acres of land, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 11002

Action Requested:

Clarification of of minutes regarding sign.

Presentation:

The applicant, Virgil Reese, 142 East 26th Court, Tulsa, Oklahoma, stated that he got permission in 1981 to open a bicycle rental business and it was specified that he could not increase the amount of signage on the property. Mr. Reese informed that he is proposing to change the face on the sign that is now in place and was advised by the sign inspector that he would have to acquire permission from this Board in order to make the change.

Comments and Questions:

Ms. Bradley asked the applicant if he is changing the size of the sign and he replied that he is not changing the size, but is changing the name from River Runner to River Trail Bicycles.

Case No. 11002 (continued)

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to make an INTERPRETATION that the previous Board approval allows the owner to change the face of the sign in question, so long as the sign size and dimensions remain the same.

There being no further business, the meeting was adjourned at 4:03 p.m.

Date Approved 6-12-80


Chairman

