

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 496
Thursday, August 6, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Quarles Smith White	Chappelle	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, August 4, 1987, at 3:45 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice-Chairman Quarles, called the meeting to order at 1:00 p.m.

MINUTES:

Due to the absence of two of the four Board members on July 9, 1987, it was suggested by Mr. Quarles that consideration of these minutes be continued to the August 20, 1987 meeting.

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** consideration of Minutes for the July 9th meeting to August 20, 1987.

On **MOTION** of **BRADLEY** the Board voted 3-0-1 (Bradley, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; Chappelle, "absent") to **APPROVE** the Minutes of July 23, 1987.

UNFINISHED BUSINESS

Case No. 14449

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the lot width from 100' to 75', a variance of the lot area from 13,500 sq. ft. to 7,575 sq. ft. and a variance of the land area from 16,000 sq. ft. to 11,325 sq. ft. all in order to permit a lot split, located 2404 East 26th Place.

Presentation:

The applicant, Frank Moskowitz, requested by letter (Exhibit A-1) that Case No. 14449 be withdrawn.

Case No. 14449 (continued)

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** Case No. 14449, as requested by the applicant.

Case No. 14491

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of frontage to permit the platting of a property having 249' of frontage into one lot having 70' of frontage, another lot having 144' of frontage and another lot having 35' of frontage, located SE/c Riverside Drive and 71st Street.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is representing the owner of the property in question. Mr. Johnsen informed that he and the protestant, Mr. Westervelt, are continuing to discuss the proposed lot split, and asked the Board to continue Case No. 14491 to August 20, 1987.

Comments and Questions:

Ms. Bradley asked Mr. Johnsen if the continuance is requested for the purpose of reaching a compromise, and he replied that they are still discussing the case and Mr. Westervelt is agreeable to the continuance.

Board Action:

On **MOTION** of **WHITE** the Board voted 3-0-1 (Bradley, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; Chappelle, "absent") to **CONTINUE** Case No. 14491 to August 20, 1987, as requested by the applicant.

Case No. 14532

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the lot width from 60' to 44', lot area from 6,000 sq. ft. to 3,374.8 sq. ft. and land area from 7,500 sq. ft. to 4,694 sq. ft. all in order to permit a lot split, located SW/c Admiral Boulevard and Quanah Avenue.

Presentation:

The applicant, Patricia Parks, 1565 East 22nd Place, Tulsa, Oklahoma, stated that she has purchased the property at the above stated location. Ms. Parks pointed out that the lot has one existing house and is approximately twice the size of the other lots in the area. She informed that, if the lot split is approved, the house will be sold and the remaining lot retained for future construction.

Case No. 14532 (continued)

Comments and Questions:

Mr. Jones informed that TMAPC approved the case on July 15, 1987. He pointed out that there are some 50' lots, and some even smaller, in the same block as the subject property.

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the lot width from 60' to 44', lot area from 6,000 sq. ft. to 3,374.8 sq. ft. and land area from 7,500 sq. ft. to 4,694 sq. ft. all in order to permit a lot split; finding that there are other lots in the area that are similar in size to the lots in question; on the following described property:

Lot 1, Block 29, Owen Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14540

Action Requested:

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

Variance - Section 1217.3 - Use Conditions - Use Unit 1217 - Request a variance to allow for open air storage and display of merchandise within 300' of an R District and a variance of the screening requirements, located 1104 East Skelly Drive.

Presentation:

The applicant, Gil Scott, Box 55240, Tulsa, Oklahoma, was represented by Richard Lawler, 1104 East Skelly Drive, Tulsa, Oklahoma. He asked the Board to allow the sale of used cars on the lot, along with boats that are presently sold.

Comments and Questions:

Mr. Smith asked the applicant if there is sufficient space on the lot for the storage of cars and boats, and Mr. Lawler replied that boat sales are slow in the winter.

Ms. Bradley asked Mr. Lawler how many cars will be on the lot, and he replied that there will be five or six cars.

Mr. Quarles asked if the hours of operation will change, and Mr. Lawler stated that there will be no change.

Case No. 14540 (continued)

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow for automobile sales in a CS zoned district; and to **APPROVE** a **Variance** (Section 1217.3 - Use Conditions - Use Unit 1217) to allow for open air storage and display of merchandise within 300' of an R District and a variance of the screening requirements; finding that the applicant has previously acquired approval for the sale of boats and a waiver of the screening requirements on the subject property; finding that there are multiple zoning classifications in the area; and finding that automobile sales is compatible with the existing business; on the following described property:

A portion of the NE/c, NW/4, 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. 14546

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required 30' of frontage on a public street to allow for a lot split resulting in one lot having access by private easement.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of land area per dwelling unit from 8,400 sq. ft. to approximately 7,056 sq. ft., located 1102 North Sandusky Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit X-1), and stated that he is representing the owner of the property in question. He informed that the lot was platted in 1920 and is 304' by 56'. Mr. Johnsen stated that there are two dwellings on the lot, with one house being used for rental purposes. The renter is a personal friend of the

Case No. 14546 (continued)

owner and is proposing to purchase the property where she has lived for several years. Mr. Johnsen noted that the sale of the property necessitates a lot split, and it appeared that a variance of the frontage requirement on a public street would be the only request. He stated that it was later found that approximately 30 years ago a street was dedicated along the south 10' of the owners property, which also included 10' from the adjoining property. He informed that the 20' has been used for a driveway during the past 20 years. Mr. Johnsen stated that the entire tract has enough total ground area to meet the Code in regard to lot size and livability space for the two lots, but the front tract retained by the owner will be the larger of the two properties.

Comments and Questions:

Ms. Bradley inquired if the mutual access is on Sandusky, and the applicant answered in the affirmative.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required 30' of frontage on a public street to allow for a lot split resulting in one lot having access by private easement; and to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of land area per dwelling unit from 8,400 sq. ft. to approximately 7,056 sq. ft., per plan submitted; finding a hardship imposed by the shape and size of the lot, and the fact that the property was platted many years ago; and finding the driveway has been used for several years as an access to Sandusky for both dwellings; on the following described property:

The north 56' of the south 66' of Lot 21, Westrope Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14553

Action Requested:

Special Exception - Section 310 - Principal Uses in Agriculture Zoned Districts - Use Unit 1205 - Request a special exception to allow for church use and related uses in an AG zoned district.

Variance - Section 1205.3 - Use Conditions - Use Unit 1205 - Request a variance to allow for parking in the required front yard, located east of SE/c 111th Street and South Yale Avenue.

Presentation:

The applicant, Larry Brown, 4304 East 98th Street, Tulsa, Oklahoma, stated that he was before the Board at the previous meeting, and was requested to restudy the plans for a church facility with parking in

Case No. 14553 (continued)

the front yard. He informed that he is making the same requests as before, but will provide additional information, which includes the master plan (Exhibit C-1) for the entire development. He informed that the Board reviewed the plan for the eastern 9 acres at the previous meeting, and the development will encompass 15 acres total. Mr. Brown informed that the 9 acre tract will be the first phase of work. He explained that the sanctuary will be located on the highest point, with an educational building nearby, and if the parking lot is in the rear the members will be required to walk a long distance between the buildings. He pointed out that the existing pond is to be part of the water retention plan, and it will have to be filled if the building plan is altered.

Comments and Questions:

Mr. Quarles asked the applicant to state the use for each of the proposed buildings, and he replied that the initial construction will be a combination building consisting of worship space and classrooms. He stated that the second building will contain office space and educational space, with the third building being additional classrooms. Mr. Brown informed that the sanctuary will then be built and the original worship facility will be converted to a family life center and youth activities building.

Ms. White asked if a bus ministry will be a part of the church activities, and the applicant replied that they do not have a bus ministry and do not anticipate one. Ms. White stated that she would not be in favor of bus parking in front of the building, and asked that a space to the rear of the property be designated for bus parking. Mr. Brown replied that the church would comply with that request.

At the request of Ms. White, Mr. Brown stated that the related uses referred to in the application would involve family gatherings, Vacation Bible School and Wednesday night meetings. He informed that a church school or day care center is not planned.

Mr. Gardner explained that parking is not prohibited in front of the building, but the parking lot is required to begin a minimum of 85' (50' of dedication along a major street, plus 35' of privately owned property) from the centerline of the street.

Mr. Brown informed that the proposed parking lot is 85' from the centerline of the street.

Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that Mr. Brown asked him to speak on behalf of the church. He pointed out that the applicant is in need of the special exception to allow church use in an AG District, but is not in need of the variance request.

Ms. Bradley informed that the variance request was made at the prior Board meeting.

Case No. 14553 (continued)

Mr. Johnsen stated that the applicant was apparently confused as to the relief needed, and asked that the variance request for parking in the required front yard be withdrawn.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** a **Variance** (Section 1205.3 - Use Conditions - Use Unit 1205) to allow for parking in the required front yard; finding that the applicant is not in need of the relief requested; and to **APPROVE** a **Special Exception** (Section 310 - Principal Uses in Agriculture Zoned Districts - Use Unit 1205) to allow for church use and related uses in an AG zoned district; per plan submitted; subject to no operation of a school or day care center on the subject property; subject to bus parking being limited to the southwest corner of the property;

A tract of land containing 9.00 acres, more or less, located in the N/2, NW/4, NW/4 of Section 34, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof; being more particularly described by metes and bounds as follows, to-wit:

Commencing at the NW/c of Section 34, T-18-N, R-13-E, Indian Base and Meridian, according to the US Government Survey thereof; thence S 89°56'21" E along the north boundary of said Section 34 for a distance of 732.57' to the Point of Beginning; thence S 89°56'21" E along the said north boundary of Section 34 for a distance of 593.79' to a point being the NE/c of the N/2, NW/4, NW/4 of said Section 34; thence S 00°05'47" W along the east boundary of said N/2, NW/4, NW/4 for a distance of 660.30' to a point; thence N 89°55'41" W along the south boundary of the said N/2, NW/4, NW/4 for a distance of 593.79' to a point; thence N 00°05'47" E parallel to the said east boundary of the N/2, NW/4, NW/4 for a distance of 660.18' to the Point of Beginning, and containing 9.00 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14560

Action Requested:

Variance - Section 240.2(c) - Permitted Yard Obstructions - Use Unit - 1206 - Request a variance to allow for a 6' tall fence in the front yard and a 12' tall fence in the side and rear yards, located 2424 East 29th Street.

Presentation:

Robert Edwards, who represented Arthur Murphy, 2424 East 29th Street, Tulsa, Oklahoma, requested by letter (Exhibit D-1) that Case No. 14560 be continued to August 20, 1987.

Case No. 14560 (continued)

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 14560 to August 20, 1987, as requested by Robert Edwards, representative for the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14564

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of front yard setback from the centerline of Sandusky Avenue from 55' to 53.7' to allow for an existing structure in order to clear the title, located 8951 South Sandusky Avenue.

Presentation:

The applicant, Fred Lemons, 10602 South Lakewood, Tulsa, Oklahoma, submitted a plat (Exhibit E-1). Mr. Lemons explained that the garage of an existing house, which was constructed 4 years ago, encroaches approximately 1' 3" over the required setback. He asked the Board to approve the variance request in order to clear the title.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front yard setback from the centerline of Sandusky Avenue from 55' to 53.7' to allow for an existing structure in order to clear the title; per plat submitted; finding a hardship demonstrated by the curvature of the street, the irregular shape and large size of the lot; on the following described property;

Lot 9, Block 5, Thousand Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14563

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request a variance to allow for a parking lot in an RS-2 zoned district.

Case No. 14563 (continued)

Variance - Section 1330 - Use Unit 1210 - Setbacks - Request a variance of setback from 50' to 30'.

Variance - Section 1340.(e) - Design Standards - Use Unit 1210 - Request a variance of the screening requirements, located 819 South 91st East Avenue.

Presentation:

The applicant, Stormwater Management Department, was represented by Glen Kedzie, 200 Civic Center, Tulsa, Oklahoma, who stated that the department has been meeting with representatives of Eastwood Baptist Church and interested parties in the area, regarding a proposed City park and parking lot. He informed that representatives are in the audience and will address the variance requests if needed. Mr. Kedzie informed that it is the goal of all concerned, Stormwater Management and the area planning teams, to maximize the utility as well as minimizing the flood hazard. He stated that Eastwood Baptist will install the parking lot, at a cost to them of \$300,000 to \$400,000, which will be utilized by the City, as well as the church. A packet (Exhibit F-1) was submitted containing a petition of support, a conceptual design plan, hydrologic impacts, multi-use aspects and a parking analysis. Mr. Kedzie explained that the park area was acquired by the City and the houses in the flood area have been removed. He pointed out that the City Park Department does not have the funds to install the parking lot or build the park in its entirety at this time.

Comments and Questions:

Mr. Quarles informed that Mr. Smith will abstain, due to conflicting interests.

Ms. Bradley asked Mr. Kedzie to address the handling of water runoff in the area, and he stated that onsite detention is not planned for the area, but rather, 'beat the peak' plan is followed. He pointed out that this plan is to remove the water before the upstream runoff flows down to this location. Mr. Kedzie informed that the water will be drained through a storm sewer into Mingo Creek. He stated that berms will be situated to turn the water flow in the desired direction.

Mr. Smith remarked that other detention facilities are being installed as far away as Skelly Drive that will lessen the impact in this area.

Protestants:

Sandra Drake, 617 South 93rd East Avenue, Tulsa, Oklahoma, stated that the residents in the area have to deal with Eastwood's overflow of cars every day. She informed that the signs prohibiting parking along the street are ignored and church members park in the yards as well. Ms. Drake stated she is opposed to any additional parking in the area.

Case No. 14563 (continued)

Glen Morford, 734 South 91st East Avenue, Tulsa, Oklahoma, stated that the size of Eastwood Baptist Church was tripled when the old burned out building was replaced. He suggested that the church is overbuilt for the area and asked the Board to deny the request for more concrete.

Bill Roberts, 449 South 91st East Avenue, Tulsa, Oklahoma, stated that he objects to the parking lot because the water in the area cannot be directed into Mingo Creek when this creek overflows. He remarked that only Eastwood will benefit from the parking lot.

Janet Dugan, 450 South 91st East Avenue, Tulsa, Oklahoma, stated that she has lived in the area for 9 years and that any added cement will only cause additional water problems. Ms. Dugan stated that she is doubtful the park will be built and if so, does not see the need for 350 parking spaces. She informed that the residents in the area were not notified of this meeting and asked that the case be continued in order that a hydrologist can be retained to study the impact the added parking will have on the existing water problem.

Jack Reynolds, 739 South 90th East Avenue, Tulsa, Oklahoma, stated that he sympathizes with the church, but the neighborhood needs trees and grass. He suggested that the signatures on the petition of support are those of the members in the congregation and not of property owners in the neighborhood.

Helen Anson, 733 South 91st East Avenue, Tulsa, Oklahoma, stated that the proposed parking lot is directly across the street from her home. She suggested that the church could better utilize the parking they now have, and stated that she is opposed to the application.

One letter of protest (Exhibit F-3) was submitted.

Applicant's Rebuttal:

Mr. Kedzie informed that federal funds will be released to progressively add to the Mingo Creek Improvement. He pointed out that a trail system was installed two weeks ago, as the first step of the park development. Mr. Kedzie informed that hydrologic studies have been conducted by professional engineers.

Additional Comments:

Mr. Quarles asked Mr. Kedzie if the installation of the parking lot will negatively impact the drainage of the area, and he replied that, according to the studies performed, the area will not be negatively affected.

Ms. Bradley asked when the studies will be implemented, and Mr. Kedzie replied that the development will be completed in several stages.

Ms. Bradley asked if the 600 support signatures on the petition are members of the church.

Case No. 14563 (continued)

Ruffin Snow, preacher for Eastwood Baptist Church, stated that some of the signatures on the support petition are church members and some are not. A letter was submitted (Exhibit F-2).

Interested Parties:

Bill Lewis, 6420 South 221st East Avenue, Broken Arrow, Oklahoma, informed that he is an engineer that completed one of the studies, and stated that the runoff will dump in the storm sewer and be delivered to Mingo Creek. He informed that the peak will be moved out before the peaks from areas upstream reach the property in question.

Robert Allen, 461 South 91st East Avenue, Tulsa, Oklahoma, asked what will happen if the rains are in progress upstream before the rains begin downstream, and Mr. Kedzie informed that onsite detention is required south of 11th Street.

Hugh Vaughn, 611 South 91st Street, Tulsa, Oklahoma, informed that he has lived in the area for many years and feels like the construction would only dump more water into the neighborhood. Mr. Vaughn asked the price of the land.

In response to Mr. Vaughn's question, Mr. Gardner informed that the City still owns the land and will continue to own the land.

Ms. Bradley suggested that the case be continued in order that she might further review the hydrology reports.

Both Mr. Quarles and Ms. White agreed that reading the hydrology reports would be of little benefit to them, since they are very technical and outside their area of expertise.

Ms. White stated that she would not be opposed to a continuance if the protestants are planning to employ a professional hydrologist to review the development.

Board Action:

On **MOTION** of **WHITE** the Board voted 3-0-1 (Bradley, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; Chappelle, "absent") to **CONTINUE** Case No. 14563 until October 1, 1987, to allow the protestants sufficient time to acquire a hydrology report prepared by a licensed hydrologist.

Case No. 14565

Action Requested:

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of a detached accessory building from 750 sq. ft. to 815 sq. ft., located 4940 North Johnstown Ave.

Case No. 14571 (continued)

Comments and Questions:

Ms. Hubbard informed that TMAPC has waived the requirement to dedicate the addition right-of-way in order to bring it up to the Major Street and Highway Plan standards, but this does not alleviate the need for the variance request.

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1212) of setback from the centerline of South Union Avenue from 100' to 50' and a variance of lot frontage from 150' to 100'; to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Street - Use Unit 1212) to allow parking 25' from the centerline of South Union Avenue; to **APPROVE** a **Variance** (Section 1212.3 - Use Conditions - Use Unit 1212) of screening requirements from abutting R District; and to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1206) to allow for an existing dwelling unit in a CS zoned district; per plan submitted; with screening being waived on the south boundary if approval of CS zoning to the south is acquired; finding that the single family dwelling has been at the present location for many years; on the following described property:

Lot 14, Block 6, less the south 10' of the west 150',
Interurban Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14572

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front yard setback from 35' to 30' and a variance of rear yard setback from 20' to 5' 6" to allow for a dwelling unit, located west of SW/c of 31st Street and South Utica Avenue.

Presentation:

Design Properties, 7318 South Yale, Tulsa, Oklahoma, was represented by Jack Arnold, 7318 South Yale, Tulsa, Oklahoma, who submitted a plot plan (Exhibit N-2) and photographs (Exhibit N-1). Mr. Arnold informed that one house has been completed and sold in the four lot subdivision, Utica Park. He stated that construction is beginning on a second house and a large oak tree on the property necessitates the shifting of the house forward approximately 5'. Mr. Arnold informed that the garage will be attached to the house.

Comments and Questions:

Mr. Gardner explained that a detached garage is permitted within three feet of the property line, but when it is attached to the

Case No. 14572 (continued)

house it becomes a part of the principal structure and requires relief.

Mr. Smith asked if the rear yard is to the east of the property, and Mr. Arnold replied that the rear yard is to the south.

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front yard setback from 35' to 30' and a variance of rear yard setback from 20' to 5' 6" to allow for a dwelling unit; per plot plan submitted; finding that there are other dwellings in the area that have similar setbacks; on the following described property:

The east 70' of the north 126.4' of a tract beginning 341.7' west and 50' south of the NE/c, NE/4, NE/4, NW/4 of Section 19, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US 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.

Case No. 14573

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an RS-3 zoned district, located 7834 South Union Avenue.

Presentation:

The applicant, Love Christian Ministries, was represented by Bill Tims, who stated that he owns 7840 and 7834 South Union, which is headquarters for Love Christian Ministries. Mr. Tims informed that he is attempting to purchase the property to the north and west, making a total of 5 1/4 acres. He explained that the existing brick home and steel building will be removed from the property and a church facility constructed on the site.

Comments and Questions:

Ms. Bradley asked Mr. Tims to explain the related uses that are requested in the application, and he replied that the property will be used for worship and educational purposes. He informed that a school is not proposed.

Case No. 14573 (continued)

Mr. Smith asked if all utilities are available, and Mr. Tims answered in the affirmative.

Ms. Bradley asked if a plot plan is available, and Mr. Tims replied that a plan has not been decided on at this time.

Mr. Quarles inquired where church services are being held at this time, and Mr. Tims replied that they are held at 7834 South Union. He stated that the new location will have offices, a radio and television outreach and a worship area.

Protestants:

Leslie Young, 7710 South Xenophon, Tulsa, Oklahoma, stated that three neighbors within 300' were not notified of the application. She informed that the applicant is responsible for furnishing the names of these property owners and he did not. Ms. Young stated that the area already has several churches and pointed out that the land does not perk well and may not be able to accommodate a septic system for a large congregation. She stated that the lots are large, with large homes, and asked the Board to deny the application.

Virginia Waddington, 7701 South Xenophon, Tulsa, Oklahoma, informed that all of the tracts in the area, except that purchased by Mr. Tims, are single family dwellings on two and one half acres. She informed that there is a percolation problem in the area, and some of the properties have sewage lagoons.

Mark Reynolds, 7901 South Waco, Tulsa, Oklahoma, informed that his property abutts the subject property. He pointed out that septic tanks in the area overflow during wet periods and drain onto his land. He stated that he has no problem with the church work Mr. Tims is involved in, but is concerned with added sewage a large church facility will dump on his property.

Applicant's Rebuttal:

Mr. Tims stated that he was not aware that all property owners were not notified and apologized for the oversight. A list (Exhibit O-1) of surrounding property owners was submitted. He informed that a modular building will be placed on the property and used temporarily for worship services.

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a church and related uses in an RS-3 zoned district; finding that church use is not compatible with the area, and would not be in harmony with the

Case No. 14573 (continued)

spirit and intent of the Code and the Comprehensive Plan; on the following described property:

TRACT A

The north 98.75' of the NE/4, NE/4, SE/4, SE/4, of Section 10, T-18-N, R-12-E, containing 0.75 acres, AND

The south 98.75' of the north 197.5' of the NE/4, NE/4, SE/4, SE/4 of Section 10, T-18-N, R-12-E, Tulsa County, Oklahoma.

TRACT B

The SW/4, SE/4, NE/4, SE/4 of Section 10, T-18-N, R-12-E, less north 25' for road right-of-way, containing 2.51 acres more or less, AND

The SE/4, SE/4, NE/4, SE/4 of Section 10, T-18-N, R-12-E, less the north 25' for road right-of-way and the east 50' for road right-of-way containing 2.51 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14574

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1209 - Request a use variance to allow for a mobile home in a CS zoned district, located 2405 East Mohawk Boulevard.

Presentation:

The applicant, Richard Drane, 3712 South Indianapolis, Apartment #3, Tulsa, Oklahoma, stated that he is the owner of the subject property. He explained that the 2500 sq. ft. building is being used for a ministry that supplies food and clothing for the needy and unemployed. Mr. Drane informed that they are experiencing a great deal of vandalism and asked the Board to allow a mobile home for security purposes. He informed that a security guard will live in the mobile home.

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Use Variance** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1209) to allow for a mobile home in a CS zoned district; finding that there are multiple zoning classifications in the area; and finding that the use will not be detrimental to the area or violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14574 (continued)

Beginning 50' south and 50' east of the NW/c, NW/4, thence east 485', southwesterly on Mohawk Boulevard 590.26', north 325' to the Point of Beginning, Section 20, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14576

Action Requested:

Special Exception - Section 190 - Principal Uses Permitted in Industrial Districts - Use Unit 1219 - Request a special exception to allow for a ballroom and related uses in an IL zoned district, located 7727 East 41st Street.

Presentation:

The applicant, Cindy Dotson, 7966 East 41st Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit P-1) and photographs (Exhibit P-3). She explained that the subject property has previously been leased by Selscor and Lawhon Furniture Company, but has remained vacant for approximately two years. She stated that she has an opportunity to lease 18,000' of the building to Mr. Pagna for use as a ballroom, and asked the Board to approve the application. Ms. Dotson informed that the building is located on four acres and has sufficient parking for the business.

Comments and Questions:

Ms. Bradley asked the applicant to explain the related uses which are referred to in the application.

Ms. Dotson replied that Mr. Pagna will address the subject of related uses.

Interested Parties:

Sammy Pagna, 1011 West 121st South, Jenks, Oklahoma, stated that he has been in business in Tulsa for the past 37 years and caters to adult clientele. He informed that he will have regular dances on Saturday and Wednesday and will rent the space for private parties on the remaining days of the week. He informed that all food and beverages are catered.

Additional Comments:

Mr. Smith asked the applicant if the parking lot is paved, and she replied that approximately half of the parking lot is paved and the remainder is covered with gravel.

Protestants:

Mr. Quarles informed that three letters of protest (Exhibit P-4) have been received by Staff, all of which state a concern regarding probable traffic hazards created by an additional club in the area.

Case No. 14576 (continued)

Jack Rotten, 7022 East 41st Street, Tulsa, Oklahoma, stated that he is operating a club in the area, and is concerned that his business, which is the largest Club in Tulsa, and the proposed business will be operating in the same area. Mr. Rotten stated that a traffic problem will be created on 41st Street when the clubs are in operation.

Tom Hartgrave, represented the Joe Rambo Company, and stated that he is opposed to the application because of the vandalism and traffic problems that will be created by the business.

Roy Hinkle 1515 East 71st Street, Tulsa, Oklahoma, submitted photographs (Exhibit P-3) and area flood drawings (Exhibit P-2). Mr. Hinkle stated that he represents the owner of the Caravan Club, who operates his business Wednesday through Saturday during the evening hours. He explained that his client operates a dance club for teenagers, with a policeman on duty at all times. Mr. Hinkle stated that the two clubs in the area would generate an enormous amount of traffic, with 41st Street being the only access. He pointed out that a portion of Ms. Dotson's parking lot has flooded, and suggested that the addition of more concrete for parking would intensify this problem.

Applicant's Rebuttal:

Ms. Dotson stated that the property is not in a flood zone and only runoff rain water was on the lot in the 1984 flood. She informed that Mr. Rotten has attempted to lease her property for his own use.

Sammy Pagna stated that his business attracts older clientele, and will be a very quiet operation. He pointed out that there will always be congested traffic at the intersection of 41st Street and Memorial, but feels that the traffic will not be as heavy in the evening hours.

Additional Comments:

Ms. White voiced a concern with the possibility that Mr. Pagna might choose to vacate the property and a business similar to the Caravan might move in. She pointed out that the special exception, if approved, runs with the property. Ms. White stated that she is also concerned with the additional traffic created when both businesses are operating on the same night.

Mr. Quarles pointed out that, although he feels the ballroom would be compatible with the area, the traffic generated by two large operations would create a large amount of congestion on 41st Street.

Board Action:

On MOTION of WHITE the Board voted 3-1-0 (Bradley, Quarles, White, "aye"; Smith, "nay"; none "abstaining"; Chappelle, "absent") to **DENY** a **Special Exception** (Section 190 - Principal Uses Permitted In Industrial Districts - Use Unit 1219) to allow for a ballroom and related uses in an IL zoned district; finding that the granting of

Case No. 14576 (continued)

the special exception request would be detrimental to the area and violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The E/2, SW/4, SE/4, SE/4 of Section 23, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14580

Action Requested:

Oklahoma Neon, Inc., requested by letter (Exhibit R-1) that fees for application No. 14580 be refunded.

Comments and Questions:

Mr. Jones informed that the case in question was withdrawn before processing had begun, and suggested that the entire filing fee in the amount of \$100 be refunded to the applicant.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **REFUND** filing fees in the amount of \$100, as requested by the applicant.

Case No. 14559

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214 - Request a special exception to allow for Use Unit 14 (Hardware Store) in an IM zoned district.

Variance - Section 1214.4 - Off-Street Parking Requirements - Use Unit 1214 - Request a variance of the required number of parking spaces from 89 to 70, located 407 South Peoria Avenue.

Presentation:

The applicant, John Swinney, PO Box 50279, Tulsa, Oklahoma, requested by letter (Exhibit S-1) that fees for Case No. 14559 be refunded.

Comments and Questions:

Mr. Jones informed that the case in question has been processed, except for the hearing portion, and suggested that fees, in the amount of \$25, be refunded to the applicant.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **REFUND** filing fees, in the amount of \$25, for Case No. 14559.

Case No. 14378

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for an existing mobile home sales use in a CS zoned district, located at 11920 East Admiral Place.

Comments and Questions:

Mr. Jones explained that Case No. 14378 was previously heard on February 19, 1987, and at that time it was required of the applicant to return to the Board with a Detail Site Plan for approval.

Presentation:

The applicant Bob Nichols, 111 West 5th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit R-1), and stated that his client is in compliance with the requirements of the Board. He informed that there are 44 mobile homes on the property at this time and new units are being moved in according to the site plan.

Comments and Questions:

Mr. Gardner asked if any of the mobile homes have been moved to bring them into compliance with the site plan, and Mr. Nichols informed that, as new homes are moved in, they are placed on the lot as indicated by the site plan.

Mr. Gardner asked if all the mobile homes located against the back fence will remain at their present location until they are sold, and Mr. Nichols informed that his client is in the process of speedily complying with the submitted plan.

Board Action:

On **MOTION** of **WHITE** the Board voted 3-0-1 (Bradley, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; Chappelle, "absent") to **APPROVE** a site plan as submitted for Case No. 14378; subject to applicant being in full compliance with the plan at the end of a 60 day period from the date of this meeting.

There being no further business, the meeting was adjourned at 4:50 p.m.

Date Approved

8.20.87


Chairman

