

**SUBJECT TRACT**

Z-7089-SP-1

**BOA-23085**

5.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9235

**CZM:** 46

**CD:** 2

Case Number: **BOA-23085**

**HEARING DATE:** 02/23/2021 1:00 PM

**APPLICANT:** Mark Capron

**ACTION REQUESTED:** Variance to reduce the required frontage in the IL district from 50-feet to 0-feet (Section 15.030, Table 15-3)

**LOCATION:** 5323 S OLYMPIA AV W

**ZONED:** RS-3,IL

**PRESENT USE:** YMCA

**TRACT SIZE:** 1200082.91 SQ FT

**LEGAL DESCRIPTION:** SE NW LESS BEG SWC SE NW TH N TO NWC E406.72 S1318.51 W414.2  
POB SEC 35 19 12 27.55 ACS,

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:**

**BOA-14819;** On 05.05.88 the Board **approved** a special exception to allow a mobile home in an RS-3 district, a variance to allow the mobile home permanently and a variance to allow two dwelling units on a single lot of record.

**BOA-12458;** On 02.24.83 the Board **approved** a special exception to allow a mobile home in an RS-3 district.

**BOA-8437;** On 12.19.74 the Board **approved** a special exception to permit a recreational facility (YMCA).

**Surroundings properties:** None.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Growth".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to

increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is requesting a **Variance** to reduce the required frontage in the IL district from 50-feet to 0-feet (Section 15.030, Table 15-3)

**STAFF COMMENTS:** The applicant is requesting Variance to reduce the required frontage in the IL district from 50' to 0' (Section 15.030, Table 15-3)

Table 15-3: O, C and I District Lot and Building Regulations

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	-	-	-	10,000	-	-	-	-	-	-	-
Minimum Street Frontage (feet)	50	50	50	-	50	50	-	-	50	50	50

**STATEMENT OF HARDSHIP:**

The City of Tulsa worked with the owner to close the ROW. The Street was not to COT Specifications and the city did not want to retain ownership. The properties will be owned by the YMCA, but the main campus is in a trust that does not allow for the acquisition of other property.

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required frontage in the IL district from 50-feet to 0-feet (Section 15.030, Table 15-3)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- That the variance to be granted is the minimum variance that will afford relief;*

*f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*

*g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*

Company and that the date of the plat is January 17, 1957. Board Member Smith advised the Chair that he became acquainted with Mr. Pinion in 1958 and knew for a fact that the shop was in operation at that time.

Protests:

None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved an Exception (Section 1220 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) to expand a nonconforming machine shop, subject to an affidavit being filed of record with the Board which states that the building was used as a machine shop by Mr. Pinion prior to May, 1959, and that the shop operate only between the hours 8:00 a.m. and 5:00 p.m., Monday through Friday. A Variance (Section 530 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1470) for a variance of side yard requirements from 10' to 4' per plot plan; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purpose of the screening cannot be achieved on the west and north, subject to screening on the east being provided when and if the property to the east is developed residential, in an OL and CS District on the following described tract:

E/2, W/2, W/2, of Lot 1, Section 6, Township 19 North, Range 14 East, Tuisa County, Oklahoma.

8437

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1005 - Community Services, Cultural and Recreational Facilities) to use property for YMCA purposes in an RS-3 District located at 5400 South Olympia Avenue.

Presentation:

A representative for the Westside YMCA advised the Board that the YMCA is interested in installing a prefabricated classroom building on the subject tract, that the YMCA has made use of the property for 12 years for YMCA purposes, and that an exception is required in order that future expansion might be permitted on the tract. The YMCA is requesting an exception on the entire YMCA property.

Protests:

None.

12.19.74:178(10)

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1005 - Community Services, Cultural and Recreational Facilities) to use property for YMCA purposes in an RS-3 District on the following described tract:

The SE/4 of the NW/4; LESS a tract beginning at the SW corner of the SE/4 of the NW/4; thence North to the NW corner of said tract; thence East 406.72'; thence South 1318.51'; thence West 414.2' to point of beginning; in Section 35, Township 19 North, Range 12 East of the IBM, Tulsa County, State of Oklahoma, containing approximately 27.93 acres, more or less.

ADDITIONAL ITEMS:

7793

A representative for the Mount Olive Lutheran Church advised that an application was approved by the Board on February 15, 1973, in order that the tract in question might be used for church purposes, after which a building permit was issued for the building of the Church parsonage. The Board was advised that the legal description given on the application at that time was incorrect and that the incorrect legal was obtained from a realtor. It was requested that the Minutes of the original hearing be amended to reflect an additional 40' of land to correct the legal given.

The Staff pointed out that an additional 40' would not have changed the number of persons notified of the hearing and the Chair felt that it was the Board's intent at that time to permit church use of the entire tract under ownership.

On MOTION of SMITH, the Board (3-0) directed the Staff to amend the Minutes of application 7793 of February 15, 1973 to reflect the following corrected legal description which entails an additional 40' of church property:

A tract of land lying in the SE/4 of Section 17, Township 19 North, Range 14 East of the Indian Base and Meridian in the City of Tulsa, County of Tulsa, State of Oklahoma, more particularly described as follows: Beginning at a point on the south line of said SE/4 of Section 17, said point lying 1,969.26' east of the southwest corner thereof; thence north 00°-08'-91" west a distance of 435.60' to a point; thence south 89°-59'-55" east a distance of 400.00' to a point on the west line of Blue-Robb Addition; thence south 00°-08'-02" east along said west line a distance of 435.60' to a point on the south line of the SE/4 of Section 17; thence north 89°-59'-55" west along said south line a distance of 400.00' to the point of beginning, containing 4.000 acres, more or less.

There being no further business, the Chair declared the meeting adjourned at 3:02 p.m.

Date Approved

*January 23, 1975*

*Tom W. Jolly*

Chairman

12.19.74:178(11)

Case No. 14818 (continued)

Requirements In Residential Districts - Use Unit 1206) of side yard setback from 10' to 5' to allow for an addition to an existing dwelling, per drawing submitted; finding that the new construction will align with the existing wall and will not encroach further into the setback than the existing house; on the following described property:

Lot 3, Block 1, Newblock Park Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14819**

**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-3 zoned district.

Variance - Section 440 - Special Exception Uses Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to permanently.

Variance - Section 208 - One Single-Family Structure per Lot of Record - Use Unit 1209 - Request a variance to allow for two dwellings on one lot of record, located 5400 South Olympia Avenue.

**Presentation:**

The applicant, Carl Funderburk, 2630 East 16th Street, Tulsa, Oklahoma, submitted a location map (Exhibit M-1) and asked the Board to allow the installation of a mobile home on 28 wooded acres owned by the YMCA. He informed that a gymnasium, 2 prefab buildings, a house for the executive director and a pool are currently located on the property. It was noted by the applicant that there are numerous pieces of maintenance equipment and some YMCA buses stored on the premises, and he requested that a mobile home for a security guard be approved.

**Comments and Questions:**

Ms. White asked if the mobile home will be a full time residence for the security guard, and Mr. Funderburk answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 zoned district; to **APPROVE** a **Variance** (Section 440 - Special Exception Uses Requirements - Use Unit 1209) of the time regulation from one year to permanently; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Structure per Lot of

Case No. 14819 (continued)

Record - Use Unit 1209) to allow for two dwellings on one lot of record; finding a hardship demonstrated by the large size of the tract and multiple zoning classifications in the area; and finding that the granting of the requests will not be detrimental to the area, but will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The SE/4, NW/4, less the west 10 acres for ROW, Section 35, T-19-N, R-12-E, City of Tulsa; Tulsa County, Oklahoma.

Case No. 14820

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 20' to 10' to allow for an addition to an existing dwelling, located 111 South 163rd East Avenue.

Presentation:

The applicant, James Nitz, PO Box 35828, Tulsa, Oklahoma, represented Johnson Construction, and stated that only a corner of the proposed addition, a space approximately 10' by 10', will encroach into the rear yard setback. He pointed out that the lot is irregular in shape.

Comments and Questions:

Mr. Smith asked if the application has been cleared with the utility companies, and Mr. Nitz replied that the utilities have been moved to the other end of the house and that he is not sure about the utility easement.

Mr. Jackere informed that there is a 10' utility easement to the rear of the property, but only the variance request should be considered by the Board.

Protestants:

Larry Abbott, 102 South 164th Street, Tulsa, Oklahoma, informed that he and his wife live in the residence directly to the rear of the property in question. He pointed out that his home is lower than the subject property and the proposed addition is to have a lot of glass overlooking his back yard. Mr. Abbott explained that he has recently installed a wood privacy fence, but if the house is to be extended to within 10' the fence line, his neighbors will have a direct view into his back yard. Photographs (Exhibit N-1) were submitted.

Comments and Questions:

Ms. Bradley asked if the proposed addition is higher than the roof line of the existing house, and Mr. Abbott replied that it is approximately the same height.

Ms. Bradley asked Mr. Abbott if he would agree to extend the height of the privacy fence, and he stated that the homeowner will not extend the the fence.

05.05.88:514(15)

Case No. 12456 (continued)

Applicant's Rebuttal:

Ms. Starnes stated that she has talked with her neighbor with whom she shares the driveway and she has no objection to the proposal. She advised the Board of other duplexes, garage apartments, and apartment complexes in the surrounding area.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings on a lot of record, on the following described property:

Lot 370, Block 2 of the Resubdivision of Lots 11, 12, 13, 14, 15, Block 2, Rodgers Heights Subdivision, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12457

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwelling units on one lot of record located at 4032 East 111th Street.

Presentation:

C. M. Reinkemeyer, 4032 East 111th Street, stated that he owns the 16-acre subject tract and presently resides in the existing small house on the property while a larger one is being constructed where he will move when completed. The applicant was issued a Building Permit last year through an error and the Inspections Department is requesting that the variance to permit two dwelling units on one lot of record be granted.

Protestants: None.

Board Questions:

Mr. Victor asked if the small house would remain in existence when the larger one is completed and Mr. Reinkemeyer stated that his maintenance man will live in that small structure. The homes are so close together that either a relative or hired hand would reside in the small residence.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of record) to allow two dwelling units on one lot of record, on the following described property:

The NE/4, SE/4, NW/4 and the S/2, SE/4, NE/4, NW/4 and the East 44 feet of the North 990 feet of the NW/4 of Section 33, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12458

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a mobile home in an RS-3 Zoned District

2.24.83:381(12)

Case No. 12458 (continued)

Located at 5400 South Olympia Avenue.

Presentation:

Carl Funderbuck, 5400 South Olympia Avenue, submitted two (2) aerial photographs of the subject property (Exhibit "K-1"). Mr. Funderbuck represented Whiteside YMCA and requested permission to locate a mobile home on the 27-acre tract for the camp director to reside and to oversee the property.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a mobile home in an RS-3 Zoned District, for a one-year period, removal bond required, on the following described property:

The SE/4 of the NW/4 of Section 35, Township 19 North, Range 12 East, save and except the approximate ten (10) acres on the West side thereof, condemned by the State of Oklahoma for highway purposes in Tulsa County, State of Oklahoma, containing 27½ acres more or less.

Case No. 12459

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance to permit a 7' side yard setback instead of the required 10' setback located at 6432 South Pittsburg Avenue.

Presentation:

Paul Beggs was present representing Rod and June Huse, 6432 South Pittsburg Avenue, and advised that the subject area has been developed as a single-family residential area. Due to an oversight in the past, the area was zoned RM-1 which requires two 10' side yards. The applicant requested a 3' variance on one side yard which would provide for a 7' side yard setback, and a 10' side yard setback on the other side. A plot plan was submitted (Exhibit "L-1").

Protestants: None.

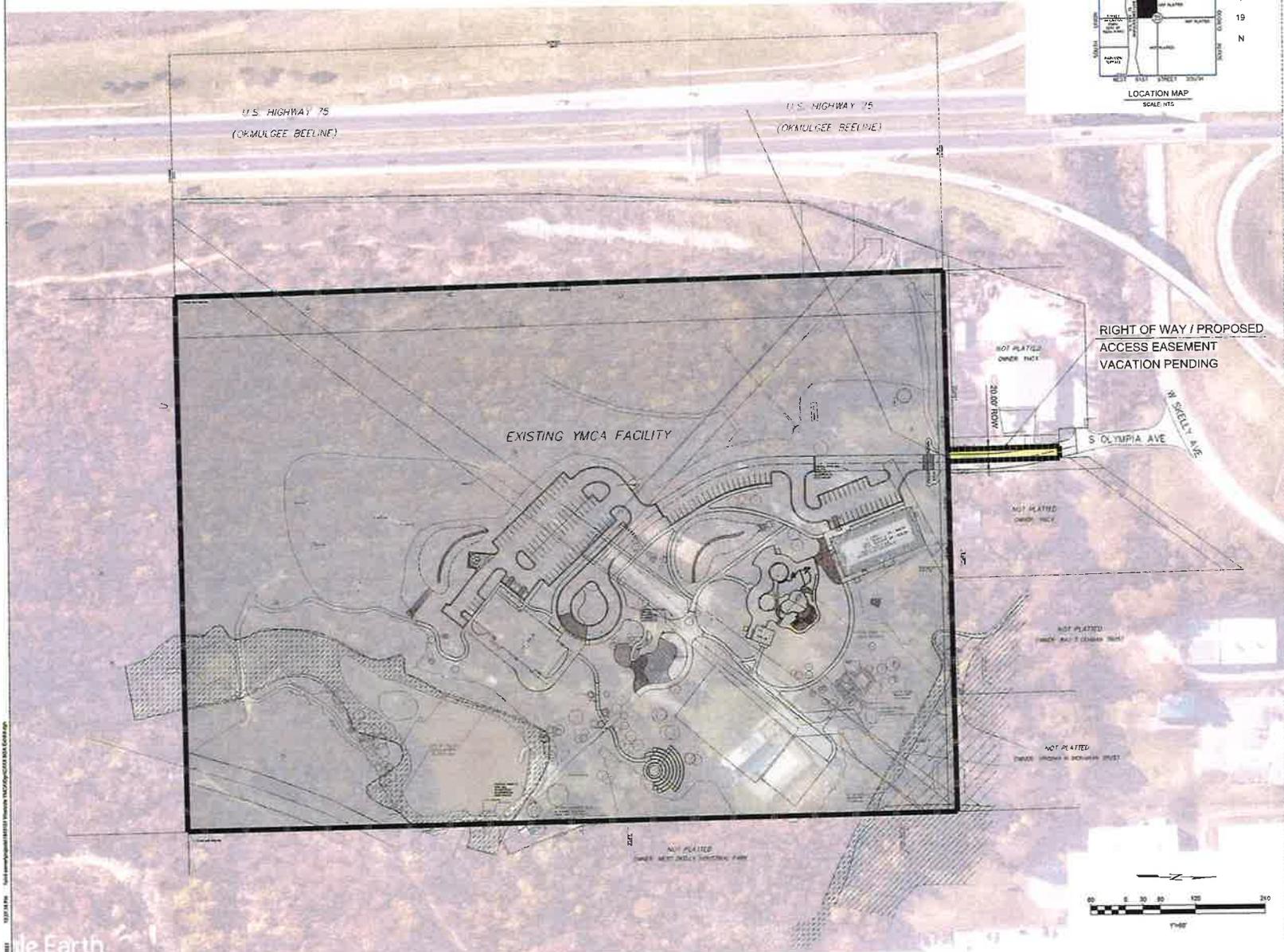
Board Comments:

Chairman Smith advised that the Board has granted a number of side yard setback variances in this subdivision in the past.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) to permit a 7' side yard setback instead of the required 10' setback, per plot plan, on the following described property:

Lot 28, Block 2, Livingston Park South, Tulsa County, Oklahoma.  
2.24.83:381(13)



**GH2**  
ARCHITECTS

THIS DOCUMENT IS PRELIMINARY  
IN NATURE AND NOT A FINAL  
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SEAL AND SIGNATURE.

*wallace*

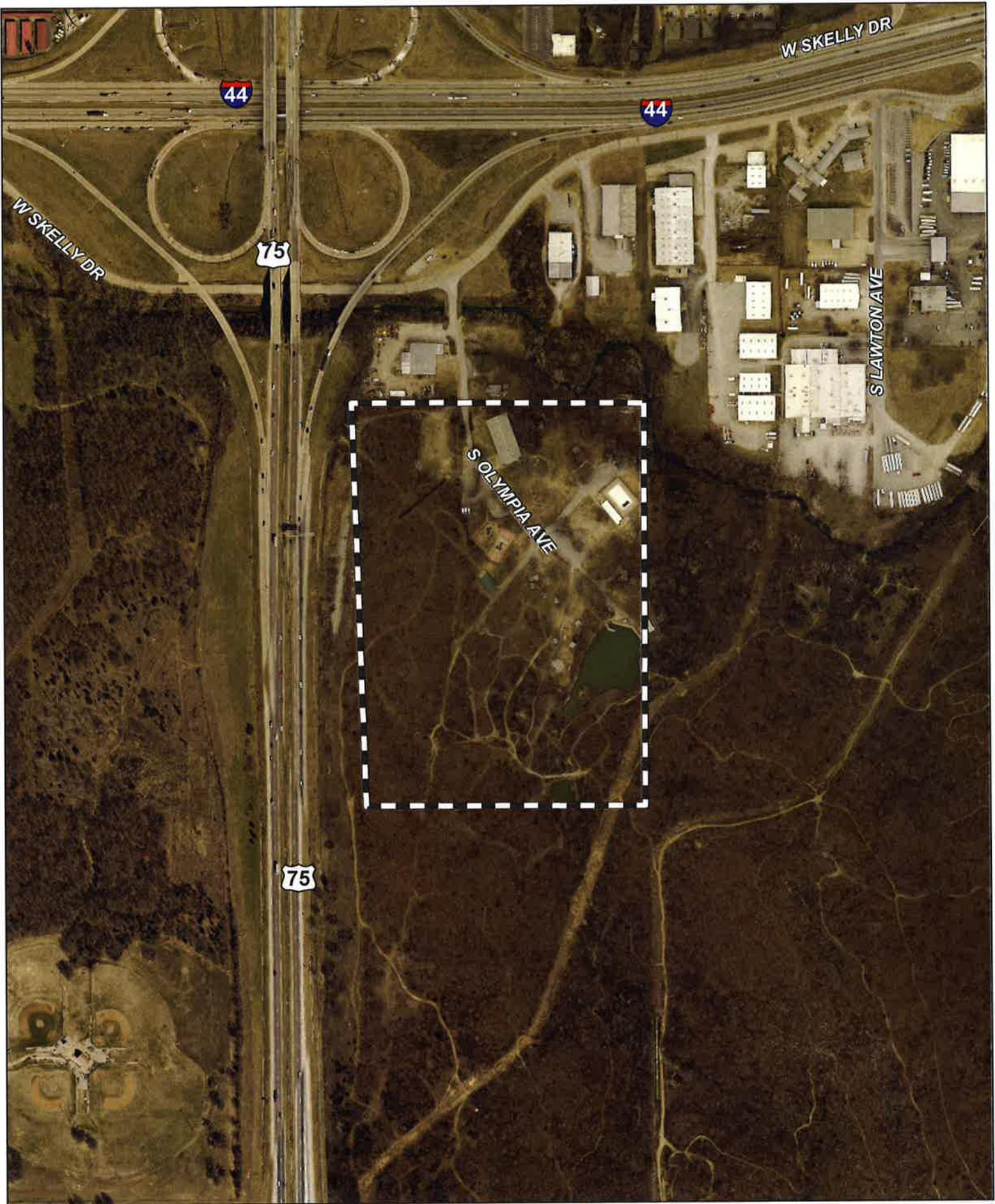
Wallace Engineering  
Structural Engineers, Inc.  
1000 West 10th Street  
Tulsa, Oklahoma 74103  
918.581.3888  
www.wallace-engineering.com

**HERMAN & KATE KAISER YMCA**  
**VOLUME I: SITE**  
5480 S OLYMPIA AVE, TULSA, OK 74107

DATE PLOTTED: 01/14/2020  
20190009.01  
PLOT DATE:  
14 FEBRUARY 2020  
50%  
CONSTRUCTION  
DOCUMENTS

BOA SITE EXHIBIT

SECTION  
**C000**



W SKELLY DR

W SKELLY DR

44

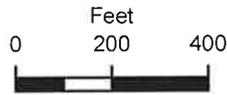
44

75

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SLAWTON AVE

S OLYMPIA AVE



 Subject Tract

**BOA-23085**

19-12 35

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

