

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 707
Tuesday, July 9, 1996, 1 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Turnbo White, Vice Chair	Abbott, Chair Box	Gardner Beach Huntsinger	Parnell, Code Enforcement Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Wednesday, July 3, 1996, at 10:34 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chair White called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **CONTINUE** the minutes of June 25, 1996 (No. 706)

UNFINISHED BUSINESS

Case No. 17395

Action Requested:

Special exception to permit church use (playground) on the subject tract. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, a Special exception to permit an 8' high fence in the required front yard. **SECTION 210.B.3. Permitted obstructions in Required Yards - Use Unit 2**, and a Special Exception to amend a previously approved site plan. **SECTION 1608. SPECIAL EXCEPTIONS**, located 1329 East 55th Place.

Case No. 17395 (continued)

Presentation:

The applicant, **Sherry Moore**, 1329 East 55th Place, not present for hearing.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolze, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **CONTINUE** Case No. 17395 to July 23, 1996 at 1:00 p.m.

Case No. 17400

Action Requested:

Variance of the required rear yard from 20' to 12' to permit the addition of a garage to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1440 South 124th East Avenue.

Presentation:

The applicant, **James G. Dossey**, submitted a letter withdrawing this application (Exhibit A-1).

Case No. 17417

Action Requested:

Variance of the required setback from Harvard Ave. to expand existing porch from 100' to 39'4" and a Variance of the required 50' setback from centerline of E. 16th to 37'. **SECTION 902. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 12; located 1607 South Harvard Avenue.

Presentation:

The applicant, **Ken Alexander**, 1437 East 57th Street, submitted a revised site plan (Exhibit B-1), building location plan (Exhibit B-2) and stated he represents the Rib Crib Restaurant. He further stated the building location plan shows the existing building relative to the 40' right-of-way from the centerline of Harvard; the 50' planned right-of-way from the centerline of Harvard; the 50' setback from 16th Street, and the 100' setback from Harvard. He indicated the shaded area on the building location plan represents proposed areas of expansion to the building with an increase of approximately 558 square feet. He stated the revised site plan indicates the expanded building with the relocated entry to the south; the proposed parking, and the extent of landscaping. He indicated on the building location plan, porch, wooden deck, and row of existing structural columns on the west and east side of the building, Rib Crib purchased the building in 1992 and the former owner indicated the structure was built in the early 1920's. He further indicated that the structure encroaches beyond both setbacks and the 50' planned right-of-way, all of which were imposed

Case No. 17417 (continued)

after the structure was constructed. He stated the Board granted a variance in 1978 to enclose the existing front porch of the building on the Harvard side. He further stated that a previously owner had extended the roof line on all sides of the building and added a row of structural columns to support the roof extension. He explained that the existing columns do encroach over the 50' planned right-of-way, but are outside of the 40' actual right-of-way. He further explained that at the time of purchase in 1992, the present owners brought the building up to accessibility standards with the addition of an exterior ramp, along with other interior improvements. He indicated the construction was authorized by the issuance of the building permit for the exterior wood deck. He further indicated the wood deck was attached to the structural columns that were already in existence. He stated the Rib Crib would like to add a screened in porch to expand the dining capacity across the west side of the building and part of the north side of the building. He further stated the addition will add approximately 40 seats. He indicated the enclosed structure will not extend in anyway closer to Harvard Avenue than the existing structure does presently. He further indicated on the east side of the building is a kitchen expansion for new equipment and a larger cooler/freezer area. He requested a variance from the 100' setback requirement from the centerline of Harvard to 40', which is where the building is presently. He further requested a variance from the 50' setback from the centerline of 16th Street to 37'07" to accomplish proposed expansion and renovation of the existing structure. He indicated the metal storage building on the site will be removed for increased parking opportunity. He stated the expanded building will require 23 parking spaces, however, there will be 35 parking spaces available.

Comments and Questions:

Mr. White asked the applicant if the existing roof line to the west will be the furthest limit of what you propose? He answered affirmatively. He stated the restaurant is enclosing space that is already existing under the roof.

Mr. Gardner stated the staff and Board were confused as to where the existing roof was located in relationship with the existing deck and where the wall is located for the enclosed restaurant. Mr. Alexander stated the restaurant will remove the enclosed porch and in the same line have roll down glass garage doors to condition that space. He explained that the porch extends out to the roof line and when the weather is bad the restaurant will bring down the glass garage doors to protect the patrons from the weather, which would allow the space to be used during good and bad weather year around.

Case No. 17417 (continued)

Mr. Bolzle asked staff if there was a need for a removal contract? Mr. Gardner stated this a permanent type of structure, unlike a sign which could easily be removed, but it would be up to the Board whether to require a contract removal. He further stated the chances of Harvard ever being widened to more than the existing four (4) lanes is unlikely. He explained the City would probably never need additional right-of-way along Harvard Avenue.

Mr. Bolzle commented there were multiple structures along Harvard Avenue that are up to the existing right-of-way.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** of the required setback from Harvard Ave. to expand existing porch from 100' to 40' and a **Variance** of the required 50' setback from centerline of E. 16th to 37'. **SECTION 902. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 12; per plan submitted; subject to the removal of the existing metal building located in the rear; finding that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 1&2, less W10' thereof, Block 8, Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17420

Action Requested:

Variance to permit off-premise signage for Crown Chase Apartments in an AG/RM-1/PUD 105 zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 21 located West of Southwest corner East 81st Street South and South Lewis.

Presentation:

The applicant, **Roy Johnsen**, 201 W. 5th St., #440, representing Crown Chase Apartments and stated when the application was initially filed it was thought perhaps there was a non-conforming use status on this particular sign. He further stated after research it appears the non-conforming use status does not apply to this application. He requested the application be withdrawn.

NEW APPLICATIONS

Case No. 17421

Action Requested:

Special Exception to allow a manufactured home in a RS-1 zoned district and waiver of the one year time limit to permanent. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located 1533 South 181st East Avenue.

Presentation:

The applicant, **Glen D. Wilson**, 1533 South 181st East Avenue, submitted a site plan (Exhibit D-1) and stated he has lived at the subject property for 34 years. He explained he would like to remove the existing home and move a double wide manufactured home in to replace their current home. He further explained the manufactured home will be an improvement to the current home. He stated the manufactured home is built to HUD specifications and the existing utilities would be used for this home. He further stated the manufactured home was cost effective and would provide a larger home than is presently located on the subject property.

Comments and Questions:

Mr. White asked the applicant if the manufactured home will replace the existing building? He answered affirmatively. He stated there is presently two buildings existing on the subject property, but both buildings will be removed.

Mr. Bolzle asked the applicant if he would be installing the manufactured home on a permanent foundation? He answered affirmatively.

Mr. Wilson stated the manufacture home will be on a permanent foundation with brick or rock for skirting.

Mr. Bolzle asked the applicant if he was aware of any other mobile homes or manufactured homes in the area? He stated there is a manufactured home located on 14th Street and 176th, which is installed the same as he is proposing and it looks very nice.

Mr. Bolzle asked the applicant if this was a single wide mobile home or a double wide manufactured home on a permanent foundation? He answered a double wide.

Protestants:

Peggy Turley, Route 3, Box 151, Broken Arrow, stated she owns 5 acres west of Mr. Wilson's property. She further stated in 1978 the neighbors in the area signed a petition which states the property owners objection to a mobile home being moved on to the property at 1703 South 181st East Avenue. She read the petition to the Board. She stated Mr. Wilson signed the petition in 1978. She further stated the area is beginning to develop and currently her five (5) acres is undeveloped. She explained there is an agricultural area with cattle and a barn located north of Mr. Wilson. She commented she is sure Mr. Wilson would keep his property clean, but a manufactured home is a manufactured home, it is not a brick dwelling. She further commented the surrounding acreage are zoned RS-1. She stated the 30 acres on the corner is zoned agricultural. She asked the Board to consider the land is developing and 10 acre tracts have been sold with very nice homes built on the tracts. She stated she opposes a manufactured home being installed on the subject property.

Interested Parties:

Kelly Yount, 1718 South 181st Street East Avenue, stated he has lived down the road from Mr. Wilson for the past 33 years. He further stated Mr. Wilson will be moving out two older homes that are in bad repair and is replacing with one nice home. He explained the home will be permanent on a permanent foundation and will improve the neighborhood. He further explained that Mr. Wilson has always kept his property clean and the permanent manufactured home will improve the looks of the neighborhood.

Applicant's Rebuttal:

Mr. Wilson stated he has ten (10) acres across the street from Ms. Turley, which is not in the same area she was discussing. He further stated he never signed a petition stating he did not want manufactured homes in the area only mobile homes (single wide). He explained Ms. Turley has five (5) acres directly across the road from his property. He further explained Ms. Turley's acreage is not developed and no one lives on the five (5) acres. He commented the manufactured home he proposes to install will improve his ten (10) acres more so than the home he lives in presently. He further commented the manufactured home will not injure the neighborhood.

Additional Comments:

Mr. White asked the staff if there is a difference in the wording of the Code between a mobile home versus a manufactured home? Mr. Gardner stated a manufactured home by definition in the Code is: "A structure transportable in one or more sections which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities." Mr. Gardner further stated the Code does not make any distinction between a double wide and a single wide. He explained that Mr. Wilson's unit is a double wide with pitch roof and is intended to be installed on a permanent foundation. He further explained the installations outward appearances will appear to be a house that is built on site. He informed the Board the ordinances do not make the distinction and the Board will have to make the distinction in their deliberations on the application. He commented if the manufactured home was in the County it would be allowed by right, but in the City the Board looks at each one and determines if it is appropriate for the area.

Mrs. Turnbo stated she had no problem with the manufactured home, since it is a double wide and will be permanent. She further stated there is no City ordinance that requires a home to be built out of brick in the City that she is aware of.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** to allow a double wide manufactured home installed on a permanent foundation in a RS-1 zoned district and waiver of the one year time limit to permanent. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, per plan submitted, subject to the removal of the two existing buildings indicated by Mr. Wilson; subject to Health Department approval and a building permit; finding that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

S/2, N/2, NE, SW, Sec. 12, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17422

Action Requested:

Variance of the required setback from centerline of Admiral Pl. from 50' to 40'.
SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, located at 5030 East Admiral Place.

Presentation:

The applicant, **Oklahoma Neon**, represented by Terry Howard, 1423 South 128th East Avenue, submitted a site plan (Exhibit E-1), plot plan (Exhibit E-2), sign permit (Exhibit E-3) and a building permit (Exhibit E-4). Mr. Howard stated the location of the building sets at 50' and for the sign to meet the 55' setback it would have to be beside the building along the parking area. He further stated there is a 10' planter area in front of the building and 10' of sidewalk to the curb. He explained the sign would be located in the landscaped area. He further explained the sign is a monument type sign that is on the ground. He stated the sign measures 4'6" x 5'7" and mounted on the ground.

Comments and Questions:

Mr. White asked the applicant if the monument sign would be in addition to the awning which has a sign? He answered affirmatively. He stated the proposed sign would be located in the grass/planter area directly to east of the entrance.

Mr. Howard stated there are many buildings that are at 40' along Admiral Place. Mr. White concurred with Mr. Howard's statement.

Mr. White stated he didn't see any problem with the sign being installed. He further stated the sign is not very large and it is ground mounted.

Mr. Bolzle asked Mr. White if he noticed any other signs along Admiral Place that are attached to the buildings or hanging from the buildings. Mr. White stated there is various methods of signage along Admiral Place.

Ms. Turnbo asked Mr. Howard if the sign would be 5' tall as indicated on the plot plan? He stated the sign measures 4'6" tall x 5'7" wide.

Mr. Bolzle asked Mr. Howard if he thought the sign would create a traffic hazard for cars coming out of the parking lot? Mr. Howard answered negatively. He stated there is 10' sidewalk area before you get to the road and 10' of planter area. He further stated the sign will be mounted approximately 1' back into the planter area.

Mr. White asked the applicant if the privacy fence around the parking lot is setback 40' or 50'? He stated the privacy fence is 40'.

Protestants:

None.

Case No. 17422 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0.(Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** of the required setback from centerline of Admiral Pl. from 50' to 40'. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; per plan submitted; subject to a removal contract with the City of Tulsa for a sign measuring 4'6" tall x 5'7" wide; finding that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Lots 2 & 3, Block 1, White City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17423

Action Requested:

Variance of the required side yard from 10' to 8' to permit an existing encroachment and a new addition to an existing structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS**, located at 2032 East 12th Street.

Presentation:

The applicant, **Jay Eads**, 4354 South Rockford Place, submitted a site plan (Exhibit F-1) and requested the Board to accept the variance for the fact it will match the existing structure, rather than a room stuck on the back. He explained his client has a handicapped son, which is confined to a wheelchair and needs the extra 2' in the back so that he can pull the handicapped van around so the child can access himself into and from the house itself. He further explained that if the addition was moved to another location, the electricity would have to be installed underground at an estimated cost of \$2500.00, which could put his client in a hardship as far as this project is concerned.

Comments and Questions:

Mr. Bolzle stated the area is zoned RM-2 and is mostly single family dwellings. He further stated there are two apartment houses across the street from the proposed structure.

Mr. Gardner stated the hardship is the blanket zoning, which required 10' side yards that was originally developed with 5' side yards.

Protestants:

None.

Case No. 17423 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** of the required side yard from 10' to 8' to permit an existing encroachment and a new addition to an existing structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS**; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit or intent of the Code; on the following described property:

Lot 10, Block 8, Amended Terrace Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17424

Action Requested:

Variance of the setback from 16th St. for a garage from 20' to 16'; a Variance of the livability space; a Variance of the accessory building from 750 SF to 1,020 SF and a Variance of the coverage of more than 20% of rear yard to construct new garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** located at 1604 South Florence Place.

Presentation:

The applicant, **Tom Apgar**, represented by Steven Wayne, property owner, 1604 South Florence Place, submitted a site plan (Exhibit F-1) and requested a permit to build a new garage. He stated presently the garage sets at 16' from the centerline and is exactly parallel with his neighbor's garage to the west, which is also 16' from the centerline. He explained the garage would look different than the rest of the neighborhood if it was set 20' from the property line. He stated on the south side his garage actually would be 1' less than what his house encroaches on the south property. He further stated his neighbor on the south side has a privacy fence and his garage would not block the neighbor's view. He commented the property is opened to 16th Street and so he does not use the back yard area as a back yard. He further commented the security of his vehicles and the access to his home is more important to him than back yard use. He stated he owns two vehicles and a boat, which his present one car garage does not accommodate. He further stated one of his vehicles is parked on the street, which has been vandalized many times. He indicated the new structure would be built to code and would more closely resemble his home with vinyl siding.

Comments and Questions:

Mr. White asked the applicant what the distance between the back of the screened porch of his home and the garage would be? He stated from the house to the garage would be approximately 11'.

Mr. White stated he was referring to the screened porch. Mr. Wayne stated the distance from the porch to the garage would be approximately 6'. He further stated there is enough room for a doorway access on the screened porch and currently exists.

Mr. Gardner explained to the applicant that based on his drawing it looks like there is on 1' between the back porch and the garage. He stated he proposes to move the screened porch back so that he will have access from the side door on the garage to then access the back door that is on the screened porch. He stated the present location is approximately 1' or 2' but it will change with the construction of the garage to closely parallel the back west side of the house. He commented it would be a covered walk way from the east side garage entrance into the south side entrance of the house.

Comments and Questions:

Ms. Turnbo stated the proposed site plan appears to be over building on the lot and there will be no back yard.

Mr. Bolzle stated he did not see the hardship for the three car garage being built.

Mr. Wayne stated the hardship is the exposure to vandalism that he has experienced. He further stated he has lived in the neighborhood since 1972 and at that time it opposed no problem to have a car parked in the street. He explained the situation has changed through the years and he has experienced several occasions of vandalism. He asserted the need for a three car garage to enable him to house his two cars and boat.

Mr. Gardner stated the front of the new garage would be lining up where the existing garage is located and the west side of the new garage would be essentially the same as the old garage. He further stated if you have a modern detached two car garage in the back you are going to have to have a variance of livability. He explained the Board's decision is what hardship would justify going above and beyond what the ordinance would permit in terms of 750 square feet. He commented that 750 square feet would accommodate two cars and a small work space as oppose to 1,020 square feet, which is three car garage.

Case No. 17424 (continued)

Mr. Bolzle stated the Board is required to find that there is something unusual about the lot or physical characteristics of the property. Mr. Wayne stated it is a corner lot and he is opened to the north and the east, therefore he has no privacy. He further stated throughout the neighborhood the houses have garages that set to the rear with a driveway beside the house and they can pull back toward their garage, which gives them some security. He explained he is unable to have a driveway beside his home because it is a corner lot. He commented he felt he was experiencing undo exposure to vandalism because he is opened to traffic on two sides of his home.

Ms. Turnbo stated that what Mr. Wayne has described about the neighbors being able to pull their cars in the back toward their garage is true and he cannot do the same because of the corner lot. She further stated that reason may be the hardship on this lot for some relief.

Mr. Bolzle stated he understands Ms. Turnbo's statement, but the he agrees with the Staff that it would be unreasonable to build more than a standard two car garage with a reasonable work space. He further stated he cannot see the hardship that warrants a three car garage (more than 750 SF) with all the variances required to accommodate that size. He commented what the issue is all about is a place to store a boat and there are other alternatives for a storage of a boats.

Mr. White stated the distance from the front of the garage to the property line from the north is only about 15', which would be too little of space to park a vehicle on the property. He further stated he agrees with Mr. Bolzle that basically the increased number of parking places in the garage and probably an element of the 30' length of the garage is due to the parking of a boat. He commented the proposal would not fit the definition of a hardship.

Mr. Bolzle stated he had no problem with the variance of the setback to 16' because it is certainly reasonable and an obvious hardship. He agreed with Staff that there has to be a variance of livability and maybe a variance of coverage to construct a reasonable garage facility. He stated this proposal goes beyond a reasonable garage facility and he cannot support it. He asked the applicant if he would like to continue his application and make an alternate proposal?

Mr. Wayne asked Mr. Bolzle if he was stating he could come back with an alternate proposal for a smaller coverage? Mr. Bolzle answered affirmatively.

Mr. Bolzle stated in his personal opinion, as one member of the Board, it is reasonable to look at a two car garage in an area like the subject lot, but beyond that there has to be some real significant hardship related to the characteristics of the lot. He further stated he didn't think the conditions exist to find a hardship that would support a variance of the 750 SF limitation that the Code requires the Board find.

Case No. 17424 (continued)

Mr. Wayne stated the fact that the present garage is only 16' from the setback and because of the construction in the 1930's, a narrow driveway, does not give him room to put two vehicles side by side in the driveway presently. He further stated he did not have anywhere else to park the boat.

Mr. Gardner clarified that the Board is saying, is that anything over 750 square feet, you have absolutely no hardship for that. He explained the Board is giving him a chance to continue this application and come back with a proposal under 750 square feet, convince the Board for the need of the garage under 750 square feet so that they can find the hardship that will meet the test of the State law.

Protestants: None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolze, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **CONTINUE** Case No. 17424 to July 23, 1996 at 1:00 p.m. to enable the applicant to amend his site plan.

Case No. 17425

Action Requested:

Variance to permit a wall to exceed the 8' height limit to 10'. **SECTION 210.B.3. YARDS; PERMITTED OBSTRUCTIONS IN REQUIRED YARDS;** and a Variance to permit the wall to be constructed in the planned right-of-way of S. Peoria Ave. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 6, located at 1270 East 25th Street.

Presentation:

The applicant, **Bob Lindsey/Decowall**, submitted a plot plan (Exhibit H-1) and a site plan (Exhibit H-2). Mr. Lindsey stated he builds retaining walls and on this particular address is parallel with 25th & Peoria Avenue where the traffic is very noisy. He further stated it is a private residence and there are several retaining/privacy walls in the area. He commented the retaining/privacy wall across the street is taller than the proposed wall. He explained the wall will be built from pre-cast walls and units with stone to match the existing house. He further explained the wall will not change the appearance of the neighborhood. He stated the wall is an engineered wall in units of 18 x 18' x 10' long and is state approved. He further stated the State of Oklahoma has installed walls like the proposed wall along the freeways to buffer traffic noise from residence. He explained the wall will be made of natural limestone to match the existing home, which will be an improvement and give the residents privacy. He further explained the noise increases everyday from the traffic. He commented the City of Tulsa has built noise buffer walls along 71st and Harvard that are taller than the proposed wall.

Comments and Questions:

Ms. Turnbo asked the applicant if this would only be along the Peoria side? He answered affirmatively.

Mr. White asked the applicant where would the wall be in relationship to the wall immediately to the north of the subject property? He stated the proposed wall would be in line with the wall located on the lot north of the subject property.

Ms. Turnbo stated she didn't have a problem with this application. She further stated there are several fences along Peoria that are higher than 8'. She commented the increase of traffic has become a problem with noise.

Mr. Bolzle asked the applicant if he was building a retaining wall? He explained it is a fence made out of concrete and stone.

Mr. Gardner asked the applicant if the high wall would be built to the property line on 25th? He answered affirmatively.

Mr. Gardner asked the applicant if there would be a problem for motorists seeing in order to pull out into traffic? He answered negatively.

Mr. White asked the applicant if he would be building the wall to the front property corner to 25th. He explained he cannot hear what the Board is asking. He requested the Board to allow him to approach the bench and explain his application.

Mr. Howard indicated on the plot plan that he was requesting to come only to the 30' building line along 25th with the wall, which is the required front yard.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** to permit a wall to exceed the 8' height limit to 10'. **SECTION 210.B.3. YARDS; PERMITTED OBSTRUCTIONS IN REQUIRED YARDS;** and a **Variance** to permit the wall to be constructed in the planned right-of-way of S. Peoria Ave. up to the 30' building line on 25th. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS;** per plan submitted; subject to a removal contract with the City of Tulsa; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Lots 1 & 2, Block 10, Sunset Terrace, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17426

Action Requested:

Special Exception to allow a manufactured home in a RM-2 zoned district and a waiver of the one year time limit to permanent. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located at 802 South 63rd West Avenue.

Presentation:

The applicant, **Carl and Edna Owens**, 808 South 63rd West Avenue, submitted a plot plan (Exhibit I-1) and stated he lives adjacent to the subject property, which he owns both properties. He further stated he would like to install a manufactured home on the subject property. He explained the manufactured home is a 14' x 70' with a 36' x 14' add on the side and there is presently no other buildings on the property. He further explained the City utilities are available and he would like to make it a permanent residence. He stated there will be a solid foundation under the manufactured home with rock around the bottom for skirting.

Comments and Questions:

Mr. White stated there are two other manufactured homes in the area. Mr. Owens confirmed that a manufactured home is located three (3) lots down from his property and there are two more around the corner within 250' of his property.

Mr. Gardner stated this area is a mixed zoned area which contains a variety of land uses.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in a RM-2 zoned district and a waiver of the one year time limit to permanent. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to being installed on a permanent foundation; subject to Health Department approval and a building permit; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Lot 19, Block 1, Trimble Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17427

Action Requested:

Variance of the required 75' setback from a R district to 60' for construction of new truck wash facility and approval of an amended site plan. **SECTION 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS** - Use Unit 17, located at 4235 North 93rd East Avenue.

Presentation:

The applicant, **J.D. Turner/City of Tulsa**, 2317 South Jackson, submitted a site plan (Exhibit J-1) and stated the City wanted to install a pre-engineered metal building to use as a truck wash. He requested permission to install the truck wash 60' from the south property line. He indicated that south of the subject property the lots are vacant and are zoned for residential. He stated the reason for the encroachment further south is to better utilize the storage space for materials and equipment.

Comments and Questions:

Mr. Bolzle asked the staff if this area is a part of the airport acquisition? Mr. Gardner answered yes that the area is planned for industrial.

Mr. Bolzle asked the applicant what is the change on the amended site plan? Mr. Beach stated it was the addition to the proposed building.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** of the required 75' setback from a R district to 60' for construction of new truck wash facility and approval of an amended site plan. **SECTION 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS** - Use Unit 17; per plan submitted; finding that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Lots 2 & 3, Block 1, Preston-Easton First, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17428

Action Requested:

Special Exception to allow a church and church uses on subject property. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2 located at South & West of Southwest corner East Pine Street & North Mingo Road.

Presentation:

The applicant, **Jerry C. Johns**, 6146 East 4th Street, submitted a site plan (Exhibit K-1) and stated he would like to build a church on 3 1/3 acres he proposes to buy. He further stated he proposes to erect a 5,000 SF building on the acreage. He indicated the plans for the west side of the building, which is next to the residential area, call for landscaping with trees and greenery. He stated parking will be located in the front of the building. He further stated the building would have access on the north side of the property to Oklahoma Street. He explained the building will be used for church purposes only.

Comments and Questions:

Mr. White asked the Staff if the automotive repair shop that was approved early in the year lies within and abutting this tract? Mr. Beach stated the portion that extends east and connects with Mingo is the area that partially overlaps. Mr. Beach further stated the north half of the automotive repair tract lies within the access to Mingo for this subject tract. Mr. Beach explained that the tracts are not separate lots of record, rather an imaginary lease line that has been constructed by the owner. He stated the automotive repair center was never built and the Staff does not know what their plans are presently. Mr. Beach further stated the Staff presumes now that there is a new tenant or purchaser.

Mr. White asked the applicant if he was aware of the automotive repair shop being approved to built? He answered affirmatively.

Mr. Beach stated that if this application was approved it would trigger the platting requirement as a Use Unit 2. He further stated that would establish property lines and points of access on Mingo. He explained the Staff was concerned that the automotive repair shop would have its access on Mingo and the church would have another access to Mingo, which will cause the access points to be too close together. He further explained the platting process will address this potential problem.

Mr. Bolzle stated he didn't see any problem with the application, but he had some questions about Staff's comments regarding trees. Mr. Beach stated the site plan indicates a number of trees abutting the residential area and the Staff agrees it would be appropriate to buffer the church from the abutting residential area because they are very close together. He further stated the size of the Church and mechanical equipment could potentially create a lot of noise and disturbance in the area.

Mr. Bolzle stated the tract is zoned CS and a retail center could build within 10' of a residential line and all that is required is a screening fence. Mr. Gardner stated a retail center could build within 10' of a residential line plus 1' of setback for every foot of building height above 15'.

Case No. 17428 (continued)

Mr. Bolzle stated the tree recommendation is an additional burden and he didn't see why the Board should place an additional burden on the church use that a retail use wouldn't have.

Mr. Bolzle asked if the church is required to build a screening fence? Mr. Beach answered negatively.

Mr. Bolzle stated since the church is not required to build a screening fence he now understands Staff's suggestion of screening with trees. He further stated it is proper to screen and is a reasonable requirement. He commented he agrees with Staff that there needs to be some type of screening. He further commented he wasn't aware that in this district the church wouldn't be required to screen.

Mr. Gardner stated that since the church is in Use Unit 2 and requires a special exception, the Board could impose conditions which would make it compatible. He further stated the Board could approve the application per plot plan which proposes using trees along the residential boundary in lieu of imposing a screening fence.

Mr. Bolzle asked the applicant if he intends to use the landscaping as screening? He answered negatively. He stated the church plans to install a 6' privacy fence between the residential area and the church.

Mr. Bolzle stated he is in favor of approving this application subject to a screening fence on all property lines abutting R districts. He further stated that if the church then wanted to screen with trees rather than a privacy fence then they would have to come back before the Board.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** to allow a church and church uses on subject property. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, per plan submitted (without respect to landscaping); subject to the installation of a screening fence on all boundaries abutting R districts; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit or intent of the Code; on the following described property:

All of Block 14 of the Amended Plat of the Re-Sub of a part of Block 14 of the Amended Plat of Van Acres Addition, City of Tulsa, Tulsa County, Oklahoma, less & except N 150' of the E 200' and S 300' of the E 200' thereof.

Case No. 17429

Action Requested:

Special Exception to allow open-air sales of ornamental swings and benches for the 1996 & 1997 time period. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located at 2102 South Yale Avenue.

Presentation:

The applicant, **Sandra Harmon**, 5756 East 28th Street, submitted a site plan (Exhibit L-1) and photographs (Exhibit L-2). Ms. Harmon requested permission to sale the swings and benches at 21st Street. She further stated she did not want her application approved to the shown site exclusively, because she would like to be able to move under the canopy when the other vendor moves out.

Comments and Questions:

Ms. Turnbo asked the applicant how many swings she will be displaying? She stated at the time of her application she only had three (3) different types, but she now has six (6) different types and she would like to display six (6) swings.

Mr. Gardner asked the applicant if the swings are only models of what is available and if someone buys a swing you deliver out of a warehouse? She answered affirmatively.

She stated if six (6) displays are not acceptable she will change the swings out weekly.

Ms. Turnbo stated the lot appears to be crowded with the two vendors on the corner. She expressed concerns with six (6) swings being displayed.

Mr. Beach informed the Board the vendor presently approved is approved until October 31, 1996, for one year. He stated the present vendor has a tent, produce and plants.

Mr. White asked the applicant if she was asking for an alternate time period other than the present vendor or in addition to his? She stated she wanted to be able to move the swings from the site she is now using and locate under the canopy once the present vendor leaves.

Mr. Beach asked the applicant if she wanted to sale the swings after the present vendor leaves? She clarified that she wants to sale swings now on the site plan she has submitted, but she would like to be able to move under the canopy after the present vendor closes business for the year.

Case No. 17429 (continued)

Mr. Gardner stated the applicant shows three different models on the plot plan, but she actually has six (6) different models which could all be displayed along the back line of the west triangular portion. He explained that once the present vendor moves out at the end of October, she could move her displays under the canopy. Ms. Harmon agreed with Mr. Gardner's statement.

Ms. Turnbo asked the applicant what the days and length of time she wanted to be approved? She stated Thursday through Sunday, hours 8:00 a.m. to 7:00 p.m.

Ms. Turnbo asked Mr. Bolzle if there is room for parking if six (6) swings are being displayed? He stated he wasn't sure.

Mr. Gardner stated that if the three (3) additional displays were kept along the back property line there would be sufficient room in front for parking.

Mr. Bolzle stated he would rather approve this for one year and see how it works out.

Ms. Turnbo stated the application can only be approved for 150 days since it is outside sales.

Mr. Bolzle agreed with Ms. Turnbo's statement, but the applicant is asking for two years and he would rather approve it only for one year for the first time and see how it works out.

Mr. Turnbo asked the applicant what months she wanted approval for? She stated in November and December she would like to simply keep a display with a sign advertising their business.

Mr. White explained to the applicant that 150 days will be the amount of time she can be approved for according to the Code.

Protestants:

None.

Case No. 17429 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** to allow open-air sales of ornamental swings and benches for the 1996 & 1997 time period. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to a limit of six (6) displays; for a maximum of 150 days in 1996 only; hours 8:00 a.m. to 7:00 p.m.; finding that the approval will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Mayo Meadow Extended part Block 1 Beginning 20'S NE/c; thence S 199', W72', NW 267.7', N 63.3', thence E to Pt. SE 31.35' POB, Block 1, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17430

Action Requested:

Variance to allow required parking to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; General Requirements**; and a Variance to permit the multiple lots within the site to be considered as a single lot for the purpose of establishing and measuring building and parking setbacks and calculating the amount and locating signage within the site. **CHAPTERS 2 AND 13** - Use Unit 12, located at 2900-2998 East 11th Street.

Presentation:

The applicant, **William J. Doyle, III**, 550 Oneok Plaza, representing U.S. Beef Corporation ("U.S. Beef"), which is the Arby's Roast Beef franchisee in Oklahoma, submitted a site plan (Exhibit M-1) and letter of intent (Exhibit M-2). Mr. Doyle stated in 1980, U.S. Beef Corporation purchased the Pilcher Summit Lots and there are three (3) lots that are 50' deep fronting on College. He further stated the lots are 150' deep on 11th Street. He explained U.S. Beef entered into a lease agreement with the University of Tulsa ("TU") and built its existing restaurant at 11th and Harvard Avenue. He further explained the lease has expired and U.S. Beef is on a month to month basis. He stated TU now has other plans for the lot and so Arby's Roast Beef will need to move. He further stated that earlier in 1996, U.S. Beef bought two (2) lots in Signal Addition, which front on Evanston. He explained that U.S. Beef had attempted to build a restaurant, which would have been diagonally across the five (5) lots, but there is a sanitary sewer which separates those two additions. He further explained the two lots on the west, the Signal lots, are separated from the three Pilcher Sumner lots on the east by this sanitary sewer and there is no practical way to build a building across the sanitary sewer, which would tie all of the lots together by the building itself. He stated there is a requirement in Section 1301.D that states the parking must be on the same lot where the use is located. He further stated if the restaurant was built on the three lots in Pilcher Summit, then we need to tie the parking in Signal with the three lots in Pilcher Summit.

Comments and Questions:

Mr. Bolzle asked Staff how the Board could approve a commercial building in an OL district? Mr. Gardner stated you do not have variance powers to grant a principal use. He further stated it comes down to whether or not the small extension is considered a principal use.

Mr. Bolzle asked if this isn't in effect taking a PUD through the Board of Adjustment? He explained it is spreading the floor area ratio and spreading usage across lots that would not otherwise allow that use. Mr. Gardner stated a common practice would be to file a PUD for this type of application. Mr. Gardner further stated the application that the Board approved for Taco Bueno at 11th and Delaware Place was this type of application. He commented he was not sure when the law changed on principal use variances, but the first two lots on the Taco Bueno site were zoned commercial and the next three (3) lots were zoned OL office. He further commented the Board allowed the spreading of the use over that entire five (5) lots as a variance with conditions, however that may have occurred before the statutes were changed. He stated if the Board determined that what is being proposed is establishing a principal commercial use on the office lot, then the Board would not have jurisdiction.

Mr. Bolzle asked how could he argue that this is not a principal use on the office lot? He stated it is only one use on the lot, it is a restaurant lot. He further stated he didn't know how it could be anything but a principal use.

Mr. Gardner stated the property across the street, it is zoned commercial to the depth of three lots. He further stated another alternative would be for the applicant to get the southern lot zoned commercial.

Mr. Bolzle asked the Staff if rezoning lot three (3) would trigger a platting requirement? Mr. Gardner stated the platting requirement would effect only lot 3.

Mr. Bolzle asked the Staff if the Board could consider this application after the Planning Commission voted to re-zone lot three (3) or the applicant could file a PUD with the Planning Commission.

Mr. Gardner stated the Board could approve this application as it stands with the condition that lot three (3) be re-zoned commercial.

Mr. Doyle stated the Library Restaurant approved by the Board of Adjustment several years ago, which was located on the subject property, encroached on the OL district to the same extent that is now proposed for the Arby's Restaurant.

Mr. Bolzle stated tearing down the building and rebuilding is what creates the problem.

Mr. Doyle stated U.S. Beef is running out of time to relocate. He further stated that TU is wanting their tract of land back at 11th and Harvard. He explained U.S. Beef has to vacate and would like to maintain a restaurant in the area.

Mr. Bolzle stated he did not see any problem with the use and the application, in his opinion the Board has a jurisdiction problem. He further stated he did not think it was proper for the Board to be attempting to satisfy these kind of problems by stretching the definition of use to such an extent. He explained the Board has an obvious problem with a principal use that is not allowed in an OL district. He commented he agreed with Staff's suggestion that the Board approve this application, subject to lot three (3) being re-zoned.

Mr. Gardner stated he wasn't sure if U.S. Beef lost their ability to exercise the previous Board approved action to permit extending a restaurant 37' into a U-3A district, which is now an OL district, on the subject tract when the pervious building was removed.

Mr. Gardner stated if the application was approved subject to re-zoning or a determination by the building inspector and legal department that the previous Board of Adjustment action was still applicable, would the Board have a problem with that type of approval? Mr. Bolzle stated negatively.

Ms. Turnbo stated the Board received a letter from the Renaissance Neighborhood (Exhibit M-2) supporting the application, but they request that all the lighting be installed so it is directed at the parking lot; meet the City landscaping requirements; landscape buffer be provided between any parking, and a tall privacy fence to the south of the site.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** to allow required parking to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; General Requirements**; and a **Variance** to permit the multiple lots within the site to be considered as a single lot for the purpose of establishing and measuring building and parking setbacks and calculating the amount and locating signage within the site. **CHAPTERS 2 AND 13** - Use Unit 12; per plan submitted; subject to tie contract with the City of Tulsa; subject to the lighting in parking lots be directed away from the

Case No. 17430 (continued)

residential areas; subject to meeting the City of Tulsa landscaping code; subject to installing a 6' privacy fence on the south side adjacent to the residential neighborhood; subject to the City of Tulsa approval of commercial zoning on Lot 3 which is currently zoned OL or that the City Attorney rule the Board of Adjustment Case No. 5617 is still applicable in the OL district and runs with the land; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Lots 1, 2, & 3, Block 3, Pilcher Summit; and Lots 1 & 2, Block 1, Signal Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17431

Action Requested:

Variance of the required 50' setback from centerline of E. 31st St. S. to 40' to allow a replacement sign. **SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located at 9413 East 31st Street.

Presentation:

The applicant, **Bob Dail/Oklahoma Sign Co.**, requested a continuance in a timely manner due to the submitted legal description being incorrect.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **CONTINUE** Case No. 17431 to July 23, 1996 at 1:00 p.m. to enable applicant to correct and re-advertise legal description.

Case No. 17432

Action Requested:

Special Exception to permit a model airplane facility in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**; a Variance of the required parking from 3,750 to 45. **SECTION 1220. USE UNIT 20. COMMERCIAL RECREATION: INTENSIVE**; and a Variance of the required all-weather surface to allow parking on gravel & grass. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located at 1/2 mile South of 21st Street & Lynn Lane on East side.

Presentation:

The applicant, **Ross Weller/City of Tulsa**, Park Planner, 707 South Houston, Suite 201, representing the Tulsa Glue Dobbers Model Airplane Club ("Tulsa Glue Dobbers"), submitted a plot plan (Exhibit N-1) and stated the City of Tulsa is looking for a home for the Tulsa Glue Dobbers. He further stated the City of Tulsa has come to an agreement with Tulsa Glue Dobbers to use existing City owned park land. He explained the sheer scope of the size of the leased area (in which the flights will be limited to) would require parking for 3,000 spaces and typically the Tulsa Glue Dobbers average 6 to 7 cars on the weekends. He further explained the Tulsa Glue Dobbers have a fly-in twice a year where there may be 200 cars.

Comments and Questions:

Ms. Turnbo asked the applicant if there were going to be any lighting installed at the site? He stated the Tulsa Glue Dobbers did not indicate there would be any lighting and it is not included in the current lease.

Interested Parties:

Cliff Magee, 6440 South Lewis, Current President of the Tulsa Glue Dobbers, stated he has been involved with the Glue Dobbers for 26 years. He further stated the present flying site has been in existence for 50 years and is now becoming a golf course. He commented the club has had a gravel parking lot for all of the years he has been in the club and the 3,000 parking spaces requirement would be a hardship. He further commented the club is a unique situation, which has presently 100 members. He stated the club anticipates increased membership with the new facility and having a permanent field. He further stated the average vehicles on site at any given time is approximately 10. He explained the club is providing for surfacing to the drive in to the parking area. He further explained there is one event that takes place first weekend of each August for two days, where there will be several hundred vehicles. He commented the present location is a hayfield and the overflow parking occurs in the grass. He stated the club is experiencing financial restrictions, due to the membership and the low membership dues, which averages about \$3,000.00 to \$4,000.00 income a year. He further stated the operation of the club usually consumes the income from the dues. He commented the hard surfacing for 3,000 cars would be a hardship and the need for 3,000 spaces is unnecessary for the small membership.

Additional Comments:

Ms. Turnbo asked Mr. Magee how many days the special events per year would last? He stated that a maximum of six (6) days would be a very generous use. He further stated that the weather does not permit the use of the field for a good part of the year. He explained the club would not exceed the 150 day limitation due to the weather restriction.

Case No. 17432 (continued)

Ms. Turnbo asked Mr. Magee if there would be lighting? He stated there would not be lighting installed. He further stated the field would be used during daylight hours only and open to members seven (7) days a week. He explained the improvements are going to be extremely limited and the club would like to install a gravel parking/drive to keep expenses down to a minimum.

Mr. Bolzle asked the Staff if there was a limit of days? Mr. Beach answered negatively.

Mr. Bolzle informed Mr. Magee that the Tulsa Glue Dobbers could use the field 365 days a year weather permitting.

Interested Parties:

Mr. Sam Hill, 5133 South Atlanta Place, stated the Tulsa Glue Dobbers have been a tradition in Tulsa for approximately 49 years and is the longest continuously chartered member of the Academy of Model Aeronautics, therefore, has great value just in terms of National Air Modeling hobby. He explained there are three clubs in the area that provide for model airplane operations and the Glue Dobbers is the only club left that still has an open membership. He further explained if the new people who become involved with the hobby do not have a safe place to exercise their hobby, then they will operate in municipal parks or fairgrounds and it is important for safety reasons to have an open field like the Tulsa Glue Dobbers to handle this hobby. He stated the Tulsa Glue Dobbers support two retail outlets in the City of Tulsa that employ in excess four to six individuals.

Mr. Graham Wilson, Field Marshall for the Tulsa Glue Dobbers, stated he is the oldest active member of the club which has been located in their present location since 1955. He further stated the club is not only a hobby for the members, but the club also have local children's clubs visit the field to demonstrate model airplanes, flying and safety issues. He commented anything the club could get from the City of Tulsa to help relocate would also benefit the children as well as the club.

Protestants:

Mr. Ralph Wooden, 2626 South Lynn Lane, stated five (5) years ago he bought 10 acres directly across from the subject location. He further stated he has spent most of his life savings to buy his ten acres for his cattle and plan to retire. He commented the model airplanes will be annoying and he wouldn't be able to enjoy his yard in the evening. He stated there are other locations better suited for this activity that wouldn't be directly across from his home. He further stated on the east side of the reservoir there are roads already established and enough land with parking for this club. He explained that he has found two model airplanes in trees from where people fly models about 3/4 of a mile on 21st Street. He further explained he is against the proposed location because it is directly across from his residence.

Mr. Alan Benton, 2828 South Lynn Lane, stated he agrees with Mr. Wooden. He further stated he has concerns of the noise level and the traffic factor. He asked the Board if they would locate the club across from their own property?

Applicant's Rebuttal:

Mr. Waller, stated the Park Department is excited about having the opportunity to provide, in cooperation with the Tulsa Glue Dobbers, a recreational activity that is not found typically in this part of the state. He further stated his staff has worked with the Tulsa Glue Dobbers in trying to find a suitable site that would have the least impact on neighbors. He indicated his Staff's recommendation was this site.

Mr. Magee stated the club will not have any aircraft going down outside the leased area. He further stated the location is east of Lynn Lane and is several hundred feet from the nearest residence. He explained the Carl Young Baseball Park is immediately north of the subject property where is high intensity lighting and noise levels. He further explained the model aircraft being operated under the national organization, AMA, has noise restrictions, which state you cannot exceed 90 decibels at one meters distance from the emission of the noise. He informed the Board that the noise level is much like a weed eater. He further informed the Board that the traffic noise from Lynn Lane would exceed the model aircraft. He stated because of the layout of the site plan, the history of the club, the governing rules of the club and the insurance issues, safety is not an issue and the noise will be almost unnoticeable.

Additional Comments:

Mr. White asked Mr. Weller how far south the diamonds of the Carl Smith Complex reach relatively to the adjacent property? He stated the entrance road for the proposed location is the 1/2 section line. He further stated the ball field complex takes up approximately the upper 1/3 of the Carl Smith site and the City is looking at expanding the fields with the '96 sales tax, which will be in the future. He indicated that is part of the land reserve anticipated for the site at Carl Smith Complex.

Mr. Bolzle asked Mr. Weller if the entrance road could be moved north? He stated the entrance could be moved north and bring the road down to the parking area. He further stated there is a drainage system and the driveway could be moved a small distance. He explained the proposed location of the runway is fixed by the land and the Parks Department.

Mr. Bolzle suggested moving the entrance farther north and away from the neighbors drives, it might have less impact on the residence as far as the traffic concerns. Mr. Weller stated the entrance could probably be moved to accommodate the neighbors concerns regarding traffic.

Case No. 17432 (continued)

Mr. Bolzle stated the proposed site is sparsely developed and if the curb cut could be located farther north, it would be beneficial. He further stated he has been to the existing facility on several occasions and never experienced any noise problem that he felt would be objectionable to adjacent land owners across the street.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE Special Exception** to permit a model airplane facility in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**; a **Variance** of the required parking from 3,750 to 45. **SECTION 1220. USE UNIT 20. COMMERCIAL RECREATION: INTENSIVE**; and a **Variance** of the required all-weather surface to allow parking on gravel & grass. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**; per plan submitted; subject to the Park Department and the tenant working out a curb cut location, which is north of the half section line as far as physically possible so the traffic flow will be opposite of the planned east area park; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Beginning NW/c, Sec. 13, T-19-N, R-14-E, south along the W line of said Sec. 13 for 2,440' to POB, S along the W line of said Sec. 13 for 1,250', E for a 1,200', N for 2,500', W for 1,200' to a point on the W line said Sec. 13, S. along the W line said Sec. 13 for 1,250' to POB, containing 68.87 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17433

Action Requested:

Special Exception to permit a public park containing soccer fields with lights. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 2** and a **Variance** to permit gravel parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located at South Delaware & 107th Street.

Presentation:

The applicant, **Ross Weller/City of Tulsa**, Park Planner, 707 South Houston, submitted a plot plan (Exhibit O-1) and stated the application has two phases and one is to bring the existing Torchia/Oliver soccer fields into compliance with the Board of Adjustments. He further stated the new area, Stunkard property, was purchased for expansion. He indicated the Jenks Soccer Club provides soccer services to approximately 2,000 children a year. He stated the Stunkard property is the new site and the Torchia/Oliver is the existing site. He explained the Jenks Soccer Club did not have the funds to install lights at this time, but had applied for the special exception so that when funds become available they can proceed. He further explained the Parks Department has some concerns of a lighted facility, especially with more growth moving into the area. He stated the Jenks Soccer Club passed a resolution at the July Board Meeting limiting the use of lights on the facility to 9:30 p.m., with the exception of four (4) tournaments a year. He further stated the lighted fields would be for youth soccer, which typically doesn't play late into the night.

Protestants:

Gerry Stunkard, 10717 South Delaware, stated she lives right on the line of the newest field that the City has purchased. She further stated her north property line adjoins the south property line purchased by the City of Tulsa. She explained her property is over five (5) acres and they built their home in 1978. She further explained she has put 18 years worth of work and investment in her land and home. She stated three (3) years ago the City of Tulsa purchased about 20 acres, which is called the Stunkard property, that belonged to her husband's uncle. She requested the fields not allow any lighting. She stated if there was lighting allowed it would be right in her side door. She further stated having lights on the Torchia/Oliver tract would be all right since it would not be a nuisance to her. She requested that a 10' chain link fence be installed between the property lines and to also correct the property lines. She stated the old fencing is not on the correct line and the City of Tulsa installed a front fence that is actually on 10' of her property. She further stated limiting time on the lighted fields will not work, if there is lights they will play late into the night. She commented that a tournament was held recently with 4,000 people attending and the people were all over her property. She further commented the Soccer Club has already put gravel down for parking and installed sprinkler lines. She stated three (3) years ago when the soccer field was opened she called the Parks and Recreational Department, which wrote a letter to her explaining that park and recreational problems are imagined more than they are real. She further stated earlier in the year the Board of Adjustment had a hearing on a piece of property directly across the road and when Ms. Turnbo asked Mr. Weller if the land was being used at that time, which he replied negatively. She indicated that answer was not correct, because the land had been used for recreational purposes before the Board of Adjustment hearing. She stated the Board also asked Mr. Weller if anything had been brought before the Board about the Torchia/Oliver tract and he answered not yet. She commented that it has been a

number of years since they needed to actually come before the Board with an application and had not done so until now. She further commented that her concerns have been brushed aside by the City of Tulsa. She requested the lights be located on another field. She explained numerous events have happened since the soccer fields have gone in. She stated her driveway has been used by spectators; a drop off place for children; her trash container filled with trash from the soccer field; people coming into her garage to change their clothes, and people wandering around her home. She further stated spectators have actually brought their lawn chairs and set in her driveway, because they told her it was better than setting on the grass. She commented the noise level is considerable, therefore, she would like a fence installed to buffer the noise from her residence. She further commented she has spent \$5600.00 for ten 10'x 10' fence panels, but have not been able to install due to the expense of welding the panels together and setting the post. She explained she is willing to donate the panels if the City of Tulsa will install the panels to prevent the major part of the people coming over to her property. She further explained she has put signs out stating not to enter, but they ignored the signs. she commented she is concerned that her children could be run over by patrons of the park using her driveway for a drop off.

Mr. Roy Volentine, 10727 South Delaware, stated he lives within 200' of the subject property and he did not receive notice of the hearing. He further stated the lighting on the proposed field would be a problem since his house is close the field. He explained the noise is atrocious and he is concerned about the fields being located too near his property. He further explained he walked upon people changing clothes in his neighbor's garage. He stated the proposed soccer fields are not in the best interest of the neighbors. He further stated the proposed lights do bother him. He explained he owns property next door to a ball field with lights and it doesn't matter which way the lights are directed they still are a problem. He further explained the reason he has never complained about that particular application is because the property is a farming operation and does not justify a complaint, but the subject application is near his home. He stated the Park Department is important, but it is not important enough to over rule everyone. He further stated he recognizes the importance of soccer and has developed blue grass that will grow under a dome. He reiterated his main emphasis is the lighted fields being too close to residents and the time the events are over.

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Darrell Hobson, 6405 South Hudson, stated he owns the property north of the fields and has experienced dust problems from the Jenks Soccer Club. He further stated he called and complained and the City of Tulsa finally blacktop the road. He expressed concerns about a gravel driveway with over 200 cars a day going in and out of the gravel drive. He stated the traffic congestion is going to be terrible in the area. He further stated he does not object to the kids having a place to play soccer, but the club could find a better location where the traffic wouldn't be so congested. He explained that patrons of the soccer fields use his property as a turn around until he installed a cable to prevent the usage. He stated the patrons of the soccer fields take advantage of the home owners and he didn't think the home owners should have to deal with it.

Lloyd Hobbs, 5846 South Hudson Place, stated the City of Tulsa paid \$80,000.00 to have a group of consultants come in to talk about mega-centers. He questioned if the proposed soccer park is a single function park. He stated no one has mentioned picnic benches; shelters being installed; swings for kids to play on, or restrooms. He further stated all he has heard is soccer and lights. He commented there are problems with lights being installed close to residential homes. He stated he lives close to LaFortune Park and there are a lot of lights in the area, but he enjoys the lights for security. He further stated the City of Tulsa did need more parks in the south part of town and he is for a park, but a park that is for more than just soccer. He explained a park is for everyone to go and enjoy and it shouldn't be strictly for soccer. He questioned if the City of Tulsa was funding the Jenks Soccer Club improvements?

Applicant's Rebuttal:

Mr. Weller explained that the Jenks Soccer Club leases the Torchia/Oliver and Stunkard properties. He further explained the club is required by the City of Tulsa to meet the guidelines for provision of services in the City of Tulsa. He stated the fields cannot be exclusive, maintain reasonable rates, and the club provides the services that the City of Tulsa does not have the staff and manpower to provide it. He further stated that the site is a single use site and there are other parks planned in the '96 sales tax, but that is not an issue here. He explained the City of Tulsa does have some penny sales tax money that will be put into the subject site to alleviate some drainage problems, but not for normal development of leisure services. He further stated the property line on the south and north side of the Stunkard property was found that the fence lines were off when the City of Tulsa surveyed the property before purchasing the land. He explained part of the agreement the City of Tulsa made in acquiring the Stunkard property was called a "Life Estate", which Mr. and Mrs. Stunkard were granted the right of living on their property on approximately one or two acres for the rest of their lives and the City of Tulsa will take over the maintenance of their home. He further explained as part of this agreement the City of Tulsa fenced the acreage off for the Stunkards. He stated that at the time the application was made

for a commercial soccer complex, last fall, he did state the club was not using the Stunkard property and to his knowledge at that time it was not being used. He further stated that Jenks Soccer Club may have been using the field and if that is true they were in the wrong. He explained the club has begun some development work and they have installed an irrigation system on the Stunkard property. He further explained that the club is strictly volunteers and take what they can from donors. He stated a volunteer ordered the gravel before the Board of Adjustment's approval. He further stated he has discussed the use of the site with the club and have informed them not to use the site until the Board approves the application. He explained lighted fields always become an issue and the area to be lighted is on the Stunkard property. He further explained the field is a multi-use field and is approximately 250' from the south property line. He stated the Parks Department had several discussions with the club when they wanted to light the fields and he suggested they keep all the lighted fields to the interior of the site, which the club basically did. He further stated the only field that is lighted within 50' of the property line is located on the north side, which is currently a bean field. He commented the City will have to go back and re-verify the survey used at the time of purchase to determine the property line.

Additional Comments:

Mr. White asked the applicant if the Park Department has a lease only on these properties? Mr. Weller stated the City owns the property and leases it to the Jenks Soccer Club for the sole purpose of providing soccer services.

Mr. Bolzle stated Ms. Stunkard has made some request regarding fencing? Mr. Weller stated a 10' high fence is an awfully high fence. He further stated the City of Tulsa and Jenks Soccer Club could probably work something out regarding fencing. He asked the Board if they were talking about fencing the entire south boundary of the Stunkard property? Mr. Bolzle stated he believed Ms. Stunkard wanted the entire south boundary fenced. Mr. Weller stated the City of Tulsa and Jenks Soccer Club could look into that possibility and it would give the City of Tulsa a chance to recheck the boundary survey to make sure everything is set on the right lines.

Ms. Turnbo asked the applicant approximately how many children used the soccer fields? He stated the figures are 2,000 children annually and the club has three (3) seasons. He further stated part of the reason the Stunkard property was so attractive to the Parks Department was because it would provide some relief to the single entrance. He explained the Stunkard property would enable the club to have three entrances into the complex and improve the traffic circulation. He further explained there will be some traffic, but the City of Tulsa is trying to mitigate the traffic problem as much as possible in the design.

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Mr. White asked the applicant if the lighting were only on the Torchia/Oliver tract, would that be adequate for the program the club has in mind? Mr. Weller stated he would like to see the club try that idea for a couple of years and right now the club does not have the money to install the lighting. He further stated he didn't think it would be a problem to have the lights on the Torchia/Oliver property only. He explained the City of Tulsa as landlords are interested in seeing how this application works as well.

Ms. Turnbo stated the application will bring more traffic into the area and the Board denied the softball park across the street for the same problem. She further stated she didn't see anything wrong with using the property as a park, but not for a soccer field with or without lights.

Ms. Turnbo stated she believes this is a commercial endeavor by a non-profit organization.

Mr. Bolzle stated he had some concerns and would like Mr. Weller to re-look at the site plan. He further stated he is not in favor of a gravel surface, nor lighting on the Stunkard property. He commented the subject of patrons of the park encroaching on the resident's homes would make the security fencing a reasonable request. Mr. Bolzle further commented there are a number of questions here that need to be addressed by the City and the Soccer Club, and they need to meet with the neighbors and discuss the problems.

Mr. White stated he agrees with Mr. Bolzle that any lighting should be installed on the Torchia/Oliver tract only. He further stated time of operation should be limited. He explained that Delaware has plans for future widening, but right now it is a traffic nightmare and that is one of the primary reasons the Board turned down the ball park across the street from the subject property. He further explained he would like to see an entrance on the Stunkard property, which would handle the traffic flow.

Mr. White asked the applicant if he would be interested in meeting with the people in the area and the Jenks Soccer Club to work out the issues raised today? He stated he is fairly certain that the Jenks Soccer Club will be willing to negotiate, along with the City of Tulsa Staff, with the neighbors to reach a reasonable accommodation.


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Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **CONTINUE** Case No. 17433 to August 13, 1996 at 1:00 p.m. to enable the applicant to meet with the neighbors and the Jenks Soccer Club to work out issues.

There being no further business, the meeting was adjourned at 3:50 p.m.

Date approved July 23, 1996


Chairman