

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 290
Thursday, July 19, 1979, 1:30 p.m.
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Purser Smith Wait	Thompson	Gardner Howell Miller	Jackere, Legal Department Miller, Building Inspector's Office

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, July 17, 1979, at 11:25 a.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to approve the Minutes of May 24, 1979 (No. 286) and June 7, 1979 (No. 287).

MINOR VARIANCES AND EXCEPTIONS:

10458

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements and area requirements in an AG District to permit a lot-split at 10620 South 77th East Avenue.

Presentation:

The applicant was not present. The Staff advised there had been no communication from the applicant and recommended striking the item.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to strike Case No. 10458.

10581

Action Requested:

Variance (Section 630 - Under the Provisions of Section 1630 - Minor Variance) of the 25% floor area ratio to permit 30% west of Harvard and south of 81st Street.

Presentation:

John Moody, 7060 South Yale Avenue, Suite 902, advised this tract was previously the subject of an application for a minor variance to permit 30% floor area ratio and was approved by the Board on January 3, 1974. The property owner was not ready to proceed with the development at that

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time; however, is now ready to formulate plans for the construction of an office building. The subject property is located immediately south of the Surfco gas station and the Southwestern Bell Telephone exchange building is to the south. The applicant feels that the zoning pattern in the area, with the telephone building and the gas station, would support their development.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Purser, Wait, "aye"; no "nays"; Smith "abstaining"; Thompson "absent") to approve a Variance (Section 630 - Under the Provisions of Section 1630 - Minor Variance) of the 25% floor area ratio to permit 30%, on the following described property:

Lot 3, Block 1, Walnut Creek Mall Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

10582

Action Requested:

Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 32' from the centerline of the street to allow replacement of an existing pole sign at 444 South Lewis Avenue.

Presentation:

John Sublett, 1776 One Williams Center, presented a plot plan (Exhibit "A-1") stated there is an old service station and an existing sign on the subject property. Pacer Oil proposes to replace the existing structure and the pole sign. The new sign will be essentially the same type as the existing sign and will be located in the same location; however, the new sign will be 2' taller.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to grant a Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 32' from the centerline of the street to allow replacement of an existing pole sign, removal contract required, on the following described property:

Lots 15 and 16, Block 2, Hillcrest Addition to the City of Tulsa, Oklahoma.

10587

Action Requested:

Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 36' from the centerline of Lewis Avenue to permit the erection of a pole sign at 1622 North Lewis Avenue.

Presentation:

Padid Neon, 4657-C South 83rd East Avenue, advised the application was for a proposed new sign to be placed on an existing pole in the Springdale Shopping Center. If the pole was moved to meet the setback of the new Zoning Code it would be in the driveway.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to grant a Variance (Section 280 - Structure Setbacks From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 36' from the centerline of Lewis Avenue to permit the erection of a pole sign, removal contract required, on the following described property:

Lot 1, Prospect Place Addition to the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

10410

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) for permission to permit sand extraction in an AG District located south of 151st St., S. and 129th E. Ave.

Presentation:

Joe Hull, III, 1717 South Cheyenne Avenue, attorney for the land owner, and her son who will run the operation, reviewed the application stating that in this operation, sand that is piled on the banks of the river will be used. The sand will be taken down to the water table and when the operation is completed, the applicant will remove the abnormal humps that are left and leave the area in a level manner to be consistent with the natural appearance of the land. Mr. Hull also reviewed the hours of operation, truck trips per day and other details of the operation which were discussed at the April 12, 1979 meeting.

Mr. Hull presented a report (Exhibit "B-1") from Mansur-Daubert-Williams. Inc., concerning the engineers investigation of the proposed sand removal at the subject location. The report stated that, in the engineer's opinion, the proposed sand extraction operation can be allowed without causing adverse effects on the surrounding area or its residents. The engineer specifically mentioned three points of interest: 1) the operation will have no effect on the flow pattern within the river and consequently will not alter or change the natural actions of the river relative to bank erosion; 2) the increased traffic and dust will not be a change in the environmental conditions since they have been a part of the local environment the past 12 years due to an existing sand extraction operation; and 3) there is no evidence of any damage to downstream property

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owners resulting from the existing operation and it is not expected that the proposed operation would have any such influence on the river, either downstream or upstream.

Protestants:

Gene Mortensen, attorney for the protestants, advised that one of the concerns of the protestants was what damage might be involved if the vegetation was removed from the corner on the river. He stated that Hydrologist R. N. DeVries, had been retained by the protestants and was present at the meeting.

Stan Ewing, Staff Planner for Broken Arrow, presented two aerial photos (Exhibit "B-2") of the area downstream from the subject application. Mr. Ewing pointed out that 1.8 miles from the property, a one million dollar, 84-acre park is being created by the City of Broken Arrow.

Dr. Richard DeVries, Stillwater, Oklahoma, presented his report (Exhibit "B-3"), a hydrological review of the Arkansas River at the subject property location. One finding of the report was that the subject site would be inundated by a flood with a frequency of occurrence of between 50-and 100-years. These flood events were calculated considering both Keystone and Kaw Reservoirs in operation. The conclusions of the report are that the area should be left in its natural state and no mining be permitted to destroy the left bank of the Arkansas River, thus eliminating any environmental degradation.

Dr. DeVries stated, that in his opinion, the 20' embankment planned by the applicant, would not serve any purpose as far as the River was concerned and would, in fact, be a detriment to the River and water flow in the area.

Mr. Lewis questioned if the affect would be the same if every tree was cut down on the subject property, even though no sand was mined. Dr. DeVries advised the affect would be similar.

Board member Wait noted it has been approximately 15 years since the Keystone Dam was finished and asked Dr. DeVries if he had found any change since that time. Dr. DeVries stated that the River has moved every year since that time.

Discussion:

In response to Board questioning, Mr. Jackere advised that he was not aware of any regulation that would prevent the landowner from cutting down all the trees on the property without Board approval.

Joe Hull stated the applicant had no intentions of doing anything that would promote the flow of water on Mrs. Roberts' property or any other property in the area.

Henry Daubert, principal in the firm of Mansur—Daubert-Williams, Inc., pointed out that there are levies all up and down the Arkansas River which are no more than 20' in width and they have sustained flood flows much greater than what will be occurring now since the Kaw and Keystone reservoirs are in place. He advised, in his opinion, the sand extraction operation will not affect the regime of the River, upstream or downstream since the area is small and the applicant is

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committed to protecting the bank and screening the operation from the surrounding area to provide for environmental protection.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) to permit sand extraction in an AG District, subject to no more than 32 round trips per day (64 total), 16 ton, tandem axle trucks to be used, the routing to be 151st Street West to Garnett Road, north to 131st Street and west to Memorial Drive; use of no more machinery than one front end loader, of the size and description as presented by the applicant; the trucks to be covered with a tarp; the hours of operation to be limited to Monday through Friday, 8 hour days and no work on the weekends, subject to maintenance of a band of trees of 50' width on the north, east and south with a three to one backslope to where he is going to begin cutting, the backslope be sodded with Bermuda grass, for a period of five years, on the following described tract:

The E/2 of the NE/4 of Section 20, LESS the West 30' thereof; and Lot 3, LESS the north 500' thereof; and all of Lot 4, Section 21, containing 103 acres, more or less, ALL in Township 17 North, Range 14 East, Tulsa County, State of Oklahoma.

For The Record:

Mr. Lewis noted that he felt the circumstances of this application were entirely different than the McMichael application and he shared the concern of everyone, including the applicant, that this not be considered as opening the door to the McMichael application itself.

Mrs. Purser stated that she thought this Case was different than the McMichael application since the land involved and also the land which might be harmed, belong to the landowner/applicant. It is a single person operation, a small operation, and there is no concrete batch plant.

10463

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) for permission to erect duplexes in an RS-3 District at 129th East Avenue and 24th Street.

Presentation: The applicant was not present.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to continue Case No. 10463 to August 2, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10520

Action Requested:

Appeal (Section 1650 - Appeals From the Building Inspector) from a decision of the Building Inspector for refusing to allow a mobile home to remain in an RS-1 District; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to allow a mobile home in an RS-1 District at 2005 South 1st Street, Broken Arrow.

Presentation:

Robert Bracken, representing Jesus Outreach International, presented an Affidavit (Exhibit "C-1") presenting proof that the mobile home was placed on the property prior to July 1970, and therefore, would qualify as a nonconforming use. The Affidavit was signed by the former owner, Donazel Meyer, and advised that the mobile home was placed on a permanent concrete foundation, on the subject property, in June, 1969.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") that the Building Inspector be overruled on the appeal, based on the new information that this was a nonconforming use. Therefore, no action was required on the Exception.

10554

Action Requested:

Variances (Under the Provisions of Section 1670 - Variances) to exclude mall space from the computation of floor area for the purposes of determining compliance with floor area ratio and off-street parking requirements; Variance of requirements that parking be located on the lot containing the use for which the parking was required; Variance of required landscaping and screening in a P District; and a Variance to permit extension of a portion of a retail building and use into an OL District located NE of 71st Street and Memorial Drive.

Presentation:

Roy Johnsen, 324 Main Mall, advised that the applicant's approach in structuring the zoning request for Woodland Hills Mall, was to request the minimum amount of CG zoning necessary to permit the proposed expansion. An additional 6.8 acres of CG zoning was sought to accommodate the expansion of the mall and the applicant contemplated an application to the Board of Adjustment for a variance to exclude from the permitted floor area, the actual mall space. This same exclusion also relates to the determination of required parking. The variance was previously approved per plot plan and the applicant now has a new plot plan (Exhibit "D-1").

The third variance presented a legal description of the building encroachment area (Exhibit "D-2") and Mr. Johnsen stated that a portion of the Montgomery Ward building will encroach across an OL District.

The fourth variance relates to a landscaping requirement. The applicant to stay consistent with previous zonings, has maintained a strip, 35' in width, of AG zoning along the 71st Street frontage excepting points of access. This was to accommodate the berms. In order to have credit for the AG area as a part of the 10% requirement of pervious area, a variance is requested for the screening.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to grant a Variance (Under the Provisions of Section 1670 - Variances) to exclude mall space from the computation of floor area for the purposes of determining compliance with floor area ratio and off-street parking requirements; Variance of the requirement that parking be located on the lot containing the use for which the parking was required; Variance of required landscaping and screening in a P District; and a Variance to permit extension of a portion of a retail building and use into an OL District, per plot plan submitted, and subject to the amended legal description of the OL District, on the following described property:

A part of the SW/4 of Section 1, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, described as follows: Beginning at the SE corner of the SW/4 of said Section 1, the point of beginning; thence West along the South line of said Section 1, a distance of 723.93'; thence North a distance of 291.00'; thence East a distance of 47.00'; thence North 28°-36'-38" East a distance of 62.65'; thence North a distance of 282.00'; thence West a distance of 270.67'; thence North a distance of 54.00'; thence West a distance of 64.00'; thence North a distance of 8.00'; thence West a distance of 48.00'; thence North a distance of 39.92'; thence East a distance of 18.76'; thence North a distance of 318.00'; thence West a distance of 28.00'; thence South 45°-09'-51" West a distance of 39.48'; thence West a distance of 33.37'; thence North a distance of 100.46'; thence East a distance of 2.00'; thence North a distance of 11.54'; thence East a distance of 93.87'; thence North 30°-00' East a distance of 29.93'; thence East a distance of 379.93'; thence North a distance of 468.46' to a point on a curve concave to the Southwest having a radius of 300.00', the bearing of the radial from the center of the curve to said point being North 5°-48'-16" East; thence Southeasterly along said curve a distance of 205.67'; thence South 44°-54'-55" East a distance of 310.65'; thence North 89°-59'-50" East a distance of 209.97' to a point in the East line of said SW/4 of Section 1; thence South 0°-05'-09" West along the East line of said SW/4 a distance of 1,319.84' to the point of beginning, containing 25.25 acres of land, more or less; and the W/2 of the SW/4 of the SE/4 of Section 1, Township 18 North, Range 13 East; and Beginning at a point 380' North and 648' West of the SE corner of the SW/4 of Section 1, Township 18 North, Range 13 East, in the City and County of Tulsa; thence North a distance of 248'; thence West a distance of 92'; thence South a distance of 248'; thence East a distance of 92' to the point of beginning, containing 0.52 acres of land, more or less.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-
Section 1205 - Community Services, Cultural and Recreational Facilities)
for permission to construct, maintain and operate a Moose Lodge
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to be used for all types of meetings and recreational purposes at the SW corner of 7th Street and Garnett Road.

Presentation:

Merle Hoffman, representing the Moose Lodge, presented a revised parking plan (Exhibit "E-1") and stated the parking was moved back from the property line 5' and a privacy fence will be erected.

Mr. Smith questioned what the east end of the building would look like from Garnett and stated he would like to see trees or shrubs planted along that side. He suggested something that grows high, fast, and having them planted on 8' centers so they grow together.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to approve the parking plans as submitted, subject to plantings, shrubbery or trees, along the east side of the buildings.

NEW APPLICATIONS:

10528

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) for permission to use property across the street from a business for off-street parking at 5401 West Skelly Drive.

Presentation:

Bill Harrington, representing M. & M. Enterprises, presented pictures (Exhibit "F-1") of the neighborhood. Mr. Harrington stated that M. & M. Enterprises is associated with the OK Fireworks and OK Fishing Tackle Company who owns a large area of Opportunity Heights. This area is designated as an industrial area in the future. Mr. Harrington pointed out in the pictures that there were a lot of old cars and salvage areas in the neighborhood. The applicant proposes to park trailers used to haul commodities for the Company on the subject property. The hardship involved in this application is that the applicant would have to move all the trailers and does not have another place to store them. Mr. Harrington noted that this is a seasonal business.

Protestants:

Mrs. Watson, who lives across the street from the subject property, advised that she felt the trailers were a fire hazard since they do contain fireworks at times. She also stated that the trucks are destroying the streets since they were not built to withstand the weight of the trucks.

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Lillian Hancock, 4430 West 55th Street, stated she has lived in the area for 30 years and the block is zoned as residential only. She advised that one of the applicant's workers has a salvage yard on one end of the property which the neighbors have complained of, but nothing has been done about it.

Effie Wright, 4426 West 55th Place, advised she had a nice home in the area and plans to retire in the neighborhood. She strongly objected to the trucks in the area.

Carol Shell, 4421 West 55th Place, stated she and her husband own the property adjacent to the subject tract. Mrs. Shell expressed concern that if any of the trucks, loaded with fireworks, would catch on fire the whole area would burn. She noted that the workers park their cars on the street and cause traffic in the area to be very congested.

Interested Party:

William McBride, 4312 West 55th Street, advised the trucks were not dangerous and that the fireworks would not go off unless they are in direct contact with fire. Mr. McBride works for OK Fireworks Company.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to use property across the street from a business for off-street parking on the following described property:

Lots 9, 10, 25, 26, Block 4, Opportunity Heights Addition to the City of Tulsa, Oklahoma.

10565

Action Requested:

Variance (Section 240.1 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of accessory buildings in the rear yard from 610 sq. ft. to 640 sq. ft.; and a Variance (Section 420.2- Accessory Uses in Residential Districts - Conditions - Under the Provisions of Section 1670 - Variances) of the setback requirements for an accessory building in the rear yard from 3' to 1.3' at 1540 South Atlanta Avenue.

Presentation:

Linus Lechner, 1540 South Atlanta Avenue, presented a plot plan (Exhibit "G-1") and advised that he wanted to demolish his old garage and erect a two-car garage. Mr. Lechner plans to park his boat and truck in the garage, to get them off the street, and use a small portion of the area for a workshop. The garage will be two cars long and a slightly wider than the existing one.

Protestants: None.

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Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to grant a Variance (Section 240.1 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of accessory buildings in the rear yard from 610 sq. ft. to 640 sq. ft.; and a Variance (Section 420.2 - Accessory Uses in Residential Districts - Conditions - Under the Provisions of Section 1670 - Variances) of the setback requirements for an accessory building in the rear yard from 3' to 1.3', per plot plan submitted, on the following described property:

Lot 10, Block 1, McDonnell's Subdivision of Lots 1, 2, 3, 4, and 5, Glen Acres Addition to the City of Tulsa, Oklahoma.

10566

Action Requested:

Variance (Section 240.2 - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of accessory buildings in the rear yard from 750 sq. ft. to 896 sq. ft. at 5529 East 3rd Street.

Presentation:

Leon Stubblefield, 5529 East 3rd Street, presented a plot plan (Exhibit "H-1") and advised that he would like to build an accessory building in the back yard to house his trucks and riding lawn mower.

Mr. Stubblefield stated he was not planning to have any type of business in this building. He explained that most of the material in his yard was building material for the garage he proposes to build. The extra building in the yard was blown onto the property by a tornado several years ago. The proposed building will be frame, 2' x 4' studs like the house, it will be painted white and composition shingles will be used.

Protestants:

Mrs. Mary Williams, representing her son, Charles Cunningham, who resides next door to the subject property, stated that Mr. Stubblefield already has one extra building at the back of the lot and there is other material in the yard. Mrs. Williams questioned what type of building will be erected.

Interested Party:

Wilma LeMaster, 5530 East 3rd Street, questioned what the applicant proposed to do with the building. She expressed concern that this might be a business and noted that this street is the only through street for the children in the area to reach their school.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to grant a Variance (Section 240.2 - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of accessory buildings in the rear yard from 750 sq. ft. to 896 sq. ft., subject to a suitable plot plan, subject to not building over any easements of record, no business in the garage, no outside storage in the yard, on the following described property:

Lot 4, Block 1, Bowlin Acres Addition to the City of Tulsa, Okla.

10567

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to allow a mobile home in an AG District located SW of 118th Street and Union Avenue.

Presentation:

M. E. Hampton, Box 483, Jenks, representing his parents, advised they would like to place a double-wide mobile home on this property. Mr. Hampton stated he would like to have them nearby so he can help care for them.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209- Mobile Homes) to allow a mobile home in an AG District, for a period of five years, on the following described property:

Part of the NE/4 of the SE/4 beginning 234.09' West of the SE corner of the NE/4 of the SE/4; thence West 248.33'; thence North 208.71'; thence West 240.71'; thence North 206.29'; thence West 97.5'; thence North 211'; thence West 299.8'; thence South 626.13'; thence West 208.7'; thence North 697.42'; thence East 325'; thence North 228'; thence East 115'; thence North 1.87'; thence East 523.01' thence South 235.2'; thence West 180'; thence South 292'; thence East 322.59'; thence South 75.05'; thence Southwest 326.51' to the point of beginning in Section 34, Township 18 North, Range 12 East, containing 12.50 acres, more or less.

10568

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) for permission to erect five duplexes in an RS-3 District north and east of 19th Street and 79th East Avenue.

Presentation:

Lucille Perry, 735 South 89th East Avenue, advised she had a survey of the property, but did not have a plot plan.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to continue Case No. 10568 to August 2, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and requested the applicant return to the Board with sketches, plot plans, elevations and the hydrology report.

10570

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Agriculture District - Section 1209 - Mobile Homes) for permission to maintain a mobile home in an AG District at 10100 North New Haven Avenue.

Presentation:

Marilyn Hardy, R. R. #1, Box 767-F, Sperry, stated she has a mobile home on the lot and requested permission to maintain it.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in Agriculture District - Section 1209 - Mobile Homes) to maintain a mobile home in an AG District, for a period of two years, on the following described tract:

Lot 8, Block 2, Communings Acres Addition, Tulsa County, Okla.

10571

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) for permission to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five-acre minimum for a mobile home in an AG District at 655 South 156th East Avenue.

Presentation:

The applicant was not present.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to continue Case No. 10571 to August 2, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10572

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit new car sales and services in a CS District at 5105 South 95th East Avenue.

Presentation:

The applicant was not present.

10572 (continued)

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to continue Case No. 10572 to August 2, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10573

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS-3 District located north and east of 26th Place North and Lewis Avenue.

Presentation:

Dorothy Stowers, 634 East Seminole Place, stated she would like to purchase a mobile home and locate it on the subject property. Ms. Stowers informed the Board she plans to live in the mobile home to be near her grandmother and in the future will move the mobile home to the country. There are no other mobile homes in the area.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described property:

Lot 16, Block 12, Ben C. Franklin Addition to the City of Tulsa, Oklahoma.

10574

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Mobile Homes) for permission to locate a mobile home in an RS-1 District at 17270 East 11th Street.

Presentation:

Connie Kelso, 16909 East 11th Street, stated she had just purchased the property and would like to place a mobile home on it. There are other mobile homes in the area.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Mobile Homes) to locate a mobile home in an RS-1 District, for a period of one year, removal bond required, on the following described property:

10574 (continued)

Lot 7, Block 1, Lynn Lane Estates Addition to the City of Tulsa, Oklahoma.

10575

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Mobile Homes) for permission to locate a mobile home in an RS-1 District at 5343 East Xyler Street.

Presentation:

Carol Tull, 5343 East Xyler Street, stated he owned 2½ lots and would like to place a mobile home on the property for his mother and father-in-law to live in. There is a mobile home park behind the property and across the street from the subject property.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Mobile Homes) to locate a mobile home in an RM-1 District, for a period of one year, removal bond required, on the following described property:

Lot 5, Block 10, Industrial Addition to the City of Tulsa, Okla.

10576

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church purposes and related uses at 2005 South 1st Street, Broken Arrow, Oklahoma.

Presentation:

Robert Bracken, 40 East 16th Street, attorney for the applicant, advised that Jesus Outreach International would like permission to hold church services on the subject property. The former garage, which is approximately 750 sq. ft., will be used as the chapel. The parking facilities are sufficient for 100-150 cars. Worship services will be held on Sunday mornings and Wednesday evenings with an anticipated assemblage of 35-40 people. There are two septic tanks on the property and the applicant is in the process of updating the lateral lines.

Reverend Clay, Pastor, advised that he and his wife and son live in a house on the property. He also stated that this is a Church and they were not conducting a rehabilitation program for drug users.

Reverend Payne, Associate Pastor, stated that he and his wife and family live on the property. Rev. Payne noted that he also has another boy staying with him and that he considers the boy a part of his own family.

Protestants:

Gary Whittiker, 2014 South 1st Place, presented six letters of protest (Exhibit "I-1") from people in the neighborhood. Mr. Whittiker advised that the area has always been a quiet neighborhood and he felt the proposed use of the subject property would be detrimental to property values. He noted the additional noise and increased traffic in the area due to the Church. Mr. Whittiker also questioned how a congregation of 35 or more could meet sewer requirements. People living in the area feel there are other activities going on in addition to the regular Church use, but Mr. Whittiker could not personally state what those activities were. The protestant advised the Board that Reverend Clay had told him that he does rehabilitate people who are drug users. Mr. Whittiker expressed concern that the subject property would become a half-way house for those who have been in trouble.

Carl Hamilton, 2019 South 1st Place, stated he lives next door to the subject property and that Rev. Clay had advised him that he has boys coming and going all the time. Mr. Hamilton told the Board that there is a mobile home on the property which seems to be occupied all the time.

Gary Whittiker, 2014 South 1st Place, advised he did have a mobile home on his property, but it was moved when he found that it was illegal. Mr. Whittiker questioned why the applicant would move into a residential area and put up a neon sign reading, "Jesus Outreach International." Due to protests in the neighborhood, the sign has been removed. Mr. Whittiker was also concerned for the safety of the neighborhood if the Church was serving as a half-way house.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to continue Case No. 10576 to August 2, 1979, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center, to allow time for further investigation of the application.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Residential Districts - Section 1217 - Automotive and Allied Activities) for permission to operate a paint and body shop in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the front setback requirements from 100' to 70' from the centerline of Utica Avenue south and east of 2nd Street and Utica Avenue.

Presentation:

Donald Walden, 727 North Columbia Place, advised he held a contract for the subject property contingent on the Board's approval of the exception and variance. Mr. Walden informed the Board that with a steel building and good insulation, the noise would not be a factor. The building will not be air-conditioned so the doors will be left open much of the time; however, the applicant didn't feel the noise would effect much since the traffic flow in the area is very heavy and noisy.

10577 (continued)

A communication (Exhibit "J-1") was received from the City Engineer's Office advising that they were not protesting the waiver, but would like an opportunity to check the property to be sure that it will not be in the way of the on-ramp to the expressway.

Protestants:

Mrs. Phyllis Wade, representing three property owners whose properties abut the subject property to the back, presented a plat (Exhibit "J-2") showing the location of the properties. Mrs. Wade stated that one of the property owners operates a day and night Child Care Center and feel their operation may be closed down if this business is allowed. Another of the property owners has a rental duplex near the proposed paint and body shop and is concerned that she will lose her tenants if the application is approved. The third property owner is elderly and fears she would have to move if the business was allowed, because of emotional and physical problems due to the noise and fumes of the paint and body work. Mrs. Zimmerman stated her clients had no objection to business use of this property - only to this "type" of business.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to deny an Exception (Section 710 - Principal Uses Permitted in Residential Districts - Section 1217 - Automotive and Allied Activities) to operate a paint and body shop in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the front setback requirements from 100' to 70' from the centerline of Utica Avenue, on the following described property:

Lot 17, Block 9, Gillette-Hall Addition to the City of Tulsa, Okla.

10578

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to allow a home occupation for an agri-business in an RS-3 District (Breeding goats and selling milk), at 6742 West Archer Street.

Presentation:

Yvonne Bishop, 6742 West Archer Street, presented a projected business plan (Exhibit "K-1") and stated that when she and her husband bought their property, it was to enable them to raise as much of their own food as possible. At this time they have a small dairy herd and would like to be established as a business in order to receive tax exemptions. Mrs. Bishop advised they would like to sell milk and would possibly have three or four people coming to the property for milk. The driveway will accommodate at least six cars at one time. The greatest income will be derived from the sale of animals. Mrs. Bishop stated that her plans include the erection of a barn on the property. The barn will be cleaned regularly to keep down the flies and odor and the waste will go into the garden. In regard to noise, Mrs. Bishop advised that the only time the goats are noisy is at feeding time, night and morning. The area is primarily agricultural in nature and there are many animals in the neighborhood.

10578 (continued)

Protestants:

Layton Woodruff, 2525 East El Paso, Broken Arrow, advised he is co-owner of the property next door to the applicant and felt this type of operation would be detrimental to his investment. He noted that the applicant has two German shepherds and he had personally witnessed the dogs downing the goats and heard the goats bleating for help.

John Martin, 2525 East El Paso, Broken Arrow, co-owner with Layton Woodruff, stated that there has been an increase of animals since the Bishop's purchased their property. He expressed concern about the noise and order of the goats.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to allow a home occupation for an agri-business in an RS-2 District (breeding goats and selling milk), subject to all the rules and regulations of a home occupation, per plot plan submitted to run with this owner only, on the following described tract:

Lots 11 and 12, Block B, Farm Colony Addition to the City of Tulsa, Oklahoma.

10579

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 50' to 33' from the centerline of the street to allow a carport to remain at 2949 North Gillette Avenue.

Presentation:

Mrs. T. W. Hall, 2949 North Gillette Avenue, presented a petition (Exhibit "L-1") signed by neighbors who are in favor of the application. Mrs. Hall stated that when the home was built 20 years ago the carpenter took care of the building permit, etc.; however, the carport was erected by a different person and he did not obtain a permit before the construction. The carport is finished except for painting.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 50' to 33' from the centerline of the street to allow a carport to remain, on the following described property:

Lot 8, Block 1, Fred Thompson Second Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) for a modification to remove the screening requirement where existing physical features provide visual separation of uses; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 100' to 60' from the centerline of Utica; and request for a variance of the east property line to permit building 10' of an alley at 431 South Utica Avenue.

Presentation:

Herbert Finnell, R. R. #1, Box 1101, Owasso, Oklahoma, presented pictures (Exhibit "M-1") of the alley and a plot plan (Exhibit "M-2") and stated he would like to eliminate the screening requirement of the alley. He advised the Dairy Queen adjacent to the subject property did not have a screen.

There are houses behind the property and one of the owners does not want a fence erected since it will block her view. The applicant exhibited a sketch plan (Exhibit "M-3") of the car wash he plans to construct on the property. The car wash will be stone with redwood or cedar trim. There will be one entry from Utica, cars will exit right, into the alley and drive to 5th Street. The T.G.&Y., Safeway and Dairy Queen customers all use the alley.

Mrs. Purser noted that the plot plan appeared to have too much construction for the size of the property and the applicant advised that is why he needed the use of the alley for an exit.

In regard to the 60' setback, Mr. Finnell stated that the lot is only 140' in depth and a variance was needed to allow turning room for the cars and space to use the vacuum cleaners. The vacuum cleaners will be placed near the alley and will be covered with a canopy. There will be an attendant on duty at all times.

The Board members expressed concern that the applicant had not consulted with all of the neighbors across the alley in regard to screening and felt the screening could be placed on the east side of the alley and meet the requirements for screening.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to continue Case No. 10580 to August 2, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the applicant time to consult and obtain written statements from the neighbors, concerning the screening requirement next to the alley.

10583

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) for permission to operate a car wash in a CS District at 2505 East Pine Street.

Presentation:

John Sublett, 1776 One Williams Center, stated that Pacer Oil owns the entire block. There is an obsolete service station on the west portion of the tract. The proposal is to remove the existing service station and erect a modern service station, convenience facility and car wash on the subject property. The construction is all permitted use except the car wash. There is an existing sign, 26.6' from the pole to the center of the street and the applicant requested permission to replace the existing sign. Entrance to the property will be from Atlanta or Pine Street.

The Board discussed the pole sign and pointed out the applicant would need to return to the Board on a separate application for the sign.

Protestants:

Ted Cotton, 1012 North Delaware Place, stated he was not necessarily protesting the car wash, but was just tired of seeing the junk thrown up in his district. Mr. Cotton stated has been Chairman of District 3 the past 2½ years.

Alta Spruzzola, 1520 North College, advised she owns four houses in the neighborhood, and expressed concern with keeping tenants in her properties. She noted the traffic in the area was congested. Ms. Spruzzola stated that the existing sign obstructed the view when entering the street.

Mrs. Moore, Texas, stated she has two rental properties in the area. Mrs. Moore advised that her tenants were concerned with traffic congestion in the area. She also questioned the drainage from the car wash.

W. L. Moore, Texas, noted that a car wash is noisy, open all night, and his tenants had informed him that they would move if the car wash was constructed.

Board Action:

On MOTION of WAIT, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to continue Case No. 10583 to August 2, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10584

Action Requested:

Variance (Section 240.2 - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of a detached accessory building from 750 sq. ft. to 1,900 sq. ft. in an RS-3 District at 15324 East 13th Street.

10584 (continued)

Presentation:

Robert Johnson, 15324 East 13th Street, presented a plot plan (Exhibit "N-1") and advised this was all new construction on a 3½-acre tract. The house will be of colonial style and the proposed garage will match the house. The proposed garage will be 1,900 sq. ft. and will be used to store antique cars. Mr. Johnson stated he would not build anything that will detract from his property or the neighbors property. He advised that this garage is not for business or auction purposes, but to house the antique cars which are his hobby. The applicant advised that most of his neighbors have large detached garages.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0 (Lewis, Purser, Smith, Wait "aye"; Thompson "absent") to grant a Variance (Section 240.2 - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of a detached accessory building from 750 sq. ft. to 1,900 sq. ft. in an RS-3 District, per plot plan submitted, per building materials presented and subject to the owner filing an Affidavit with the County Clerk's Office stating that the garage is for residential purposes only and is never to be used for any business enterprise, on the following described property:

The East 106' of Lots 1 and 8, and the West 106' of Lots 2 and 7, Block 5, Radio Heights Addition to the City of Tulsa, Oklahoma.

10585

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements to permit building across a lot line to permit a residence to connect with a church building located NE of 49th Street and Quaker Avenue.

Presentation:

The applicant attended the meeting, but had to leave before the Case was heard; however, he requested the Board to act on the application.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements to permit building across a lot line to permit a residence to connect with a church building, on the following described tract:

Lot 11, Block 17, Bellaire Acres Addition, and the East 490' of the West 935' of the North 443.88' of the SW/4, SW/4 of Section 30, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

operation in a CS District; and an Interpretation (Section 1660) of the Zoning Code for an office, and limited trucking operation in a CS District at 11402 East Admiral Place.

Presentation:

Roy Johnsen, 324 Main Mall, presented a plot plan (Exhibit "P-1") and advised that the area is not a typical retail use abutted by single-family structures - there is a mixed use of properties. The subject property has been used for mobile homes sales previously, but the owner of the property now has an opportunity to lease the property to a national concern, Dealers Transit, Inc. The owner has a building under construction on the subject property at this time. Mr. Johnsen presented a picture (Exhibit "P-2") of the building which is being constructed of concrete block with Sure-Wall sprayed on to give the appearance of off-white stucco. In the trucking operation, the Company specializes in "transport", using flat bed and low-boy trailers which will be parked on the subject property. This will be a dispatching operation, with some storage of Company records and parking of 10 to 12 trailers. There will be no truck or trailer maintenance on the property. The drivers will be trained within the building. There may be two or three tractors, belonging to students, parked on the lot at various times. Mr. Johnsen presented a picture (Exhibit "P-3") of the lot and pointed out that L. C. Clark Park, which is zoned CS, is in the area.

The Board members expressed interest in screening the property due to the Park and a school in the area. Mr. Johnsen advised there is a cyclone fence around the property for safety and the Company would be willing to plant evergreens, etc.

Regarding the interpretation of the Zoning Code, as requested by the applicant, the Board felt the application could be permitted as a special exception under Use Unit 17.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities to use property for an office, dispatching, drivers training school and permitted as accessory use the parking of truck trailers in a CS District, subject to the following conditions: The hours of operation to be 7:00 a.m. to 6:00 p.m., Monday through Friday and 7:00 a.m. to 12:00 noon on Saturday, maximum of 15 trailers to be parked on the property at any time - to be situated in the westernmost tract, (parking area to be screened on the south and east sides), no maintenance of vehicles on the property, the building to be off-white in color as presented, and subject to the submission of a landscaping plan effectively screening the south and east boundary, on the following described property:

10588 (continued)

Part of Lot 5, Section 5, Township 19 North, Range 14 East of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point on the North line of said Lot 5, 825' East of the Northwest corner of said Lot 5; thence South 89°-53' East along the North line of said Lot 5, a distance of 165'; thence due South a distance of 400'; thence North 89°-53' West a distance of 260'; thence due North a distance of 210'; thence South 89°-53' East a distance of 95'; thence North a distance of 190' to the point of beginning, also known as 11402 East Admiral Place.

10590

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) for permission to operate a plumbing shop in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 70' from the centerline of Sheridan at 1104 North Sheridan Road.

Presentation:

Jim Barton, representing Apex-Acme Plumbing Company, presented a plot plan (Exhibit "Q-1") advised there is an existing building on the property that has housed the Company for approximately 20 years. The applicant would like to construct an addition of 2,100 sq. ft. to build on the south.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a plumbing shop in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 70' from the centerline of Sheridan Road, per plot plan submitted, on the following described property:

Lots 35 and 36, Block 17, Maplewood Addition to the City of Tulsa, Oklahoma.

10591

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to sell mobile homes in a CS District located SE of 101st East Avenue and Admiral Place.

Presentation:

Richard Black, representing the applicant, stated the property is vacant and is located in the middle of 692 feet of vacant property. The applicant would like to conduct mobile home sales on the property and would maintain 12 mobile homes on the tract. There is a wooden screening fence

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a children's day nursery in a church building at 4201 South 47th West Avenue.

Presentation:

Richard Hughes, 310 South 41st West Avenue, advised that the application was to operate and maintain, in the present church facilities, a state licensed day care facility. The Church feels there is a need for such a facility in the area and it will financially benefit the Church. The classrooms, containing 3,200 sq. ft., will be utilized and a kitchen will be installed. The hours of operation will be from 6:00 a.m. to 6:00 p.m., five days a week. The Church will be licensed to care for approximately 60 children. A circle driveway permits people to load and unload, under a carport structure, directly into the Church. The septic system in the church is designed for 300 people. The children will range in age from 2 to 9 years.

Protestants:

Lawrence Glance, 4540 West 41st Street, presented a protest petition (Exhibit "0-1") bearing 19 signatures of area residents. Ms. Glance stated that congested traffic and the noise level were two of her objections to the application.

A letter (Exhibit "0-2"), opposing the application, was received from the Planning Team of District 9.

Interested Party:

Lawson Herring, 1936 West 65th Street, Pastor of the Church, advised the children will be playing in a fenced-in area of the Church property. He advised that the State licensing requirements are very stringent and would need to be adhered to.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day nursery in a church building, hours of operation to be 7:00 a.m. to 6:00 p.m., five days a week, a maximum of 60 children, subject to approval of the Health Department as to the septic tank, on the following described property:

Lot 1, Block 1, Goddard Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - and/or Section 1223 - Warehousing and Wholesaling) to use property for an office and limited trucking operation in a CS District (In the Alternative); and a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670 - Variances) for permission to use property for an office and limited trucking

10591 (continued)

along the south boundary between the CS District and the apartments located there.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to deny an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to sell mobile homes in a CS District, on the following described property:

The West 245' of Lot 2, Block 1, Amended Plat of Block 1,
Rosewood Center Addition to the City of Tulsa, Oklahoma.

10592

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the height requirements in an OL District to permit a two-story building at 83rd East Avenue and 21st Street.

Presentation:

Pam Cantrell, representing the applicant, presented a plot plan (Exhibit "R-1") and advised the property was to the west of Skaggs with a residential area back of the subject property. This tract of land is lower than the Skaggs property. A two-story building will not be significantly higher than the surrounding buildings.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to grant a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the height requirements in an OL District to permit a two-story building, per plot plan submitted, on the following described tract:

The South 250' of the West 170' of the E/2 of Block 9,
O'Connor Park Addition to the City of Tulsa, Oklahoma.

10593

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) for permission to construct a railroad lead track from the Atchison, Topeka and Santa Fe to service the Cherokee Expressway Industrial District in the vicinity of 76th Street North and Memorial.

Presentation:

Gene Buzzard, 907 Philtower Building, representing Industries for Tulsa, Inc. advised the applicant was seeking a special exception in accord with the Cherokee Special District, to construct a rail-

road spur from the west side of Owasso to the area owned by the applicant. The right-of-way, which has been acquired, will be 100' wide and there will be a barbed wire fence along both sides of the strip. The track itself will be 8' wide. The Owasso Board of Adjustment has approved the application in their jurisdiction. The plans have been engineered by the Santa Fe Railway Company. The only prospective use for the spur at this time is the Schwinn Bicycle Company, but the applicant anticipates the rest of the area being developed in the future.

Steve Norling, Santa Fe Railway, Norman, Oklahoma, stated that the train movements are very slow, approximately 20 miles per hour. The trains will stop at the crossing, check to see that it is clear, and then proceed accordingly. Normally the trains will operate in the daylight hours.

Henry Daubert, advised the Board that the Ranch Creek crossing will be designed to pass the 100-year flood. The elevation of the track will also be above the 100-year flood mark. Mr. Daubert felt the track itself would keep surrounding property to the north from flooding.

Protestants:

J. B. Gates informed the Board that the Company plans to cut a 35' trench through the hill and felt this would be hazardous to him since he was running cattle on the property. Mr. Gates was also concerned that there would be noise, bells and whistles, connected with the railroad operation which would disturb his sleep. He also questioned the drainage in the area and felt it might flood his property.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) to construct a railroad lead track from the Atchison, Topeka and Santa Fe to service the Cherokee Expressway Industrial District, on the following described property:

Land in Section 25, Township 21 North, Range 13 East. The North 100' of the SW/4 of the North 100' of the W/2 of the SE/4, ALL in Section 25, Township 21 North, Range 13 East, Tulsa County, Oklahoma; and

Land in Section 26, Township 21 North, Range 13 East. All that part of the E/2, SE/4 of Section 26, Township 21 North, Range 13 East of the IBM, Tulsa County, Oklahoma, according to the original Government Survey thereof, more particularly described as follows, to-wit:

Beginning at the SW corner of said E/2, SE/4; thence North $1^{\circ}-24'-53''$ West along the West boundary of said E/2, SE/4 a distance of 2,627.09' to a point 16.5' from the NW corner thereof; thence North $88^{\circ}-42'-37''$ East parallel to and 16.5' from the North Boundary of said E/2, SE/4 a distance of 1,319.91' to a point on the East Boundary of said E/2, SE/4, 16.5' from the NE corner thereof; thence South $1^{\circ}-28'-20''$ East along the East Boundary of said E/2, SE/4 a distance of 83.5'; thence South $88^{\circ}-42'-37''$ West parallel to and 100.00' from the North Boundary of said E/2, SE/4 a distance of 664.98'; thence on a curve to the left having a radius of 553.80'

7.19.79:290(25)

10593 (continued)

a distance of 871.12' to a point 100.00' from the West Boundary of said E/2, SE/4; thence South 1°-24'-53" East parallel to and 100.00' from the West Boundary of said E/2, SE/4 a distance of 1,988.33' to a point in the South Boundary of said E/2, SE/4, 1,222.54' from the SE corner thereof; thence South 88°-44'-11" West along the South Boundary of said E/2, SE/4 a distance of 100.00' to the point of beginning, containing 430,714 square feet or 9.88783 acres; and

Land in Section 35, Township 21 North, Range 13 East. A tract of land beginning at a point on the North line of the NW corner of the NE/4, NE/4 of Section 35, T-21-N, R-13-E, 100' East of said NW corner of the NE/4, NE/4; thence South a distance of 1,220.9'; thence West a distance of 100' to a point on the West line of the NE/4, NE/4; thence South 30°-52'-29" West a distance of 0.00'; thence along a curve to the right, having a radius of 653.81', a distance of 15.71'; thence South 32°-15'-06" West a distance of 798.25'; thence along a curve to the right, having a radius of 653.81', a distance of 644.70'; thence South 88°-44'-57.5" West a distance of 2,976.19' to a point in the West Boundary of said Section 35, 3,085.41' from the Southwest corner thereof; thence North 1°-09'-55" West along the West Boundary of said Section 35, a distance of 100.00' to a point 2,091.77' from the NW corner thereof; thence North 88°-44'-57.5" East a distance of 2,976.04'; thence along a curve to the left, having a radius of 553.81' a distance of 546.09'; thence North 32°-15'-06" East, a distance of 798.25'; thence along a curve to the left, having a radius of 553.81' a distance of 323.66', to a point on the West line of the NE/4, NE/4; thence North along the West line of the NE/4, NE/4, a distance of 873.39' to the NW corner of the NE/4, NE/4; thence East a distance of 100' to the point of beginning.

10596

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District at 166th Street North and 79th East Ave.

Presentation:

Judge Porter, 2722 South 72nd East Avenue, stated he would like to locate a mobile home on 11.92 acres of property which he has purchased. Judge Porter advised that he plans to build a home on the property in the future.

Protestants:

Three protest letters (Exhibit "S-1"), from area residents, were received.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Purser, Smith, Wait "aye"; Lewis, Thompson "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District, for a period of five years, on the following described property:

The East 660' of the NE/4 of Section 12, Township 22 North, Range 13 East, Tulsa County, Oklahoma, LESS and EXCEPT the North 2,185' thereof.

7.19.79:290(26)

OTHER BUSINESS:

Case No. 9613 - Review of Development:

The applicant was not present and no action was taken.

There being no further business, the Chair adjourned the meeting at 8:35 p.m.

Date Approved August 16, 1979

Lathrop Purser
Chairman