

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 316  
Thursday, August 7, 1980, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman Smith Victor Wait	Lewis	Gardner Jones Johnson, D.	Jackere, Legal Department

After declaring a quorum present, the Chair called the meeting to order at 11:34 p.m.

MINUTES:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the Minutes for June 26, 1980 (No. 313).

MINOR VARIANCES AND EXCEPTIONS:

11117

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements from 60' to 50' to permit a lot-split north and east of Jasper and Quaker.

Mr. Jones advised that the lot-split was approved by the Planning Commission subject to Board approval.

Presentation: None.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 60' to 50' to permit a lot-split (L-14955) on the following described tract:

Lots 9 & 10, Block 6, Capitol Hill Second Addition, City of Tulsa, Tulsa County, Oklahoma.

11125 (continued)

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 45' from the centerline of Southwest Boulevard to allow a sign as proposed on the existing pole, subject to a removal contract, on the following described property:

The South 50' of Lot 1, and all of Lot 2, Block 5, Clintondale Addition to the City of Tulsa, Oklahoma.

11129

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements from 100' to 90' to permit a lot-split and variance of the area requirements at 8968 East 13th Street.

Mr. Jones advised that the Planning Commission approved the lot-split, subject to Board approval.

Presentation:

Terry Isom, 3968 East 19th Street, advised that he is splitting a large lot measuring 100' x 305'. The lots fall 10' short of the 100' frontage requirements under the Code. Mr. Isom advised that he needs 10' ownership handles in order to get to the utilities. The northern tract has an existing house and the southern tract is for the future development of his residence. The proposed residence will be of equal quality or better quality than the existing homes in the neighborhood. Mr. Isom advised that he plans to use stone or rock on the exterior of his residence. The applicant stated that although dedication exists on 13th Place, the 10' handles are necessary to reach existing water and sewer lines.

Protestant: *four*

Earl Urhley, attorney, P. O. Box 765, Wagoner, representing two property owners in the neighborhood, advised that his clients asked that he protest the application due to the fact that granting the variance would decrease the value of the existing homes in the area. Also the lot-split would result in much smaller lots than the balance of the area.

Applicant's Comments:

Mr. Isom advised that when he purchased the subject property 15 years ago, he entered into an agreement with the seller of the subject property, which is on record at the Courthouse, which states that he has her permission to split the lot.

Alan Jackere advised that the question before the Board is whether or not splitting the subject lot would have a detrimental affect on the neighborhood and whether or not the lot-split would devalue the homes in the area.

11122

Action Requested:

Variance (Section 1221.5 (d) - Business Signs and Outdoor Advertising - CS Use Conditions - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the aggregate display surface area for a sign in a CS District at 11535 East 31st Street.

Presentation:

Ray Toraly, Craig Neon Sign, 4939 East Admiral Place, representing Whitlock Auto Supply, located in the Garnett Plaza Shopping Center, advised that the request is to place a sign on a canopy of the building measuring 5' high and 50' long. The subject canopy is 8' high. Mr. Toraly advised that the proposed sign will not block the view of the other businesses located in the shopping center. Other wall signs presently exist in the area.

Bob Gardner advised that if the sign is placed behind the building setback line, then the Board can grant a special exception to increase the permitted sign display surface area.

Discussion ensued by the Board concerning the size of the proposed sign and the possibilities of a precedent being set by granting permission to erect the subject sign.

Protests: None.

Board Action:

On MOTION of VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny a Variance (Section 1221.5 (d) - Business Signs and Outdoor Advertising - CS Use Conditions - Under the Provisions of Section 1630 - Minor Variances) of the aggregate display surface area for a sign in a CS District, on the following described property:

Part of Lot 1; beginning at the NE corner; thence South 515'; West 244.71'; North 224'; West 175.29'; North 221.3'; East 138.32'; Northeasterly 290.12' to the point of beginning, Block 1, Garnett Square Addition to the City of Tulsa, Oklahoma.

11125

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 50' to 45' from the centerline of Southwest Boulevard to allow an existing pole sign to remain at 2414 Southwest Boulevard.

Presentation:

Ray Toraly, Craig Neon, Incorporated, advised that the old sign would be removed from the pole to be replaced by a smaller sign. A sketch of the proposed sign was presented (Exhibit "A-1").

Protests: None.

11129 (continued)

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case No. 11129 to Thursday, August 21, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order for the Board members and Staff to field check the property.

UNFINISHED BUSINESS:

11075

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the side yard requirements from 5' to 3.3' in an RS-2 District (residence existing) at 4804 East 84th Street.

Presentation:

David Punnett, 5539 East 61st Street, advised that he is off on his property line approximately 1½'. The applicant advised that the protestants of the application asked that a retaining wall be placed between their property and his. Mr. Punnett advised that the wall has been completed to meet the satisfaction of the protestants, but the wall is still lacking some fill dirt which will be taken care of today or tomorrow.

Protestant:

Patricia Basnett, 4610 East 84th Street, advised that some places in the wall are still incomplete. The eastern portion of the wall is lacking some fill dirt.

Board Action:

On MOTION of SMITH, the Board voted 3-0-1 (Smith, Victor, Wait "aye"; no "nays"; Purser "abstaining"; Lewis "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 5' to 3.3' in an RS-2 District, subject to the retaining wall being completed and fill dirt compacted and the soil stabilized to prevent erosion, on the following described property:

Lot 11, Block 3, Brookwood II Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

11105

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) requested permission for a use variance to permit a guest house in an RS-1 District at 6677 South Evanston Circle.

Presentation:

Diane Berry, 3430 East 64th Street, advised that permission was needed to build a guest house at the subject location. The guest house will

8.7.80:316(4)

11105 (continued)

be separate from the main house. A plot plan was presented (Exhibit "B-1").

Bob Gardner advised that from the size of the main house (15 to 18,000 sq. ft.) a guest house of 2200 sq. ft. would not be unusual or inappropriate and would have to be built first since it is located in the rear yard.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a guest house in an RS-1 District, per plot plan submitted, on the following described property:

Lot 4, Block 1, Vinson Addition to the City of Tulsa, Oklahoma.

11114

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the front setback requirements from 50' to 41' from the centerline of the street to permit the erection of a porch on the front of the house at 543 South 71st East Avenue.

Mr. Jones advised that the applicant has withdrawn his application due to a heart attack, and that he would like his public hearing fees refunded.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to withdraw Application No. 11114 and to refund \$25.00 to the applicant.

11115

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the side yard requirements from 75' to 10' on the east side; and an Exception (Section 250.3 (a) & (d) - Modification of the Screening Requirements - request for permission to modify the screening requirement where existing physical features provide visual separation of uses; and where the purpose of the screening cannot be achieved on the east, west and south at 9404 East 46th Street North.

Presentation:

James Barton, Barton Construction, advised that the subject property is zoned IL which has a 75' setback requirement on each side. His request for a variance from 75' to 10' is due to a Public Service high power

11115 (continued)

line on the east side of the property. Mr. Barton advised that the church directly east of his property has no objections to the subject application. Mr. Barton stated that there will not be any outside storage of materials on the property. Security lighting will be used and directed away from the residential houses. A plot plan was presented (Exhibit "C-1"). The request to waive the screening is due to the fact that the back 400' portion of the subject property, a grassed area, abuts 44th Street and no other structures are to be built on this portion at this time.

Mr. Nigh advised that he has talked with Rev. Rich of the church advising him of the application.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the side yard requirements from 75' to 10' on the east side; and to grant an Exception (Section 250.3 (a) & (d)- Modification of the Screening Requirements) to modify the screening requirement where the purpose of the screening cannot be achieved on the east, west and south, subject to no outside storage on the property and no ingress or egress from 44th Street, on the following described tract:

The W/2, E/2, NW/4, NE/4, NE/4, of Section 13, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

11116

Action Requested:

Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home in an IM District northeast of 129th East Avenue and 32nd Street North.

Presentation:

Leroy Mushrush, representing the applicant, Glenn Eberle, advised that the applicant has been a resident of the neighborhood for a number of years. The applicant has discussed the application with the neighbors who have no objection to placing the mobile home. The applicant wishes to place the mobile home for his daughter and grandchildren. Other mobile homes are presently in the surrounding area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variances) to permit a mobile home in an IM District, for a period of 5 years, on the following described property:

8.7.80:316(6)

11116 (continued)

The East 150' of the West 538.12' of Lot 12, Block 1, Langley Addition to the City of Tulsa, Oklahoma.

11118

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the front setback requirements from 60' to 35' from the centerline of the street to permit the erection of a carport at 14932 West 17th Street, Sand Springs, Oklahoma.

Presentation:

Ralph Williams, applicant, 14932 West 17th Street, Sand Springs, Oklahoma, advised that the garage on his house is inadequate to park his two (2) cars, therefore he would like to add a carport. Mr. Williams presented a sketch of his proposal (Exhibit "D-1") and advised that the addition would blend with the present architecture of the existing residence. The house is presently six (6) months old, and no other carports exist in the addition.

Protestants:

Leroy Mushrush, attorney, advised that the applicant without a building permit began to construct his carport. Mr. Mushrush advised that the addition is still in the process of being developed. He stated that he feels the applicant plans to use his present garage as an office, and he presently has four (4) cars parked on his property. Mr. Mushrush asked the Board to deny the application.

Kelly Lawrence, 1104 Hickory, Sand Springs, Oklahoma, presented a petition of protest bearing 10 signatures of property owners in the neighborhood objecting to the application (Exhibit "D-2"). Mr. Lawrence advised that granting the application would have an adverse affect on the property values in their new subdivision. Also the applicant is in violation of the restrictive covenants of the subdivision.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - under the Provisions of Section 1670 - Variances) of the front setback requirements from 60' to 35' from the centerline of the street to permit the erection of a carport, on the following described property:

Lot 7, Block 3, Riverside West II Addition to the City of Sand Springs, Oklahoma.

11119

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to allow a mobile home to remain in an RS-1 District at 6109 East 151st Street, South.

11119 (continued)

Presentation:

Larry Stallsworth, applicant, asked the Board for permission to maintain his mobile home at the subject location. Mr. Stallsworth advised that he plans to begin building his permanent residence within the next two (2) months. Other mobile homes are presently in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Lewis "absent") to grant a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 - Special Exceptions) to allow a mobile home to remain in an RS-1 District, for a period of one (1) year, removal bond required, on the following described property:

The W/2, SW/4, SW/4, SE/4, SE/4, of Section 15, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

11120

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for permission to allow a child development center in an RS-3 District (the proposal is to convert an existing residence into a child development center) at 3306 East Easton Street.

Mr. Jones advised that he has received several letters of protest against the subject application (Exhibit "E-1").

Presentation:

Betty Barrow, 5311 East Latimer Court, advised that her request is to develop a child development center to run from 6:00 a.m. to 6:00 p.m.; five (5) days a week, with twenty children 2 to 12 years of age. A floor plan was presented (Exhibit "E-2"). Ms. Barrow advised that she feels her proposal will be an asset to the community. The applicant stated that there is a one car driveway, but she would like to enlarge it to two (2) car widths. Upon questioning, the applicant advised that it would not be a problem to make a circle driveway. Ms. Barrow plans to place a 2' x 3' sign on Harvard Avenue.

Bob Gardner advised that under the Ordinance a day care center is permitted by exception in an RS-3 zoned district providing the use is found to be harmonious and compatible with the neighborhood.

Protestants:

John Smith, 3312 East Easton Street, advised that he lives next door to the proposed child development center and stated that he opposes the application because of the congestion in the neighborhood. Mr. Smith advised that the Board should fully investigate the application before any action is taken because approval of the application would present some problems in the neighborhood.



11120 (continued)

Larry Lawrence, 3307 East Easton Street, advised that everyone on his block objects to the application. Mr. Lawrence advised that the neighborhood is a nice area and presently no commercial businesses exist for more than 1/2 mile north. The protestant advised that all homes in the area are brick except the one proposed for the development center.

Applicant's Comments:

Ms. Barrow advised that she is willing to put up a privacy fence and that most people would be at work during her hours of operation.

Board Action:

On MOTION of VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to continue Case No. 11120, to Thursday, August 21, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, so that the Board members and Staff could field check the property.

11121

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RM-2 District at 1235 North Wheeling Avenue.

Presentation:

John Prescott, 922 North Utica Avenue, advised that his request to locate a mobile home is because his sister is moving to Tulsa from Muskogee and she has no other place to live. Mr. Prescott advised that he has talked with his neighbors who have no objection to the application. The mobile home in question is a 1979, 40' x 84' trailer. Other mobile homes exist in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Victor "aye"; no "nays"; Lewis, Wait "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RM-2 District, for a period of one (1) year, removal bond and skirting required, on the following described property:

Lots 11 and 12, Block 1, Berry-Hart Addition to the City of Tulsa, Oklahoma.

11123

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to locate a mobile home in an RS-1 District; and a Variance (Section 440.6-Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) request for a variance to permit a mobile home on a lot that has a house on it at 5833 South 85th West Avenue.

11123 (continued)

Presentation:

Jody Sherrell, 5833 South 85th West Avenue, advised that he is in the process of purchasing the subject property from his parents to place the 1976, 14' x 70' mobile home. Other mobile homes exist in the neighborhood. The mobile home will be skirted and the applicant advised that he plans to build a permanent residence within the next 2 to 3 years. Mr. Sherrell advised that his parent's residence also sets on the subject tract.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Victor "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-1 District; and to grant a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) to permit a mobile home on a lot that has a house on it, for a period of one (1) year, removal bond and skirting required, on the following described property:

The S/2, NW/4, SE/4, SE/4 of Section 36, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

11124

Action Requested:

Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1670 - Variances) request for a variance to use part of the house as a residence and part as the offices and studios of an FM radio station, with an addition to accommodate several offices, and an attached two-car garage. Off-street parking will be invisible from east 106th Street North, and screened by landscaping; located at 9909 East 106th Street North.

Mr. Jones advised that the applicant is requesting a continuance to August 21, 1980, in order to complete his layout plans.

Presentation: None.

Protests: None

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Purser, Smith, Victor "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to continue Case No. 11124 to Thursday, August 21, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

11126

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) request for

11126 (continued)

a variance of the floor area from 15,000 to 17,226 sq. ft., and a variance of the setback requirements from 100' to 82' from the centerline of 51st Street; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence requirements under the Provisions of Section 1680 - Exceptions) request for an exception to remove the screening requirements where the purpose of the screening requirement cannot be achieved at 2816 East 51st Street.

Presentation:

Vernon Mudd, owner of the subject property for seven (7) years, advised that the original structure on the property was destroyed by fire two years ago. The applicant advised that he is requesting three (3) variances, and presented his plot plan (Exhibit "F-1"), elevation plan (Exhibit "F-2") and a sketch of the basic building shell depicting the inside core (Exhibit "F-3"). Mr. Mudd advised that the core takes up a considerable amount of space, therefore a variance is needed of 14.8%. The applicant stated that he does not feel it is necessary to erect two (2) privacy fences between the parking lots on the south side. The requested setback is to reach the maximum utilization of the land for parking. A statement from the adjoining property owner on the west side was presented (Exhibit "F-4"), advising that he has no objections to the application. The proposed three (3) story structure is for general office use. Mr. Mudd advised that moving the building back to meet the 100' setback requirement would make him lose the entire back line of parking (17 spaces).

Mr. Bob Gardner advised that the placement of the original building may have been closer to the centerline of the street. The subject area is in transition converting from residential to office use. The Code requires that the building be placed 100' from the street, but approval of the application would place the subject structure 82' from the centerline of the street.

Discussion ensued concerning the requested setback and the parking facilities on the subject site.

Protests: None.

Board Action:

On MOTION of VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to grant a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the floor area from 15,000 to 17,226 sq. ft.; subject to a new site plan showing the building size, parking area, and building setback and continue for the readvertisement of the rear setback; and to continue the application to August 21, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

11127

Action Requested:

Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to allow oil well drilling in an AG District at Osage Boulevard, between 51st and 52nd Street North.

Presentation:

Conrad Lysiak, attorney, representing Petron Corporation and the surface and mineral rights owners, Mr. & Mrs. Knight and Mr. & Mrs. Rutledge, advised that the subject oil well is outside the Tulsa City Limits. Mr. Lysiak presented a diagram of the subject property not drawn to scale (Exhibit "G-1") depicting the tank batteries, which are 28' high, located on Osage Boulevard. Mr. Lysiak advised that he feels the requested exception is in the best interest of the public for developing land zoned AG. Some homes and a few churches are present in the area of the application. The tank batteries were placed to be completely level with the road and away from the residential areas. Mr. Lysiak advised that it is not customary to place tank batteries near the oil wells. Permission was not sought prior to today's application because the oil well owners were unaware of the requirements under the Zoning Code for the drilling of the well outside the City Limits. Mr. Lysiak advised that the location of the tank batteries is the objection of the Valley View Church. Pictures of the subject area were presented (Exhibit "G-2").

Interested Parties:

Marvin Riddle, Box 8, representing Valley View Baptist Church, advised that he is not protesting the application, but the location of the tank batteries which are directly across the street from the Church. Mr. Riddle presented photos of the area in question (Exhibit "G-3"). Mr. Riddle advised that he believed the Petron Corporation has tank batteries located near wells to another site, and that he has asked one of the owners to locate the tanks further down the road, but his request was ignored. Pictures of other tank batteries in the area were presented (Exhibit "G-4"). Mr. Riddle advised that he feels the tank batteries are downgrading the Church property which are located 33' from Osage Drive.

Robert Davis, representative of Area "I", Tulsa Human Services Agency, advised that he had no prior knowledge of the placement of the tanks. Mr. Davis advised that he is interested in the environmental aspects of the application.

Norma Camper, 131 West 50th Court, North, advised that she would like to know if the tanks will be placed any closer to her home.

Bob Gardner advised that the minimum setback required when subdividing properties is a 150' radius.

Applicant's Comments:

Mr. Lysiak presented pictures of the northern portion of the subject area (Exhibit "G-6") and advised that the present placement of the tank battery is the ideal location. Mr. Lysiak stated that the relocation of the tanks would be a large expense to the operators.

Board Discussion:

Board member Victor advised that if the application was presented to the Board before the tanks were installed, he would not approve the placement of the tanks at the present location.

11127 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Victor "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to grant a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1680 - Special Exceptions) to allow oil well drilling in an AG District, subject to the tank batteries being placed no closer than 165' to any adjoining property line and 45 days to observe the setback requirements, on the following described tract:

Lot 6, Section 11, Township 20 North, Range 12 East, City of Tulsa, Oklahoma.

11128

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the frontage requirements from 50' to 0' in an IM District at 6929 East Reading Place.

Mr. Jones advised that the Atlas sheet shows a dedicated street, but the land use map shows differently.

Presentation:

John Jarboe advised that the property in question was purchased for development by the Jarboe Sales Company to build a new warehouse. The property lies directly west and abuts the property that Jarboe Sales Company now operates as a warehouse. The problem arose from the fact that when the streets were dedicated, the dedication starts from the north side of Pine Street. The City Atlas was surveyed from the centerline of Pine Street. The Street (Reading Place) was not laid out according to the dedication. The way the street is laid out there is access to the property. Because the City Atlas is surveyed from the centerline, the Atlas shows the cul-de-sac, if it existed, would be 25' to 50' to the south of where it is. When a building permit was applied for, the Building Inspector's Office informed the applicant that there was no access to the street, therefore, a variance was requested from 50' to 0'. A plot plan was presented (Exhibit "H-1").

Board Action:

On MOTION of VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait "absent") to grant a Variance (Section 930 Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements on a dedicated street from 50' to 0' in an IM District on the following described property:

Commencing at the SW corner of Section 26, Township 20 North, Range 13 East, Tulsa County, State of Oklahoma; thence North 0°-08'-44" West along the West line of Section 26, a distance of 1,178.12'; thence North 89°-59'-00" East a distance of 649.30' to the point of beginning; thence North 0°-14'-07" West a distance of 301.87' to a point on the Southerly right-of-way line of St. Louis and San Francisco Railway right-of-way; thence North 84°-32'-06" East along

11128 (continued)

said Southerly right-of-way line a distance of 672.27'; thence South 0°-17'-26" East a distance of 365.65'; thence South 89°-00" West a distance of 669.83' to the point of beginning, and containing 5.131 acres, more or less.

11130

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 60' to 44' from the centerline of 40th Street, and a variance from 60' to 49' from the centerline of Gary Place, at 3940 South Gary Place.

Presentation:

Densel Williams advised that he is representing the property owner whose residence sets over the property line. The applicant is experiencing a hardship with the flow of the land which is the reason he is requesting to build a porte-cochere on the front. A diagram depicting the area was drawn on the board. The proposed porte-cochere is a see-through, not obstructing the view of traffic. A plot plan was presented (Exhibited "I-1").

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait "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 from 60' to 44' from the centerline of 40th Street, and a variance from 60' to 49' from the centerline of Gary Place, to permit a porte-cochere, per plot plan submitted, on the following described property:

Lot 6, Block 20, Ranch Acres Addition, Blocks 19-27, to the City of Tulsa, Oklahoma.

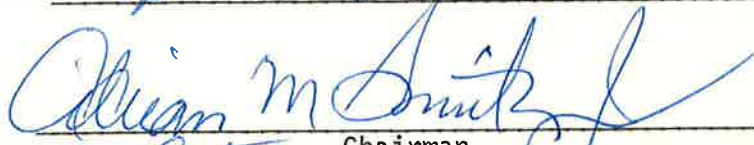
OTHER BUSINESS:

Communication concerning Case No. 11043: John Walton, applicant advised that a 10' mistake was made on his plot plan. A request was made for a 4' setback when he actually needed a 14' setback. He advised the Board that he would refile his application, but would start construction before it would be heard.

Alan Jackere advised that the applicant wants to proceed at his own risk, but wants the Board to know about the construction beforehand.

There being no further business the Chair adjourned the meeting at 5:05 p.m.

Date Approved September 4, 1980

  
Acting Chairman

8.7.80:316(14)