BOARD OF ADJUSTMENT
MINUTES of Meeting No. 318
Thursday, September 4, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	STAFF PRESENT	OTHERS PRESENT
Lewis, Chairman	Gardner	Jackere, Legal Department
Smith	Jones	Miller, Protective Inspections
Wait	McBride	

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, on Tuesday, September 2, 1980, at 2:45 p.m., as well as in the Reception Area of the TMAPC Offices.

After declaring a quorum present, the Chairman called the meeting to order at 1:34 p.m.

MINUTES:

On MOTION of WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve the Minutes for August 7, 1980 (No. 316).

11165 R. E. Couch - 3333 East 56th Place

This case needs to be continued until September 18, 1980, we had to republish it.

Board Action:

On MOTION of WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to continue this case until September 18, 1980.

MINOR VARIANCES AND EXCEPTIONS:

11183

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage and area requirements in an AG District to permit a lot-split on the So. and W. of 31st Street and 137th West Avenue.

Protestants: None.

Comment: Mr. Jones stated that the Sand Springs Regional Planning Commission approved the lot-split, subject to the approval of this Board.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an AG District to permit a lot-split (L-11183) on the following described property:

11183 (continued)

1st Tract: The E/2 of the N/2 of the N/2 of the E/2 of the N/2 of the NE/4 of the NW/4 of Section 21, Township 19 North, Range 11 East; and

2nd Tract: The W/2 of the N/2 of the N/2 of the E/2 of the N/2 of the NE/4 of the NW/4 of Section 21, Township 19 North, Range 11 East; in Sand Springs, Oklahoma.

11082 UNFINISHED BUSINESS:

Action Requested:

Exception (Section 630 - Bulk and Area Requirements in the Office District-Under the Provisions of Section 1680 - Exceptions) request for an exception to allow .40 floor area ratio, and a building height of two stories in an OL District.

Comment: Mr. Jones stated that this matter was approved on July 10, 1980, subject to the applicant bringing in his final plans.

Board Comment:

Mr. Lewis stated that he had reread the minutes of the earlier meeting and wished to advised the Board members that at the very end of the Motion it said that subject to a design change to the rear visage to be approved by the Board that would eliminate any problem of being able to look out of the second-story window into the back yards of the residents.

Presentation:

Gary VanFossen, VanFossen and Brase Architects, stated that there will be no visibility of the abutting rear yards from the rear windows of the building. We will restrict the view by either omitting windows, providing screening walls outside the windows, or using translucence glass permitting light, but no vision. Mr. VanFossen submitted diagrams showing the possible solutions (Exhibit "A-1").

Board Comments:

Mr. Lewis asked the reason for coming with this at this time instead coming in at the time you finally decided whether to remove the windows or whatever.

Applicant's Comments:

The only reason is because of a potential lease as to whether we have a window along there. We can submit exact details as needed, but we would assume that if we gave you assurance it would not have any vision there, then we could use whatever alternate methods needed. The screen wall would be a permanent wall and the only question is the exact figure that is appropriate to make it high enough to block all vision of the neighboring yards.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in Office Districts-Under the Provisions of Section 1680 - Exceptions) for the site plan presented today provided that there be no visibility by persons located at the rear windows of the building onto the abutting residences to the west and that vision be restricted by omitting the windows, use translucent glass or by the erection of the structural wall on the roof of the first floor. Subject also to the receipt of the plot plans for the file, on the following described property:

11082 (continued)

The N/2 of Lot 2, Block 3, and the South 117.6' of Lot 1, Block 3, Villa Grove Park Addition to the City of Tulsa, Tulsa County, Okla.

11136

Action Requested:

Special Exception (Section 310 - Principal Uses Permitted in the Agricultural Districts - Under the Provisions of Section 1680 - Special Exceptions) request for a special exception to allow oil and gas drilling in an AG District.

Mr. Jones stated that this matter was continued from last meeting because the question of a fire hazard came up and it was requested that the Fire Marshal be present at this meeting to discuss this matter.

Presentation:

D. Kenyon Williams, Jr., the applicant, requested that Roy Gann, Fire Marshal for the City of Tulsa, present his findings first. Mr. Gann stated he saw no real fire hazard. Research shows that the crude oil has a flash point of 20-90°; which is very low, however, the ignition point is very high which eliminates the problem of having a fire hazard. I have visited the site of the oil well and an estimated distance from the oil well to the school building is approximately 500-600 feet, which in my opinion is a safe distance. The state regulations require that oil wells be not closer than 165 feet to a structure. The tank batteries are within 15-20 feet of the well. The tank batteries are west of the well itself.

Mr. Lewis asked what is the difference between a flash point and an ignition point?

Mr. Gann explained that the flash point is the point where a fire will flash over a material but discontinue to burn. The ignition point is where it will continue to burn. The Board asked Mr. Gann if he knew of any oil well fires around Tulsa in recent years. Mr. Gann stated that there was no record of any and he could not remember having any. Mr. Smith stated that he noticed quite a number of wells along Cincinnati Avenue and asked Mr. Gann if there had ever been any fires there. Mr. Gann stated that he could not recall any and there was no records of any problems or fires that they have responded to. Mr. Smith stated that there was a concern as to whose responsibility it was to respond to fires. Mr. Gann said that it was outside the City limits and that it is in a zone where either Tulsa or Turley Fire Departments might be called. Probably both Departments would respond. He stated the Tulsa Fire Department would respond if they were called. The Board asked if Gilcrease School was in the Tulsa area and if there are hydrants and water lines there. Mr. Gann said he wasn't sure. Mr. Lewis asked if the field were to catch fire would the grass fire ignite the well? Mr. Gann stated that it would be doubtful, but that would depend on how high the grass was allowed to grow. We might be able to control that problem with gravel or something around the holding tanks to prevent the fire from reaching there. Mr. Lewis asked if he considered grass fires around oil wells to be a problem. Mr. Gann stated that there had been grass fires both north and south where many of the oil wells are in existence and we have never had an oil well fire as a result of them. The Board thanked Mr. Gann for his time.

11136 (continued)

Applicant's Comments:

Mr. Williams stated we are asking that the special exception be granted to allow us to produce on this property. At the present time, there is one existing oil well and one existing tank battery on it. There would be no need for further tank batteries on the property to the best of my knowledge. The Board asked if Mr. Williams would list the restrictions they would be willing to meet. Mr. Williams stated that the applicants have advised me and offered to the Board to fence the north boundary of this 75-acre lease because at the present time it is not fenced. That would restrict the flow of traffic across this lease. Further, the applicant had offered to place a safety fence around the oil well itself, which is the only moving machinery that exists on the lease to again prevent small hands or people from interferring with this well and any future wells. The tank battery poses no problem, but if necessary the applicants would include that as well. Since the fence along the south end is not in good shape, this could be repaired as well. The applicant would appreciate the opportunity to operate the lease under Oklahoma Corporation Commission guidelines as is economically feasible. We would be happy to limit the number of wells on the property to 6.

Protestants:

Sylvester Gibson, 235 West 56th Street North, just across the street from the subject property, stated we have approximately 200 students who play within less than 100' of this oil well. We have 56th Street North that carries tank trucks up and down there full of oil. I made a count yesterday and the day before and about 25 tank trucks move up and down 56th Street each day. Not necessarily coming off this lease. We feel that the property value in North Tulsa is already very, very low and with the existing fire hazard that is there, it will be even lower. There is no fire hydrant close to the well they are drilling. They have two wells on the property. One is close to Cincinnati Avenue and one is just off Osage Drive. Therefore, we feel that adding anything else would be detrimental not only to the people, but to the health of the community, to the property and to the safety of the children in school. There is a fire hazard. We hope that the Board would take this into consideration.

Norma Kamper, 131 West 50th Court North, stated that she had the opportunity to talk with a field representative of the Oklahoma Corporation Commission Tuesday, and she asked him if the crude oil would catch fire quickly. He said the crude oil would catch fire very quickly, because it is about 50% gasoline. I would like to say that during the winter months I feel that I have a full-time job in calling the Fire Department. I have had to call them as late as 12 o'clock midnight. Sometimes I am the only one up in the area and I wonder what would have happened if I had not been up. It is a great concern to all of us. You almost have to live there to understand what we are saying. The other thing that I would like to say is that we feel this situation has been pushed down our throats. The first hearing was August 21, but the work that has been done was completed June 21.

Eva Mae Gibson, 235 West 56th Street North, stated that she had developed a fear because of all the fires out there. The grass is tall across the fence. The grass is only cut once a year. There is a pond close to the well where children fish. The water pressure is very low and if a fire would break out how could they put out a fire. They either have to

11136 (continued)

bring the water in tanks or use chemicals. All the oil on the ground will lower the value of our homes.

Mr. Wait expressed concern about a fire hazard and also his concern for the safety of children around the tank battery. Mr. Smith asked Mr. Gann what would be a safe distance for gravel to be put around the tank battery and well to prevent fire. Mr. Gann stated 30-40 feet should be sufficient. Concern was mentioned about the saltwater. There is a pit there that is a concern because of safety hazard to children. The Board asked if the plans were to put in a well to dispose of the saltwater. The applicant said they would fence the tank battery and well and remove the pit and dispose of the saltwater properly.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to grant the Special Exception (Section 310 - Principal Uses Permitted in the Agricultural Districts - Under the Provisions of Section 1680 - Special Exceptions) to develop the 75 acres with a maximum of 6 wells which would include the present well and any input or water flood-wells, that the north boundary of the tract be fenced, that the well and tank battery be fenced with a six-foot security fence, that a radius of 35-feet of gravel be placed around the tank battery and the well site and each new well. In addition, no new wells be drilled any closer than the present well to the school site, that immediately upon approval of the Corporation Commission to use the westernmost well for an injection well, or water disposal well, that the pit be emptied in accordance with their rules and regulations and backfilled, that the tract be kept mowed, that new wells be drilled no closer than 200' to property lines abutting residences and that the present westernmost well is exempt from the 200' requirement, on the following described property:

The E/2 of the NE/4, less the East 750' of the North 1,733' thereof; and Lot 5, less the North 466.7' of the West 466.7'; and less the South 150' of the North 616.7' of the West 350'; all located in Section 11, Township 20 North, Range 12 East, Tulsa County, State of Oklahoma.

11140

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) request for an exception to permit an auto polishing business in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts-Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements from 150' to 100' to permit a lot-split.

Mr. Jones stated that the Planning Commission approved the lot-split September 3, 1980, pending approval of the Board.

Presentation:

Don Walker, 5700 East 61st Street, stated he was the owner of the property. The case was brought before the Board two weeks ago and was tabled until today pending a review of the lot-split by the Planning

11140 (continued)

Commission. The Board asked if this auto polishing was different from anything that takes place in a service station. I understand it is a plastizing-type operation where the automobiles are brought inside a building and somehow treated with a plastic coating.

Mr. Gardner stated the Staff suggests no outside storage or work be permitted.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit an auto polishing business in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) to vary the frontage requirements from 150' to 100' to permit a lot-split (L-14986), subject to no outside storage, such as tires, barrels, etc., or work be permitted outside the building on the following described property:

The East 100.0' of Lot 2, Block 1 of the Amended Plat of Rosewood Center Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

11146

Action Requested:

Exception (Section 1680.1 (g) - Special Exceptions) request for a special exception to permit off-street parking use of property to be used by abutting office and commercial uses.

Presentation:

Mr. Jones presented a letter from the Tulsa Historic Preservation Society (Exhibit "B-1").

Mr. Charles Norman, 909 Kennedy Building, presented a map (Exhibit "B-2"). He stated that he represented Helmerich and Payne, Inc., which is the owner of the majority of the property between 19th Street and 21st St., and St. Louis Avenue and Utica Avenue. I have submitted to you a plot plan of the proposed parking lot expansion. The east 40% of the tract is zoned in CH. Presently located within that CH zoning area is the Utica Bank Tower, the Utica Bank parking structure, the Helmerich and Payne building and a landscaped plaza area for those two buildings. Immediately to the west of the CH area is an area zoned OL. The area next to it was approved for off-street parking in BOA Case No. 8977. BOA Case No. 7936 also approved off-street parking, which dates back perhaps 10 years. The application that is before you today is to expand the parking area that serves the addition to the Helmerich and Payne building to be located in the area that is about 50' and 125' fronting onto 21st Street. The subject application contains three lots and two houses. The house which was on the vacant lot burned and was removed some time ago. One house has not been occupied for several years and has been used for storage. Helmerich and Payne owns the two houses, which are on 21st Street, one of which fronts 21st Street and

one on St. Louis Avenue. Helmerich and Payne do not own the structure to the west on St. Louis Avenue that is a duplex, nor the three houses at the northwest corner of the block. The Company does own the lots to the north of the area that is presently being used for parking and several of the lots fronting 20th Street. Across 21st Street the CH zoning continues somewhat to the west of the CH line on the north side of 21st Street, OL zoning extends to the parking lot, which was approved by the Board of Adjustment in Case No. 6015, which dates back at least 15 years. The purpose of the expansion is to add additional parking capacity and is stimulated by a building which Helmerich and Payne proposes to construct as an annex to its present office facility. The building would be contained entirely within the CH area and will be connected at each floor to the existing Helmerich and Payne building. The new building will contain 6 stories and be the same height as the existing building and connected as indicated. The building does not require approval, nor does it require parking to be provided in connection with it. The location will eliminate about 35 to 38 parking spaces that are presently being used. The new area will permit the addition of about 90 parking spaces. The parking is proposed to be improved and would have a screen fence according to the Board's standards along the west boundary and the north boundary. I have met with several members of the Swan Lake Homeowners Association and we have discussed several matters of concern with them. One of which was the fence itself and another was whether any access was proposed either to 19th Street or to St. Louis Avenue. No access has been requested or proposed and we do plan to fence the entire area as I stated. Another matter of concern to those residents was lights that might be included in the parking area. We do not intend to light the area extensively, although there will be some safety lights for late night workers and we would suggest that if this matter should be approved that any lighting be directed downward and away from the adjacent residential neighborhood. The fourth matter of concern involves surface drainage and how it would be handled from both the existing area and the additional parking area. I have provided to the neighborhood and will to the Board a topographic map and proposed drainage plan (Exhibit "B-3"), which has been prepared in order to show that the property slopes steadly from the southeast to the northwest and presently the water flows to the corner of 19th Street and St. Louis where there are existing storm sewer inlets at that location. We propose to construct catch basins which will connect by use of a 15" pipe to carry the water due north to 19th Street and construct a new junction with an existing 18" storm sewer under 19th Street which will carry the water to the west and to the north. We also plan a small retaining wall which would prevent any drainage water from overflowing the parking area onto the adjoining residential property. All of the trees are identified and it is our intention to preserve as many of the trees as is possible even though it may be at the sacrifice of an occasional parking space. The Board asked Mr. Norman what the future intent is for the lots bordering St. Louis. Mr. Norman stated that there were no plans to change those lots. The Board asked Mr. Norman if there would be any need for more access in the future because of the added traffic flow. Mr. Norman stated that he saw no need for additional access.

11146 (continued)

Protestants:

Lee Selby, 1352 East 18th Street, President of the Swan Lake Homeowners Association, stated that the home owners in the Swan Lake area object to the application because it will cause future erosion of the neighborhood and the property values. The home owners are concerned with the effect on the adjacent property and the effect on the residential character of the whole neighborhood. The area most affected in this application is the home where Mr. and Mrs. Brooks live. It is extremely undesirable to have a back yard surrounded on two sides by a parking lot. Although Helmerich and Payne state they have no "intent" to ask for access in the future the home owners are putting a lot of faith in Helmerich and Payne's "intent."

Steve Clark, 1408 East 20th Street, stated that he was very concerned with the proposal to expand the parking area for several reasons. I am concerned with protecting this neighborhood from the inevitable "next step" in the future. I see this expansion as leading to the next step being the very narrow buffer zone which is all that separates our neighborhood from the asphalt slab. We are asking that restrictions be placed on the property to prevent additional expansion bringing the asphalt slab on over to St. Louis or bring some other commercial development in that direction and that some restriction as regard to access on St. Louis and 19th Street be imposed. The second concern is with regard to storm water drainage. The indications are the runoff will be channeled and drained from the property into the existing storm sewer system. If the existing storm sewer system were adequate to handle the additional runoff that would be fine, but I personally bailed out basements last spring from backed-up storm sewers. I have no confidence in our existing system handling the flow that come from even the existing conditions. I am also concerned about the fencing. We are concerned about an asphalt slab surrounded by wire fencing.

Mike Kelly, 6539 East 31st Street, Suite 2, attorney representing the Brooks' family, stated the Brooks' are the only non-Helmerich and Payne landowner to be effected by this expansion directly. They are concerned because they will have to wake-up in the mornings to an influx of motorists with the fumes coming from their cars. They don't like to get up and look out over asphalt. That is an emotional reaction that devalues their home and it will result in a gradual deterioration of the property. Two houses are going to have to be torn down to make way for this parking area. It is going to effect the residential quality and nature of this neighborhood. This neighborhood is on the Historic Preservation plan for the City. We are concerned that the home values are going to go down. We are concerned that they will be coming in asking for access to 19th in the future. We are also concerned with the water drainage.

Larry Young, 1553 East 19th Street, submitted a Protest Petition with 74 signatures. He stated that he was concerned about the two houses on St. Louis and their desirability as single-family dwelling if this parking lot is allowed to be built next to them.

Applicant's Comments:

On thing that should be emphasized is that the Swan Lake neighborhood has been concerned for a number of years about the need for additional parking facilities within the area of 21st and Utica and they have requested that something be done to eliminate parking from the neighborhood streets. That is the objective of providing this parking.

The purpose of the screening fence is so no one will be seeing a slab of asphalt. It is to be a solid wooden fence 6' in height. This will not be a commercial parking lot, but will serve the office building. The parking occurs between 7:30 and perhaps 5:30 or 6:00 each evening. The lots are relatively empty on weekends. I am not aware of a deficiency of the storm sewers in the area. I have no objection that the drainage plans be subject to the approval of the City Engineer. What we have tried to do is provide a needed parking resource within an area that is short of parking and to provide it in an attractive way, preserving as many of the trees as is possible. Both houses are in poor condition and not suitable for residential use. We ask that you approve the plan.

Board Comments:

Mr. Smith moved the Board approve the application, subject to there being no ingress or egress from St. Louis or 19th Street and that there be a screening fence a minimum of 6' in height around the property except where the applicant's plot plan depicts a decorative fence along 21st Street, that any lighting be low-type lighting directed away from the residences, that drainage plans be approved by the Hydrologists Department of the City Engineer's Office and that a copy of those plans be placed in the Board's file.

Mr. Lewis stated that he was having a difficult time reconciling in his mind how approval of this application could do anything but mandate a land use change for those houses along St. Louis. This parking lot is so close to the back of those homes that I am having a difficult time imagining them remaining as a buffer.

Mr. Gardner stated that the Staff had looked at this matter and the precedent is fairly well-established for a one lot depth buffer on the north and west. Granted there is more distance between the north part of the application and 19th Street than there is between the subject request and St. Louis in terms of distance; however, it is still one lot depth. The Staff has always looked at these lots along 19th Street and St. Louis as being required for a buffer against any further encroachment into the single-family neighborhood.

Mr. Norman advised that there was a 10' setback between the parking spaces and the boundary line. The house facing 21st Street has a 5' side yard.

The Board also expressed concern about any access to the residential area. Mr. Lewis said he could not vote for the application with the houses being so close to the parking lot. He asked Mr. Norman if maybe there was a possibility of more space. Mr. Norman stated he would need more time to restudy the west boundary.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to continue the Exception (Section 1690.1 (g) - Special Exception) to the next meeting which would be Thursday, September 18, 1980, Langenheim Auditorium, City Hall, Tulsa Civic Center.

11155

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 setback requirements from 50' to 45' from the centerline of the Street at 10022 East 46th Place.

Presentation:

Mr. Gene McQueen, 6919 East 68th Street, builder, requested to build a metal building for offices and warehouse for an electrical contractor, Tulsa Electric Company. Due to the fact that we have only 75' of width I chose to set the building at a 5' distance from the west property line, therefore, necessitating that we extend within 20' of the 101st Street boundary line, (Exhibit "C-1"), plot plan).

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 45' from the centerline of the street at 10022 East 46th Place, on the following described property:

Lots 1, 2, & 3, Block 12, Alsuma Addition to Tulsa County, Okla.

11156

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 setback requirements from 50' to 45' from the centerline of 47th Street; and from 50' to 45' from the centerline of 101st East Avenue. This property is located at 4690 South 101st East Avenue.

Presentation:

Mr. Gene McQueen, 6919 East 68th Street, advised that 47th Street dead-ends just one block to the west of this location. I need a 5-foot variance on both 47th Street and 101st East Avenue.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 50' to 45' from the centerline of 47th Street, and from 50' to 45' from the centerline of 101st East Avenue, on the following described property:

Lots 20, 21, 22, 23 and 24, Block 12, Alsuma Addition, Tulsa County, Oklahoma.

NEW APPLICATIONS:

11159

Action Requested:

Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to operate a hair styling salon in an RS-3 District at 1803 West Cameron.

Presentation:

Donna Moose, 1803 West Cameron, stated that she wanted to open a hair styling salon at her residence. It will be a one operator shop, no change to the exterior of the building, no signs and there will be a very limited clientele, no more than 2 cars at one time. I have a two car parking space in my driveway and I do not have a car. She stated she has a regular 8-hour job, this is just for special customers coming to her home between the hours of 6-9 of an evening and not during the day on Saturday. The actual shop will be located in an existing room of the house.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a hair styling salon in an RS-3 District, subject to the hours of 6-9 of an evening, Monday through Saturday and compliance with the rules of home occupation, on the following described property:

Lot 12, Block 15, Irving Place Addition to the City of Tulsa, Okla.

11160

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Under the Provisions of Section 1680 - Special Exceptions) request for an exception to allow a wholesale sandwich manufacturing plant (Use Unit #15) in a CS District. This property is located on the southeast corner of 11th Street and Mingo Road.

Presentation:

Mr. Cliff Wilson,6282 South Hudson Avenue, submitted a plot plan (Exhibit "D-1") and stated that Mr. Ray Finch wants to build a metal building to house and manufacture prepared sandwiches for distribution to convenience stores, golf courses, bowling alleys, etc. He has six trucks which will operate out of this plant and he delivers to outlying cities twice a week with other trucks. The loading dock would be on the Mingo side, which would be the west side of the building. The front of the building will be bricked, or rocked, to make it look a little more attractive. I don't have detailed building plans yet. I plan to use the parking area which would be on the west side of the building to load and unload materials.

11160 (continued)

Mr. Gardner stated the Staff is concerned that the entire intersection is under water during Mingo flooding, so the City Hydrologist should be consulted as to the acceptable building elevation. The Board asked the applicant if he had been to the City Engineering Department about the elevation and the applicant stated he wanted to make sure he could get the zoning before he started building plans. Mr. Wilson stated he already has a portable building on the site, but that Mr. Finch intends to make his dock about three feet high and at the time he put the portable building there, the requirement was one-foot.

Interested Party:

L. Fincannon stated that he had a piece of property approximately 300 feet west of the subject tract that he can't develop because of City regulations. He felt the City was not applying the laws equally and letting some people build.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1680 - Special Exceptions) to allow a wholesale sandwich manufacturing plant, (Use Unit #15) in a CS District, subject to the applicant returning with more specific plans, with the understanding the front would be veneered and subject to approval of the City Hydrologist, on the following described property:

That part of Lot 1, Section 7, Township 19 North, Range 14 East, of the Indian Base and Meridian, according to the U. S. Survey thereof, described as follows to-wit:

Beginning at the Northwest corner of said Lot 1; thence in a Southerly direction and on the West line of said Lot 1, a distance of 1,270' to a point 50' North of the South line of said Lot 1; thence in an Easterly direction and parallel to the South line of said Lot 1, a distance of 355.98'; thence in a Northerly direction and parallel to the West line of said Lot 1, a distance of 1,270'; thence Westerly along the North line of said Lot 1, a distance of 355.98' to the point of beginning.

11162

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) request for permission to maintain a mobile home in an RS-3 District on the south and east of 57th West Avenue and 3rd Street.

Presentation:

Mrs. James (Ann) Hobson, 333 South 57th West Avenue, stated they are located in an unplatted zone and that they have had their mobile home there for one year. We would like to have it approved for another year. The properties on both sides are open fields. The M.K. & T. property is in back of us.

11162 (continued)

Protestants: None.

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

Beginning at the SW corner of Lot 3, Block 2, Mayfair Third Addition to the City of Tulsa, Oklahoma; thence South 236'; thence East 56.25'; thence North 255.26'; thence Southwesterly 60' to the point of beginning.

11163

Action Requested:
Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) request for permission to locate a mobile home in an AG District. This property is located south of 66th Street North and west of 131st East Avenue.

Mr. Jones stated that the County Board of Adjustment would have jurisdiction after September 15 and this mobile home will be permitted as a matter of right.

Presentation:
Mr. William Bishop, requested permission to locate a mobile home in an AG District. He stated that there was a mobile home located right across the street from him.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to grant approval for an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District, on the following described property:

A Tract in the SW/4 of the NW/4 of Section 4, Township 20 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as: Beginning 413.7' West and 439.4' South of the NE corner of the SW/4, NW/4; thence South 878.7'; thence West 198.4' to railroad right-of-way; thence Northwest along railroad right-of-way 900'; thence East 373.3' to the point of beginning.

11165

Action Requested:
Mr. Jones stated that this case needs to be continued to Thursday, September 18, 1980. It had to be republished.

11165 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to continue Case No. 11165, until Thursday, September 18, 1980, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

11166

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) request for permission to locate a mobile home in an AG District.

The property is at 3006 West 81st Street.

Presentation:

Mrs. H. L. (Mary) Mathis, 3006 West 86th Street, stated they have operated a dairy farm at this location for 20 years, along with their two sons. One of the sons, Roger, needs to have permission to put a mobile home on this property in order for him to be close to work. Mrs. Mathis stated that the farm would probably be sold someday, but they would like to have the mobile home there until he can build a home. The property adjoining to the south of them already has a mobile home, placed there approximately one-year ago. There are no neighboring homes which could see this mobile home. It will be set in the middle of their property, approximately 1/4 mile from the nearest neighbor, with barns and tool sheds surrounding it. Mrs. Mathis gave the Board a picture (Exhibit "E-1") of the property stating she would like to have permission until the property is sold.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent:) to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to permit the location of a mobile home in an AG District for a period of 10-years, or until such time as the dairy ceases to operate, whichever comes first, on the following described property:

The E/2, SE/4, NW/4, NW/4, Section 15, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

11167

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 on a corner lot from 35' to 25' at 7432 South Birmingham Court.

11167 (continued)

Presentation:
Mr. Charles Miller, 3207 East 69th Street, stated that he wants to build a residence at this address on a corner lot of 75th Street and Birmingham Court. Since it is a corner lot there are two front setback requirements restricting the lot to about one-third the normal amount. I would like to ask for a variance in the setback to 25' from 35'.

Mr. Jones stated the Board previously granted a variance of the setback along Birmingham Court, but the applicant needs this variance along 75th Street on the south. There are no houses across the street, since this property is the ORU parking area. West of the applicant's property is vacant land owned by ORU. They were notified of this action. (Plot Plan (Exhibit "F-1")

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a setback from 35' to 25' along 75th Street, on the following described property:

Lot 5, Block 2, Ridgecrest Addition to the City of Tulsa, Okla.

11168

Action Requested:
Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1221 - Business Signs and Outdoor Advertising - Under the Provisions of Section 1670 - Variances) request for a variance to permit the erection of a 50' high, 40" diameter steel pole containing one double-faced 14' x 48' panel to be illuminated for outdoor advertising in the 7600 Block of East Skelly Drive.

Presentation:
Mr. Tom Tannehill, 1918 East 51st Street, representing Stokely Outdoor Advertising, stated that his clients propose to construct an outdoor advertising sign at this location and he presented photos of the area (Exhibits "G-1 and G-2"). The current use for this piece of property is by the City of Tulsa for storage of chat and concrete. The owner is trying to beautify the area and the sign will be an identical type as the one in the picture. The sign will not be aimed toward the houses, but quite naturally toward the Expressway. The illumination will be directed up and will not be of the type that will harm the neighboring residential properties. There is a nine-car lot that contains one single-family dwelling that abuts the subject tract and that dwelling is owned by Mr. Bill Lloyd, who is also the owner of the subject property.

Protestants: None.

11168 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1221 - Business Signs and Outdoor Advertising - Under the Provisions of Section 1670 - Variances) to permit the erection of a 50' high, 40" diameter steel pole containing one double-faced 14' x 48' panel to be illuminated for outdoor advertising, on the following described property:

The East 150' of a tract of land described as follows:

Beginning at a point 35' South and 99' East of the NW corner of the E/2, NW/4, NE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, Oklahoma; thence East along the south line of East 31st Street 834.01' to a point on the NW boundary line of Interstate Highway #44; thence in a Southwesterly direction 1,197.05' to a point 99' East of the East boundary line of the E/2, NW/4, NE/4 of said Section 23; thence North along the East boundary line of Magnolia Terrace Addition 797.79' to the point and place of beginning, containing some 8 acres, more or less.

11169

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1206 - Single-Family Dwelling - Under the Provisions of Section 1670 - Variances) request for a variance to permit the erection of a residence in a CH District at 331 South 85th East Avenue.

Presentation:

Ms. Elsie Robertson, 12508 East 34th Street, stated that she would like to have permission from the Board to erect a home at 331 South 85th E. Avenue, Lot 4, Block 8, Day Suburban Acres. Ms. Robertson stated that she and her husband lived at 331 South 85th East Avenue for some 20 years and they sold 2½ acres and moved to a small town. Since then her husband has been sick, he had a stroke and she asked the doctor what would help him and the doctor said to get him back to his old surroundings. We have 2½ acres there and I would like to build a home there. The Board asked her if she realized the surrounding area was zoned CH and could be developed as heavy commercial. Ms. Robertson stated that she was aware of that.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to grant a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1206 - Single-Family Dwelling - Under the Provisions of Section 1670 - Variances) to permit the erection of a residence in a CH District, on the following described property:

Lot 4, Block 8, Day Suburban Acres Addition to the City of Tulsa, Oklahoma.

11170

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 setback from the centerline of Peoria Avenue from 100' to 55' in order to build a light manufacturing and office building at 1120 North Peoria Avenue.

Presentation:

Mr. Ray Miller, 2021 East 44th Street, representing CEMCO, advised that we are asking to build a building consistent with other buildings in the area. I have made a survey up and down Peoria with measurements of the different buildings there and we are asking for a variance that would be 55' from the centerline of the street to the front of the building. I have a copy of the measurements of the other buildings and a plot plan I'm submitting (Exhibits "H-1 and H-2").

Protestants: None.

Interseted Parties:

Mr. George Barntum, 2434 East 24th Street, stated that he has a business next door to this property. We respectively request that you approve this request.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) to waive the setback from the centerline of Peoria from 100' to 55' in order to build a light manufactory and office building, per plot plan, on the following described property:

Lots 43 and 44, Bullette Second Addition to the City of Tulsa, Oklahoma.

11171

Action Requested:

Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1670 - Variances) request for a variance to permit more than 40 dwelling units on one lot and a variance of the height requirements from one-story to two-story in an OL District, and a variance to waive the setback requirement abutting an RS District and a request for an exception to allow off-street parking in an RS-3 District and for an exception to modify the screening requirement where the purpose of the requirement cannot be achieved. This property is located on the SW corner of Newton Avenue and South 24th West Avenue.

Presentation:

Mr. John Moody, 4100 Bank of Oklahoma Tower, representing Gilcrease Hills Development Company, advised that the Board had previously seen this proposal in September of last year under Board of Adjustment Case No. 10693. We applied and received approval from this Board to erect apartments in an OL District. However, at that time the plot plan was not finalized so we did not know exactly what other types of requirements or variances we might need for the property. Mr. Moody submitted

11171 (continued)

a plot plan (Exhibits I-1 and I-2"). The southern portion of the easterly part is zoned RS-3 which was intended as a buffer between the OL zoning to the north and the residential zoning to the south of this particular piece of property. Rather than rezoning this property to RM-1, a Special Exception was permitted for construction of the apartments. The rest of the property is already zoned RM-1. Our request for these variances is based principally, on the fact that a portion of our property (south 75 feet of it) is zoned RS-3. As a result we have imposed upon us a requirement in the Zoning Code that there be a screening fence between the OL and the RS-3, which is all to be developed multifamily. It would obviously serve no purpose for us to erect a screening fence between the parking and the apartments. We are requesting that we be permitted to erect it on the south line of our property. Secondly, we are requesting permission to use the RS-3 zone for off-street parking to serve the apartment units. The other request has to do with a provision in the Zoning Code that no apartment may be erected within 50' of a single-family zoning district, which exceeds one-story in height. These are two-story units and so we are requesting a waiver of that requirement. We are also requesting waiver of the section of the Code which requires no more than 40 dwelling units on a single platted lot. We are asking approval per the plot plan submitted.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1670 - Variances) to permit more than 40 dwelling units on one lot and a variance of the height requirements from one-story to two-story in an OL District and a variance to waive the setback requirements abutting an RS District and an exception to modify the screening requirements where the purpose of the requirement cannot be achieved, subject to the plot plan, on the following described tract:

Oak Creek: A tract of land in part of the N/2 of the NW/4 of Section 34, Township 20 North, Range 12 East, Osage County, Oklahoma, being more particularly described as follows:

Beginning at a point on the North line of Section 34, T-20-N, R-12-E; said point being 659.39' East of the NW corner thereof; thence South 89°-59'-55" East along the North line of Section 34 a distance of 1,370.89'; thence South 0°-26'-31" East a distance of 493.73'; thence North 89°-59'-55" West a distance of 1,517.18' to the East right-of-way line of North 24th West Ave.; thence along said right-of-way line along a curve to the right, having an initial tangent bearing of North 12°-49'-11" East, a radius of 505.00'; and a central angle of 20°-10'-54", a distance of 177.88'; thence along a curve to the left having an initial tangent bearing of North 33°-00'-05" East a radius of 313.21 feet and a central angle of 24°-30'-00", a distance of 133.93'; thence North 8°-30'-05" East continuing along said East right-of-way line a distance of 178.38'; thence North 0°-00'-05" East a distance of 30.00' to the point of beginning, containing 16.166 acres, more or less.

11172

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-3 District, and a request for a variance to permit more than one mobile home on a lot. This property is located at 3701 South Nogales Avenue.

Presentation:

C. R. Torbett, 4315 South Vancouver Avenue, advised that two years ago he filed an application which was granted to put two mobile homes on the property. All of the land south of 37th Place is zoned for industry. This is a little isolated area, about 20 square blocks in size, that is residential. Quite a few mobile homes are parked in this area. I have City sewer on these three lots. Mr. Torbett presented a plot plan (Exhibit "J-1").

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "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-3 District and for a variance to permit more than one mobile home on a lot with no time limit, on the following described property:

Lots 12, 13 and 14, Block 1, First McBirney Subdivision to the City of Tulsa, Oklahoma.

11173

Action Requested:

Variances (Under the Provisions of Section 1670 - Variances) (1) request for a variance 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; (2) a variance to requirement that parking be located on the lot containing the use; (3) a variance of required landscaping and screening in a P District; and (4) a variance of frontage requirement for a parcel zoned OL, P, AG, and CG. This property is located east of the northeast corner of 71st Street and Memorial Drive.

Presentation:

Mr. Roy Johnsen, an attorney, appearing on behalf of Hallmark Development Company, owners of the property, advised that this property is the Woodland Hills Mall Complex. A few months ago we sought and received the zoning to permit the expansion of Woodland Hills Mall to include two more anchor stores. Immediately following that rezoning we filed an application with this Board, which was approved, which is very similar to the subject application. The principle thing that has changed is your approval action had reference to a plot plan that showed five anchor stores. The thing that has changed and triggers this application is that they are going to build only four anchor stores, at least in the first phase, with the fourth anchor being Sanger Harris. Because the earlier plot plan has changed, I thought it appropriate to file almost an identical request to that which was

previously approved by this Board. There are, however, a couple of differences. The Mall space is within an open area, should not be calculated as floor area in determining compliance with floor area limitation. Similar requests were approved by this Board on previous occasions. The second request deals with the parking for the complex. Sears owns their own parcel, Dillard's owns their own, John A. Brown owns their own, Sanger Harris will own their own. What's left of the parking for the Mall is owned by the developer. All of those tracts are tied together by a reciprocal easement agreement, which gives each of them the right to drive across the accessway, the ring road, share parking, etc. Each business has a legal right to use the reciprocal easement and in the aggregate it will meet the Code. Therefore, the only variance of the parking is that it doesn't have to be on the same particular parcel as a particular business. The landscaping requirement is a little different. Part of the property is zoned in a P District which requires that 10% be landscaped. When we first started the zoning for Woodland Hills Mall, we agreed to provide landscaped berms along the frontage. The reason this requested variance of the landscaping in the district is so we can get credit for our landscaping in the AG District. We will have the required landscaping as a practical matter, but it just won't necessarily be within the P District. The final variance is the frontage requirement, which can best be described by looking at this map (Exhibit "K-1"). One last point so that the record is clear. The building that is shown could vary in size from 165,000 to 205,000 square feet. All of which would be permitted under the present zoning. It is likely going to be the 165,000 square feet, but they will want the right to build the 205,000 square feet before closing. The tenant building, which is the Mall space, could vary by 5,000 feet, 106,370 to 111,858 feet.

The Board stated that its only concern is not whether they are entitled to it, but how to properly reflect it in the minutes because it is extremely complicated and how do we properly record it. Mr. Lewis wondered how anyone two years from now would even have any idea what we are talking about. The applicant stated he would be willing to submit a legal description of that parcel.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve the Variances (Under the Provisions of Section 1670) to permit:

(1) Variance to exclude Mall space from the computation of floor area for the purpose of determining compliance with floor area ratio and off-street parking requirements;

(2) variance of requirement that parking be located on the lot containing the use for which the parking is required;

(3) variance of required landscaping and screening in a P District; and

(4) variance of frontage requirement for a parcel zoned OL, P, AG, and CG;

subject to the applicant returning with a written narrative of the

11173 (continued)

requested location, per the plot plan submitted today, 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, a distance of 723.97'; 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 SW 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 SW corner of the SW/4 of Section 1, Township 18 North, Range 13 East, in the City and County of Tulsa, Oklahoma; 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.

11175

Action Requested:

Variance (Section 330 - Bulk and Area Requirements In The Agriculture District - Under the Provisions of Section 1670 - Variances) request for a variance of the frontage requirements from 300' to 227.53' at 3914 North Winston Avenue.

Presentation:

Mr. Amos Alberty, 1153 North Elwood Avenue, advised he was applying for a variance of the frontage requirements at 3914 North Winston Avenue for a single house dwelling on 4 acres (Exhibit "L-1" plot plan).

Protestants: None.

11175 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve a Variance (Section 330 - Bulk and Area Requirements In The Agriculture District - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 300' to 227.53'; subject to the approval of the City Engineer as to proper elevation to protect against flooding, on the following described property:

Beginning at a point on the West line of the E/2 of the SE/4 1,612.48' North of the SW corner of the E/2 of the SE/4 of Section 16, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma; thence North along the West line of the E/2 of the SE/4 a distance of 210.0'; thence East a distance of 768.5' to a point on the Westerly property line of the existing County roadway; thence South 27°-05'-30" East a distance of 107.18' to a point of curve; thence around a curve to the right whose radius is 336.37' a distance of 120.35'; thence West a distance of 851.65' to the point of beginning, containing in all 4.0 acres, more or less.

11176

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Section 1209 - Mobile Home Dwelling) request for permission to locate two mobile homes in an AG District; and a variance of the five-acre tract size for each mobile home in an AG District. This property is located at 3322 South 137th West Avenue.

Presentation:

Mr. William Fisher, 3322 South 137th West Avenue, stated that he had two traiers, mine and my son's trailer setting behind me. I have a hardship case. My son has a baby that is three months old with bladder problems and a heart condition. My son just can't make it without this help. I have a total of five adults on the septic system. I am a licensed plumbing contractor for the State of Oklahoma and everything I have done on hooking it up has been "up-to-snuff." Everything I have done has been in accordance with the Code. I have the paper for the Perk Test and I imagine that mine is in as good a shape as anybody's in the neighborhood. I have two trailers on a half-acre. There is a trailer within a half-mile of here and there are other trailers sitting all up and down the road.

Protestants:

W. P. Buxon, 3218 South 137th West Avenue, presented a survey of the applicant's property (Exhibit "M-1").

First I want to say that the two trailers are already on the property at this time. This property lies in the corner of the plot that you see. 137th Street goes right through this property. From the center of the road to the east edge of that property there is 80'; and from the center of the road to the west edge of the blacktop is 10'; and to the edge of the right-of-way is 17½'; and to the edge of the utility lines, the gas lines, is 10½'; so what I am trying to arrive at is

there is 38' plus the 80' on the east end of this property that is non-usable. There is 15,000 square feet of actual land for his septic tank to serve two dwellings. My main concern is that the property out there is worth something and I feel that if this is approved under these conditions that the value of my property could be 50-75% less than what I should get from it. So I state that my protest is the fact that there are two trailers on this small lot. I am in favor of living by the regulations that are set up through the Planning Commission. The Code requires so many square feet for a house and I think we should live with those rules in this area.

Ruth Murphy, 4142 South Sandusky Avenue, advised that she is the land owner on the south of this gentleman's property. As I understand, there is an easement that goes to the south of his property which infringes further on the amount of land that he has for his mobile home units. There is no longer a fence on my property and during wet weather there is a question as to whether they have enough turn-around area in order to stay on their own property. At the present time the mobile home units are not set one behind the other. One is perpendicular to the road and the other is set at an angle. I also understand that there is one family allowed to a water meter.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Section 1209 - Mobile Home Dwelling) to locate a 1980 mobile home in an AG District; and a variance of the five-acre tract size for each mobile home in an AG District for a period of 5 years, and the second mobile home for a period of 6 months, subject to approval of the City-County Health Department concerning the septic tank, removal bond required for the second mobile home; and at the end of the period if the need still exists the applicant can come before the County Board of Adjustment and seek relief, on the following described property:

Part of the SE/4 of the NE/4 of the NW/4 of Section 21, Township 19 North, Range 11 East, Tulsa County, Oklahoma, described as follows:

Beginning at a point on the southeast corner of said SE/4 of the NE/4 of the NW/4; thence North 100'; thence West 280'; thence South 100'; thence East 280' to the point of beginning.

There being no other business, the Chair adjourned the meeting at 5:30 p.m.

Date Approved October 2, 1980

Kathryn L. Purser

Chairman