

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 331
Thursday, March 19, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis (in at 2:30) Purser, Chairman Smith (out at 5:09) Victor Wait	None	Adwon Gardner Hubbard	Jackere, Legal Dept. Miller, Protective Inspections Smith, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, March 17, 1981, at 9:23 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Purser called the meeting to order at 1:38 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the Minutes of February 19, 1981, (No. 329).

Building Inspector Requests an Interpretation of Electrical Windmills in Residential and Commercial Districts.

Presentation:

Mr. Jackere advised that, at the Board's direction, he had submitted in writing (Exhibit "A-1") the options available to the Board in making an interpretation for the use of electrical wind-generating devices in any one or all of the zoning districts. In addition, Robert Critz, an engineer in Tulsa, submitted his copyrighted recommendations (Exhibit "A-2") to the Board members for their consideration.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to determine that windmills were not customarily accessory residential uses and that the use of the windmills as to location and height can best be accommodated and regulated by an amendment to the City of Tulsa Zoning Code through the Tulsa Metropolitan Area Planning Commission, the Tulsa City Commission, and the Tulsa County Commission, and that all recommendations submitted to the Board for its consideration be transmitted to those Commissions, along with the recommendation by the Board for an amendment to the Code.

MINOR VARIANCES AND EXCEPTIONS:

11370

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for the following variances: (1) variance of the lot width and lot area requirements; (2) variance of the front yard setback from 35' to 28'; and, (3) variance of the rear yard requirements from 25' to 20', to permit a lot-split; located in the 2700 Block on East 28th Street.

NOTE:

This item of business was taken out of order of the appearance on the agenda in order to allow for the presence of Mr. Lewis, who had expressed a desire to view the subject property. These Minutes will reflect Case No. 11370 in the order of its appearance on the agenda and, therefore, the Board Action will reflect a vote by Mr. Lewis.

Presentation:

Ed Schermerhorn, 2202 East 49th Street, was present to address the Board and advised that the request was to line up the front yard setback with the average of the houses on the surrounding lots and that the rear yard setback requested was not less than most of the existing rear yard setbacks in the area. Mr. Schermerhorn further advised that he had spoken with Ed Hill, the protestant at the March 5th meeting, and that Mr. Hill had retracted his protests. Mr. Schermerhorn stated that he proposed to build a 60-foot wide residence with a minimum of 2,300 square feet of floor area on the 94.75 foot wide lot, and that he would be preserving most of the existing trees and vegetation on the lot.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve Variances (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the following: (1) variance of the lot width and lot area requirements per Lot-Split No. 14981; (2) variance of the front yard setback from 35' to 28'; and, (3) variance of the rear yard requirements from 25' to 20', subject to the stipulation that the new residence have not less than 2,300 square feet of floor area (excluding garage), on the following described property:

The East 35 feet of the West 200 feet of parts of Lots 3 and 4, Block 5, Woody Crest Addition to the City of Tulsa, described as follows: Beginning at a point on the West line of Lot 3, said point being 4.72 feet Northerly from the Southwest corner of said Lot 3 on a curve to the right, radius 525 feet; thence in a Southerly direction along the West line of Block 5, 132.3 feet to a point; thence in an Easterly direction to a point on the East line of Block 5, 393.3 feet to a point; thence North along the East line of said Block 5, a distance of 132.3 feet to a point 35.95 feet South of the Northeast corner of said Lot 4; thence West a distance of 400.19 feet to point of beginning,

11370 (continued)

LESS a 50-foot roadway dedication across the South 50 feet thereof, dedicated to the general public for public uses of streets, roads and avenues, according to the recorded plat thereof.

11399

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 setback of rear yard requirements from 20' to 16' in an RS-3 District. This property is located at 6836 East 54th Street.

Presentation:

Daniel Eckenfels, 6836 East 54th Street, was present to address the Board and submitted a plot plan (Exhibit "B-1"), a plan of the south elevation (Exhibit "B-2"), a plan of the existing structure (Exhibit "B-3"), and a floor plan of the existing structure (Exhibit "B-4").

Mr. Eckenfels advised the Board that he had spoken with his neighbors and found no objections to the proposed room addition.

Protestants: None.

Remarks:

Mr. Jackere asked Mr. Eckenfels if he was requesting a variance to 16' or 15'. Mr. Eckenfels advised that the request was for 15'. Mr. Jackere directed the Board members to determine if the notice of 16' was, in their minds, a proper advertisement for the request, thus allowing for Board action.

Mr. Eckenfels remarked that he was uncertain as to the exact location of his lot line.

Board Comments:

Mr. Smith advised Mr. Eckenfels to determine the exact location of his lot line prior to the construction of the proposed room addition.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the setback of rear yard requirements from 20' to 15' in an RS-3 District, per plot plan, with the stipulation that the applicant make sure that construction is not over the 15' rear yard setback requested, on the following described property:

Lot 20, Block 11, Sungate Addition to the City of Tulsa, Oklahoma.

11406

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 front setback requirements from 30' to 28' facing East 109th Street South. This property is located at 4210 East 109th Street South.

Presentation:

The applicant was not present to address the Board, but it was determined that there was sufficient information in the file to act on this case. Mr. Adwon submitted to the Board a plot plan (Exhibit "C-1").

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the front setback requirements from 30' to 28' facing East 109th Street South, per plot plan, on the following described property:

Lot 8, Block 3, High Field Addition to Tulsa County, Oklahoma.

11385

Presentation:

Mr. Adwon advised the Board that this addition to the agenda was properly advertised and posted. Mr. Adwon further advised the Board that, at its March 5th meeting, the Board had approved Case Number 11385, with the stipulation that the applicant return to the Board on March 19th with a revised floor plan reflecting the .40 floor area.

Ray Frogge, 11 East Broadway, Sand Springs, Oklahoma, was present to address the Board and submitted the revised floor plan (Exhibit "D-1"), as well as a reduced version of an artist's rendering (Exhibit "D-2"), which he had agreed to forward to the Board of Adjustment Office.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the plans as submitted, on the following described property:

Lot 6, Block 1, Lewis Square Addition to the City of Tulsa, Okla.

UNFINISHED BUSINESS:

11342

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) request for a variance of the size of the accessory building from 750 square feet to 3,312 square feet to permit the erection of a two-story barn in an RS-3 District. This property is located at 4625 East 91st Street.

Presentation:

Mr. Adwon advised the Board members that this case had been continued from the February 19th meeting in order to allow time for readvertisement.

Dorothy Ann Donovan, 4625 East 91st Street, was present to address the Board and submitted nine color photographs of surrounding barns or barn-type homes (Exhibit "E-1"). Ms. Donovan advised that she wished to construct a barn which would be used presently to house show horses and, possibly at a later date, would be converted into a residential dwelling. Ms. Donovan further advised that she had contacted the City Legal Department which, in turn, advised her that she could acquire a maximum of five horses on the subject property. Ms. Donovan briefly reviewed the nine exhibited photographs with Board members.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) of the size of an accessory building from 750 square feet to 3,312 square feet to permit the erection of a two-story barn in an RS-3 District, with the stipulation that an instrument shall be filed with the Tulsa County Court Clerk's Office stating that neither the structure nor the property will be used for commercial purposes presently or at such time that same is sold, on the following described property:

The W/2 of the E/2 of the SW/4 of the SE/4 of the SE/4 AND the W/2 of the SW/4 of the SE/4, of the SE/4, LESS the W. 208.75' of S. 417.50' of said W/2 of the SW/4 of the SE/4 of the SE/4 and; LESS the East 40' of the S/2 of the E/2 of the W/2 of the W/2 of the SE/4 of the SE/4, ALL in Section 16, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof and known as 4625 East 91st Street.

11369

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Agricultural Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for an exception to use the property for church use.- Under the Provisions of Section 1680; and, an Exception (Section 310 - Principal Uses Permitted in Agricultural Districts - Section 1209 - Mobile Home Dwelling) request for an exception to allow a motor home to be used as a watchman's quarters and office in conjunction with a church - Under the Provisions of Section 1680. This property is located in the 1500 Block of West 71st Street.

Presentation:

Mr. Gardner advised the Board members that this application had been continued from the February 19th meeting due to the fact that the time limit of three years had expired for the church use of the property, thereby necessitating readvertisement of a request for an exception. The applicant was not present to address the Board.

Protestants:

Robert B. Hubbard, 1520 West 71st Street, was present as a protestant; however, he did not speak.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to continue Case Number 11369 to April 2, 1981, to allow for the presence of the applicant.

11375

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 110' to 78' from the centerline of 41st Street to permit enclosing the existing drive-through canopy. This property is located at 5307 East 41st Street.

Presentation:

Mr. Adwon advised the Board members that this application had been continued from the March 5 meeting in order to allow for submission of more detailed information.

Mr. William B. Jones, representing the Bank of Tulsa, was present to address the Board and submitted a copy of the official plat of Southroads Mall (Exhibit "F-1"), as well as a detailed site plan depicting the areas and buildings which the Bank of Tulsa is proposing to enclose and/or expand (Exhibit "F-2"). Mr. Jones advised that the main purpose for expansion of facilities is due to the growth that the Bank of Tulsa has experienced.

Protestants: None.

11375 (continued)

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 78' from the centerline of 41st Street to permit enclosing the existing drive-through canopy, per plot plan, on the following described property:

The West 101' of the East 181' of the North 107.33' of the South 135.33' of Lot 3, Block 1, Southroads Mall Addition to the City of Tulsa, Oklahoma.

11377

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 side yard requirements from 5' to 1' to allow a carport to remain, located at 3320 South Florence Avenue.

Presentation:

Mr. Adwon advised the Board that this application had been continued from March 5th meeting due to the fact that only three Board members were present and Mr. Victor felt it in the best interest to abstain from voting, as the title block on the plot plan was that of his firm's.

Roy Comer, 1730 South Norfolk, was present to address the Board and advised that the carport was in existence and that the roof had been guttered so as not to create a water runoff problem for the neighbors.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Comer if the carport was designed in such a manner that it appears to be a part of the structure to which it is attached. Mr. Comer replied that it was.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 4-0-1 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; Victor "abstaining") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 5' to 1' to allow a carport to remain, per plot plan, with the stipulation that the guttering direct the water runoff onto his own property, on the following described property:

Lot 8, Block 6, Charlane Estates Addition to the City of Tulsa, Oklahoma.

11387

NOTE:

This application was taken out of the order of its appearance on the agenda to allow time for the applicant to appear before the Board. These Minutes shall reflect the application in its original order of appearance and, therefore, the Board Action will reflect Mr. Smith as being "absent."

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 740 - Special Exception Uses in Commercial Districts, Requirements - Section 1208 - Multifamily Dwellings) request for an exception to permit multifamily use in a CS District. This property is located to the north and east of 61st Street and Memorial Drive.

Presentation:

Mr. Adwon advised the Board members that a request had been made on the part of the protestants to continue Case No. 11387 due to the fact that a detailed plot plan had not been filed with the Board of Adjustment Office to date.

Protestants: There were no objections to the request for a continuance.

Remarks:

Mr. Gardenr advised the Board members that, in addition to the option of continuing the application, the Board had available the option to: (1) Order Case No. 11387 stricken from the agenda until plans are submitted; or, (2) deny the Case No. 11387 with the record to reflect that the application was not denied on its merits, but due to the lack of sufficient information to evaluate the request.

Board Action:

On MOTION of LEWIS and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to deny Case No. 11387 due to lack of specific plans and details of the request, on the following described tract:

Block 1, Memorial Center South Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

11388

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit vehicle rental, automotive repair, and a car wash in a CS District. This property is located on the northeast corner of 61st Street and Peoria Avenue.

Presentation:

Jack Blakey, 6041 South Peoria Avenue, was present to address the Board and advised that he did not have any intentions of using the car-wash bay for that purpose, but since the bay was in existence, he was requesting permission for that, as well as permission to perform mechanical work on cars at his service station. Mr. Blakey further advised that he was requesting permission for Ryder truck rental to customers. Mr. Blakey stated that all mechanical work on vehicles would be done on the interior of the bay and that no work would be performed outside.

Remarks:

Mr. Jackere suggested that the Board consider the intensity of automotive repair work to be performed.

Mr. Blakey stated that all automotive repair work would be minor (i.e., tune-ups, front end work, etc.) in intensity. Mr. Blakey further stated that there was U-Haul rental occurring directly across the street to the south of him with a fleet of approximately 50 trailers and 100 trucks. Mr. Blakey advised that his Ryder rental fleet consisted of four or five trucks--no more at any one time than six--and that he had more than adequate room for those.

Board Comments:

Mr. Wait asked Mr. Blakey if there would be any rental trailers on the property. Mr. Blakey advised that there would not be.

Mr. Lewis asked Mr. Blakey how large the rental trucks would be. Mr. Blakey stated that the trucks would range in weight capacity of from 1 ton to 2½ tons and that no more than three would be located at the front of the property and the others would be located at the rear of the property inside the fence. Mr. Blakey further stated that the trucks at the front of the property would be parked along the fence line to the north and would be backed into the spaces and facing west.

Protestants:

Steve Schuller, representing Lincoln Properties, advised the Board that all concerns he would have voiced had been addressed by the Board and the applicant. Mr. Schuller, however, pointed out that truck rental was classified under Use Unit 23 and was not permitted in a CS District either by right or exception.

Remarks:

Brief discussion ensued as to approval of an exception to permit vehicle (truck) rental where a violation of the Code would result and it was determined that the Board could find that these particular rental trucks do not apply to Use Unit 23 and grant Mr. Blakey the relief requested.

3.19.81:331(9)

11388 (continued)

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680 - Exceptions) to permit vehicle rental and a car wash in a CS District, subject to the following: (1) The existing car wash system in the attached bay be considered a customary use as long as the service station is open; (2) that the rental trucks are not to exceed a maximum of six on the property at any one time; (3) that the rental trucks be in a size range of from 12 to 22 feet and 1 to 2½ tons; and (4) the rental trucks shall be parked and located on the property as described by the applicant in his presentation; and, to deny an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680 - Exceptions) to permit automotive repair, due to the fact that the repair that is being performed is the type that is customary and accessory to the service station use; therefore, an exception is not required, on the following described property:

The South 55' of the W/2 of Lot 25; and the W/2 of Lot 26,
Southlawn Addition to the City of Tulsa, Oklahoma.

11390

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from 25' to 0' to permit line-up with existing building. This property is located northeast of 11th Street and Xanthus Avenue.

Presentation:

Steve Olsen, 324 East Third Street, was present to address the Board and submitted a plot plan (Exhibit "G-1"). Mr. Olsen advised that Siggi Grimm was proposing an addition to the existing service facility, but that the zoning changes approximately one-third of the way back on the property that has been selected for the proposed addition, at which point the zoning changes to IM.

Protestants:

John Barbary, Consumers, Inc., 524 South Boulder Avenue, was present, and upon reviewing the plot plan, had no objections.

Board Comments:

Mr. Victor asked Mr. Olsen to briefly explain the use and construction of the proposed addition.

Mr. Olsen advised that the addition would be of concrete block construction, thus matching the existing building, and would have three overhead doors at the north end for entrance and exit purposes for vehicles being serviced at the facility.

11390 (continued)

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-1 (Purser, Smith, Victor, Wait, "aye"; no "nays"; Lewis "abstaining") to approve a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from 25' to 0', per plot plan submitted, to permit line-up with existing building, on the following described property:

Lots 5 and 6, Block 1, Clover Ridge Addition to the City of Tulsa, Tulsa County, Oklahoma.

11391

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from an R District from 75' to 27.2' in an IL District. This property is located southwest of 55th Place and Mingo.

Presentation:

Bruce Downer, representing the applicant, Max Westbrook, was present to address the Board and submitted a color photograph layout with a list attached depicting the surrounding area of the proposed building site, the present site of operation, and the present production area (Exhibit "H-1"), a plot plan (Exhibit "H-2"), and a list of nine departments through which the sign manufacturing process goes (Exhibit "H-3"). Mr. Downer explained that a site for a new building has been selected and that the building would be 40' longer than the existing building. Mr. Downer advised that directly to the east of the proposed building site is a building that is much larger than the building that is proposed by Mr. Westbrook and is approximately 33' from the property line. Mr. Downer further advised that there is no outside work or storage involved at the present location and that there would be none at the proposed building site.

Board Comments:

Mrs. Purser asked Mr. Gardner if the Board of Adjustment records reflected any type of action taken by the Board which would have allowed for the location of the building to the east of the subject property. Mr. Gardner advised that there was no specific action taken that would have allowed the building in question, but that a similar "blanket" application for all the southern lots had come before the Board in 1977 and was denied (Case No. 9530).

Applicant's Comments:

Max Westbrook, A-Max Sign Company, addressed the Board. However, Mr. Westbrook failed to prove a hardship for the requested variance.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to deny the request for a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from an R District from 75' to 27.2' in an IL

11391 (continued)

District, due to the fact that a hardship could not be shown, on the following described property:

Lot 27, Block 1, 5300 Commerce Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

At this point, the Board of Adjustment registered a complaint with the Building Inspector's Office as to the possibility of a zoning violation on the property of L. D. Brinkman to the east of the property discussed in Case No. 11391.

11392

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Use Unit 2 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680) request for an exception to permit the installation of two heliports on hospital grounds. This property is located at 9th Street and Jackson Avenue.

Presentation:

Ralph Arden, representing Oklahoma Osteopathic Hospital, was present to address the Board and submitted a site plan (Exhibit "I-1"). Mr. Arden advised that the Hospital is proposing to construct two heliports--one at ground level and the other at roof level--as a part of the new expansion program. Mr. Arden briefed the Board on the ingress and egress of the flight path, which had been approved by the FAA.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Arden why two heliports were being proposed. Mr. Arden advised that if wind conditions prohibited the use of one, the second heliport would be available for use.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; Smith "abstaining") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Use Unit 2 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680) to permit the installation of two heliports on hospital grounds, per site plan, on the following described property:

A tract of land containing 11.55 acres, that is part of "Riverview Addition", "Grandview Addition", and "Norvell Park Addition", all subdivisions in the Northeast 1/4 of Section 11, Township 19 North Range 12 East, City of Tulsa, Tulsa County, Oklahoma, and said tract of land also being part of the various adjacent vacated streets, said tract of land being described as follows, to-wit:

"Beginning at a point" on the Easterly line of Lot 4, Block 2, of "Riverview Addition", said point being 4.00 feet South of the Northeast corner of Lot 4; thence Northerly along the Easterly line of Block 2 for 149.00 feet to a point, said point being 5.00 feet South of the Northeast corner of Block 2; thence Westerly along a deflection angle to the left of $89^{\circ}-22'-54''$ and parallel to the Northerly line of Block 2 for 140.00 feet to a point on the Westerly line of Block 2; thence Southerly along a deflection angle to the left of $90^{\circ}-37'-06''$ and along the Westerly line of Block 2 for 18.00 feet; thence Westerly along a deflection angle to the right of $90^{\circ}-37'-06''$ and parallel to the Northerly line of Lot 1, Block 3, "Riverview Addition", for 126.00 feet; thence Southwesterly along a deflection angle to the left of $17^{\circ}-52'-10''$ for 72.19 feet more or less, to a point on the Westerly line of Lot 1, Block 3, said point being 4.83 feet North of the Southwest corner of Lot 1; thence Southwesterly along a deflection angle to the left of $0^{\circ}-12'-05''$ for 15.64 feet; thence Southwesterly along a deflection angle to the left of $11^{\circ}-37'-32''$ for 153.54 feet; thence Southerly along a deflection angle to the left of $32^{\circ}-58'-07''$ for 70.00 feet; thence Southwesterly along a deflection angle to the right of $46^{\circ}-53'-11''$ for 68.43 feet; thence Southerly along a deflection angle to the left of $46^{\circ}-52'-11''$ for 322.20 feet; thence Southeasterly along a deflection angle to the left of $53^{\circ}-00'-57''$ for $92^{\circ}-06'$; thence Easterly along a deflection angle to the left of $36^{\circ}-32'-32''$ for 150.00 feet; thence Southeasterly along a deflection angle to the right of $8^{\circ}-27'-55''$ for 97.84 feet; thence Southeasterly along a deflection angle to the right of $14^{\circ}-17'-01''$ for 64.38 feet; thence Southeasterly along a deflection angle to the left of $09^{\circ}-35'-34''$ for 127.56 feet; thence Northeasterly along a deflection angle to the left of $29^{\circ}-08'-47''$ for 113.89 feet; thence Northeasterly along a deflection angle to the right of $10^{\circ}-12'-48''$ for 79.42 feet; thence Northeasterly along a deflection angle to the left of $69^{\circ}-23'-51''$ for 17.98 feet; thence Easterly along a deflection angle to the right of $75^{\circ}-10'-28''$ for 84.14 feet; thence Northerly along a deflection angle to the left of $90^{\circ}-40'-00''$ and parallel to the Easterly line of "Riverview Addition" for 582.78 feet to a point, said point being 16.00 feet North of the Northerly line of Block 6, "Riverview Addition", said point also being 40.00 feet West of the Easterly line thereof; thence Westerly along a deflection angle to the left of $89^{\circ}-24'-33''$ and parallel to the Northerly line of Block 6 for 245.24 feet to the "Point of Beginning" of said tract of land.

11393

Action Requested:

Variance (Section 610 - Principal Uses Permitted in the Office Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670 - Variances) request for a use variance to permit an antique and giftware business in an OL District. This property is located at 2107 East 15th Street.

Presentation:

Sharon Pray, representing Changing Seasons, Inc., was present to address the Board and submitted a memorandum in written form to the Board (Exhibit "J-1") enumerating nine points for the Board to consider when reviewing the request for a variance. Ms. Pray advised that there was a residence on the lot behind (north) the subject property, to the east was AAA Automobile Club, to the west was a doctor's office, and across the Street (south) was Sharp's Antiques.

Protestants: None.

Board Comments:

Mr. Wait asked Ms. Pray if a sign had been designed and referred to item seven as set out in the exhibited memorandum. Ms. Pray advised that Tulsa Sign Company had been contacted the previous day and had recommended a 4' x 6' sign in order to be in compliance with the Code.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 610 - Principal Uses Permitted in the Office Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670 - Variances) to permit an antique and giftware business in the existing structure in an OL District, to run with this owner only, subject to all conditions and representation set forth in the exhibited memorandum, on the following described property:

The East 75' of Lot 24, Block 5, Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma.

11394

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from 25' to 20'. This property is located at 5146-47 South 94th East Avenue.

Presentation:

Harold Lloyd, representing Skyland Properties, was present to address the Board and submitted a foundation survey (Exhibit "K-1"). Mr. Lloyd advised the Board that the buildings on Lots 3 and 4 were staked out by an engineering firm as per the plot plan drawn by the architectural firm and that the buildings encroached approximately 5' on the building line.

Protestants: None.

11394 (continued)

Board Comments:

Mrs. Purser asked Mr. Lloyd if the buildings were in existence. Mr. Lloyd replied that they were.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; Smith "abstaining") to approve a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from 25' to 20', on the following described property:

Lots 3 and 4, Block 1, Skyland Amended to the City of Tulsa, Tulsa County, Oklahoma.

11395

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) request for permission to set building 78' from centerline of the arterial street (North Sheridan Road). This property is located at 3300 North Sheridan Road.

Presentation:

Carl Cannizzaro, Airports Engineer with the Tulsa Airport Authority, was present to address the Board and submitted a plot plan (Exhibit "L-1"). Mr. Cannizzaro advised the Board that new offices were being proposed and would be located on the south side of an existing hanger facility. Mr. Cannizzaro further advised that the offices could not be built on either the north or east side due to setback requirements from the airfield, or on the west side, which would locate the offices even closer to Sheridan. Mr. Cannizzaro stated that the new offices would be further away from the centerline of Sheridan than the existing hanger.

Protests: None.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) to set building 78' from the centerline of North Sheridan Road, per plot plan, on the following described property:

A tract of land in Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma. Beginning at a point 1107.2' South and 60.0' East of the NW corner of Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma; proceeding thence South 59°-53'-33" East a distance of 285.65' to a point; thence South 30°-09'-57" West a distance of 282.96' to a point; thence North 56°-47'-18" West a distance of 117.74' to a point; thence North 1°-08'-18" West a distance of 323.52' to the point of beginning, ALL encompassing 1.31 acres, more or less.

11396

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in Office Districts- Under the Provisions of Section 1670) request for a variance of the setback requirements from 100' to 60' from the centerline of 31st St. This property is located in the 6700 Block of East 31st Street.

Presentation:

Robert Williams, attorney representing Amos Baker, was present to address the Board and submitted a plat of survey (Exhibit "M-1") and 11 color photographs of the surrounding area (Exhibit "M-2"). Mr. Williams advised the Board that development of the subject property was commenced in the mid 1970's, at which time the previous owner did not obtain a variance of the setback line. Mr. Williams further advised that there was an agreement between the previous developer and the landowners in the area that no building higher than 20' would be built and that a 6' fence would be erected.

Mr. Williams advised that his hardship resulted from the location of the underground storm sewer box, which was quite large and only about 1/3 completed.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to approve the plan in concept for a Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) of the setback requirements from 100' to 60' from the centerline of 31st Street, subject to the approval of the City Engineer and subject to the applicant returning to the Board with a detailed plot plan of the project, on the following described property:

Lots 1, 2 & 3, Block 1, South Sheridan Acres Extended, City of Tulsa, Tulsa County, Oklahoma.

11397

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for permission to locate a mobile home in an RS-2 District. This property is located at 2135 South 130th East Avenue.

Presentation:

Reverend Samuel Schiller, 2192B South 109th East Avenue, was present to address the Board and advised that he and his family had recently returned to Tulsa from British Honduras where he was a missionary. Reverend Schiller stated that he had no residence at this time and would like to locate a mobile home on the subject property for use as his residence.

Protestants: None.

Board Comments:

Mr. Lewis asked Reverend Schiller why he chose this particular tract of

3.19.81:331(16)

11397 (continued)

land. Reverend Schiller advised that it was a 2½-acre lot owned by a friend of his and that rent would not be charged. Mr. Lewis then asked what surrounded the property. Reverend Schiller advised that it was mostly open area and that there were no houses within approximately 200'.

Mr. Jackere asked Reverend Schiller if there were any other structures located on the subject tract of land. Reverend Schiller stated that there was a dwelling on the lot, which was the residence of the owner of the property, Jack Silver. Mr. Jackere then asked Reverend Schiller if he had any plans to conduct church business out of the mobile home. Reverend Schiller advised that he did not.

Mr. Smith asked the Reverend how far back on the lot he wished to locate the mobile home. Reverend Schiller replied that he had not decided, but that he would comply with any requirements and conditions set out by the Board.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to locate a mobile home in an RS-2 District, for a period of one year, removal bond required, on the following described property:

A certain tract of land lying in the N/2 of the NW/4 of Section 16, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning 635.654 feet South and 684.769 feet East of the NW corner of Section 16; thence East 304.885 feet; thence North 305.304 feet; thence West 304.89 feet; thence South 305.327 feet to the point of beginning, according to the U. S. Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

11398

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from 100' to 55.83' from the centerline of Utica Avenue. This property is located at 1751 South Utica Avenue.

Presentation:

Pat Bourgeois, 5840 South Memorial Drive, Suite 319, was present to address the Board and submitted a plot plan (Exhibit "N-1"), a plat of survey (Exhibit "N-2"), and a copy of the City Atlas Map of the subject property (Exhibit "N-3"). Mr. Bourgeois advised the Board that Petros Energy and Land wished to add on to an existing porch which has a concrete foundation and slab. Mr. Bourgeois stated that the porch did not have walls but did have a gabled roof, and the proposed additions would require enclosing the porch. Mr. Bourgeois further advised that the existing house is in rather poor condition and the proposed work to be done on it will result in an improved condition of the house, thus making it comparable to the other dwellings in the area. He advised upon questioning, that other buildings

11398 (continued)

on the block were in fact closer to the centerline of Utica Avenue than the subject proposal.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1670) of the setback requirements from 100' to 55.83' from the centerline of Utica, per plot plan, on the following described property:

Lot 19, Block 4, Edgewood Place Addition, City of Tulsa, Tulsa County, Oklahoma.

11400

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an Exception to permit a mobile home in an RS District; and, a Variance (Section 440.6 (a) - Special Exception Uses Permitted in Residential Districts - Under the Provisions of Section 1670) request for a variance to permit the mobile home for a period of more than one year. This property is located at 3229 North Harvard Avenue.

Presentation:

Lennon Davis, 2545 East Marshall, was present to address the Board and advised that he had recently sold his home and had made plans to build another within the next year. Mr. Davis further advised that, in the meantime, he did not have a place in which to live; therefore, he was requesting the exception to permit a mobile home on the subject property. Mr. Davis stated that he had spoken with the surrounding property owners and that he had received no objections from them.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Davis why he had requested a variance of the one year time limitation. Mr. Davis explained that, if it took somewhat longer for the proposed residence to be completed, he would not have to return to the Board in a year.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS District for a period of one year, removal bond required; and, to deny a Variance (Section 440.6 (a) - Special Exception Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to permit the mobile home for a period of more than one year, on the following described property:

11400 (continued)

Tract 3-A: The West 330' of the North 132' of the South 264' of the NW/4 of the NW/4 of the NW/4 of Section 21, Township 20 North, Range 13 East, Tulsa County, State of Oklahoma, containing One (1) acre, LESS the West 50' for roadway; and

Tract 3-B: The East 330' of the South 264' of the NW/4 of the NW/4 of the NW/4 of Section 21, Township 20 North, Range 13 East, Tulsa County, State of Oklahoma; and Tract 4-B.

11401

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from 50' to 35' from the centerline of Zunis Avenue. This property is located on the northwest corner of North Haskell Street and Zunis Avenue.

Presentation:

Harry Goldman, 525 South Main, Suite 210, representing Gate City Steel Company, was present to address the Board and submitted a color-coded plot plan (Exhibit "0-1"), as well as six color photographs of the subject property (Exhibit "0-2"). Mr. Goldman advised the Board members that on January 8, 1981, they had granted a modification of the screening requirements and a variance of the setback requirements from 50' to 35' from the centerline of Haskell Street (Case #11329). Mr. Goldman explained that this request had, in part, been included in the request for a variance on January 8. Mr. Goldman further explained that several questions had been raised by the Board members at that meeting which could not be answered by the person giving the presentation at that time. Mr. Goldman stated that one of the major concerns of the previous request was that of several trees on the property and the possibility of protecting the vegetation from proposed construction. Mr. Goldman advised that the trees in question would not be removed or involved in any manner with the construction. Mr. Goldman advised that the proposed construction would consist of the addition of 169½ feet and would proceed in an easterly direction, aligning itself in the same manner as the existing building. Mr. Goldman explained that, although the property to the north was owned by Gate City Steel, the proposed construction could not occur on that piece of property due to the fact that the installation of overhead cranes on a tram system must be in a straight line and that construction on the property to the north would prohibit the straight-line system. Mr. Goldman listed this as a hardship to be considered by the Board. Mr. Goldman continued by saying that there was a driveway on the north side of the building and that it would be essential that an additional one be installed on the east side of the building to permit ingress and egress of the large trucks, due to the fact that a 5' residential strip along North Zunis would prevent the addition of another driveway at that location. This was also listed as a hardship for consideration by the Board.

Robert Nichols, P. O. Box 2620, District Manager of Gate City Steel, advised the Board members that two additional questions had been raised at the January 8th meeting that he could not answer. One of these questions pertained to the location of the proposed construction

11401 (continued)

from the curb on North Zuni. Mr. Nichols directed the attention of the Board members to the plot plan and stated that the proposed building would be located 21.6' from the curb on North Zuni. The second question pertained to Zuni. Mr. Nichols stated that Zuni dead-ended into property owned by Gate City Steel and proceeded no further north.

Remarks:

Mr. Gardner advised the Board that the 5' residential strip along Zuni was for the sole purpose of preventing any access from Zuni by large trucks. Mr. Gardner further advised the Board members that they should consider the hardships as stated since, by the zoning process, access from Zuni was prohibited by the 5' strip which also caused the 75' setback instead of 50'.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from 50' to 35' from the centerline of Zuni, subject to the following conditions: (1) That the lack of access from North Zuni to the structure itself not be altered in any manner; (2) that any vehicular entrance into the extension of the building to the east be no closer to the centerline of North Zuni than 100'; (3) that the two large trees--one along East Haskell and one at the corner of East Haskell and North Zuni--as depicted in the exhibited photographs not be disturbed; and, (4) that there be no openings of any type on the east facade of the extension, on the following described property:

Lots 1, 2, 3, 4, 5, 6, & 7, Block 3, Cherokee Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

11402

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for an exception to permit the operation of a kennel as a home occupation in an RS-3 District. This property is located at 3828 North Delaware Avenue.

Presentation:

Linda Scott, 3828 North Delaware Avenue, was present to address the Board and submitted a statement (Exhibit "P-1") signed by twelve neighbors residing within 300' of her residence indicating that there was no objection to retaining her dogs. Ms. Scott advised that she owned five yard dogs and one house dog and that she would like to keep the dogs until they live out their natural lives. Ms. Scott further advised that she did not wish to breed, sell, or board dogs and was unaware that she was in violation of a City ordinance until the dog pound informed her of such. Ms. Scott informed the Board that she had neighbors that allowed their dogs to run loose and that those dogs chased the children in the area, thus generating complaints from the neighbors. Ms. Scott stated that she did not allow her dogs

to run loose and that two of the dogs were very old and were not expected to live much longer.

Protestants:

Edsell Griffin, President of the Lakeview Neighborhood Council, Inc., 4138 North Delaware Avenue was present on the behalf of the Council to speak and submitted a brief memorandum (Exhibit "P-2") requesting that the application for the exception be denied. Mr. Griffin explained to the Board that he did not realize until Ms. Scott presented her request that this application for a dog kennel was solely for the purpose of allowing the additional three pets to remain on the premises. Mr. Griffin advised that the Lakeview Neighborhood Council was under the impression that a kennel for quite a number of dogs was being proposed and, although he was not in opposition to Ms. Scott retaining her pets, he could not speak for the Council as a whole.

George Kosick, 2877 East 43rd Street North, stated that he was opposed to a kennel in that neighborhood. Mrs. Purser advised Mr. Kosick that Ms. Scott had explained to the Board that the six dogs were pets and that she had no intentions of raising, selling, or breeding dogs. Mr. Kosick stated that he would not be opposed if there would not be a multiplication of dogs and explained that he was under the impression that it would be a full-scale kennel.

Board Comments:

When asked by Mr. Wait what the gender of the dogs was, Ms. Scott replied that there were three males and three females. Ms. Scott explained that one female had been spayed, one was due to be spayed, one male had been altered, and that two others were so advanced in age that conception and birth was not anticipated.

Mr. Lewis asked Mr. Jackere if there was not some way to avoid the use of the word "kennel" in the advertisement of an application wherein a pet owner with more than three dogs wished to harbor those pets.

Mr. Jackere advised that a penal ordinance restricted the harboring of more than three dogs without a kennel license, and that if the owner wished to acquire a kennel license for harboring additional pets, it must be approved by the Board of Adjustment in the form of a home occupation and must be advertised as such. Mr. Jackere advised that he would review both the Penal Code and the Zoning Code to determine if there was a term that could be utilized in distinguishing between a full-scale kennel for occupational purposes and a kennel for owners of more than three pets wishing to keep those additional pets.

Applicant's Comments:

Ms. Scott advised the Board that she was in the process of installing a 6' privacy fence which would aid in separation of the dogs from the neighbors.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Victor, Smith, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to permit the operation

11402 (continued)

of a kennel as a home occupation in an RS-3 District, to run with this owner only, to be restricted to the existing six dogs residing on the premises, and on the condition that no other animals be boarded, kept, sold, or bred, on the following described property:

Lot 20, Block 2, Lakeview Heights Second Addition, City of Tulsa, Tulsa County, Oklahoma.

11403

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680) request for an exception to allow the wholesale and retail sale of automotive tires and supplies in a CS District. This property is located on East 31st Street and 129th East Avenue.

Presentation:

David James, 1000 Sooner Federal Building, attorney for the property owner, was present to address the Board and advised that the property owner, Ed Enlow, had entered into a contract with Hesselbein Tire Company of Oklahoma, which owns a tract of land immediately adjacent to the subject property to the east. Mr. James further advised that Hesselbein Tire Company wished to purchase Mr. Enlow's property and expand their existing facility onto the subject tract of land.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. James if Hesselbein had plans to construct an additional building on the subject tract of land. Mr. James advised that, as he understood, Hesselbein would add on to the existing building of brick veneer eastward and add an additional parking area. Mr. Lewis asked if all business and storage would remain on the interior of the building and Mr. James replied that, to his knowledge, all storage of material would be inside and all business would be conducted on the interior.

Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1680) to allow the wholesale and retail sale of automotive tires and supplied in a CS District, subject to no outside work or storage of materials being permitted, on the following described property:

A tract of land situated in the E/2 of the SE/4 of Section 17, Township 19 North, Range 14 East, Tulsa County, Oklahoma, being more particularly described as follows, to-wit:

11403 (continued)

Beginning at a point on the South line of said Lot 1, Block 1, Blue-Robb Addition 237.52' West of the SE corner of Lot 1, Block 1, Blue-Robb Addition; thence North $89^{\circ}-52'-49''$ West for 200.00'; thence North $00^{\circ}-09'-07''$ West for 431.43'; thence South $89^{\circ}-52'-49''$ East for 200.00'; thence South $00^{\circ}-09'-07''$ East for 431.84' to the point of beginning, being a part of Lot 1, Block 1, Blue-Robb Addition, containing 1.98 acres, more or less, (known as Lot F).

11404

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1213 - Convenience Goods and Services - Under the Provisions of Section 1680) request for an exception to permit construction of a convenience store with self-service gasoline dispensing equipment. This property is located at 6958 East 21st Street.

Presentation:

James Ryan, 2400 First National Tower, representing Git-N-Go, Inc., was present to address the Board and submitted a photograph of the proposed convenience store (Exhibit "Q-1") and a plot plan (Exhibit "Q-2"). Mr. Ryan advised the Board that the proposed store would follow the newer design of the store as depicted in the exhibited photograph and, if approved by the Board, would replace a Git-N-Go convenience store presently located two blocks east of the subject location. Mr. Ryan further advised that the proposed site was previously occupied by a Fina Service Station. Mr. Ryan explained that no additional traffic would result and that there would be one less service island than at the Fina Service Station being abandoned.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1213 - Convenience Goods and Services - Under the Provisions of Section 1680) to permit construction of a convenience store with self-service gasoline dispensing equipment, per plot plan, on the following described property:

A part of the NE/4, NE/4, NW/4, NW/4, of Section 14, Township 19 North, Range 13 East, Tulsa County, as follows: Beginning at a point 50' South and 14' West of the NE corner of the NE/4, NE/4, NW/4, NW/4 of said Section 14; thence West and parallel to the North line of said Section, a distance of 116'; thence South and parallel to the West line of said Section a distance of 110'; thence East a distance of 116'; thence North a distance of 110'; to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

11405

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680) request for permission to erect a duplex in an RS-3 District; and a Variance (Section 440.3 - Special Exception Uses Permitted in Residential Districts, Requirements - Under the Provisions of Section 1670) request for a variance of the square footage requirements in an RS-3 District to permit the erection of a duplex. This property is located SW of Madison and 42nd Street.

Presentation:

Newman Perryman, 4205 South Detroit Avenue, was present to address the Board and advised that an exception and a variance had been approved on February 1, 1973, (Case No. 7755) but that he was unaware that the approval had expired. Mr. Perryman stated that there were three duplexes directly across the street from him on 42nd Street.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Perryman if the proposed duplex would resemble other structures in the immediate area. Mr. Perryman replied that it would be constructed of brick, as are the other structures in the area.

Board Action:

On MOTION of LEWIS and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680) to erect a duplex in an RS-3 District; and, a Variance (Section 440.3 - Special Exception Uses Permitted in Residential Districts, Requirements - Under the Provisions of Section 1670) of the square footage requirements in an RS-3 District to permit the erection of a duplex, subject to the applicant returning to the Board with detailed plans including elevations for approval by the Board prior to the issuance of a building permit, on the following described property:

The East 96' of the North 78.67' of Lot 1, Block 4, Demorest Addition to the City of Tulsa, Oklahoma.

11407

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for permission to allow a mobile home in an RS-3 District. This property is located at 3524 West 42nd Street.

Presentation:

Brenda Ellis, 3524 West 42nd Street, was present to address the Board and advised that her parents owned the subject tract of land on which she wished to place a new mobile home that is on order measuring 14' x 60'. Ms. Ellis stated that she would place the mobile home on the rear of the lot, which measures 100' x 150', in an 18' wide space. Placement in this 18' area, Ms. Ellis explained, would allow for the 3' setback requirement from the property line. Ms. Ellis stated that there was a mobile home approximately one block away that had been there for at least 8 years.

3.19.81:331(24)

11407 (continued)

Protestants:

Dorothy Whiteis, 3540 West 42nd Street, stated that she wished for the neighborhood to remain a single-family residential area, and that the nearby mobile home had been there for approximately 14 years.

Board Comments:

Mr. Lewis voiced a concern over approving such an application since the area was a single-family residential neighborhood, there was another residence on the subject lot, and it appeared to be more permanent rather than temporary in nature. Mrs. Purser concurred with Mr. Lewis' concerns.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to allow a mobile home in an RS-3 District, on the following described property:

Lots 10, 11, 12 and 13, Block 21, Yargee Addition, City of Tulsa, Tulsa County, Oklahoma.

11408

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for an exception to permit the operation of a kennel as a home occupation in an RS-3 District. This property is located at 4303 North Evanston Place.

NOTE:

This application was taken out of the order of its appearance on the Agenda and was heard following Case Number 11402. These minutes will reflect this case in the order of its appearance on the agenda and, therefore, Board Action will reflect voting by the full five-member Board.

Presentation:

Mabel Powell, 4303 North Evanston Place, was present to address the Board and advised that she had eight dogs, two of which were small, and that all had been altered to prevent the conception of puppies. Mrs. Powell stated that these dogs were all pets and that she felt quite protected from criminal elements because of the pets. Mrs. Powell explained that there was some barking from her dogs, but that was due largely to the fact that the children in the neighborhood agitated them. Mrs. Powell stated that she cleaned her yard every day, but that she had missed a couple of days and a neighbor had called the Health Department, whereupon she was advised to get a kennel license and appear before the Board.

Protestants:

Edsell Griffin, President of the Lakeview Neighborhood Council, Inc., 4138 North Delaware Avenue submitted a brief memorandum (Exhibit "R-1") from the Council requesting that the application be denied, and reiterated

11408 (continued)

his previous comments in Case Number 11402, as did George Kosick of 2877 East 43rd Street North. Both concurred that, to their knowledge, no complaints had been received concerning Mrs. Powell's pets.

Board Comments:

Mr. Wait asked Mrs. Powell if the dogs were confined to the yard. Mrs. Powell advised that they were kept in a fenced-in yard, but that she would like to add height to the fence in the near future.

Board Action:

On MOTION of LEWIS and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to permit the operation of a kennel as a home occupation in an RS-3 District, subject to the following conditions: (1) approval will run with this owner only; (2) to be limited to the existing animals residing at the location, with no additional animals and no replacement animals beyond the statutory number permitted; (3) no boarding of others' animals; (3) no breeding of animals; and (5) no selling of animals; and (6) the area in which the pets are fenced must be kept clean on a daily basis, on the following described property:

Lot 30, Block 10, Lakeview Heights, City of Tulsa, Tulsa County, Oklahoma.

11409

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1680) to permit a heat treating facility in a CH District. This property is located at 5916 East Tecumseh Avenue.

Presentation:

Everett Neal, 4107-A East 11th Street, was present to address the Board and advised that he and his father would be partners in the proposed business which would entail heating of ordinary steel which results in additional hardening of the steel. Mr. Neal explained that the process involved the use of a gas furnace and that there was very little pollution generated.

Protestants: None.

Board Comments:

Mr. Wait asked Mr. Neal if cyanide would be used. Mr. Neal replied that there would not be--that an internal quench inside the furnace was used and any smoke generated in the process was burned up within the atmosphere of the furnace.

Mr. Lewis asked Mr. Neal what surrounded the subject property. Mr. Neal advised that several machine shops, plating shops, and other types of industrial businesses were in the area.

11409 (continued)

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1680) to permit a heat treating facility in a CH District, subject to no outside storage and all work being performed on the interior, subject to the use of the type of furnace with the internal quench as described, and subject to all environment controls pertaining to such an operation, on the following described property:

Lot 4, Block 14, Dawson Addition, City of Tulsa, Tulsa County, Oklahoma.

11410

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from 10' to 4½' from an R District; and, an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1680) request for an exception to permit warehousing in a CG District; and, an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) request to modify the screening requirement where an alternative screening will provide visual separation of uses. This property is located to the north and east of 11th Street and Mingo Valley Expressway.

Presentation:

John Moody, representing J. & G Construction Company, was present to address the Board and advised that the property was approved CG for General Commercial Use by the Board of City Commissioners on March 3, 1981. Mr. Moody submitted a plot plan of the property (Exhibit "S-1") and stated that immediately adjacent to the property on the east side was an existing apartment complex, the property to the immediate west was approved for CG on its southern-half for a billboard or outside advertising, and immediately on the northern end of the property is a low drainage-type area and creek where topography is subject to inundation, but is not in an FD Floodway District. Mr. Moody explained that, as part of the zoning application and as part of the regular development process, approval by the City Engineer's Office of the proposed drainage facilities was required and that such approval had been obtained. Mr. Moody stated that the subject tract of land is 165' wide, consists of 2.1 acres, and is a very long and narrow tract. Mr. Moody advised that, due to the topography peculiarities, approval of the setback would be required in order to meet the City's drainage requirements, and at the same time, to utilize the property for the construction of a combination office/warehouse development. Mr. Moody further advised that construction would consist of two structures--each structure measuring 46' in width--and parking.

Protestants: None.

11410 (continued)

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 10' to 4½' from an R District; and, an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1680) to permit warehousing in a CG District; and, an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirement where an alternative screening will provide visual separation of uses, per plot plan, subject to no openings of any type in the construction of the buildings on the east property line edge and the west property line edge, on the following described property:

Lot 13, Block 2, Eleventh Park Subdivision to the City of Tulsa, Oklahoma.

There being no further business to come before the Board, Chairman Purser adjourned the meeting at 5:59 p.m.

Date Approved

April 30, 1981

Anthony J. Purser
Chairman