

CITY BOARD OF ADJUSTMENT
MINUTES (No. 335)
Thursday, May 14, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser, Chairman Smith Victor Wait	Lewis	Gardner Hubbard Jones	Jackere, Legal Dept. Miller, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, May 12, 1981, at 10:00 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 1:35 p.m.

MINUTES:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve the Minutes of April 2, 1981, (No. 332), April 16, 1981, (No. 333), and April 30, 1981 (No. 334).

UNFINISHED BUSINESS:

11442

Action Requested:

Variance (Section 440.3 (a, b, c, d) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) request for a variance of the frontage requirements from 75' to 50.66'; and, a variance of the area from 9,000 square feet to 6,720.556 square feet; and, a variance of the minimum land area per dwelling unit of 5,000 square feet; and, a variance of the livability space per dwelling unit of 2,500 square feet; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) request for an exception to allow a duplex to remain. This property is located at 1203 South 74th East Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, was present in the capacity of attorney for the applicant, L. G. Harrison, and advised that the application had been continued from the April 30 meeting due to the fact that Mr. Harrison had been hospitalized. Mr. Johnsen advised that the only relief needed was a waiver of the livability space, lot area and duplex exception. Mr. Johnsen submitted five color photographs depicting the subject duplex and the surrounding property (Exhibit "A-1"). Mr. Johnsen advised the Board that the duplex was already in existence and was erected not by misrepresentation on the part of the applicant, but because of the lack of knowledge on his part of the Zoning Code requirements. Mr. Johnsen advised that there was an existing two-story duplex structure immediately to the south of the subject property and that, through research, he

11442 (continued)

could find no previous Board of Adjustment action on that particular two-story duplex structure. Mr. Johnsen further advised that, to the east was Eastmoor Park Church which is a one-story, concrete block structure, and that situated across the street to the north was a residential structure with a plastic signs business located at the rear of that particular lot. Mr. Johnsen explained that the subject area had not developed in any consistent fashion of typical single-family zoning, but has a mixture of uses with duplexes being prevalent.

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 a Variance (Section 440.3 (a) & (d) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the lot area from 9,000 square feet to 6,720.556 square feet; and, a variance of the livability space per dwelling unit of 2,500 square feet; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) to allow a duplex to remain, per plot plan, on the following described property:

Lot 24, Block 6, Eastmoor Park Addition to the City of Tulsa,
Tulsa County, Oklahoma.

NEW APPLICATIONS:

11460

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Home Occupations - Under the Provisions of Section 1680) request for an exception to permit a beauty shop in an RS-3 District. This property is located at 1903 West 48th Street.

Presentation:

Shirley McCall, 1903 West 48th Street, was present to address the Board and advised that she presently ran a beauty shop at Union Square Shopping Center and wished to sell the shop and continue a small-scale business in her home. Ms. McCall explained that she would employ no one to assist her in the operation of the shop, that she planned on hours of 9:00 a.m. to 3:00 p.m., Monday through Friday, and that she would provide for parking with a triple driveway with no on-street parking. Ms. McCall stated that the exterior of the house would not be altered in any manner and that she would not have any signs displayed advertising the operation.

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 an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Home Occupations - Under the

11460 (continued)

Provisions of Section 1680) to permit a beauty shop in an RS-3 District, from the hours of 9:00 a.m. to 3:00 p.m., Monday through Friday, subject to all Home Occupation Regulations, to run with this owner only, on the following described property:

Lot 10, Block 8, Hill Haven Addition to the City of Tulsa,
County of Tulsa, Oklahoma.

11461

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 440.2 - Home Occupations) request for an exception to permit a lawn mower repair service in an RS-3 District. This property is located at 2136 East 20th Street.

Presentation:

L. R. Morrison, 2136 East 20th Street, was present to address the Board and submitted a petition containing 53 signatures to the effect that there was no objection to the continued operation of a lawn mower repair service on the subject property (Exhibit "B-1"). Mr. Morrison advised that the service had been in operation since 1964 with no complaints, that it was a one-man business with no intention to expand further, and that there was no advertising involved. Mr. Morrison explained that there were several lawn mowers stored outside the garage on the rear of the lot which were not visible from the street, screened from the parking lot behind the property by a privacy fence, and visible only to the residents on either side of him, the occupants of one of those residences having had signed the exhibited petition. Mr. Morrison stated that the other neighbor was aware of the occupation when he purchased the residence and that, of the seven other families that had occupied the residence in the past, no complaints had been received.

Board Comments:

Mrs. Purser asked Mr. Morrison if he had any signs on the premises. Mr. Morrison replied that he did not--that advertising was done by word of mouth. Mr. Morrison explained that his workshop was located in the garage at the rear of the property and that the garage doors usually remained closed.

Mr. Jackere asked Mr. Morrison if it would be possible for the mowers which were presently stored outside to be moved into the garage. Mr. Morrison advised that he had a two-car garage in which he parked his car, stored some of the mowers, and had workshop equipment and tools, thus reducing the storage area in the garage; therefore, it would not be possible for all of the mowers to be stored within the garage. Mr. Jackere then asked if there were other items stored outside the garage, and Mr. Morrison replied that he kept normal garden tools (such as a wheelbarrow, etc.) outside. Mr. Jackere asked Mr. Morrison if he provided any protection for the tools, equipment, and mowers stored outside from the weather conditions, to which Mr. Morrison replied, "No."

Mrs. Purser asked Mr. Morrison how many lawn mowers were kept outside at one time, on an average. Mr. Morrison advised that the number varied, but that as many as 15 to 20 at one time were situated on the property.

Mr. Morrison further advised that some of the mowers were sold as they were repaired, and that he also repaired and sold garden tools. Mr. Morrison explained that, due to his age, he could not continue the operation much longer and was in the process of phasing the business out.

Mr. Wait asked Mr. Morrison what type of equipment he maintained in the garage that was utilized in the repair of the tools and mowers. Mr. Morrison stated that he owned an air compressor, a grinder, and a drill press which were involved in his repair business, as well as a wood lathe, which was not used in the repair of the equipment. Mr. Wait then asked if there was a great amount of noise generated from the repair equipment, and Mr. Morrison replied that there was very little noise involved.

Upon questioning by Mr. Victor concerning the present hours of operation, Mr. Morrison advised that the present hours of operation were usually from 8:00 a.m. to 6:00 p.m.

Mrs. Purser asked Mr. Morrison for an average number of cars coming to the property with business. Mr. Morrison explained that approximately three or four on an average arrived with business, with Fridays and Saturdays, being the busiest days, and that the maximum number of cars was probably five or six.

Mrs. Purser explained to Mr. Morrison that, according to the Home Occupation Regulations, a home occupation must be conducted entirely within an enclosed principal building or customary accessory building, and proceeded to ask Mr. Jackere if it would be permissible for Mr. Morrison to have a home storage building on the rear of the lot in which to store the excess mowers. Mr. Jackere explained that a storage building of that type would not be accessory to the principal use--it would be accessory to a home occupation--and that the Home Occupation Regulations clearly defined such; therefore, he was of the opinion that it would not be permissible.

Protestants:

Jim Tilly, 525 South Main, advised that he would be speaking on behalf of his clients, Mr. and Mrs. John Hill, 2140 East 20th Street, and submitted 16 color photographs of the subject property depicting the outside storage of lawn mowers, as well as the daily activity on the premises (Exhibit "B-2"). Mr. Tilly explained that Mr. and Mrs. Hill had voiced certain complaints to the Building Inspector's Office, which resulted in a notice of violation by that Office to Mr. Morrison. Mr. Tilly further explained that the complaints voiced by Mr. and Mrs. Hill stemmed from noise generated from the grinder housed in the garage and used in the business, as well as from the gross amount of outside activity conducted on the premises, both of which violated the Home Occupation Regulations as set out in the Zoning Code.

Mr. Hill advised the Board that he and his wife had lived next door to the applicant for approximately 16 months and that they had been unaware of any business being conducted by Mr. Morrison when they purchased their residence and moved in. Mr. Hill stated that many times there were approximately 10 to 12 cars at the premises doing business

with Mr. Morrison, and that twice in the past 16 months, Mr. Morrison had conducted two garage sales which had resulted in as many as 15 to 20 cars in the street and driveway. Mr. Hill continued by saying that the hours of operation varied, but that he had been aware of Mr. Morrison conducting the business seven days a week and as early as before 7:00 a.m. and as late as 10:00 p.m. Mr. Hill explained that, due to the nature of the business, mowers were often started and allowed to operate for some time to ensure the customers of operational ability and, further, that only a sidewalk separated the two residences. When Mr. Smith remarked that he found it unusual that no complaints had been registered in the past 15 years, Mr. Hill explained that it was his feeling that the neighbors did not wish to take the time and trouble to go through the process and, further, that the neighbors on the other side of Mr. Morrison were renters and not owners of their particular residence.

Board Comments:

Mrs. Purser asked Mr. Hill to elaborate on the types of items sold at the garage sales which Mr. Morrison had conducted. Mr. Hill explained that these sales were not the usual family garage sales, but more closely resembled machine shop sales and that the items sold consisted of garden equipment, tools, knives, and numerous other items. Mr. Hill further explained that, on occasion, pick-up trucks would deliver and/or pick up three or four mowers at one time.

Mrs. Purser then asked Mr. Morrison if he performed work on lawn mowers belonging to anyone other than individual customers. Mr. Morrison replied that he did have some customers with yard work businesses who delivered yard equipment for repair, but that there was no sub-contracting involved in his operation.

Mr. Jackere asked Mr. Morrison if, since he was phasing the business out gradually, he had accepted for repair any lawn mowers the two previous weeks. Mr. Morrison replied that he could not remember accepting any and that he planned on repairing what mowers were on the premises and selling them, thus phasing the business out.

Brief discussion ensued as to the length of time the mowers should be allowed to remain outside on the property, as well as to the possibility of allowing Mr. Morrison to continue the business on a small scale as a home occupation.

Protestant's Comments:

Mr. Tilly advised that his clients would have no difficulty in accepting a condition imposed by the Board as to a time-frame in which the mowers must be removed from the outside premises, but would prefer that an exception for a home occupation not be approved, due to the noise and traffic that would be involved in that type of home occupation.

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 an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a lawn mower repair service in an RS-3 District, subject to the following conditions:

11461 (continued)

- (1) Approval granted for a period of 120 days only, at the end of which the applicant may exercise the option of returning to the Board to request an exception for a home occupation;
- (2) all mowers and related equipment stored outside must be removed from the premises or stored inside immediately;
- (3) hours of operation during the 120-day period shall be from 8:00 a.m. to 7:00 p.m., Monday through Friday;
- (4) no additional mowers shall be accepted by customers for sale or repair during the 120-day period; and,
- (5) subject to all Home Occupation Regulations, all on the following described property:

The West 5' of Lot 1; Lot 2, Block 10, Woodward Park Addition to the City of Tulsa, Oklahoma.

11462

Action Requested:

Exception (Section 710 - Principal Uses Permitted in the Commercial District - Under the Provisions of Section 1680) request for an exception to permit apartments in a CS District; and, a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1670) request for a variance to the setback requirements from the centerline of Pine Street from 85' to 80'. This property is located at 6918, 24, 30, and 34 East Pine Street.

Presentation:

Joe Minjares, 6724 South Marion Avenue, was present to address the Board and submitted a set of plans (Exhibit "C-1") consisting of a plot plan, floor plan and details for the proposed second floor addition, electrical and plumbing plan, front elevation, rear elevation, right end elevation, and left end elevation, as well as five color photographs of the subject property (Exhibit "C-2"). Mr. Minjares briefly summarized the history of the subject property explaining that, several years ago, he had purchased two, four-plexes which had undergone extensive renovation and repair since the purchase, and that he recently purchased two additional four-plexes next to the first ones purchased, which had also been renovated. Mr. Minjares explained that he wished to add second stories to the subject four-plexes which were constructed prior to the July, 1970, Zoning Code Text Amendment requiring that the building setback requirements be 85' from the centerline of Pine, and that these four-plexes were constructed 80' from the centerline of Pine.

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 an Exception (Section 710 - Principal Uses Permitted in the Commercial District - Under the Provisions of Section 1680) to permit apartments in a CS District; and, a Variance (Section 730 - Bulk and

11462 (continued)

Area Requirements in the Commercial District - Under the Provisions of Section 1670) of the setback requirements from the centerline of Pine from 85' to 80', per plans submitted, on the following described property:

Lots 5, 6, 7, & 8, Block 1, Huffman Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

11463

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to continue operating a real estate office as a home occupation in an RS-3 District. This property is located at 3302 East 56th Place "B".

Presentation:

Lois Black, 3302 East 56th Place "B", was present to address the Board and advised that she maintained a small real estate firm in her converted garage and was doing business as "Realty by Mi Mi, Incorporated." Ms. Black advised that the Board had granted approval of the home occupation on April 26, 1979, (Case Number 10427) and that she has continued to maintain the real estate office according to the conditions imposed by the Board at that time.

Protestants: None.

Board Comments:

Mr. Smith asked Ms. Black if closings were conducted at her home. Ms. Black advised that approximately 80 percent of the closings were conducted at loan offices, but that a few were conducted at her home office.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) for the continued operation of a real estate office as a home occupation in an RS-3 District, for a period of two years, to run with this owner only, subject to no parking on the street, limited to one sales associate or contractor only, and no signs allowed or exterior alterations, on the following described property:

Lot 1, Block 2, Amended Plat of South Harvard Court Addition to the City of Tulsa, County of Tulsa, Oklahoma.

11464

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 Variance (Section 440.6 (a) - Mobile Homes - Under the Provisions of Section 1670 - Variances) request for a variance to permit the mobile home on the property for more than one year at a time. This property is located north and east of 26th Place North and Lewis Avenue.

Remarks:

Mr. Jones advised the Board that the Health Department officials had requested that all mobile home applications be referred to them for approval of either a septic system or a sanitary sewer system. Mr. Jones further advised that a Health Department staff member had notified him and stated that the only requirement on this particular application would be that the mobile home be hooked up to a sanitary sewer system.

Presentation:

May Dell Harrison, 1328 North Kenosha Street, was present to address the Board and advised that her mobile home would be hooked up to a sanitary sewer system. Ms. Harrison further advised that the Tulsa Urban Renewal Authority (TURA) had purchased her home for less than she could afford to purchase another home similar in character. Ms. Harrison stated that before she could purchase a mobile home, Board approval was required and TURA officials would be required to determine whether or not the mobile home was up to proper living conditions, whereupon TURA would release the money to Ms. Harrison for the mobile home purchase. Ms. Harrison explained that she was attempting to purchase the property as well, but that purchase of the property was also contingent upon approval of the mobile home.

Protestants: None.

Board Comments:

Mrs. Purser asked Ms. Harrison if there were any other mobile homes in the area. Ms. Harrison advised that there were no others in the immediate area, but that further east there was a mobile home park. Brief discussion ensued as to the close proximity of the lot to the Cherokee Expressway. Additional vacant lots were noted in the vicinity that might possibly come under application for placement of mobile homes. The Board determined that the subject lots fronted commercial zoning which constituted a hardship.

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 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, a Variance (Section 440.6 (a) - Mobile Homes - Under the Provisions of Section 1670 - Variances) to permit the mobile home on the property for a period of five (5) years, on the following described property:

Lot 16, Block 2, Ben C. Franklin Addition to the City of Tulsa,
County of Tulsa, Oklahoma.

Action Requested:

Appeal (Section 1650 - Appeals From The Building Inspector) an appeal from the Building Inspector for refusing to permit the operation of lumber, hardware, and construction businesses; and, an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Section 1225 - Light Manufacturing

and Industry - Under the Provisions of Section 1680) request for an exception to permit the operation of lumber, hardware, and construction businesses. This property is located at 5245 South Peoria Avenue.

Presentation:

Steven Schuller, 909 Kennedy Building, representing K & M Construction Company, was present to address the Board and advised that K & M was the lessee of the subject property under a 99-year lease agreement. Mr. Schuller further advised that a lumber and hardware company had operated on the property for approximately 20 years and that the applicant had been cited by the Building Inspector's Office for violation of one of the uses permitted in Commercial Districts--that use being heavy machinery operation. Mr. Schuller explained that the applicant had parked several heavy trucks and equipment on the property temporarily until the applicant can find sufficient space in the State to store those items. Mr. Schuller further explained that the applicant was actively searching for sufficient space on which to store these items and hoped to find such a location within a matter of approximately sixty days. Mr. Schuller advised that the heavy equipment items were parked some distance from the street.

Mr. Schuller stated that the business in question would be the construction business, since the lumber and hardware businesses were permitted in the CS Districts.

Protestants:

Tom Johnston, Jr., 7155 South Canton Avenue, advised that the type of heavy equipment stored on the subject property was that of the earth-moving type. Mr. Johnston stated that he did not feel approval should be given for the permanent storage of the equipment, but that he was not opposed to the granting of a certain amount of time to allow the applicant to rid the property of the equipment.

Mr. Johnston explained that he had just recently become aware of another piece of property which had heavy equipment stored on it and in the same vicinity as this tract of land.

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 deny an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1680) to permit the operation of a construction business; and,

on MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to uphold the decision of the Building Inspector for refusing to permit the operation of a construction business, all on the following described property:

Lots 3 and 4, and the East 130' of Lots 5, 6, & 7, all in Cantrell Addition to the City of Tulsa, County of Tulsa, Okla.

11466

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) request for a variance of the setback requirements from 100' to 61.42' from the centerline of Admiral Place; and, a variance of the setback from 50' to 42.5' from the centerline of Joplin. This property is located at 5740 East Admiral Place.

Presentation:

Donald E. Wright, d/b/a/ Wright Construction Company, 3701 West 43rd Street, was present to address the Board and advised that he was under contract with John Mattox of Mattsco Supply to oversee and superintend the renovation of the Mattsco Supply offices and new front on the building located on the subject property. Mr. Wright submitted to the Board a set of plans consisting of the first floor plan, north elevation, west elevation, and a detailed section (Exhibit "D-1"), a plot plan (Exhibit "D-2"), and three color photographs depicting the subject property (Exhibit "D-3").

John Mattox, 5740 East Admiral Place, briefed the Board members on the exhibited plans and photographs, as well as the proposed renovation.

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 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) of the setback requirements from 100' to 61.42' from the centerline of Admiral Place; and, a variance of the setback from 50' to 42.5' from the centerline of Joplin, per plans submitted, on the following described property:

Lots 1 and 12, Block 3, Berryman Estates Addition to the City of Tulsa, County of Tulsa, Oklahoma.

11467

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) request for an exception to use property for church use and related parking; and, a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670) request for a variance of the rear yard requirements to permit an addition to the present building. This property is located at 2332 South Nogales.

Presentation:

Reverend Connie D. Cariker, 2332 South Nogales, was present to address the Board and submitted a plot plan (Exhibit "E-1").

Protestants: None.

Board Comments:

Mr. Smith asked if West Tulsa Freewill Baptist Church, the applicant, was applying to the Board in conjunction with a previous Board approval subject to the applicant returning if further expansion was proposed.

Remarks:

Ms. Miller advised that the Board had granted the Church parking on the lot intended for expansion and did not approve a church building on that lot.

Mr. Jackere asked Reverend Cariker if the lot previously approved for parking had not been approved subject to surfacing with a hard-surface, all-weather material. Reverend Cariker advised that he did not recall that being a condition. Mr. Jackere then advised that the lot could not remain a gravel lot and would have to be paved with a hard-surface, all-weather material and, until that was done, the Church would be in violation. Reverend Cariker stated that the Church had plans to black-top the lot and bids were being reviewed now for that process.

Mrs. Purser asked Reverend Cariker if the plans were to black-top the lots in question in this application before using them for parking. Reverend Cariker advised that the lots would not be used until they were black-topped. Brief discussion ensued as to the surfacing situation.

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 the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) to use property for church use and related parking for 120 days; and, to approve the Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670) of the rear yard requirements to permit an addition to the present building, per plot plan, on the following described property:

Lots 1, 2, & 3, Block 42, West Tulsa Addition; Lot 1, Block 2, West Dale Addition; and Lots 15, 16, 17, & 18, Block 41, West Tulsa Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Under the Provisions of Section 1670) request for a variance to permit a mobile home in an IM District. This property is located at 309 South 33rd West Avenue.

Presentation:

Louis Heim, representing the applicant, Norma Heim, 301 South 33rd West Avenue, was present to address the Board and submitted a plot plan (Exhibit "F-1"). Mr. Heim advised that the subject property was owned by his mother, who has been ill for the past year, and that the proposed mobile home would be occupied by his mother-in-law, who had been a recent victim of a burglary in the mobile home park in which she resided. Mr. Heim explained that his own residence was approximately

11468 (continued)

two miles from the subject property, and that he and his wife felt that this would be a beneficial situation for all family members concerned.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Heim if there was a dwelling on the property. Mr. Heim advised that his mother lived in a house on the property and, in addition, there was a garage on the property.

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 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Section 1670) to permit a mobile home in an IM District, for a period of five years, to run with the present owner, on the following described property:

Lot 15, Block 10, Hale Addition to the City of Tulsa, Tulsa County, Oklahoma.

11469

Action Requested:

Variance (Section 610 - Principal Uses Permitted in an Office District - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670) request for a variance to permit an extension of a retail sales building into an OL District; and, an Exception (Section 1680.1 (g)- Special Exception - Under the Provisions of Section 1680) request for an exception to establish off-street parking to be used in conjunction with existing commercial use; and, an Exception (Section 250.3 (a, b, c, d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) request for an exception to modify screening wall requirements. This property is located at 8138 East 21st Street.

Presentation:

David Milston, legal counsel for Johnnie Lee Wills Western Shop and John Thomas Wills, was present to address the Board and submitted a plot a plot plan (Exhibit "G-1"), as well as an aerial photograph of the subject property (Exhibit "G-2"). Mr. Milston advised that the proposed addition to the building involved approximately a 22' extension into the lot zoned OL (Lot 3), which is also owned by the applicant, and that the majority of the proposed addition would occur in the CS lot, which the present building occupies. Parking is being planned on Lot 4, Mr. Milston explained, which is also owned by the applicant. Mr. Milston further explained that property to the east was land owned by the applicant, to the south fenced, Skaggs-Albertson is located to the north, therefore, the purpose of screening the subject property would not accomplish anything.

Protestants: None.

Interested Party's Comments:

Don Harrington, 2202 South Madison Avenue, advised that he owned property just east of the subject property and stated that he was not opposed to the application.

Board Comments:

Mrs. Purser advised that she was aware that the present parking facility was gravel and stated that it be hard-surfaced in order to comply with the Zoning Code.

John Thomas Wills, the applicant, advised that when Lot 4 was purchased, he had inquired as to whether or not parking could be located on OL zoned property and he was advised that if the property was zoned OL, parking was allowed. Mr. Wills informed the Board that he received no restrictions as to parking use when that information was given him. Mr. Wills assured the Board that all parking would be paved with a hard surface, all-weather material before used for parking.

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 610 - Principal Uses Permitted in an Office District - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670) to permit an extension of a retail sales building 22 feet into an OL District; and, an Exception (Section 1680.1 (g) - Special Exception - Under the Provisions of Section 1680) to establish off-street parking to be used in conjunction with existing commercial use; and, an Exception (Section 250.3 (a, b, c, d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to modify screening wall requirements, per plot plan, on the following described property:

Lots 3 & 4, Block 1, Memorial Oaks Addition to the City of Tulsa, County of Tulsa, Oklahoma.

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in the Commercial District - Under the Provisions of Section 1670) request for a variance of the setback requirements from the centerline of Lewis from 100' to 75' for the installation of a portable drive-up teller building. This property is located on the northwest corner of 71st Street and Lewis Ave.

Presentation:

Mr. Jones submitted to the Board a letter from David Sipes, President of Sipes Food Markets, (Exhibit "H-1") to be entered as a record of protest.

E. P. Litchfield, representing the owners of the property, Yvonne Litchfield, et. al., was present to address the Board and submitted a plot plan (Exhibit "H-2") and a plat of survey (Exhibit "H-3"). Mr. Litchfield explained that the proposed drive-up teller building would be portable and would occupy an area approximately 25' past the building line on South Lewis. This proposed teller building would be similar in appearance to the "bank anytime" types of buildings located in Tulsa. Mr. Litchfield further advised that this site was under consideration for a "bank anytime" building location by two banks in Tulsa--one being the Bank of Commerce and the other being the Bank of Oklahoma. Mr. Litchfield stated that the teller buildings located in the Tulsa area ranged in size from 16' x 16' to 21' x 17', inclusive of the sidewalks surrounding the buildings.

Mr. Litchfield advised that a portion of the subject property would be occupied by a convenience store with underground gasoline storage tanks and a canopy over those storage tanks. Brief discussion ensued regarding the canopy and Mrs. Miller advised that, several years ago, a legal opinion had been submitted by Roy Johnsen stating that gasoline pumps, canopies, and fuel storage tanks are structures and, therefore, are not required to meet the building setback--only the major street setback.

Protestants:

Steven Schuller, representing the Kensington Company in the capacity of legal counsel, advised the Board that the Kensington Company owned immediately to the south of the subject property along 71st Street and Lewis and on down to Wheeling Avenue. Mr. Schuller indicated that, once the proposed 71st Street bridge is completed, the Department of Transportation has anticipated through traffic studies that approximately 29,000 vehicles would be travelling 71st Street per day. With that vehicular traffic figure, 71st Street would be consider a major thoroughfare with a major six-lane intersection. Mr. Schuller explained that it was his feeling that the portable drive-in teller building would obscure the view of operators of vehicles with its close proximity to the intersection. Mr. Schuller stated that he felt approval of the application would be in violation of the intent and purpose of the Zoning Code and, further, that he could see no hardship involved which would be grounds for approval of the variance. In closing, Mr. Schuller advised that there have been no previous Board of Adjustment applications at that intersection to waive the setback requirements with the exception of the northeast corner owned by Phillips which had been granted a setback waiver from 100' to 97'.

Board Comments:

Mrs. Purser asked Mr. Litchfield if he could show a hardship for the request for the variance. Mr. Litchfield could show no hardship other than personal or financial.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Purser, Victor, Wait, "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to deny a Variance (Section 730 - Bulk and Area Requirements in the Commercial District - Under the Provisions of Section 1670) of the setback requirements from the centerline of Lewis from 100' to 75' for the installation of a portable drive-up teller building, on the following described property:

The East 250' of the South 230, of the SE/4, of the SE/4 of the SE/4 of Section 6, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, LESS and EXCEPT, beginning at a point 250' West and 110' North of the SE corner of said SE/4; thence in a Southeasterly direction a distance of 75.6' to a point that is 204' West and 50' North of the SE corner of said SE/4; thence West and parallel to the South line of said SE/4 a distance of 46.0' to a point; thence North and parallel to the East line of said SE/4 a distance of 60.0' to the point of beginning, and LESS and EXCEPT the East 50' and the South 50' for roadway purposes.

11471

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) request for permission to maintain a mobile home in an RS-3 District; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) request for a variance to permit the mobile home for more than one year. This property is located at 4102 West 57th Street.

Presentation:

W. E. Byfield, representing his daughter, Paula Byfield, was present to address the Board and advised that approval for the location of this mobile home had been granted by the Board in 1979 and 1980 and, at the suggestion of the Board this year, he was applying for a variance of the time limitation of one year. Mr. Byfield explained that there had been no complaints to date regarding the mobile home.

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 an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) to maintain a mobile home in an RS-3 District; and, a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) to permit the mobile home for a period of five (5) years, on the following described property:

Lot 1, Block 7, Doctor Carver Addition to the City of Tulsa,
County of Tulsa, Oklahoma.

11472

Action Requested:

Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Section 206 - Number of Dwelling Units on a Lot - Section 1208 - Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1670) request for a variance in livability space from 1.76 acres; and, a variance in land area from 5.455 acres to 4.91 acres; and, a variance to permit 128 dwelling units; all in Phase I of the project. This property is located northeast of 31st Street and 129th East Avenue.

Presentation:

Mr. Jones advised that Case Number 11472 would have to be readvertised and scheduled for the May 28th Board of Adjustment meeting.

Protestants: None.

Board Action:

The Chair, without objection, declared that Case Number 11472 would be readvertised and scheduled for the May 28th Board of Adjustment meeting.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1670) request for a variance of the rear yard setback requirements from 20' to 11' to permit an addition to the existing residence. This property is located at 2540 South 96th East Place.

Presentation:

Rick Martin, Fontana Center, Suite 1377, representing Charles and Janice Wyatt, owners of the subject property, was present to address the Board and submitted a site plan (Exhibit "I-1"), a loan survey (Exhibit "I-2"), and a set of plans consisting of a detailed site plan with measurements, a foundation plan, a construction detail plan, north elevation, and a section detail plan (Exhibit "I-3"). Mr. Martin explained that the Wyatts would like to add four feet on to the existing covered patio and wall it in.

Protestants: None.Board Comments:

Mrs. Purser asked Mr. Martin if the proposed addition would appear as if it was a part of the original construction. Mr. Martin replied that it would.

Mr. Martin explained that the construction of the addition would be of siding and brick, as used in the original residence construction. Mrs. Purser stated that she would have no objection to waiving a setback requirement which would allow the addition to line up with the existing covered patio, but that she would be concerned about approving an additional four feet into the required rear yard.

Mr. Victor asked Mr. Martin to address a hardship involved in the request. Mr. Martin could not advise of a hardship in relation to the property. Mrs. Purser stated that if the waiver of the requirement was given for line-up with the existing patio, that could be defined as a hardship but, otherwise, the Board could not determine a hardship involved. Brief discussion ensued.

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 a Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1670) of the rear yard setback requirements from 20' to 15½' to permit an addition to the existing residence and enclosure of the existing patio and roof, on the following described property:

Lot 29, Block 31, Longview Lake Estates Addition to the City of Tulsa, County of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for an exception to use property for University purposes and related off-street parking; and, a Variance (Section 1205.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) request for a variance from the requirement of parking spaces on the same lot as the use; and, a Variance (Section 420.2 (d) 1 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) request for a variance of the size of a sign permitted in a residential district; and, a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the height requirements from 26' to 50' in an RM-2 District; and, a Variance (Section 1340 (e) - Design Standards for Off-Street Parking Areas - Under the Provisions of Section 1670) request for a variance of the screening requirements. This property is located at 600 South College Avenue.

Presentation:

Brad Beasley, 320 South Boston Avenue, Suite 1300, was present to address the Board and submitted a site plan (Exhibit "J-1"), building elevations and section plans (Exhibit "J-2"), a location map (Exhibit "J-3"), and a campus map depicting areas selected for the five-year expansion program (Exhibit "J-4"). Mr. Beasley advised that the University of Tulsa proposed to build a new College of Engineering and Physical Sciences. Lynn Meyer of McCune, McCune, and Associates and Mr. Beasley briefed the Board members on what was being proposed. Mr. Meyer explained that the sign would be no more than 32 square feet and would be an identification sign. Mr. Beasley stated that the University of Tulsa's policy has been that at such time that a parking lot is erected adjacent to a residential lot, the University will erect a screening fence if desired by the residential property owner.

Protestants:

Marie Geiser, 3211 East Fifth Place, advised that a house had been removed by T. U. from Lot 23, Block 7 three summers ago and that the lot was to have been leveled and grassed over. Ms. Geiser explained that she resided next to Lot 23 and that it was in much the same condition as it was when the house was removed. Ms. Geiser continued by stating that, this past summer, a house on Lot 21, Block 7 was also removed by T. U., whereupon two deep ditches were dug and during the process her driveway was damaged to some extent, as well as some flowering shrubs in the lawn. Ms. Geiser advised that she was of the understanding that another house was to be removed from Lot 20, Block 7 to allow for a parking lot which she stated would create heat and noise.

Rita Shores, 3205 East Fifth Place, advised that she owned a portion of Lot 23, Block 7 and a portion of Lot 24, Block 7, and that three houses had been erected on those two lots. Ms. Shores explained that T. U. had removed the house situated on the lot line of Lots 23 and 24 as mentioned above by Ms. Geiser and, in the process, had damaged her garage, causing leakage. Ms. Shores further explained that the portion of those lots from which the house had been removed had not been cleared as she had been assured and that the property was "in a mess."

Applicant's Comments:

Frank Tinney of the University of Tulsa advised the Board that many of the complaints voiced by Ms. Geiser and Ms. Shores were, indeed, true and that efforts to work with the residents on certain problems in the area have been made--some successfully and some unsuccessfully. Mr. Tinney explained that when a screening fence was desired by a resident, the resident was allowed to choose the type of fencing to be erected.

Board Comments:

Mr. Smith asked Mr. Tinney if any effort would be made to clear up the portion of Lots 23 and 24 from which the house had been removed. Mr. Tinney advised that the University would be happy to comply with any reasonable requests submitted by the property owner and neighbors.

Mrs. Purser suggested to the protestants that any time they were not satisfied with the maintenance and clearing of property by the Maintenance Office, that Office be contacted in writing immediately.

Mr. Tinney advised the Board that the University officials would attempt to find alternate lots on which to relocate the proposed parking if the protestants were adamantly against the proposed parking lots, but that he would prefer approval of that portion of the application in the event that an alternate location for the parking lots could not be found.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for University purposes and related off-street parking, on the property advertised except Lots 20 and 21, Block 7; and, approve a Variance (Section 1205.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) from the requirement of parking spaces on the same lot as the use; and, approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the height requirements from 26' to 50' in an RM-2 District; and, continue the request for a Variance (Section 420.2 (d) 1 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) of the size of a sign permitted in a residential district to June 11, 1981, in order for the applicant to submit to the Board detailed plans of the proposed sign; and, continue the request for a Variance (Section 1340 (e) - Design Standards for Off-Street Parking Areas - Under the Provisions of Section 1670) of the screening requirements to June 11, 1981, all on the following described property, LESS and EXCEPT Lots 20 and 21, Block 7:

11474 (continued)

Lots 1 through 8, Block 6, College Addition; and Lots 19 through 24, Block 6, College Addition; and the West 25' of Lot 9, Block 6, East 37.5' of Lot 10, Block 6, Lots 1 through 8, Block 7; and Lots 17, 18, 20, & 21, Block 7, College Addition; and all that portion of East 5th Street, lying between Lots 24 through 19 of Block 6, College Addition; and Lots 1 through 6 of Block 7, College Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, said street being more particularly described as follows, to-wit:

Beginning at the SW corner of said Lot 24, Block 6; thence East along the South line of said Block 6, 300 feet to the SE corner of said Lot 19, Block 6; thence South 50' to the NE corner of said Lot 6, Block 7; thence West 300' along the North line of said Block 7 to the NW corner of said Lot 1, Block 7; thence North 50' to the point of beginning; and All that portion of the alley lying between Lots 1 through 6 and Lots 19 through 24 of Block 6, College Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the duly recorded Plat thereof; said alley being more particularly described as follows, to-wit:

Beginning at the SW corner of Lot 1, Block 6; thence East along the South line of said Lots 1 through 6, 300' to the SE corners of said Lot 6, Block 6; thence South 20' to the Northeast corner of Lot 19, Block 6; thence West 300' to the NW corner of Lot 24, Block 6; thence North 20' to the point of beginning, said street and alley having been previously closed by City of Tulsa Ordinance No. 14968.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1680) request for an exception to permit a machine shop in a CH District; and, an Exception (Section 250.3 (b & d) Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) request for an exception to modify the screening requirements where an alternative screening will provide visual separation of uses and/or remove the screening requirements where the purposes of the screening requirements cannot be achieved; and, an Exception (Section 1680 (g) - Special Exception - Under the Provisions of Section 1680) request for an exception to permit off-street parking in an RM-2 District; and, a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1670) request for a variance to allow a building to remain that encroaches into an RM-2 District. This property is located at 1133 North Utica Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, was present to address the Board and submitted a plot plan (Exhibit "K-1"), a plat of survey (Exhibit "K-2"), and three color photographs of the subject property (Exhibit "K-3"). Mr. Johnsen explained that he was representing Bemco Enterprises, the buyer of the property, and that the industrial building on the property was not presently occupied. Mr. Johnsen advised that Bemco Enterprises wished to occupy the building and utilize it for a light industrial business (Use Unit 25) which will consist of assembling wire-line units. Mr. Johnsen explained that Bemco would remain at its present location for the purpose of fabricating the frame-work at that site, and that the subject property would be used for assembly of the wire-line units, as well as the Bemco offices. Mr. Johnsen advised that the request for the modification of the screening requirements stemmed from the fact that, immediately to the east, there is an old, run-down vacant house and that no purpose would be served in erecting a screening fence. In addressing the request for a variance to allow the encroaching building to remain, Mr. Johnsen advised that the portion of the building in question was a small section that was utilized as a loading area in the past which was added on to the building in 1969. Mr. Johnsen further advised that there would not be a truck fleet involved in the light industrial business.

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 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 machine shop and assembly of wire-line units in a CH District; and, an Exception (Section 250.3 (b & d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to suspend the screening requirements until such time as new residential construction and development occurs on the adjoining property; and, an Exception (Section 1680 (g) - Special Exception - Under the Provisions of Section 1680) to permit off-street parking in an RM-2 District; and, a Variance (Section 410 - Principal

11475 (continued)

Uses Permitted In
Residential Districts - Section 1225 - Light Manufacturing and Industry-
Under the Provisions of Section 1670) to allow a building to remain that
encroaches into an RM-2 District, on the following described property:

Lots 12, 13, 14 & 15, Block 7, Berry Hart Addition to the City
of Tulsa, Oklahoma.

11478

Action Requested:

Variance (Section 610 - Principal Uses Permitted in Office Districts -
Section 1221 - Business Signs and Outdoor Advertising - Under the
Provisions of Section 1670) request for a variance to permit a non-
conforming sign to be moved to make way for right-of-way for Memorial.
This property is located at 7413 South Memorial Drive.

Presentation:

C. H. Lindsey, 4303 South Lewis Avenue, was present to address the
Board and submitted one color photograph of the subject sign (Ex. "L-1"), Mr.
Lindsey explained that he had a hardship because the State Highway
Department would be using the property for the widening of Memorial
Drive. Mr. Lindsey stated that the sign had been at that location
for approximately 20 years and that he would like to move the sign
just inside the property line.

Remarks:

Mr. Jackere advised that, presently, the sign was nonconforming in
that it had been erected when the property was zoned AG. Mr. Jackere
continued by explaining that the property was not zoned OL and would
require a variance to permit the relocation of the sign inside the
property line.

Mr. Jackere asked Mr. Lindsey if the Highway Department had compen-
sated him in any way for damages sustained by him from removal of the
sign. Mr. Lindsey advised that he had not been paid. Mr. Jackere
advised Mr. Lindsey that if the sign was on his property, the Highway
Department could not move the sign until the property is in its posses-
sion either by condemnation or purchase. Mr. Lindsey stated that he
had spoken with someone with the Highway Department and that the High-
way Department wished to negotiate for the purchase of the property.
Mr. Jackere suggested to Mr. Lindsey that when conducting those nego-
tiations, he include the value of the sign.

Protestants:

Bob Sharp, Chairman of the Board of Bethany Church, stated that the
Church was situated next to the subject sign and property on the north
and that the Church was in opposition to the relocation of the sign.
Mr. Sharp advised that there was no opposition to the sign at its
present location, and that when the Bethany Church was erected, it
was erected in anticipation of Memorial being widened to a four-lane
Street. Mr. Sharp explained that the street right-of-way was being
moved to within 74' of the Church building and that one of their signs
was involved also. Mr. Sharp concluded by saying that the sign was
included in the property negotiations with the Highway Department and
that those negotiations were more than fair.

11478 (continued)

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 deny a Variance (Section 610 - Principal Uses Permitted in Office Districts - Section 1221 - Business Signs and Outdoor Advertising - Under the Provisions of Section 1670) to permit a nonconforming sign to be moved to make way for right-of-way for Memorial Drive, on the following described property:

The West 150' of the S/2 of the S/2 of the NW/4 of the SW/4 of the NW/4 of Section 12, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

OTHER BUSINESS:

MTTA Requests Approval of the Following Bus Shelters:

Prior to presentation of the proposed bus shelter locations, Mr. Jones advised the Board members that the Building Inspector's Office had received several complaints on bus shelters previously approved by the Board.

Gary Crawford, Public Transit Shelters, explained that he had been made aware of complaints voiced on three bus shelter locations due to decreased vision. As a result, only one side panel of these shelters are being used for advertisement space and the other side is a transparent window. Mr. Crawford advised that two of the three shelters under complaint have already been relocated at the expense of his agency because of the traffic problems at those locations and, further, that traffic engineering standards used in the location of bus shelters have been revised.

R-148 4535 South Peoria Avenue:

Mr. Crawford advised that this location was a vacant area where a street was closed and had the appearance of a small island, which was approximately 100' from a structure of any type. Mr. Crawford stated that there were apartments or offices to the east of the location, and a school and a traffic signal was across the street from it.

R-149 3301 East Apache Street

Mr. Crawford advised that this location was requested by a junior college in the immediate vicinity. Mr. Crawford further advised that officials of the college, Tulsa Transit Shelters officials, and representatives of MTTA and Traffic Engineer's Office had mutually selected this site.

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 bus shelter locations R-148 and R-149, as presented.

There being no further business to come before the Board, the Chair adjourned the meeting at 5:54 p.m.

Date Approved: _____

Stephen J. Purser
Chairman

5.14.81:335(22)