

CITY BOARD OF ADJUSTMENT  
MINUTES (No. 341)  
Thursday, August 6, 1981, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis, Chairman Purser Smith Victor	Wait	Adwon Gardner Hubbard	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 Wednesday, August 5, 1981, at 10:07 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Lewis called the meeting to order at 1:35 p.m.

MINUTES:

There were no Minutes ready for approval.

MINOR VARIANCES AND EXCEPTIONS:

11570

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 area requirements to permit a lot-split in an RM-2 District. This property is located on the northeast corner of West 11th Street and South Phoenix Avenue.

Presentation:

The applicant, Roy Bankhead, was not present to address the Board. Mr. Adwon advised that, on July 15, 1981, the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-15234), subject to the Board of Adjustment approval.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the area requirements to permit a lot-split (L-15234) in an RM-2 District on the following described property:

Lot 16, Block 2, Mitchell Crosby Addition to the City and County of Tulsa, Oklahoma.

11571

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements from 150' to 105' to permit a lot-split. This property is located northeast of Admiral and Memorial Drive.

Presentation:

The applicant, Ollie Gresham, was not present to address the Board. Mr. Adwon advised that, on March 30, 1976, the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-13694), subject to Board of Adjustment approval.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements from 150' to 105' to permit a lot-split (L-13694) on the following described property:

Lot 8, Block 4, Mingo Terrace Addition to the City and County of Tulsa, Oklahoma.

11574

Action Requested:

Exception (Section 1221.5 (d) - Business Signs and Outdoor Advertising - Under the Provisions of Section 1630 - Minor Exceptions) request for a variance to permit a 672 square-foot sign in a CS District. This property is located at 3301 East 51st Street.

Presentation:

Tom Tannehill, 1918 East 51st Street, was present to address the Board in the capacity of attorney for lessee, and submitted a comprehensive zoning map of the subject property (Exhibit "A-1"), an arterial photo of the subject property (Exhibit "A-2"), and a photograph of a sign similar to that one being proposed (Exhibit "A-3"). Mr. Tannehill advised that the agent, Mr. Bill Stokely, of the lessee of the property wished to erect a 50' single steel pole sign on the subject property with a double-faced billboard measuring 14' x 48'. Mr. Tannehill stated that, as he interpreted the Bulk and Area Requirements of the Zoning Code as they apply to signs, they indicated to him that an access road of a freeway such as Skelly Drive can be utilized for frontage purposes, which would then give this particular tract of land 500' of frontage and the 672 square feet would then be in compliance with the Code. He stated that the sign would be erected behind the building setback line and that the tract was unusual in size.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Tannehill if there presently was a sign on the subject property. Mr. Tannehill advised that there was presently a small sign on two poles situated on the property which advertised an existing service station facility and was located approximately 100' east of the proposed sign. Discussion ensued as to frontage available on Harvard, which Mr. Tannehill advised the owner had 100' of, but would have more of had the Highway Department not acquired for right-of-way. Mr. Lewis asked Mr. Tannehill approximately how large the existing sign on the property was. Mr. Tannehill replied that it was approximately 60 square feet. Mr. Lewis asked what the reason was for the new sign having to be larger than what would otherwise be allowed. Mr. Tannehill gave the following reasons: (1) This particular size on the billboard is the standard size and all billable rates are geared around that particular number of square footage. He explained that it was an industry rate which is set within the business; and (2) his client has no control over the existing sign as to whether it can be taken down and/or at what point.

Mrs. Purser indicated that she did not feel drivers travelling by the sign would recognize the two-foot difference.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-1 (Lewis, Purser, Victor, "aye"; no "nays"; Smith "abstaining"; Wait "absent") to approve an Exception (Section 1221.5 (d) - Business Signs and Outdoor Advertising - Under the Provisions of Section 1630 - Minor Exceptions) for a variance to permit a 672 square-foot sign in a CS District, on the following described property:

A tract of land in the SW/4 of the SW/4 of the SW/4 of Section 28, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to wit:

Beginning at a point 50' Northerly and 55.85' Easterly of the SW corner of said Section 28; thence North  $89^{\circ}21'41''$  East along a line, said line being parallel to and 50' Northerly of the South line of said Section 28, a distance of 250' to a point, said point being 50' Northerly and 305.85' Easterly of the SW corner of said Section 28; thence North  $0^{\circ}38'19''$  West a distance of 96.74' to a point on the Southerly right-of-way line of I-44 Expressway; thence South  $78^{\circ}55'20''$  West along the Southerly right-of-way line of I-44 Expressway a distance of 254.24' to a point, said point being 100.55' Northerly and 55.85' Easterly of the SW corner of said Section 28; thence  $0^{\circ}29'$  East along a line, said line being parallel to and 55.85' Easterly of the West line of said Section 28, a distance of 50.55' to the point of beginning.

UNFINISHED BUSINESS:

11497

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) request for an exception to permit the operation of a truck repair business in an RS-3 District; and, a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1217 - Automotive and Allied Activities - Under the Provisions of Section 1670) request for a use variance to permit the operation of a truck repair business in an RS-2 District. This property is located at 419 South 129th East Avenue.

Presentation:

Mr. Adwon advised that this application had been continued from the July 23 meeting at the request of the applicant.

Jim Linger, 1710 South Boston Avenue, was present to address the Board in the capacity of legal counsel for the applicant, Arnold Webster, and advised that there had previously been a protestant, Ruben Montanes, but that he had withdrawn that protest. Mr. Linger stated that Mr. Webster had retired several years earlier and, for the past two years, had conducted the truck repair business at the site, which is also occupied by a shop consisting of approximately 750 square feet.

Protestants: None.

Remarks:

Mr. Gardner directed the attention of the Board members to the Case Report Map provided them and noted that the long narrow lot running east and west was occupied by Mr. Webster's residence, which runs north to south. He stated that Mr. Webster had purchased the lot directly to the south which fronts South 130th East Avenue in order to obtain access to the rear portion of the property on which his residence is located. Mr. Gardner had suggested to Mr. Webster that there might be a possibility of gaining access to his property from the lot directly to the east from Fourth Street, thus eliminating any industrial traffic flowing into the residential area to the south and southeast. Once that is accomplished, Mr. Webster could screen the east end of his property and on the south along his southern boundary, thereby, obscuring the view of the business from surrounding property owners except for the business to the north, which is a heavy equipment and construction firm, previously approved by the Board.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680) to permit the operation of a truck repair business in an RS-2 District; and, a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1217 - Automotive and Allied

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Activities - Under the Provisions of Section 1670) to permit the operation of a truck repair business in an RS-2 District, subject to the following conditions: (1) That the application be approved for this owner only; (2) that approval apply to the north lot only under application; and, (3) that approval apply to this owner only as long as he makes the residence on the property his permanent primary place of residence and resides there; (4) that the only access to this property be from Fourth Street or 129th East Avenue (to be negotiated with surrounding property-owners); (5) that the southern and eastern boundaries of the north lot be visually screened; and, (6) that all repairs be conducted inside the 750 square-foot accessory building, all on the following described property:

Lots 12 and 13, Block 3, Meadowbrook Heights Addition to the City and County of Tulsa, Oklahoma.

11538

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 permit automotive repair and allied activities in a CS District; and, a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from the centerline of Third Street from 65' to 46'. This property is located at 2223 East 3rd Street.

Presentation:

Mr. Adwon advised the Board that this application had been continued from the July 23rd meeting in order to allow for the applicant to return to the Board with definite plans and photographs of the surrounding area.

Ernie Hartman, Tulsa Metro Builders, 3228 South 88th East Avenue, was present to address the Board and submitted a plot plan (Exhibit "B-1"), as well as 18 color photographs of the subject and surrounding property (Exhibit "B-2"). Mr. Hartman advised that 17 parking spaces were required and that he was in compliance having 18 parking spaces--13 standard, 4 compact, and 1 handicapped. He stated that entrance to the parking spaces on the east side would be from the alley and that the particular plan for access had been approved by Traffic Engineering on August 3, 1981. Mr. Hartman advised that south of the subject property were two car lots--one on the corner of Third and Zuni and the other next to that. He further advised that Mr. Henderson had a car lot adjacent and to the east to the rear of the subject property. He explained that there was one residential dwelling between the existing location and Mr. Henderson's car lot, that directly to the west was the Tulsa Christian Church, and on the southwest corner was the Palace Office Supply building. Mr. Hartman noted that the debris and some cars parked on the rear of the property would be removed and cleaned up. He indicated that the structures in the immediate vicinity set approximately 10 feet from the sidewalk and that his building would be approximately 7 feet from the sidewalk, pointing out that his structure would not be as close to the sidewalk as Tulsa Christian Church,

11538 (continued)

which sets right up to the sidewalk. Mr. Hartman briefly described the proposed operation stating that it would be an automobile repair business dealing with motor, transmission, and tune-up work, and that all work would be done on the interior of the structure and that cars left outside would be parked in eight spaces located within the boundaries of the property itself. He emphasized that there would be no parking on the 17' of property from the street to the beginning of the parking area and that to the east in the future there would be ten parking spaces--five regular, four compact, and one handicapped.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "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 permit automotive repair and allied activities in a CS District; and, a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the setback requirements from the centerline of Third Street from 65' to 46', subject to the following conditions: (1) Outside storage is prohibited; (2) outside automobile repair is prohibited; (3) salvage materials and trash be contained and stored inside the building until disposal; and, (4) per plot plan, all on the following described property:

Lots 7, 8, the North 55' of Lot 9, Block 7, Wakefield Addition, and the West 30' of Lot 2, Block 4, Hillcrest Ridge Addition to the City and County of Tulsa, Oklahoma.

11544

Action Requested:

Appeal From a Decision of the Building Inspector - Under the Provisions of Section 1650 - Appeal for refusing to permit a dump truck to be parked on the premises; and, a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) request for a variance to permit a dump truck to be parked on the premises. This property is located at 407 South New Haven Avenue.

Presentation:

Mr. Adwon advised the Board that the application had been continued from July 23rd meeting at the request of the applicant in order that he might obtain legal counsel.

Bundy Hammond, 1850 South Boulder, was present to address the Board in the capacity of legal counsel for the applicant, Lawrence Rinier, and submitted five color photographs of the subject property, truck, and surrounding property (Exhibit "D-1"). Mr. Hammond advised the Board that Mr. Rinier had been in possession of the dump truck since February of this year and that it was his means of livelihood in the form of hauling asphalt, rock, gravel, etc., under contract for construction companies. He stated that the neighbor immediately to the east did not have a complaint, however, there were quite a number of protestants

11544 (continued)

to the application which were present in the audience. Mr. Hammond explained that Mr. Rinier kept his truck very clean and parked it in his driveway, with the exception of a few occasions when it has been parked on the grass of his own property. He advised that Mr. Rinier would agree to a condition prohibiting any type of work being performed on the truck at the subject location if the application was approved. Mr. Hammond stated that the truck was a diesel truck, but that Mr. Rinier never "guns" or revs up the engine in the neighborhood, and drives out of the neighborhood to a more commercial type of district to warm up the engine. Mr. Hammond advised that, presently, the construction company which has contracted for Mr. Rinier's services has a guarded, 24-hour secured lot on which the truck can be left, allowing Mr. Rinier to drive to and from the location in his personal car; however, there are times when such a lot is not available and he would have no safe place on which to park his truck. He pointed out one of the exhibited photographs to the Board members which depicted another piece of property on which was parked a truck he indicated was no smaller than Mr. Rinier's, and further noted that Mr. Rinier maintained his property and residence quite well.

Protestants:

There were a number of protestants present and a petition of protest signed by 16 area residents was submitted into the record (Exhibit "D-2") by Ralph Tucker, 3935 East 4th Street. For the record, 12 of those 16 residents that signed the petition were present to protest the application.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to uphold the decision of the Building Inspector and to deny the Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to permit a dump truck to be parked on the premises, on the following described property:

Lot 8, Block 1, Morgan Heights Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

11552

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from the centerline of Harvard Avenue from 100' to 56' to permit an automatic teller. This property is located on the southeast corner of 51st Street and Harvard Avenue.

Presentation:

Mr. Adwon advised the Board that this application had been continued from the July 23rd meeting in order for the applicant to return with an updated aerial photo of the area.

Pat Malloy, Utica National Bank Building, was present to address the Board on the behalf of the applicant, Joe Forner, and submitted an updated aerial photo of the area (Exhibit "E-1").

8.6.81:341(7)

Mr. Malloy advised that Sooner Federal proposed to erect an automatic teller on the subject property and noted for the Board members the proposed location on the exhibited aerial photo, stating that the building would be located 56' back from the centerline of Harvard. Mr. Malloy stated that the majority of the buildings located in the shopping center belonged to Sanditen Investments Limited and that those fast-food structures to the north were back approximately 100' from the centerline of Harvard. He stated that he felt locating the building 100' from the centerline would place the building in the middle of the parking area which would be more dangerous to the people occupying the shopping center and, thus, in his opinion, would create a hardship. Mr. Malloy cited several locations where structures similar to that proposed were situated--41st and Lewis, 41st and Peoria, 61st and Lewis, 71st and Lewis--and had assumed that variances were granted on those buildings. Mr. Malloy was informed by the Board that those particular buildings cited had not been granted Board of Adjustment approval. Mr. Malloy noted that there was a structure similar to that proposed across the street to the north of the shopping center which set approximately 55' from the centerline of 51st Street.

Remarks:

Mr. Gardner advised that in the instances cited by Mr. Malloy, buildings of that type were not required to meet the 100' setback if they were located in an area zoned CH.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by LEWIS, the Board voted 3-1-0 (Lewis, Purser, Smith, "aye"; Victor "nay"; no "abstentions"; Wait "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) of the setback requirements from the centerline of Harvard from 100' to 56' to permit an automatic teller, subject to removal or setback by the Traffic Engineering Department if a site distance problem is determined by that Department, on the following described property:

That part of the N/2 of the NW/4 of Section 33, Township 19 North, Range 13 East of the Indian Base and Meridian, according to the U.S. Survey thereof, described as follows: Beginning at a point 50' East and 400' South of the NW corner of said Section 33, East a distance of 50' to a point; thence South 00°-02'-00" West a distance of 50' to a point; thence West a distance of 50' to a point; thence North 00°-02'-00" East a distance of 50' to the point of beginning, in Tulsa County, Oklahoma.

For the Record:

Mr. Lewis advised that the reason he cast an affirmative vote was due to the fact that this particular application was peculiar to this particular location and existing shopping center and that these types of buildings should not be routinely allowed to be erected closer than the setback requirement.



Action Requested:

Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) request for an exception to permit church and school use in an AG District. This property is located at 101st and Garnett.

Presentation:

Mr. Adwon advised the Board that this application had been continued from July 9th in order to be republished advertising a request for school use.

Jim Glassford, 417 North Furr, Broken Arrow, Oklahoma, was present to address the Board and advised that Grace Fellowship Church was presently located at 8621 South Memorial Drive with an auditorium, church, and school facilities. He stated that, because of the flood zone bisecting the property at that location, the Church was unable to develop it, improve it, or enlarge it to provide for the needs of the present congregation. Mr. Glassford advised that the Church was proposing to purchase the property at 101st and Garnett, which is approximately 80 acres, in order to construct a church and a school on the property. He further advised that present plans called for a kindergarten through twelfth grade school, as it is presently, and that the church and auditorium would be built first as Phase I of the project, with the school coming in as Phase II. The present school located on Memorial would be used in the interim period until such time that the new school is constructed. Mr. Glassford explained that the property would be platted.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) to permit church and school use in an AG District, per plot plan, subject to a subdivision plat, with the record to reflect that this is a private school and a facility of this size with school use and church use approval would not be required to be reviewed again by the Board if a facility such as a day-care center was added in the future, on the following described property:

A tract of land located in the SE/4 of Section 19, Township 18 North, Range 14 East, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point 2664.08' North and 50' West of the SE corner of said Section being the point of beginning; thence North 89°-42'-44" West a distance of 2584.90'; thence South 00°-01'-51.4" East a distance of 1322.01'; thence South 89°-42'-42" East a distance of 2585.34'; thence North 00°-03'-00" West a distance of 1322.04'; to the point of beginning, containing 78.458 acres, plus or minus.

## NEW APPLICATIONS:

11542

### 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 permit motorcycle sales and allied activities in a CS District. This property is located at 6336 East Fourth Place.

### Presentation:

Herbert Howard, 6336 East Fourth Place, was present to address the Board and submitted four 8" x 10" color photographs of the motorcycle store (Exhibit "F-1"), two 8" x 10" black and white photographs of the store (Exhibit "F-2"), and a petition containing 32 signatures of area residents indicating their support of the motorcycle store (Exhibit "F-3"). Mr. Howard advised that he was the owner of Action Cycles located at the subject property and that the shop had been in operation in Tulsa for fourteen years--sixteen months of which it had been located at the subject property. He stated that the present building had previously been a Safeway grocery store and that all operations were performed on the interior and that the City of Tulsa used Action Cycles for the police motorcycle fleet.

### Protestants:

Mr. Adwon submitted to the Board a letter of protest (Exhibit "F-4") from Mrs. B. Gabriel, 6514 East Fourth Place.

### Board Comments:

Mr. Lewis asked Mr. Howard how he had managed to operate the shop for sixteen months without proper zoning clearance. Mr. Howard stated that he sub-let from Safeway and that the man he sub-let from had informed him that the property was zoned properly for such a shop. Mr. Lewis then asked Mr. Howard to brief the Board on the noise harassment and undesirable characters referred to in the letter of protest from Mrs. Gabriel. Mr. Howard advised that he was unaware of any unnecessary noise or undesirable characters and, further, that the neighbors had indicated to him that this particular shop created a much better environment than originally was when the Safeway store was in operation. Mr. Howard noted that customers come and go on their motorcycles, but that all testing of cycles was performed inside the building, as well as was all repair work, and that everything was done behind closed doors.

### Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "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 permit motorcycle sales and allied activities in a CS District, subject to the following: (1) All work and display of the cycles continue to be conducted inside; (2) no testing be conducted outside; (3) to run with this owner only, not subject to sub-lease; and, (4) to allow display of four cycles during the day, all on the following described property:

Block 1, Sheridan Square East Addition to the City and County of Tulsa, Oklahoma.

8.6.81:341(10)

11559

Action Requested:

Exception (Section 250.3 (d) - Screening Wall Requirements - Under the Provisions of Section 1680) request for an exception to modify the screening requirements where the purpose of the screening cannot be achieved. This property is located at 1125 East 36th Street North.

Presentation:

Marvin Benat, 1125 East 36th Street North, owner of Skatetown Tulsa, was present to address the Board and submitted three color photographs of the subject property and surrounding area (Exhibit "G-1"). Mr. Benat advised that the property was zoned CS and that he wished to erect a skating rink. He stated that the property to the immediate west of the subject property was zoned residential, but was undeveloped with a considerable amount of overgrown vegetation. He further stated that the property zoned residential was the only piece of residential property in the vicinity with CS property around it, with the exception of the church on the west side of it.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 250.3 (d) - Screening Wall Requirements - Under the Provisions of Section 1680) request for an exception to temporarily waive the screening requirements where the purpose of the screening cannot be achieved until such time that the residentially zoned property to the west develops as RS-3 or some such other use that would require erection of a screening fence, on the following described property:

Lot 2, Block 1, Market Addition to the City of Tulsa, Tulsa County, Oklahoma.

11560

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1680) request for an exception to permit the operation of office supplies and furniture sales in an IM District. This property is located at 519 East 7th Street.

Presentation:

Jack Seay, 815 Riverside Drive, was present to address the Board on the behalf of R. P. Roberts, the applicant, and submitted to the Board a plot plan (Exhibit "H-1"), a letter to Dorothea Miller from Tena Green listing estimated usable space of the subject building (Exhibit "H-2"), a photograph taken from the air of the subject building depicted with a red arrow (Exhibit "H-3"), a summary entitled "Zoning and Highest and Best Use Analyses" (Exhibit "H-4"), and a document entitled "Description of Improvements" (Exhibit "H-5"). Mr. Seay advised that the subject building was the old Page Milk Dairy building located at Seventh and Kenosha and that it was undergoing a gutting process to be used as a warehouse and commercial office sales building. He stated that there was 77,000 square feet and that Mr. Roberts intended to utilize the

building as a warehouse for Fields-Downs-Randolph furniture retail sales. Mr. Seay advised that the structure was presently vacant and it was the intention of Mr. Roberts to beautify and upgrade the entire building and the surrounding area of the building.

Protestants: None.

Remarks:

Ms. Miller commented that there might possibly be a parking problem, in that when calculating for parking spaces, the entire building footage figure would be used and that she did not feel there would be adequate parking unless the Board deemed that parking would only have to be provided for the retail portion. Considerable discussion ensued and calculation of figures were performed.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1680) to permit the operation of office supplies and furniture sales in an IM District, and that the Board find that, according to (Exhibit "H-2"), Fields-Downs-Randolph meets the parking requirements, limiting the retail square-footage to that as presented in (Exhibit "H-2"), on the following described property:

A Tract of Land, containing 1.6898 acres, that is part of Block 168 in the "ORIGINAL TOWNSITE OF TULSA," Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Beginning at a point that is the Southeast Corner of said Block 168; thence Southwesterly along the Southerly Line of Lots 1, 2 and 3, in Block 168, for 218.85' to a point, said point being 126.55' Southwesterly of the Southeast Corner of the W/2 of Lot 2; thence Northwesterly for a true distance of 293.45'; said true distance being previously and erroneously shown in various instruments as 293.37' to a point, said point being 73.50' Northeasterly of, as measured perpendicular to the Westerly line of Block 168, and also being 10.93' Southeasterly of, as measured perpendicular to, the Northerly Line of Block 168; thence Northerly for 11.58' to a point on the Northerly Line of Block 168, said point being 77.33' Northeasterly of the Northwest Corner of Block 168; thence Northeasterly along the Northerly Line of Lots 4 and 5 in Block 168, for 115.67' to a point, said point being 7.00' Southwesterly of the Northeast Corner of Lot 5; thence Northeasterly for 57.50' to a point of Curve, said point of Curve being 10.00' Southeasterly of, as measured perpendicular to, the Northerly Line of Block 168; thence Easterly along a Curve to the right, with a Central Angle of 23°-40'-21" and a Radius of 231.00', for 95.44' to a point of Tangency; thence Southeasterly along a Deflection Angle to the right from said Tangent Line of 31°-26'-01" for 0.00' to a point of Curve; thence Southeasterly along a Curve to the right, with a Central Angle of 13°-04'-08" and a Radius of 87.00', for 19.84' to a point on the Easterly Line of Block 168, said point being a true distance of 69.79', said true distance being previously and

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erroneously shown in various instruments as 69.00', Southerly of the Northeast Corner of Lot 7; thence Southerly along the Easterly Line of Block 168 for 257.03' to the point of beginning of said Tract of Land.

11561

Action Requested:

Appeal From the Decision of the Building Inspector - Under the Provisions of Section 1650 - Appeal from a decision of the Building Inspector for refusing to permit a mobile home in an RM-2 District. This property is located northwest of Admiral and 121st East Avenue.

Presentation:

Jim Kenney, 9701 East 164th Street South, was present to address the Board representing Johns Park Development Company and advised that Cooley Lake Mobile Home Addition had been zoned, but that the final plat had not yet been filed. He stated that a mobile home had been moved into the area as a model home only and that it was not being lived in. He explained that it was furnished as it came from the factory--as a residential mobile home.

Protestants: None.

Remarks:

Mr. Gardner explained that, technically, since the final plat had not yet been filed and the ordinance published making this a mobile home subdivision, the property was still zoned RM-1 and RM-2 and not RMH.

Board Comments:

Mr. Lewis asked Mr. Kenney if there were going to be mobile homes sold on the property. Mr. Kenney replied that there were going to be none sold, but that eventually the model home would be sold. Mr. Smith asked Mr. Kenney if any mobile home pads had been poured on the property. Mr. Kenney stated that the model home was fully equipped with a pad and that it was tied down.

Discussion ensued as to whether or not a temporary permit for the mobile home could be obtained for a 9-month period. The applicant was referred to the Building Inspector's Office and advised by Mr. Jackere that he could return to the Board and apply for relief if the Building Inspector would not grant approval for 9-months.

Board Action:

On MOTION of SMITH and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to uphold the decision of the Building Inspector - Under the Provisions of Section 1650 - Appeal from a decision of the Building Inspector for refusing to permit a mobile home in an RM-2 District, and to allow the applicant to return to the Board of Adjustment for relief in the event that a 9-month temporary permit for the location of the mobile home is denied by the Building Inspector, on the following described property:

The NE/4, NW/4 of Section 5, Township 19 North, Range 14 East, City of Tulsa, Tulsa County, Oklahoma.

11562

Action Requested:

Appeal From the Decision of the Building Inspector - Under the Provisions of Section 1650 - Request an appeal from the Building Inspector's decision to allow a fence to exceed 4' in height in an RS-3 District. This property is located at 3634 South Oswego Avenue.

Presentation:

Merl Whitebook, 1700 Fourth National Bank Building, was present to address the Board; however, it was discovered that the application would have to be readvertised due to the fact that the relief sought in the form of a special exception had not been advertised. Mr. Whitebook advised that he thought he had requested the special exception when making application.

Remarks:

Mr. Gardner advised that, since the error in advertising was made by the Board of Adjustment Office, that Office would pay the readvertising fee.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to uphold the decision of the Building Inspector - Under the Provisions of Section 1650, for refusing to allow a fence to exceed 4' in height in an RS-3 District, and to continue the application to August 20, 1981, in order to allow for readvertising, on the following described property:

Lot 2, Block 2, Millcarr Addition to the City of Tulsa, Tulsa County, Oklahoma.

11563

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) request for permission to use Lot 3 for church use; and, a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from an R District from 25' to 5' on the north and from 25' to 12' on the west. This property is located at 2044 North Darlington Place.

Presentation:

Max Campbell, 2434 East 56th Street North, was present to address the Board and submitted a plot plan (Exhibit "I-1"). Mr. Campbell advised that this proposal would be in the form of an addition to the Dawson Freewill Baptist Church--the addition squaring up the building. He stated that the addition would not extend out past the building line and that the neighbor to the north was in support of the proposed addition.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-1 (Lewis, Purser, Victor, "aye"; no "nays"; Smith "abstaining"; Wait, "absent")

8.6.81:341(14)

11563 (continued)

to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use Lot 3 for church use; and, a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from an R District from 25' to 5' on the north and from 25' to 12' on the west, per plot plan, on the following described property:

Lots 1, 2 and 3, Block 21, Dawson Original Township, to the City of Tulsa, Tulsa County, Oklahoma.

11564

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the frontage requirements from 60' to 20' to permit a lot-split; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Duplexes) request for an exception to permit two duplexes in an RS-3 District. This property is located at 1423 East 55th Place.

Presentation:

Mr. Adwon advised the Board that, on August 5, 1981, the Tulsa Metropolitan Area Planning Commission approved a lot-split (L-15246), subject to the approval of the Board of Adjustment, but that the applicant had withdrawn the request for a lot-split and is requesting only one duplex.

Chris Aga, 1423 East 55th Place, was present to address the Board and submitted a plot plan (Exhibit "J-1"), a copy of the Technical Advisory Committee Minutes of July 23, 1981, with a location map (Exhibit "J-2"), and a floor plan and rendering of the proposed duplex (Exhibit "J-3"). Mr. Aga noted on the submitted location map that the areas denoted in blue were duplexes and there was light office use in the area as well. Mr. Aga advised the Board that the neighbor to the east was originally opposed to the two duplexes he intended to request; however, since he changed his plans to include only the one duplex and a privacy fence, there was no objection. He indicated that none of the other neighbors objected to the proposed duplex.

Protestants: None.

Board Comments:

Mrs. Purser asked Mr. Aga what the square-footage would be in the proposed duplex. Mr. Aga advised that it would contain approximately 1,000 square feet and that the existing residence on the property was approximately 900 square feet. He explained that the existing residence would be added onto, thus making a duplex, and that he had placed new siding on the existing structure to blend in--the roof line blending in as well.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait,

11564 (continued)

"absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Duplexes) to permit one duplex in an RS-3 District, per plot plan and rendering submitted, on the following described property:

Lot 10, Block 3, J. E. Nichols Subdivision to the City of Tulsa, Oklahoma.

11565

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 314' to 146' from an R District (to permit a building 162' in height to be constructed 146' from residential property. This property is located at 3314 East 51st Street.

Presentation:

Will Sanditen, 3314 East 51st Street, Suite M, was present to address the Board on the behalf of Sanditen Investments, Ltd., and submitted a site plan (Exhibit "K-1"). Mr. Sanditen advised that the proposed building would be 162' from ground level and 167' from the level of the grade at the property line. Mr. Sanditen stated that this would be the twelve-story Country Club Plaza Office Tower and that the setback requirement was 314'; however, due to the configuration of the lot, the 146' setback was being requested in order to construct the type of building proposed. He advised the Board that the residential area to the south was owned by the Elk's Club and that it remained undeveloped.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Sanditen if there would be adequate parking available. Mr. Sanditen indicated that there would be more than adequate parking. Considerable discussion ensued as to the new and old Joe Creek Channel, and Mr. Sanditen advised that the old Joe Creek Channel property was once again usable and would be reclaimed and used for the parking. Considerable discussion also ensued as to channel width, property lines, building lines, zoning lines, and easements.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "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 314' to 146' from an R District to permit a building 162' in height to be constructed 146' from residential property, per submitted plot plan, subject to City Hydrology approval of all paving and drainage plans on the property to be used for parking, on the following described property:

Part of Lot 1, Block 1, Southern Hills Mall Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded amended plot thereof, described as follows: Beginning at



11565 (continued)

the southwest corner of said Lot 1; thence east along the south line of said Lot 1, a distance of 770.00' to a point; thence north a distance of 777.00' to a point; thence west a distance of 745.00' to a point; thence south a distance of 300.00' to a point; thence west a distance of 225.00' to a point; thence south a distance of 310.00' to a point; thence east a distance of 200.00' to a point; thence south a distance of 167.00' to the point of beginning.

11566

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) request for a variance of the frontage requirements from 50' to 0' in an IL District. This property is located at 5300 South Lawton Avenue.

Presentation:

Mr. Adwon submitted to the Board a plot plan (Exhibit "L-1"), as well as the following letters of support:

- . a letter from Wayne Elliott, Vice-President/Treasurer, Beverage Products Corporation, dated July 22, 1981, (Exhibit "L-2");
- . a letter from Claude H. Dyer, dated July 21, 1981, (Exhibit "L-3");
- . a letter from Merle Martindale, United Steel Erectors, no date, (Exhibit "L-4"); and,
- . a letter from Arnold Burleson, Burleson Properties, dated August 3, 1981 (Exhibit "L-5").

Reed Woods, W. R. Woods Construction Company, 5224 South Lawton Avenue, was present to address the Board and advised that he was representing Arrow Oil Tools, located at 5300 South Lawton Avenue. Mr. Woods advised that the property in front of Arrow Oil Tools was not a dedicated street, but was a common access easement, and that Arrow Oil Tools wished to construct an addition to their existing facility. He explained that all the surrounding property owners had granted that common access easement to the property instead of a dedicated street. Mr. Woods indicated that the exhibited letters were letters of support from all of the property-owners within 300' of the subject property.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) of the frontage requirements from 50' to 0' in an IL District, on the following described property:

Lot 1, Block 1, Lawton Industrial Park Addition to the City and County of Tulsa, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the setback requirements from the centerline of Birmingham from 60' to 50' in an RS-1 District. This property is located at 4747 South Birmingham Avenue.

Presentation:

Mr. Adwon submitted to the Board a letter of protest (Exhibit "M-1") from Lindsay Perkins dated July 27, 1981.

Jim Meredith, 4660 South Columbia Avenue, advised the Board that he owned the west-half of Lot 7, Block 2, Horace Heights Addition, and that he wished to construct a residence on that lot. He stated that he was recently granted a lot-split (L-15225) and that all the other lots in the area faced Columbia Avenue. Mr. Meredith further stated that he was the only property owner that had split a lot and that the proposed residence would face Birmingham Avenue once it is in. He stated that his contractor had mistakenly told him the setback requirement would be 50' and that the required 60' setback would allow him only a 25' back yard because the residence itself would take up all of the land between the 60' setback and the 25' setback on the east.

Remarks:

Mr. Gardner advised the Board that the applicant had filed a lot-split application before the Tulsa Metropolitan Area Planning Commission and that he did not wish to dedicate the additional land on that particular lot. He stated that the Planning Commission approved the lot-split without the additional dedication.

Protestants:

Mr. Charles Norman, 909 Kennedy Building, was present on behalf of the protestants, Mr. and Mrs. Mike Whitworth, 4670 South Columbia Avenue, and advised that the Whitworth's owned Lot 8, Block 2, located immediately to the south of the property under application. Mr. Norman submitted to the Board a property map taken from the lot-split file with Minutes of the Technical Advisory Committee attached (Exhibit "M-2"). Mr. Norman explained that the Whitworth's would be applying for a lot-split and were in agreement to dedicating the 25' needed for Birmingham Avenue; however, since Mr. Meredith refused to dedicate his 25', problems might be created which would adversely affect the Whitworth's property--one being the possibility of Mr. Meredith constructing his residence facing north and having access to 47th Place. Mr. Norman indicated that the Whitworth's had no objection to the house being situated 1' over the building line to the west if that was agreeable with the Meredith's and if the house faced west. He also stated that the Board would be setting a probable precedence for future requests of this type if the application was approved.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from the centerline of Birmingham from 60' to 50' in an RS-1 District, subject to the house facing west, on the following described property:

11567 (continued)

The West 163.76' of Lot 7, Block 2, Horace Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

11568

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1680) request for an exception to modify or remove the screening requirements where existing physical features provide visual separation of uses in an IL District; OR, and Exception (Section 250.3 (c) - Modification of the Screening Wall or Fence Requirements - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1680) request for an exception to extend the time to erect a screen where properties which are to be benefitted by the screen are undeveloped on the east and west property lines. This property is located at 12716 East Pine Street.

Presentation:

Steve Mosher, 14616 East 12th Street, was present to address the Board and advised that there were three residences to the west of the subject property on Pine and one residence was located to the east of the property on Pine. The remaining property surrounding the subject property either commercial or vacant and undeveloped. Mr. Mosher advised that the subject property was five acres, was zoned IL, and had a 10,000 square-foot building (enclosed Aerospace Machine Shop) located in the middle of that five-acre tract of land. He stated that there were trees on the west and smaller trees on the east and that the properties to the east and west of him were zoned RS-3.

Remarks:

Mr. Gardner advised the Board members that, eventually, the area would be industrial, which would not require screening fences.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve an Exception (Section 250.3 (c) - Modification of the Screening Wall or Fence Requirements - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1680) to waive the screening requirement for this owner only and for this use only, until such time that the adjoining properties are zoned IL, on the following described property:

The W/2, NW/4, NE/4, NE/4 of Section 32, Township 20 North, Range 14 East, to the City and County of Tulsa, Oklahoma.

11569

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 the centerline of 4th Street

11569 (continued)

from 55' to 30' in an IM District. This property is located at 1409-1411 East 4th Street.

Presentation:

Marjorie Conley, President of Nameplace, Inc., 325 South Quincy Avenue and 1410 East 4th Street, was present to address the Board and submitted a photograph of the subject property (Exhibit "N-1"). She advised that her business had expanded to the point of requiring much more room and that she wished to construct a building on the subject property, which backs the property at 325 South Quincy Avenue which the business is housed in presently. Ms. Conley further advised that the other structures along 4th Street were presently closer to the centerline of 4th Street than she was requesting.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from the centerline of 4th Street from 55' to 30' in an IM District, on the following described property:

The E/2 of Lot 13, and ALL of Lot 14, Block 18, Lynch and Forsythe Addition to the City and County of Tulsa, Oklahoma.

OTHER BUSINESS:

- Request for Clarification of Case Number 10722.

Presentation:

Mr. Adwon submitted to the Board a letter (Exhibit "O-1") from David Cannon, Chairman of the Building Committee of The Shop, Inc., a Seratoma Handicapped Opportunity Program, dated July 28, 1981, requesting a change in the usage of the property located at 222 South Memorial Drive. As stated in the letter, "...We have been approached by Anheuser-Busch and Container Recovery Corporation to operate an aluminum can recycling center on our property. This installation is completely portable with the exception of a permanent electrical hook-up. The equipment consists of a 40-foot trailer and a can crusher. Total operating area for the installation is approximately 60' x 10'."

Gene Dixon, Vice-President of The Shop, Inc., was present to request the approval. He advised that the trailer would be located on the south side of the subject property at the rear of the property and that to the west is a residential area with a fence between the two properties, to the north is a church, to the south is vacant property, and to the east was Memorial Drive with vacant land, and a veterinary clinic directly across the street from the property.

- Request for Clarification of Case Number 10722 (continued)

Mr. Dixon explained that the area was one of mixed uses, running anywhere from a mobile home park to body and mechanic shops.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Dixon if there would be noise of any type from the proposed operation. Mr. Dixon replied that there would probably be some noise from the crushing of the cans.

Remarks:

Mr. Gardner advised the Board that, since the operation would be conducted on the outside of the building, the Board might wish to require that the applicant file an application and advertise since there was a residential neighborhood in close proximity.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to clarify that the applicant is required to file an application with the Board of Adjustment and that notice be given to the property owners within a 300' radius of the subject property.

- Request for Clarification of Motion Pertaining to Fuel on Case Number 11546.

Presentation:

David Fist, 525 South Main Street, was present to address the Board in the capacity of legal counsel for the Tulsa School District and advised there may have been a misunderstanding concerning one element of the request presented to the Board at the July 23rd Board of Adjustment meeting. Mr. Fist explained that he believed the impression left with the Board was that the gasoline tanker truck would be located at the site on a permanent basis. He stated that the tanker truck would only be on the subject property for the duration of fueling the buses. Once the fueling of the buses is complete, he explained, the tanker truck would vacate the premises. Mr. Fist submitted to the Board a letter (Exhibit "P-1") from David Kimball, City of Tulsa Fire Marshal, dated August 5, 1981, stating, "...The site for a proposed fueling operation by the Tulsa Public Schools has been inspected by personnel from our office. This type of operation is approved at that location if generally accepted safe practices are used. This would include, but not be limited to, the following sections of the City adopted Fire Prevention Code.

- F-2907.1.1 Design NFPA 385-1974
- F-2907.1.2 Operation of Tank Vehicles--NFPA 385-1974
- F-2907.2 Filling and Discharging
- F-1704.1 Ignition Sources
- F-1703.3 Nozzles
- F-1704.6 Fire Extinguishers--Provide at least one portable fire extinguisher having a minimum rating of GA-60BC."

Mr. Fist advised the Board that the Tulsa Public School System was more than willing to abide by the Fire Prevention Codes as set out by the City of Tulsa Fire Department. He further advised that the buses would be fueled once in the morning and once in the afternoon and that the

- Request for Clarification of Motion Pertaining to Fuel on Case No. 11546  
(continued)

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Code provided for a restriction as to limitation of time the tanker truck could be at the site as follows: "Section F-2907.1.2 (1) Parking: Tank vehicle shall not be parked or left unattended on any street, highway, avenue or alley, provided that this shall not prevent a driver from the necessary absence from the vehicle in connection with the delivery of his load, except that during actual discharge of the liquid some responsible person shall be present at the vehicle, nor shall it prevent stops for meals during the day or night if the street is well lighted at point of parking. Tank vehicles shall not be parked out of doors at any one point for longer than one (1) hour, except at flammable liquid bulk terminals, bulk plants, and other locations approved by the fire official." In addition, Mr. Fist related to the Board members the cost-savings figures involved with maintaining such temporary satellite fueling facilities at the subject site. Mr. Fist indicated that the School System was more than willing to comply with any and all requirements previously set out by the Board at its July 23rd meeting.

Protestants:

Karen Piraro, 1023 West 36th Place, stated that she remained concerned over the safety aspects involved in having a tanker truck on the premises for even a short length of time in that she could not imagine a fire extinguisher having the ability to put out a fire resulting from gasoline spillage.

Applicant's Comments:

Mr. Fist pointed out that there would be considerably less gasoline handling time involved with a tanker truck than with an underground fuel storage tank and pump due to the fact that, if there is an underground tank and pump, there would be a line of approximately 32 buses waiting to be serviced and, if there is a tanker truck to move along a stationery line of those 32 buses and fill the tanks in the buses, there would be much less time involved.

Board Comments:

Mr. Lewis asked Mr. Fist if it was anticipated that any of the buses to be serviced would be serviced in early morning hours when people are generally still sleeping. Mr. Fist advised that the anticipated fueling hours would be 12:00 noon, after the morning runs, and 4:00 or 5:00 p.m., after the afternoon runs.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to amend the action taken at the July 23rd Board of Adjustment meeting pertaining to fuel, to allow fueling operation as outlined in the submitted letter (Exhibit "P-1") from David Kimball, Fire Marshal, dated August 5, 1981, to John Moyer, Attorney for Independent School District Number One of Tulsa County, Oklahoma, and as outlined in the City of Tulsa Zoning Code requirements for such gasoline dispensing facilities, to be considered in the same intent as the previous action requiring underground storage facilities--that intent being to disallow a gasoline tanker to be on the premises at all times--the hours for dispensing fuel to be from 10:00 a.m. to 12:00 noon and from 3:30 p.m., to 5:30 p.m., for a period of one hour only during those stated hours.

- Adoption of New Policy for Notifying Protestants and Interested Parties at Such Time That a Non-Advertised Clarification of a Board of Adjustment Case Comes Before The Board.

Presentation:

In referring to the above request for a clarification, Mr. Lewis asked Mr. Gardner if a policy could not be established wherein Board of Adjustment staff might notify protestants or interested parties at any time a non-advertised clarification comes before the Board. Mr. Gardner advised that the Board could, indeed, adopt a policy of that nature.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve and adopt a new policy wherein Board of Adjustment staff will notify protestants and/or interested parties at any such time that a non-advertised action is requested in an application that has previously been heard by the Board.

- Resignation of Casper Jones, Secretary of the Board of Adjustment.

Presentation:

Mr. Adwon submitted to Chairman Lewis a letter (Exhibit "Q-1") of resignation from Casper Jones, the Secretary of the Board of Adjustment, advising of his resignation, to be effective September 1, 1981. Mr. Adwon advised that Mr. Jones was ill and unable to attend the meeting.

Board Comments:

Considerable discussion ensued as to an appropriate plaque or resolution of some type indicating the years of appreciated service provided by Mr. Jones in his capacity as Secretary of the Board of Adjustment.

It was decided that a resolution was in order, that a presentation would be made to Mr. Jones when he was well enough to receive it, and that the presentation should be made at some type of special reception in his honor.

There being no further business to come before the Board, the Chair adjourned the meeting at 5:16 p.m.

Date Approved \_\_\_\_\_

*September 17, 1981*

  
Chairman