

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 380
Thursday, February 10, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Chappelle
Purser (in at 1:45 p.m.)
Smith
Victor
Wait

STAFF PRESENT

Compton
Gardner
Jones
Martin

OTHERS PRESENT

Jackere, Legal
Department
Miller, Protective
Inspections

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, Wednesday, February 9, 1983, at 10:20 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:02 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of December 16, 1982 (No. 377).

WITHDRAWN CASES:

Case No. 12426

The applicant, John Rupe, was not present. Several protestants were present and advised the Board that they have talked with Mr. Rupe, who intends to withdraw his application at this time. Mr. Main, the attorney representing Mr. Rupe, has advised the Staff that the applicant wishes to withdraw the item from the agenda. The applicant will be permitted to refile if the request is still needed.

The Chair without objection withdrew Case No. 12426 from the agenda.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12438

Action Requested:

Minor Exception - Section 630 - Bulk and Area Requirements in the Office District - Request for a minor exception to increase the 25% floor area ratio to 29%. This property is located at 55th Street and Memorial Drive.

Presentation:

Bill Bemier, representing the Matthews Company, P. O. Box 55119, submitted a site plan (Exhibit "A-1") and requested that the minor exception to increase the floor area ratio be granted. The applicant proposes to construct a general purpose office building which exceeds the permitted floor area ratio by four (4) percent. The proposed office building contains approximately 15,600 sq. ft. and will be a single-story structure. The Zoning Code requires one parking space

Case No. 12438 (continued)

for every 400 square feet, but the applicant is providing one (1) parking space for every 258 square feet or 55 parking spaces.

Protestants:

Yugonda Walker Clinton, 5415 South 79th East Avenue, was concerned about the increase in traffic and parking problems which would be present if the application is approved.

E. K. Krouse, 5407 South 79th East Avenue, was present also expressing his concern that traffic problems will increase.

Bill Clinton, 5415 South 79th East Avenue, was present in protest to the application as the construction will obstruct his visibility.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Victor, Wait, "aye"; no, "nays"; Smith, "abstaining"; Purser, "absent") to approve a Minor Exception (Section 630 - Bulk and Area Requirements in the Office District) to increase the 25% floor area ratio to 29%, per site plan submitted, on the following described property:

A part of Lot 1, Block 14, SOUTHERN PLAZA ADDITION, an ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and being more particularly described as follows, to wit: BEGINNING at the Southeast corner of Lot 1, Block 14, SOUTHERN PLAZA ADDITION, according to the recorded plat thereof; thence South $89^{\circ}49'51''$ West along the North line of East 55th Street South, a distance of 49.83' to a point; thence along a curve to the left, with a central angle of $8^{\circ}06'05''$ and a radius of 1,720.00', a distance of 243.20' to a point; thence South $81^{\circ}43'46''$ West a distance of 7.52' to the Southwest corner of said Lot 1, Block 14; thence North $0^{\circ}10'09''$ West along the West line of said Lot 1, a distance of 194.86' to a point; thence North $89^{\circ}49'51''$ East a distance of 299.67' to a point on the East line of Lot 1; thence South $0^{\circ}10'09''$ East a distance of 176.64' to the POINT OF BEGINNING, and containing 54,450.00 square feet, more or less.

UNFINISHED BUSINESS:

Case No. 12271

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Commercial District - Request to allow mobile home sales in a CS District located at 9715 East 11th Street.

Presentation:

The applicant, L. Dale Hanes, was not present. Ricky Jones advised the Board that the application has been continued since November 11, 1982. Mr. Gardner advised that the applicant was requested to return to the Board with detailed plans for their review. Legal Counselor Jackere, suggested that the application be denied rather than stricken from the agenda because it was not acted upon according to its merits.

Case No. 12271 (continued)

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to deny a Special Exception (Section 410 - Principal Uses Permitted in the Commercial District) to allow mobile home sales in a CS District, on the following described property:

Beginning at a point 26' North and 270' East of the Southwest corner of Section 6, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; thence East and parallel with the South line of said Section 6, a distance of 154.74'; thence North parallel with the West line of Said Section 6, a distance of 1,294'; thence West parallel with the South line of Said Section 6, a distance of 493.51'; thence South along the West line of Said Section 6, a distance of 970.50'; thence East parallel with the South line of Said Section 6, a distance of 270'; thence South a distance of 323.5' to the point of beginning, LESS and EXCEPT the North 1,000' and being located in a CS Zoned District.

Case No. 12353

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Request to permit a childrens nursery and day care center under the provisions of Use Unit 5; and a Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to permit a childrens nursery and day care center under the provisions of Use Unit 5; and a Variance - Section 630 - Bulk and Area Requirements in Office Districts - Request to allow a building height of two stories, and to combine the floor areas permitted; and a Variance - Section 280 - Structure Setback From Abutting Streets - Request to locate a building within the major street building setback located at the southeast corner of 17th Street and Utica Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, attorney representing St. John Medical Center, submitted amended development standards (Exhibit "B-1"). The application was continued at the previous hearing to allow the Board an opportunity to view the site. Mr. Norman advised that there was some confusion concerning the outline of the building envelope which is actually larger than the proposed building itself. The two-story structure contains approximately 9,400 sq. ft. of ground floor area which is approximately 20% of the total site area, 45,000 sq. ft. There is approximately 22,500 sq. ft. of open space proposed for the subject tract. The proposed setback from Victor Avenue is 95' and the existing residences on the west side of Victor are setback approximately 20' from the property line. Mr. Norman advised that any outside lighting on the subject property would not exceed 8' in height. He advised that the last variance request is no longer needed.

The architect for the proposed structure was present and answered questions asked by the Board members. He advised that there will be a kitchen facility contained on the first floor of the structure.

Protestants or Interested Parties

Mike Ivers, 1721 South Victor Avenue, was present stating that he has no objections to the proposed building as it will enhance the surrounding area, but expressed a concern with the change in traffic patterns and the safety of the children in the area.

Glen Reynolds, 1707 South Victor Avenue, stated that he was concerned that the proposed structure will not adversely affect the neighborhood. He expressed a concern that the 18 parking spaces would not be adequate to serve the intended purpose.

Discussion:

Discussion ensued concerning the number of children expected to attend the day care center and the architect for the matter advised that the facility could serve 200 children, but would anticipate that there will never be more than 120 to 140 children on site at any one time. The Board inquired as to the congestion which would be present during the parents arrival and departure. Mr. Norman advised that there are eight (8) parking spaces provided for the parents when they enter the subject tract. Mr. Norman advised that a similar operation which has 6 parking spaces has been observed and there are no problems to that effect.

The Staff suggested that if approval is granted the property should be heavily landscaped, screening be erected around the kitchen area and there be no access to the east.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-1-1 (Chappelle, Smith, Wait, "aye"; Victor, "nay"; Purser, "abstaining"; none, "absent") to approve a Special Exception (Section 610 - Principal Uses Permitted in Office Districts) to permit a childrens nursery and day care center under the provisions of Use Unit 5; and a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit a childrens nursery and day care center under the provisions of Use Unit 5; and a Variance (Section 630 - Bulk and Area Requirements in Office Districts) to allow a building height of two stories, and to combine the floor areas permitted in accordance with the development standards submitted, a screening fence be erected around the kitchen area, the subject property be heavily landscaped, with no access to the east, per plot plan submitted, on the following described property:

The West 40 feet of Lots 1 and 2, Block 17, and the East 10 feet of vacated alley; Lot 1, Block 17, and the East 100 feet of Lot 2, Block 17; Lot 3, Block 17, and 10-foot vacated alley; Lot 12, Block 17, and 10-foot vacated alley; Lot 13, Block 17, and 10-foot vacated alley; Lot 14, Block 17, and 10-foot vacated alley; Lot 15, Block 17, and 10-foot vacated alley; Lot 16, Block 17, and 10-foot vacated alley, all in Orcutt Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12379

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Request to allow an airport in an AG District located east of the NE corner of 36th Street North and Memorial Drive.

Presentation:

N. Franklin Casey, 3140 South Winston, Suite 2, attorney representing the property owner, John T. Oxley, advised that the application was continued to allow the applicant time to provide, in detail, the proposed uses of the property. Mr. Casey read the letter which he later submitted to the Board concerning the proposed uses (Exhibit "C-1"). The application does not include runways for the takeoff or landing of aircraft.

Protestants:

Carl Cannizzaro, Airport's Engineer, was present and stated that the proposed uses as was stated by Mr. Casey are not specific and lacks detailed information. He stated that he was under the impression that the Board had required a plot plan to be submitted at this time.

Sam Weber, 3628 North Memorial Drive, was present as an interested party and inquired as to a plot plan for the proposed use.

Discussion:

The Board advised that specific detail of the proposed use and a plot plan have not been provided as was requested. The Board suggested that Mr. Casey attempt to receive IL zoning for the intended use(s) and then come back to this Board under the same application. Mr. Gardner advised that the application is properly filed for an airport, but there is no airport requested. The commercial uses proposed require rezoning. Mr. Jackere, Legal Counsel, suggested that the Board accommodate the applicant by allowing him to get the IL zoning needed and allow him to return to the Board at that time.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") that the Board finds the use is not an airport and therefore is continuing this case to the April 14, 1983 meeting to allow the applicant to receive the appropriate zoning.

Case No. 12408

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for a home occupation (fund raising consulting) in an RS-3 District located at 2207 East 18th Street.

Presentation:

Chairman Smith advised that a letter requesting a continuance was submitted from Gerald R. Lee, attorney representing homeowners in the area protesting the application (Exhibit "D-1"). The attorney had a conflict in his schedule prior to his involvement in this issue. The Board suggested that the case be continued for a two-week period but Bern Gentry, the applicant, advised that he would be

Case No. 12408 (continued)

out of town on the next scheduled meeting, February 24, 1983.

Protestants: None.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the March 10, 1983 meeting.

Case No. 12412

Action Requested:

Variance - Section 1211.3 - Use Conditions - Request for a variance to allow an existing fence not on the property line to serve as the screening requirement, located 2823 East Admiral Place.

Presentation:

Charles Drury, 4631 East 2nd Street, was present and stated that the Board approved three requests at the January 27, 1983 meeting. The applicant is requesting a variance of the fencing requirements to permit the existing fence to remain at its location.

Protestants: None.

Interested Party:

A woman from the immediate area was present as an interested party and inquired as to the proposed use and the location.

Staff Comments:

Mr. Gardner advised that when the property was originally zoned the zoning for the commercial was to line up with commercial zoning on either side of the property. The existing house was located in the middle of the zoning line, therefore, the zoning line does exist in the center of the house. The Board allowed the applicant commercial use of the existing structure although a portion of it is located in a residential district provided that there was no commercial access to the north and that there was a screening fence erected behind the house. The applicant proposes to use the northern lot for the duplex which the Board approved. The requirement of the screening fence is that the fence be on the zoning line and the applicant is only requesting permission to permit the existing fence to meet that requirement.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 1211.3 - Use Conditions) of an existing fence not on the property line to serve as the screening requirement, on the following described property:

All of Block 3 of Speedway Heights Addition, EXCEPT a part of Block 3; described as beginning at the NW corner of Lot 14, Block 2; thence West 3'; thence South parallel with the West line of Lot 14, Block 2 (to South property line); thence East 3'; thence North along the West lot line of Lot 14, Block 2 of Speedway Heights Addition to the place of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12418

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Request for a variance of front yard requirement from 50' to 42', located at 7710 East 58th Street.

Presentation:

Richard Modenbush, 7710 East 58th Street, submitted a plat of survey (Exhibit "E-1") and plans consisting of the site plan, floor plan, and elevation plan (Exhibit "E-2"). The applicant proposes to make an 18' x 19' room addition to his existing house, therefore, a variance of the front yard requirement from 50' to 42' is needed. The addition will conform architecturally with the existing house as it will be constructed of brick and wood shingles.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the Residential Districts) of the front yard requirement from 50' to 42', per plans submitted, on the following described property:

Lot 17, Block 2, Woodland View Sixth Addition, Tulsa County, Okla.

NEW APPLICATIONS:

Case No. 12429

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for Use Unit 15 in a CS District located west of the SW corner of Mingo Valley Expressway and Admiral Place.

Presentation:

A letter was submitted from the applicant, Kenneth Klein, 4641 South Braden Avenue, Suite 200, requesting that the case be continued to the next meeting (Exhibit "F-1").

Protestants: None.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the February 24, 1983 meeting.

Case No. 12430

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for Church use in an RS-3 District, located at the SW corner of 105th East Avenue and 63rd Street.

Case No. 12430 (continued)

Presentation:

Ward Hallenburg was present representing Samuel Schiller, 2135 South 130th East Avenue, and submitted a site plan (Exhibit "G-1"). The applicant is requesting the special exception for Church use on the subject property. The Church will be used for religious meetings and will not be used as a day care nursery or a school. The proposed building will be constructed of rough siding and brick. There will be no kitchen facility located within the building.

Protestants: None.

Board Comments and Questions:

Mr. Victor inquired as to any signs proposed for the church building and Mr. Hallenburg advised that a sign would be placed on the building. The Board advised that the church would be permitted a 32 square-foot sign.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) for Church use in an RS-3 District, per site plan submitted, subject to no private school, day care nursery or other activities other than for worship purposes or religious meetings be permitted on the following described property:

All of Lot 1, Block 6, Union Gardens, a subdivision of Tulsa County, City of Tulsa, Oklahoma, according to the recorded Plat thereof.

Case No. 12431

Action Requested:

Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Request for a waiver of the screening requirements between an OL District and a residential district or an extension of time therefore, located at 6500 South Mingo Road.

Presentation:

Kenneth Cox, Jr., 3526 South Toledo Place, was present on behalf of John Moody and submitted ten (10) statements signed by immediate property owners reflecting that they are not opposed to the request (Exhibit "H-1"). The subject property was rezoned for OL by the City Commission on December 21, 1982. The applicant proposes to use the existing residential structure as a dental laboratory which would not involve customers coming to the subject property. There is no sign proposed for the property. The applicant is requesting a waiver of the screening requirements on the north, east, and south. There are presently five employees at the dental laboratory. Mr. Cox advised that there will be no drastic modifications of the exterior of the existing residential structure.

Protestants: None.

Case No. 12431 (continued)

Comments:

Mr. Jackere, Legal Counselor, suggested that if the Board approves the application that it be approved for a period of time so long as there are no changes in the exterior of the structure.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a waiver of the screening requirements between an OL District and a Residential District for so long as this business as described shall exist and that no changes of the exterior of the structure be permitted, on the following described property:

Lot 11, Block 7, Union Gardens Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat thereof.

Case No. 12432

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request for an exception for a Church in an RS-3 District, located at the NE corner of 11th Street and 138th East Ave.

Presentation:

Rainer Gerlack, 2545 South Columbia Place, represented the New Apostolic Church and submitted four (4) pictures of similar structures (Exhibit "I-1"), and a sketched site plan (Exhibit "I-2"). The applicant is proposing to construct a 1,200 to 2,400 square-foot church building, but a detailed site plan is not available at this time. No school or day care facility is proposed within this structure.

Protestants: None.

Staff Comments:

Mr. Gardner inquired as to the size of the subject tract and Mr. Gerlack stated that the tract size is approximately 1.4 acres (Lots 11 and 12). The Staff advised that the legal description indicates that the subject property is 20 acres in size; therefore, the applicant needs to provide the Staff with the correct legal description.

Board Action:

On MOTION of VICTOR and SECOND by PURSER the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) for an exception for a Church in an RS-3 District and that there be no school or day care center, subject to the applicant returning to the Board with a detailed site plan and building description at the February 24, 1983 meeting, on the following described property:

Lots 11 and 12, Block 1, Golden Acres, Section 4, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 12433

Action Requested:

Variance - Section 1214.3 (b) - Use Conditions - Request to allow the erection of a screening wall or fence to be on the property line in an RS-3 District located at 1810 North Lewis Avenue.

Presentation:

Aubry Metcalf, 1810 North Lewis Avenue, represented the Bricklayer's Union. The applicant requested that the Board grant the variance to allow the erection of a screening fence on the property line in order to maintain a 5' area which was rezoned to residential. The proposed fence will be a 6' screening wall to be erected on the north, south, and west property lines.

Protestants: None.

Comments and Questions:

Mrs. Purser inquired as to the 5' strip and Mr. Gardner advised that there is a zoning on this particular piece of property zoned residential leaving a 5' strip on the north, south and west sides to prohibit any access. The Staff's concern is that there not be any gate in order to prevent access to Seminole Street.

Chairman Smith inquired as to the materials used for the screening fence and Mr. Metcalf advised that on the outside the fence would be constructed of block masonry and the inside will use various types of brick and stone work for display (advertising of fence materials).

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 1214.3 (b) - Use Conditions) to allow the erection of a screening wall or fence to be on the property line in an RS-3 District, that there be no access on the north, south and west of the property, on the following described property:

The S/2 of Lot 2, Block 5, Conservation Acres, Tulsa County, Oklahoma.

Case No. 12434

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the setback from the centerline of Peoria Avenue from 100' to 56.5'; and a Variance (Section 1450 (a) - Structural Nonconformities - Request for a variance to enlarge (or enclose) a nonconforming structure located at 6006 South Peoria Ave.

Presentation:

Richard Bryant, 1400 West Irving Boulevard, Irving, Texas 75061, architect representing Kentucky Fried Chicken submitted a site plan, floor plan, and elevation plan (Exhibit "J-1"); and five (5) photographs of the subject property (Exhibit "J-2"). Kentucky Fried Chicken desires to better serve their customers at this location by enclosing the porch at the front of the existing nonconforming structure. By enclosing the entrance porch more seating room will be provided to serve the customers on the site.

Case No. 12434 (continued)

Protestants: A letter from W. E. McLean, General Manager of Kerr-McGee Corporation, was submitted in protest to the application (Exhibit "J-3").

Board Comments:

Mrs. Purser inquired as to the hardship involved in this case and Mr. Bryant advised that the hardship for this application centers around a financial hardship. The Board advised that a financial situation could not be considered as a hardship.

Discussion ensued concerning the variance of the setback from Peoria and Mr. Bryant advised that the plans include information concerning other buildings on Peoria including their setbacks.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-1-0 (Chappelle, Purser, Smith, Victor, "aye"; Wait "nay"; no "abstentions"; none, "absent") to deny a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the setback from the centerline of Peoria Avenue from 100' to 56.5'; and a Variance (Section 1450 (a) - Structural Nonconformities - to enlarge (or enclose) a nonconforming structure, on the following described property:

Lots 1, 2 and 3, Block 8, Broadview Heights Addition, Tulsa County, Oklahoma.

Case No. 12435

Action Requested:

Variance - Section 1450 (a) - Structural Nonconformities - Request for a variance to expand a nonconforming structure; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Request for a variance to exceed 20% rear yard coverage and/or 750 square feet of detached accessory building located at 1036 East 38th Place.

Presentation:

Lloyd Larkin, 3948 South Hudson Avenue, attorney representing Maria Hollingsworth, the owner of the subject property, submitted a plot plan (Exhibit "K-1"). Ms. Hollingsworth is proposing to add 8' to the existing garage on the subject property. This property was taken in by the City in 1951 at which time there was a radio station and later the garage was constructed. The radio station was later converted into a residential structure. The subject property contains approximately 1/3 acre and the building coverage on the property is approximately 12% of the entire acreage. Ms. Hollingsworth intends to use the garage as a guest room and will use the space as a workroom, but there will be no business conducted at this location. The applicant also proposes to install plumbing in the garage structure.

Protestants:

Clarence Brown, 3819 South Madison Avenue, submitted a protest petition signed by approximately 14 property owners in the immediate area (Exhibit "K-2"). He stated that the protestants object to the limitations of this development not being adhered to. If the variance request is granted a precedent could be set. The protestants also feared that the garage structure could be used as a second residential

Case No. 12435 (continued)

structure and are opposed to multifamily dwellings in this area.

J. T. Mitchell, 3822 South Madison Avenue, advised that the streets in the immediate area are very narrow. Mr. Mitchell felt if the application were approved that the applicant might use the structure as a business and since the streets in the immediate area are very narrow there would be no parking available.

Interested Party:

Bob Freeman, 1029 East 38th Place, was present and stated that he has lived in the subject area for a long time and felt that Ms. Hollingsworth has greatly improved the property since she has purchased the land. Mr. Freeman advised that the previous owner had approximately 6 storage buildings on the property which appeared junky.

Comments:

The Board questioned if the garage would be used as a business by the applicant and Mr. Larkin assured the Board that the structure would not be used as a business, but advised that the applicant would use a portion of the building as a workroom.

Discussion ensued concerning the structure being nonconforming. Mr. Gardner suggested that if the application is approved that the house and the garage structure be connected by a breezeway to be assured that the garage structure would not be used as a residence.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 1450 (a) - Structural Nonconformities) to expand a nonconforming structure; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions) to exceed 20% rear yard coverage and/or 750 square feet of detached accessory building, subject to there being no kitchen in the garage structure and subject to there being no business operated at that location, per plot plan submitted, on the following described property:

Lots 3 and 4, Niles Resubdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12436

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from 35' to 32 1/2' to allow a detached garage; and a Variance - Section 420.2 - Accessory Use Conditions - Request to locate a detached accessory building in the side yard; and a Variance - Section 240.2 - Permitted Yard Obstructions - Request to allow a 6' fence instead of the maximum allowed 4' fence in the front yard located at 3048 South Quaker Avenue.

Presentation:

A. F. Ringold, 3048 South Quaker Avenue, was present and submitted a plot plan (Exhibit "L-1"). The applicant advised that the 5' existing chain link fence will be removed and a 6' privacy cedar fence will be

Case No. 12436 (continued)

erected in approximately the same location. The proposed fence will provide an 18' setback to improve the traffic visibility as shown on the plans. The applicant is also proposing to construct a detached garage on the subject property, which requires a 2 1/2' variance. The garage will be constructed with materials which will be compatible with the existing residential structure.

Protestants: None.

Discussion:

Discussion ensued concerning the proposed height of the new fence and Mr. Ringold advised that there are several fences in the surrounding area that are 6' in height.

Mr. Gardner stated that the fence location is nonconforming. If the application is approved the applicant would be permitted to erect the new fence in approximately the same location as the existing fence even though it encroaches into the Major Street Plan setback, but does not encroach into the actual right-of-way.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from 35' to 32 1/2' to allow a detached garage; and a Variance (Section 420.2 - Accessory Use Conditions) to locate a detached accessory building in the side yard; and a Variance (Section 240.2 - Permitted Yard Obstructions) to allow a 6' fence instead of the maximum allowed 4' fence in the front yard, per plot plan, that the proposed 6' cedar fence be erected in essentially the same location as the existing fence, to allow the fence to encroach into the Major Street Plan Setback as it is a nonconforming fence, on the following described property:

Lot 6, and the South 20' of Lot 5, Block 2, Edgewood Drive Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12437

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Request for a Variance to allow more than 750 square feet of detached accessory building on a lot located at 2452 East 56th Street North.

Presentation:

C. W. Burress, 2452 East 56th Street North, submitted a plot plan (Exhibit "M-1"). The applicant requested that the variance be granted to allow the 1,080 square-foot accessory building on the property. The building in question is already in place and will be used for storage of trucks and tractors.

Protestants: None.

Board Comments:

Mrs. Purser asked if the building will be used for commercial purposes and Mr. Burress stated that the accessory building will be used for

Case No. 12437 (continued)

his own personal storage only.

Mrs. Purser inquired if a restrictive covenant could be imposed on the approval since the building has already been constructed and the Legal Counselor advised that the request would be in order.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions) to allow more than 750 square feet of detached accessory building on a lot, subject to the execution of a restrictive covenant being filed with the County Clerk to appear in the abstract that there is no business permitted in the garage, on the following described property:

The East 198'; thence West 209'; thence North 225.8'; of the W/2 of the E/2 of the NW/4 of the NW/4, less 30' thereof in Section 8, Township 20 North, Range 13 East and beginning 660' East and 30' South of the Northwest corner of Section 8, South 1,059'; thence East 209'; thence North 833.2'; thence West 198'; thence North 225.8'; thence West 11' to the Point of Beginning, Section 8, Township 20 North, Range 13 East in City of Tulsa, Tulsa County, Oklahoma.

Case No. 12439

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request to allow a home occupation (customizing interior of vans) located at 8930 East Oklahoma Place.

Presentation:

Raymond Chronister, 8930 East Oklahoma Place, requested permission for a home occupation for customizing the interior of vans at the subject property. The applicant submitted a letter from John C. Martin, 8924 East Oklahoma Place, stating that he has no objection to the proposed use (Exhibit "N-1"). The home occupation would be on a part time basis until such time that demand is large enough for a full time operation. Mr. Chronister and his wife will be the only employees at the subject property.

Protestants: None.

Interested Party:

Leo Birbilas, 8910 East Oklahoma Place, was present stating that he is not in protest to the application, but is concerned with the safety of his children as traffic would increase and was concerned with the noise level. Mr. Birbilas advised that the present operation is not detrimental to the surrounding area.

Comments and Questions:

The Board asked how many vans would be located on the site at any one time and Mr. Chronister stated that there would only be one at a time. Mrs. Purser asked if all work would be performed inside the garage and the applicant advised that all parts would be stored in the garage, but

Case No. 12439 (continued)

the vans would remain in the driveway because the garage is only large enough for one car. Mr. Wait inquired as to the noise projected from the home occupation and Mr. Chronister stated that a metal shearer would be used. The Board advised Mr. Chronister that the home occupation rules require that all work be done inside the structure. Mr. Wait asked if the operation would be restricted to daytime hours only and the applicant answered in the affirmative.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) to allow a home occupation (customizing interior) of vans, subject to this owner only, and that any level of noise be restricted to daytime hours, that all outside work be kept to a minimum, for a period of one year, subject to all the home occupation rules, on the following described property:

Lot 8, Block 3, Amended Plat of Van Acres Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 12440

Action Requested:

Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow a storage building on a lot of its own in a CS District located East of the SE corner of 14th Street and Lewis Avenue.

Presentation:

The applicant, Harold Sims, was not present.

Protestant:

W. L. Garver, 2415 East 14th Place, was present in protest to the application stating that the proposed structure will destroy the residential character of the area. The fence on the west line of the property has not been maintained. Mr. Garver stated that the warehouse structure should not be permitted in the CS District.

Comments:

Dorotha Miller, Protective Inspections, advised that the proposed structure is not a warehouse but is a detached accessory building to be used for storage for this Braums Ice Cream Location. Alan Jackere, Legal Counselor, advised that the storage building will be located on a separate lot from the Braums Ice Cream Store. In the past the Board has permitted these types of incidental uses on lots next to another lot and have tied the two lots together so as not to be sold separately. The Board has approved a separate small building used for storage that is incidental for a principal use in times past.

The Board did not feel that action should be taken on this application because Mr. Sims was not present.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no

Case No. 12440 (continued)

"abstentions"; none, "absent") to continue this item to the February 24, 1983 meeting.

Discussion:

The Board requested that the Staff contact the applicant and request that he be present for the next hearing as the Board will make a decision concerning the application at that time.

Case No. 12441

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request for an exception to allow automotive dismantling and recycling of used parts in an IM District located at 1409 South 70th East Avenue.

Presentation:

Howard Kirsch, 1409 South 70th East Avenue, submitted photographs of the subject property (Exhibit "0-1") and a letter which he distributed to the neighborhood explaining the use of the property (Exhibit "0-2"). Mr. Kirsch stated that he is in the heating and air conditioning sales and service business and has owned the building at 1403 South 70th East Avenue for the past ten years. During the past eight years the applicant has used the south-half of the building to restore antique and classical cars. This operation has been conducted inside the building and the applicant has installed a 6-foot wooden fence on the property for screening purposes. Mr. Kirsch advised that he has begun buying, restoring and selling late model wrecked automobiles at this location and also sells some of the automobiles in the same condition in which he purchased them for the buyer to do the restoration.

Mr. Kirsch is requesting the Special Exception to enable him to receive his City license and the Use Unit classification of this business requires IH zoning. The applicant only requests that the exception be granted until September 1, 1983, at which time he will vacate the premises because he has sold the structure to another party. If the application is approved, the premises will be kept neat and all cars and parts will be placed behind the fence.

Protestants:

Harry Crow, attorney representing Harold Brown, 6978 East 20th Place, and Verne Anderson, 1520 East 7th Street, stated that he did not feel that the applicant's request for a time limit variance is legal. Most of the uses in the area are considered light industrial and he did not feel that the zoning should be changed. He also stated that Use Unit 27 does not include a definition of automotive remantling and recycling of parts, but refers to this use as a "junk yard".

Larry Laird, attorney representing W. Boyd and Dr. Harry Boyd, who own H. S. Boyd Company, stated that the protestant's company is located directly across the street to the north of the subject property. The Boyds feel that if the application is approved, it would decrease property values in the surrounding area and would be injurious to the neighborhood.

Case No. 12441 (continued)

Lynn Anderson who was representing Verne Anderson who owns the building just north of the structure in question, submitted a protest petition signed by five (5) property owners in the immediate area (Exhibit "0-3"). Mr. Anderson requested that the application be denied as it would set a precedent for other similar operations in the area.

Scott Letcher, representing Petrolite Corporation, 6910 East 14th Street, stated that the subject area is zoned light industrial and the owners of those businesses spend a great amount of money in maintaining their property. The subject property is screened with a chain link fence and is rather unsightly and would cause other property values to decrease. Mr. Letcher submitted several photographs showing the subject property and other properties in the immediate area (Exhibit "0-4").

Comments:

The Board did not feel that approval of the application could be granted for a six month period and suggested that the application be denied and allow the applicant six months in which to vacate the property. The Legal counselor stated that the Board should act on the application by either a denial or an approval.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-1-0 (Chappelle, Purser, Smith, Victor, "aye"; Wait, "nay"; no "abstentions"; none, "absent") to deny a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts) to allow automotive dismantling and recycling of used parts in an IM District, on the following described property:

Lot 5, Block 10, Sheridan Industrial District, Tulsa County, Oklahoma.

Case No. 12442

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the rear yard setback from 20' to 13' to allow two small buildings with a court yard located at the NW corner of 33rd Street and Jamestown Avenue.

Presentation:

Byron Burke, 3336 East 32nd Place, was present and submitted a plot plan (Exhibit "P-1") and a letter of support from Mr. and Mrs. Vernon S. Cupps, 3228 South Jamestown Avenue, the property owners to the north most affected by the request (Exhibit "P-2"). Mr. Burke is proposing to construct two six-unit condominium facilities facing each other with a court yard separating the two structures.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; Wait, "abstaining"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the rear yard setback from 20' to 13' to allow two small buildings with a court yard, per plot plan, on the following described property:

Lots 7 and 8, Shafer Heights Addition in the City of Tulsa, Tulsa County, Oklahoma.

2.10.83:380(17)

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the required 75' setback from an abutting "R" District; and a Variance - Section 250.1 (a) - Screening Wall or Fence - Request for a variance to allow chain link as a substitute to the screening requirement; and a Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the frontage requirements from 150' to 125' and 0' in order to permit a lot split, located north and east of 185th Admiral Place.

Presentation:

Frank Wisener, 1124 North Mingo Road, was present and submitted a plot plan (Exhibit "Q-1"). The subject property is bounded by Admiral Place on the south and by I-44 on the north. The subject tract is on the west side of the RS-1 property adjoining it which is owned by Mr. Burns, who has given the applicant his permission to erect a chain link fence instead of the screening fence as required. The chain link fence is presently on three sides; the east, the interstate side or north side, and on the west side. Mr. Wisener advised that the chain link fence will not be necessary on the south side as it will be an entranceway. The Zoning Code requires that the buildings be placed 75' from the RS-1 property which adjoins the IL zoned subject tract and the applicant therefore is requesting that the variance be waived.

Protestants: None.

Discussion:

Discussion ensued concerning the variance of the frontage requirements and the Staff advised that the variance of frontage was advertised, but was not placed on the case report. Mr. Wisener advised that the property contains 250' of frontage on Admiral and the request is before the Board so that the applicant can, in the future, split the lot which would allow 125' of frontage on each lot. The Staff suggested that the variance of frontage be approved, subject to approval by the Planning Commission.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the required 75' setback from an abutting "R" District; and a Variance (Section 250.1 (a) Screening Wall or Fence) to allow a chain link as a substitute to the screening requirement; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the frontage requirements from 150' to 125' in order to permit a lot split, subject to approval by the TMAPC, per plot plan, on the following described property:

A tract of ground situated in the West 250.00' of the East 14.34 Acres of Lot 2, Fractional Section 1, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at a point on the South line of Lot 2, 432.1' East of the SW corner thereof; thence North a distance of 606.69' to a point on the South line of

Case No. 12443 (continued)

Interstate Highway No. 44; thence Easterly around a curve to the left whose radius is 57,395.6' a distance of 226.4' to a point of tangent; thence North 89°35' East a distance of 23.7'; thence South a distance of 610.73' to a point on the South line of Lot 2; thence West along said South line a distance of 250.0' to the point of beginning, containing in all 3.493 acres.

Case No. 12444

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard requirement from 10' to 4.6' on the north and to 6.6' on the south side of an existing structure located at 1417 South Elwood Avenue.

Presentation:

John Nicks, 1417 East Elwood, submitted a plot plan (Exhibit "R-1") and stated that the variance is requested to allow the enclosure of the existing front porch. The applicant intends to enclose the front porch along the front of the property, which will be used for a greenhouse for household plants. Mr. Nicks advised that the enclosure will not extend any closer to the property line than the house presently exists. On the north side the applicant is merely enclosing the existing screened-in porch and on the south the addition will be no closer to the property line than the house exists presently.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the side yard requirement from 10' to 4.6' on the north and to 6.6' on the south side of an existing structure, per plot plan submitted, on the following described property:

The West 69.9' of Lot 8, Block 2, Campbell Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12445

Action Requested:

Variance - Section 1221.5 (2) - CS District Use Conditions - Request for a variance of the aggregate display surface area of a sign from 375 sq. ft. to 560 sq. ft. in a CS District located at 11360 East 31st Street.

Presentation:

Casper Jones, 1302 South Fulton Avenue, was present representing Craig Neon, Inc., and advised that the subject property is owned by Don's Restaurant. Mr. Jones advised that the request is for a variance of the aggregate display surface area of a sign from 375 sq. ft. to 450 sq. ft. instead of 560 sq. ft. The bottom portion of the sign has already been erected on the subject property and the applicant intends

Case No. 12445 (continued)

to add the top portion of the sign which would exceed the permitted sign area by 75 sq. ft. The sign is located on a vacant piece of property 52' from the centerline of the street because the applicant intends to use the lot for off-street parking. If the sign were located 100' from the centerline of 31st Street it would be located in the middle of the parking area. Mr. Jones submitted a drawing of the top portion of the sign (Exhibit "S-1") and three (3) photographs of the sign (Exhibit "S-2").

Ray Toraby, 4939 East Admiral Place, president of Craig Neon, Inc., advised that the owner of Don's Restaurant purchased the vacant lot located next to the restaurant for additional parking space. Mrs. Purser asked why the sign is so enormous in size and Mr. Toraby advised that the applicant contacted a City official concerning the permitted sign size and was advised that there was no requirement of the Code concerning the size limitation. The sign was erected and the applicant was later advised of the 100' setback which is required.

Protestants: None.

Comments:

Discussion ensued concerning the size of the proposed sign and Mr. Gardner advised that the Zoning Code permits a principal use advertising sign located 100' from the centerline of 31st Street without any size limitations. Dorothea Miller, Protective Inspections, referred to Section 1221.5 of the Zoning Code which states that an unimproved lot may erect outdoor advertising signs without size limitation, if located behind the building setback line, provided that upon the occupancy of any building on the lot, any sign not complying with the display surface area limitations shall be removed within 30 days from such occupancy.

Mr. Jackere, Legal Counselor, suggested that if the application is approved that a condition be placed on the action to require a Tie Contract to tie the two pieces of property together. If the vacant lot were sold, the new owner would have the right to request the same sign size as proposed.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted -0-1 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; Smith "abstention";, none, "absent") to approve a Variance (Section 1221.5 (2) - CS District Use Conditions) of the aggregate display surface area of a sign from 375 sq. ft. to 450 sq. ft. in a CS District, subject to the execution of the Tie Contract between the two pieces of property, on the following described property:

The East 150' of Lot 12, Block 1, Briarglen Center Addition a Resubdivision of a portion of Amended Plat of Resubdivision of Blocks 2 and 3, Briarglen Center Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 12446

Action Requested:

Variance - Section 1219.4 - Off-Street Parking and Loading Requirements - Request for a variance of the required number of parking spaces for a recreation establishment located at 2121 East 69th Street.

Presentation:

Casper Jones, 1302 South Fulton Avenue, representing Olsen and Coffey Architects for All American Fitness and Racquet Club, submitted a site Plan (Exhibit "T-1"). The fitness and racquet club has been at the subject location for the past 6 years and now intends to add a swimming pool and handball courts to the existing structure. Previously there were 40 parking spaces available for the facility, but with the 1,530 sq. ft. addition 25 new parking spaces will be provided; making a total of 65 parking spaces. The adjoining property owners to the south operate Think Snow which is basically a winter time operation and have written a letter to permit the applicant the right to utilize an area located to the east side of their building for eight (8) additional parking spaces. Mr. Jones submitted the letter for the Board's review (Exhibit "T-2"). Mr. Jones advised that the Zoning Code requires that 77 parking spaces be provided for this use and the applicant will be providing a total of 73 spaces.

Protestants: None.

Comments:

Mrs. Miller, Protective Inspections, advised that she had reviewed previous records concerning this case and found that the applicant was required to provide 61 parking spaces when the use was first granted. Apparently the 40 parking spaces which were provided was adequate for the use as no complaints were recorded, and possibly the inspector, at that time, did not enforce the Board's requirement.

The Legal Counselor advised that the applicant is asking for a variance of 4 parking spaces.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-1 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; Wait, "abstaining"; none, "absent") to approve a Variance (Section 1219.4 - Off-Street Parking and Loading Requirements) of the required number of parking spaces for a recreation establishment from 77 spaces to 73 spaces, per the letter submitted, on the following described property:

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

Case No. 12448

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the required 55' setback from the centerline of Joplin Avenue to 40.8' located at 5830 East 35th Street.

Case No. 12448 (continued)

Presentation:

Virginia Marsh, 1536 East 73rd Place, submitted the plat of survey (Exhibit "U-1"). Ms. Marsh advised that the existing house was built in 1969 and she is requesting that the variance be granted as she is trying to clear the title to the house. There are no changes or additions proposed for the structure.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the required 55' setback from the centerline of Joplin Avenue, subject to the site plan submitted, on the following described property:

Lot 1, Block 2, Cherry Hills Addition to the City of Tulsa, Oklahoma.

Case No. 12452

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Residential Districts - Request to allow a disposal of municipal solid waste by incineration in an IM District located at the SW corner of 21st Street and Yukon Avenue.

Presentation:

Lester McBride, vice-president of Alternate Energy System, 4425 East 31st Street, was present and stated that Alternate Energy System proposes to construct a building at the subject location to dispose of the City's refuse and to generate energy therefrom. Mr. McBride advised that the property was zoned by the TMAPC for IM zoning at the meeting yesterday.

Protestants: None.

Staff Comments:

Mr. Gardner advised that the Staff would be concerned that there be no outside storage of refuse or trash on the subject property and Mr. McBride stated that he had no problem with that condition.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Residential Districts) to allow a disposal of municipal solid waste by incineration in an IM District, subject to there being no outside storage of refuse or trash, on the following described property:

Approximately 21 acres of the NW/4 of the NE/4 of Section 15, Township 19 North, Range 12 East; beginning at the northeast corner of the NW/4 of the NE/4; thence South 850'; thence West 1,035'; thence North 850'; thence East 1,035' to the point of beginning, Tulsa County, Oklahoma.

There being no further business, the Chair adjourned the meeting at 5:15 p.m.

Date Approved 3/24/83

Gaym O'Neil
Chairman