

MINUTES of Meeting No. 557
Thursday, February 15, 1990, 1:00 p.m.
Francis F. Campbell Commission Room
Plaza Level of City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Bradley Chappelle Fuller White, Chairman		Gardner Jones Richards	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 13, 1990, at 9:40 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman White called the meeting to order at 1:01 p.m.

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of February 1, 1990.

UNFINISHED BUSINESS

Case No. 15318

Action Requested:

Special Exception to permit the operation of a concrete ready-mix plant (construction facility off-site) in an IL zoned district for a period of not more than two years - **Section 910. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 2, located SE/c of East 45th Place South and South 100th East Avenue.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, requested by letter (Exhibit A-1) that Case No. 15318 be withdrawn.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **WITHDRAW** Case No. 15318, as requested by the applicant.

Case No. 15328

Action Requested:

Special Exception to operate an automobile sales and service business in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICT** - Use Unit 17, located west of SE/c South Memorial Drive and 14th Street.

Presentation:

The applicant, **John Ratchford**, Route 1, Box 220, Rose, Oklahoma, requested permission to enlarge an existing car sales lot to include the rear portion of the property. He informed that the car lot on Memorial Drive was approved in 1985.

Comments and Questions:

Ms. Bradley noted that the property in question is not paved, and Mr. Ratchford stated that he is aware that paving will be required if the application is approved.

Protestants:

John Robison, 8119 East 14th Street, Tulsa, Oklahoma, and **Mr. and Mrs. Rodney James**, 8126 East 14th Street, Tulsa, Oklahoma, submitted photographs (Exhibit B-1) and stated that they live near the property in question and are concerned with the unsightly view and the fact that passing motorists use the driveway off 14th Street as a turn-around.

Mr. Bolzie asked the protestants if they would object to the use if screening is installed along 14th Street and the east boundary, and if the property is accessed from Memorial only. Ms. James stated that she is opposed to cars being stored on the lot.

Ms. White informed that one letter of protest (Exhibit B-2) was received from **Lloyd Bauman**, 8141 East 14th Street, Tulsa, Oklahoma.

Additional Comments:

Mr. Jones pointed out that a variance permitting open air storage on the subject property was approved in 1984, but was not utilized within the three-year approval period.

Mr. Ratchford stated that the property has changed ownership since the variance was approved in 1984.

Ms. Bradley asked the applicant if all vehicles stored on the lot are operable, and he replied that most of the automobiles are operable. He stated that there will be no salvage stored on the property.

Case No. 15328 (continued)

Mr. Jackere pointed out that, if the application is approved, cars can be parked only on the portion of the the lot containing a hard surface.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-1-0 (Bradley, Chappelle, Fuller, White, "aye" Bolzle, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to operate an automobile sales and service business in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICT** - Use Unit 17, subject to no salvage; subject to the installation of a solid screening fence on the east boundary; and subject to a hard surface display area for all vehicles; finding that a previous application for the storage and sale of automobiles on the subject tract was approved, but was not utilized during the three-year approval period; finding that there are similar uses in the area, and that the granting of the request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

Lot 1, less W/2 Block 10, and all of Block 2, Forest Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15359

Action Requested:

Special Exception to allow the expansion of a school in an RM-2 zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Variance to permit off-street parking spaces within the required front yard in a Residential District - **Section 1205. COMMUNITY SERVICES AND SIMILAR USES** - Use Unit 5.

Variance of the required 50' building setback from the centerline of East 15th Street to permit required off-street parking within 34' of the centerline - **Section 280. STRUCTURE SETBACKS FROM ABUTTING STREETS** - Use Unit 5.

Variance of the required 85' building setback from the centerline of East 15th Street to permit the construction of school buildings within 71' of the centerline - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Variance of the maximum floor area ratio permitted from .5 to .63 for all of the church and school buildings within Tract A - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5.

Special Exception to permit a school playground and park in the R-3 and RM-2 zoning districts - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, Tract A located between East 15th and East 16th, and Tract B located SW/c 16th and Rockford.

Case No. 15359 (continued)

Presentation:

The applicant, Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma, stated that the case was presented in a previous hearing, but was continued at the request of the Swan Lake Neighborhood Association. He informed that Marquette School representatives and the neighbors have met to consider the project, and an amended plan (Exhibit C-1) for the location of the playground area was submitted. In review, Mr. Norman stated that a 25,000 sq ft addition will be constructed onto the existing Marquette School, with access points on Rockford and Quincy. He informed that parking for school staff and patrons will be provided on the north side of the building. It was noted by Mr. Norman, that Swan Lake Neighborhood Association suggested that any action on Tract B be continued to this meeting. He pointed out that the site plan has been revised to move any play activities away from the area directly in front of the Gilling residence. He further noted that the screening fence along Rockford and Quincy has been moved inward approximately 12', and the height reduced from 6' to 5', with the gates for neighborhood access being eliminated. Mr. Norman stated that a hedge will be planted on the outside of the fence, with access being provided on the 16th Street side and sidewalks being installed. It was noted that the play area and the ball field will be used for organized activities only during the last half of March, all of April and the first two weeks in May. He pointed out that all of these activities will be completed by 6:30 p.m.

Comments and Questions:

In response to Ms. Bradley, Mr. Norman stated that it is not the intent of the school to prevent neighborhood use of the playground during the summer months.

Mr. Boizle asked Mr. Norman to comment on the lighting that is proposed for the grounds, and he stated that security lighting only is proposed, which will be directed down and away from the residential neighborhood.

Ms. Bradley asked if the plan to close 16th Street has been eliminated, and Mr. Norman replied that this issue may be addressed at a future date.

Protestants:

Frank Patton, 6100 South Yale, Tulsa, Oklahoma, represented Mr. and Mrs. Gilling, who live to the south of Tract B. Mr. Patton contended that the use in question serves the school and should be classified under Use Unit 20, as a playground is constantly in use during all daylight hours. He pointed out that accessory uses must be on the same lot as the principal use and, in this case, the playground is a block away from the principal use. Mr. Patton submitted a letter (Exhibit C-2) containing an explanation of his clients concerns. He asked that Ed Bickford and Paul Gilling be allowed to address the Board.

Case No. 15359 (continued)

Ed Bickford, 4853 South Sheridan, Tulsa, Oklahoma, stated that he is a real estate broker, and submitted photographs (Exhibit C-3) of the neighborhood. He pointed out that the market value of the houses in the area has remained stable, due to the fact that the residences have continued to be well maintained. He suggested that the increased traffic and noise would tend to lower property values in the area.

Mr. Gardner pointed out that the property is zoned RM-2, which would allow by right the construction of a three-story apartment building 10' from their property line. He informed that there are numerous such apartment buildings in the area, and suggested that the playground might have less affect on the residential area.

Paul Gilling, 1615 South Quincy, Tulsa, Oklahoma, stated that parking is already a problem in the area, and a playground next door to his home would further decrease its property value.

Jeff Baker, 1620 South Quincy, Tulsa, Oklahoma, stated that the moving of the ball playing area closer to his residence will cause greater traffic congestion, which will be a threat to the safety of his children.

James Ash, 1607 South Rockford, Tulsa, Oklahoma, informed that he lives to the east of the proposed playground, and feels that the best location for the play area is nearer 15th Street.

Bruce Denny, 1511 South Rockford, Tulsa, Oklahoma, stated that his primary concern is the traffic problem in the neighborhood, and the fact that his driveway is blocked, due to street parking in the area when church is meeting or school is out.

Interested Parties:

Teresa Clemmons, stated that she has lived behind the Gilling property for approximately 10 years, and does not foresee a decrease in property values because of the playground.

Barbara Day, 1521 South Quaker, Tulsa, Oklahoma, stated that she is representing Swan Lake Neighborhood Association and submitted a letter from that organization (Exhibit C-4). She thanked the Board for the prior continuance that allowed sufficient time for all interested parties to meet with the school representatives. In analyzing the situation, Ms. Day stated that the neighborhood association finds the expansion of the school to be in the best interest of the neighborhood.

Case No. 15359 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** to allow the expansion of a school within Tract A in an RM-2 zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; to **APPROVE** a **Variance** to permit off-street parking spaces within the required front yards along east 15th Street, South Quincy Avenue and South Rockford in Tract A in a multi-family Residential District - **Section 1205. COMMUNITY SERVICES AND SIMILAR USES** - Use Unit 5; to **APPROVE** a **Variance** of the required 50' building setback from the centerline of East 15th Street to permit required off-street parking within 34' of the centerline - **Section 280. STRUCTURE SETBACKS FROM ABUTTING STREETS** - Use Unit 5; to **APPROVE** a **Variance** of the required 85' building setback from the centerline of East 15th Street to permit the construction of school buildings in Tract A within 71' of the centerline - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5 and to **APPROVE** a **Variance** of the maximum floor area ratio permitted from .5 to .63 for all of the church and school buildings within Tract A - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5; and to **APPROVE** a **Special Exception** to permit a school playground and park in Tract B in the R-3 and RM-2 zoning districts - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; subject to the amended plot plan submitted subject to the use of the playground for scheduled unrelated school activities being restricted to tee-ball games only, which will be held during the last two weeks of March, all of April and the first two weeks of May only; subject to all games being completed by 7:30 p.m.; finding that the school has been at this location for many years, and that on-site parking has been added to accommodate staff and visitors, which will alleviate some street parking in the neighborhood; and finding the use to be compatible, and not injurious, to the neighborhood on the following described property:

All of Block 6, Orcutt Addition and Lots 1, 2, 3, 14, 15, and 16, Block 11, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15371

Action Requested:

Minor Variance of the required lot area of two acres to approximately one acre - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6.

Minor Variance of the required 200' lot width to 190' on Tract A to allow for a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located 4984 East 114th Place South.

Comments and Questions:

Mr. Jones explained that the Board of Adjustment application was processed as a minor variance prior to the TMAPC decision that all cases requiring a variance will be heard by the Board before receiving Planning Commission consideration. He explained that a minor variance only requires notification of abutting property owners, which has been done in this case, while other variances require notification of landowners within 300' of the property in question. Due to this fact, Mr. Jones suggested that this application be continued to allow proper notification of surrounding property owners. He stated that Staff has advised the applicant, **Helen Howard**, of the delay.

Protestants:

Several protestants were in attendance.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15371 to March 1, 1990.

Case No. 15380

Action Requested:

Minor Variance of the required rear yard setback from 25' to 20' to permit an addition to the existing structure - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3409 South Gary Avenue.

Presentation:

The applicant, **Lawrence L. Born**, 3409 South Gary, Tulsa, Oklahoma, submitted a plat of survey (Exhibit M-1), and requested permission to add a room to an existing dwelling.

Case No. 15380 (continued)

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Minor Variance** of the required rear yard setback from 25' to 20' to permit an addition to the existing structure - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plat of survey submitted; finding a hardship demonstrated by the corner lot location, the irregular shape of the lot, the curvature of the street and the placement of the house on the lot; on the following described property:

Lot 3, Block 8, Ranch Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15369

Action Requested:

Minor Variance of the required 25' front yard to 24.4' and a variance of the required side yard from 5' to 3.8' to permit existing residence to remain - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3625 South 143rd East Avenue.

Presentation:

The applicant, **Don Miller**, was not present.

Comments and Questions:

Mr. Richards informed that the application was processed by mail, as the applicant lives in Oklahoma City. He informed that this action was initiated when the encroachment was discovered during a title search.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Minor Variance** of the required 25' front yard to 24.4' and a variance of the required side yard from 5' to 3.8' to permit existing residence to remain - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plat of survey submitted (Exhibit D-1); to clear the title to the property:

Lot 16, Block 1, Summerfield South Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15370

Action Requested:

Special Exception to allow a mobile home in an RS-3 zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9**, located 5407 North Lewis Avenue.

Presentation:

The application, **Archie H. Rose**, 5407 North Lewis, Tulsa, Oklahoma, requested permission to install a mobile home at the above stated address. He informed that the former house on the property was destroyed by fire and all utilities are available. Mr. Rose stated that there is another mobile home within 200' of the proposed location. A plot plan (Exhibit X-1) was submitted.

Comments and Questions:

Ms. White asked if the mobile home will be replaced by a permanent structure in the future, and the applicant replied that he plans to live in the mobile home indefinitely.

Mr. Chappelle remarked that the agenda does not reflect that the applicant has requested that the mobile home be permanently located on the property.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** to allow a mobile home in an RS-3 zoned district for a period of one year only - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9**; per plan submitted; finding that there are other mobile homes in the area, and the granting of the request will not be detrimental to the neighborhood; on the following described property:

Beginning 30' east of the NW/c of the S/2, N/2, SW/4, NW/4, NW/4, thence south 165', east 20', south 220', east 346', north 220', east 264', north 165', west 630' to the Point of Beginning, Section 8, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15372

Action Requested:

Variance of the required 50' front yard setback to 45' to permit construction of a ground sign - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 21.

Variance of the required 50' front yard setback to 35' to permit construction of a ground sign - **Section 630. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 21.

Variance to permit two ground signs on a single street frontage of a lot - **Section 620. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21.

Variance to permit advertising sign to be located within 40' of an R District - **Section 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21, located 2323 South Harvard Avenue.

Presentation:

The applicant, **Larry Wald**, 533 South Rockford, Tulsa, Oklahoma, who submitted photographs (Exhibit E-2) and a sign plan (Exhibit E-1), explained that Doctor's Hospital has requested that the sign company replace two identification signs with two smaller ground mounted signs. He stated that the existing signs are located on the south and the north portions of the hospital property. Mr. Wald pointed out that the proposed lower signs will be closer to the street and will provide added visibility for those attempting to locate the emergency facilities. A location map (Exhibit E-3) was submitted.

Interested Parties:

Bret Springle, 3617 East 24th Street, Tulsa, Oklahoma, requested that the Board continue the case until traffic control reviews the signs. He inquired as to the type of lighting on the sign, and Mr. Wald stated that the signs are lighted internally, similar to the existing signs.

Comments and Questions:

There was Board discussion concerning the need for a variance of the required 50' front yard setback to 35'.

Mr. Gardner advised that the construction of one of the signs in the OM District, and not on the RS-3 lot containing the hospital, would require a variance of the required 50' front yard setback to 35'.

Protestants: None.

Case No. 15372 (continued)

Board Action:

On **MOTION** of FULLER, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Variance of the required 50' front yard setback to 45' to permit construction of a ground sign - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 21**; to **APPROVE** a Variance of the required 50' front yard setback to 35' to permit construction of a ground sign - **Section 630. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS - Use Unit 21**; to **APPROVE** a Variance to permit two ground signs on a single street frontage of a lot - **Section 620. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Use Unit 21**; per sign plan submitted; and to **APPROVE** a Variance to permit advertising sign (off-premise directional sign only) to be located within 40' of an R District - **Section 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING - Use Unit 21**; per sign plan submitted; subject to the two existing signs on the north and south portion of the hospital property being replaced with two smaller ground mounted signs; subject to Traffic Engineering approval; finding that the new signs will contain less square footage of display area than the existing signs, and will be below the tree level and closer to the street to provide clearer visibility; on the following described property:

That part of the S/2, NW/4 of Section 16, T-19-N, R-13-E, of the Indian Base and Meridian, According to the US Survey thereof described as beginning at the NW/c of the said S/2, NW/4, thence east along the north line of said S/2, NW/4 a distance of 698.5'; thence south parallel with the west line of said S/2, NW/4, a distance of 658.5' to a point; thence west parallel with the north line of said S/2, NW/4, a distance of 698.5' to a point on the west line of the S/2, NW/4; thence north along said west line a distance of 658.5' to the Point of Beginning, except east 30' and south 30' thereof deeded for street roadway, all in Tulsa County, Oklahoma, according to the US government Survey thereof, Tulsa, County, Oklahoma.

TRACT B

A parcel of land being a part of the N/2, SW/4, NW/4, of Section 16, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof, more particularly described as follows:

Beginning at the SW/c of the N/2, SW/4, NW/4, Section 16; thence north along the west line of Section 16, a distance of 363.73'; thence S 60°00' E, a distance of 197.46', thence east parallel to the north line of the SW/4, NW/4, Section 16, a distance of 265' to the point on the south line of the N/2, SW/4, NW/4, Section 16, thence west along the said south line a distance of 345.5' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15373

Action Requested:

Variance to permit construction of a residential treatment transitional living center within 1/4 mile (1320') of another lot containing such facilities - Section 1205. COMMUNITY SERVICES AND SIMILAR USES - Use Unit 5, located 1214 South Baltimore.

Presentation:

The applicant, John Moody, 2520 Mid-Continent Tower, stated that he is representing the Twelve and Twelve Transition House, which is a residential transitional living and treatment center for alcohol and drug related dependency. Mr. Moody explained that the non-profit center provides a long-term treatment and recovery program, which involves vocational training and job placement. It was noted that the center has been in operation approximately three years, and its primary focus is to provide this type of service for those that are unable to afford treatment or other types of recovery programs. He informed that those individuals who participate in this program live at the center and have a 10 o'clock curfew. They are involved in three phases of treatment, with the first phase being the initial period for relieving alcohol and drug dependency, the second is helping to integrate them into the job world and the third phase moves the individual back into society while still residing at the center. Mr. Moody stated that the existing facility is licensed for 90 beds, and the center is proposing to purchase the apartment building to the south for further expansion. He pointed out that the Code requires that a lot containing this type of residential treatment facility be located 1,320' from another lot containing a like facility. He pointed out that he has chosen to request the variance because the process to combine the two lots into one parcel, with a subdivision plat, would require approximately three months and would use funds which could be spent to help the alcohol and drug dependent. A plot plan and elevations (Exhibit F-3), letters of support (Exhibit F-2) and a location map (Exhibit F-1) were submitted by the applicant.

Comments and Questions:

In response to Ms. Bradley, Mr. Moody stated that the hardship is the fact that the transitional living center consists of two buildings on separate abutting lots.

Protestants:

Ann Brackett, 1009 South Main, 1201 South Main, Tulsa, Oklahoma, inquired if the center will continue to grow. She stated that 1201 South Main was recently purchased to enlarge her business, and voiced a concern with security in the area. Ms. Brackett noted that there are precedents being set for continued commitment of the area to the establishment of rehabilitative and penal institutions, rather than to the Central Business District. She voiced a concern with the adequacy of the building for the intended use, and asked that the Board consider the established businesses in the area when making their decision.

Case No. 15373 (continued)

Sue Springwater, who represented Fred Jones Ford, stated that this business has been in the area for 60 years. She voiced the same concerns that were noted by Ms. Brackett, and pointed out that since the existing centers have been in the area their company has been forced to employ a security guard because of increased vandalism. She asked the Board to deny the application.

Ms. White asked if it is a proven fact that the residents of the treatment centers in the area are vandalizing surrounding properties, and Ms. Springwater replied that some of the problems have been connected with the residents of the centers. Ms. Brackett pointed out that there is a concentration of these centers in this area, and the anchor businesses would like to know about the projected growth of the centers.

Interested Parties:

Walter Bryce, 2436 East 28th Street, Tulsa, Oklahoma, stated that he owns a building and operates an insurance business at 1300 South Main. He informed that vandalism has decreased in the area since the Twelve and Twelve center has replaced the previous tenants, and pointed out that the residents of the new converted apartment building will be controlled, which is not the case at this time.

Applicant's Rebuttal:

Mr. Moody stated that there has never been an incident reported involving a participant in the Twelve and Twelve program. He pointed out that the center has a lock-up curfew, and each resident has to account for every minute of his time.

Ms. White inquired as to the staff for the treatment center, and **Bob Cooper** informed that there are 15 individuals employed at this time, which include a program director, an office manager, an executive director, cooks, maintenance men and accountability clerks.

Ms. Bradley asked Mr. Cooper how many residents currently live at the center, and he replied that, although they are licensed for 90, there are 77 individuals living at the center. He informed that the new building will accommodate 46 additional patients.

In response to Ms. White, Mr. Cooper stated that there will be three employees on the premises at all times.

Mr. Fuller asked if the entire area around the facility is well lighted, and he answered in the affirmative.

Mr. Bolze asked if there is an intended use for the vacant lot presently used for parking, and Mr. Cooper replied that there is no proposed use for the lot at this time, except for the current use as a parking lot. He suggested that, if approved, the number of residents be limited to 136 to provide some assurance to the businesses in the area that the facility will not be enlarged.

Case No. 15373 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** to permit a residential treatment transitional living center within 1/4 mile (1320') of another lot containing such facilities - **Section 1205. COMMUNITY SERVICES AND SIMILAR USES** - Use Unit 5; per plan submitted; subject to the execution of a tie contract; subject to a maximum of 136 residents; subject to lighting being installed around the perimeter of the facility, with continual lighting during the nighttime hours; finding a hardship demonstrated by the fact that the residential treatment center consists of two building located on separate abutting lots; and finding that the center has been in operation at this location for a three-year period and is non-conforming as to the distance from Horace Mann Correctional Center (approximately 500'); on the following described property:

South 35' of Lot 1, all of Lot 2, and 1/2 of the vacated alley adjacent thereto, Block 3, Oak Grove Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15374

Action Requested:

Special Exception to permit a public school in an AG zoned district - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5, located east of 88th East Avenue and North of 79th Street South.

Presentation:

The applicant, **Robert E. Yadon**, 5437 South Gillette, Tulsa, Oklahoma, MPI Architects, submitted a plot plan (Exhibit M-1) for a proposed elementary school building on a ten-acre tract in the Union School District.

Comments and Questions:

Ms. Bradley asked if utilities are available, and Mr. Yadon stated that the School District plans to extend the 8" water line and construct a 36' street, with a storm sewer provided.

Mr. Gardner advised that one of the key considerations in the platting is to have a collector street along the southern boundary until the subdivision to the east and south is developed. He pointed out that the primary access will be along the southern boundary.

Protestants: None.

Case No. 15374 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** to permit a public school in an AG zoned district - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5; per plot plan submitted; on the following described property:

Beginning at a point 1192.72' north of the SW/c, SE/4, Section 12, T-18-N, R-13-E, Tulsa County, Oklahoma, thence north 660', thence east 660', thence south 660', thence west 660' to the Point of Beginning, with the south boundary being the centerline of East 79th Street South, containing ten acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15375

Action Requested:

Special Exception to permit a salvage business in an IM zoned district - **Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 27, located 13307 East Apache.

Presentation:

The applicant, **Dan McKisick**, 24 South 124th East Place, Tulsa, Oklahoma, requested permission to operate a salvage business at the above stated location. He stated that a salvage yard has previously been in operation on the property.

Comments and Questions:

Mr. Gardner asked the applicant if he plans to conduct the salvage operation in the same manner as the others in the area. He pointed out that existing salvage yards are screened, with no stacking extending above the top of the screening fence. Mr. McKisick stated that the entire yard will be screened with a 6' wood fence.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** to permit a salvage business in an IM zoned district - **Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 27; subject to a 6' solid wood screening fence around the entire salvage area; and subject to cars being stacked no higher than the screening fence; finding that there are similar uses in the area, and the granting of the request will be in harmony with the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Apache Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15376

Action Requested:

Special Exception to permit a mobile home to be used for an office and dwelling for a security guard - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 9, located NW/c Elwood and 71st Street South (703 West 71st Street South).

Presentation:

The applicant, **Charles Stephenson**, 1257 East 29th Street, Tulsa, Oklahoma, informed that he is currently leasing approximately 39 acres of land and has invested a large sum of money in equipment and livestock. He requested permission to install a mobile home to be used for a 24-hour security guard. Mr. Stephenson stated that he raises emu, a bird that resembles an ostrich in appearance, and is in need of security to prevent theft of the smaller birds. He informed that the neighbors are supportive of the application.

Comments and Questions:

Ms. White asked if the existing house is occupied, and the applicant replied that the existing buildings will be removed from the property.

In response to Ms. Bradley, the applicant stated that a septic tank will be installed if this special exception is approved.

Mr. Stephenson explained that there will not be an office in the mobile home, and its only use will be for security purposes.

Protestants:

John Weiss, 1580 Swan Drive, Tulsa, Oklahoma, stated that he owns property in the area and has seen no improvements to the land in the last two years.

Ms. White asked Mr. Weiss if he objects to the installation of a mobile home to house a security guard, and he replied that he does object to the mobile home.

Maxine Beal, 310 West 71st Street, Tulsa, Oklahoma, submitted photographs (Exhibit G-1) and stated that the property in question is a disgrace to the neighborhood, and requested that the special exception be denied.

Applicant's Rebuttal:

Mr. Stephenson stated that he has removed two dilapidated buildings and hauled away a large amount of debris after he leased the property. He requested that the mobile home be allowed for one year, with a review at the end of that time period.

Case No. 15376 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** to permit a mobile home to be used as a dwelling for a security guard for a period of one year only - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 9; subject to removal of the two uninhabitable structures on the corner of 71st Street and Elwood Avenue; subject to a Building Permit and Health Department approval; and subject to skirting being installed; finding that the temporary use will not be detrimental to the neighborhood; on the following described property:

The SE/4, SE/4, Section 2, T-18-N, R-12-E, Less the north 417.4'; and less the east 522', south 208', north 626.1' thereof in Section 2, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15377

Action Requested:

Special Exception to modify the parking and screening requirement due to change in use - **Section 1470. PARKING LOADING AND SCREENING NONCONFORMITIES** - Use Units 12 and 13.

Variance to permit required parking to be located within the boundary of a major street plan - **Section 280. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12 and 13, located 1538 South 15th Street.

Presentation:

The applicant, **John M. MacDonald**, was represented by **Mac Rosser**, 100 West 5th Street, Tulsa, Oklahoma, who submitted photographs (Exhibit H-1) and a revised parking layout (Exhibit H-2) for the Back Bay Gourmet. He explained that the existing business is proposing to expand into restaurant space next door to their current location, with no additional building space being added. He stated that some of the required parking spaces for the building will extend onto property located within the boundary of the Major Street Plan, as do many of the structures in the older area. Mr. Rosser noted that the donut shop is open only during the morning hours and these spaces can be used by the restaurant during the remainder of the day. He further noted that a portion of the building is not occupied and has no heating or air conditioning.

Case No. 15377 (continued)

Interested Parties:

Mayor Rodger Randle stated that he does not expect 15th Street to be widened at this location and does not foresee the need for the parking spaces located in the setback to be used for that purpose. A letter of support (Exhibit H-3) was submitted.

Barbara Day, 1521 South Quaker, Tulsa, Oklahoma, represented the Swan Lake Neighborhood Association, and pointed out that the neighbors appreciate the clientele that the restaurant brings to the area. Ms. Day stated that the neighborhood association is supportive of the requests; however, she asked that screening be required between the commercial lot and the residential property to the rear.

There was Board discussion concerning screening, and Mr. Rosser explained that there is a retaining wall topped with a chain link fence in place at this time. He suggested that the vegetation and trees along the boundary provide adequate screening.

Mr. Bolzle asked if there is sufficient space to construct a screening fence on top of the retaining wall, and Mr. Rosser stated that he is not sure.

Ms. Day again requested that a solid screening fence, as required by the Code, be installed between the parking lot and the residential area.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** to modify the screening requirement due to change in use - **Section 1470. PARKING LOADING AND SCREENING NONCONFORMITIES** - Use Units 12 and 13; and to **APPROVE** a **Variance** to permit required parking to be located within the boundary of the Major Street Plan and the number of required on-site parking spaces to be reduced from 33 to 30 - **Section 280. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12 and 13; per plan submitted; subject to the execution of a removal contract; finding that numerous buildings in the older area have been constructed within the boundary of the Major Street Plan, which would limit the possibility that 15th Street will ever be widened at this location; on the the following described property:

North 35' of the west 100' of Lot 14, and the west 100' of Lot 5, 15 and 16, Block 4, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15378

Action Requested:

Variance to allow two (2) dwellings to be constructed on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6.

Variance to allow a detached accessory building not customarily incidental to the principal use - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance of the rear yard maximum lot coverage allowed from 750 sq ft to 2240 sq ft - **Section 240. YARDS** - Use Unit 6, located 3520 East 110th Place South.

Presentation:

The applicant, **Howard Kelsey**, was represented by **Alan Madewell**, 6600 South Yale, Tulsa, Oklahoma, who submitted a site plan (Exhibit J-1) and requested permission to construct a cabana/guest house behind a single-family dwelling. He explained that the neighbors on abutting properties are supportive of the application, and the neighborhood property owners were also advised of the project, with no negative response to the proposal. A sketch and layout (Exhibit J-2) of the proposed structure were submitted.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** to allow two (2) dwellings to be constructed on a single lot of record - **Section 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; to **APPROVE** a **Variance** to allow a detached accessory building not customarily incidental to the principal use - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; and to **APPROVE** a **Variance** of the rear yard maximum lot coverage allowed from 750 sq ft to 2240 sq ft - **Section 240. YARDS** - Use Unit 6; per plot plan submitted; subject to the execution of a covenant restricting the use of the guest house for family members only (rental of structure prohibited); finding that the large lot can easily accommodate the two units, and the granting of the requests will not cause substantial detriment to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 32, Block 3, Philcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15379

Action Requested:

Variance of the required 6' screening fence along property line abutting an R District - **Section 1214. SHOPPING GOODS AND SERVICES** - Use Unit 14.

Variance to reduce the number of required parking spaces from 38 to 25 spaces - **Section 1214. SHOPPING GOODS AND SERVICES** - Use Unit 14, located 4720 East 51st Street.

Presentation:

The applicant, **Woodland Animal Hospital**, was represented by **William Elliott**, 2251 East Skelly Drive, Tulsa, Oklahoma, who submitted a plot plan (Exhibit K-1) for the building in question. He explained that the animal hospital was constructed in 1972 and has continually operated as an animal hospital, with Dr. Clark and his partner being on staff. It was noted by the applicant that 23 parking spaces are presently available for the facility. Mr. Elliott stated that the building was damaged by fire and is to be remodeled and expanded approximately 600 sq ft to provide a break room for employees.

Comments and Questions:

Mr. Fuller asked the applicant if he is requesting a variance of the screening requirement on the south property line, and he replied that a fence is already in place on the south boundary.

Mr. Gardner advised that the existing fence could belong to the property owner to the south; however, regardless of the ownership, a second screening fence is not required, so the applicant is in need of a variance.

Mr. Elliott stated that the building will contain approximately 8500 sq ft of floor space after remodeling is complete, which will allow adequate parking for approximately 29 vehicles (38 spaces required). He pointed out that animal hospitals require more parking spaces per square foot of floor space than regular medical buildings; however, the addition to the hospital is to be used only by the employees, and will not increase the number of animals visiting the hospital. The applicant informed that the animal hospital and the Steak and Ale Restaurant have had a reciprocal parking agreement for 17 years; however, it was not filed of record and the signed copy is not available.

Mr. Gardner asked the applicant if he would object to the use being limited to an animal hospital only, and he replied that a beauty shop has been operating in a portion of the building for 17 years.

Protestants: None.

Case No. 15379 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** of the required 6' screening fence along property line abutting an R District - **Section 1214. SHOPPING GOODS AND SERVICES** - Use Unit 14; and to **APPROVE** a **Variance** to reduce the number of required parking spaces from 38 to 25 spaces - **Section 1214. SHOPPING GOODS AND SERVICES** - Use Unit 14; subject to no change in use for the the portion of the building utilized as an animal hospital; subject to the installation of a 6' screening fence on the south property line if the existing fence is destroyed or removed for any reason; finding that the building addition will be for employee use only, and will not be used for animal treatment; on the following described property:

The south 100' of the west 200' of the east 338' of the west 363' of the N/2, NE/4, NE/4, NE/4, Section 33, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15382

Action Requested:

Special Exception to permit an automobile repair body shop in a CS District - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17.

Special Exception to permit change of use of non-conforming accessory building - **Section 1420.f. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 17, located north of NW/c of South Peoria and East 66th Place.

Comments and Questions:

Mr. Chappelle stated that he will abstain from hearing this case, as Mr. Cole is his business partner.

Presentation:

The applicant, **Craig Wallace**, was represented by **David Cole**, 2764 North Cincinnati, Tulsa, Oklahoma, who stated that his client is requesting permission to operate a repair business, which would be limited to auto repair and painting. He pointed out that the business will be limited to body and repair work for two automobile dealers and will not be open to the general public. Mr. Cole stated that there will be no outside storage of automobiles, and the painting will be an accessory to the repair work. He pointed out that the painting booth is in compliance with all health regulations and all work will be completed inside the building. Mr. Cole stated that the owner of the business has two employees, and the days and hours of operation will be Monday through Friday, 8:00 a.m. to 6:00 p.m., and Saturday from 10:00 a.m. to 4:00 p.m. It was noted that the owner will occupy the house on the front portion of the property. He further noted that there are similar automobile related businesses in the area.

Case No. 15382 (continued)

Additional Comments:

In response to Ms. Bradley, Mr. Cole informed that the back of a small shopping center abutts the subject property to the south.

Ms. Bradley asked the size of the accessory building, and Mr. Cole replied that the building contains approximately 2500 sq ft of floor space.

Protestants:

Bill Street, 15909 East 131st Street, Tulsa, Oklahoma, stated that he has operated a business in the area for many years and owns the property across the street from the lot in question. He pointed out that the Brookside area is continuing to upgrade and asked the Board to deny the garage, which would tend to depreciate surrounding property values.

Steve Cowan, who submitted photographs (Exhibit L-1) and a letter (Exhibit L-2) from the Tulsa Housing Authority, stated that he is representing Inhofe Plaza which abuts the subject property. He pointed out that the residents from the apartment complex will overlook the automobile repair operation, and asked that the request for a body shop at this location be denied.

Comments and Questions:

Ms. Bradley asked Mr. Cole how many automobiles are being repaired at any given time, and he replied that a maximum of three automobiles will be stored in the building.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-1 (Bozile, Bradley, Fuller, "aye"; no "nays"; Chappelle, "abstaining"; White "absent") to **APPROVE** a **Special Exception** to permit an automobile repair body shop in a CS District - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17:** and to **APPROVE** a **Special Exception** to permit change of use of non-conforming accessory building - **Section 1420.f. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION - Use Unit 17;** per plan submitted; subject to no outside storage of vehicles and all automobile repair and body work being completed inside the existing accessory building (no new buildings or building expansion permitted on the site), and the days and hours of operation being Monday through Friday, 8:00 a.m. to 6:00 p.m., and Saturday from 10:00 a.m. to 4:00 p.m.; subject to no utilization of the west 50' of the subject property for the requested use; and subject to a solid 6' screening fence being installed along the west property line; finding that there are similar automobile related uses in the area, and that granting of the special exception requests, as presented, will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Case No. 15382 (continued)

A tract of land containing 1.1064 acres, that is part of the SE/4, NE/4, Section 1, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at the SE/c, NE/4, said Section 1; thence due north along the easterly line of Section 1 for 191.00' to the Point of Beginning of said tract of land, said point being 50.00' easterly of the NE/c of Lot 1, Block 1, Compton Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence N 88°50'59" W along the northerly line of Lot 1, Block 1, Compton Addition for 311.00' to a point on the easterly line of Lot 2, Block 1 of Cline Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, said point also being the NW/c of Lot 1, Block 1, Compton Addition; thence due north along the easterly line of Lot 2, Block 1, Cline Addition for 155.00' to a point, said point being the NE/c of Lot 2, Block 1, Cline Addition and the SW/c of Lot 1, Block 1, Young Center, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence S 88°50'59" E along the southerly line of Lot 1, Block 1 of Young Center for 311.00' to a point on the easterly line of said Section 1, said point also being the SE/c of Lot 1, Block 1 of Young Center; thence due south along the easterly line of Section 1 for 155.00' to the Point of Beginning of said tract of land, and being located in a CS zoned district, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 5:02 p.m.

Date Approved

Mar 1 1990


Chairman

