

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 585
Tuesday, April 23, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, April 22, 1991, at 10:40 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 1:00 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 April 9, 1991.

UNFINISHED BUSINESS

Case No. 15680

Action Requested:

An appeal of the decision of a Code Enforcement officer in determining the existing use is Use Unit 2, not a Use Unit 5 - Transitional Living Center and/or Residential Treatment Center - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 5.**

Special Exception to conduct operations utilizing 243-245 West 12th Street and additional properties as a halfway house for the rehabilitation of individuals with an alcoholic and/or chemical dependency criminal history - Irrespective of the Use Unit classification determined by the Code Enforcement officer or the Board of Adjustment - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and Section 1606. INTERPRETATION.**

Variance of the one-fourth mile (1,320') spacing requirement between residential treatment centers, transitional living centers, emergency or protective shelters - **Section 1205.C.4. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES - Use Conditions - Use Unit 5, located 243-245 West 12th Street and 250-260 West 11th Street.**

Comments and Questions:

Ms. Bradley pointed out that this case is in litigation, and asked Mr. Jackere if it would be more appropriate for the Board to hear the application after District Court makes a determination.

Case No. 15680 (continued)

Mr. Jackere advised that it could be 6 months or a year before the District Court Judge renders a decision, and the applicant is entitled to a hearing on the relief he has requested.

It was the consensus of the Board that the case should be heard at this time, as requested by the applicant, and the appeal from the decision of the Code Enforcement officer should be considered before the special exception and variance requests.

Exhibits:

(A-1) Freedom House Presentation packet; (A-2) Index to documents concerning the use; (A-3) Freedom House and Horace Mann location map; (A-4) Additional exhibits supporting use; (A-5) Distinctions between Transitional Living Center/Residential Treatment Center and Community Correctional Center; (A-6) History of Freedom House and letters of support; (A-7) Location map depicting Freedom House and similar facilities in or near downtown area; (A-8) Petitions and letters of protest; (A-9) Letter of opposition, Summary of Facts and Halfway House Service Contract, submitted by Roy Johnsen, legal counsel for Twenty First Properties.

Presentation:

The applicant, **John O'Connor**, PO Box 4163, Tulsa, Oklahoma, stated that he is representing Freedom House, and suggested that the use located on the subject property may not be identified in the Code, but would be classified somewhere between similar uses. In regard to the appeal of the decision of the Code Enforcement officer, Mr. O'Connor clarified that in 1985 and 1986 Freedom House was located on the top floor of the 12 and 12 Transition House, which operates under Use Unit 5. He informed that the present facility was later acquired, and during the real estate transaction, the City was supplied with the Halfway House Contract, which disclosed the nature of the operation. The applicant pointed out that the City informed the real estate agent that Freedom House would be classified under Use Unit 5 and, after an inspection by the City, a Zoning Clearance Permit was issued for a transitional living center/residential treatment center. Mr. O'Connor stated that in 1987, approximately 30 days before occupancy of the facility, a neighbor, Mr. Palmer, filed a complaint with the City, and Freedom House was inspected again by **Ed Rice**, a City building inspector, and found to be a Use Unit 5 operation. He pointed out that the inspector stated that he was aware of the contract with the Department of Corrections. Mr. O'Connor stated that no other complaints have been registered from that time until 1991, when two mobile units were permitted for administrative purposes. He informed that additional construction was also planned, and **Candy Parnell**, Code Enforcement officer, reviewed the property and determined the use to be a Use Unit 2 detention/correctional facility. The applicant stated that **Wayne Albery** was assisting Freedom House with plans for the proposed expansion and, after investigation, concluded the use to be Use Unit 5. He informed that 1986 Tulsa Metropolitan Area Planning Commission minutes reflect a statement made by **Richard Brierre**, INCOG, that the Department of Corrections has a Halfway House program, and if these Halfway Houses include alcohol or drug treatment, they would be considered as

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transitional living centers. Mr. O'Conner pointed out that Mr. Brierre further stated that the term halfway house was eliminated from the Zoning Code, as the previous definition only included drug and alcohol treatment centers, and correctional halfway house would be looked at as how they fit within the adopted definitions. The applicant stated that it appears that a halfway house, as viewed by the Department of Corrections and those adopting the Code, would be a transitional living center.

Comments and Questions:

Ms. Bradley inquired as to the definition of a halfway house, and the applicant stated that one is an alcohol rehab center, and the other is for offenders that do not have a drug problem. He pointed out that the treatment center in question is not specifically dealt with in the Code, but is more like a community service program. He stated that the Freedom Ranch is a transitional living center, and not a detention/correctional facility.

Interested Parties:

David King, Director of Freedom House, stated that the facility in question is a 60-bed adult male transitional living center, which is heavily involved in counseling and treatment. He informed that 95% of the residents have a drug or alcohol problem, and are under the supervision of the Department of Corrections, but are not confined to the premises. Mr. King stated that each individual is carefully screened, as many of the residents work and go to school in the community, and are not determined to be a threat to society. He pointed out that, if they leave Freedom House, the proper authorities are notified.

Ms. Bradley asked if the residents of Freedom House are on parole, and Mr. King stated that a few are on pre-parole and some are referred there directly by judges, as an alternative to incarceration.

Ms. White asked who would be notified if a resident should leave the center, and Mr. King replied that the Department of Corrections would be called. He pointed out that the same type of operation was conducted in the 12 and 12 building before moving to the present facility.

Ms. White asked if all residents are under the supervision of the Department of Corrections, and Mr. King stated that Freedom House has three or four clients that have not been incarcerated.

In response to Mr. Fuller, Mr. King stated that residents of Freedom House are convicted felons.

Mr. Bolzle asked the maximum length of treatment, and Mr. King stated that typically each resident stays an average of 118 days.

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In answer to Mr. Bolzle, Mr. King pointed out that the difference in the Freedom House and a correctional facility is the fact that the residents are screened, have liberty to go outside the complex and are allowed to attend school, acquire employment and have their own transportation.

Ms. Bradley asked if some clients at the facility report to a parole officer, and Mr. King answered in the affirmative.

Ms. White asked Mr. King if employment is mandatory, and he replied that the center requires employment within 30 days from the date of admittance.

In response to Mr. Fuller, Mr. King explained that any client leaving the program will be found and reincarcerated by the Department of Corrections. He pointed out that the program has experienced a great deal of success, with only 8% failing to rehabilitate.

Stephan Strode, stated that he is employed at the probation and parole office, located at 440 South Houston. He explained that there are a number of security levels within the agency, ranging from maximum security to community security, with approximately 12,000 incarcerated individuals. Mr. Strode stated that the Freedom House has even less security than a community security facility; however, those residents are technically considered to be inmates. He informed that Freedom House is not a pre-release center.

Ms. Bradley inquired as to the difference in Freedom House and Horace Mann Pre-Release Center, and he replied that the residents of Horace Mann are under the direct supervision of the Department of Corrections and work only on public works projects. He explained that the residents of Freedom House are free to work anywhere in the community and are under the direct supervision of counseling staff.

Mr. Gardner asked if 60 residents from Freedom House could be exchanged for 60 residents at Horace Mann, and Mr. Strode replied that they could not be exchanged because the residents of Horace Mann have not yet earned their way to a facility such as Freedom House.

Mr. Fuller asked Mr. Strode if he considers Freedom House to be a residential treatment center, and he answered in the affirmative.

Ms. White asked if residents of Freedom House could be exchanged for residents in 12 and 12, and Mr. Strode stated that they would be interchangeable as to treatment and freedom allowed.

Rosie Brown, 1724 South Madison, Tulsa, Oklahoma, stated that the residents at Freedom House are being counseled to prepare them for reentry into society. She pointed out that the organization provides housing and very few services, so it is vitally important that they be close to transportation and support services. She stated that the present location provides the needs required for a successful operation.

Case No. 15680 (continued)

Candy Parnell, Code Enforcement, stated that she received and investigated a complaint regarding the mobile homes at Freedom House and, after this investigation, made the determination that the use should have been classified under Use Unit 2. She pointed out that the people that live at this location are controlled by the Department of Corrections and are confined to the premises. Ms. Parnell stated that Mr. King informed her that the residents are at Freedom House at all times, unless at work, school or in a treatment session. She pointed out that all residents of Freedom House have been arrested or convicted for a violation of civil or criminal law, and the use appears to be quite different from a transitional living center. Ms. Parnell stated that it is her determination that the use should be classified under Use Unit 2, and not Use Unit 5.

Protestants:

Brian Huddelston, 6 East 5th Street, Tulsa, Oklahoma, stated that he is representing numerous property owners and tenants in the area who are opposed to the location of the Freedom House. He stated that the center is definitely a Use Unit 2 use, as the residents are not on parole and are inmates under the jurisdiction of the Department of Corrections.

Darla Hall, District 2 city councilor, stated that the issue seems to be whether the center is a correctional facility or a transitional living center. She pointed out that a transitional center seems to be a home where individuals with drug or alcohol problems are reentering society; however, the residents of Freedom House are inmates, which have been convicted of crimes, and may or may not have a drug problem. Ms. Hall stated that she considers the use to be a correctional facility classified under Use Unit 2.

Norma Turnbo, 1822 South Cheyenne, Tulsa, Oklahoma, stated that she is District 7 planning chair, and the property in question borders on District 7. Ms. Turnbo pointed out that the operation is a Use Unit 2 correctional treatment center for convicts, and not a transitional living home for individuals that have no connection with the Department of Corrections.

Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, informed that he is counsel for 21st Properties, owner of a portion of the property occupied by Freedom House. He stated that his client is opposed to the use and the issue is in litigation at this time. Mr. Johnsen informed that Candy Parnell, Code Enforcement, has ruled that the use is found in the Code under Use Unit 2. He pointed out that counsel for Freedom House subpoenaed Candy Parnell, Bob Gardner and Paula Hubbard, all of which are municipal or INCOG employees who deal with zoning matters on a regular basis, and they found the use to be classified under Use Unit 2. Mr. Johnsen suggested that full disclosure of the use may not have been presented to City officials in 1987 when the use was initially permitted, since the Zoning Clearance Permit is issued according to the information submitted by the applicant. He pointed out that the initial proposal to the Department of Corrections was for a pre-release program for inmates, and the lease, as well as other documents on file, states the use to be a pre-release center. Mr. Johnsen stated that the deed

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restrictions placed on the Horace Man facility will not allow violent offenders to be housed at this location; however, Freedom House representatives have stated that these types of individuals are housed in their facility. He concluded that Freedom House is clearly a pre-release center classified under Use Unit 2.

Gabrieli Edwards, 1109 South Denver, Tulsa, Oklahoma, stated that the Freedom House is directly behind her liquor store, and she is opposed to the present use.

Skip Holman, 200 Center Plaza, Tulsa, Oklahoma, represented Center Plaza, and informed that the individuals residing at the Freedom House are inmates, which are not on parole or probation.

Terry Palmer, 1207 South Carson, Tulsa, Oklahoma, informed that he protested the operation in question, and the individual that was contacted at the Freedom House referred to the residents as inmates. Mr. Palmer stated that he was told that they are not at liberty to leave the premises without permission and will be returned to prison if this rule is broken. He informed that the Freedom House is a Use Unit 2 operation and is in violation of the Code.

Interested Parties:

Joe Stanavich, 4608 East 80th Street, Tulsa, Oklahoma, stated that he is the minister for the Church of His Hands Extended, and has been involved with the Freedom House for approximately 18 months. He explained that he uses one of the rooms at the facility for chapel services, and feels the center is not served by correctional officers and is not a correctional treatment center.

Applicant's Rebuttal:

Mr. O'Connor stated that City records of the Freedom House application and notes from the City Inspections were not found, but the building inspectors remember the reports. He pointed out that the individuals drafting the Code considered the Department of Corrections' halfway house program, including alcohol and drug treatment, to be a transitional living center. Mr. O'Connor remarked that Freedom House has been in operation at this location for approximately three and one-half years and no complaints had been filed until the mobile units were recently moved on the property. He asked the Board to reverse the decision of the Code Enforcement officer.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **UPHOLD** the decision of the Code Enforcement officer in determining the existing use is a Use Unit 2 Residential Treatment Center - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 5; finding the use to be a correctional facility housing inmates, not on probation or parole, under the supervision of the Department of Corrections. *ERROR CORRECTED 4/25/91*

Case No. 15680 (continued)

Ms. White stated that the Board will now hear remarks concerning the request for a special exception to operate a halfway house, and a variance of the 1320' spacing requirement.

Comments and Questions:

Mr. Johnson stated that he has examined the notice for the requests, and questioned if proper notice has been given to consider a Use Unit 2 item at this time. He pointed out that the initial notice prepared by Staff identifies Use Unit 2 as detention/correction facility, which was marked out and revised per applicant's instructions. Mr. Johnson stated that he is not sure the notice properly advises the surrounding property owners that a pre-release center (Use Unit 2) is the intended use.

The consensus of the Board was that the case was properly advertised, and the overwhelming response to the notice is evidence that the public understood the nature of the application.

In response to Mr. Bolzle's question concerning the omission of Use Unit 2 in the action requested, Mr. Jackere stated that District Court could find the notice to be insufficient, in which case it would be returned to the Board for proper notice and hearing.

Presentation:

Mr. O'Connor informed that the use has been at the present location for over three years and has proved to be compatible with the area. He pointed out that Freedom House has not had a negative impact on the area, because there had been no complaints until the mobile units were recently moved on the property. Mr. O'Connor remarked that the area has deteriorated and the surrounding buildings are vacant, except for the liquor store and the Bowen Lounge.

Interested Parties:

Richard Lawson, City Police Department, stated that he has been the area commander in this area since 1986. He explained that Freedom House has reported numerous drunks and transients at this location, but there have been no arrests of their residents by the Tulsa Police Department.

Mark Medlin, 1311 South Frisco, Tulsa, Oklahoma, informed that he owns a residence in the area, and stores antiques across the street from the property in question. He stated that the negative trend in the area began to change when Freedom House moved to the current location.

John Warwick, stated that he was a resident of Freedom House for eight months and is now a productive citizen.

Comments and Questions:

Mr. Chappelle asked Ms. Parnell if she received complaints other than the location mobile homes, and she replied that the mobile homes are the only complaints that are on record.

Case No. 15680 (continued)

In response to Mr. Fuller, Ms. Hubbard explained that a variance of the spacing requirement is not required, since the Board found the use to be classified under Use Unit 2.

Protestants:

Jack Crowley, 1411 South Galveston, Tulsa, Oklahoma, stated that he was chairman of the Master Plan committee for the downtown area, and the goals of that plan are not the same goals as those of the applicant. Mr. Crowley stated that he lives nearby, and feels that the area in and around the Central Business District is saturated with treatment centers. He pointed out that the plan to encourage downtown living will not be carried out if a clustering of too many negative items are permitted.

Norma Turnbo, 1822 South Cheyenne, Tulsa, Oklahoma, stated that Use Unit 2 would allow numerous types of correctional facilities, and asked the Board to deny the application.

In response to Ms. Bradley, Mr. Gardner advised that Use Unit 2 uses are not permitted by right anywhere in the City of Tulsa, and every case requires a public hearing by the Board of Adjustment. He added that spacing and concentration could be items of concern.

Jim Norton, president of Downtown Tulsa Unlimited, stated that the Master Plan depicts the area as residential redevelopment, and if the area is ever to be reclaimed the concentration of negative uses must cease.

In reply to Mr. Fuller, Mr. Gardner advised that there could be a need for retirement housing affiliated with the area churches, and commercial properties would be needed to service these residents.

Daria Hall, City Council, stated that the Freedom House is a good organization; however, the area is already saturated with these types of facilities. She pointed out that finding the existing use to be classified under Use Unit 2, and denial of the special exception request, could bring about a positive change in the neighborhood.

Mr. Bolzie asked Mr. Jackere if the Board should be concerned with the affect their decision will have on the future plans for the area, and he replied that the Board should be concerned with facts, but not speculative as to the future of the area.

Skip Holman, stated that he is the manager of the Center Plaza Apartments, which consists of two twenty-story buildings, with 400 units. He pointed out that the apartment complex is one of the largest facilities in the area. Mr. Holman stated that he is concerned with property values and long term development plans for the neighborhood. He remarked that, although Freedom House is an excellent program, improvements will not be made in the area as long as this type of facility exists.

Mr. Huddelston stated that he is representing approximately 75 area residents that are in opposition to the special exception request.

Case No. 15680 (continued)

He informed that area property owners do not find the proposed use to be compatible with the surrounding uses, or those proposed for the area.

Genave Rogers, 200 Mid-Continent Tower, Tulsa, Oklahoma, stated that she has been a property owner in the neighborhood for many years, and is assessed a special tax to implement City planning in the area. She pointed out that a correctional center has no place in the long-range plans.

Mr. Johnsen stated that the community has spent a considerable amount of time in developing and adopting the District 1 Plan, and this area was found to be appropriate for residential development. He informed that his client, 21st Properties, owns or controls approximately 80% of the block where the use in question is located, and is planning to upgrade the property. Mr. Johnsen suggested that the assembly of 60 inmates in an area that has the highest crime rate in the City is not logical. He informed that the facility violates the Building Code, since the building does not provide the required floor area for each resident. Mr. Johnsen pointed out that the residents of Freedom House are convicts and are not allowed to leave the premises without permission. In conclusion, Mr. Johnsen stated that a correctional facility at this location would not invite any type of residential development in the area.

Interested Parties:

Sharon Seals, a councilor at Freedom House, stated that she has worked in the Vision 2000 Plan and is familiar with the Tulsa Zoning Code. She pointed out that the facts should be considered in this issue, and not the suspected impact on the downtown area. Ms. Seals stated that she leaves the facility late at night, and is much more concerned with the transients in the area than her clients at Freedom House.

Paul Day and **Clayton Nutbrown** stated that they have previously lived at Freedom House, and consider the use to be helpful to the residents and appropriate for the area.

Applicant's Rebuttal:

Mr. O'Connor informed that Freedom House has entered into a lease purchase agreement with the owner of the property, and a portion of the rent will be applied to the purchase price if the sale is completed. He pointed out that the agreement was entered into with good faith, because they had every reason to believe the facility was properly zoned. Mr. O'Connor stated that those opposed to the use have failed to present incidents of bad behavior on the part of the residents, or information that the facility has had a negative impact on property values. He pointed out that the facility has not endangered public health, safety or the general welfare of the community. Mr. O'Connor suggested that the use could be limited to existing use only, with no jail permitted. He stated that this is a serious matter to Freedom House, because \$45,000 has been invested in the lot next door and now the landlord wants to withdraw the option to purchase the existing facility.

Case No. 15680 (continued)

Comments and Questions:

Mr. Fuller asked how many residents are currently living at Freedom House, and Mr. O'Connor replied that 52 are there at the present time, with a maximum of 60 allowed.

Ms. Bradley and Mr. Fuller stated that they consider the program to be very worthwhile, but find the use to be incompatible with the District 1 Plan.

Ms. White stated that she is not supportive of the location of the facility, and that approval of the application would be a condemnation of the area for further development.

Mr. Bolzle remarked that he is concerned with clustering these types of treatment facilities in the general area.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-1-0 (Bradley, Bolzle, Fuller, White, "aye"; Chappelle, "nay"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to conduct operations utilizing 243-245 West 12th Street and additional properties as a halfway house for the rehabilitation of individuals with an alcoholic and/or chemical dependency criminal history irrespective of the Use Unit classification determined by the Code Enforcement officer or the Board of Adjustment - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and Section 1606. INTERPRETATION;** and to **WITHDRAW** a **Variance** of the one-fourth mile (1,320') spacing requirement between residential treatment centers, transitional living centers, emergency or protective shelters - **Section 1205.C.4. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES - Use Conditions - Use Unit 5;** finding a correctional facility is not compatible with the area, and the use is not in accordance with the District 1 Plan; finding that there are a number of similar facilities in and around the downtown area, which would tend to create a clustering effect; and finding that the variance request is not required, since the Board determined the existing use to be classified under Use Unit 2; on the following described property: *ERROR CORRECTED 6/25/91*

All of Lots 3, 4 and 10, and the west 36.7' of Lot 11, and the east 26' of Lot 11, Block 1, George B. Perryman Addition.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15706

Action Requested:

Minor Variance of the side yard requirement, as measured from the centerline of Woodrow Place, from 45' to 38', to allow a new carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6,** located 2149 North Delaware Avenue.

Case No. 15706 (continued)

Presentation:

The applicant, **Corinne Nickoes**, 2149 North Delaware Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit B-1), and explained that she lives on a corner lot and the proposed carport will be located behind the house. She informed that the carport will not obstruct the view of motorists or other residents of the area.

Comments and Questions:

Ms. Bradley inquired as to the size of the carport, and Ms. Nickoes stated that it will be 19' by 20', and will be of wood construction.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** of the side yard requirement, as measured from the centerline of Woodrow Place, from 45' to 38', to allow a new carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the proposed carport will not be detrimental to the neighborhood, since it will not extend as close to Woodrow Place as the existing house; on the following described property:

North 56' of W/2 of Lot 1, Block 10, City View Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15698

Action Requested:

Special Exception to permit the sale of Girl Scout supplies and novelty items - **Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 11.

Variance of the minimum floor area required in the principal building from 50,000 sq ft to 6,912 sq ft, and a variance to permit exterior pedestrian access - **Section 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS** - Use Unit 11.

Variance to waive the screening requirement along the property lines in common with an R zoned district - **Section 1211.C. Use Unit 11. OFFICES AND STUDIOS** - Use Conditions - Use Unit 11, located 2432 East 51st Street.

Comments and Questions:

Mr. Gardner advised that a building having 50,000 sq ft or more is allowed to have accessory type commercial uses. He pointed out that this request may be considered to be a unique, but cautioned the Board about approving commercial uses in small office buildings.

Case No. 15698 (continued)

Presentation:

The applicant, **Wallace O. Wozencraft**, 5801 East 41st Street, Tulsa, Oklahoma, architect for the proposed construction, submitted a plot plan (Exhibit C-1) and asked the Board to permit the sale of Girl Scout supplies at this location. He explained that only uniforms, badges and other small items used in the organization will be sold on the premises. He informed that the Girl Scout offices are located in the building, and regularly scheduled Scout meetings are also held at this location. Mr. Wozencraft requested that the variance to waive the screening be withdrawn, since the existing fencing complies with Code requirements.

Comments and Questions:

Mr. Gardner asked if camping gear and similar supplies are sold at this location, and Mr. Wozencraft replied that camping equipment will not be available, but only uniforms, badges and small items which are earned by the girls.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit the sale of Girl Scout uniforms and uniform accessory items - **Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 11; and to **APPROVE** a **Variance** of the minimum floor area required in the principal building from 50,000 sq ft to 6,912 sq ft, and a variance to permit exterior pedestrian access - **Section 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS** - Use Unit 11; and to **WITHDRAW** a **Variance** to waive the screening requirement along the property lines in common with an R zoned district - **Section 1211.C. Use Unit 11. OFFICES AND STUDIOS - Use Conditions** - Use Unit 11; per plot plan submitted; finding that the sale of Girl Scout uniforms and uniform accessories does not constitute a commercial business, and will not be detrimental to the surrounding area; and finding that the existing screening complies with Code Requirements; on the following described property:

N/2, W/2, E/2 of NW/4, NW/4, NW/4, Section 32, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15699

Action Requested:

Variance to permit a small identification sign for an approved home occupation (musical instruments sales and repair) - **Section 404.B.2. ACCESSORY USES IN RESIDENTIAL DISTRICTS and Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6, located 110 South Memorial.

Case No. 15699 (continued)

Presentation:

The applicant, **William Wright**, 110 South Memorial Drive, Tulsa, Oklahoma, submitted letters of support (Exhibit D-1) and photographs (Exhibit D-2) of his business. The applicant explained that he changed the location of the driveway and parking area after the Board denied his previous request for a sign. Mr. Wright stated that he had previously planned to have parking in front of his home, but has recently installed a circle driveway off Memorial Drive. He pointed out that all customers will now enter his property and park on the east side of his residence. Mr. Wright requested permission to install a small sign inside the circle driveway.

Comments and Questions:

Mr. Gardner asked Mr. Wright if the signs will be removed from his automobiles, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of FULLER, the Board voted 4-1-0 (Bolzie, Chappelle, Fuller, White, "aye"; Bradley, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit a small identification sign for an approved home occupation (musical instruments sales and repair) - **Section 404.B.2. ACCESSORY USES IN RESIDENTIAL DISTRICTS** and **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; subject to the sign being located on Memorial Drive, with a maximum size of 2' by 3'; and subject to no automobile signs; finding that there are only two homes zoned residential along Memorial Drive in this mile; and finding that the approval of the request will not be detrimental to the area, since a sign was approved for the home occupation to the immediate south of the subject property, and numerous commercial signs are in place along Memorial Drive; on the following described property:

Lot 1, Block 8, Tommy Lee Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15700

Action Requested:

Special Exception to permit a day care center - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Variance of the required front yard, as measured from the centerline of 74th East Avenue, from 50' to 28' to permit construction of a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 1203 South 74th East Avenue.

Presentation:

The applicant, **Luella Harrison**, 1203 South 74th East Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit E-1) and requested permission to operate a day care center at the above stated location.

Case No. 15700 (continued)

Comments and Questions:

Ms. White asked if the day care will be located in one portion of a duplex, and Ms. Harrison replied that the day care will be located in the east side of the structure.

In response to Ms. Bradley, the applicant stated that the carport will be installed on the front portion of the residence.

Ms. Hubbard informed that the carport will be 24' by 26'.

Ms. Bradley asked the location of the parking area for the day care center, and Ms. Harrison informed that the driveway for the day care will be located on 12th Street. She pointed out that the carport will be constructed over her private driveway on 74th East Avenue.

In response to Ms. Bradley, the applicant stated that she will have approximately 10 children enrolled in the day care, and only one employee is required.

Protestants:

Steve Webb, 1216 South 74th East Avenue, Tulsa, Oklahoma, pointed out that there are no other carports in the area that are located on the front of the residence. He stated that the carport would obstruct the view of motorists entering the intersection, and could create a traffic hazard at this location. Mr. Webb pointed out that the neighborhood already has one day care center, and asked the Board to deny the application.

Board Action:

On MOTION of FULLER, the Board voted 5-0-0 (Bradley, Boizle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Special Exception to permit a day care center - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5; and to DENY a Variance of the required front yard, as measured from the centerline of 74th East Avenue, from 50' to 28' to permit construction of a carport - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 5; finding that the lot is small and is not appropriate for a day care center; and finding that the applicant failed to demonstrate a hardship for the variance request; on the following described property:

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

Case No. 15701

Action Requested:

Special Exception to permit a real estate business as a home occupation in an RS-3 District - Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS, under the provisions of Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 6, located 3311 East 4th Street.

Case No. 15701 (continued)

Presentation:

The applicant, **Lowell McKay**, 3311 East 4th Street, Tulsa, Oklahoma, stated that he has lived at the present location for approximately two years, and requested permission to conduct a real estate business from his home. He submitted photographs and a plot plan (Exhibit R-1).

Comments and Questions:

In response to Ms. Bradley, the applicant stated that he will not have employees.

Ms. White asked if there is sufficient parking space in the driveway, and Mr. McKay stated that the driveway extends into the back yard.

Interested Parties:

Ruth Williams, 3244 East 4th Street, Tulsa, Oklahoma, pointed out that the street is heavily traveled, with limited parking on the street. She stated that she would like to have the residential character of the neighborhood preserved.

Ms. Williams asked if the business could be sold to another owner, and Ms. White stated that the business could be sold, but the use would be limited to a real estate business as a home occupation.

Applicant's Rebuttal:

Mr. McKay stated that the church across the street generates a great deal of traffic, and many of members park on the street. The applicant pointed out that neighborhood preservation and property values are important to him, since he lives there and has invested money in his home. Mr. McKay stated that he will be in his office during the morning hours and will be showing and listing property in the afternoon.

Ms. White asked the applicant if he is familiar with the Home Occupation Guidelines, and he answered in the affirmative.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a real estate business as a home occupation in an RS-3 District - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, under the provisions of **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; subject to Home Occupation Guidelines; finding that the business, as presented, will be compatible with the residential neighborhood, and will not violate the spirit and intent of the Code; on the following described property:

Lot 17, Block 2, University Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15702

Action Requested:

Variance to permit required parking spaces to be located on a lot not containing the principal use - **Section 1301. OFF-STREET PARKING AND OFF-STREET LOADING. GENERAL REQUIREMENTS** - Use Unit 15.

Special Exception to waive the screening requirement along the south property line abutting an R zoned district - **Section 212.C.1. Screening Wall or Fence** - Use Unit 15, located 1108 South Atlanta Avenue.

Presentation:

The applicant, **Route 66 Auction Co, Ltd.**, was represented by **Edward Dubois**, 4921 South Lewis Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1), and requested permission to use his property across the street for additional parking for his auction business. He explained that he leases a 7700 sq ft building, used for auctions, and also leases a car lot across the street, which has sufficient space for additional parking. He stated that the auctions are conducted inside the building approximately twice each month. It was noted that the building walls are 20' tall and would serve as screening for the residential dwelling to the south. He stated that there are no doors in the wall, and only a few small windows toward the top.

Comments and Questions:

In response to Ms. White, Mr. Dubois stated that he leases the properties from two separate individuals.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit required parking spaces to be located on a lot not containing the principal use - **Section 1301. OFF-STREET PARKING AND OFF-STREET LOADING. GENERAL REQUIREMENTS** - Use Unit 15; and to **APPROVE** a **Special Exception** to waive the screening requirement along the south property line abutting an R zoned district - **Section 212.C.1. Screening Wall or Fence** - Use Unit 15; per plot plan submitted; subject to no additional openings on the south wall of the building; subject to the lease of the parking lot running consecutively with the lease on the 7700 sq ft building across the street; finding that the lot containing the building has limited parking, and the granting of the requests will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 2, Block 1, Boswell Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15703

Action Requested:

Variance of the required side yard abutting an R District from 25' to 16' - **Section 404.G.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 5.**

Variance of the minimum lot area from 1 acre to 0.32 acre to permit an addition to an existing church - **Section 1205.C.1.a. Use Unit 5. COMMUNITY SERVICES AND SIMILAR USES. Use Conditions - Use Unit 5, located 3146 North Xanthus Place.**

Presentation:

The applicant, **Carl Parker**, was represented by **Jerry Johnson**, 5101 North 25th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit H-1) for a 20' addition to an existing church building. He informed that the addition will extend the sanctuary portion of the building.

Comments and Questions:

Mr. Bolzle asked why the addition could not be placed at another location on the lot, and Mr. Johnson replied that the sanctuary can only be extended in one direction.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required side yard abutting an R District from 25' to 16' - **Section 404.G.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 5;** and to **APPROVE** a **Variance** of the minimum lot area from 1 acre to 0.32 acre to permit an addition to an existing church - **Section 1205.C.1.a. Use Unit 5. COMMUNITY SERVICES AND SIMILAR USES. Use Conditions - Use Unit 5;** finding that the church has been at this location for many years, and finding a hardship demonstrated by the design and placement of the building on the lot; on the following described property:

Lots 2 and 3, Block 3, Murray Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15704

Action Requested:

Variance of the front yard requirement as determined by the surveyor in order to clear title to the property, and a variance of the side yard requirement from 10' to 0' to permit an existing carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, 6150 West 10th Street.**

Case No. 15704 (continued)

Presentation:

The applicant, **Mary Rose Paul**, 6150 West 10th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and stated that her lending institution required a survey on the subject property, which found that the existing house does not comply with the setback required on the plat. She stated that the structure complies with all Code setback requirements.

Comments and Questions:

Mr. Bolzle asked how long the carport has been at the present location, and Ms. Paul stated that it was constructed approximately 10 years ago.

Mr. Jones advised that the Board cannot grant the relief needed by the applicant, since the dwelling complies with all Zoning Code requirements. He pointed out that an amendment of the subdivision plat will be required, which must have 100% agreement of all property owners, and can only be waived by the Planning Commission. Mr. Jones stated that, in the past, it has been reflected in the minutes that the Board has found that the house meets the City setback requirements, but has no jurisdiction over the subdivision platting requirements.

Mr. Jackere advised the Board that they can make the determination that the front building line of the house meets Zoning Code requirements, which may be acceptable to the lending institution.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the front yard requirement as determined by the surveyor in order to clear title to the property, and a **variance** of the side yard requirement from 10' to 0' to permit an existing carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the front yard setback complies with the Zoning Code requirement; and finding that the carport has been at the present location for approximately twelve years without complaints; on the following described property:

The east 100' of west 172' of Lot 4, Block 7, Lawnwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15666

Action Requested:

Variance of the required structure setback, as measured from the centerline of Utica Avenue, from 50' to 30' to permit additional parking spaces - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 10, located 14 North Utica.

Presentation:

The applicant, **George Logan**, 2021 South Lewis, Tulsa, Oklahoma, who submitted a plot plan (Exhibit K-1) and photographs (Exhibit K-2), stated that he is representing QuikTrip Corporation in the absence of **Joe Westervelt**. He informed that a variance was previously approved for parking on the lot in question; however, two spaces of the previously approved plan are located in the Major Street planned right-of-way. Mr. Logan pointed out that the existing houses along the street are located approximately 10' from the street, and the two proposed parking spaces will not extend closer to the street than the overhang of the houses that will be removed from the lot.

Comments and Questions:

In response to Mr. Bolzle, Mr. Logan stated that the parking on the lot is not required parking.

Mr. Bolzle stated that there is not a hardship for this application, and that he cannot justify removing one obstruction near the intersection and replacing it with another obstruction.

Mr. Fuller stated that he feels the removal of the houses and the installation of the parking lot would be an improvement in the area.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Bradley, Bolzle, Chappelle, White, "aye"; Fuller, "nay"; no "abstentions"; none "absent") to **DENY** a **Variance** of the required structure setback, as measured from the centerline of Utica Avenue, from 50' to 30' to permit additional parking spaces - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 10; finding that a hardship was not presented that would warrant the granting of the variance request; on the following described property:

South 42' of Lot 1 and 2, Block 8, Lynch and Forsythe's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15705

Action Requested:

An appeal of the decision of the City of Tulsa zoning officer to permit a transmitting tower (Use Unit 4) as a principal commercial use in an AG and RS-1 zoned district - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 4, located 8432 South Sheridan.

Comments and Questions:

Mr. Fuller stated that he will abstain from hearing Case No. 15705.

Presentation:

The applicants, **Rita Moore** and **Darlene Potts**, were represented by **Eric Bolusky**, 1714 First National Building, Tulsa, Oklahoma. He informed that Ms. Moore owns the property abutting the subject tract. Mr. Bolusky stated that Ms. Moore will address the Board concerning her request.

Rita Moore, 1818 East 42nd Street, Tulsa, Oklahoma, stated that the land involved is a 35-acre tract located on Sheridan Road, south of 71st Street. She informed that her late husband purchased the land in 1960 and considered the area to be an ideal location for future residential development. Ms. Moore pointed out that her land is much too valuable to be ruined by the commercial tower that has been installed 11' from her property line. She remarked that the location of the tower is most offensive and is detrimental to the value of surrounding property. The applicant pointed out that she will be unable to sell the land for residential purposes, because the tower is unsightly and could collapse or produce shock waves during storms. She asked the Board to reverse the decision of the zoning officer in permitting the tower at this location.

Comments and Questions:

Mr. Bolzle asked if homes are located on the property, and the applicant stated that the land is undeveloped at this time.

Presentation:

Mr. Bolusky pointed out that there are many concerned citizens in attendance, and Ms. Moore is particularly concerned, because she had planned to use the proceeds from this land for retirement income. He stated that urban development has reached this land; however, for some reason it has remained agricultural, although it is not used for agricultural purposes. Mr. Bolusky informed that Use Unit 4 uses are basically public protection and utility facilities, which include shelters and Civil Defense or storm transmitting towers. He pointed out that cellular service is no longer a public utility, but is actually a commercial business, which is not allowed by right on agriculture land. Mr. Bolusky stated that Section 301 of the Code states that there are certain principal uses allowed, and the church, which is located on the land, along with the tower, is the principal use at this location. He explained that the church leased a small corner of their property for the construction of the tower, which is a second principal use.

Case No. 15705 (continued)

Mr. Jackere advised that every shopping center in the City generally has three or four principal uses.

Mr. Bolusky stated that the uses in a commercial shopping center are all retail, however, in this instance there are two different principal uses on the church property. He informed that the Board approved the property for church use, per conditions, on July 17, 1975. Mr. Bolusky advised that Section 1503 of the Code states that zoning permits, variances or special exception uses issued on the basis of approved plans and applications authorizes only the uses, arrangement and construction set forth in such approved plans and applications, and no other use. He stated that the approval for the church does not mention a transmission tower.

Mr. Jackere stated that he is not in agreement with Mr. Bolusky's conclusion that Section 1503 of the Code states that once a use is approved for a particular property no other use is permitted.

Additional Comments:

Mr. Bolzle asked if the original application for church use included the land where the tower is located, and Mr. Bolusky answered in the affirmative.

In response to Ms. Bradley, Mr. Jackere advised that the zoning officer has considered the different use units and has made the determination that the transmitting tower should be classified under Use Unit 4. He pointed out that whether a use is for profit, nonprofit, public or private has nothing to do with the land use characteristics.

In response to Mr. Bolzle, Mr. Bolusky pointed out that the only property that is zoned AG in the area is the school, the church and Ms. Moore's property.

Protestants:

Richard Pollshuk, city councilor for the district, stated that recently the area in front of the tower was zoned RS-1, and the applicant's property is the only piece of land in the area that remains agricultural. He pointed out that the future use of Ms. Moore's land is residential, and the tower will devalue all property values in the neighborhood. Mr. Pollshuk stated that the area residents were not given notice that the tower would be constructed.

Kent Pearson, 8719 South 70th East Avenue, Tulsa, Oklahoma, stated that he lives in the Chimney Hills Addition, and feels that one of the primary functions of government is to protect citizens from harm by others. He stated that the long-term impact of the tower is going to be a negative affect on the City. Mr. Pearson stated that prospective buyers will not purchase property for a home that is under the tower. He pointed out that the tower could have an environmental impact, since it is not yet known what affect low level radiation will have on surrounding areas. He voiced a concern with possible commercial use and water run off in the neighborhood.

Case No. 15705 (continued)

Michael Merritt, 8736 South 68th East Avenue, Tulsa, Oklahoma, stated that the homeowners in the area should have been notified of the intended use. He pointed out that office use was denied below the tower on Sheridan Road, and a request for a laundry facility at the corner of 81st and Sheridan was also denied. Mr. Merritt stated that the tower went up on the church property "over night" without the knowledge of anyone in the area, and the land where the tower is located should be for church use only.

John Johnson, who represented Holland Hall School, stated that the school has not had a board meeting since the construction of the tower, but the executive committee is protesting the location of the tower. He stated that US Cellular should have met with the property owners in the area and explained the proposed use. Mr. Johnson stated that he has contacted them concerning the possible health hazard the tower could create for the children attending Holland Hall.

Randy Lindamood, 8507 South 65th East Place, Tulsa, Oklahoma, stated that he is president of the Huntington Place Homeowners Association, and the residents of Huntington Place are opposed to the location of the tower. He stated that the residents of the area are concerned that there was not an opportunity for citizen input before the tower was constructed.

Darlene Potts, 8617 South 70th East Avenue, Tulsa, Oklahoma, submitted a petition of opposition to the location of the tower, and suggested that each Board member visit the site before making a decision on the application.

Ms. White assured Ms. Potts that the Board has site checked the tower location.

Nadene Worthen, 6609 East 86th Place, Tulsa, Oklahoma, submitted photographs of transmission towers in the Tulsa area, and pointed out that many of them are located on commercial, industrial or agricultural properties. Ms. Worthen stated that she is opposed to US Cellular and the church making a profit at the expense of the homeowners in the area.

Comments and Questions:

Mr. Bolzle pointed out that the protestants are not addressing the issue before the Board, which is whether or not the Building Inspector erred in permitting the transmitting tower in the agriculture district.

Mr. Bolzle and Mr. Chappelle agreed that the zoning officer issued the Building Permit in accordance with Code requirements.

Case No. 15705 (continued)

Ms. Bradley stated that it is her opinion that the transmitting tower permitted under Use Unit 4 is for public facilities, and that the special exception for the church is per plan, which prevents the addition of the tower.

Ms. White stated that it is her opinion that the zoning officer made a correct determination, according to the Code, in issuing the building permit for the tower.

Presentation:

Kevin Countant, 320 South Boston, Tulsa, Oklahoma, counsel for US Cellular, stated that he is requesting to be heard if the Board does not affirm the decision of the zoning officer.

Mr. Jackere advised that US Cellular's representative has a right to speak but, if it is the consensus of the Board that the decision of the zoning office should be upheld, there would be no reason to hear from Mr. Countant.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-1 (Bolzie, Chappelle, White, "aye"; Bradley, "nay"; Fuller, "abstaining"; none "absent") to **UPHOLD** the **Decision** of the City of Tulsa zoning officer in permitting a transmitting tower (Use Unit 4) as a principal commercial use in an AG and RS-1 zoned district - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 4; finding that the use is permitted by right in an AG District; on the following described property:

SE/4, SE/4, NE/4, Section 15, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15707

Action Requested:

Variance of the setback requirement, as measured from the centerline of Memorial Drive, from 60' to 54', to permit a new sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21, located 4620 South Memorial.

Presentation:

The applicant, **Acura Neon, Inc.**, was represented by **Mir Khezri**, 509-A North Redbud, Broken Arrow, Oklahoma, who stated that the sign in question will be located on private property, but in the Major Street right-of-way.

Case No. 15707 (continued)

Comments and Questions:

Ms. Bradley asked if the sign will be set back the same distance as the Avis sign, and Mr. Khezri stated that it will be a little closer to the street because of the the driveway and an existing utility pole.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the setback requirement, as measured from the centerline of Memorial Drive, from 60' to 54', to permit a new sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21; per sign plan; subject to the execution of a removal contract; finding that the sign would be located in the driveway if installed at the required setback; on the following described property:

Lot 2, Block 1, Shamrock Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15708

Action Requested:

Variance of the rear yard coverage from 20% to approximately 38.4% - **Section 210.B.5. YARDS, Permitted Yard Obstructions** - Use Unit 6.

Variance of the livability space per dwelling unit from 4000 sq ft to 1526 sq ft to permit the construction of a new detached garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1643 South Florence.

Comments and Questions:

Mr. Jones informed that the applicant, **William Patterson**, 1643 South Florence, Tulsa, Oklahoma, has requested that Case No. 15708 be continued to May 14, 1991.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15708 to May 14, 1991, as requested by the applicant.

Case No. 15709

Action Requested:

Special Exception to permit a parking lot as a principal use in an R zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10.

Variance of the structure (parking space) setback requirement, as measured from the centerline of Harvard Avenue, from 50' to 40' - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 10.

Variance of the minimum parking space dimensions from 9' by 20' to 9' by 18' - **Section 1303.A. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10.

Variance of the requirement that unenclosed off-street parking areas be surfaced with an all-weather material - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10.

Variance of the screening requirement along lot lines in common with an R District (west property line) - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10, located 516 North Harvard Avenue.

Comments and Questions:

Mr. Jones advised that protestants to the application filed by the Sequoyah Hills Baptist Church have requested that Case No. 15709 be continued to May 14, 1991, and the applicant has agreed to the continuance.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15709 to May 14, 1991.

OTHER BUSINESS

Case No. 15697

Comments and Questions:

Mr. Richards suggested that Case No. 15697 be continued, since the hearing room must be vacated for another meeting.

Presentation:

The applicant, **David Gibson**, 7422 South 111th East Avenue, Tulsa, Oklahoma, requested withdrawal of Case No. 15697, and refund of \$175.00 filing fee.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15697 to May 14, 1991.

Case No. 15672

Comments and Questions:

Mr. Richards suggested that Case No. 15672 be continued, since the hearing room must be vacated for another meeting.

Action Requested:

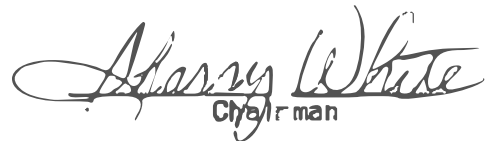
Reconsideration of imposed conditions for Case No. 15672, D. R. Metzger, located on the NE/c of Sheridan Road and 5th Street.

Board Action:

On **MOTION** of FULLER, the Board voted 5-0-0 (Bradley, Boizle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15672 to May 14, 1991.

There being no further business, the meeting was adjourned at 6:45 p.m.

Date Approved May 14, 1991


Chairman