

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 702
Tuesday, April 23 1996, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Abbott Bolzle Box Turnbo, Chair White		Beach Brierre Gardner Huntsinger Matthews	Ballentine, Code Enforcement Linker, Legal Department Parnell, Code Enforcement Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, April 18, 1996, at 5:43 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Turnbo called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **WHITE**, the Board voted 4-0-0, (Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott "absent") to **APPROVE** the minutes of April 9, 1996 (No. 701)

UNFINISHED BUSINESS

Case No. 17350

Action Requested:

Special Exception to permit a Transitional Living Center in a CH zoned district.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 2, located 523 North Boulder.

Presentation:

The applicant, Gary Davis, submitted an application to continue (Exhibit D-1) and requested to continue the case to May 14, 1996.

Case No. 17350 (continued)

Protestants:

Mr. Jim Norton, Downtown Tulsa Unlimited ("DTU"), responded he objected to May 14, 1996, due to the Mayfest celebration in progress during this time and it is an extremely difficult time for his organization. He requested the case to be heard today or continued to May 28, 1996.

Applicant's Rebuttal:

The applicant, Gary Davis, stated May 14, 1996, will be a good date for his organization. He further stated May 28, 1996, several people from his organization will be out-of-town.

In response to Ms. Turnbo, he replied he could not hear the case today due to the fact his attorney is not present.

Mr. Davis agreed to the date of May 28, 1996.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott "absent") to **CONTINUE** Case No. 17350 to May 28, 1996, at 1:00 p.m.

Case No. 17343

Action Requested:

Special Exception to permit a mini-storage in an OL district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - a Variance of the required setback from the centerline of N. Lewis Ave. from 100' to 75' and a Variance of the required setback from the centerline of East 29th Street North from 50' to 40'. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 16, located 2905 North Lewis Avenue.

Comments and Questions:

Mr. Beach announced this case needed to be tabled to the end of unfinished business.

In response to Ms. Turnbo's inquiry of interested parties, it was announced there were none.

Board Action:

The Board tabled Case No. 17343 to the end of unfinished business.

Case No. 17335

Action Requested:

Variance to permit 15 of the required parking spaces to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** and a Variance to permit expansion of a nonconforming structure to add a drive-thru on the north side of the building, **SECTION 1405.A. STRUCTURAL NONCONFORMITIES** - Use Unit 12, located 2115 N. Cincinnati.

Presentation:

The applicant, **Arlando Parker**, 1027 E. Brooks, Apt. C, Norman, submitted a revised site plan (Exhibit A-1) and requested a variance for the property at 2115 N. Cincinnati to allow for expansion of the existing building to accommodate Blimpie's Subs and Salads franchise and also an I Can't Believe It's Yogurt franchise. He further stated the variance consists of expansion of a drive-thru to the existing facility and also expansion to the east for additional parking that will be required by the City of Tulsa's parking code. Mr. Parker explained there are two curb cuts already in existence. He further explained that with a third (3) curb cut he could make the turn radius for the drive-thru if the traffic engineer approves it. He stated he will be going to another hearing to get the approval of the traffic engineer for the third curb cut.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott "absent") to **APPROVE** a **Variance** to permit 15 of the required parking spaces to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** and a **Variance** to permit expansion of a nonconforming structure to add a drive-thru on the north side of the building, **SECTION 1405.A. STRUCTURAL NONCONFORMITIES** - Use Unit 12, subject to the approval of the traffic engineer; subject to a modification of the site plan if required by the traffic engineer; finding the approval of this application will not be injurious to the neighborhood or to the spirit, purpose or intent of the Code; on the following described property:

Lot 6 & 15, Block 8 and Lot 6-15, Block 9, Meadowvale Addition Resub. and Lot 13, Block 1, Acre Gardens, City of Tulsa, Tulsa County, Oklahoma.

Ms. Abbott in at 1:30 p.m.

Case No. 17344

Action Requested:

Special Exception to permit a Residential Treatment Center in a CS zoned district.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 2, located SW/c East 36th Street North and Cincinnati Avenue.

Presentation:

Rich Brierre, INCOG, Deputy Director, submitted a map (Exhibit C-3) and a listing of residential care facilities (Exhibit C-2) and stated the Board requested INCOG to prepare a study of such facilities in the Metropolitan area. He further stated the map basically references a number of categories of residential care facilities. He explained these special exception uses include emergency and protective shelters, detention correctional facilities, psychiatric hospitals, residential treatment centers, transitional living centers, and community group homes of seven (7) or more persons. He informed the Board that the Staff consulted with the community service council and the map includes all of these facilities INCOG is aware of in the community. He explained the category of nursing homes is another type of residential care and is on a separate map. He indicated there are numerous nursing homes in the community and offered to display the map. He stated the numbers on the map have no meaning to the size of the facility, it is simply a code to keep track of the facilities. He further stated the inset on the map, which is at a larger scale, was needed in order to depict the number of the facility corresponding to the listing of uses. He reminded the Board that some of the facilities, over the years, have relocated or closed.

Comments and Questions:

Mr. Bolzle asked Mr. Brierre to explain what other uses might be allowed by right in a particular district without the need of the Board of Adjustment's approval. Mr. Brierre responded there are some very small care facilities that the zoning code defines as single family and are allowed by right in all single family districts. He explained the care facilities are very small group homes for the disabled and personal care homes for the elderly. By definition these facilities contain six (6) individuals or less and are permitted by right and not subject to be heard before the Board. He further explained in the last ten (10) years there have been some amendments to the zoning code and at one time some of these uses on the map were allowed by right in office and commercial districts, but that provision was modified in the more recent years and now all of these uses have to be heard before the Board. He explained that some uses included on the map and listing were allowed before the modifications and were grandfathered.

Mr. Bolzle asked Mr. Brierre if his map dealt with residential treatment? He responded affirmatively.

Case No. 17344 (continued)

Mr. Bolzle asked if a council service that dealt with only out-patient use would be on the map or considered allowed by right? He responded the non-residential out-patient facilities, such as health clinics, not on the map, only residential facilities are indicated.

Ms. Abbott asked Mr. Brierre if he had any demographics on out-patient or social services facilities? He responded they do not because those type of facilities are allowed by right in office or commercial districts and not brought before the Board.

Ms. Abbott asked Mr. Brierre to clarify the boundaries of the inset map. He responded the northern boundary is Pine, southern boundary is 21st Street, Western boundary is 25th West Ave. and eastern boundary is Delaware.

Protestants:

Joe Williams, Council District 1, stated he was not sure what the criteria was used to locate facilities on the map. Mr. Williams proceeded to read the following facilities not shown on the map: Palmer Drug Abuse Center, Metropolitan Tulsa Substance Abuse Services, Star Satellite Clinic, North Side Family Residential Center, Catholic Charities, Neighbor for Neighbor, Shadow Mountain Institute, Tulsa Action Group, Margaret Hudson Program, Mother Tucker.

Ms. Turnbo asked Mr. Williams if the above listing are residential treatment centers? He stated they are non-residential but felt they should have been included on the map.

Mr. Gardner stated the items that were included on the map were facilities where people live and receive treatment. He further explained there are many out-patient facilities, but people do not live at these facilities. All medical clinics do out-patient type services and they are not included because these offices are permitted by right, they are not required to make an application with the Board of Adjustments.

Ms. Turnbo asked Mr. Williams if he understands that many of the facilities do not come before this Board? He stated his point is that there are many more social service agencies in the area and they should have been included on the map.

Ms. Turnbo stated the Boards point is that they have no control over agencies who go in by right. Mr. Williams responded he understands, but the Board does have control over the ones that come before you.

Case No. 17344 (continued)

Maxine Johnson advised the Board that Mr. Johnson's proposal to the State expired April 8, 1996. Does this have any bearing on the zoning or the fact that any current activities related to zoning or treatment in Tulsa is unrelated to any pending HFAF Contract or Proposal according to the Deputy Commissioner of Substance Abuse Services. Mr. Bolzle suggested this may be a question for the legal department.

In response to Ms. Turnbo, Ms. Johnson stated that a letter faxed to Senator Horn from the Deputy Commissioner of Substance Abuse Services says that Mr. Johnson's deadline expired April 8, 1996. She further advised the letter states that any current activity related to zoning or treatment in Tulsa is unrelated to any pending HFAF Contract or Proposal.

Mr. Bolzle asked the Staff if the applicant is legally before the Board based on the information Ms. Johnson provided., Mr. Linker stated he is legally before the Board on this land use matter, but he may have problems building this facility for the State because he hasn't met his deadline. He reminded the Board the only consideration they have and should have is land use.

Mr. Williams pointed out that Mr. Johnson will have to re-submit his proposal to the State and in his opinion this application is pre-mature since the State Health Department may not approve this facility.

Jane Malone, 4735 North Detroit, stated addressing the map issue she did not hear anything mentioned about DVIS, which is a residential facility located in North Tulsa also.

In response to Ms. Malone, Mr. Bolzle stated the DVIS residential facilities are on the map.

Ms. Malone read an article from the Tulsa Community World Central regarding the number of social services located in North Tulsa. She requested the Board to deny this application.

Andrew Phillips stated he understands the County Board of Adjustments denied Mr. Johnson's application for the 41st Street projection because the residents didn't want it located there. Residents of the black community do not want this facility located in North Tulsa and the residents are the ones affected by the facility. He further stated the community recognized the Board of Adjustment as an arm of City Government. He explained the government is not owned for the people, but of the people. He asked the Board to deny this application.

Case No. 17344 (continued)

Jim Sidefore, 240 E. 2nd Place North, Vice President of Valley Acres Home Owner's Association, stated this particular agency and agencies like this do not contribute to the well being of the community. He asked the Board what the community's options will be if the Board does approve this application.

In response to Mr. Sidefore, Mr. Gardner explained under the law if the Board denies this application the applicant has the right to appeal to the District Court and if the application is approved, the protestants have the right to appeal to the District Court.

Mr. Sidefore stated businesses do not build around social services and requested the Board to deny this application.

Jack Henderson, President of NAACP, 2014 North Rosedale, stated the map has nothing to do with what the citizens want in North Tulsa. He stated the map shouldn't be considered. He stated the Board's job is to listen to the citizens. He further explained this application is an attempt to force the north side community to take something they do not want. He reminded the Board of the number of people, petitions and letters who oppose this application and asked the Board to listen to the community and deny this application.

Reverend William J. Johnson, Christ Temple Church, stated the applicant said they needed a location within a 15 minute ride to a hospital and a bus line available. Mr. Johnson suggested the facility move to South Roads Mall, which is on the bus line and 15 minutes from the St. Francis Hospital.

Charles Hartman, 2327 North Osage, stated he was not present at the last meeting due to being out of town, however he wanted to state that not all of the protestants are black, a lot of white people live on the north side too and they oppose this application.

Vereta Carter, Neighborhood Housing Services of Tulsa, stated the north side will be building 21 houses one half mile from the proposed site area. She informed the Board that when Shadow Mountain Institute moved into the area a private school close by had to lock their doors during operating hours because kids from Shadow Mountain were stealing and causing havoc in the school. She explained that in other areas of Tulsa where businesses are located near social services, the businesses were located there first and then the social services moved in. She further explained businesses will not build near a treatment center.

Noel Thompson, 208 East Marshall Place, stated he works for the United States Department of Agriculture and attended school for the past 20 years in South Tulsa and found it interesting that all of the commercial buildings being built in Tulsa have been built downtown and south. He further stated he wanted this to be brought to the Board's attention that this is strange that Mr. Johnson wants to build north.

Case No. 17344 (continued)

Roscoe Turner, stated that City Government is supposed to recognize the people. He further stated this is suppose to be a hearing of the people and the people have stated they do not want this program in their community.

Joe Williams asked if the map indicated Council Districts? Mr. Gardner placed the district overlay on the map to indicate the location of residential care facilities by Council District. Mr. Williams stated the social services are clustered in District 1 and 4. He further stated a business will not invest \$20,000 to build next to an alcohol/drug treatment center and north side can not absorb another social service facility. He asserted 5,000 people were counting on the Board to deny this application.

Darla Hall, District 2, stated this facility is an alternative to incarceration. She further stated this will not be compatible to the neighborhood. She recommended this application be denied.

Virginia Franklin, 2455 North Cheyenne, stated she is frustrated with begging authorities to deny applications unsuitable for the neighborhood. She asked the Board to please listen to what the citizens are saying and deny this application.

Applicant's Rebuttal:

Mr. Nix, 6109 West 29th Street North, stated he understood the map to be created so the Board could see if the number of such facilities have been clustered. He further stated he did not see any clustering on the map where our proposal is located. He addressed the protestant's suggestion of building at Southroads Mall and stated it is not an option. He stated the Tulsa World computed 17% of the facilities are located on the north side of Tulsa. He explained the newspaper was including two (2) facilities in Owasso and one (1) in Turley and he does not consider these facilities to be in north Tulsa, so without the three facilities included the actual percentage on the north side is 12% to 14%. He pointed out that there is more concentration per acre in south side. He quoted the Oklahoma Eagle Newspaper article of 4/18/96, which stated First Wings of Freedom has approximately 62% of African American families, more than half are from North Tulsa and more than half of the non-profit staff are African American. Mr. Nix stated this is not taking a facility, which geographically would normally be located somewhere else and artificially transposing it, this is bringing a facility where the work force comes from. He further stated the application meets the guidelines of a special exception in this zone and requested that the Board act not on emotion, but on facts. He requested the Board to grant this application.

Comments and Questions:

Ms. Abbott reminded the Board of a case earlier in the year where they denied the use due to compatibility to the neighborhood and the neighborhood was pushing for a commercial facility. She further reminded the Board that the Board did not consider putting this facility into that area.

Case No. 17344 (continued)

Mr. Gardner stated that case was denied by the Board of Adjustments, but the facility was zoned by the City Council and the use is permitted by right in the commercial district because it is a clinic and not a residential care facility.

Ms. Abbott said she would be interested in finding out from other Board members why they denied the application. Mr. Bolzle stated he voted for it and Ms. Turnbo stated she did not vote for approval of the application.

Ms. Turnbo stated the subject application before the Board is what needs to be discussed at this time.

Mr. Bolzle stated he is always concerned about the community understanding what the Board of Adjustments duties are. He explained the Board has a very narrow focus. He stated it is not in partnership with the community, as much as the community would like to think it is, that would be the role for the City Council. He described the Board's duties are to interpret the zoning code, which is approved by the City Council and to grant certain very limited variances and to grant special exceptions set out in the law. The purpose of the public hearing is to gather factual information and the reason that you do not appeal the decisions to the City Council, but appeal them to District Court is because our role is somewhat judicial. He stated the Board would hear these same arguments from any other neighborhood where this type of facility might be proposed. He expressed the most compelling argument he thought came from the neighborhood housing authority. He stated the Board does not only look at the zoning code, but looks at the Comprehensive Plan and looks at the role that granting a variance or special exception might have either by fulfilling or prohibiting the goals of the community. He further stated the possibility of granting or allowing this type of use in the area could substantially hamper the community's ability to attract a balance of land uses. He announced he would not look favorably on this application.

Ms. Turnbo agreed with Mr. Bolzle and stated the approval of this application could be harmful to the future development of the community.

Mr. White agreed with Mr. Bolzle and concurred with Ms. Hall's comments about this application being injurious to the neighborhood.

Mr. Bolzle reiterated the same concerns will occur everywhere that this facility is proposed. He informed the Board it has been instructed by legal council that these types of uses deserve a place in our community and we must find a place for them or we will be compelled by the Federal Government to place the facilities where they see fit. He stated the Board and the community must deal with this problem and the map indicates that today the communities are somewhat balanced in distribution of these types of facilities.

Case No. 17344 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; no "absent") to **DENY Special Exception** to permit a Residential Treatment Center in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; finding the approval of this special exception will be injurious to the community and violate the spirit and intent of the Code; on the following described property:

S. 175' of Lot 4, Carl's Commercial Center, an addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17352

Action Requested:

Special Exception to permit a temporary tent from March 22, 1996 through May 22, 1996 to permit a 20' x 40' tent for the Designer Showcase Project. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 2223 East 29th Street.

Presentation:

The applicant, **Loretta Pickhardt**, Coordinator of Project for the Volunteer Council of the Philharmonic, submitted a site plan (Exhibit E-1) and stated the Designer Showcase Project is the major fund raiser for the Philharmonic and request permission to erect a tent at the above mentioned location for the times specified.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE a Special Exception** to permit a temporary tent from March 22, 1996 through May 22, 1996 to permit a 20' x 40' tent for the Designer Showcase Project. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted, finding the approval of this special exception will not be injurious to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 6 and part of Lot 5, Block 8, Forest Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17353

Action Requested:

Variance of the required front setback from the centerline of E. 36th St. from 50' to 46' to permit a new front porch. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3713 East 30th Street.

Presentation:

The applicant, **Steve Curtis**, CM Construction, submitted a site plan (Exhibit F-2) and a letter from Code Enforcement (Exhibit F-3). Mr. Curtis stated he would like to build a porch measuring 9' x 24'. He further stated the home owner has expressed the possibility of a need for a ramp later, but for the time being he is building shallow stairs.

In response to Mr. Bolzle he stated the new porch will line up with the existing porch.

Mr. White stated originally there was a non-enclosed front porch 5' out and the owner added 4' and enclosed the porch. He further stated the porch is 21' from the property line.

Board Action:

On **MOTION** of **BOX**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Variance** of the required front setback from the centerline of E. 36th St. from 50' to 46' to permit a new front porch. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted, finding that a hardship imposed is the fact that the new addition will not encroach any further into the required yard centerline the existing porch. which is 46' from the centerline of E. 36th Street; finding that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lot 13, Block 2, Loma Linda Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17354

Action Requested:

Special Exception to permit a public park in a RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 5902 West 10th Street.

Presentation:

The applicant, **Ross Weller/City of Tulsa**, 707 South Houston, Suite 201, submitted a site plan (Exhibit G-1) and cost estimate (Exhibit G-2). Mr. Weller stated the City has a 10 year development plan for this property. He further stated the park will have a outdoor gym, sidewalks, trees, benches, drinking fountains and plant bed irrigation. He explained the future plans are to install a shelter, swing sets, curbing along 10th Street, an off-street parking lot, additional irrigation, additional sidewalks, a spray pool and backstop improvements.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a public park in a RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted, finding the approval of this request will not be injurious to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lots 87 through 91, Block G, Medio Addition, City of Tulsa, Tulsa County, Oklahoma and Beginning at the SW/c said Medio Addition; thence S for 500', thence E for 498', thence N for 500' to the SE/c Lot 87, said Medio Addition; thence W 498' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17355

Action Requested:

Special Exception to permit a 100' tower for a cellular telephone antenna in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 4, located 11366 East Independence.

Presentation:

The applicant, **Kevin MacNeil**, represented by Wanda Anderson, 10830 East 46th Street, submitted a site plan (Exhibit H-1) and a survey (Exhibit H-2). Ms. Anderson stated the applicant has acquired the backside of this property along I-244 and would like to construct a 100' communications tower. She further stated the tower is a Slim-line Lattice, 5' at the base and 31" at the top and is free standing without guy-wires.

Protestants:

Mr. Earl Pragler, 11354 East Independence, stated he wanted to make sure the minutes reflected the tower is free standing and there are no guy-wires supporting it. He also requested information on what auxiliary equipment is included with this tower. He asked if the auxiliary equipment would be stored in the 50'x 50' area. He also asked if the owner wanted to expand, would they have to come before the Board again. He also expressed concerns of the zoning changing his taxes.

In response to Mr. Pragler, Mr. Bolzle explained that his property will remain zoned AG and this use should not effect his land.

Applicant's Rebuttal:

Ms. Anderson explained the equipment will be in a BTS, free standing equipment cabinet with two (2) doors, 5' in height , 6' long and 40" deep. She further explained it is not a walk in shelter and will be on the 50' x 50' area.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a 100' free standing slim-line tower for a cellular telephone antenna in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 4; per plan submitted, subject to the auxiliary equipment being contained on the 50' x 50' lot; finding this request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Commencing at the NW/c NW/4, SW/4, Sec. 31, T-20-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma; thence N 88°53'55" E for 938.97' to POB; thence N 88°53'30" E for 50.00', thence S1°06'30" E for 50.00'; thence S88°53'30"W for 50.00'; thence N 1°06'30"W for 50.00' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17356

Action Requested:

Special Exception to permit an office in an RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 1729 1/2 South Denver.

Presentation:

The applicant, **Sullivan Properties, Inc.**, represented by Tom Sullivan, submitted a land title survey (Exhibit J-1) and a Quit-Claim Deed (Exhibit J-2). Mr. Sullivan stated he owns the two-story house on this property and requested a special exception to renovate the empty home into office spaces.

Comments and Questions:

Mr. Bolzle asked the applicant if he also owned the apartments next door, he responded affirmatively.

In response to Mr. Bolzle the applicant responded the house will be used separately from the apartments.

Mr. Bolzle asked the applicant how many parking spaces will be available for the 3000 SF office building, he responded there will be eleven (11) parking spaces.

In response to Ms. Abbott, the applicant stated there are 14 spaces for the apartments next door and they will remain. He explained that some of the tenants are elderly or disabled and do not require vehicles. He further explained that some of the tenants park on 17th Place and 18th Street.

In response to Ms. Abbott the applicant replied there will be six (6) to eight (8) offices.

In response to Mr. Bolzle, the applicant explained he would not jeopardize the parking for his apartment tenants and they could use the office parking spaces after hours.

Mr. Bolzle remarked he started a line of questioning that was not fair to the applicant, the request is separate from the apartments and should be considered as separate.

Case No. 17356 (continued)

Protestants:

Ms. Hall, City Council District 2, stated she has concerns on the parking. She further stated there is already one business that forces their employees to park on the street and save the parking spaces for their customers.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Abbott, Bolzle, Box, White, "aye"; no "nays"; Turnbo, "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit an office in an RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to adding three (3) additional parking spaces north of the structure; finding the approval of a special exception will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lot 7, 8, 9, 10, 11 and 12 and the west 6 feet of vacated alley, all in Block 2, Buena Vista Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17357

Action Requested:

Variance of required lot width from 60' to 50'; a Variance of required lot area from 6,000 SF to 2,500 SF; a Variance of required land area per dwelling unit from 7,500 SF to 3,750 SF; a Variance of the required rear yard from 10' to 2'; a Variance of the required side yard from 10' to 8' all to allow an existing house to be split from the balance of the lot in an RM-2 zoned district; a Variance of required lot width from 60' to 50' and a Variance of required lot area from 6,000 SF to 5,000 SF to allow a lot split in an RM-2 district. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2115 East 1st Street.

Presentation:

The applicant, **Gator Renovations**, represented by Colleen Humphrey, 7363 East 59th Street, submitted a plot plan (Exhibit K-1) and stated the house was built in 1909 behind the duplexes. She further stated their intentions is to separate the house from the duplexes so the elderly lady living there can purchase the property and remain living there.

Case No. 17357 (continued)

Comments and Questions:

Mr. White informed the Board there are numerous houses along this street that are broken up in that manner and have some very small lots.

Mr. Gardner informed the Board this property is zoned for apartments and this area does not qualify to go back to single family zoning.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-1 (Abbott, Box, Turnbo, White, "aye"; no "nays"; Bolzle "abstentions"; no "absent") to **APPROVE** a **Variance** of required lot width from 60' to 50'; a **Variance** of required lot area from 6,000 SF to 2,500 SF; a **Variance** of required land area per dwelling unit from 7,500 SF to 3,750 SF; a **Variance** of the required rear yard from 10' to 2'; a **Variance** of the required side yard from 10' to 8' all to allow an existing house to be split from the balance of the lot in an RM-2 zoned district; a **Variance** of required lot width from 60' to 50' and a **Variance** of required lot area from 6,000 SF to 5,000 SF to allow a lot split in an RM-2 district. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6;** per plan submitted; finding a hardship imposed on the applicant because of the multi-family zoning and the similar type development in the area; finding this approval will not be injurious to the neighborhood or violate the intent and spirit of the Code; on the following described property:

Lot 8, Block 20, Gillette Hall Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17358

Action Requested:

Special Exception to permit a double-wide manufactured home in an AG zoned district permanently. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 9,** located SW/c W. 71st and South Elwood.

Case No. 17358 (continued)

Presentation:

The applicant, **H. Wayne Johnson**, represented by Mr. Webb, 502 West 6th Street, submitted a site plan (Exhibit L-1) and stated after researching the history of this property he discovered an exception had been granted for this property for a mobile home in 1970. He further stated that a more recent special exception was granted for a limited time with conditions for this particular manufactured home. Mr. Webb stated this application was approved on April 13, 1993, (Application No.16299) and limited the time to 3 years, subject to the skirting tie down, made to look permanent and installation on the NE/c of the 39 acres. He further stated the Board minutes do not reflect the condition to remove some vacated structures, however the Johnson have removed the structures (Exhibit L-3). He submitted photographs showing the vacated buildings have been removed and how the manufactured home now exists to look permanent (Exhibit L-4) and Exhibit (L-2). He informed the Board that the Johnson's have planted 78 trees around the house. He further stated the manufactured home is not located on the NE/c of the tract and he did not know why that was a condition, because the NE/c is the least desirable location. He further explained the NE/c is at Elwood and 71st Street intersection, which makes this location undesirable for residential. He stated the Johnson's located their manufactured home in the SE/c of the tract. Mr. Webb pointed out the Johnson's have cleared the land, planted trees, made the manufactured home look permanent and requested the Board to grant this special exception without the limits in an AG zoned district.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a double-wide manufactured home in an AG zoned district permanently. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 9; per plan submitted; subject to the approval of the Health Department; finding the approval of this request is not detrimental to the area and does not violate the spirit and intent of the Code; on the following described property:**

NE/4, NE/4, Sec. 11, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma less 1 acre in the NW/c

Case No. 17359

Action Requested:

Special Exception to permit motel in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 19, located SW/c East 51st Street and Broken Arrow Expressway.**

Presentation:

The applicant, **Alan H. Reasor**, 25955 East 93rd Street South, Broken Arrow, submitted a site plan (Exhibit M-1), legal description (Exhibit M-2) and requested a special exception to permit an economy motel. He informed the Board a precedent had been set when the adjoining property was allowed to place a La Quinta Motel and a Kettle Restaurant (Exhibit M-3).

Comments and Questions:

Mr. White concurred there has been a precedence in the area for commercial uses and sees no problem with this application. He further stated the use is appropriate with the area.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit motel in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 19, per plan submitted, finding the approval of this request will not injurious to the area or violate the purpose and intent of the Code; on the following described property:

Beginning at a point on the N line of Lot 2, Block 1, Business Commons at Metro Park, a Resub. of part of Lot 1, Block 4, Metro Park, City of Tulsa, Tulsa County, Oklahoma said point being 220.00' easterly of the NW/c said lot 2, thence S89°49'03"E for 198.40'; thence S0°10'57"W for 348.72'; thence southwesterly on a curve to the right w/ a central angle of 30°57'04" and a radius of 100.00' for 54.02'; thence S31°07'57"W for 18.96'; thence N 65.66'; thence N00°01'25"W for 320.11' to POB.

Case No. 17360

Action Requested:

Special Exception to permit a church in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 6108 East 20th Street.

Case No. 17360 (continued)

Presentation:

The applicant, South Lakewood Baptist Church, represented by Jack Spradling, 1660 East 71st Street, submitted a site plan (Exhibit N-1), property description (Exhibit N-2) and stated the Church has existed on this property since 1965. He further stated the Church has purchased the two (2) adjacent lots to the north and one (1) lot has been incorporated as a parking lot, the second lot has a home that the Church rents. Mr. Spradling explained in 1992 the Church purchased a part of a shopping center to use as a recreational activity facility. He further explained the Church would like to remodel and upgrade the building and discovered the area has never been zoned for Church use. He requested a special exception to permit the Church in a RS-3 zoned district.

Comments and Questions:

Mr. Gardner explained to the Board that when use unit 5 was moved to use unit 2, that portion of the Church in the CS zone became non-conforming. He further explained the Church had a permit for the original structure, but now they want to expand and need the special exception.

In response to Mr. White, Mr. Gardner replied that the Church was permitted by right in the CS zone originally but now needs Board approval.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bolzle, Box, Turnbo, White, "aye"; no "nays"; Abbott "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a church in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, per plan submitted, finding the approval of this request will not be harmful to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Beginning at a point 290'S and 30' E of NW/c SW/4, SE/4, SE/4, Sec. 10, T-19-N, R-13-E, Tulsa County, Oklahoma; thence E 300'; thence N 120'; thence W 300'; thence S 120' to POB subject to an easement covering the S 5' for utilities AND the E 119.8' of the W 328.6' of the N 105' of the S 370' of the NW/c SW/4, SE/4, SE/4, Sec. 10, T-19-N, R-13-E, Tulsa County, Oklahoma provided nevertheless that the E and W boundaries of the property are fixed and defined by the respective centers of the common walls which the steel and concrete block building presently situated upon the property shares with the abutting buildings on each of the properties to the E and W thereof. AND Lot 2, Block 2, Sheridan Ridge, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17361

Action Requested:

Variance of the required front setback from E 28th Ct. S. from 25' to 17' to permit an expansion to a garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 7781 East 28th Court.

Presentation:

The applicant, **Richard L. Anderson**, 7781 East 28th Court, submitted a site plan (Exhibit O-1), plot plan (Exhibit O-2) and stated there are two (2) homes 25' from the curb, four (4) homes 21' from the curb where they have built their carports. He further stated there are six (6) houses that have garages added on similar to this application (Exhibit O-4). He requested approval for the expansion to his garage.

Protestants:

Sonya Garrett, 7787 East 28th Court, stated her home is immediately south of Mr. Anderson and opposes this addition. She further stated the addition will change the characteristics of the neighborhood. She explained the homes are small with single car garages and small lots. She further explained that the proposal will extend several feet beyond the other residences and this will change the appearance of the neighborhood. She has additional concerns with water run off problems. She stated the neighborhood has a storm water channel that runs south through 28th Court and Mr. Anderson's home is built on an 8" incline. She receives considerable run-off from his property now, if he were to build this garage she is concerned about water shed from an additional driveway and building. She informed the Board the Home Owner's Association opposes this proposal. She stated her immediate neighbors are opposed to this addition, however, they are willing to support an additional driveway with a carport. She further stated adding the large garage, proposed by Mr. Anderson, in front of this small 1,000 SF home will look out of place.

Dennis Whitaker, Chair, Planning District 5, representing Vice Chair, Terry Wilson, stated Mr. Wilson viewed the area and affirms the neighbors concerns. He requested the Board to deny this request (Exhibit O-3).

Case No. 17361 (continued)

Applicant's Rebuttal:

The applicant, Mr. Anderson, stated this will not look out of place and there are other homes with two-car garages in the neighborhood. He further stated he does not like the look of carports. He explained he wants to build the garage and it will come out 8' toward the street, but it will look like some of the other homes on 28th Court.

In response to Ms. Abbott, the applicant stated the house next door to him extends 2'

Mr. White stated there are several carports in this area, but he did not see any garages like the proposal.

Comments and Questions:

Ms. Turnbo stated this structure is too large, encroaches too much into the front yard and would not be harmonious for the neighborhood.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; no "absent") to **DENY** a **Variance** of the required front setback from E 28th Ct. S. from 25' to 17' to permit an expansion to a garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the two car garage as proposed is not harmonious with neighborhood, finding that approval of the variance would violate the spirit and intent of the Code; on the following described property:

Lot 29, Block 29, Boman Acres Fourth Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17362

Action Requested:

Special Exception to permit a Residential Treatment Center in RS-1 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 8734 East 9th Street.

Presentation:

The applicant, **Stephen A. Schuller**, representing Christopher Youth Center, Inc., submitted a site plan (Exhibit P-1) and photographs (Exhibit P-5). He stated Christopher Youth Center ("CYC") operates three (3) residential treatment centers in Tulsa. He detailed the locations are 7th and Delaware Avenue across from the University of Tulsa, 15th Street between the Broken Arrow Expressway and Delaware Avenue and 35th Street between Harvard and Pittsburgh Avenue. He stated the applicant is compelled to move out of the 7th and Delaware Avenue facility because of the expansion of the University of Tulsa's Campus. He further stated CYC had appeared before the Board in 1989 and was granted a special exception for two (2) years on the 35th Street facility with several protests from the neighborhood. He pointed out that in 1991 CYC returned to the Board for a permanent exception on the same property and it was granted with out any protest. He submitted a petition of support for the 1991 request (Exhibit P-4). Mr. Schuller stated CYC has been in operation for 16 years and is a home for boys with emotional problems. He further stated the boys have been victims of crimes and life injustices. He explained the facility houses ten (10) boys from the ages of 7 to 17 that have been referred to CYC from all over the State of Oklahoma (DHS, Children's Medical Center, Tulsa Regional Medical Center). He further explained the boys have been assessed by the referring agencies and is eligible for residential care. He stated CYC is licensed by DHS as a child placing agency and is accredited by the International Joint Commission on Accreditation of Health Care Organizations, which is the accredited organizations for hospitals and home health care organizations. He further stated CYC is supervised 24 hours a day and three (3) counselors are present at each facility during all waking hours, which are 6:00 a.m. to 11:00 p.m. He explained one (1) counselor is on duty during 11:00 p.m. to 6:00 a.m. and he is awake at all times monitoring the center. He stated a trained therapist is present during the day from 9:00 a.m. to 6:00 p.m. and on weekends the therapist is on call. He confirmed the CYC residents attend the Tulsa Public Schools where their special needs are met. He mentioned the boys are members of the boys scouts and six (6) are attending this meeting today. He stated CYC's goal is to put young lives back together again. He detailed the average length of stay for the residents is a little more than one (1) year and then they are returned to live with their families or foster families. He affirmed none of the residents have criminal records or have never been adjudicated in the court system. He related the residents are taught respect, responsibility, self-control and neatness through a system of rewards. Mr. Schuller stated the appearance of each facility is testimony of the manner in which CYC are well maintained and are good neighbors. He further stated he believes the Board will find granting the special exception is in harmony with the spirit and intent of the code. He requested the Board to approve the special exception per plan submitted. Mr. Schuller stated he has not heard from any of the protestants and do not know what sort of concerns they want to address.

Comments and Questions:

Mr. White asked the applicant if he met with any of the neighbors in the area proposed, he responded negatively.

Ms. Turnbo asked the applicant to confirm that none of the residents have been adjudicated and none have been jailed. He confirmed they are not adjudicated nor have the residents been sent to CYC through the criminal court system. He reiterated they are abused children and have been taken out of their homes.

Interested Parties:

Kathy Grant, 3744 South Canton, a former neighbor to the CYC center on 35th Street, stated in 1989 there were several protests from the neighborhood at the Board of Adjustment hearing when CYC applied for the special exception for the 35th Street location. She further stated the CYC home abutted her back yard and she had concerns for her eight (8) year old daughter's safety. She affirmed in the five (5) years as neighbors with CYC, she never had any problems with the residents. She stated the boys are well behaved and well supervised. She reported their homes are well maintained and yards are well manicured. She stated in 1994 she sold her home for full market value. She read a supportive letter from the new owners of that home.

Protestants:

Jeff Levinson, 35 East 18th Street, representing several neighbors in the area of the proposed application, stated the neighbors he is representing live within one (1) block of the proposed home. He further stated his clients knew little more than the Staff about this proposal (he quoted the Staff comments). He explained his clients did receive a letter and with the tone of the letter it caused quite a bit of an alarm. Mr. Levinson stated his clients do not believe the proposed center is consistent with the code for a number of reasons: 1.) Houses are too close with density problems, 2.) The center will be injurious to the neighborhood. He further stated with 16 people in the home, this will create traffic problems. He pointed out the house has a two car garage and parking will be a problem for employees. He further pointed out the house is 1/2 block from an elementary school and this increases the traffic and density problems. He informed the Board there is a swimming pool in the back yard of this home and the neighbors feel it will become a nuisance. He concluded he did not believe this application is consistent with the code and 2800 SF is not enough room for the number of residents CYC is proposing. He requested the Board to deny this application.

Case No. 17362 (continued)

Joyce Hembree, 9113 East 7th, stated she had to decide if this was a home for boys or a business and submitted a chart with pictures (Exhibit P-6). She expressed concerns with traffic in the neighborhood. She explained the neighborhood has very narrow streets with culverts and with the school in the area the traffic is very heavy as well as dangerous for children walking to school. She stated CYC will cause more traffic because of the workers and counselors coming and going from the house. She further stated with the pool in the back yard the boys will not have a yard to play in and will be forced to play in the street. She pointed out that the children being bussed to several different schools in Tulsa will cause more bus traffic and the roads are too narrow to handle this. She further pointed out the Eastwood Baptist private school creates traffic in the neighborhood and further causes density problems. She concluded this is a business and not a residential home, therefore it is inappropriate for the area. She explained when a resident is referred from Shadow Mountain, St. Johns, etc., they have been adjudicated in need of treatment and that means that they are homicidal, suicidal or extremely aggressive. She requested the Board to deny this request.

THE FOLLOWING PROTESTANTS EXPRESSED SIMILAR CONCERNS:

David Patrick, City Council District 3
Roscoe Turner, 3415 East Haskell Street
John Fitzsimons, 705 South 90th East Avenue
Connie Roundtree, 436 South 93rd East Avenue
Gladys Stand, 8925 East 15th
John Kuykendall, 8324 East 5th Place
Barbara James, (no address)
Gina Turner, 9103 E. 7th Street
Gwyn Freeman, 563 South 87th E. Avenue
Darla Harden, Vice President of Mingo Valley HOA (no address)
Dennis Whitaker, Planning District 5
Rhonda Cameron, 731 South 90th East Avenue
David P. Nienhaus, 450 South 92nd East Avenue
Curtis Hanks, 949 South 91st East Avenue
Lee Lamto, 539 South 83rd East Avenue

THE FOLLOWING PROTESTANTS WERE PRESENT BUT DID NOT SPEAK:

Karolyn Lamto, 539 South 83rd East Avenue
Fred & Helena Erwin 540 South 89th East Avenue
Bob & Patsy Kinser, 535 South 87th East Avenue
Jo Moore, 715 South 89th East Avenue
Norma Reynolds, 8723 East 9th Street
Kathe Reynolds, 739 South 90th East Avenue
Clayd Stead, 8925 East 15th Street
David & Gertie Henson, 5118 South 87th East Avenue

Case No. 17362 (continued)

Phyllis Nienhaus, 450 South 92nd East Avenue
Michael & Cheryl Arthur, 623 South 93rd East Avenue
Irvine & Evelyn Weier, 635 South 93rd East Avenue
Lewis & Joan Graves, 8929 East 3rd Place
Naomi Booth, 8933 East 3rd Place
Jack & Evelyn Butefiel, 616 South 91st East Avenue
Carol Gilbert, 8534 East 4th Place
Thomas E. Conner, 736 South 89th East Avenue
L.J & Mary Tirey, 9114 East 6th
Loretta Hart, 8721 East 7th
J.L. Ward, 8733 East 7th
Rhonda Biles, 456 South 93rd East Avenue
Sheryl Crockett, 629 South 93rd East Avenue
Pat Roberts, 8804 East Admiral Boulevard
Robert Hembree, 9112 East 7th Street
Dovie Crowell, 8724 East 5th Street
Arnetta Newton, 575 South 87th Street
Frances Kenslow, 503 South 85th East Avenue
Dorothy Maulden, 8745 East 9th Street
Robert & Sue Avey, 723 South 91st East Avenue
Rita Cady, 9001 East 9th Street
A.L. Crowe, 710 South 93rd East Avenue
Gena Stamp, 934 South 87th East Avenue
Robert & Nickie Hensley, 924 South 87th East Avenue

Applicant's Rebuttal:

Mr. Schuller, reiterated the supervision at CYC is sufficient. He informed the Board he needed to correct his earlier remark to Mr. White regarding contact with the neighbors in the proposed area. He stated he obtained a mailing list from INCOG and contacted the neighbors with a letter describing CYC. He further stated he included the addresses of existing facilities so the neighbors could drive by and see what they look like today. He explained he received three phone calls from people outside of the neighboring area that had heard about the application. He recounted the children from CYC will attend several schools in the city who have special education and learning disability classes available to them. He stated the number of children in the home is not an issue because of the higher level of supervision than most large families. He requested the Board to grant the special exception.

Additional Comments:

Mr. Bolzle asked the applicant if he had a copy of the 1989 minutes from the Board of Adjustments? He responded he did not.

Ms. Abbott asked the applicant the size of the 35th Street property. He replied the house is 5,000 SF.

In response to Ms. Abbott, he replied the 7th and Delaware property has 3, 200 SF with ten (10) boys in residence.

Mr. Schuller stated the proposed home has 3,000 SF and will have ten (10) boys in residence.

In response to Ms. Abbott, he replied the approximate land area on 35th Street is 2 1/2 acres, on 15th Street is one (1) lot and 7th Street is one (1) lot.

Ms. Turnbo asked the applicant how many buses will transport the children to other schools. He replied Tulsa Public Schools will bus some of the children and CYC will transport some of the children.

In response to Mr. White, Mr. Clay Langley responded the number of buses will be determined by Tulsa Public Schools, generally speaking maybe four (4) different buses that will stop in front of the house.

In response to Ms. Turnbo, he responded friends are not allowed at CYC to visit the boys, but their families do come to the residence for therapy and to visit the children. He further responded there will be three (3) vehicles on the property every day.

Mr. Bolzle asked Mr. Langley if the 35th Street residence sets on a 2 1/2 acre lot? He responded affirmatively and the house has approximately 5,000 SF, but a large portion of the home is used for administrative offices.

Mr. Langley informed the Board they are licensed by the State of Oklahoma and the State has very strict standards on the amount of floor space required per child and this house meets the standards.

In response to Ms. Abbott, he replied the State standards on floor space per child in a bedroom is 70 SF per child for the first child and 50 SF for each additional child; 150 SF in the house per child. He stated the house on 9th Street more than meets the State requirements.

Case No. 17362 (continued)

Mr. Bolzle referred the Board to the map provided earlier by the Staff indicating other residential homes and pointed out that the majority tend to be located on main arteries. He stated this application is not on a major arterial and it is a house that is very typical of all the houses in the neighborhood designed for low traffic. He further stated he does not feel this application represent the type of property that is best utilized for these types of uses. He expressed the application did not meet the special exception criteria and will be detrimental to the neighborhood.

Ms. Turnbo stated the traffic is a concern on the narrow streets with no curbs in this area and having four (4) different school buses stopping in front of the home.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; no "absent") to **DENY** a **Special Exception** to permit a Residential Treatment Center in RS-1 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2; finding the use to be injurious to the neighborhood; and finding that approval of the special exception would violate the spirit and intent of the Code and would not be in harmony with the Comprehensive Plan; on the following described property:**

W 140' of the N/2 Lot 1, Block 12, Clarland Acres, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Action Requested:

Request for new Board of Adjustment policy regarding certain temporary tents.

Board Action:

The Chair advised that this item will be heard May 14, 1996 at 1:00 p.m.

Case No. 17343

Action Requested:

Special Exception to permit a mini-storage in an OL district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS - Use Unit 16, located 2905 North Lewis Avenue.**

Case No. 17343 (continued)

Additional Comments:

Mr. Beach stated there was a Protestant, Greg Robertson, President of the Neighborhood Housing Services, in the audience earlier for this case. He further stated the Robertsons had to leave to pick up their children and requested this case be postponed or denied because the applicant continued once and did not show up at the appointed time of position on the Agenda.

Mr. Bolzle explained Mr. Robertson had attended both meetings and Mr. Curl did not show up at the first meeting and was late for this meeting. He explained Mr. Robertson would like this case to be postponed or denied without prejudice

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; no "absent") to **CONTINUE** Case No. 17343 to May 14, 1996 at 1:00 p.m.

There being no further business, the meeting was adjourned at 4:35 p.m.

Date approved: May 14, 1996

Norma Turnbo
Chairman