

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 723  
Tuesday, March 25, 1997, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Dunham Turnbo White, Vice Chair	Abbott, Chair Bolzle	Gardner Beach Huntsinger	Ballentine, Code Enforcement Parnell, Code Enforcement Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, March 21, 1997, at 1:44 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** the minutes of March 11, 1997, (No. 722).

**Additional Comments:**

Mr. White informed the audience and applicants that normally the Board consist of five (5) members. He explained that there are three (3) members of the Board present today, which is the minimum number required for a quorum. He further explained that by the rules and regulations set up for the Board, in order for a motion to pass, all three (3) members must vote for or against a motion in a unanimous gesture.

**UNFINISHED BUSINESS**

**Case No. 17644**

**Action Requested:**

Special Exception to permit 40% floor area ratio in an OL district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**, a Variance to permit a 2 story office building in an OL district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**, and a Variance of 15% street yard and 5' street landscaping requirements. **SECTION 1002.A.1 & 2. LANDSCAPE REQUIREMENTS** - Use Unit 11, located SW/c of East 45th and South Harvard.

**Presentation:**

The applicant, **John W. Moody**, 7146 South Canton, submitted a proposed site plan (Exhibit A-1) and stated he represents Park Partners, which is acquiring the property from Dr. Johnson. He explained that the subject tract of land has been vacant for a number of years and Park Partners own property adjacent to the subject property. Mr. Moody described the subject property as a unique site because it is constrained. Mr. Moody stated that all of the properties along Harvard, under the special study, have been recommended for, and are for the most part, zoned OL office. He explained that a number of special exceptions have been granted, in the past, to permit two (2) story office buildings, including the property immediately to the south abutting the subject property. Mr. Moody stated that the special exception is to permit an office building containing 8,423 SF as shown on the site plan submitted. He explained that the application will permit a floor area ratio of 34.97% and he would like to amend his application and conform the application to the site plan. Mr. Moody stated he met with a Ms. Kathy Girstencorn and the architects regarding the site plan. He explained that her concern was that one of the access points should not be located at the eastern end of the property in such close proximity to the residential properties to the northwest and to the west of the site. Mr. Moody stated he met with John Eschelman, the City of Tulsa's Traffic Engineer, and he agreed to flex the City's requirements regarding access points close to the intersection. Mr. Moody advised the Board that Mr. Eschelman allowed the access point to be moved further to the east as shown on the site plan. Mr. Moody stated the unique shape of the subject property causes the necessity of having to go to two stories. Mr. Moody commented that if he followed the literal application of the Zoning Code it will cause an undue hardship for his client. Mr. Moody stated that there are four (4) areas that need to be landscaped instead of the 5' strip itself. Mr. Moody detailed the areas as follows: Intersection of South Harvard & 45th Street; 2 small peninsula areas at the entry way, and an area at the west end of the property. Mr. Moody stated his client has agreed with Ms. Girstencorn to not erect the typical screening fence, because there is already a masonry screening wall on the existing office building. He explained that it will be more attractive to use 24" square brick masonry columns with cap stones and wooden privacy fences between the columns. Mr. Moody informed the he has not had time for a landscape architect to complete a landscaping plan showing the actual plant materials. He stated the request he is making today is with the condition that he would be required, before receiving a building permit, to submit the actual detailed landscaping plan to the Board for its final approval with notice of the hearing being given to Ms. Girstencorn.

Case No. 17644 (continued)

**Interested Parties:**

**Kathy Girstencorn**, 2918 East 37th Street, stated she is representing her mother who lives at 45th and Gary, which is adjacent to the proposed site. Ms. Girstencorn expressed concerns that the neighborhood is made up mostly of elderly residents and she wanted to make sure the neighborhood stays intact for the homeowners. She stated she did not want commercial enterprises interfering with the resident's homes.

**Comments and Questions:**

Mr. White asked the applicant if she has reviewed the site plan? She answered affirmatively.

Ms. Turnbo asked the applicant if she opposes or supports this application? She stated she is supporting this application.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to permit 35% floor area ratio in an OL district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**, a **Variance** to permit a 2 story office building in an OL district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**, and a **Variance** of 15% street yard and 5' street landscaping requirements. **SECTION 1002.A.1 & 2. LANDSCAPE REQUIREMENTS** - Use Unit 11; per plan submitted; subject to the applicant returning with a detailed landscaping plan; finding that the property to the south has an existing two story building and the unique shape of the property creates a hardship for developing without going to two stories; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 1, Block 3, less and except the S 117' thereof, Villa Grove Park, a subdivision of Tulsa County, City of Tulsa, Oklahoma.

**Case No. 17653**

**Action Requested:**

Special Exception to allow the sale of auto parts and to allow auto detailing and window tinting in a CS zoning district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 9306 East 11th "A".

**Presentation:**

The applicant, **Ross Thomas (Tom) Wright, III**, 8834 East 37th Place, submitted a site plan (Exhibit B-1) and photographs (Exhibit B-2). Mr. Wright stated the existing building is a commercial building, which was previously a lumber yard. He explained he purchased the building and received all of the necessary permits to have an office and warehouse. Mr. Wright stated he has a tenant who would like to use the subject property for the sale of auto parts and auto detailing/window tinting.

**Comments and Questions:**

Ms. Turnbo asked the applicant if the tenant will have any merchandise or equipment stored outside? He answered negatively.

Mr. White asked the applicant if the property to the east, with the mobile homes located on it, is part of the subject property? He answered negatively.

In response to Mr. White, Mr. Wright stated that there is no access to the east property adjacent to the subject property. He explained that the mobile homes are stored on the adjacent property, which are repossessed. He commented that the property owner of the adjacent property allows the mobile homes to be stored on the property.

Mr. Wright informed the Board that the property to the immediate south is zoned RS, but there is an automotive repair shop located there.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to allow the sale of auto parts and to allow auto detailing and window tinting in a CS zoning district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to no outside storage; subject to a screening fence installed along the south boundary zoned residential; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

NE/4, NE/4, Sec. 12, T-19-N, R-13-E, I.B.M., Tulsa County, City of Tulsa, Oklahoma, according to the U.S. Government survey thereof, described as follows, to-wit: Beg. 50' S, 25' E, NE/c, NW/4, NE/4; thence S 280'; thence E 140'; thence N 280'; thence W 140'; to the POB.

## **NEW APPLICATIONS**

**Mr. Gardner in at 1:30 p.m.**

### **Case No. 17654**

#### **Action Requested:**

Special Exception to permit property in a RM-2 district to be used for office purposes under the development standards and restrictions of the OM zoning district and in accord with a site plan approved by the Board. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a Variance to permit three of the required off-street parking spaces to be located on a lot other than the lot containing the principal uses. **SECTIONS 1300.C. & 1301.D APPLICABILITY OF REQUIREMENTS & GENERAL REQUIREMENTS** - Use Unit 11, located 1242 South Trenton.

#### **Presentation:**

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, submitted a site plan (Exhibit C-1) and a study of parking space usage (Exhibit C-2). Mr. Norman stated he is representing the Tulsa Psychiatric Foundation, Parkside Psychiatric Hospital and submitted photographs of the subject property (Exhibit C-3). Mr. Norman indicated there is a four-plex apartment building located on the subject property. He explained that the four-plex was constructed prior to 1970 when the current off-street parking requirements for multi-family dwellings came into effect. Mr. Norman stated the request is to allow his client to utilize the existing building, with a conversion of the interior, for office use for Parkside Hospital. He indicated that there will not be any exterior modifications to this property. Mr. Norman stated the subject site has four parking spaces available and therefore there is a need to permit required parking on another lot other than the lot containing the principal use. Mr. Norman explained the new use will require six (6) off-street parking spaces for general use and seven (7) if, in the future, the offices are used for medical offices. (Mr. Norman stated the current plan does not indicate the offices will be used as medical offices.) He explained that the three parking spaces of the required off-street parking will be located directly across the street and there are 28 striped parking spaces on the property. Mr. Norman indicated that the subject lot is not being fully utilized and there will be no problem using the lot for the required off-street parking needed for the proposed office use. Mr. Norman stated the property immediately north of the subject property is a single-family residence, to the west is mixed with single-family and multi-family residential. Mr. Norman informed the Board that it is possible to locate the three required parking spaces on the subject lot, but it would require the removal of a large tree on the west of the subject property. He concluded that in view of the adequacy of parking across the street, he is requesting permission to locate the additional three (3) required parking spaces across the street. He reminded the Board that similar variances (with respect to parking) have been previously granted in the surrounding area.

**Protestants:**

**Steve Rathman**, stated he and his father are trustees of the properties located at 1313 and 1315 South St. Louis. Mr. Rathman stated the existing parking lot was constructed with accesses on the east and west sides. He explained that the four properties that face St. Louis share the alley with the existing parking lot and the alley provides the primary vehicular access to all of the properties. Mr. Rathman expressed concerns that the alley will be blocked to the residents in the area. Mr. Rathman stated he would like to know the hospital's plans regarding the vacant lot adjacent to the existing structure. He concluded he has no strong protest, but is concerned about the future plans and how it may affect the properties he has an interest in. Mr. Rathman informed the Board that the neighborhood has recently achieved a sense of stability that has been missing for a number of years and the neighborhood is trying to rebuild.

**Applicant's Rebuttal:**

Mr. Norman stated the objective of this application was to leave the neighborhood, as far as its appearance is concerned, exactly as it is currently. Mr. Norman commented he does not know of any future plans for the vacant lot, but if any changes should be proposed, it would require coming back before the Board of Adjustment for an amended site plan and approval for the use of the property.

**Comments and Questions:**

Mr. White asked Mr. Norman why the 28 space parking lot was created across the street? Mr. Norman stipulated the lot was for the Parkside Hospital, however the demand was never sufficient to generate any actual use of the property.

Mr. Norman informed the Board that Parkside Psychiatric Hospital owns all of the property in the block to the north except two lots, which the hospital hopes to acquire in the future. Mr. Norman stated the hospital will return to the Board with a Masterplan at such time they require the additional lots.

Mr. Norman reiterated the proposal will not create any change to the exterior appearance of the subject property, other than permanently closing some of the doors to create a single entry to the property.

Mr. Romig asked Mr. Norman if he would also need a special exception to utilize the off-street parking on the auxiliary lot to the south? Mr. Norman stated he believes the lot has already been approved before it was paved for parking use. Mr. Norman indicated the lot is striped and has a screening fence for separation from the residential homes.

Case No. 17654 (continued)

Ms. Turnbo asked the applicant why he is asking for the restrictions of an OM zoning versus an OL zoning? Mr. Norman stated the OL zoning is adequate for a one-story building and the coverage is less than 30% (1600 SF). He further stated the parking standards would be the same as well.

Mr. Gardner stated that RM-2 equates to OM in the ordinances and that is why the request was written under the development standards and restrictions of the OM zoning.

Ms. Turnbo asked the applicant if he had any objections if the Board limited this application to OL rather than OM restrictions? He stated he had no objections, but the Board should approve the application to the site plan with no exterior changes, except closure of doors.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to permit property in a RM-2 district to be used for office purposes under the development standards and restrictions of the OL zoning district and in accord with the site plan approved by the Board. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a **Variance** to permit three of the required off-street parking spaces to be located on a lot other than the lot containing the principal uses. **SECTIONS 1300.C. & 1301.D APPLICABILITY OF REQUIREMENTS & GENERAL REQUIREMENTS** - Use Unit 11; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Tract One: Lots 38-40, Block 6, Forest Park Addition to the City of Tulsa AND Tract Two: Lots 1&2, Block 9, Forest Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17655**

**Action Requested:**

Variance to allow a pole sign 90 SF, 15' high and 2 wall signs 285 SF each in an OM zoned district. **SECTION 602.B.4. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located 7050 South Yale.

**Presentation:**

The applicant, **Bruce Anderson**, submitted a letter (Exhibit D-1) requesting Case No. 17655 be withdrawn.

## **Case No. 17656**

### **Action Requested:**

Special Exception to allow a public school in an IL district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2, located 129th East Avenue South of East 55th Street South.

### **Presentation:**

The applicant, **David L. Huey**, 10641 South Sandusky, representing the Union Public School District, submitted a site plan (Exhibit E-1) and an application for a plat waiver (Exhibit E-2). Mr. Huey stated Union Public Schools own approximately 10 to 15 acres on the subject site. He explained that the school's service center, Board Room, maintenance and operations for the buses is located on the subject site. Mr. Huey proposed that the school would like to develop 2 1/2 acres on this site for an alternative school, which will be a one story structure measuring 12,000 SF. He stated the school proposes to have eleven (11) classrooms in the building measuring 400 SF each and the intended occupancy is to be no more than 130 students. Mr. Huey explained in detail that the classrooms will be on each side and at the front of the building there will be offices for administration. He stated the intended hours of operation are normal classroom hours. Mr. Huey indicated the proposed building is intended to mimic the existing buildings directly to the south and southwest. He stated that all of the activities at the site will be indoors and there will not be any playgrounds. Mr. Huey cited that there will be 102 parking spaces as proposed on the site plan, which exceeds the required parking.

### **Protestants:**

**Jane Dawson**, 7237 Urbana Avenue, stated she owns property adjacent to the subject site. She informed the Board that she owns approximately 40,000 SF in commercial property and industrial use, which she leases out. She expressed concerns regarding children being on the subject property in a heavily industrial site. Ms. Dawson indicated that there are several different types of hazardous waste and nuclear storage in the area. Ms. Dawson requested information regarding playground activity, athletic activity and age of students who will attend the proposed school.

### **Applicant's Rebuttal:**

**David L. Huey** stated that there will not be any activities outside the proposed building. He explained that the students are high school students and any athletic events that they participate in will be at other schools in the Union district.

### **Comments and Questions:**

Ms. Turnbo asked the applicant if the students will be coming to spend the day or spend partial hours? He stated that this will be the site for their schooling and the hours are 8:30 a.m. to 1:30 p.m. Mr. Huey commented that the students will be supervised at all times while they are on site.



Case No. 17656 (continued)

Mr. Dunham asked the applicant what type of students will be attending the alternative school? He stated the students are out of the mainstream school classes. He described the students as challenged students, which have special needs. He indicated the students are presently being schooled at the high school. Mr. Huey explained the reason for the proposed building is due to space needs and the students needing their own environment.

In response to Mr. White, Mr. Huey stated the classrooms are designed for general classroom purposes and two classrooms are setup to be science classrooms.

Mr. White asked the applicant what grades will be attending the proposed building? He indicated the students will be 9th through 12th grade.

Mr. White asked Ms. Dawson if her questions have been answered by looking at the submitted site plan? She stated her biggest concern is the intended use for the proposed building. Ms. Dawson expressed concerns because of the heavy truck traffic in the subject area. She stated she has test wells on her property in the subject area that are 2500' deep, which are all within regulation.

In response to Mr. White, Ms. Dawson stated the test wells are for logging. She expressed concerns regarding children in the area of the test wells.

Ms. Turnbo asked Mr. Huey if he was indicating that the children with special needs are handicapped children? He answered negatively.

In response to Ms. Turnbo, Mr. Huey stated the students have special needs in the area of academically.

Mr. Beach asked the applicant if the campus will be fenced? He explained that all of the property owned by the school is fenced, but there will not be any fencing immediately around the proposed building.

Mr. Gardner asked the applicant if the students are allowed to drive cars to the school? He answered affirmatively.

Mr. Gardner stated that the impression he was receiving was that the students may be young and they could not keep them in the building and may wonder into the industrial area. He commented that it is actually high school students driving a car to school and the students can drive wherever they want to go after leaving the school.

Case No. 17656 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to allow a public school in an IL district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to the enrollment being limited to high school students, grades 9th through 12th; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

S 250', Lot 3, and N 95', Lot 4, Block 5, Metro Park, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17657**

**Action Requested:**

Special Exception to permit a manufactured home in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 3100 North Harvard.

**Presentation:**

The applicant, **Det. James D. Bell (Ret.)**, P.O. Box 6305, Tulsa, submitted site plan (Exhibit F-1) and stated he would like to place a manufactured home on the subject property. Mr. Bell explained that Urban Renewal has acquired his property on North Peoria and that is why he is relocating on the subject property.

**Comments and Questions:**

Mr. White asked the applicant if the double-wide home will be placed north of the existing building? He stated he owns Lots 10-12 and will place the manufactured home on lots 11 and 12, which is the southerly end of the subject property. Mr. Bell stated the property is currently vacant without any structures.

Mr. Beach informed the Board that if they are inclined to approve this application, then the Board will need to continue the balance of this application to request permanent status.

Ms. Turnbo asked the applicant if he planned to fix the double wide manufactured home as your permanent home or will it be temporary until he moves in another home? Mr. Bell stated he would like to make the double-wide manufactured home permanent and move in another house as well.

Ms. Turnbo explained to the applicant that his application will need to be continued so that he can advertise for permanent status for the manufactured home.

Case No. 17657 (continued)

**Protestants:** None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to permit a double-wide manufactured home in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted and placed on a foundation; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code and **CONTINUE** Case No. 17657 to April 22, 1997, 1:00 p.m., to enable the applicant to readvertise for permanent status, on the following described property:

Lots 10, 11 & 12, Block 5, Mohawk Harvard Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17658**

**Action Requested:**

Special Exception to allow church use in an IL district to include additional land for an existing church and a Minor Special Exception to approve an amended site plan. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2, located 1003 North 129th East Avenue.

**Presentation:**

The applicant, **Wallace O. Wozencraft**, 5801 East 41st Street, representing Willie George Ministries, submitted an amended site plan (Exhibit G-1). Mr. Wozencraft stated that in March of 1991, the Board approved the 39.3 acres for church use and in May of 1992, the Board approved the first phase of development. Mr. Wozencraft detailed the different phases proposed and approved in 1992. He explained that Block 2 of the subject property was to contain the church offices and ministerial offices. He stated Block 3 was proposed to be totally recreational and in 1992 the total square footage was 222,000' of building area, which concluded Phase I. Phase I included the initial assembly area, education building, the bus garage, auditorium and 74,000 SF office/ministries headquarters building. Mr. Wozencraft explained that the Trinity Park area was replatted in 1994 to Trinity Park Amended, Lot 1, Block 1. After the replatting, the church decided it was necessary to consolidate the activities into one major structure or cluster of structures. He explained that by consolidating the activities to one major structure, the church was able to serve the sewer with one sewer system. In May of 1996, Phase II was initiated and the educational building was added to the original Phase I. He explained that the addition of Phase II added 52,800 SF, which makes a total of 105,800 SF. Mr. Wozencraft stated the next phase, which is in the subject application, is the auditorium. He explained that it has

Case No. 17658 (continued)

been determined that the church will need 2500 seats in the auditorium. He further explained that the new church auditorium along with, nursery, youth/adult training and reception areas create a need for 83,350 SF in the new auditorium building. He stated the church has planned additional parking spaces (1264 parking spaces in the base bid, when added to the pre-existing amount). Mr. Wozencraft further stated an alternate possibility would be to add another 669 spaces should the need develop, but the 1264 will bring the church well into compliance of the Code. Mr. Wozencraft commented that a great importance to this development is the fact that the owner has purchased adjacent Lots A, B, and C, which total 93.91 acres. Mr. Wozencraft stated the church is under the 222,400 SF that was originally allocated for the three lots, which are now combined to one lot. He indicated that with the approval of the church use, the church will replat the entire area to be in conformity with the regulation for further development. Mr. Wozencraft stated the church will come back before the Board with the next process, which will be Phase IV and there will be six phases with this project.

**Comments and Questions:**

Mr. White asked the applicant if all of the six developments will be contained in the 93.91 acres? He answered affirmatively.

Mr. Gardner stated that since the applicant does not have specific plans for some of the land, the Board could approve the application for church use subject to returning with specific plans for development prior to issuing building permits.

Mr. Dunham asked the applicant if he had any objections to the approval for church use subject to returning with plans prior to issuing building permits? He answered negatively.

**Protestants:** None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to allow church use in an IL district to include additional land for an existing church and a **Minor Special Exception** to approve an amended site plan. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2; subject to the applicant returning with detailed site plans for the new tracts being added to the overall site prior to building permits being issued for the areas; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17658 (continued)

Original Tract: Lot 1, Block 1, Trinity Park Amended, an addition to the City of Tulsa, being a subdivision of Trinity Park, an addition in Tulsa County, Oklahoma according to the recorded plat thereof; and Tract A: The W/2, NE/4, SW/4, Sec. 33, T-20-N, R-14-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, less and except the following described tract of land: Beg. at the SW/c, said W/2, NE/4, SW/4; thence N39°46'27"E for 451.53'; thence S85°28'19"E for 191.96'; thence S85°27'26"E for 177.91'; thence S 1 -03'48"E for 302.51'; thence S88°40'33"W, for 663.37' to the POB, containing 16.25 acres, more or less, AND Tract B: S30.00', NW/4, NW/4; less and except, W30.00' thereof, and the SW/4, NW/4, less and except, the S160.00', W30.00' thereof, all in Sec. 33, T-20-N, R-14-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, containing 35.39 acres, more or less AND Tract C: S100.00', SW/4, NW/4, Less and Except, W30.00', Sec. 33, T-20-N, R-14-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, containing 2.97 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17659**

**Action Requested:**

Special Exception to allow a mobile home in a RM-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 5909 East Ute Place.

**Presentation:**

The applicant, **Linda A. Bailey**, 5909 East Ute Place, submitted a site plan (Exhibit H-1) and stated she is planning to place the mobile home on Lots 12 and 13. She indicated the existing home located on Lots 10 and 11 will be torn down and removed after the mobile home is connected to utilities.

**Comments and Questions:**

Mr. Dunham asked the applicant if she will be removing all of the existing structures on the north end so that the mobile home will be the only dwelling on the subject property? She answered affirmatively.

Mr. Dunham asked the applicant if the mobile home will be a permanent residence? She answered affirmatively.

Mr. Dunham explained to the applicant that she will need to continue her case in order to advertise for permanent status.

Case No. 17659 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to allow a mobile home in a RM-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to the existing dwellings being removed; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, and **CONTINUE** Case No. 17659 to April 22, 1997, at 1:00 p.m. to enable the applicant to readvertise for permanent status, on the following described property:

Lots 10-18, Block 3, Dawson Amended (original townsite), City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17660**

**Action Requested:**

Special Exception to allow an automotive alternator and starter repair in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 215 South Garnett.

**Presentation:**

The applicant, **Billy R. Gentry**, 2846 North Garrison Place, submitted a site plan (Exhibit I-1) and stated he would like to locate a starter and alternator business on the subject property. Mr. Gentry indicated the days and hours will be six (6) days a week during normal business hours.

**Comments and Questions:**

Mr. Dunham asked the applicant if he will have any outside storage on the subject property? He answered negatively.

Mr. Gentry stated that there is a privacy fence between the houses and the subject property. He explained that if a car needed to be kept over night, it will be parked inside the privacy fence. He indicated that there will not be any cars dismantled in the parking lot. He stated the shop will be strictly a starter/alternator rebuild shop and a light repair shop.

Ms. Turnbo asked the applicant to explain light repair? Mr. Gentry stated he installs starters/alternators on automobiles and starter/alternators are carried in to be rebuilt.

Ms. Turnbo asked the applicant if there will be any body work done on the subject property? He answered negatively.

Case No. 17660 (continued)

Ms. Turnbo asked the applicant what his hours of operation will be? He stated the hours will be 8:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on Saturday.

Mr. White asked the applicant if there will be outside storage of cars or equipment? He answered negatively.

**Protestants:**

**Harold Pittenger**, 11448 East 6th Street, Chair for Western Village Neighborhood Association Zoning Committee, stated he is representing the residence in the 565 home area that is included in the association. Mr. Pittenger explained that Western Village is located south and east of the subject property. He stated the entrance at 3rd and Garnett is one of only three entrances from Garnett into the addition. He indicated that the association met to discuss the application and unanimously oppose the variance requested. Mr. Pittenger stated that according to the Comprehensive Plan the subject area is to be developed as a medium intensity. He reminded the Board that there is 150' of frontage required on arterial streets for any business in a CS district. He stated the subject property has 112.5' of frontage and a depth of 175'. Mr. Pittenger explained that the subject property at one time was separated and has become three businesses operating with a combined frontage of 165'. Mr. Pittenger stated that currently there is a barber shop and bar operating in a single building adjacent to the subject property. Mr. Pittenger submitted photographs (Exhibit I-1) that were taken at 1:00 p.m., March 21, 1997, and stated there were 24 cars parked around the current business. He stated the business was opened Saturday and Sunday morning until 4:30 p.m. with 23 cars parked on the property. Mr. Pittenger divulged that Garnett is scheduled to be widened to three (3) lanes and sidewalks will be placed on the east side of Garnett to accommodate pedestrians. He expressed concerns for the pedestrians and students walking to and from school because of the high volume of traffic this business will create. Mr. Pittenger stated that if the 18 parking spaces are installed as Mr. Gentry has proposed than it will block the sidewalk installation promised by the City of Tulsa. Mr. Pittenger requested this application be denied.

**Comments and Questions:**

Mr. White asked Mr. Pittenger if the barber shop and bar were on the same subject property? He stated the barber shop and bar are on a piece of property that is 50' wide, which is adjacent to this subject property.

**Interested Parties:**

**Ray Mitchell**, subject property owner, 5507 East 61st Place, stated the subject property is 175' in depth and 112.5' wide. He explained that there is a 50' roadway easement off the Garnett entrance to the property. Mr. Mitchell stated the subject property has been owned by the Oklahoma Investment Company since 1971. Mr. Mitchell gave a detailed history of the various businesses that have occupied the subject property. He explained that the last occupant was an appliance store, which repaired appliances and there was quite a bit of activity on the subject property. Mr. Mitchell explained that Mr. Gentry needs a new location because the Oklahoma Medical School has purchased the land that he is now occupying. Mr. Mitchell stated that Mr. Gentry is a good tenant and he would like to keep him as a tenant.

**Comments and Questions:**

Ms. Parnell stated that Code Enforcement has worked the subject property numerous times since it became an appliance repair facility. She explained that the business was never legal and the owner of the property was notified, as well as the business owner. Ms. Parnell stated that neither the owner of the property, nor the owner of the business, ever attempted to come before the Board for approval. This property was never issued an occupancy permit or zoning clearance permit for an appliance repair business. She commented that she worked the subject property on complaints of appliances on the fence line, outside storage, etc. Ms. Parnell stated she believes that Mr. Gentry has the best intentions and he wants to make a living, but the City assigns specific Zoning Classifications for a reason and there are some uses that are just not suitable to be abutted against properties zoned residential. Ms. Parnell explained that even with conditions on an approval it is hard to enforce because the Code Enforcement does not work weekends or evenings. Ms. Parnell stated that from a Code Enforcement standpoint, this application is not a suitable use with residential abutting the subject property.

**Applicant's Rebuttal:**

**Mr. Gentry** stated that he is purchasing the property and will not be renting the property. He explained that since he is buying the subject property it will be at his advantage to take care of the property. Mr. Gentry stated he has a very good business because he has always taken good care of his business. He commented that the business is his future and his family's future.

**Comments and Questions:**

Ms. Turnbo stated she feels that the subject property abutting residential area is not a special exception that is acceptable for this area with the described amount of volume.

Mr. Dunham stated the nature of the business next to a residential area is not compatible. He commented the business should not be located next to a residential area.



Caes No. 17660 (continued)

**Board Action:**

In **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **DENY** a **Special Exception** to allow an automotive alternator and starter repair business in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; finding that the approval of this application will be injurious to the neighborhood and will not be in harmony with the spirit and intent of the Code, on the following described property:

Part of Lot 1, Block 1, Western Village Heights, W 175', S 112.5', City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17661**

**Action Requested:**

Special Exception to waive the screening requirements on south boundary abutting Easton Street. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located NE/c East Easton Street and North Sheridan Road.

**Presentation:**

The applicant, **Thomas D. Mansur**, 1648 South Boston, submitted a site plan (Exhibit J-1) and stated he is representing the Quik Trip Corporation. Mr. Mansur explained that Quik Trip currently has a new store under construction on this subject corner. Mr. Mansur stated that one of the requirements is a screening requirement on the south boundary, which is zoned residential. He explained the business is located on the NE/c of Easton and Sheridan Road and Easton Street parallels with the north right-of-way line of I-244. Mr. Mansur stated that essentially the screening fence will not be screening anything and Quik Trip is asking for the waiver of the screening. He assured the Board that Quik Trip will be screening the north side boundary.

**Protestants:** None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to waive the screening requirements on south boundary abutting Easton Street. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; finding that the residential zoning is the freeway and that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17661 (continued)

E 205.00', W 210.00', S 60.00', Lot 12, E 205.00', W 210.00', Lots 13 & 14, Polston Second Subdivision, an addition in Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Commencing SW/c, said Lot 14; thence N 89°55'17"E along the S line of Lot 14 for 5.00', to POB; thence N 0°16'13"W parallel with the W line of Polston Second Subdivision for 260.00'; thence N 89°55'17"E parallel to the S line of Lot 14 for 205.00'; thence S 0°16'13"E parallel to the W line of Polston Second Subdivision for 260.00'; thence S 89°55'17"W for 205.00' to POB; City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17662**

**Action Requested:**

Variance of side setback abutting a non-arterial street from 15' to 8' to permit an addition to an existing residence and a Variance of required side setback of 20' to 0' to permit a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1348 East 35th Street.

**Presentation:**

The applicant, **Karen Keith**, 1348 East 35th Street, submitted photographs (Exhibit K-1), a letter of support (Exhibit K-2) and a site plan (Exhibit K-3). Ms. Keith stated that because of the unique shape of the property and the older, smaller lots in the subject area, she is asking for a variance to add a bathroom closet and carport. She indicated that a number of variances have been granted for similar applications along Quincy Street and Quincy Street is where the add on will be built. Ms. Keith stated she has hired an architect, Scott Ferguson, who has assured her that the changes will be consistent with the architecture of the home built in 1921. She explained that the roof line of the carport will not be a flat metal structure, but will be consistent with the existing roof line of the garage.

**Comments and Questions:**

Ms. Turnbo asked the applicant if the photographs of other carports in the subject area have been before the Board for approval? She stated there have been a number of variances that have been approved, but she did not know if the carports are specifically the variances approved.

In response to Mr. Dunham, Ms. Keith indicated she will be installing a new roof on the home, garage and carport to be consistent.

Mr. Gardner stated that there are 50' lots to the north and south, which were probably built with 5' side yards. Mr. Gardner commented that with the new room addition is coming out to within 8', it will probably align with properties to the north and south.

Case No. 17661 (continued)

Ms. Keith agreed with Mr. Gardner's statement.

Mr. Gardner stated that the houses due north of the east end of the subject property, where one variance is asked, are as close or closer to the street because they were 50' lots to begin with.

Mr. Gardner stated the carport does come out to the property line and if the Board were to approve this application, the Board needs to put a condition that the sides of the carport cannot be closed. He explained that a carport, by the definition in the dictionary, is an open structure and in the past some of the carports approved by the Board have been enclosed by the applicants.

Mr. White asked the applicant if she plans to keep the carport sides open? Ms. Keith stated she planned to keep the sides open and that she understands it is one of the conditions in order to have a carport.

Ms. Turnbo asked the applicant if her carport will come out further than her neighbors? She stated her carport will not come out further than her neighbors. Ms. Keith commented she is not sure the numbers that the architect has come up with, but she believes it will be consistent with the neighbor's carport to the south.

Mr. Dunham stated that the size of the lot and the size of the existing dwelling on the lot prevents the applicant from expanding and stay in compliance within the Code.

Mr. Gardner stated that the new addition will be setting back farther than the side yards of the other existing homes in the subject area. He further stated that it is difficult to find a hardship for a carport and so the Board needs to look at the fact that there are other carports in the neighborhood.

Mr. Dunham stated the carport will not be detrimental to the subject area, because there are several carports already within 100 yards of the subject property.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Variance** of side setback abutting a non-arterial street from 15' to 8' to permit an addition to an existing residence and a **Variance** of required side setback of 20' to 0' to permit a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the carport being left open on the sides; finding that numerous carports exist in the subject area and are within 100' of the subject property; finding that the addition will be setting further back than the homes to the north and south; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17662 (continued)

Lot 7, Block 3, Olivers; City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17666**

**Action Requested:**

Special Exception to permit an existing inpatient/outpatient rehabilitation hospital in a CS zoned district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 201 South Garnett Road.

**Presentation:**

The applicant, **Jann Satre/Brookhaven Hospital**, 201 South Garnett Road, submitted an amended site plan (Exhibit L-1) and literature regarding services of Brookhaven Hospital (Exhibit L-2). Ms. Satre stated that Brookhaven Hospital has been an existing facility at the subject property with no changes to the operation since 1982. Ms. Satre informed the Board that in 1982 to 1984 the hospital had been zoned Use Unit 5 and in 1985 Use Unit 5 was deleted. She stated the hospital then became a legal/non-conforming use and therefore the hospital filed an application for a special exception to remove the nonconforming status. Ms. Satre explained that for financing aspects it is necessary for the hospital to be deemed legal/conforming.

**Comments and Questions:**

Mr. Dunham asked the applicant if the hospital proposes any changes or to expand the site? Ms. Satre stated there are no proposals for changes or expansions. She explained the hospital is a 40 bed facility and there are no plans to expand at this time.

Mr. Gardner explained that the ordinance was amended to take the hospital out of a Use Unit 5, which was a permitted use in a commercial district. He stated the Use Unit 5 was changed to a Use Unit 2, which requires all uses to come before the Board for an exception. He commented the change in the ordinance created a non-conforming status on the subject property, which at one time was conforming.

**Protestants:**

**Harold Pittenger**, 11448 East 6th, stated he is representing the neighborhood association of Western Village. Mr. Pittenger expressed concerns regarding the hospital's future intentions. Mr. Pittenger stated he has some concerns if the hospital can handle the increase in patients concerning the Radar Institute relocating in the Brookhaven Hospital. He explained that the hospital connects with Kerr Elementary School and a portion of the LC Clark Community Theater, which is separated by a fence. Mr. Pittenger stated that residents, who live on the southside of the hospital, have reported that school children are being lured over to the fence by the patients. He commented that neighbors have also reported screams coming from the hospital that are disturbing to the neighbors. Mr. Pittenger asked if Brookhaven is a mental hospital or a rehabilitation hospital for drug and alcohol abuse?

Case No. 17666 (continued)

**The following names represent protestants of Case No. 17666**

**T.R. & Sue Pennel**, 11301 East Third; **Donna Passmore**, 11337 East 3rd St.; **Robert L. Taylor**, 11347 E. 3rd St.; **Nancy Crayton**, 245 S. 120th E. Ave.; **Laddie Ondracek**, 11327 E. 3rd St.

**Comments and Questions:**

Mr. White asked Mr. Pittenger if he or anyone from the neighborhood association has met with personnel from the hospital prior to the hearing? He answered negatively.

Mr. White asked Mr. Pittenger if he has tried to meet with the hospital personnel? He stated he has not had time to meet with anyone from the hospital before the hearing.

**Applicant's Rebuttal:**

**Ms. Satre** informed the protestants that the best way to ease any concerns they have with the hospital is to come by and visit the hospital. She indicated that she can arrange a tour for the protestants. Ms. Satre described the hospital as a neurological rehabilitation facility for behavioral health and for neurological rehabilitation from trauma. Ms. Satre stated the Radar Institute will not be relocating to Brookhaven Hospital, but the hospital will have a group treatment that is based on the Radar Institute. She explained that the Radar Institute is a well established institute on the west coast that provides assistance and retraining in education dealing with eating disorders. Ms. Satre stated that Brookhaven is licensed for 40 beds and there will not be any expansions for additional beds. She explained that the treatment program, with regard to the Radar Institute, is predominately outpatient treatment with occasional overnight stays. She stated that the treatment program is a full package that comes along with training and teaching people to deal with eating disorders, mental illness, head trauma, etc. Ms. Satre informed the protestants that they should bring their concerns and disturbances to the hospital's attention immediately so that they can deal with the problems accordingly. Ms. Satre stated the hospital wants to address any disturbances to the neighborhood. She explained that the hospital purchased property adjacent to the hospital and left the property undeveloped to be cognizant to the needs of the community.

**Comments and Questions:**

Mr. White asked Mr. Pittenger if Ms. Satre's rebuttal addressed all of his concerns? He stated he had two questions unanswered: 1.) security regarding the use of the property behind the hospital next to the school, and 2.) assurance that the school children will not be lured to the fence by the patients.

Case No. 17666 (continued)

Ms. Satre stated that Dan Taylor is the Director of Plant Operations and at anytime the protestants and residents are free to call with any concerns regarding the security or disturbances. Ms. Satre explained that a patient is never to be outside without observation of therapist or other staff. She stated that if ever anything transpires that brings concerns to the community, the hospital wants to know in order to take action to correct the concerns.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to permit an existing inpatient/outpatient rehabilitation hospital in a CS zoned district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code.


**Board Action:**

On **AMENDED MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to permit an existing inpatient/outpatient rehabilitation hospital in a CS zoned district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per the existing plan; subject to there being no expansion to the existing facility without filing a new application; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Part of Lot 1, Block 1, Western Village Heights, an addition in Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to wit: Beg. NW/c, Lot 1, thence S 89°53'00" E for 680' to the NE/c, Lot 1; thence S 9°34'38" W, along the E line of Lot 1, Block 1 for 226.74'; thence N 89°53'00" W for 360.25'; thence due S 147.74'; thence N 89°53'00" W for 282.02'; thence due N 371.50' to the POB; City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:00 p.m.

Date approved: April 8, 1997

  
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Chair