

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 782
Tuesday, October 12, 1999, 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
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Cooper
Dunham, Vice Chair
Perkins
Turnbo
White, Chair

Arnold
Beach
Stump

Prather, Legal Dept.
Parnell,
Neighborhood Insp.
Ackermann, Zoning
Official

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, October 8, 1999, at 9:00 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair, White called the meeting to order at 1:03 p.m.

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MINUTES:

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Dunham, Turnbo, White "aye"; no "nays", Perkins "abstentions"; Cooper, "absent") to **APPROVE** the Minutes of September 28, 1999 (No. 781).

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UNFINISHED BUSINESS

Case No. 18488

Action Requested:

Variance of the required parking from 285 spaces to 173 spaces to permit the expansion of a sanctuary to 9,954 square feet for Parkview Baptist Church. **SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements – Use Unit 5**, located 5805 South Sheridan.

Presentation:

The applicant, **Mitchell D. O'Donnell**, submitted a site plan (Exhibit A-1) and stated that **Rev. David Willets**, 8212 South 73rd East Avenue, will make the presentation for the church. Rev. Willets stated that he is the Sr. Pastor at Parkview Baptist Church located at 5805 South Sheridan. Rev. Willets mentioned that a few years ago the church considered relocating. The church decided not to move because of the positive relationship with the neighborhood. Rev. Willets mentioned that they would like to expand the seating in their sanctuary facility within the next few years. If the church expands, they would have a problem meeting the parking requirements. Rev. Willets stated that their neighbors the Woodland View Shopping Center, presently lets the church use their parking lot to accommodate their Sunday morning attendance. Rev. Willets submitted a signed, good-faith agreement (Exhibit A-2) stating the shopping center's approval of the agreement. Rev. Willets asked the Board to count the parking spaces in the Woodland View Shopping Center that is adjacent to the church property in order to satisfy the parking requirements for future expansion. Rev. Willets informed the Board that if, for some reason, the parking spaces were to become unavailable, the church is committed to shuttling their members from other parking lots nearby.

Interested Parties:

None.

Comments and Questions:

Ms. Turnbo asked Rev. Willets if the agreement is a lease agreement. Rev. Willets replied that it is a Revocable Parking License Agreement for 99 spaces.

Mr. Dunham asked the applicant if, in the event the agreement is canceled, the church will provide the necessary parking elsewhere. Rev. Willets replied that the church will provide the parking from other lots and shuttle the congregation to the church facility.

Mr. White asked the applicant if they have met with the neighbors. Rev. Willets replied that they have not met with the neighbors in person but the church mailed out a letter to the neighborhood explaining what the church is proposing to do.

Mr. Dunham inquired as to how long the church has been using the parking on the shopping center lot. Rev. Willets replied that they have been parking there officially for several years. Unofficially, for about 15 years per a verbal agreement.

Ms. Turnbo asked the pastor when the church anticipates building the new sanctuary. Rev. Willets stated that the parking issue is the first step. They realize that there is a time limit on any approval and if they do not start construction within that time period they will submit a new application.

Mr. White asked Staff if the 285 spaces figure is based on the expanded sanctuary. Mr. Beach replied affirmatively.

Rev. Willets mentioned to the Board that the church leases a building adjoining the shopping center parking lot and they have a financial lease agreement that provides them 10 spaces there, in addition to the 99 spaces.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE Variance** of the required parking from 285 spaces to 173 spaces to permit the expansion of a sanctuary to 9,954 square feet for Parkview Baptist Church. **SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements – Use Unit 5**, subject to the church maintaining a written agreement for parking in the area to provide the necessary parking spaces for the sanctuary expansion, finding that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

That part of the SW/4 of the SW/4 of Section 35, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at the NW/c of the said SW/4 of the SW/4 of said Section 35; thence N 89°58.8276' E along the N line of said SW/4 a distance of 408.38'; thence S 0° 13.5000' E a distance of 504.88'; thence due W a distance of 408.38' to a point on the W line of said SW/4; thence N 0° 13.5000' W along the said W line a distance of 504.74' to the point of beginning.

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Case No. 18500

Action Requested:

Variance of the required 60' setback from the centerline of Memorial to 56'. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 12 OR** an interpretation of the centerline of right-of-way of Memorial, located 3150 South Memorial.

Comments and Questions:

Mr. Beach informed the Board that the applicant has requested a continuance (Exhibit B-1) to November 9, 1999.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **CONTINUE** to the meeting of November 9, 1999.

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Case No. 18509

Action Requested:

Variance of maximum display surface area of a sign from 150 square feet to 307 square feet. **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS – Use Unit 5** and a Variance of the requirement of constant light to allow an electronic message center. **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS**, located 7800 South Lewis.

Presentation:

The applicant, **Brian Ward**, 9520 East 55th Place, submitted a site plan (Exhibit C-1) and stated that Victory Christian Center would like to construct a new sign. The current sign was installed as a temporary sign. Victory Christian Center has approximately 1,400 lineal feet along Lewis Avenue. Mr. Ward explained that the electronic message center is similar to what is on the Oral Roberts property down the street. Mr. Ward submitted photos of the sign and the property (Exhibit C-2).

Comments and Questions:

Ms. Perkins asked Mr. Ward if they will remove the old sign? Mr. Ward replied affirmatively.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE** a **Variance** of maximum display surface area of a sign from 150 square feet to 307 square feet. **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS – Use Unit 5** and a **Variance** of the requirement of constant light to allow an electronic message center; finding that the Board had approved a similar sign at ORU which is across the street and to the south **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS**, per plan submitted and subject to the removal of the existing sign, finding that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

S/2, NE, SE, less E 50', City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18523

Action Requested:

Variance of the required rear yard from 25' to 15' in an RS-1 District to permit new construction. **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 6**, located 2600 Block of 33rd Street East of Birmingham Avenue.

Case No. 18523 (continued)

Comments and Questions:

Mr. Beach informed the Board that the applicant has requested a continuance. The request was not timely.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale, Tulsa, OK, stated that he is the architect for the homeowner.

Comments and Questions:

Mr. White asked the applicant to explain his reason for the continuance request. Mr. Arnold replied that they are trying to get some input from a landscape architect. Depending upon the outcome, they may not need all the relief asked for.

Mr. White asked the interested parties present if it would be a problem to continue the application for two weeks? The protestors stated that they would like the case heard today since this will be the second request for continuance.

Mr. Arnold mentioned that he could present the case to the Board today.

Additional Comments and Questions:

Jack Arnold, 7318 South Yale, Tulsa, OK, informed the Board that he has been speaking with the protestors of this case and he would like to withdraw his application.

Board Action:

Withdrawn by Applicant. No action taken.

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NEW APPLICATIONS

Case No. 18524

Action Requested:

Variance of the allowable size for an accessory building from 750 square feet to 1,800 square feet. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6** and Variance of the required rear yard maximum coverage. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, located 3732 South 27th West Avenue.

Presentation:

The applicant, **Park Dudley**, 3732 South 27th West Avenue, submitted a revised site plan (Exhibit D-1) and stated that he would like to move the accessory building to the north side of the property. Mr. Dudley explained that it would allow him to have a back yard and would relieve the need for the variance of the required rear yard coverage. That would leave 75' east and west of backyard space

Comments and Questions:

Mr. White asked the applicant how far north he wants to move the building? Mr. Dudley replied that the building will be 10' from the property line. The building will face north.

Mr. Beach asked Mr. Dudley how close the building will be to 37th Place? Mr. Dudley replied 35'. Mr. Beach asked the applicant how large the building is and he replied that it will either be 30' x 50' or 30' x 60'.

Mr. White asked the applicant what the purpose of the building is. Mr. Dudley stated that the building will be utilized as a garage for an antique truck and a woodworking hobby. There will be no commercial activity in the building.

Mr. Beach informed the Board that according to the new plan (Exhibit D-3), the applicant needs to move the building south 10' to meet the setback requirement from 37th Place. It will occupy 300 square feet (less than 20%) of the required rear yard and he does not need the relief on yard coverage.

Interested Parties:

Martha Wright, stated that she and her husband have lived on the property directly west for 33 years. Ms. Wright stated that she is opposed to the building because it is too large and will block the sunlight from coming into their house.

Applicant's Rebuttal:

Mr. Dudley explained that the previous building placement would block the neighbor's entire yard so he decided to move the building towards the front. Mr. Dudley submitted photos of the neighborhood (Exhibit D-2) showing other residences with detached garages and many of them do not meet the Zoning Code requirements.

Mr. Stump reminded the Board of a hardship requirement on the size of the structure. Mr. Dudley stated that he recently moved from a 1,700 square foot house to a 1,000 square foot house with no garage or shed. With all of his garage type hobbies he needs a garage of this size.

Mr. White asked the applicant how tall the building will be and Mr. Dudley replied 12' in the front and the peak is 16'.

Mr. Beach asked the applicant if he is proposing to reduce the size of the building to 30' x 50'? Mr. Dudley replied affirmatively. Mr. Beach stated that the size will be 1,500 square feet instead of 1,800 square feet.

Mr. Stump pointed out that most of the other accessory buildings in the area are smaller than 750 square feet. Mr. Stump stated that the 30' x 50' building is about the size of a seven car garage.

Case No. 18524 (continued)

Mr. White stated that moving from a large residence to a small one is a self-imposed hardship.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **DENY** a **Variance** of the allowable size for an accessory building from 750 square feet to 1,800 square feet. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6 and Variance** of the required rear yard maximum coverage. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, finding that the approval of the request would be detrimental to the neighborhood and violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 26, Original Town of Red Fork, City of Tulsa, Tulsa County, State of Oklahoma

Comments and Questions:

Mr. Beach stated that the applicant, Mr. Park Dudley, has requested reconsideration (Exhibit D-3) and submitted a redesigned plan for the proposed garage. Mr. White stated the protestors are no longer present.

Mr. Beach informed the Board that they may reconsider the case now without the protestors being present or they may postpone the reconsideration to a new meeting date and give notice to those protestors.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Dunham, Perkins, Turnbo, White "aye"; no "nays", Cooper "abstentions"; no "absent") to **RECONSIDER** Case No. 18524 at the meeting of November 9, 1999 and new notice shall be given to the interested parties present.

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Case No. 18525

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** and a Variance to permit a mobile permanently. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 2024 North Joplin.

Case No. 18525 (continued)

Presentation:

The applicant, **Roberta Reser**, Route 2 Box 275, Catoosa, OK, submitted a site plan (Exhibit E-1) and stated that they would like to put a mobile home on the subject property.

Comments and Questions:

Mr. Dunham asked the applicant if they plan to have skirting and tie downs? Ms. Reser replied affirmatively.

Ms. Reser explained to the Board that personal hardship kept them from acting on the previous approval in 1995. That approval has since expired and they are applying for exactly the same thing.

Interested Parties:

Mr. Stump stated that he received a call from Councilor Turner's office, District 3, reiterating his objection to mobile homes in his district.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "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** and a ***Variance*** to permit a mobile home permanently. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, subject to the mobile home being tied down and skirted, per plan submitted, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

Lots 1 and 2, Block 5, Original Townsite of Dawson, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18526

Action Requested:

Special Exception to allow one single-family dwelling per lot in a CH zoned district.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS –
Use Unit 6, located South of SE/c East Latimer & North Quaker.

Presentation:

The applicant, **Gary Casteel**, submitted a site plan (Exhibit F-1) and stated that he is the Executive Director for Habitat for Humanity in Tulsa that owns the two subject lots. Mr. Casteel mentioned that there is not a commercial building on the entire block. All the lots are utilized as residential single-family lots. Mr. Casteel stated that Habitat for Humanity is currently building two other houses in the neighborhood.

Case No. 18526 (continued)

Comments and Questions:

Ms. Turnbo asked if the plan submitted will be used for both lots? Mr. Casteel replied affirmatively. The houses will each be about 1,100 square feet.

Interested Parties:

None.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE** a **Special Exception** to allow one single-family dwelling per lot in a CH zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6**, the houses must meet the RS-4 yard requirements, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

Lots 15 and 16, Block 4, Capitol Hill 2nd, a Resub of Lots 1 & 2, Block 4, Capitol Hill 2nd, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18527

Action Requested:

Special Exception to allow office use (Use Unit 11) in a RM-1 zoned district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11**, located 3404 East 33rd Street.

Presentation:

The applicant, **Chad Stites**, 1918 East 51st Street, submitted a site plan (Exhibit G-1) and stated that he would like to use part of a single-family residential dwelling formerly used as a daycare. Mr. Stites proposes to take the westernmost house and using it as a residence with approximately 300 square feet to be used as a small office.

Comments and Questions:

Mr. White inquired about whether or not this office would be classified as a "home occupation"? Mr. Stites replied that he would not reside there, his handicapped daughter would. He would be able to be close to her during the day and get some work done while there.

Mr. Beach stated that the resident has to be the one conducting the business and since his daughter would be living in the home it is not classified as a home occupation.

Case No. 18527 (continued)

Mr. Stump reminded the applicant of the parking requirements and he stated that he would have no problem meeting the requirement.

Interested Parties:

None.

Board Action:

On **MOTION** of **TURNBO** the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE** a **Special Exception** to allow office use (Use Unit 11) in a RM-1 zoned district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11**, subject to the office being limited to 300 square feet, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

The W 70' of E 140' of the W 160' of N 120', Block 23, Albert Pike Sub., City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18528

Action Requested:

Special Exception to permit a mobile home in a CH District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 9**, located 13454 East 11th Street.

Presentation:

The applicant, **Steve J. Melton**, 17301 East Admiral Place, Tulsa, OK, submitted a site plan (Exhibit H-1) and stated that he owns the subject property. He bought the property in 1995 and the mobile home was existing at that time. The request is not for a new mobile home but for one that has been existing for over 20 years.

Comments and Questions:

Mr. Dunham asked Ms. Parnell what precipitated the application? Ms. Candy Parnell, Code Enforcement, stated that her office is doing a "sweep" in the 11th Street area from 129th to 145th East Avenue. They are taking down some vacated buildings. She was checking zoning in the area and this property came up. There were some problems with Mr. Melton's property in reference to junk cars and other trash and weeds. In researching the property, she could not locate a permit for the mobile home.

Interested Parties:

Bob Johnson, 15324 East 13th Street, stated that he is the President of the Tower Hills Neighborhood Association. Mr. Johnson is opposed to the application. For the past ten months the neighborhood association has been working with the City to clean up the area from 11th Street to 129th and 145th East Avenue. They have asked various businesses to voluntarily to clean up their businesses. When the business has not done so voluntarily, Code Enforcement steps in. Mr. Melton's business is becoming an eyesore along 11th Street and it looks like an auto salvage. Mr. Johnson urged the Board to deny the application.

Mr. White asked Mr. Johnson if he has any problem with the mobile home. Mr. Johnson replied affirmatively.

James Martino, stated that he is a member of the Tower Hills Neighborhood Association. Mr. Martino submitted information packets (Exhibit H-2) relating to the subject property. He explained what the packet contained including the location of the various photos. Mr. Martino is concerned about where the lateral line are located because the entire property is on septic and the cars cover most of the property.

Mr. White asked Staff if the CH zoning allows auto salvage? Mr. Stump replied negatively.

Councilor Art Justis, District 6, stated that he is opposed to the mobile home. Councilor Justis reiterated that they are trying to clean-up the area and this property is an eyesore. Councilor Justis asked the Board to deny the application.

Applicant's Rebuttal:

Mr. Melton stated that he does not own the business he owns the property. The property is leased to the auto repair business. Mr. Melton informed the Board that the auto repair business has taken care of the complaint and cleaned up their business.

Comments and Questions:

Ms. Parnell mentioned to the Board that the problem with CH zoning is that vehicle storage is allowed and you can have vehicles that are being repaired. Ms. Parnell stated that she has had several conversations with Alan Jackere, City Legal Department about what the time frame is that a vehicle awaiting parts can stay parked. They have not come to a clear answer about that problem. Ms. Parnell stated that this business is not pretty but it does not have the appearance of an auto salvage.

Mr. Dunham asked the applicant if the mobile home is being used as an office or a residence? Mr. Melton stated that the man he bought the property from lived there and it is currently utilized as a residence.

Case No. 18528 (continued)

Ms. Perkins asked the applicant about the septic system and the lateral line? Mr. Melton replied that he is not sure where the septic system is because he has not had any problems with it.

Mr. White stated that this property is a single pocket of CH zoning in the area.

Ms. Turnbo feels that the mobile home should be moved out and the sweep is a good idea to clean up an area.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **DENY** a **Special Exception** to permit a mobile home in a CH District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 9**, finding that it is injurious to the neighborhood, on the following described property:

N 165.5', E 198', NW, NE, NW, less E 25' for street, Section 9, T-19-N, R-14-E,
City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18529

Action Requested:

Special Exception to allow a 6' wrought iron fence in the front yard - increased from the allowable 4' fence. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards**, located South of SW/c East 45th Street & South Columbia Avenue.

Presentation:

The applicant, **Sanjay D. Meshri**, 4420 South Columbia Avenue, Tulsa, OK, submitted a site plan (Exhibit I-1) and photos (Exhibit I-2). Mr. Meshri stated that he would like to put a wrought iron fence around the two properties. There is a pond on the property and the fence would protect the pond. The property is relatively flat and there are no grade changes. There are four properties in the area that have similar fences. Mr. Meshri stated that the property is 35,000 square feet and the fence will be 880' linear feet. The problem that the variance applies to is an area of about 140' on two different properties.

Comments and Questions:

Mr. White asked the applicant if any of the variance pertains to the cul-de-sac area on 46th Street? Mr. Meshri replied yes, a small section.

Interested Parties:

None.

Case No. 18529 (continued)

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE** a **Special Exception** to allow a 6' wrought iron fence in the front yard - increased from the allowable 4' fence. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards**, per plan submitted, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

Lot 6, Block 1, Birmingham Terrace 2nd and Lot 2, Block 10, Villa Grove Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18530

Action Requested:

Approval of an amended site plan of a previously approved plan (BOA 16661 & BOA 16462) to add room addition on north end of dwelling, located 12833 East 35th Street South.

Presentation:

The applicant, **Gregory G. Calloway**, 12833 East 35th Street South, submitted a site plan (Exhibit J-1) and stated that they would like to add a room to their duplex. The entire street consists of duplexes and there is no commercial use anywhere. They would like to add a 14' x 20' room.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE** an amended site plan of a previously approved plan (BOA 16661 & BOA 16462) to add room addition on north end of dwelling, limited to this one lot, per plan submitted, on the following described property:

Lot 1, Block 1 and Lot 1, Block 2, Briarglen East Center, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18531

Action Requested:

Modification of prior Board of Adjustment action to allow overnight parking of customer vehicles on Harvard Avenue side of facility. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and SECTION 1607.C.3. VARIANCES, Board of Adjustment Action – Use Unit 17**, located 4122 South Harvard Avenue.

Presentation:

The applicant, **Stephen L. Oakley**, submitted a site plan (Exhibit K-1) and informed the Board that twenty years ago the Board of Adjustment approved an Aamco Transmission Center to be located at this property. As a condition of the approval, any overnight parking of customer vehicles was to be behind the building in a screened area. Parking on the Harvard side was only for daytime parking. Mr. Oakley mentioned that problems have developed in the area. Vandals have gotten into the screened area and vandalized the customer cars. Mr. Oakley explained that customer cars are safer being parked in the front of the building rather than in the back. Mr. Oakley submitted photos of the property (Exhibit). Immediately adjacent to the property is a business that has U-Haul type trucks parked out front all the time.

Comments and Questions:

Mr. White asked the applicant what the capacity for parking inside the building is? Mr. Oakley replied that the garage is set up with several bays and it is only during an overflow situation that the cars are parked outside. He stated that there is a total of six bays.

Mr. Beach informed the Board that in the previous case that imposed the condition in 1979, the condition was volunteered by the applicant. There were no protestors present.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE** Modification of prior Board of Adjustment action to allow overnight parking of customer vehicles on Harvard Avenue side of facility. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and SECTION 1607.C.3. VARIANCES, Board of Adjustment Action – Use Unit 17**, on the following described property:

Lot 3, Block 1, Charles Teel Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18532

Action Requested:

Variance of required 30' of frontage on a public street to permit a lot split. **SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6**, located 8160 South Elwood.

Comments and Questions:

Mr. Beach informed the Board that the applicant submitted a timely request for continuance (Exhibit L-1) to the meeting of October 26, 1999.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **CONTINUE** the case to the meeting of October 26, 1999.

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Case No. 18533

Action Requested:

Special Exception to permit auto repair service in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**; a Variance of required parking from 65 to 26 spaces. **SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements**; **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements**; and **SECTION 1217.D. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Off-Street Parking and Loading Requirements** and a Variance of Off-Street Parking Design Standards. **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 5229 and 5239 South Peoria.

Presentation:

The applicant, **Juan Calderon**, 5229 South Peoria, stated that he is the owner of the subject property. Mr. Calderon submitted a site plan (Exhibit M-1) and a packet of information to the Board (Exhibit M-2) summarizing the history of the property. Mr. Calderon stated that he has owned the subject property for 16 years and has never had any problems or complaints. He explained that the current tenant of the property has caused some problems and he has been evicted. Mr. Calderon informed the Board that the property is not good for any other use except for an auto repair service.

Comments and Questions:

Mr. White asked the applicant if he owns or has an arrangement for parking with adjacent properties for additional parking spaces? Mr. Calderon stated that he did not.

Mr. Stump asked the applicant if the parking spaces on the north side of the building are accessed from the neighbor's property and does he have an agreement to use that access? Mr. Calderon replied that the building has been there since 1965 and they have always used that access and he does not have an agreement to use that access.

Interested Parties:

David Thorton, 525 South Main Street, Tulsa, OK 74103, stated that he represents the JSPP Corporation which owns the Brooke Plaza Shopping Center that is immediately adjacent to the subject property. Mr. Thorton stated that Mr. Calderon's business does not have the required number of parking and in turn parks their cars or cars waiting for repair on the shopping center's parking lot without permission. Mr. Thorton pointed out to the Board that the parking spaces on the plat located south of the garage area are not the required size and the applicant's only access to those spaces is through his client's property which Mr. Calderon does not have permission to use. The garage does not have access for vehicles except from the rear which faces residential property. Mr. Thorton's client had to pay to have Mr. Calderon's cars moved off of his property because there were 32 vehicles parked there. Mr. Thorton stated that this property has been a problem to the neighborhood and other businesses for many years and asked the Board to deny the application.

Emily Rohleder, stated that she is the Property Manager for the Brooke Plaza Shopping Center. Ms. Rohleder stated that there has been a problem with homeless people living in and around the immediate area and even in the cars. The owner of Brooke Plaza Shopping Center has spent a considerable amount of money trying to clean up the property and surrounding area. Ms. Rohleder believes that the subject property is not suited for an auto repair business.

COOPER IN AT 3:00 P.M.

Councilor Vicki Cleveland, District 8, stated that she is opposed to the application.

Comments and Questions:

Ms. Parnell, Neighborhood Inspections, stated that the applicant is not concerned about who he rents or how the property is maintained until he gets a letter from her office. Ms. Parnell stated that the complaint she received came from the residential property owners. She does not believe that the property is suitable for an auto repair facility. She stated that without the help of the shopping center and their management, she never could have brought the property under control.

Applicant's Rebuttal:

Mr. Calderon stated that he does not know anything about zoning. He has a clause in his lease contract that states if the City finds anything wrong with the business, the contract and lease is null and void. Mr. Calderon asked the Board to approve his application.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Dunham, Perkins, Turnbo, White "aye"; no "nays", Cooper "abstentions"; no "absent") to **DENY** a **Special Exception** to permit auto repair service in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; a Variance** of required parking from 65 to 26 spaces. **SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements; SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements; and SECTION 1217.D. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Off-Street Parking and Loading Requirements** and a **Variance** of Off-Street Parking Design Standards. **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, finding that the use would be injurious to the neighborhood, on the following described property:

Lots 1 and 2 Cantrell Addition, City of Tulsa, County of Tulsa, State of Oklahoma.

Case No. 18534

Action Requested:

Variance of the required 297 parking spaces for a shopping center to 226 actual parking spaces. **SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements**, located 6161 South 33rd West Avenue.

Presentation:

The applicant, **Joe Parise**, 5760 South 97th West Avenue, submitted a site plan (Exhibit N-1) and stated that in April he and his wife purchased a restaurant in the West Highlands Plaza shopping center and they have been trying to obtain a letter of occupancy. Mr. Parise informed the Board that the parking lot is never full. Mr. Parise mentioned that he is the fifth restaurant owner in the same spot and the first one to have to obtain an occupancy permit.

Interested Parties:

John Hardson, stated that he owns the center and he informed the Board that the facility was built in 1987. The facility does not have a parking problem.

Comments and Questions:

Mr. White asked why this application came before the Board? Mr. Ackermann, Zoning Official, stated that his office got an application for a Certificate of Occupancy and they did a parking study. As a result of the review, it was discovered that they were short some of the required parking spaces.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Variance** of the required 297 parking spaces for shopping center to 226 actual parking spaces, finding that there have been other restaurants in the same space, there has never been a problem with parking. **SECTION 1212.D. USE UNIT 12. EATING STABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements**, finding that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

Lot 1, Block 1, Sunwest Highlands Plaza, City of Tulsa, County of Tulsa, State of Oklahoma

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Case No. 18535

Action Requested:

Variance of the screening requirements on the east property line where use is abutting an R zoned district. **SECTION 1213.C.2. USE UNIT 12. CONVENIENCE GOODS AND SERVICES, Use Conditions - Use Unit 13**, located 1219 South Peoria.

Presentation:

The applicant, **Karen F. Ward**, 1219 South Peoria, submitted a site plan (Exhibit O-1) and stated that she is the owner of the subject property. Ms. Ward submitted a letter from the owner of the apartment complex behind her property (Exhibit O-3). The apartment complex feels that if a screening fence is placed in the abandoned alley it will deny access for the tenants to the various properties nearby and inhibit trash collection. Ms. Ward submitted photos of the area (Exhibit O-2).

Interested Parties:

David Patrick, former City Councilor, stated that he supports the application.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Variance** of the screening requirements on the east property line where use is abutting an R zoned district finding that the conditions in the neighborhood are not conducive to a screening fence in that location. **SECTION 1213.C.2. USE UNIT 12. CONVENIENCE GOODS AND SERVICES, Use Conditions - Use Unit 13**, finding that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

Case No. 18535 (continued)

Lots 33 through 36, Block 5, Orchard Addition and also the 8' of vacated alley adjacent to east line of Lots 33 through 36, Block 5, Orchard Addition, City of Tulsa, County of Tulsa, State of Oklahoma.

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Case No. 18536

Action Requested:

Variance of the required parking spaces for retail shopping from 107 spaces to 97 spaces. **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 14**, located NW/c East 31st Street & South Memorial Drive.

Comments and Questions:

Mr. Beach informed the Board that the application has been withdrawn by the applicant.

Board Action:

None taken.

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Case No. 18537

Action Requested:

Variance of the required front yard setback from 35' to 30' in two locations and from 35' to 33' in a third location. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance of the required rear yard from 25' to 5' for approximately 25' to permit the garage to encroach into the rear yard by approximately 465 square feet. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located SE/c East 30th Street & 30th Street & South Victor.

Presentation:

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, Tulsa, OK, submitted a site plan (Exhibit Q-1) and stated that this lot was before the Board in April of this year and the Board approved a series of variances to the front yard setback for the construction of a house for Mr. and Mrs. Ganzkow. Several of the neighbors in the area filed a Notice of Appeal and that appeal is pending. Mr. Norman stated that they have redesigned the residence on the lot and he submitted that plan along with the plan that was approved in April. Mr. Norman also submitted letters of approval from the adjacent homeowners (Exhibit Q-2). Mr. Norman stated that he has also submitted a copy of the plans to Mr. Henry, who is the attorney for the neighborhood group that filed the appeal. They have agreed, that if the Board supports this plan, they will file a joint motion to determine that the prior approval by the Board is moot and that will then make the appeal moot.

Case No. 18537 (continued)

Interested Parties:

Larry Henry, stated that he is the attorney for several of the neighbors. Mr. Henry stated that this case has proven that people can work together to make things work. He informed the Board that he supports this application.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE** a **Variance** of the required front yard setback from 35' to 30' in two locations and from 35' to 33' in a third location. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a **Variance** of the required rear yard from 25' to 5' for approximately 25' to permit the garage to encroach into the rear yard by approximately 465 square feet. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, finding the hardship is the nonconforming status of the lot, per plan submitted, on the following described property:

Lot 1, Block 17, Forest Hills, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, less and except a part thereof described as beginning at a point on the SEly line thereof, 90.10' SEly of the NE/c thereof, thence SWly for 64.52' to the SE/c thereof, thence NWly along the SWly line thereof for 135.38' to the SW/c thereof, thence NEly on a curve to the left having a radius of 301.79' for 83.96', thence SEly and parallel to the SWly line of said Lot 1 for 130.12' to the point of beginning.

..***.

Case No. 18538

Action Requested:

Variance of required 33 parking spaces to 23 to permit expansion of an existing restaurant. **SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements – Use Unit 12**, located NW/c East 81st Street South & South Memorial.

Presentation:

The applicant, **Larry Hoefling**, 8056 South Memorial Drive, submitted a site plan (Exhibit R-1) and stated that he represents Paddy's restaurant at 81st & Memorial. Paddy's is a very small restaurant in a small shopping center called Paddington Square. Mr. Hoefling mentioned that the restaurant currently has 18 tables which occupies the majority of the 2,300 square foot location. The kitchen, with the addition of a new freezer, is now too small. Mr. Hoefling explained to the Board that the two vacant spaces in the center would have difficulty getting a usage permit due to the fact that the parking is already allocated. There is a 1,000 square foot unit next to their location which would allow Paddy's to expand their kitchen and provide a non-smoking area. The variance is to allow them to remain with their 23 current spaces. Mr. Hoefling stated that the expansion to the kitchen area will not create a need for additional parking spaces. Mr. Hoefling mentioned that the primary hours for the restaurant are the evening hours when most of the other tenants are closed.

Case No. 18538 (continued)

Comments and Questions:

Ms. Turnbo asked the applicant if he is planning to add more tables and if so, how many? Mr. Hoefling replied that he would like to use 1/3 of the space for the kitchen addition and add seven or eight additional tables.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a **Variance** of required 33 parking spaces to 23 to permit expansion of an existing restaurant.

SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements – Use Unit 12, subject to the approval being limited to Paddy's Restaurant only, finding that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

Northwest Corner East 81st Street South & South Memorial. Legal Description: Lot 1, Block 1, Famco Heights, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18539

Action Requested:

Variance of setback from secondary arterial from 85' to 70'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; a Special Exception of the screening requirements on north property line and east property line. **SECTION 212.C.1.-2. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement** and a Variance of the required setback for unenclosed parking from the centerline of abutting street from 50' to 41'. **SECTION 1302.B. SETBACKS**, located NE/c East 15th Street South & South 73rd East Avenue.

Presentation:

The applicant, **J. D. Turner**, was represented by Paul Meteke of the City of Tulsa. Mr. Meteke submitted a site plan (Exhibit S-1).

Comments and Questions:

Mr. White asked the applicant if the plan has been changed from the one that was approved in August? Mr. Meteke stated that the plan has not changed.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Variance** of setback from secondary arterial from 85' to 70'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; a ***Special Exception*** of the screening requirements on north property line and east property line. **SECTION 212.C.1.-2. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement** and a ***Variance*** of the required setback for unenclosed parking from the centerline of abutting street from 50' to 41'. **SECTION 1302.B. SETBACKS**, per plan submitted, finding that the variance and special exception to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

Lots 10 through 16 and S 15' of Lot 9, Block 13, Eastmore Park less part of Lot 13, beginning at SW/c of Lot 13, thence N 15', thence SE 21.21'; thence W 15' to POB, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18540

Action Requested:

Special Exception in an RS-3 zoning district to allow for the construction of one bedroom duplexes as part of the "Crestview II" development. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located East side of North Cincinnati Avenue & South of East 36th Street North.

Comments and Questions:

Mr. Beach informed the Board that there was a flaw in the notice and the case needs to be continued one month (November 9, 1999) to allow time for renotification.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **CONTINUE** the case to the meeting of November 9, 1999.

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Case No. 18541

Action Requested:

Special Exception to allow a boys home for up to 14 boys from 13 to 17 years old in current custody of Department of Human Services. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2**, located 8621 South Memorial Drive.

Presentation:

The applicant, **John J. Livingston**, 2021 South Lewis, Suite 450, Tulsa, OK 74104, submitted a site plan (Exhibit U-1) and stated that he is the applicant and attorney for Higher Dimensions. Higher Dimensions is seeking to get authority to allow a residence for boys ages 13 to 17 years of age in the current custody of the Department of Human Services. Mr. Livingston mentioned that the boys are in the custody of the Department of Human Services because they have been abused, abandoned or neglected. The boys are victims and not perpetrators. The boys are not under the direction of the Department of Corrections or the Juvenile Justice system.

Pastor Carlton Pearson, 8621 South Memorial, stated that he is the Pastor of Higher Dimensions Church. It is their intention to operate a boys home for children in the custody of Department of Human Services ("DHS"). Pastor Pearson believes that the church can give the proper love, support and counseling services that the boys need.

Steve Lymon, stated that he is a consultant and program director for the proposed boys home. Mr. Lymon mentioned that the program proposal is to help children who are suffering from abandonment, abuse and neglect that are currently in the custody of DHS and living in shelters. The program will be highly structured providing individual, group and family counseling; social/life skills training on a daily basis. The home will be staffed with as many as two times the required staffing as per the DHS contracting and licensing standards. There will never be fewer than three staff at any given time. There will also be 24-hour on-ground security at all times. Mr. Lymon informed the Board that the average length of stay for the boys will be six months. It is their desire to provide the boys with skills to deal with their victimization.

Comments and Questions:

Ms. Turnbo asked Mr. Lymon if they will be preparing the boys to go back into a residential institution or foster care facility? Mr. Lymon replied that if the boys went back to their homes or another facility, DHS has standards that have to be met before they go back. In addition, Higher Dimensions will provide family counseling on a regular basis and will link them up with additional counseling services as they return to their home or residence.

Ms. Turnbo asked where the boys will go to school and Mr. Lymon stated that they will go to school on grounds, as per the DHS contract.

Ms. Turnbo asked what will happen when one of the youths "walks away"? Mr. Lymon replied that it is their authority to follow them and bring them back. They will call the police, they can bring them back also. If the program runs the way it is proposed to run, the staff will prevent 99% of that from happening. Ms. Turnbo asked why the police would be called in? Mr. Lymon responded that the boy would then be considered a run away and the police must be brought in at that point.

Ms. Turnbo asked if a judge wants to place a boy in this institution awaiting trial, would he be accepted? Mr. Lymon replied no. This is not the type of home he would be in. Any child that goes through the court system will be placed in a home that is employed through the Juvenile Authority.

Ms. Turnbo asked if the facility is run by the State or City? Mr. Lymon stated that the facility will be a private non-profit. They will apply for a contract from DHS.

Ms. Turnbo asked Mr. Lymon if they place any level on the children? Mr. Lymon replied that they are applying for a D+ contract. Ms. Turnbo read the definition of youth to be served in a D+ facility.

Mr. White asked Mr. Lymon if, because of the D+ rated contract, is there a lock down at night? Mr. Lymon replied that by law, they cannot lock the doors from the inside. They are locked from the outside to protect the privacy and safety of the kids. There is an alarm system inside the house which does not have motion detectors because the staff has to move about. There will be a number of checks through the night to make sure the youths are in their beds. The security system will immediately notify staff when any door or window is opened. Ms. Perkins asked if the security system is zoned? Mr. Lymon replied affirmatively, it will tell them which door and which window is open.

Mr. White stated that the Board is in receipt of a petition and letters of opposition totaling 112 signatures.

Mr. White asked Mr. Lymon if he or a representative of the church has spoken with any of the neighbors? Mr. Lymon replied that he spoke to the President of the homeowners' association, who came to their open house.

Ms. Perkins asked if the church will know what kind of background the boys will be coming from? Mr. Lymon replied that they will be informed of prior abuse or neglect. However, juvenile records are sealed, but they do not treat boys with criminal backgrounds. They are informed of what kind of behavior the boys are exhibiting so they can design the appropriate treatment plan for that boy.

Ms. Turnbo stated that the request is for boys ages 13 to 17. She asked if there is any way that the age limit could be extended to 18 or 21 years of age. Mr. Lymon replied that the D+ contract will allow them to stay to the age of 17; however, with an exception they could stay longer.

Interested Parties:

The following people spoke in SUPPORT of the application:

Diana Diaz, 3110 East 25th Place, Tulsa, OK, stated that she is employed by the Oklahoma Mediation Family Division and is in support of the proposed facility. Ms. Diaz stated that she has done some research in this zip code zone (74133) and there are five registered sex offenders living in that area. The proposed boys home is not as dangerous as living next to one of these sex offenders. Ms. Diaz submitted the list of sex offenders to the Board (Exhibit U-2).

Henry Pennix, Box 8010, Tulsa, OK, 74101, stated that he has been a member of Higher Dimension for about 12 years. Mr. Pennix mentioned that he owns the Koala Care Day Care centers in town. He mentioned that they have had opposition in the past to the opening of the centers. Mr. Pennix explained that once the neighborhood was informed about what they were doing and actually saw the good it did for the neighborhood, they supported it. This group home is the same type of situation. Mr. Pennix explained that this facility is not a money maker, the purpose is to reach out to the community and help the boys.

Mr. White stated to Mr. Pennix that one of the concerns voiced was property values. Mr. Pennix stated that they had the same issue with his school. He does not feel that property values will be affected. Mr. Pennix stated that the actual building is a stand alone building that is bordered by a creek. He feels that once the media publicity calms down and in six months time, no one will know that the facility is even there.

Kevin Dorsey, 1445 North Frankfort Place, Tulsa, OK 74106, stated that he is a Tulsa Public Schools Teacher and works security for Higher Dimensions Church. Mr. Dorsey stated that he has worked with many disadvantaged youths through various organizations. He believes that this facility is greatly needed in the community and this is the right place to put one.

Timothy Yanik, 1757 South Spruce, Broken Arrow, OK, stated that he is a member of Higher Dimensions. Mr. Yanik has worked in the school system with emotionally disturbed young men for several years. Mr. Yanik stated that his two daughters went to the Rainbow school at Higher Dimensions and would not have had a problem with the facility being located close to that school. There is no interaction between the two facilities.

Rosalyn Lark, 1411 North Boston Avenue, stated that she supports the home and feels that the counseling provided by Higher Dimensions will greatly benefit the boys in the home.

Arthur Tigney, 622 East 120th Street, Jenks, OK, stated that he is a member of Higher Dimensions and is part of the counseling center associated with the church. Mr. Tigney stated that the treatment will consist of professional counseling and well trained staff who will work on a daily basis with the boys.

Gerald Blair, 8932 East 17th Street, Tulsa, OK, stated that he is a graduate of ORU and is a member of Higher Dimensions. Mr. Blair mentioned that he will be one of the volunteers in the proposed program. Mr. Blair worked for the juvenile court system in Tuscon, AZ and worked in the inner city of St. Louis, he feels that he is qualified to work with the boys and would be able to help turn around their lives. He fully supports the application.

Chris Bruner, 11630 South 74th East Avenue, Bixby, OK, stated that he has worked for the Department of Human Services and the Department of Corrections since 1972. Mr. Bruner stated that he was involved with the institutionalization of the Hissom Center, the public had a lot of fears and the way they overcame this was by public awareness. The proposed program is a courageous program that they are trying to do. Mr. Bruner stated that these kids need a second chance.

The following people did not wish to speak but showed up to support the case:
Michele Reid, 7231 S. 87th E. Ave., Tulsa, OK 74133; **Betty J. Lewis**, 1305 S. 107th E. Ave., Tulsa, OK; **Samella Slater**, 9655 E. 61st St., Tulsa, OK; **Mardena J. Walker**, 1534 N. Yukon, Tulsa, OK;

The following people spoke in OPPOSITION to the application:

Phil Richards, 6272 South Hudson, Tulsa, OK, stated that he is the father of a three year-old that attends Rainbow school on the campus of the Higher Dimensions Church. Mr. Richards stated that he has no objection to the mission or the goal of the church. He objects to the location of the proposed home. The area where this facility is proposed to be placed is in close proximity to the school. The facility is not a secured facility. Four blocks to the west of the proposed home is Darnaby Elementary School in a heavy residential area. Mr. Richards is opposed to the application.

Tim Carney, 8608 South Erie Avenue, Tulsa, OK, stated that his wife is the PTA President of Darnaby Elementary School. She could not be here today but has received numerous phone calls about the proposed action. Mr. Carney has three children that attend Darnaby. There has been no mention about an elementary school being located less than 1,000 feet from this facility. Mr. Carney is not opposed to the goal of the church but he is opposed to the location. Mr. Carney stated that he is a Director for a youth residential facility in Sand Springs. One of the goal of this facility

is to help troubled youth. He questions the plan that is proposed to be put in place. He questions the skill level of the supervisors and workers.

Mr. Cooper asked Mr. Carney about the ratios that are involved in the scenario that he works in as it relates to staff. Mr. Carney replied that the staffing numbers are similar. He stated that his facility had a level D and level E programs. They discontinued those programs because of the problems that they had. The staffing numbers are not the problem here, it is the skill levels.

Mr. Cooper asked Mr. Carney if he feels that a minimum of four staff people and a maximum of 14 kids is a reasonable ratio? Mr. Carney replied that it is difficult to determine unless you know the individuals involved, including the staff and boys. Mr. Carney mentioned that it was his experience that it is difficult to hire and retain qualified staff members.

Colette Sawyer, 8717 South 80th East Avenue, stated that she respects the vision of the church but she is concerned about the D+ level rating of the facility. She is opposed to the location of the facility.

Kristen Tedford, 8745 South 80th East Avenue, mentioned that her backyard abuts Higher Dimensions. Ms. Tedford has two children who attend Rainbow school and is concerned about the proximity of the school to the group home.

Andrea Crossland, 8713 South 77th East Avenue, mentioned that she is concerned about the facility and went to the open house at Higher Dimensions pertaining to the group home. Ms. Crossland was still not convinced, after attending the open house, that all the plans are in place for the group home. She is opposed to the application.

Brent Huntsman, 8712 South 77th East Place, stated that he appreciates the good intentions of the church; however, nobody has seen the DHS contract and what it contains. Mr. Huntsman is opposed to the application and the location of the facility.

Donna Huntsman, 8712 South 77th East Place, stated that she found out about the application yesterday. Ms. Huntsman is concerned about letting her boys roam around the neighborhood because of the threat from the boys home at Higher Dimensions. She feels that the proposed location is bad for the surrounding neighborhood.

Bruce Proctor, 7720 East 87th Place, mentioned that he does not oppose the idea of the application but is opposed to the location.

Elizabeth Muratet, 6578 East 85th Street, Tulsa, OK, stated that the objections are based upon fear and part of that fear is not know how the program will be put together. She feels that there are too many questions that have been left unanswered.

Greg Storm, 7703 East 85th Street, Tulsa, OK 74133, mentioned that he heard about this application this morning and is very concerned. Mr. Storm is not objecting to what they propose to do but is opposed to the location. Mr. Storm feels that there still is a lack of information about several aspects of the program that need to be brought out.

Councilor Vicki Cleveland, District 8, mentioned that there is a great amount of fear due to this application. She feels that there is threat of the boys leaving the facility and entering the neighborhood. Councilor Cleveland is opposed to the application.

Comments and Questions:

Mr. Beach informed the Board that the notice is to allow up to 14 boys ages 13 to 17 years of age. If the boys go over the age of 17, new notice needs to be given for that. Mr. Beach also pointed out to the Board that there are eight items identified in the Staff Report, from the Zoning Code. The Board must make a finding on each of those items.

Mr. Dunham asked what the tract size is? Mr. Stump believes that it is 1,000 x 1,320. Mr. Livingston stated that it comprises 18 acres.

Applicant's Rebuttal:

Mr. Livingston stated that the DHS contract is not a negotiated contract, it is a standard contract with the State of Oklahoma. It provides for the number and level of personnel that has to work in a facility of this type. None of these kids will come from the Juvenile Justice System, they will come from the Department of Human Services.

Mr. Lymon explained to the Board the location of the various buildings on the Higher Dimensions campus. Mr. Lymon mentioned that it is possible that the Rainbow school playground may be moved to another location further away from the group home. Mr. Lymon mentioned that there are other group homes actually in residential settings within the City of Tulsa. This home is isolated from residential settings.

Pastor Pearson stated that this home is still in the planning phases. Pastor Pearson mentioned that they were not aware that they had to have a special exception to allow this home because the building operated as a girls home several years ago. Pastor Pearson mentioned that everyone who spoke in fear spoke because they were uninformed. Pastor Pearson mentioned that there is not another facility in the City ready to take in these boys. This is a perfect location and perfect setting for the boys. He informed the Board that in the beginning they would only like to house four to six boys and see how that goes then work up to 14 boys.

Comments and Questions:

Answers to Code factors to be considered in granting a special exception for this type of use:

1. **Size of facility.** 4,500 square feet. The facility was constructed to meet the requirements of the Department of Human Services.
2. **Number of staff and staff-to-client ratio:** 1:3 ratio will be provided at the home. The State requirement is 1:6. The maximum number of boys will be 14.
3. **Levels of treatment:** Residential and therapeutic services to boys age 13-17, in current custody of DHS due to abuse, neglect and abandonment. Therapeutic intervention, life-skills training, transitional living and social re-integration services. Estimated average length of stay would be six months.
4. **Location of site in relation to needed services:** School and counseling provided on-site. Site is close to park, shopping center and grocery store.
5. **City infrastructure in the area:** Adequate to serve.
6. **Compliance with state licensure and certification requirements:** There is a specific requirement from the state for program directors, staffing requirements. Everyone involved with the program will have at least five years experience. Half of the staff will have a Bachelor's Degree.
7. **Proximity to similar uses:** 1½ to 2 miles.
8. **Distance from sensitive uses (single-family residential districts, schools, parks, child day care):** 800-1,000 feet from single-family to the east, 600-800 feet from single-family across Memorial to the west.

Mr. Cooper asked Mr. Lymon how long the DHS contract will run and at whose option is it renewable? Mr. Lymon replied yearly and both parties have the option of renewal.

Ms. Perkins asked if Higher Dimensions will be able to choose which boys come to the home? Mr. Lymon replied that there is a screening process in place and depending upon the issues the boy has it will then be determined if Higher Dimensions has the counseling available to help the boy. If not, he will be referred to another facility.

Mr. Dunham stated that if this location is not appropriate, what is? This is an 18 acre site and is as far away from residential in South Tulsa than you can get. Mr. Dunham stated that if you look at the list of eight conditions, this facility meets all of the conditions.

Ms. Turnbo stated that the only thing that concerns her is the school that the church runs that is located close to the group home. Mr. White pointed out that the school is a private school and not a public school.

Mr. Cooper understands what the neighbors are afraid of. Mr. Cooper believes that Higher Dimensions has a lot at stake, they are putting this facility in their backyard. They have the staff capable of running the home. Mr. Cooper cannot imagine a better setting for this home within the heart of the City of Tulsa.

Ms. Turnbo asked Mr. Cooper if he would be willing to limit the facility to six youths in the beginning; staff ratio be 1:3 and the top age restricted to age 17? Mr. Cooper replied that 17 is the top age applied for, they have not applied for anything more. The minimum staff would be three staff members plus one security officer. Mr. Cooper would like to see this facility take closer to the maximum number of children. He suggested a time frame of three to five years on the facility. Allow time for the facility to be up and running and allow the opportunity for the neighbors to come back and say whether or not it is working.

Mr. Dunham stated that he would like to have the opportunity to see how this works. Mr. Cooper suggested looking at this case again in 42 months.

The Board agreed to allowing 14 youths to be housed in this facility for 3½ years (42 months).

Board Action:

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Special Exception** to allow a boys home for up to 14 boys from 13 to 17 years old in current custody of Department of Human Services with the following conditions: (1) that this Board have a chance to review their progress at the end of 42 months from the date of this meeting; (2) the Board deems the size of the facility being roughly 4,500 SF is a suitable building floor area for the location of the site; (3) an 18 acre site is appropriate for this type of use; (4) staff to client ratio be a minimum of three staff plus one on-ground security member for a maximum of 14 boys; (5) that the level of treatment be residential and therapeutic services for boys ages 13 to 17; (6) location of the site in relation to the needed services given the demand for this type of service; (7) there are no other sites within a ½ mile of this location; (8) the City infrastructure is adequate to serve the required use; (9) the organization will meet the state licensure requirements; (10) the distance from sensitive uses which include single-family residential districts, schools, parks and child day care, including the day care that is part of Higher Dimensions and integrated to their program is suitable; (11) the church shall move the playground for the daycare center closer to the school; (12) the facility shall house no higher than D+ rated children. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 2**, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

Lot 1, Block 1, Higher Dimensions, City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.

Case No. 18545

Action Requested:

Special Exception to permit a double-wide manufactured home in an RS-3 and AG district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance of the one-year time limit to permanent. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 4543 North Lewis Avenue.

Presentation:

The applicant, **John Martin**, 4543 North Lewis Avenue, Tulsa, OK, submitted a site plan (Exhibit V-1) and stated that he sold the front of his property to QuikTrip. Mr. Martin submitted photos of the property (Exhibit V-2). Mr. Martin would like to place a double-wide manufactured home on the back portion of the property. The home would be placed on a permanent foundation.

Comments and Questions:

Mr. Stump informed the Board that the applicant sold the front portion of his property to develop a convenience store and he would just like to put a home on the back portion.

Mr. Dunham asked if the home will be placed to the east of the QuikTrip? Mr. Martin replied that it would be. The property is heavily wooded and the house would not be seen from the street.

Interested Parties:

Veretta Carter, 1739 East 50th Place North, stated that she is opposed to the manufactured home. Ms. Carter informed the Board that she is a developer and she is developing some new homes about 1½ miles away. She believes that the manufactured home will decrease the property values.

Esther Oogins, stated that she lives in North Tulsa and is opposed to allowing manufactured housing in the area. She feels that allowing any manufactured homes in the area will decrease the property values.

Councilor Joe Williams, District 1, informed the Board that he is opposed to allowing manufactured homes in District 1. Councilor Williams stated that he and several others are trying to clean up north Tulsa and make it a better place to live. They feel that by allowing mobile/manufactured homes into the area will tear apart everything they have accomplished.

Joe Westervelt, QuikTrip Corporation, 1630 South Boston Avenue, Tulsa, OK, mentioned to the Board that QuikTrip is acquiring a portion of this land for a new QuikTrip convenience store at the corner of 46th Street North and North Lewis Avenue. Mr. Westervelt stated that he met the Martins while working for the QuikTrip Corporation in trying to acquire the land. The transaction with the Martins has been completed. They have been left with a 30' panhandle and the ten acre site that is

Action Requested:

Request to amend minutes of July 14, 1999.

Comments and Questions:

Mr. Beach mentioned to the Board that subject of the request is the Crow Creek Tavern located on the Southwest corner of 35th Place and Peoria. When the notice was given on the case, it included the area outlined by the dashed line. The only area that should have been the subject of the application is that area that is cross-hatched. One is labeled Crow Creek and the other is labeled parking. The purpose of the request was to allow them to meet their parking requirement on the OL lot to the west. The request today is to clarify the minutes and exclude that part of the property that should not have been included. Exhibit W-1 was a memo submitted by Mr. Beach.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** an Amendment to the Minutes of Case No. 18107 of July 14, 1998 to correct the legal description as depicted on the Case Study furnished by Staff dated September 9, 1999.

Action Requested:

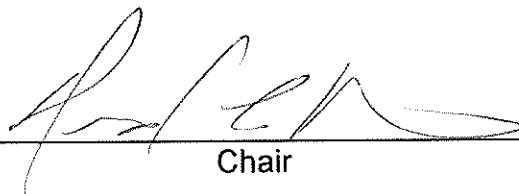
Approval of Board of Adjustment meeting dates for the calendar year 2000.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** the 2000 Board of Adjustment meeting schedule.

There being no further business, the meeting was adjourned at 6:24 p.m.

Date approved: DECEMBER 14, 1999


Chair

