

SUBJECT TRACT

BOA-21314-A

7.1

19-13 23



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9323
CZM: 48
CD: 5

Case Number: **BOA-21314-A**

HEARING DATE: 01/24/2012 1:00 PM

APPLICANT: Stephen Schuller

ACTION REQUESTED: Modification of previously approved plan to Conceptual Site Plan per BOA-21314.

LOCATION: 7600 E 31ST ST S

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 199057 SQ FT

LEGAL DESCRIPTION: A TRACT OF LAND THAT IS PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-THREE (23), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT THREE (3), BLOCK ONE (1), MAGNOLIA TERRACE ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 01°22'43" WEST ALONG A NORTHERLY EXTENSION OF THE EASTERLY LINE OF MAGNOLIA TERRACE ADDITION FOR 15.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 31ST STREET SOUTH; THENCE NORTH 88°45'18" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, PARALLEL WITH AND 35.00 FEET SOUTHERLY OF THE NORTHERLY LINE OF SECTION 23, FOR 129.99 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 88°45'18" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 572.93 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. INTERSTATE 44; THENCE SOUTH 01°14'42" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 15.00 FEET; THENCE NORTH 88°45'18" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, PARALLEL WITH AND 50.00 FEET SOUTHERLY OF THE NORTHERLY LINE OF SECTION 23, FOR 97.00 FEET; THENCE SOUTH 42°22'20" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 11.79 FEET; THENCE SOUTH 47°37'40" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 299.79 FEET; THENCE NORTH 87°09'56" WEST FOR 85.90 FEET; THENCE NORTH 50°21'25" WEST FOR 109.18 FEET; THENCE NORTH 71°03'24" WEST FOR 173.05 FEET; THENCE NORTH 61°40'30" WEST FOR 139.37 FEET; THENCE NORTH 01°14'42" WEST FOR 14.99 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

RELEVANT PREVIOUS ACTIONS:

BOA-21314; on 09.27.11 the Board **approved** a Conceptual Site Plan for this property including both sections of land divided into two triangular pieces by the existing City of Tulsa Drainage Channel. *(Please see attached meeting minutes)*

BOA-21314; on 09.13.11 the Board **continued** the application to the 09.27.11 meeting. *(Please see attached meeting minutes)*

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RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property (northern triangle) as part of a “Neighborhood Center” along 31st St and an “Area of Growth”.

ANALYSIS OF SURROUNDING AREA:

The subject tract is an odd shaped triangular tract situated along a freeway corridor with I-44 serving as the east / southeast boundary of the site. I-44 is zoned RS-2. The tract is bordered on the north by 31st St. S., and then RS-3 zoned property being used residentially (Boman Acres Fourth Addition). The west side of the tract is adjacent to RS-3 zoned property being used as residential single-family (Magnolia Terrace Addition). There is a large City of Tulsa Stormwater Drainage Facility which divides the site into “front” and “rear” sections. This application is for the northern half of the property and has a modified site plan for the new proposed Inpatient Hospice use.

STAFF COMMENTS:

The applicant is before the Board requesting a modification of a previously approved site plan that was originally approved for a Special Exception to permit Inpatient Hospice, Senior Living, Respite Care, Alzheimer's Assistance, and/or Skilled Nursing Facility in an RS-3 district. The applicant proposed a single-story building identified as Serenity Hospice as illustrated in the attached plan from the BOA meeting dated 09.27.11.

A Special Exception was required as the proposed use was not permitted by right in the RS-3 (single-family residential) district. With the granting of the original application special exception and variances, a platting requirement was triggered and a sidewalk is proposed for construction in front of the facility on 31st St.

In confirming with the applicant, the previous requested/granted relief is sufficient to meet the needs of the current requested modification to the Conceptual Site Plan.

Previous BOA-21314 Application (Case Report Comments):

The applicant sought a Minor Special Exception to reduce the required front yard in an RS-3 district from 35' to 30'. The Zoning Code requires a 35' front yard (setback) in the RS-3 district along arterial streets in order to establish and maintain a consistent development pattern and streetscape within the district. However, the subject property is not located within an established neighborhood, but at the periphery of two neighborhoods and adjacent to a highway.

Additionally, the applicant sought a Special Exception to increase the height of a decorative wall in the required front yard. The wall will not to be constructed directly along the street right-of-way (ROW). The decorative wall would be constructed partially encroaching into the required yard in order to give patients and their family's some privacy from 31st Street should they choose to sit outside. The Special Exception permitted the Board to determine whether the proposed encroachment fits into the context of the surrounding built environment.

Lastly, the applicant sought a Minor Variance from the minimum building setback of 25 feet from an R district for a special exception use to 20 feet. The five-foot reduction was sought along the south border of the “front” portion of the lot. The adjacent residentially zoned property in question is actually a City of Tulsa stormwater drainage facility and will most likely never be developed residentially.

The rear of the subject property, south of the stormwater drainage facility is adjacent to single-family uses and is not part of the current development plan. However, the Board should consider any impacts to the surrounding residential fabric. Impacts from building and site lighting should be considered. No details related to outdoor activity are provided on the plan, but it is anticipated that outdoor activity would be minimal. These types of facilities are traditionally fairly passive uses of land. All public access to this facility will be limited to 31st St.

If inclined to approve the requested modification to the site plan the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed facility is compatible with and non-injurious to the surrounding residential area and meets the previously granted variances to the Bulk and Area Requirements or meets the zoning requirements per code.

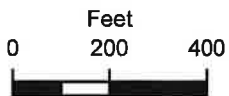


SUBJECT TRACT

SERVICE RD
E 31st ST S

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Aerial Photo Date: March 2010

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Note: Graphic overlays may not precisely align with physical features on the ground.



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7600 E 31st Street - Looking northwest towards I-44



7600 E 31st Street - Looking northeast towards I-44 and Drainage Channel

01.24.12

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Board has had to wait while various entities had to obtain code standards. Mr. Alberty stated there are other codes in addition to the state and federal codes that the building code would need to comply with, i.e., the fire code.

Mr. White asked Mr. Riley if any other city or town in Oklahoma dealt with the issue that is before the Board of Adjustment today. Mr. Riley stated that he did not think another city or community had dealt with the issue formally but he was familiar with various smaller communities that have no restriction requirements. The Funeral Board does require all the new licensed crematories and funeral homes to prove that they have the necessary zoning and occupancy for the establishment to take place. There are a number of smaller main street type communities that have no requirements to meet in that regard.

Comments and Questions:

None.

Board Action:

On **MOTION of WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Request for Interpretation from the Office of Development Services stipulating that human crematories be adopted as an accessory use to a collocated primary funeral home; that they are in compliance with the state statute requirements, particularly Title 59 and the Office of Administrative Code Chapter 252:100-25.

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21314—Stephen Schuller

Action Requested:

Special Exception to permit Inpatient Hospice, Senior Living, Respite Care, Alzheimer's Assistance, and/or Skilled Nursing Facility (Use Unit 2) in an RS-3 district (Section 401); Minor Special Exception to reduce the required front yard in an RS-3 district from 35' to 30' (section 403.A.7); Special Exception to increase the height of a decorative wall in the required front yard from 4 feet (section 210.B.3); Minor Variance from the minimum building setback of 25 feet from an R district for a special exception use to 20 feet (section 404.F.4). **Location:** 7600 East 31st Street South

Presentation:

Stephen Schuller, 1100 OneOk Plaza, 100 West 5th Street, Tulsa, OK; stated the subject property is two parcels and is cut roughly in half by a substantial city drainage channel. The northern parcel consists of approximately two acres and the southern parcel consists of approximately two and two-thirds acres. A further complication of this parcel is right down the middle of the land is an underground city storm sewer easement with a 48" city storm sewer in it. Mr. Schuller's client proposes to construct and operate a Christian based in-patient hospice facility on the subject property. The facility will be a very small operation consisting of twelve patient rooms. The architectural design is a

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one-story building with access to private outdoor courtyards enclosed by a decorative stucco wall approximately eight feet in height on the outside of the building. Outdoor activities would be limited to the courtyard outside the patient's room or to the small patio that is proposed at the rear of the property. Due to the exceptional shallowness of the property on the 31st Street side and the meandering boundary line of city property to the south to be able to site the property properly it is necessary to move it forward forcing a small portion of the building and the decorative wall to encroach into the required front yard. There is a 31st Street right-of-way and the client will need to dedicate an additional 15 feet of right-of-way on the north side of the property, which is almost the entire 31st Street frontage, to conform to the Major Street Highway Plan, making the position of the building on the property as shown on the proposed site plan the only place it can be placed. The zoning code limits the height of fences and walls in front yards to four feet but the proposed decorative wall is designed and proposed at eight feet to allow privacy to the patient of the hospice rooms and only slightly encroaches into the front yard; this can be allowed by the Board by granting a Special Exception. Mr. Schuller and his client have had a pre-development meeting with the City of Tulsa regarding the project because the client wanted to have the City's input before the project started. The reason for the configuration of the parking and driveways is due to the pre-development meeting. The City wanted to have a circular flow in the driveway serving the property, and the western drive will be an entrance only direction to allow for the safe exit of patients from vehicles under the porte-cochere and the eastern drive will be an exit only direction. This traffic design was advocated and encouraged by the City of Tulsa to promote a convenient flow of traffic and the maneuverability of fire trucks through the property. The existing gravel driveway that was used by a Christmas tree lot will be removed. The site plan provides 16 parking spaces, and if the proposed project were to be classified as a nursing home only four parking spaces would be required therefore the 16 parking spaces proposed are more than adequate to meet the requirements of staff, patient visitors, vendors, etc. Mr. Schuller stated there are no improvements proposed for the southern parcel and that is intentional. Should a companion facility or expansion be proposed in the future for the southern parcel the client would need to come back before the Board of Adjustment for site plan approval.

Interested Parties:

Richard Hall, 7527 East 28th Street, Tulsa, OK; stated he is concerned about access to the property. There are only three access points within one mile and of the access points is directly across the street from the proposed project. Mr. Hall stated that the proposed hospice use is the best use of the land and much better than another use that is evident along expressway corridors in other parts of the city. Mr. Hall, again, expressed his concern about access to the property, or the lack thereof along 31st Street, because there are only three access points along 31st Street in the mile between Memorial and Sheridan. It is difficult to leave the neighborhood, especially in the morning because the main access point is usually blocked by traffic that is stopped to drop children off at a daycare center located there. Mr. Hall thinks this is the best use of the property and looks forward to a future site plan for the southern parcel. He looks forward to the cleanup of the whole property because it will greatly improve the

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property. Mr. Hall appreciates the owner, the engineer, and the attorney speaking with the homeowners group on September 13th, and he looks forward to the proposed development.

Terry Wilson, 7728 East 30th Street, Tulsa, OK; stated he lives about two blocks north of the proposed construction and is concerned about the access across from 77th East Avenue. Left turns out of the neighborhood at 77th East Avenue is 71% of the traffic, and if a person is making a left turn off 31st Street onto 77th Street they are stuck during peak traffic times because of the daycare center congestion. What is not being addressed today is a site plan for the southern parcel, or Tract B. If the facility were to expand or construct another facility that is homogeneous to the facility proposed for the northern parcel. Mr. Henke stopped Mr. Wilson to remind him that there was no proposal for construction on Tract B and if that should happen in the future that proposal or applicant would need to come before the Board of Adjustment for relief. Mr. Van De Wiele confirmed Mr. Henke's statement. Mr. Wilson stated that according to Item #56 under PLANiTulsa, under the heading of PLANiTulsa consent agenda, March 2010, given the limited access constraints on the subject property the designation as area of change with this plan category as a neighborhood center is likely an oversight. The PLANiTULSA team recommends that many of the areas of stability and change the maps to designate the property as an area of stability. The outcome of that suggestion is that the area is now shown as Lot B in the current case remained an area of change but is designated as new residential rather than a neighborhood center. So Tract B would be residential and not allow for the business expanding from the front portion of the property. Mr. Wilson stated that he also has a problem with the definition of a neighborhood center, and some of the definitions deal with it as for retail, dining, and services. This proposal is a service to the public. Mr. Van De Wiele stopped Mr. Wilson and reminded him that the Board is not approving a neighborhood center today on Tract B. Ms. Stead and Mr. Henke both stated that Tract B is not even being addressed today by the Board. Mr. Henke stated that the code as written allows certain development and prohibits other types of development. If the nursing home or hospice were to expand to Tract B they would need to receive relief from the Board of Adjustment. Today Tract B is not being discussed and there is no proposed development. The Board is just focusing on the applicant's request, which is Tract A. Mr. Wilson stated that he was speaking of Tract A as it relates to a new neighborhood center. Mr. Van De Wiele stated that the applicant is not proposing a neighborhood center but is proposing a one-story twelve-bed hospice. Mr. Wilson stated he understood but that a neighborhood center under PLANiTULSA in a stable area had to have some uniqueness such as external connectivity and should be designed to meet the standards, internal and external, and shall be paired with existing new neighborhood or town center. There is a new neighborhood according to PLANiTULSA that would be out on Tract B, which would be limited to residential.

Mr. Alberty stated there are two issues presented. There is an issue of what the applicant is requesting today, and there is an issue of what the Comprehensive Plan designates properties for. Mr. Wilson is entirely correct and there is no confusion, the north tract was recognized under the Comprehensive Plan as a neighborhood center;

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however the applicant is not pursuing that opportunity to develop a neighborhood center. The applicant is pursuing an opportunity to develop the use as a hospice or nursing home type facility. Mr. Alberty stated Tract B had originally been shown neighborhood center on the entire area and that was one of the things that Mr. Wilson and the staff caught due to the fact that Tract B only had access to a lower intensity residential area, so it was changed on the Comprehensive Plan to be a new neighborhood because there is nothing currently on the property. It had, also, to be designated as an area for the change. The development, according to the plan, would be residential not neighborhood center. Mr. Wilson stated that he understands that and has no issue with Tract B, but the document he is reading from states that all ingress and egress will be from 31st Street which includes Tract B.

Ms. Stead stated that she did not understand the confusion because the Board is not dealing with Tract B. Mr. Wilson stated that the applicant is proposing to build across the entire frontage on Tract A, which creates a landlock of ingress/egress to Tract B. Mr. Van De Wiele stated that the landlock situation would be the applicant's problem to deal with in the future, if at all, within the perimeters of the code. Mr. Van De Wiele also stated there is another right-of-way point on South 76th. Mr. Wilson stated he was totally aware of that, that it is between 3123 and 3139 South 76th East Avenue and that is the point he is trying to protect from this proposal. If the zoning is changed, i.e., OM zoning it has to go two blocks deep into the residential area to access the property. Mr. Van De Wiele stated that situation would likely prohibit it from receiving that zoning change.

Mr. Wilson stated that the aerial photo shows I-44 runs east and west but through this particular area it is on a northeast/southwest quadrant but to the west of I-44 the area has always been residential. There is a vast amount in the old landmark properties to the east of I-44 and Memorial that has always worked in zoning cases, businesses went to the Memorial side and residential went to the other side. That is one of the basic plans under the District 5 Comprehensive Plan using I-44 as the buffer.

Mr. Van De Wiele asked Mr. Wilson to confirm that he was opposed to the proposed nursing home. Mr. Wilson stated that he had recommendations and they are the Board denies or delays this due to the lack of building specs on Tract B, or defers this to TMAPC and request a PUD. Mr. Van De Wiele stated that the point the Board is trying to convey is that there is no "it" going in on Tract B at this point, and if there is such a development in the future that is not compliant with the current zoning, the applicant would need to come back before the Board of Adjustment.

Rebuttal:

Stephen Schuller came forward and stated there is no development currently planned for Tract B. There was discussion of the access being opposite 77th East Avenue on the north side of 31st Street, and this Special Exception for Use Unit 2 will trigger the platting requirement. That is one of the reasons for the pre-development meeting with the City. It was to find out what the City wanted and what their expectations are that will come up during the platting process before TMAPC. The City was adamant about the

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placement of the driveway directly opposite the street. They do not like off-setting driveways or off-setting streets because it becomes too confusing for a driver to watch everything that is going on around him. If the street and driveway are opposite one another, the driver can look forward and look both ways to determine where other drivers are going, while off-setting driveways and streets become precarious and too dangerous. That is another reason the driveway is a one-way through the property. This proposal will go before TMAPC and through the platting process, which addresses any issues.

Comments and Questions:

None.

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Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a **Special Exception** to permit Inpatient Hospice, Senior Living, Respite Care, Alzheimer's Assistance, and/or Skilled Nursing Facility (Use Unit 2) in an RS-3 district (Section 401); **APPROVE** a **Minor Special Exception** to reduce the required front yard in an RS-3 district from 35' to 30' (Section 403.A.7); **APPROVE** a **Special Exception** to increase the height of a decorative wall in the required front yard from 4 feet (Section 210.B.3); and **APPROVE** a **Minor Variance** from the minimum building setback of 25 feet from an R district for a Special Exception use to 20 feet (Section 404.F.4). This triangular shaped lot presents many problems, and added to that is a large drainage ditch and city facilities underlying a portion of this property. The Board feels these are unusual circumstances. The Minor Special Exceptions under code are clearly defined and the lighting and landscape will be according to code. The Board makes note that a sidewalk is provided to the extent of the property all along 31st Street. This will be per plan on page 3.8, however, after platting minor changes may be made in access. As for the height of the fence/wall proposed it shall be a maximum of eight feet. The Board has found for the above stated reasons any hardship requirement has been met. In granting the Special Exceptions they 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. The Board has found that the extraordinary or exceptional conditions or circumstances, which are peculiar to the land and other hazards involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and 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; for the following property:

A Tract of Land in Two Parcels in the Northeast Quarter (NE/4) of Section Twenty-three (23), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, According to the U.S. Government Survey thereof, being More Particularly Described as Follows, to-wit: Commencing at the Northwest corner of said NE/4; thence North 90°00'00" East along the North line of said NE/4 for 761.92 feet; thence South 00°08'01" East for

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35 feet; thence North 90°00'00" East along the South right of way line of East 31st Street for 129.99 feet to the Point of Beginning; thence South 00°00'00" East for 14.99 feet; thence South 60°25'48" East for 139.37 feet; thence South 69°48'42" East for 173.05 feet; thence South 49°06'43" East for 109.18 feet; thence South 85°55'14" East for 84.01 feet to a point on the I-44 right of way; thence North 48°34'30" East along said I-44 right of way for 297.92 feet; thence North 41°25'30" West for 11.76 feet; thence North 90°00'00" West for 97 feet; thence North 00°00'00" East for 15 feet to a point on the South right of way line of said 31st Street; thence North 90°00'00" West along said right of way line for 568.58 feet to the Point of Beginning, and Commencing at the Northwest corner of said NE/4; thence North 90°00'00" East along the North line of said NE/4 for 761.92 feet; thence South 00°08'01" East partly along the East line of Block 1, "Magnolia Terrace," an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, for 285.85 feet to the Point of Beginning; thence continuing South 00°08'01" East along the East line of said Block 1 for 543.47 feet to a point on the North right of way line of I-44; thence North 48°55'30" East along said right of way for 169.38 feet; thence North 37°36'54" East along said right of way for 254.95 feet; thence North 48°34'30" East along said right of way line for 139.46 feet; thence North 49°12'33" West for 98.54 feet; thence North 73°18'40" West for 180.51 feet; thence North 81°17'44" West for 143.21 feet to the Point of Beginning, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

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21318—Ed Horkey

Action Requested:

Variance of the required distance from a residential property for an electronic message center (section 1221, C-2c). Location: 4529 South Peoria Avenue East

Mr. Henke recused himself and left the meeting at 2:20 p.m.

Presentation:

Ed Horkey, Claude Neon Federal Signs, 1225 North Lansing, Tulsa, OK; stated he represents Rocket Lube and Wash. The client wants to have an electronic message center placed under an existing ground sign. The property is located between 41st and 51st on Peoria and it is the only property in that stretch of street that has residentially zoned property next to it, which is the Swiss Riveria Condominiums. It is proposed to remove the existing changeable marquee and replace it with an LED electronic

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1055
Tuesday, September 13, 2011, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Henke, Chair Stead Tidwell, Secretary Van De Wiele White, Vice Chair		Alberty Sansone Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, September 8, 2011, at 10:33 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

Mr. Sansone read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the **Minutes** of the August 23, 2011 Board of Adjustment meeting (No. 1054).

NEW BUSINESS

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21314—Stephen Schuller

Action Requested:

Special Exception to permit Inpatient Hospice, Senior Living, Respite Care, Alzheimer's Assistance, and/or Skilled Nursing Facility (Use Unit 2) in an RS-3 district (Section 401); Minor **Special Exception** to reduce the required front yard in an RS-3 district from 35' to 30' (section 403.A.7); **Special Exception** to increase the

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height of a decorative wall in the required front yard from 4 feet (section 210.B.3); Minor Variance from the minimum building setback of 25 feet from an R district for a special exception use to 20 feet (section 404.F.4). **Location:** 7600 East 31st Street South

Presentation:

Rania Nasreddine, for Stephen Schuller, 100 West 5th Street, Tulsa, OK; no presentation was made; a request for continuance has been requested.

Interested Parties:

George Hoos, 7731 East Skelly Drive, Tulsa, OK; stated he would not be able to present at the September 27th meeting but wanted to let the Board know that he is in support of this proposal because it make sense and is a good use of the property.

Comments and Questions:

None.

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Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a Special Exception to permit Inpatient Hospice, Senior Living, Respite Care, Alzheimer's Assistance, and/or Skilled Nursing Facility (Use Unit 2) in an RS-3 district (Section 401); Minor Special Exception to reduce the required front yard in an RS-3 district from 35' to 30' (section 403.A.7); Special Exception to increase the height of a decorative wall in the required front yard from 4 feet (section 210.B.3); Minor Variance from the minimum building setback of 25 feet from an R district for a special exception use to 20 feet (section 404.F.4) to the meeting of September 27, 2011; for the following property:

A Tract of Land in Two Parcels in the Northeast Quarter (NE/4) of Section Twenty-three (23), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, According to the U.S. Government Survey thereof, being More Particularly Described as Follows, to-wit: Commencing at the Northwest corner of said NE/4; thence North 90°00'00" East along the North line of said NE/4 for 761.92 feet; thence South 00°08'01" East for 35 feet; thence North 90°00'00" East along the South right of way line of East 31st Street for 129.99 feet to the Point of Beginning; thence South 00°00'00" East for 14.99 feet; thence South 60°25'48" East for 139.37 feet; thence South 69°48'42" East for 173.05 feet; thence South 49°06'43" East for 109.18 feet; thence South 85°55'14" East for 84.01 feet to a point on the I-44 right of way; thence North 48°34'30" East along said I-44 right of way for 297.92 feet; thence North 41°25'30" West for 11.76 feet; thence North 90°00'00" West for 97 feet; thence North 00°00'00" East for 15 feet to a point on the South right of way line of said 31st Street; thence North 90°00'00" West along said right of way line for 568.58 feet to the Point of Beginning, and Commencing at the Northwest corner of said NE/4; thence North 90°00'00" East along the North line of said NE/4 for 761.92 feet; thence South 00°08'01" East partly along the East line of Block 1, "Magnolia

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Terrace," an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, for 285.85 feet to the Point of Beginning; thence continuing South 00°08'01" East along the East line of said Block 1 for 543.47 feet to a point on the North right of way line of I-44; thence North 48°55'30" East along said right of way for 169.38 feet; thence North 37°36'54" East along said right of way for 254.95 feet; thence North 48°34'30" East along said right of way line for 139.46 feet; thence North 49°12'33" West for 98.54 feet; thence North 73°18'40" West for 180.51 feet; thence North 81°17'44" West for 143.21 feet to the Point of Beginning, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

FILE COPY

21306—A-MAX Sign Company

Action Requested:

Variance of the maximum permitted display surface area for signs in the OH district (Section 602.B.4); and a Variance of the maximum number of signs permitted in the OH district (Section 602.B.4). **Location:** 1120 South Utica Avenue

Presentation:

Brian Ward, 7623 South Trenton, Tulsa, OK; stated the request for a non-illuminated sign for the Oklahoma Heart Institute on the west wing lecture hall at the street level. Currently there is no signage at the street to identify Oklahoma Heart or the lecture hall; all the allocated signage has been used for the sign on the tower that faces the Broken Arrow Expressway. There has recently been a monument sign reinstalled that was taken before Oklahoma Heart was constructed, and that used the allowed signage for that lot.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wlele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a Variance of the maximum permitted display surface area for signs in the OH district (Section 602.B.4); and a Variance of the maximum number of signs permitted in the OH district (Section 602.B.4), finding that the many additions to the hospital have necessitated more directional and other signs for the benefit of the public. The Board is approving two large wall signs as shown on page 2.7 and page 2.9, each containing 205.90 square feet. These are to be placed one on the east and one on the west of the west wing lecture hall. The Board also approves the replacement of a ground sign at the intersection of 12th Street and Trenton as shown on page 2.6 and page 2.8 as sign number 12. For the reasons above the Board has found that there are extraordinary

