

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 503**  
**Thursday, November 19, 1987, 1:00 p.m.**  
**City Commission Room, Plaza Level**  
**Tulsa Civic Center**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bradley Chappelle, Chairman Smith White	Quarles	Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 18, 1987, at 11:40 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

Joe Hill asked the Board to make a revision to the motion paragraph in the minutes for Case No. 14635. He informed that there were several portable buildings on his property at the time the case was initially heard on October 22, 1987, which have been removed. Mr. Hill pointed out that there is a large stationary building, which has been on the property for many years, and asked that the motion paragraph be revised to read that "all portable buildings be removed", instead of "all buildings be removed", as reflected in the minutes.

Ms. White informed that it was her intent in the motion for approval that all portable buildings be removed from the property.

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **AMEND** the motion for approval for Case No. 14635 to read that "all portable buildings be removed" instead of "all buildings be removed", as stated in the minutes.

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** the Minutes of October 22, 1987, as amended.

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Smith, "abstaining"; Quarles, "absent") to **APPROVE** the Minutes of November 5, 1987.

### Amend Rules of Procedure and Code of Ethics

Mr. Gardner informed that the Rules of Procedure were amended July 23, 1987 to delete the portion which restricted the number of consecutive years a Board member can serve as Chairman. He stated that an amendment is before the Board today that will change the meeting dates to the first and third Thursday of each month, instead of every other Thursday, as stated in the Rules of Procedure.

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **AMEND** the Rules of Procedure to change the meeting dates for the City Board of Adjustment to the first and third Thursday of each month.

### Calendar for 1988 Meeting Dates

Consideration of the Board of Adjustment calendar of meeting dates for 1988.

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** the 1988 calendar of meeting dates as presented.

## UNFINISHED BUSINESS

### Case No. 14507

#### Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1227 - Request a use variance to allow for an auto salvage/storage business in an RS-3 zoned district, located south of SW/c Mohawk Boulevard and North Peoria Avenue.

#### Presentation:

The applicant, Caesar Latimer, 1153 North Hartford, Tulsa, Oklahoma, informed that the case has been continued several times to allow meetings with the protestants. He stated that all problems with area property owners have been resolved at this time. He pointed out that the subject tract has been used for a salvage yard since approximately 1960, and asked the Board to allow the operation to continue on the property.

#### Comments and Questions:

Mr. Chappelle asked the applicant if the salvage operation will be conducted as it has been in the past, and Mr. Latimer replied that it will comply with Code requirements.

Mr. Gardner informed that aerial photographs as far back as 1966 substantiate the remarks of Mr. Latimer regarding a salvage operation being conducted on the property as far back as this date.

Case No. 14507 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1227) to allow for an auto salvage/storage business in an RS-3 zoned district; subject to screening requirements as set out in the Code; finding that the salvage business has been in operation on the subject property for many years and that the use is compatible with the area; on the following described property:

Lots 1 - 5, Block 1, Jack Hawkins Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14645

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1213 and 1215 - Request a use variance to allow for a bakery and for a repair shop for school equipment in an RS-3 zoned district, located SW/c and SE/c of Latimer Street and 91st East Avenue.

Presentation:

The applicant, Nancy Woods, 525 South Main, Tulsa, Oklahoma, informed that the Tulsa Public School System is asking for permission to operate a bakery and lawn mower repair shop in the Ross Elementary School building. She stated that her client is agreeable to restricting these uses to the Tulsa Public School System only, which would prevent the use from being passed on to subsequent owners in the event the school was ever sold.

Ms. Bradley remarked that she is not sure this condition would be allowed, and asked the opinion of Mr. Jackere.

Mr. Jackere stated that he is not sure that this condition would be appropriate, but the approval could be conditioned upon the distribution of baked goods only to schools within the Tulsa School System.

Ms. Woods pointed out that the existing structure has a very limited use. She pointed out that the requested bakery is actually an extension of the use that was there when the school was in operation. It was noted by Ms. Woods that all of the issues that were brought up by the protestant at the last meeting have been corrected. Photographs (Exhibit A-1) were submitted. She stated that the school officials were not aware of the problems concerning the school and asked that any future complaints be brought to the attention of the School Board. Inspection reports (Exhibit A-4) from the City/County Health Department were submitted, with the most recent one being issued on October 23, 1987. A list of corrected conditions (Exhibit A-3) was submitted.

11.19.87:503(3)

Case No. 14645 (continued)

Nelda Downer, informed that all requirements made by the Health Department have been met and all phases of the baking process have been brought up to their standards.

**Comments and Questions:**

Ms. White stated that she has toured the bakery and was favorably impressed with the operation.

Ms. Bradley stated she is opposed to the application because the land is being used for a commercial enterprise in a residential area. It was pointed out that from the list of 15 closed schools (Exhibit A-2), she found that four are vacant and 11 are in use for educational purposes or related fields. Ms. Bradley stated that Ross and Post Schools are in residential areas, while Dunbar and Lynn Lane are on the fringe of residential zoned property, with commercial nearby. She inquired as to the reason for using Ross Elementary for the bakery and repair shop.

Bob Jones, Director of Building Planning and Maintenance, explained that Ross was selected for the operation because it is less than a mile from the maintenance center where supplies and parts are stored.

Ms. Bradley asked Mr. Jones if Dunbar or Lynn Lane could be used instead of Ross, since they are located on the fringe of a residential area. He replied that Lynn Lane is already used by an athletic organization and that the Dunbar facility contains asbestos and cannot be used at all. Ms. Bradley noted that she has viewed Post Elementary and that it is also in very bad repair.

Ms. White inquired if large riding equipment is serviced at the repair shop, and Mr. Jones replied that 10 riding lawnmowers and 100 push mowers are repaired on the premises.

Ms. Bradley asked if the school system has a maintenance shop, and Mr. Jones replied that the maintenance department is located at Pine and 77th East Avenue, but they do not have sufficient space there for lawnmower repair.

Ms. Woods stated that the use is identical to uses that have already been conducted in the school. She pointed out that schools normally have shop areas and kitchens where baking is done.

Ms. White remarked that it is extremely unfortunate for the Tulsa Public Schools that this situation occurred, and encouraged those representatives present to monitor the empty school buildings to prevent similar situations in the future. She complimented the school system for promptly correcting the poor condition of the building.

**Protestants:**

Dale Irwin, 9133 East Latimer Street, Tulsa, Oklahoma, stated that he lives across the street from the property in question. He informed that a neighborhood meeting was held to discuss the matter and during the meeting "INCOG" arrived and disrupted their

11.19.87:503(4)

Case No. 14645 (continued)

discussion. He stated that he feels the constitutional rights of the neighborhood citizens have been denied. Mr. Irwin remarked that he is pleased that the condition of the school area has been improved, but is displeased with the driveway that has been installed and the old cars that are parked on the lot. He stated that the school is a bad neighbor.

**Comments and Questions:**

Ms. White asked Mr. Irwin if the garbage trucks still pick up the trash at 3:00 a.m. and if the Police Department use the school for training purposes. Mr. Irwin replied that they do not.

**Interested Parties:**

Gary Stottlemeyer, 1213 North 76th East Avenue, Tulsa, Oklahoma, stated that the small community in question is surrounded by expressways and the airport. He informed that the neighborhood is attempting to build up again and the residents do not want the property rezoned. Mr. Stottlemeyer asked that the use not be permitted to run with the land if the variance is approved.

John Page, 9103 East Newton Place, Tulsa, Oklahoma, informed that he bought his home while the school was still in operation, but would not buy property there now with the present bakery and repair use. He pointed out that the property values would be more stable if the building was used by a people oriented organization.

Judy Talley, 1108 North 91st East Avenue, Tulsa, Oklahoma, stated that she lives in the neighborhood and has several rent houses in the area. She pointed out that people who visit the shop at all hours annoy the residents with loud talking and profanity.

**Additional Comments:**

Ms. White asked Mr. Jones to state the days and hours of operation for the bakery and repair shop, and he replied that the cafeteria manager reports to the bakery at 6:00 a.m., with the repair people working from 7:00 a.m. to 4:30 p.m. He pointed out that the building is always locked up and secured by 4:30 p.m.

Mr. Smith asked Mr. Jones if the lawnmowers can be tested inside until after 8:00 a.m., and he replied that the building is ventilated and they can be tested inside.

Mr. Jones stated that he would like to explain why the cars are parked on the lot. He pointed out that the cars belong to residents of the neighborhood and he has allowed them to remain there because the school is not using the spaces. He informed that he can have them removed if this is a problem for the property owners in the area.

Case No. 14645 (continued)

Ms. Bradley asked Mr. Jones if the facility could be used for a day care center, a senior citizen's center, a community school or a special education center, and he replied that there has been no interest shown in these areas.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-1-0 (Chappelle, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213 and 1215) to allow for a bakery and for a repair shop for school equipment in an RS-3 zoned district; subject to uses being for the Tulsa Public Schools only and will not transfer to a future purchaser of the property; subject to uses being confined to those areas of the building shown on drawing, Exhibit A-3, (approximately 10% of the total building); subject to no outside testing of lawnmowers before 8:00 a.m.; subject to approval being for a period of one year, with a review by the Board at that time; subject to hours of operation being from 6:00 a.m. to 5:00 p.m.; finding that the use is actually an enlargement of a use that is normally performed in a school; and finding a hardship imposed by the size of the building and its location in an RM zoned district; on the following described property:

Blocks 1 and 2, a resubdivision of Lots 5, 6, 7 and 8, Block 1, Mingo Valley Subdivision No. 1, and the NE/4, NW/4, SE/4 of Section 36, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Additional Comments:**

Ms. Bradley asked Mr. Smith if he would consider amending the motion to limit the number of employees for the operation, and he replied that the allotted space will limit the number of employees.

Ms. Bradley asked Mr. Smith if he would amend his motion to limit the number of delivery trucks entering the property, and he, as well as Ms. White, pointed out that there would be a great number of trucks entering the grounds if the school was operating as such.

Mr. Smith commended the School Board for their prompt attention to the issue, and commended the protestant for pointing out the poor condition of the building.

**Case No. 14647**

**Action Requested:**

Special Exception - Section 420.1 - Accessory Uses in Residential Districts - Use Unit 1217 - Request a special exception to allow for a home occupation for automobile service and minor repair in an RS-3 zoned district, located 2125 South 103rd East Avenue.

Case No. 14647 (continued)

**Comments and Questions:**

Mr. Jones informed that Staff received a letter from the applicant's attorney requesting a second continuance of the case, due to conflicting schedules. A letter of protest (Exhibit B-1) was submitted.

**Presentation:**

The applicant, Orville Plummer, was represented by Frank Cooper, 320 South Boston, Tulsa, Oklahoma, who explained that Mr. Cecil, counsel for the applicant at the last meeting, has requested by letter (Exhibit B-2) that Case No. 14647 be continued to December 3, 1987.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14647 to December 3, 1987, as requested.

**Case No. 14603**

**Action Requested:**

Special Exception - Sections 410 and 610 - Principal Uses Permitted In Residential/Office Districts - Use Unit 1205 - Request a special exception to allow hospital use in an RS-3 and OL zoned district.

Variance - Section 440.7 - Special Exception Requirements - Use Unit 1205 - Request a variance of setback from 25' to 7'.

Variance - Section 430 and 630 - Bulk and Area Requirements In Residential and Office District - Use Unit 1205 - Request a variance of the height restriction from 35' to 74' and a variance of the required frontage from 75' to 42', located south and east of SE/c of 61st Street and South Yale Avenue.

**Presentation:**

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is representing the owner of the property in question, Saint Francis Hospital. He explained that hospital use was approved by the Board of Adjustment in 1958 and approximately 15 years later a parking garage was constructed on the property. Mr. Johnsen stated that the garage was built 35' east of the east boundary and into the open space that had been established by the Warrenton Foundation. He stated that the hospital is now planning to construct a five-level administrative building extending north along the same east line of the parking garage. Mr. Johnsen explained that he was before the Board in September requesting a number of variances relating to the construction project and the narrow strip of land (42') that the hospital has acquired from the Foundation, extending approximately 1/4 mile to 61st Street. He informed that, at that time, the Board approved the construction of the new building to align with the existing parking garage, with a height of 65' and extending within 7' of its ownership line. Mr. Johnsen pointed out that the open space between the hospital facilities and the residential area is 100' at its most narrow point, with a much greater separation in some areas. He stated that the hospital made

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Case No. 14603 (continued)

application for a Building Permit and within a two week period a homeowner in the Warrenton Addition advised the hospital that he had not received notice of the proposed construction. Mr. Johnsen informed that it was also discovered that the architects had made an error in determining the height of the new building. He advised that the previous application stated the height as 65', but the height as determined by the Building Inspector's office is 74'. He stated that, due to these two issues, a decision was made to present the case a second time to the Board. Mr. Johnsen pointed out that the burden is on the applicant to supply Staff with the names of landowners within 300' of the property. He pointed out that the mailing was made and a receipt is not a criteria under the statute. He informed that the Assistant Administrator, Mr. Deegan has written a letter (Exhibit C-2) to each of the property owners within 300', which explains the project in detail. Mr. Johnsen submitted photographs (Exhibit C-1) and explained that there is a drop in elevation on the subject tract, with the proposed building being much lower than the main building to the west. He pointed out that the protestant, Mr. Vander Wiele, purchased his home in 1985 and was very much aware of the hospital at that time. A letter (Exhibit C-3) mailed to the Warrenton Neighbors was submitted.

**Comments and Questions:**

Mr. Smith asked the applicant if this application is the same as the previous one, with the exception of an additional 9' in height, and he answered in the affirmative.

**Protestants:**

Bobbie Callahan, 1602 South Main, Tulsa, Oklahoma, stated that she is an attorney representing Mr. Vander Wiele. She pointed out that her client was aware of the hospital when he purchased his property, but not aware of the fact that a tall building would be constructed near his home. Ms. Callahan stated that five of the six abutting landowners did not receive notice of the initial hearing. She noted that they did not have a chance to respond to the application.

John Vander Wiele, 6120 South Fulton, Tulsa, Oklahoma, voiced a concern that some residents in the Warrenton Addition did not receive notice of the proposed construction. He pointed out that the minutes were in error and the legal description was confusing to a layman. Mr. Vander Wiele stated that the parking structures in the photographs were termed in the original proposal as temporary structures. He pointed out that the administrative building will be parallel with the existing garage, but the wall will move further to the east as it extends toward the north. The protestant stated that the approval of the application will be economically damaging to him.

Ms. Bradley asked the protestant how far the proposed building will be from his property line, and he replied that it will be approximately 110'.

Case No. 14603 (continued)

Ms. White asked if property owners within 300' received notice of this hearing, and Mr. Vander Wiele replied that he is only aware of one that did not receive notice.

Mr. Jones informed that a record of returned notices for each application is kept on file, and there was only one returned concerning this case.

**Applicant's Rebuttal:**

Mr. Johnsen pointed out that he employed the same person that researched the mailing list for the first hearing to double-check the list and the same names were submitted for the second mailing. He stated that it is unfair of the protestant to imply that the neighborhood was not made aware of the proposed construction. He noted that Mr. Vander Wiele requested compensation, which is very unusual in a matter such as this. Mr. Johnsen further noted that the required setback of a hospital from residential property is 25', and pointed out that this would be the case in this application if the open space had not been in place.

**Additional Comments:**

Ms. Bradley remarked that the hospital staff has apparently fully communicated their intent to the landowners to the east. She asked Mr. Johnsen to state the difference in the height of the existing garage and the proposed office building, and he replied that the administrative building will be approximately 20' taller.

Mr. Gardner explained that the height limitation of 35' is basically the height limitation for residential development, however, the Code contemplates that there will be schools, churches, hospitals, etc. in a residential district. He pointed out that these buildings will almost always exceed the height limitation, so the Board could determine if the height of the proposed structure is excessive, based on the height of the surrounding buildings. He stated that the building would be required to have a 128' setback from the boundary line if the property was zoned for office use.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Sections 410 and 610 - Principal Uses Permitted in Residential/Office Districts - Use Unit 1205) to allow hospital use in an RS-3 and OL zoned district; to **APPROVE** a **Variance** (Section 440.7 - Special Exception Requirements - Use Unit 1205) of setback from 25' to 7'; and to **APPROVE** a **Variance** (Section 430 and 630 - Bulk and Area Requirements in Residential and Office District - Use Unit 1205) of the height restriction from 35' to 74' and a variance of the required frontage from 75' to 42'; finding a hardship imposed by mixed zoning classifications and the size and shape of the tract; on the following described property:

Case No. 14662 (continued)

stated location. He stated that the Braum's Restaurant is located to the north of the property, Impressions Restaurant to the south, and an empty building, a bar and a service station across the street. Mr. Dunn pointed out that there are car lots on two corners at 11th Street and Lewis Avenue, and one on the corner of 12th and Lewis. He stated that 95% of the property in the area is zoned CH, which would allow the car lot by right.

**Protestants:**

Earl Smith, 2502 East 19th Street, Tulsa, Oklahoma, represented the Lewiston Gardens Homeowner's Association, and asked the Board to deny the use of the subject lot for a car sales operation. Letters of protest (Exhibit F-1) were submitted. He pointed out that the Cherry Street area has been designated as special consideration area in the District 6 Comprehensive Plan and developments should maintain the delicate balance of uses. Mr. Smith stated that the used car sales lot would not be in harmony with the area.

**Comments and Questions:**

Mr. Smith commented that there are no used cars lots south of the Broken Arrow Expressway along Lewis, and the use would not be appropriate for the area.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for a used automobile sales lot in a CS District; and to **DENY** a **Variance** (Section 1217.3 - Use Conditions - Use Unit 1217) to allow for the open air storage of merchandise within 300' of an R District; finding that used car sales is not compatible with the area and the granting of the requests would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 12, Block 5, City View Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14664**

**Action Requested:**

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214 - Request a special exception to allow for an automobile parts and accessories store in an IL Zoned district, located 5510 South 129th East Avenue.

**Presentation:**

The applicant, Charles Leding, 3412 West El Paso, Broken Arrow, Oklahoma, stated that he is the operations manager for Greenlight Auto Parts Warehouse at the above stated location. He asked the

Case No. 14664 (continued)

Board to allow a retail store to begin operation in a section of the warehouse.

**Comments and Questions:**

Mr. Smith Inquired as to the hours of operation for the retail store, and he replied that the store will be open Monday through Saturday, 8:00 a.m. to 8:00 p.m., and Sunday, 10:00 a.m. to 4:00 p.m.

Mr. Smith asked if there will be sufficient parking spaces for the customers, and he replied that 23 additional spaces will be added to the existing parking lot.

**Protestants:** None.

**Board Action:**

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214) to allow for an automobile parts and accessories store in an IL Zoned district; subject to days and hours of operation being Monday through Saturday, 8:00 a.m. to 8:00 p.m., and Sunday, 10.00 a.m. to 4 p.m.; finding that the parts and accessory store will be compatible with the area, and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 5, Metro Park Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14666**

**Action Requested:**

Variance - Section 930 - Bulk and Area Requirements for Industrial Districts - Use Unit 1225 - Request a variance of setback from the centerline of 122nd East Avenue to 42', located NE/c 122nd East Avenue and Skelly Drive.

**Comments and Questions:**

Mr. Smith Informed that the site plan shows a distance of 37.21' for the setback.

Mr. Jones clarified that the applicant may need further relief, and if so, the case will be advertised for the next meeting.

**Presentation:**

The applicant, Jim Jones, Box 1388, Muskogee, Oklahoma, submitted a site plan (Exhibit G-1) and requested that an addition to an existing building be allowed at the above stated location.

Case No. 14666 (continued)

**Protestants:**

Ted Spangenburg, 425 South 122nd East Avenue, Tulsa, Oklahoma, stated that there is an existing traffic problem in the area and asked the Board to require the 50' setback as set out in the Code.

**Interested Parties:**

Bill Stiger stated that he prepared the site plan and when he inspected the property, noted that there is a chain link fence with a dense hedge that extends closer to the street than the proposed building.

**Additional Comments:**

Ms. Bradley asked that the hardship for the case be addressed, and the applicant replied that the proposed building is too large for the lot. Mr. Smith and Ms. Bradley agreed that a hardship has not been presented that would warrant the granting of the variance request.

The applicant pointed out that the building will be set back 12' from the property line.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **DENY** a **Variance** (Section 930 - Bulk and Area Requirements for Industrial Districts - Use Unit 1225) of setback from the centerline of 122nd East Avenue to 42'; finding that a hardship was not demonstrated that would warrant the granting of the variance request; on the following described property:

A tract of land situated in a part of Lot 1, Block 2, Eastgate Industrial Park Addition, an addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to-wit: Beginning at a point on the south line of said Lot 1, 162.03' northeasterly of the SW/c thereof; thence north 41° 6.25' west for 132.38'; thence along a curve to the right with a radius of 270' for 50.92'; thence north 48° 53.75' east for 120.21'; thence south 41° 6.25' east for 183' to the south line of said Lot 1; thence south 48° 53.75' west for 125' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14667**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for the sale of exotic European automobiles and the minor repair and detailing of such automobiles in a CS zoned district.

Variance - Section 1217 - Use Conditions - Use Unit 1217 - Request a variance to allow for the outside storage of merchandise within 300' of an R District, located 10661 East 31st Street.

**Presentation:**

The applicant, Adeleke Ogunseye, 10661 East 31st Street, Tulsa, Oklahoma, submitted a drawing (Exhibit H-1) and photographs (H-5), and stated that his application has been before the Board on a previous occasion, but has been modified since that time. He requested that the minor repair of automobiles be allowed inside the existing building at the above stated location. A fencing price quote (Exhibit H-4), a map (Exhibit H-2) locating other similar businesses in the area, and a letter of support (Exhibit H-6) were submitted.

**Comments and Questions:**

Mr. Gardner stated that the Board had several concerns with the previous application. He stated that major repairs were to be done on the premises, with inoperable vehicles located on the lot. He pointed out that all cars on the lot will now be operable and in need of only minor repairs. Mr. Gardner stated that only specific types of automobiles will be repaired on the premises.

Ms. Bradley commented that she has viewed the property and that there are used cars stored behind the boarded up building.

The applicant stated that there are 10 cars inside the building at this time, along with a parts room and a detailing room. He explained that he is proposing to construct a showroom in the front portion of the building, and the back portion of the lot will be screened.

In response to Ms. Bradley's inquiry as to the number of cars on the lot, the applicant stated that there are approximately 20 cars parked outside.

Mr. Gardner pointed out that the Board could restrict the kind of cars that will be displayed on the lot and require that they be comparable to the cars on the Oldsmobile sales lot to the west of the expressway.

Mr. Smith asked how many cars will be displayed on the front portion of the lot, and the applicant replied that there will be 12 cars along the street.

**Interested Parties:**

Photographs and a letter (Exhibit H-3) were submitted which pointed out that the previous location for the car sales business had a great deal of outside storage and a shoddy appearance.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow for the sale of exotic European automobiles and the minor repair and

Case No. 14667 (continued)

detailing of such automobiles in a CS zoned district; and to APPROVE a Variance (Section 1217 - Use Conditions - Use Unit 1217) to allow for the outside storage of merchandise within 300' of an R District; subject to a 6' cedar screening fence being installed on the back portion of the lot to the north, east and west, with the building itself being a screen to the south; subject to the required screening fence being properly maintained at all times; and subject to the number of automobiles in front of the building being limited to 12, which will consist of only Mercedes, BMW, Jaguar, Rolls Royce, Volvo, Ferrari, Lamborghini and Maserati makes of cars; finding that there is a similar sales lot in the immediate area; and finding that the repair and car sales operation is unique, with only exotic automobiles being displayed; on the following described property:

A tract of land situated in the SE/4 of Section 18, T-19-N, R-14-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point 824.17' due East and 50.00' due north of the SW/c of said SE/4, said point also being the SE/c of Block 1, Helen N. Commercial Center, a subdivision in Tulsa County, Oklahoma; thence N 38°41'36" W along the easterly line of said Helen N. Commercial Center, a distance of 320.31' to a point, said point also being the NE/c of said Helen N. Commercial Center; thence due east and parallel with the south line of said SE/4, a distance of 200.24' to a point; thence south, a distance of 250.00' to the point of beginning;

AND

All of Lot 3, Block 1, Helen N. Commercial Center, and part of Lot 2, Block 1, Helen N. Commercial Center, more particularly described as follows:

Beginning at the NE/c of Lot 3, Block 1, thence west along the north line of Lot 3 to the NW/c of Lot 3; thence north to a point on the north line of Lot 2, thence east on the north line of Lot 2 to the NE/c; thence southeasterly along the east line of Lot 2, to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14670

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223 - Request a variance of setback from an R District (to the east of the subject tract) from 75' to 10' to allow for the construction of a building, located east of NE/c Lynn Lane and Admiral Place.

Case No. 14670 (continued)

**Presentation:**

The applicant, Roger Waldrige, 7 North Cheyenne, Tulsa, Oklahoma, was represented by Joe Haynes, who stated that the property in question abutts a residential district. Mr. Haynes pointed out that a major part of the area is proposed IL in the master plan.

**Comments and Questions:**

Mr. Gardner Inquired as to the height of the structure, and Mr. Haynes informed that it will be 14' at the eaves.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223) of setback from an R District (to the east of the subject tract) from 75' to 10' to allow for the construction of a building; subject to the building height be 14' to the eaves; finding that there are multiple zoning classifications in the area; and that the abutting properties are designated to be developed industrial by the Comprehensive Plan, which would do away with any setback from abutting properties; on the following described property:

Tract 5, R. G. Kent Subdivision of Lot 4, Section 1, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14673**

**Action Requested:**

Variance - Section 1205.3(d) - Use Conditions - Use Unit 1205 - Request a variance of the required 1320' spacing between a transitional living center and another similar use, located NW/c Haskell and North Denver Avenue.

**Presentation:**

The applicant, Keaton Rabon, PO Box 470058, Tulsa, Oklahoma, represented the HOW Foundation. He informed that a house has been purchased at the above stated location for the purpose of establishing a transitional home for recovering alcoholics and drug addicts. Mr. Rabon explained that the people that might occupy this home are graduates of a 6 month rehabilitation program. He noted that the present Zoning Code requires a 1320' separation between similar organizations of this type. The applicant submitted photographs (Exhibit J-2) of another home that was purchased and refurbished by the HOW Foundation. Mr. Rabon stated that this location was selected because it is close to the downtown area and transportation is available. He informed that the property will be upgraded, but the interior and exterior will not be altered. A newspaper article (Exhibit J-4) concerning the issue was submitted.

Case No. 14673 (continued)

**Interested Parties:**

Joyce Thompson, 828 North Union Place, Tulsa, Oklahoma, stated that she has purchase property in the area, and stated that the HOW Foundation does a very nice job of rehabilitating the older properties. She commented that the living center would be an asset to the area.

**Protestants:**

Phillip Friedl, 707 North Denver, Tulsa, Oklahoma, stated that he lives across the street from the proposed center, and is concerned with the parking problem that would be created by the additional vehicles in the area.

Mike Barros, 711 North Denver, Tulsa, Oklahoma, represented his father who is a property owner in the neighborhood. He stated that he supports the HOW program, but is concerned with clustering of these facilities. Mr. Barrows pointed out that there is a problem with prostitution in the area and the large number of male residents could attract these women to their neighborhood. He stated that many of the homes in the area have been rehabilitated and the neighborhood is beginning to improve. A list (Exhibit J-1) of group homes in the area was submitted to the Board.

Sandra Tinsley, stated that she has lived in the Brady Heights area for the past eight years and is presently operating a real estate company there. She pointed out that the area is saturated with group homes and asked the Board to deny the request.

Margaret Coulter, 715 North Denver, Tulsa, Oklahoma, stated that she has lived at the present location for 17 years, and although she is supportive of the HOW program, is opposed to so many similar facilities in one area.

Stan Livingston, 636 North Denver, Tulsa, Oklahoma, pointed out that the neighborhood is improving and that he has spent a lot of money to upgrade his home. He stated that a large number of group homes will have a negative affect on property values in the area.

Dr. Betty Conrad, 765 North Denver, Tulsa, Oklahoma, commented that the area has deteriorated and is beginning to improve again. She asked the Board to consider the impact the living center will have on the area.

Mr. Chappelle informed that a letter of protest (Exhibit J-3) has been submitted.

**Applicant's Rebuttal:**

The applicant stated that the protestants have some legitimate objections, but the HOW project will be an asset to the area. He pointed out that residents are in the program to learn to live productive lives and gravitation toward prostitution and other bad habits would not be a problem.

Case No. 14673 (continued)

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 1-2-0 (Smith, "aye"; Bradley, Chappelle, "nay"; no "abstentions"; Quarles, White, "absent") to **APPROVE\*** a **Variance** (Section 1205.3(d) - Use Conditions - Use Unit 1205) of the required 1320' spacing between a transitional living center and another similar use; on the following described property:

Lot 6, Block 5, Brady Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

\*The motion failed for lack of three affirmative votes.

**OTHER BUSINESS**

**Case No. 13551**

**Action Requested:**

Review of Detail Site Plan.

**Presentation:**

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a site plan (Exhibit K-1) and explained that church use was approved on the subject property in May of 1985, with a concept plan being presented at that time. He stated that the church is now ready to proceed with the first phase of the project, which will include a sanctuary and classroom area.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a detail site plan for Case No. 13551, as submitted.

There being no further business, the meeting was adjourned at 4:15 p.m.

Date Approved

Dec 3, 1987

Janet R Bradley  
Chairman

for  
Carlos Chappelle

