CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 565
Thursday, June 21, 1990, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle	Chappelle	Gardner	Jackere, Legal
Bradley		Jones	Department
Fuller		Richards	Hubbard, Protective
White, Chairman			Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, June 20, 1990, at 9:45 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the Minutes of June 7, 1990.

UNFINISHED BUSINESS

Case No. 15452

Action Requested:

Special Exception to permit construction of a heliport - **Section 701 PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located at 1010 North Mingo Road.

Comments and Questions:

Mr. Richards informed that Mr. Drury's application has been continued from a previous meeting to allow sufficient time to determine if the heliport would be located over septic tank lateral lines.

Presentation:

The applicant, **Doug Drury**, was represented by **Ken Duckworth**, 1010 North Mingo, Tulsa, Oklahoma, who submitted a sewer permit (Exhibit A-1) issued in 1977. He stated that the septic system located on the property was abandoned three years ago.

Case No. 15452 (continued)

Additional Comments:

Mr. Jackere suggested that, if incline to approve the application, the Board should limit the use to an accessory use for a principal use on the premises.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit construction of a heliport - **Section 701 PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; subject to Federal Aviation Authority and Stormwater Management approval and restricting the heliport to an accessory use to the principal use on the property; finding that the use, as presented, will be compatible with the surrounding area and in harmony with the spirit and intent of the Code; on the following described property:

The south 165', NE/4, NE/4, SE/4, less the east 100' for road, Section 36, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15460

Action Requested:

Minor Variance of the front yard setback from 30' to 27.4' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6704 East 106th Place South.

Presentation:

The applicant, **James C. Pinkerton,** 1722 South Boston, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-1), stated that the existing porte cochere has been in place for several years and the setback relief is requested to clear the title.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Minor Variance** of the front yard setback from 30' to 27.4' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; finding that the porte cochere which encroaches into the setback has been at this location for several years; and the granting of the variance request will not be detrimental to the neighborhood, or impair the spirit, purposes and intent of the Code; on the following described property:

Lot 3, Block 6, Forest Trails, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15461

Action Requested:

Special Exception to permit Use Unit 4 uses in an RS-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 4, located Charles Page Boulevard at Union.

Presentation:

The applicant, **Fred Stowell,** 411 South Frankfort, Tulsa, Oklahoma, who represented the **City of Tulsa Fire Department,** explained that the 1987 bond issue included the construction of two buildings that are accessory to the fire department. He submitted a plot plan (Exhibit C-1) for the project, which includes the expansion of the fire garage building and construction of a paint and body shop for fire apparatus. Mr. Stowell stated that a small storage building is also proposed.

Comments and Questions:

Ms. Bradley inquired as to the purpose for extending the building, and the applicant replied that it will be used for maintenance of fire equipment.

Protestants: None.

Board Action:

On **MOTION** of **FULLER,** the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 4 uses (extension of existing fire department facilities) in an RS-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 4; per site plan submitted; finding that the the requested uses are compatible with the the existing uses in the area; on the following described property:

Starting at center of Section 3, T-19-N, R-12-E; thence due east 660'; thence due south 195' to the Point of Beginning. Thence south 64°48'00" east 1222'; thence south 60°12'00" east 350'; thence south 54°48'00" east 92'; thence south 45°00'00" east 80'; thence south 52°42'00" east 247'; thence westerly along curving road right-of-way for 220.00' to north edge of drainage easement; thence north 41°09'07" west 13.00'; thence northwesterly along curving easement line for 99.127'; thence north 64°20'12" west 229.44'; thence northwesterly along curving easement line for 201.76'; thence north 66°23'03" west 890.04'; thence northwesterly along curving easement line for 207.48'; thence north 75°26'00" west 25.98'; thence due north 277.2' to Point of Beginning, City and County of Tulsa, Oklahoma.

Case No. 15462

Action Requested:

Special Exception to permit a beauty salon as a principal use - **Section 604.F SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS** - Use Unit 13, located 6863 South Canton.

Presentation:

The applicant, **Scott Mayes,** 1520 East 46th Place, Tulsa, Oklahoma, submitted a floor plan (Exhibit D-1), and stated that the proposed beauty salon will have four stylists and limited hours of operation. He informed that there is a salon currently operating in office space at 70th and Canton.

Comments and Questions:

Ms. Bradley asked how much space the salon will occupy, and the applicant replied that the salon will contain 1112 sq ft of floor space.

Ms. Bradley asked Mr. Mayes if the salon will erect a sign on the property, and he replied that he will not have a separate sign for his business.

Protestants: None.

Board Action:

On **MOTION** of **FULLER,** the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a beauty salon as a principal use - **Section 604.F SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS** - Use Unit 13; per plan submitted; finding that there are similar uses in the area, and the beauty salon will be compatible with the surrounding area; on the following described property:

> Part of Lot 1, beginning 645' north of the southwest corner; thence north 115.84'; thence east 299.91'; thence south 115.87'; thence west to the Point of Beginning, Block 3, Burning Hills Addition to the City of Tulsa, County of Tulsa, Oklahoma,

Case No. 15463

Action Requested:

Special Exception to permit a university student center in an RM-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Variance of the number of off-street parking spaces to be provided - **Section 1205.D COMMUNITY SERVICES AND SIMILAR USES** - Use Unit 5.

Variance to permit the required off-street parking spaces to be located on a lot not containing the principal use - **Section 1301.D GENERAL REQUIREMENTS** - Use Unit 5.

Case No. 15463 (continued)

Variance to permit construction with a maximum floor area ratio greater than .5 - **Section 404.G.1 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5.

Variance of the minimum building setback from abutting properties in an R District from 25' to 10' - **Section 440.G.4 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5, located 432 and 434 South Florence.

Presentation:

The applicant, **James Niedermeyer**, 1810 Mid-Continent Tower, Tulsa, Oklahoma, who submitted a site plan (Exhibit E-1) and parking plan, (Exhibit E-3), stated that he is representing the Catholic Dioceses of Tulsa, who is proposing to construct a Catholic Student Center on the Tulsa University (TU) campus. He pointed out that there are only eight resident owners in a 300' radius of the property in question. In explanation of the project, Mr. Niedermeyer informed that the subject property consists of three vacant tracts, and the proposed facility will have a chapel containing 4800 sq ft of floor area, requiring 120 parking spaces. The applicant stated that the student center has been located in leased space at another site on the campus; however, the lease expires on July 31, 1991. He informed that nine onsite parking spaces will be provided at the new location, with existing parking being available nearby. Mr. Niedermeyer pointed out that the center will not draw people from outside the range of the university, but is provided for the students, faculty and staff already parking on campus parking lots. He stated that the chapel will be used on Sunday mornings only, and a letter of support from TU (Exhibit E-5) stated that the center will be permitted to use the existing parking facility at 4th Place and Florence Avenue (242 parking spaces) for Sunday services. A letter (Exhibit E-2) requesting that the remainder of the application for relief of the height requirement (peak of church roof) be continued to July 5, 1990. Photographs (Exhibit E-4) were submitted.

Comments and Questions:

In response to Ms. Bradley, the applicant stated that the parking lot at 4th Place and Florence Avenue is used primarily by the TU Law School.

Ms. Bradley inquired as to the size of the proposed center, and Mr. Niedermeyer replied that the two-story facility will contain 11,700 sq ft of floor space, with the peaked roof being the highest point of the building, which exceeds the 35' height restriction.

In regard to the building setback variance, Mr. Gardner pointed out that the RM-2 zoning classification would allow construction of an apartment building 10' from all property lines; however, the Zoning Code requires a 25' perimeter easement for special exception uses. The entire campus and related uses require special exception approval.

Case No. 15463 (continued)

Mr. Fuller inquired as to the number of parking spaces required for the facility, and the applicant replied that 120 parking spaces are required for the chapel.

Ms. White asked how many staff people will normally be on the premises, and the applicant stated that a cook, a resident priest and his secretary will be at the center.

There was discussion as to conferences, or other types of events, that might generate additional traffic, and **Alfred Boudreau,** 2660 South Birmingham Place, Tulsa, Oklahoma, stated that students will use the library and occasional social gatherings could be held in the building. He stated that the same types of events will be held in the new building that are held at the present location.

Mr. Jackere asked if a fraternity house at this location would be restricted as to the amount of square footage allowed, and Mr. Gardner replied that there would be no size limitation, but setbacks and parking requirements would have to be met. He stated that a 10' setback would be required for a fraternity house.

Protestants:

Charles Gotwals, 15 West 6th Street, Tulsa, Oklahoma, stated that he and his partner purchased the east 116' of Lot 1, located north of the proposed project, with the intent of selling the property to TU in the future as the university expands. He informed that a duplex is located on his property, and inquired as to the height of the structure and the distance of the north building wall from his boundary line. Mr. Gotwals stated that his duplex is 5' from the boundary and pointed out that dances held in the center could be a disturbance to his renters. He suggested that the property be rezoned to accommodate the proposed use, as there is no hardship for the variance requests.

Additional Comments:

Ms. White asked Mr. Gotwals if he has reviewed the building plans, and he replied that he has reviewed the plans at the INCOG offices, but the plans in the file seemed to be incomplete, and did not reflect the height of the building.

In response to Ms. Bradley, Mr. Jackere informed that Use Unit 5 allows a private club, community center, cultural facility, church, etc. He informed that the Board has the authority to hear and determine cases regarding special exceptions for these purposes.

Mr. Gotwals stated that the hardship in this case is self-imposed.

Case No. 15463 (continued)

Protestants:

Bruce McIntosh, 3019 East 4th Place, Tulsa, Oklahoma, and **Jack Sylvester,** 3016 East 4th Place, Tulsa, Oklahoma, stated that they are opposed to the application. Mr. Sylvester stated that his property abutts the property in question and requested that a privacy fence be installed on the boundary between his property and the proposed facility.

Bob Wackenhuth, 2939 East 57th Street, Tulsa, Oklahoma, stated that he and Mr. Gotwals own the property north of the property in question, and that he has the responsibility of renting the duplex. He informed that traffic is a problem and all legal parking spaces around their property are filled. He pointed out that the parking lot used by the law students is a permitted lot, and cannot be entered without a parking permit. Mr. Wackenhuth stated that the proposed center will put an undue burden on the neighborhood.

Interested Parties:

Harold Staires, Tulsa University, stated that the parking lot referred to by Mr. Wackenhuth is a controlled lot, but does not require a card to enter or leave. He further noted that parking rules are not enforced on Sunday, and the lot is available for parking during Sunday services.

Ms. White asked if parking rules are enforced during the evening hours, and Mr. Staires answered in the affirmative. He stated that the parking lots are virtually empty on Sunday and parking for the chapel services will not be a problem.

Mr. Jackere asked if students with parking stickers can park on any parking lot, and Mr. Staires stated that all student parking is available to those with stickers.

Steven Carr, 2727 East 21st Street, Tulsa, Oklahoma, stated that he is representing the applicant, and noted that development in the TU area has been going through a planning process since 1978, with the adoption of the District 4 Special District Plan. He pointed out that the area is in transition, with mixed uses, and the new student center will have only those activities currently being held in the leased building already on campus. Mr. Carr explained that a terraced area breaks up the line of the wall on the north boundary, and provides open space between the two north portions of the building.

Additional Comments:

Mr. Gotwals asked what a multipurpose use would be to a Catholic, and Mr. Boudreau stated that such a use would allow Ping Pong, dancing and other group activities. He stated that groups of 30 to 40 might congregate at the center on an average of once a week.

Ms. White asked if people will come from other parts of the nation to meet at this location, and he replied that this has not been the case in the past.

Case No. 15463 (continued)

Mr. Jackere asked Mr. Boudreau if the center will be used primarily to serve the students that attend TU, and he answered in the affirmative.

Mr. Bradley asked if the new building will be larger than the one the center currently occupies, and Mr. Carr replied that the basic difference in the two buildings is the chapel. He pointed out that the overall objective is to serve the students, staff and faculty members that choose to visit the center.

Mr. Bolzle asked where chapel services are held at the present time, and Mr. Carr stated that Sharp Chapel is currently used for the evening services.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a university student center in an RM-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; to **APPROVE** a **Variance** of the number of off-street parking spaces to be provided - **Section 1205.D COMMUNITY SERVICES AND SIMILAR USES** - Use Unit 5; to **APPROVE** a **Variance** to permit the required off-street parking spaces to be located on a lot not containing the principal use - **Section 1301.D GENERAL REQUIREMENTS** - Use Unit 5; to **APPROVE** a **Variance** to permit construction with a maximum floor area ratio greater than .5 - **Section 404.G.1 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5; to **APPROVE** a **Variance** of the minimum building setback from abutting properties in an R District from 25' to 10' - **Section 440.G.4 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5; and to **CONTINUE** the balance of the application concerning height requirements to July 5, 1990; per plan submitted; subject to a 6' solid screening fence being installed along the north property line; finding that the property is located in a special district for university and related educational uses; finding that an apartment building would be allowed by right within 10' of the property line in the RM-2 District; finding that adequate parking is provided for Sunday services; and finding that there are similar uses in the area, and the granting of the special exception request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lots 2, 3 and 4, Block 4, College Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15465

Action Requested:

Variance to permit a billboard sign to be located outside a freeway corridor - **Section 1221.G.1 USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** - Use Unit 21.

Variance to permit a billboard sign to be located less than 150' from a Residential District - **Section 1221.G.4 USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** - Use Unit 21.

Variance of the provided 50' setback from 11th Street - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 21, located NW/c 11th Street and St. Louis.

Presentation:

The applicant, **Ralph Adkison,** 829 South Rockford, Tulsa, Oklahoma, was represented by **Herschel Dyer,** 1342 South Columbia Avenue, Tulsa, Oklahoma, who explained that the proposed sign is for the Church of Christ, which is located at 10th Street and Rockford Avenue. He informed that the church has previously had a sign in place at this location and the pole is still in place, and requested permission to again use the sign for church purposes. Photographs (Exhibit F-1) and a plot plan (Exhibit F-2) were submitted.

Comments and Questions:

Ms. White asked the dimensions of the sign, and Mr. Dyer stated that the sign is 10' by 24'.

In response to Ms. Bradley, Mr. Dyer informed that the existing sign pole is located 37' from the centerline of the street.

Mr. Bolzle asked if the sign will have lights, and Mr. Dyer stated that there will be no lights.

Interested Parties:

Lorinda Greer Stetler, 1018 South Rockford, Tulsa, Oklahoma, stated that she owns Greer Appliance Parts, and is not protesting the application, but is concerned that the sign pole is unsightly and in need of repair. Ms. Stetler also voiced a concern that some property owners in the area did not receive a notice of the meeting, and Mr. Gardner informed that 50 notices of the hearing were mailed to owners within 300' of the proposed sign location. She stated that she is not opposed to the church sign, but would be opposed to the sign being used for other advertising if the church should move.

Comments and Questions:

Mr. Gardner pointed out that the sign is not on church property, and becomes the same as outdoor advertising. He informed that, if inclined to approve the application, the Board could impose any necessary conditions.

Case No. 15465 (continued)

Ms. Bradley asked Mr. Dyer to state a hardship for the application, and he replied that the church is located one block from 11th Street and existing building obstructions prevent the church from being seen.

In response to Mr. Bolzle, Mr. Gardner stated that the Board has previously approved a sign on a nearby street when the building was difficult to locate.

Mr. Jackere stated that the courts have previously determined that the content of a sign cannot be regulated.

In reference to a hardship for the application, Ms. Bradley stated that she does not believe a hardship has been demonstrated that would warrant the granting of the variance requests.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** to permit a billboard sign to be located outside a freeway corridor - **Section 1221.G.1 USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** - Use Unit 21; to **DENY** a **Variance** to permit a billboard sign to be located less than 150' from a Residential District - **Section 1221.G.4 USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** - Use Unit 21; and to **DENY** a **Variance** of the provided 50' setback from 11th Street - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 21; finding that a hardship was not demonstrated that would warrant the granting of the variance requests; on the following described property:

The south 10' of the east 90' of Lot 11, the east 90' of Lots 12 and 13, and the east 90' of Lot 14, less street, Block 12, Park Dale Amended Addition to the City of Tulsa, County of Tulsa, Oklahoma,

Case No. 15466

Action Requested:

Variance of the minimum 1200' separation between outdoor advertising signs - **Section 1221.G.2 USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** - Use Unit 21.

Variance of the minimum 150' setback from an R zoned district - **Section 1221.G.4 USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** - Use Unit 21, located SW/c 21st Street and Broken Arrow Expressway.

Case No. 15466 (continued)

Presentation:

The applicant, **Bill Stokely,** 10111 East 45th Street, Tulsa, Oklahoma, submitted a plot plan and photographs (Exhibit G-1), and stated that the three-sided sign owned by Donrey Outdoor Advertising Company has been at this location for a number of years. He informed the Board that the owner of the property has requested that the existing Donrey sign be replaced with a Stokely sign. Mr. Stokely explained that the existing sign is located within the required setback and is closer to a second Donrey sign than the Code allows; however, the new sign will be moved back and one side of the three-sided sign will be eliminated. He further noted that, if the application is approved, he will remove his sign in 1995 if it does not conform to the sign regulations.

Comments and Questions:

Mr. Gardner advised that all off-premise signs must be brought into conformance in 1995, or be removed.

Protestants:

David Poison, 7777 East 38th Street, Tulsa, Oklahoma, represented Donrey Outdoor Advertising Company, and stated that his company owns two signs in the area of 21st Street and Broken Arrow Expressway. He informed that the signs have been at this location for a long period of time, and will be made to comply with the City Zoning Code in 1995 when all signs will be made to conform or be removed. He asked that the application be denied.

Additional Comments:

In response to questions concerning the terms of the lease, Mr. Jackere stated that the lease terms are not the issue, but the question before the Board is whether or not the sign is appropriate for the area.

There was discussion concerning a hardship for this case, and Ms. Bradley asked the applicant to state the hardship for the variance requests.

Mr. Bolzle stated that he can see no hardship for the sign location and that the granting of the variance requests would only be perpetuating a non-conforming use.

Applicant's Rebuttal:

Mr. Stokely pointed out that the installation of his sign will be an improvement over the existing conditions, as the sign will be moved back from the residential district and one side will be removed.

Case No. 15466 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Bolzle, Bradley, White, "aye"; Fuller "nay"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the minimum 1200' separation between outdoor advertising signs - **Section 1221.G.2 USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** - Use Unit 21; and to **DENY** a **Variance** of the minimum 150' setback from an R zoned district - **Section 1221.G.4 USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** - Use Unit 21; finding that the sign is near a residential neighborhood and would be approximately 300' from an existing sign; and finding that the applicant failed to demonstrate a hardship that would warrant the granting of the variance requests; on the following described property:

Lot 1, Block 1, Bryn-Mawr Addition, less the south 112' of Lot 1, Block 1, and less a strip in Lot 1, described as beginning at the northeast corner of Lot 1, west 14.6' to the northwest corner of Lot 1, south 10.8', north 89°59' east 27.4' to a point on the east line of Lot 1, northerly along the east line 24.4' to the Point of Beginning, City and County of Tulsa, Oklahoma.

Case No. 15468

Action Requested:

Special Exception to permit a residential treatment center and short-term transitional living center - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5 and 8, located 26 South Tacoma.

Presentation:

The applicant, **Louis Levy**, 5314 South Yale, Tulsa, Oklahoma, who submitted a packet (Exhibit H-1) containing a summary of the application, photographs and articles concerning youth services, stated that he is representing the Tulsa Community Youth Home, and the Children's Medical Center. He informed that the property in question is comprised of five lots and a large single-family home, which will be used for a facility to house eight adolescents that are not yet able to function in a regular home setting. Mr. Levy stated that the residents are between the ages of 13 and 18, who attend school and do not have criminal records. He further noted that they do not drive cars and adequate parking for the staff is provided. Mr. Levy stated that this home is being relocated from 628 North Country Club Drive, as the lease at that location has expired. The applicant pointed out that the program is designed to help the residents improve their personal and social adjustment, build relationships and reintegrate into their homes. Letters of support (Exhibit H-2) were submitted.

Comments and Questions:

In response to Ms. Bradley, Mr. Levy informed that the staff will include a cook and two other employees, with counselors and physicians visiting the home periodically.

Case No. 15468 (continued)

Ms. Bradley asked how long the residents live at the center, and Mr. Levy replied that the stay is short-term, and each resident usually lives at the center from six to nine months.

Mr. Fuller asked if there have been complaints filed while the home has been located on Country Club Drive, and Mr. Levy stated that there have been no complaints.

Protestants:

Bill Packard, 742 North Denver, Tulsa, Oklahoma, stated that he is representing the West-O-Main group, and pointed out that although the area is zoned RM-2, it has developed predominately single-family residential. He pointed out that there is a concentration of special housing facilities in the area, some of which were already in operation before the 1320' spacing requirement was adopted. Mr. Packard requested that the application be denied, in order to prevent further clustering of these special housing facilities in the area. A location map (Exhibit H-4) was submitted.

Ms. Bradley asked Mr. Packard if any of the special housing facilities are located within 1320' of the proposed site, and he replied that the adult detention center is closer than the required spacing requirement. He further noted that the Girl Scout Camp is also located near the property in question.

Leon Ragsdale, 104 South Tacoma, Tulsa, Oklahoma, who submitted photographs (Exhibit H-5), stated that he lives to the south of the subject property and owns a second home next door to his residence. He pointed out that many homeowners in the area have renovated the older houses, and the installation of a transitional living center in the residential neighborhood would be detrimental to the area and lower property values. Mr. Ragsdale stated that, although he is supportive of centers of this nature, he feels the proposed location is not in the best interest of the property owners in this single-family residential neighborhood. Letters and a petition of opposition (Exhibit H-3) were submitted.

There were numerous property owners in the area that were present to protest the special exception request.

Additional Comments:

Mr. Fuller asked if the Board is at liberty to grant a special exception for a transitional living center if there is another special housing center within 1320' of the proposed site, and Mr. Jackere pointed out that a variance of the spacing requirement has not been requested.

Applicant's Rebuttal:

Mr. Levy stated that, as far as he can determine, the current Zoning Ordinance does not require the transitional living center to be 1320' from a City Jail.

Case No. 15468 (continued)

In response to Ms. Bradley, Mr. Levy stated that neither of the centers in question are correctional facilities, but the center for adults is a jail, or holding area for those charged with crimes.

Mr. Jackere advised that Use Unit 5 states that, to avoid clustering, a residential treatment center, transitional living center, or emergency or protective shelter shall not be located on a lot within a quarter mile of any other lot containing such facilities, or any lot containing a neighborhood group home, community group home or detention/correctional facility.

In answer to Mr. Jackere, Mr. Levy stated that a correctional facility is like the Sand Springs home for boys, otherwise known as the Lloyd Radar correctional facility.

Mr. Jackere stated that he would not make that distinction, but if the Board is inclined to grant the application, the case should be continued to allow the applicant sufficient time to advertise for a variance of the spacing requirement.

Mr. Levy asked the Board to approve the special exception request at this time.

Ms. Bradley stated that she is not inclined to continue the case because, according to the information that has been presented, she is not of the opinion that the applicant can demonstrate a hardship that would warrant the granting of a variance of the 1230 spacing requirement.

Mr. Jackere advised that the special exception request before the Board at this time is not in harmony with with the words of the Code.

Ms. Bradley stated that she is in favor of residential treatment centers, but does not believe that the proposed location is an appropriate site for the center.

Mr. Levy stated that there are 16 other transitional living centers in Tulsa's residential neighborhoods.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** to permit a residential treatment center and short-term transitional living center - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5 and 8; finding that the proposed site is within 1320' of an existing correctional facility, and the granting of the special exception request would result in a clustering of special housing facilities; on the following described property:

Lots 10 - 22, Block 10, Overlook Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 15469

Action Requested:

Request refund of filing fees.

Presentation:

The applicant, **Herman Watson,** Sutherland Lumber Company, 3110 Southwest Boulevard, Tulsa, Oklahoma, requested that all filing fees be refunded for Case No. 15469.

Comments and Questions:

Mr. Richards stated that the application was withdrawn prior to processing and suggested that fees in the amount of $175.00 be refunded.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **REFUND** filing fees in the amount of $175.00; finding that the application was withdrawn prior to processing.

There being no further business, the meeting was adjourned at 3:50 p.m.

Date Approved July 5, 1990

Harry White
Chairman