

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 698**  
Tuesday, February 27, 1996, 1 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
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Abbott  
Bolzle  
Box  
Turnbo, Chair  
White

Gardner  
Beach  
Moore

Jackere, Legal  
Department  
Parnell, Code  
Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 23, 1996, at 9:25 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the minutes of February 13, 1996 (No. 697)

**Comments and Questions:**

Mr. Beach advised that John Hembree has asked that Case No. 17306 be continued; however, the request was not received by noon on Thursday and is not considered to be timely.

Protestants in the audience asked that the case be heard as it appears on the agenda, and the Board was in agreement with the request.

**UNFINISHED BUSINESS**

**Case No. 17240**

**Action Requested:**

Variance to permit existing encroachments into the planned right-of-way along east 41st Street, along South Darlington Avenue and along East 42nd Street - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 11, located southeast corner East 41st Street and South Darlington Avenue.

Case No. 17240 (continued)

**Presentation:**

The applicant, **William Eagleton**, 100 West 5th Street, was not present.

**Comments and Questions:**

Mr. Beach informed that the applicant has requested by letter (Exhibit A-1) that Case No. 17240 be withdrawn.

**NEW APPLICATIONS**

**Case No. 17298**

**Action Requested:**

Variance to permit the display of automobiles for sale on a surface other than an all-weather material behind the setback line immediately west of the showroom floor, limited to no more than 10 vehicles at any time - **SECTION 222. MOTORIZED VEHICLES** - Use Unit 17, located 3939 South Memorial Drive.

**Presentation:**

The applicant, **Bradley Beasley**, 100 West 5th Street, Suite 800, stated that a request to display vehicles for sale in front of the building on the grassy area was previously denied and is currently on appeal to District Court. He stated that, after discussion with Mr. Jackere, it was decided that the display of seven vehicles in one small grassy area in front of the building, but behind the building setback line, would serve his client's needs. Mr. Beasley advised that this application is significantly different from the previous one and asked the Board to approve the special exception. He pointed out that Ken Adams, who was opposed to the previous request, is supportive of this application (Exhibit B-1).

**Comments and Questions:**

In reply to Mr. White, Mr. Beasley informed that the building setback line (110') is 2' west of the east curb.

Mr. Bolzle and Ms. Turnbo stated that they are supportive of the automobile display in the limited space, with the limited number of vehicles.

Ms. Abbott asked if the vehicles are moved frequently, and the applicant stated that the cars will be displayed and moved as the need arises.

In reply to Mr. Bolzle, Mr. Gardner advised that the ordinance requires an all-weather surface to eliminate dust, mud, etc. He added that limiting the display to the intended display area, with only 7 vehicles, should not present a problem on this site.

Case No. 17298 (continued)

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit the display of automobiles for sale on a surface other than an all-weather material behind the setback line immediately west of the showroom floor, limited to no more than 7 vehicles at any time - **SECTION 222. MOTORIZED VEHICLES** - Use Unit 17; subject to the vehicle display area being limited to the area west of the showroom and behind the building setback line; and subject to a maximum of 7 vehicles being displayed at any given time; finding that the limited display area and number of vehicles behind the setback line will not be injurious to the area or violate the spirit and intent of the Code; on the following described property:

Lot 2, Block 1 and part of Lot 3 beginning 339' west of the SE/c, thence west 236.50', north 190', west 190', north 435.91', northeast 76.91', north 92.80', east 200', north 137.24', southeast 260.28', south 245.35', west 24', south 578.64' to POB, Block 1, Bond Second Addition Amended, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17299**

**Action Requested:**

Appeal from the decision of the Code Enforcement Officer that the existing use as defined in the Zoning Code is a detention correction facility, more particularly, a juvenile delinquency center, and or a correction community treatment center requiring Board of Adjustment approval - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL.**

In the alternative, applicant requests approval of a special exception to permit the property to be used as an adolescent detention/correctional facility or as a juvenile delinquency center, whichever is the appropriate definition under the Zoning Code for a maximum of 16 adolescent residents and for school uses for the residents only - **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 2, located 1819 East 15th Street.

**Comments and Questions:**

Ms. Turnbo advised that Mr. Bolzle will abstain from hearing Case No. 17299.

**Presentation:**

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, informed that he is representing Therapeutic Interpretations, Inc., as well as the Dillon Family and Children's Care, which operated a similar program on the subject property prior to 1994. He informed that Mr. Dillon obtained approval for a convalescent home for girls in 1973 and by 1980 both boys and girls were received on referrals from the Department of Human services. Mr. Norman noted that in 1988 an expansion of the existing adolescent residential car center was approved, with additional space being added to the dwelling at 1819 East 15th Street and 1825 East 15th Street being approved for educational purposes and classroom space. He pointed out that the 1988 approval for a residential treatment center was the one under which the Dillon organization continued to operate and under which Therapeutic Interpretations now operates. He submitted photographs (Exhibit C-3), a detail description of the use (Exhibit C-1) and a letter from the applicant (Exhibit C-2). The applicant informed that all of the supervisory personnel (17 individuals) have a bachelor degree or above and one person with a degree is on the premises at all times. Mr. Norman advised that the 1988 approval permitted the care of 16 adolescents, which are children under the age of 18 as defined by State Statutes. He noted that services provided by Therapeutic Interpretations include medical evaluations and a treatment plan, which includes on-site schooling. Mr. Norman pointed out that there have been no complaints received concerning the facility during the past 10 years, and that the Code Enforcement officer, Candy Parnell, will verify this fact. He stated that, although Ms. Parnell has made the determination that the use is a juvenile detention center (Exhibit C-12), the use is definitely not a juvenile detention facility. He pointed out that this is not a secure facility and does not have security guards, and noted that residents are those that have been referred by the family or a psychologist, those that have been adjudicated through the juvenile justice system as in need of supervision and children that have been adjudicated as delinquent. Mr. Norman noted that residential treatment centers were classified under Use Unit 5 when the use was approved in 1988; however, the use is now included in Use Unit 2, which also includes adult detention centers, convict pre-release centers, correctional community centers, jails and juvenile delinquency centers. He further noted that the definition of a detention correctional facility is a facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for violation of a civil or criminal law. Mr. Norman pointed out that a juvenile detention facility would involve detention, confinement, treatment and/or rehabilitation, with all of these elements present. He noted that there is a clear distinction in the Zoning Code between a detention facility and a community based residential treatment center, which provides diagnostic therapeutic services, along with room and Board in a structured environment. The applicant stated that the residents are not permitted to leave the premises without a pass. Letters (Exhibit C-7) concerning the operation of the use were received from Ken Lackey, Charlene Arnett, Rhonda Dansby-Mack, Harold Katz, Judy Turner and Roger Creecy. A brochure for the Horizon program (Exhibit C-13) was submitted, and Mr. Norman pointed out that this brochure was presented at the

Case No. 17299 (continued)

1988 hearing to explain the proposed use at this location. Excerpts from the Oklahoma Juvenile Code (Exhibit C-9) were submitted. He noted that, according to this Code, those committing major crimes are no longer considered children and would no longer travel through the juvenile justice system. The applicant stated that Therapeutic Interpretations is not a lock-up facility and is not classified as a juvenile detention center. Mr. Norman pointed out that there are approximately 10 other facilities in the City that provide identical services and none of them have ever been classified as a juvenile detention facility, nor have they been required to obtain approval in the manner suggested in the notice from the Code Enforcement officer (Exhibit C-12).

**Comments and Questions:**

In reply to Ms. Turnbo, Mr. Norman replied that only 12 adjudicated juveniles will be housed at this facility.

Ms. Abbott inquired as to the Horizon program's classification, and Mr. Norman replied that it was classified as an adolescent residential treatment center, which received children from the state that had been adjudicated to this type of facility.

In reply to Mr. White, the applicant stated that the neighborhood and other interested parties were invited to tour the facility.

**Interested Parties:**

**Dr. Dawn Byrum**, Office of Juvenile Affairs, stated that the Department of Human Affairs operates this type of program across the State, and two are currently operating in Tulsa. She advised Ms. Turnbo that children are placed as close to their home community as possible, and the goal is to integrate them back into the community. Ms. Byrum stated that the facility is a Level E Group Home, with staff intense care.

In reply to Mr. White, Ms. Byrum stated that the residents are released when they reach the age of 18, unless a court order is issued to extend custody until age 19.

**Roger Creecy**, attorney for the Office of Juvenile Affairs, informed that a juvenile can be in the program without being a ward of the court or in the custody of the office of Juvenile Affairs. He pointed out that only the court can order an individual into detention. Mr. Creecy informed that Therapeutic Interpretations is licensed by DHS as a community based residential care facility, with the office of Juvenile Affairs contracting to operate a 12-bed group home for boys.

Case No. 17299 (continued)

In reply to Ms. Turnbo, Mr. Creecy advised that the only two ways a child can be detained is to insure their appearance in court or for the protection of the public. He reiterated that only the court can order a child into detention. Mr. Creecy noted that the majority of the children are placed in the custody of the Office of Juvenile Affairs by the court and most are delinquents, while some are only determined to be in need of supervision.

Mr. White asked if other like facilities in the State are operating in an area near residential development, and Mr. Creecy answered in the affirmative. He pointed out that the safety of the community is always highly considered and treatment is reviewed often.

Judy Turner, district supervisor for the Office of Juvenile Affairs, advised that all children in the program are not from Tulsa, and some Tulsa area children are placed at other locations. She pointed out that this is determined by the treatment required for each patient.

**Protestants:**

Paul Swain, 500 Oneok Plaza, stated that he is representing the Terrace Development Company, owner of seven parcels located across the street to the south of the property in question. He stated that his client is concerned with the safety of the tenants occupying the properties and requested that the Board uphold the decision of the Code Enforcement officer.

Mr. Jackere advised that a condition of approval for the use approved in 1973 stated that there be no juvenile delinquents at this location. He noted that the 1988 Board action did not remove that condition. Mr. Jackere pointed out that, if this was a new use at this location, Board approval would be required for any type of treatment center. He stated that the Board must determine if there has been a change in the conditions previously imposed. Mr. Jackere noted that juveniles grouped together that have been adjudicated delinquents, confined or not confined, are necessarily considered to be living in a center for juvenile delinquents.

Martin Steinmetz, president and attorney for the Yorktown Neighborhood Association, informed that he is supportive of the need, but is opposed to the facility being located between two residential neighborhoods. He pointed out that, according to the literature submitted, the center specializes in treatment of sexual perpetrators and individuals that have had difficulties in other programs and facilities, with high AWOL risks. Mr. Steinmetz stated that he has observed activities (car wash and clothing sale) regarding the public that have not been supervised by a Staff person. He requested that the decision of the Code Enforcement officer be upheld.

Case No. 17299 (continued)

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 4-0-1 (Abbott, Box, Turnbo, White, "aye"; no "nays"; Bolzle, "abstaining"; none, "absent") to **DENY** the **Appeal**, thereby upholding the decision of the Code Enforcement Officer that the existing use as defined in the Zoning Code is a detention correction facility, more particularly, a juvenile delinquency center, **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL**

**Presentation:**

Mr. Norman noted that his client does not intend to provide a secure juvenile detention facility, as defined in the State Statutes.

In reply to Ms. Abbott, Mr. Norman informed that the contract (Exhibit C-14) states that residential care and treatment will be provided for 12 males, ages 13 through 17. He noted that the Level E designation signifies that the program is staff intensive, or greater staff/student ratio. Mr. Norman stated that there are approximately 17 full-time employees to provide care for the 12 residents. He pointed out that there has not been a single incident of misconduct on the part of a previous resident that would indicate that this use has had a negative impact on the neighborhood. Mr. Norman stated that he is amenable to a continuance to allow Board members to research the history of the facility.

In reply to Ms. Turnbo, Dr. Byrum stated that the majority of the residents are sex offenders. A packet titled Proposal for Level E Group Home Specializing in Sexual Perpetrators (Exhibit C-15) was submitted.

**Protestants:**

Numerous letters of opposition were received by the Board (Exhibit C-6) and Mayor Savage (Exhibit C-5).

**Terry Meier**, 1760 East 14th Place, informed that her lot butts the subject property on the northeast corner and noted that the playground has changed from one with children's play equipment used by small children to one with basketball goals, etc., used by strapping young men. She pointed out that the yard and fence are poorly maintained and requests (Exhibit C-8) to remedy these conditions have been ignored. She stated that the current use is not compatible with the neighborhood.

**Martin Steinmetz**, president and attorney for the Yorktown Neighborhood Association, informed that there are numerous individuals in the audience that are opposed to the request (Exhibit C-4), and asked that the Board not subject the area residents to the types of individuals that are to be housed in the proposed center. He stated that approval of the request would set a dangerous precedent in this neighborhood.

Case No. 17299 (continued)

Mr. White asked Mr. Steinmetz if he is aware of any complaints that have been filed concerning a resident of the treatment center, and he stated that a car wash and clothing drive were conducted on the subject property without supervision.

**Paul Swain**, 500 Oneok Plaza, who represented the Terrace Development Company, stated that, in order to approve the request, the Board must find that the use is in harmony with the spirit and intent of the Code and that it will not be injurious to the neighborhood. He pointed out that the Comprehensive Plan designates the area as low intensity linear development to encourage low intensity office uses compatible with existing development. Mr. Swain stated that these children have severe behavioral problems and his client is concerned with the safety of his tenants.

**Brenda Pollard** stated that she lives five houses from the subject property and asked the Board to protect the residents of the area and deny the request.

**Sharry White**, 1518 South Gillette, stated that she has toured the facility and Dr. Miles explained the operation of the center. She stated that she was informed that the facility is locked at sundown and has 24-hour awake staff. Ms. White stated that this type center for young men has not been in operation long enough to determine if there will be complaints. Ms. White pointed out that, as an active Board of Adjustment member in 1988, she is sure that the current use is not the same as the one approved at that time. She noted that the request in 1988 was to provide care for children from five to 13 years old that had family or learning difficulties. Ms. White pointed out that, although the property in question is not zoned residential, it abuts residential property and its use has a great impact on the neighborhood. She noted that, although this operation may have a good reputation, any approval of the use would run with the land and the next operator may not maintain high standards.

**Tim Bracken**, 1748 South Yorktown, informed that he is a police officer and pointed out that the use in question is a small step-down from the juvenile detention center. He stated that he has not been able to determine from the presentation the actual type of juvenile offenders that will receive treatment at this facility.

**Nancy Davis**, 2232 East 19th Street, informed that the current use has only been at the current location since December and it is far too soon to determine that it will operate without incident. She pointed out that the residents are aggressive, with impulsive behavior, and this is not an appropriate location for this intense use.

**Lloyd Hobbs** stated that he manages property in the area, which is rented to individuals with children. He pointed out that this use is not in harmony with the Comprehensive plan and asked the Board to ensure the safety of the children and preserve the integrity of the neighborhood by denying the request.



Case No. 17299 (continued)

**Gary Watts**, 1564 South Gillette, informed that he is City Councilor for this district, and pointed out that in 1995 the City Council established a committee, Alternatives to Incarceration of Juveniles (Exhibit C-11), to develop a proposal for a program that would deal with juveniles. He stated that the final proposal provided for six weeks of boot camp, followed by 12 weeks of the kind of treatment described here today; however, the young men described by the applicant are more involved. Mr. Watts stated that the committee addressed the issue of location and determined that the use should be removed from residential areas. He stated that the use is inappropriate for the area and asked the Board to deny the application (Exhibit C-10).

**Debbie Sawyer** stated that she is concerned with the safety of young children attending the nearby school. She asked the Board to deny the request and protect the children walking in the neighborhood.

**Applicant's Rebuttal:**

Mr. Creecy stated that the residents are thoroughly reviewed before placement and utmost precautions are taken to protect the public.

Mr. Norman noted that the regimented training program (boot camp), referred to by Councilor Watts, falls under the detention facility use. He pointed out that there have been adjudicated children at this location for many years, and the concerns expressed from a land use standpoint are not valid. Mr. Norman noted that all homes are locked in the evening and stated that, if these patients did not live here, they could receive treatment by right in the OL District.

**Additional Comments:**

Ms. Turnbo voiced a concern with the lack of security for sex offenders residing in a residential neighborhood. She stated that she is also concerned for the safety of children walking to the nearby grade school and waiting at the bus stop. Ms. Turnbo stated that the program is probably a well-run operation, except for security; however, the change to permit treatment of older children changes the use.

Mr. White agreed with Mr. Norman that the facility has had an excellent record in the past; however, the use seems to have changed when the older children moved in during November.

Ms. Abbott stated that she is not concerned with the age of the children, but is concerned with the fact that the age change put the facility in a different category.

Ms. Box stated that she agrees with Ms. White that a precedent would be set by approving the request and, although this seems to be a well-run facility, it does not seem to be appropriate for the area.

Case No. 17299 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Abbott, Box, Turnbo, White, "aye"; no "nays"; Bolzle, "abstaining"; none "absent") to **DENY** a **special exception** to permit the property to be used as an adolescent detention/correctional facility or as a juvenile delinquency center, whichever is the appropriate definition under the Zoning Code for a maximum of 16 adolescent residents and for school uses for the residents only - **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 2; finding the use to be injurious to the neighborhood; and finding that approval of the special exception would violate the spirit and intent of the Code and would not be in harmony with the Comprehensive Plan; on the following described property:

Tract 1: South 194', east 50', Lot 17, and south 194', west 50' Lot 18, Block 5, Terrace Drive Addition and Tract 2: south 194', east 100', Lot 18, Block 5, Terrace Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17300**

**Action Requested:**

Variance of the required 1200' spacing from another outdoor advertising sign; a variance of the height limitation to permit a 60' sign; and a variance of the display surface area from 180 sq ft to 672 sq ft to permit the existing sign to be raised **SECTION 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21, located 5422 South 108th East Avenue.

**Presentation:**

The applicant, **Bill Stokely**, 10111 East 45th Place, submitted a plot plan (Exhibit D-1) and informed that the sign in question was installed before Highway 169 was constructed. He pointed out that the sign is not visible to south bound traffic and requested that the sign be elevated approximately 14'. Mr. Stokely stated that the amount of signage will not be increased. A photograph (Exhibit D-2) was submitted.

**Comments and Questions:**

Mr. Gardner advised that the sign is nonconforming and does not comply with current Code requirements regarding spacing and display surface area. He pointed out that any change to the sign requires Board of Adjustment approval.

Mr. Stokely noted that another sign in the area received similar Board of Adjustment approval.

**Protestants:**

None.

Case No. 17300 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required 1200' spacing from another outdoor advertising sign and a **variance** of the display surface area from 180 sq ft to 672 sq ft to permit the existing sign to be raised 14' - **SECTION 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21; per plan submitted; finding that the nonconforming sign does not comply with current Code requirements regarding spacing and display surface area; and finding that the sign will not be changed expect for elevation to 60' to improve visibility; finding a hardship imposed on the applicant by the elevation of the highway after the installation of the sign; and finding that approval of the request will not be detrimental to the area or violate the spirit, purpose or intent of the Code; on the following described property:

North 60', south 120' Lot 3, Block 12A, of Blocks 12A and 13 through 18 inclusive, Tulsa Southeast Industrial District, a Resubdivision of Block 12 of Tulsa Southeast Industrial District, Blocks 9 through 12 inclusive, and part of Block A and all of Block B of Tulsa Southeast Industrial District Extended, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17301**

**Action Requested:**

Variance of required street frontage on a public street from 100' to 95' on Lewis Avenue and from 150' to 58' on East 11th Street - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS.**

**Presentation:**

The applicant, **Steve Schuller**, 320 South Boston, advised that his client is acquiring the subject property from the Missouri Pacific Railroad Company. He informed that the right-of-way is 150' wide at this location and the railroad is proposing to sell the outer 50' on both sides of the track. Mr. Schuller advised that the narrowness of the property is the hardship finding for the variances, and noted that the use of the property will not change since his client has been leasing the railroad right-of-way for a long period of time.

**Comments and Questions:**

Mr. Bolzle asked Mr. Schuller if his client would be agreeable to a condition that would prohibit additional construction on the west property, and he replied that the tract is only used for outside storage.

**Protestants:**

None.

Case No. 17301 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of required street frontage on a public street from 100' to 95' on Lewis Avenue and from 150' to 58' on East 11th Street - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**; subject to the property west of the railroad track being limited to existing buildings and outside storage only; finding a hardship demonstrated by the unusual narrowness of the tracts; on the following described property:

Easterly 50' of the easterly 75' of Missouri Pacific Railroad ROW situated between the west ROW line of South Lewis Avenue and the south ROW line of East 11th Street in NE/4, Section 7, T-19-N, R-13-E, and the westerly 50' of the westerly 75' of the southern 780' of Missouri Pacific Railroad ROW situated between the west ROW line of South Lewis Avenue and the south ROW line of East 11th Street in NE/4, Section 7, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma., City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17302**

**Action Requested:**

Variance of the permitted display surface area for signs in an IL zoned district to allow two new signs; and a variance of spacing between signs - **SECTION 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21, located 4905 South Memorial Drive.

**Presentation:**

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by Terry Carlton, 4905 South Memorial Drive, who stated that he operates an automobile sales lot and would like signs for another line of automobiles he is offering for sale. A plot plan (Exhibit E-1) was submitted.

**Comments and Questions:**

Ms. Turnbo asked if the lot will have four signs, and Mr. Carlton answered in the affirmative.

Mr. Bolzle asked if the total signage could be increased on the two existing signs and comply with Code requirements, and Mr. Gardner advised that Mr. Carlton would be permitted to increase signage on the two existing signs to 300 sq ft as a matter of right.

Mr. Carlton stated that he acquired two signs with the dealership and asked permission to utilize these signs.

Case No. 17302 (continued)

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Abbott, Bolzle, Box, Turnbo, "aye"; no "nays"; White, "abstaining"; none "absent") to **DENY** a **Variance** of the permitted display surface area for signs in an IL zoned district to allow two new signs; and a **variance** of spacing between signs - **SECTION 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance requests; on the following described property:

Lots 1 and 2, Block 1, Memorial Business Center, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17303**

**Action Requested:**

Variance of the required setback from the centerline of 15th Street from 50' to 45' to permit a sign - **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 2848 East 15th Street South.

**Presentation:**

The applicant, **James Denton**, 2848 East 15th Street, submitted a plot plan (Exhibit F-1) and explained that the existing sign is 42' from the centerline of the street and if it is relocated to 50' it would be farther back than the building and would not be visible. A photograph (Exhibit F-2) was submitted.

**Comments and Questions:**

Mr. White informed that the sign is currently farther from the street than many signs in the area.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of 15th Street from 50' to 45' to permit a sign - **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21; per plan submitted; finding that the area was developed prior to the adoption of the current Zoning Code; and finding that the sign in question is farther from the street than existing signs in the neighborhood; on the following described property:

Lots 7, 8, 9, 10 and 11, Block 3, Avondale Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17304**

**Action Requested:**

Special Exception to permit a church and accessory uses - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 608 East Apache Street.

**Presentation:**

The applicant, **Ernest Jackson**, PO Box 48607, was represented by **Otis Williams**, 345 East Apache, who submitted a plot plan (Exhibit G-1) and stated that the building in question has been utilized for several types of businesses over the years. He asked that church use be permitted, along with a children's nursery.

**Comments and Questions:**

Mr. White stated that he is supportive of the use.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a church and accessory uses - **SECTION 701. PRINCIPAL USE PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

West 39.35', Lot 4 and all of Lots 5, 6, 7 and 8, Block 1, Elgindale Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17305**

**Action Requested:**

Special exception to waive the screening requirement along the north side of the property - **SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING, Use Conditions.**

Variance of the required 75' setback from an abutting R District to 50' to permit an addition to an existing building - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23.

Case No. 17305 (continued)

Variance to permit required off-street parking to be located on a lot other than the lot containing the principal use - **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING, GENERAL REQUIREMENTS** - Use Unit 23, located 2820 West 40th Street.

**Presentation:**

The applicant, **Robert Butler**, 1714 South Boston Avenue, submitted a plot plan (Exhibit H-1) and stated that he is representing the property owner. He informed that the construction of a warehouse is proposed and noted that buildings in the older area do not comply with current building setback requirements. He informed that the corner building has been renovated. Photographs (Exhibit h-2) were submitted.

**Comments and Questions:**

Mr. Gardner advised that 40th Street has a 100' right-of-way, which is a wider street than those in downtown Tulsa (80').

In reply to Mr. Bolzle, Mr. Butler stated that the alley terminates because of the railroad right-of-way and a variance is required for parking on the lot to the south.

**Protestants:**

None.

**Interested Parties:**

**Jim Doherty**, Metropolitan Tulsa Chamber of Commerce, 616 South Boston, stated that a variance is required to permit parking on the south lot across the alley.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, **White**, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Special exception to waive the screening requirement along the north side of the property - **SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING, Use Conditions**; a **Variance** of the required 75' setback from an abutting R District to 50' to permit an addition to an existing building - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23; and a **Variance** to permit required off-street parking to be located on a lot other than the lot containing the principal use - **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING, GENERAL REQUIREMENTS** - Use Unit 23; per plan submitted; subject to any required parking in the right-of-way be approved by the City Council; finding the proposed construction in the older area to be in harmony with existing development; and finding that approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lots 7, 8 and 12 and north 70' Lot 9, Block 46, Redfork Township, Creek Nation Indian Territory, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17306**

**Action Requested:**

Variance of the spacing requirements between Use Unit 12a uses from 300' to 175'; variance to permit off-site parking; and/or a variance of the required number of parking spaces from 60 to 37 - **SECTION 1212a. ADULT ENTERTAINMENT ESTABLISHMENTS** - Use Unit 12a; variance to permit the required off-street parking to be located on a lot other than the lot containing the principal use - **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** - Use Unit 12a; or in the alternative, a variance of the number of required off-street parking spaces from 60 to 37 - **SECTION 1212A.D. - Use Unit 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Off-Street Parking and Loading Requirements**, located at 6327 East 11th Street..

**Presentation:**

The applicant, **John Hembree**, 6327 East 11th Street, was represented by Mark Reents, 5416 South Yale Avenue, who submitted a site plan (Exhibit J-2) and explained that his client has made improvements to the building and opened a bar at the above stated location. He stated that Mr. Hembree was issued a certificate of compliance (Exhibit J-3) by the City and applied for a mixed beverage license. Mr. Reents stated that the Department of Public Works inspected the property and found that the use was within 300' of another adult entertainment establishment and that there is insufficient parking for the 4500 sq ft building (Exhibit J-4). He informed that the parking lot has been restriped and now has 56 spaces, with four additional spaces being provided on property to the north. He stated that the property along 11th Street was developed many years ago and the building is close to the street. Photographs (Exhibit J-5) and letters of support (Exhibit J-1), one of which is from the property owner, were submitted.

**John Hembree** stated that he recently moved to the area and spent a great deal of money to upgrade the building for a sports bar, and thought he had complied with all requirements. He stated that he has paid out approximately \$2500 in license fees up to this point. Mr. Hembree asked the Board to approve the application.

**Protestants:**

**Councilor Gary Watts**, 1564 South Gillette, stated that clustering of adult entertainment establishments has been a problem in the past and the Code revision to require spacing between these types of businesses has lessened their impact on the community. He pointed out that this was a well thought out process and the enforcement of the ordinance has had a very positive impact on a number of the neighborhoods in his district. Councilor Watts further noted that a hardship has not been presented for the variance requests.



Case No. 17306 (continued)

**Blake Champlain**, 1211 South Canton, stated that he is concerned with the request and also represents the Mid-Tulsa Neighborhood Association. He pointed out that a concentration of uses of this nature tends to increase crime, and noted that prostitution is an existing problem along 11th Street. He stated that there are nine adult businesses operating in the general area.

The president of Paintmaster Auto Painting, 5950 East 11th Street, stated that, as a business owner he is sympathetic with Mr. Hembree's position, but is opposed to another bar in the area. He suggested that the building be utilized as a restaurant or some other business that would upgrade the neighborhood.

**Jim Doherty**, 616 South Boston, stated that he is representing Baker Horner, 1117 South Braden, who is concerned that three variances are required to open this business. He stated that Mr. Horner feels that the use is not appropriate for the area.

**Sharon Draper** stated that she owns apartments at 9th Street and Sheridan Road, and voiced a concern with the safety of the tenants in her nearby apartment complex. She asked the Board to deny the request.

**Dennis Whitaker**, 911 South Erie, planning chair for District 5, stated that drunks and prostitution are already a problem in the area, and asked the Board to preserve the neighborhood and deny the request.

**Applicant's Rebuttal:**

Mr. Reents noted that the previous problem with clustering occurred in shopping centers where the entire area was devoted to adult entertainment. He pointed out that Mr. Hembree's business is located in a commercial area and his clientele is not the same as that of the adult entertainment business across the street. Mr. Reents stated that his client thought he was in compliance with all requirements when he opened his business. He suggested that the hardship is the fact that the area was developed in the 1930s.

**Comments and Questions:**

Mr. Bolzle noted that the certificate of compliance states that it is issued temporarily and that the applicant is required to obtain a formal zoning clearance permit and certificate of use.

Mr. Bolzle stated that a hardship has not been presented that would warrant the granting of a variance of the spacing requirement, and the applicant had adequate notice through the permit process.

Ms. Turnbo advised that she is not supportive of a variance of the required spacing between the two adult entertainment establishments.

Case No. 17306 (continued)

Mr. White stated that he cannot support the spacing variance because there are eight bars, one exotic dancing club and an adult bookstore in a one-half mile radius of the proposed use.

Ms. Abbott questioned the reason for an issuance of the temporary certificate of compliance, and Mr. Jackere stated that the temporary certificate was probably issued to accommodate the applicant while going through a lengthy permit process. He noted that the applicant obviously failed to thoroughly read the temporary certificate.

Ms. Parnell stated that there could be a problem with the way the temporary licenses are initially released, because it does allow them to open a business before they receive all necessary approvals.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** of the spacing requirements between Use Unit 12a uses from 300' to 175'; variance to permit off-site parking; a **variance** of the required number of parking spaces from 60 to 37 - **SECTION 1212a. ADULT ENTERTAINMENT ESTABLISHMENTS** - Use Unit 12a; and a **variance** to permit the required off-street parking to be located on a lot other than the lot containing the principal use - **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** - Use Ur. 12a; or in the alternative, a variance of the number of required off-street parking spaces from 60 to 37 - **SECTION 1212A.D. - Use Unit 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Off-Street Parking and Loading Requirements**; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance requests; on the following described property:

South 150', west 145', Lot 60, Glen Haven Addition, and north 325.50', west 145', Lot 60, Glen Haven Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17307**

**Action Requested:**

Special Exception to permit Use Unit 17 uses in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located southwest corner East Pine Street and North Mingo Road.

Case No. 17307 (continued)

**Presentation:**

The applicant, **David Cannon**, 10301 East 51st Street, submitted a site plan (Exhibit K-1) and informed that an automotive shop will be in operation on the subject property. He informed that the lot will be landscaped and a 6000 sq ft building will be constructed for the use.

**Interested Parties:**

**Brenda Gregg**, 1339 North Mingo, stated that she is supportive of the application and is representing several other property owners in the area that support the request.

**Protestants:**

**Ms. Turnbo** stated that one letter of opposition (Exhibit K-2) was received from **Toby Robinson**.

**Ted Robinson** stated that his property abuts the subject tract and he is concerned with the type of uses that will be approved behind his home.

**Comments and Questions:**

**Mr. Gardner** advised that the neighborhood could be concerned with screening, since this type of operation often has outside storage.

**Mr. Cannon** noted that the plot plan depicts a perimeter fence to protect the residential area to the west.

**Mr. White** asked if there will be outside storage of vehicles, and **Mr. Cannon** replied that only the cars being repaired will be temporarily parked on the premises.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (**Abbott**, **Box**, **Turnbo**, **White**, "aye"; no "nays"; no "abstentions"; **Bolzle**, "absent") to **APPROVE** a Special Exception to permit Use Unit 17 automotive repair shop in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to no vehicles stored on the property for more than 30 days; subject to no outside storage of parts or merchandise; and subject to a 6' privacy fence, as depicted on the plot plan, being maintained by the owner of the subject tract; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

From NE/c of resub. Block 14 Amended Plat Van Acres, thence south 150', thence west 10' to POB; thence south 160', west 200', north 160', east 200' to POB, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17308**

**Action Requested:**

Variance of the required setback from the centerline of 6th Street from 65' to 30'; and a variance to permit a structure in the planned right-of-way - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 23, located 1615 East 6th Street.

**Presentation:**

The applicant, **Elmo Geppelt**, 1507 East 7th Street, submitted photographs (Exhibit L-1) and requested permission to replace a burned out building with a metal structure. He noted that the building was constructed on the lot line. Mr. Geppelt pointed out that numerous buildings in the older area have been built on or near the boundary.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of 6th Street from 65' to 30'; and a **variance** to permit a structure in the planned right-of-way - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 23; subject to the new construction extending no closer to the street than the existing building; finding that numerous structures in the older area were constructed on the lot line; and finding that approval of the request will not be injurious to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 8, Block 12, Factory Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17309**

**Action Requested:**

Special Exception to permit a mobile home as a residence for security in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 9, located 1212 South Joplin.

**Presentation:**

The applicant, **Mary Bickle**, 1212 South Joplin, stated that her business was at another location for 26 years and she is proposing to buy another tract and relocate. Ms. Bickle requested that a mobile home be permitted on the lot for security purposes. A plot plan (Exhibit M-1) and zoning violation notice (Exhibit M-2) were submitted.

Case No. 17309 (continued)

**Comments and Questions:**

Ms. Turnbo asked the applicant if the mobile unit will be used for her residence, and she answered in the affirmative.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a mobile home as a residence for security in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 9; per plan submitted; finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 2, C&C Industrial Park Resub. of Z&S Industrial District, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17310**

**Action Requested:**

Special Exception to permit a heliport in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located west of East 21st Street South and South 145th East Avenue.

**Presentation:**

The applicant, **Cathy Clift**, 300 West 49th Street, was not present.

**Comments and Questions:**

Mr. Beach advised that the applicant has requested by letter (Exhibit R-1) that Case No. 17310 be withdrawn.

**Case No. 17311**

**Action Requested:**

Special Exception to permit existing auto sales in a CS and RM-2 District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; variance of required 10' setback from an R District from 10' to 0' - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**; and a variance to permit open air storage or display of merchandise within 300' of a R District -

Case No. 17311 (continued)

**SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES; Use Conditions** - Use Unit 17, located 1334 North Lewis Avenue.

**Presentation:**

The applicant, **Sandra Gomez**, 2236 East Oklahoma Street, requested permission to conduct an automobile sales business on the subject property.

**Comments and Questions:**

Mr. White asked if the sales operation includes use of the house on the property, and she replied that her home is located on a lot to the rear of the subject property, and should not be included in this application.

Mr. Beach noted that the legal description submitted to staff included the lot with the house.

In reply to Mr. White, the applicant stated that the shoe shop will remain in operation, as well as a detail shop located to the rear of the shoe shop.

Mr. Gardner advised that, if the Board is inclined to approve the request, the legal description can be amended to include only the CS zoned portion of the property.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a Special Exception to permit existing auto sales in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; variance of required setback from an R District from 10' to 0' - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**; and a variance to permit open air storage or display of merchandise within 300' of a R District - **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES; Use Conditions** - Use Unit 17; subject to the car sales lot being operated on the CS portion of the property only; finding that a car sales business has been operated at this location for many years and is compatible with surrounding uses; on the following described property:

East 130' of the north 200' Lot 28, Springdale Acre Lot Addition, less the east 130' of the north 125' thereof, City of Tulsa, Tulsa County, Oklahoma.

## **Case No. 17312**

### **Action Requested:**

Special Exception to amend a previously approved site plan; and a variance of the required setback from the centerline of Sheridan Road from 85' to 80' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 6727 South Sheridan Road.

### **Presentation:**

The applicant, **Stephen Olsen**, 324 East 3rd Street, submitted a revised plot plan (Exhibit N-1) and explained that the master plan for the church was previously approved by the Board; however, minor changes have been made since that time.

### **Comments and Questions:**

Ms. Turnbo asked if the parking plan remains the same, and Mr. Olsen answered in the affirmative.

### **Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a Special Exception to amend a previously approved site plan; and a variance of the required setback from the centerline of Sheridan Road from 85' to 80' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, per plan submitted; finding that only minor changes were made to the originally approved plot plan ; on the following described property:

Lot 14, Block 12, Park Plaza South, City of Tulsa, Tulsa County, Oklahoma.

## **Case No. 17313**

### **Action Requested:**

Special Exception to amend and clarify Condition No. 4 imposed by the Board of Adjustment in Case No. 16528 to read "to limit the business to a machine shop" - **SECTION 1405.A. STRUCTURAL NONCONFORMITIES** - Use Unit 26; located 18420 East Admiral Place.

### **Presentation:**

The applicant, **Joseph Hull, III**, 1717 South Cheyenne, stated that he is representing the owner of the subject tract and explained that the property has previously been used as an automobile bumper rechroming shop, as well as a shop that repaired rubber bumpers. He pointed out that a machine shop was in operation at this location until one year ago. Mr. Hull informed that in 1993 an application was filed and approved, per conditions, to permit additions to the existing buildings. Mr. Hull advised that all conditions have been complied with; however, the business has

Case No. 17313 (continued)

ceased to operate and the landowner now has limited leasing options, due to the fact that the use is restricted to the repair of chrome and rubber bumpers. The applicant informed that the back portion of the property is landlocked and the restrictions on the northern property have made it virtually impossible to utilize the buildings. Mr. Hull asked the Board to find that the property has always been used as a machine shop and can continue to be used as such. Letters of support (Exhibit P-2) were submitted.

**Comments and Questions:**

Mr. Gardner noted that the use has not been limited to the north half of the property, as conditioned by the Board, and the applicant may want to address this issue. He pointed out that a lot of debris still remains on the lot.

Ms. Parnell advised that she has not received a complaint concerning the use, but the neighborhood was concerned with the junk piled up in front of and behind the buildings.

Mr. Jackere noted that the use could have been changed to any Use Unit 25 use if the owner had not requested permission to expand the existing non-conforming buildings.

**Protestants:**

Letters and a petition of protest (Exhibit P-1) were submitted.

**Jim Doherty**, 616 South Boston, stated that he is representing **Councilor Justis**, and informed that many of the neighbors are opposed to a machine shop on the subject property, because the previous operator did not comply with Code Enforcement requests or Board of Adjustment conditions. He pointed out that the problem with landlocked property is entirely self-imposed, since all of the property has access to Admiral Place. Mr. Doherty requested that, if approved, conditions be imposed to protect the neighbors to the east (noise, vibration, odor, cleanup of the lot, etc.).

**Comments and Questions:**

After discussion concerning the possibility of imposing a time limit on the approval, Mr. Hull stated that it would not be economically feasible to invest in expensive equipment for a short time period. He stated that the property will definitely be cleaned up.

Ms. Abbott stated that she has a greater concern about a time limit for the cleanup than a time limit on the use.

Mr. Jackere advised that a machine shop has been operating at this location for many years and the property owner could contend that he was conducting this type of business when the property was initially zoned. He pointed out that the appearance of the property has improved, and noted that, if approved, conditions could be imposed on the new operator.



Case No. 17313 (continued)

Ms. Parnell requested that, if approved, a condition be imposed that would require all storage to be on racks approximately eight inches from the ground.

Mr. Hull stated that his client will comply with all of these suggested requirements.

In reply to Ms. Turnbo, Mr. Hull stated that the owner will mow the grass and properly maintain the property.

Mr. Gardner stated that the stacked materials should not be visible above the fence.

Ms. Turnbo inquired as to the length of time required to clean up the property, and Mr. Hull stated that his client can finish clearing debris from the property in approximately four months.

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to amend and clarify Condition No. 4 imposed by the Board of Adjustment in Case No. 16528 to read "to limit the business to a machine shop" - **SECTION 1405.A. STRUCTURAL NONCONFORMITIES** - Use Unit 26; finding the business to be nonconforming; and finding that the machine shop will be compatible with the surrounding uses; subject to the following amended conditions:

1. Applicant shall clean up and remove all junk parts, trash and debris from the tract no later than 6 months from this date.
2. Applicant's business shall be limited to the north three-fourths of the property and no storage shall be permitted on the south one-fourth of the property.
3. Applicant shall erect and maintain a 6' high screening fence around the east, west and south lines of the north three-fourths of the property, and along the north side of the property at a location no farther north than the north line of the existing buildings.
4. Applicant agrees to limit the land use to a machine shop only.
5. Applicant shall file for and obtain a building permit for the two existing buildings (40' by 50' and 50' to 60').
6. All work shall be performed in the existing buildings and all business related outside storage shall be placed on racks 6" to 8" above the ground, with no grass or weeds being permitted to grow under the racks.
7. The area south of the screening fence shall be mowed on a regular basis.
8. Outside storage shall not exceed the height of the screening fence.

Case No. 17313 (continued)

East 195.68' Lot 6, Section 1, T-19-N, R-14-E, City of Tulsa, Tulsa County,  
Oklahoma.

There being no further business, the meeting was adjourned at 6:08 p.m.

Date Approved 3.12.96

Norma Turnbo  
Chair