

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 760
Tuesday, October 27, 1998, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Dunham Perkins Turnbo White	Cooper	Beach Stump	Parnell, Code Enforcement Ballentine, Code Enforcement Mike Romig, Legal Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, October 22, 1998, at 4:39 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **PERKINS**, the Board voted 3-0-1 (Dunham, Perkins, White "aye"; no "nays", Turnbo "abstentions"; Cooper "absent") to **APPROVE** the Minutes of August 11, 1998 (No. 755).

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** the Minutes of August 25, 1998 (No. 756).

UNFINISHED BUSINESS

Case No. 17868

Action Requested:

Special Exception to permit a wall which is in excess of the maximum allowable height in the required side yard. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards** and a Variance to permit the wall to be located in the planed right-of-way. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, located 1508 E. 31st St.

Comments & Questions:

Mr. Beach stated that the legal description provided for the case was inadequate. The case has been readvertised and will be heard on November 10.

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Case No. 18179

Action Requested:

Variance of the required 2.2 acres of land area per dwelling unit in an AG district for an existing lot. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6**, located 4051 N. Cincinnati.

Comments and Questions:

Mr. Beach reminded the Board that they granted relief on this same property a few meetings ago. The relief was from the requirement of the 2 acres of lot area. This relief was not on the application and this was continued to allow advertising.

Presentation:

The applicant, **Almeta Goodwin**, submitted a site plan (Exhibit C-1) and stated that she has under one acre and would like to put a house on the property. There was a house previously on the property and it burned.

Interested Parties:

Elizabeth Burnson, 1309 E. 66th Place, stated that she is a member of St. Aidans Episcopal church located at 4045 N. Cincinnati, which is immediately adjacent to the subject property. Ms. Burnson stated that the church is concerned about several unsafe buildings that have been moved onto the property that have been sitting there for a period of six weeks. The buildings are sitting on skids and they appear to be commercial or old school buildings.

Ms. Turnbo asked if Ms. Burnson had any objection to having a house on the property. Ms. Burnson answered that she does not have an objection to having a residence on the property but several members of the church have talked with Ms. Goodwin and she indicated that her intention was to put a business there. Ms. Burnson believes that the use is only allowed by special exception and not by right.

Mr. White asked Ms. Burnson if she assumes that the structures on the property are to be the structure that Ms. Goodwin wishes to build? Ms. Burnson replied that she can only assume that is so. It looks like a t-shaped building and it does not look like a house. The concern is what the use of the property will be.

Case No. 18179 (continued)

Applicant's Rebuttal:

Mr. White asked Ms. Goodwin if the buildings on the property are the ones she intends to use as a house. Ms. Goodwin stated that they are prefabs and she is going to make a home out of them. Ms. Goodwin mentioned that she sells a few flowers out of her home. She has no traffic and her business is conducted by phone. After she finishes remodeling her home she is going to see if she can have a business out of her home. Right now she is concentrating on putting a home on her property.

Mr. White asked if the prefab buildings will be placed on a permanent foundation. Ms. Goodwin answered affirmatively.

Comments and Questions:

Mr. Dunham pointed out that the only thing that is before the Board is a Variance of the required 2.2 acres per dwelling unit. Everyone agreed that they had no problem with that.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the required 2.2 acres of land area per dwelling unit in an AG district for an existing lot. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use unit 6** finding that it meets the requirements of Section 1607.C, on the following described property:

Beginning 300' S & 460' W NW/c NE, SE of Section 14, T-20-N, R-12-E, thence S 266.3' to N Cincinnati, NWly on RD to PT 300' S NL NE SE E 215' to beginning.

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Case No. 18206

Action Requested:

Special Exception to allow Use Units 23 and 25 in a CS & CG zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 23 & 25** and a Variance to allow required parking on lot other than lot with principal use. **SECTION 1301.D. GENERAL REQUIREMENTS**, located 12801 E. 31st St. S.

Presentation:

The applicant, **Robert J. Nichols**, 111 W. 5th Street, submitted a site plan (Exhibit D-1) and stated that he is representing Thermal Windows. Thermal Windows currently has their showroom at 8189 E. 46th St. and has their fabrication facility at 7003 E. 38th St. The purpose of entering into a contract with General Cinema for the subject property is for Thermal Windows to

relocate their fabrication and showroom facilities to the tract on 31st Street. This facility has been held for a period of years by related entities and it was previously proposed to build a drive-in theater on the 22 acres. The property is two platted lots. The lot to the east is CS and the lot to the west (the larger lot) is zoned CG. The CG zoned tract, by special exception would allow them to locate a Use Unit 23 and 25 in a CG zoned district. Due to the layout of the two lots and the fact that the CS lot is adjacent to it, they would like to locate some of the required parking and some of the truck loading docks in the CS zoned area. Had the property been under one lot, the request for the variance on the parking would not be needed. The other issue that was raised by Staff was that the application was filed not including the entirety of the two lots. The purpose of that is they recognized the residential use immediately to the west of their tract and they purposely moved the line of any Use Unit 23 and 25 at least 240' away from any of the residential uses to the west. Thermal Windows contacted each property owner adjacent to this tract by mail and invited them to the Thermal Windows' current location for a tour and they received no response from the property owners. They have contacted Mt. Olive Lutheran Church, which is immediately to the west. Mr. Ron Bruncolla, the President of the congregation is here as the only interested party and is in support of the application. The application would allow the development of the tract not only for the fabrication facility but also for the showroom to be relocated on the property on 31st St. No application is necessary to locate the showroom in a CG zoned district. The actual site plan submitted in the packet represents the ultimate build out of the tract. The plans would be to develop the property in phases with about half of the facility that is shown on the site plan. Staff has also raised an issue about required parking based on how many square feet of Use Unit 23 and Use Unit 25. Mr. Nichols believes that can be addressed when the building permits are applied for. This application would allow them to proceed with the building permit application and as they build the property out then they would meet the parking requirements as they develop the tract. The showroom may be built first or last or maybe only half of the manufacturing would be built, etc.

Comments & Questions:

Ms. Turnbo asked the applicant if he would agree to a tie agreement between the two lots so the CG could not be sold separate from the CS part of the property. Mr. Nichols agreed with that condition. Mr. Nichols mentioned that both tracts were bought together and they will be developed together.

Mr. Stump stated that the activities that are shown on the eastern portion appear to be warehouse and trucking related. That is not allowed by Special Exception in the CS district. He could have employee parking there but he could not have the trucking operation there. Mr. Nichols asked if they could have the loading docks there and Mr. Stump answered they could not for warehousing and distribution purposes, in the CS portion. Mr. Beach stated that Use Unit 23 and Use Unit 25 are not permitted at all in a CS District. Mr. Nichols stated that the use would not be included within the CS district. Mr. Stump said that the truck parking was a Use Unit 23 and was not allowed.

Case No. 18206 (continued)

Mr. Beach mentioned that if it is accessory to the window and door manufacturing then it is part of that use unit, if it stands alone it is a Use Unit 23 – Truck Storage.

Mr. Dunham mentioned that he does not have a problem with the truck parking on the CG part and he believes that employee parking is allowed on the CS portion.

Mr. Beach stated that on the drawing submitted, the building lies on the CG portion of the property. Mr. Nichols pointed out that this is a conceptual site plan and they are not asking for the adoption of this site plan.

Mr. Stump suggested that if the Board finds the use appropriate they could ask for final site plan approval to protect the residents to the west.

Mr. Nichols stated that the purpose of this application is to get the use approved on the CG lot and the additional design considerations can be addressed at the time of filing for building permits.

Mr. Beach asked Mr. Nichols how much of the space is devoted to Use Unit 23 and how much is devoted to Use Unit 25. Depending on the answer the number of spaces could range from 42 to 280 parking spaces. Mr. Nichols replied that if the application were approved it could be located where the trucks are shown on the east side. Mr. Nichols stated that he believes that the plan submitted shows 320 parking spaces.

Ms. Turnbo said she could support the application but would like to see a final detail site plan.

Mr. White asked Mr. Stump what kind of relief they could give the applicant to proceed with building. Mr. Dunham stated that they could approve it subject to the submittal of a detail site plan. Mr. Stump stated that they could approve the Use Unit 23 and 25 in the CG zoned area. The other is beyond their power to grant. They could also allow required parking on the lot other than where the principal use is subject to a tie agreement.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to allow Use Units 23 and 25 in a CG zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 23 & 25** finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and a Variance to allow required parking on lot other than lot with principal use **SECTION 1301.D. GENERAL REQUIREMENTS** finding that it meets the requirements of Section 1607.C., subject to a tie agreement and subject to the submittal and approval of a detail site plan to be submitted, on the following described property:

Case No. 18206 (continued)

(Variance) Lot 2, Block 1, Blue-Robb Addition and (Special Exception) E 400' Lot 1, Block 2, Blue-Robb Addition, City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 18075

Action Requested:

Variance of maximum display surface area from 310 SF to 730 SF. **SECTION 1221.E.3.b. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM AND IH Use Conditions for Business Signs – Use Unit 21**, located 4411 S. Sheridan.

Presentation:

The applicant, **Pat Sanford**, submitted a site plan (Exhibit E-1) and a sign plan (Exhibit E-2) and stated that he represents one of the property owners at 4411 S. Sheridan, which is across the street from Sam's and Crown Buick, Jeep and Eagle. Mr. Sanford and his brother bought the property in February and there are five businesses on the property. Their dilemma is that there is an existing billboard on the north end of the property which is 12'x48' and encompasses 672 square feet. The City allows only 2 square feet of signage per linear square foot of frontage on Sheridan. Their frontage is exactly 309'. Mr. Sanford stated that they would like to install one pole sign for all of the businesses, in the center of the lot.

Comments and Questions:

Mr. Stump stated that Staff has a great deal of apprehension about lots that have existing billboards on them and applicants using that as a precedent to have more business signs. The owner of that lot made a choice to lease out the advertising rights to a billboard. Mr. Stump stated that if they choose to do that and the billboard becomes the hardship, we could have that all over town.

Mr. Sanford stated that three of the tenants on the property have signs, which are relatively small and illegal. They would like to take down all the small signs and make one sign with all the business on it.

Ms. Turnbo asked how long the lease for the billboard is. Mr. Sanford replied that when they bought the property in February, the former owner stated that the billboard has been there for approximately 12 years and he renewed the lease through 2002.

Case No. 18075 (continued)

Ms. Turnbo asked when the lease on the billboard is up – who has control of the billboard. Mr. Sanford stated that he owns all of the property. Ms. Turnbo asked if the Board were inclined to allow him to erect the sign, would he have a problem taking the sign down when the lease is up in 2002. Mr. Sanford said that was fine.

Mr. Stump asked if Mr. Sanford had the right to cancel the lease in 2002. Mr. Sanford answered affirmatively.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of maximum display surface area from 310 SF to 730 SF. **SECTION 1221.E.3.b. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM AND IH Use Conditions for Business Signs – Use Unit 21** finding that it meets the requirements of Section 1607.C., for a period to expire in December, 2002, per plan submitted, on the following described property:

The N 309.42' of Lots 1–5 inclusive and the W 20' of the N 309.42' of Lot 6; and the S 91.08' of the N 309.42' of the E 30' of Lot 6; and the W 32.10' of the S 91.08' of the N 309.42' of Lot 7 and the W 12' of the E 17.9' of the S 362.3' of Lot 7, Block 1, and the E 30' of the N 218.34' of Lot 6, and the N 218.34' of the Lots 7, 8 and 9, Block 1, Katy Freeway Industrial Park, Tulsa County, State of Oklahoma

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Case No. 18199

Action Requested:

Variance of required rear yard from 35' to 15' in an RS-1 district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance of required 27.5' side yard abutting a public street (granted in BOA 6782 10/01/70) to 15'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 2915 E. 73rd St.

Presentation:

The applicant, **Jack Arnold**, was represented by William B. LaFortune who submitted a site plan (Exhibit A-1).

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of required rear yard from 35' to 15' in an RS-1 district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance of required 27.5' side yard abutting a public street (granted in BOA 6782 10/01/70) to 15'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, finding the hardship to be the topography of the lots and the location of the trees; per plan submitted; on the following described property:

Lot 1, Block 1, Rockwood Hills Manor Second, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18209

Action Requested:

Variance of the required setback from the centerline of S. 165th E. Ave. from 55' to 50' to permit the construction of a new building. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 12** and a Variance of required 5' landscape strip abutting street right-of-way on east side of property. **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS**, located SW/c E. Admiral Pl. & 165th E. Ave.

Presentation:

The applicant, **Tanner Consulting** was represented by Ricky Jones, 2202 E. 49th St., who submitted a site plan (Exhibit F-1). Mr. Jones stated that they represent Braum's Ice Cream Stores who are proposing a new store location at the SW/c of E. Admiral Place and 165th E. Ave. When they were laying out the site plan for the new facility, in order to get the store to fit on the property and meet the off-street parking spaces for a 90° layout, which are 18' parking spaces, 24' aisle width, they had to shift the building over to the east and encroach into the 25' building setback line. They are proposing a 4,500 SF building on a 45,000 SF lot. What makes this unique is that this lot is bounded on three sides by a public street. South 165th E. Ave. is a collector street with a 65' right-of-way. There are very few commercial collector streets platted in town and there are even fewer lots in town that have three frontages. Because of that, they had to encroach into the east building setback line. They are also asking for a variance of the 5' landscaping strip that is required. They meet it on the East Admiral location and they meet it at the south location but they had to reduce the 5' to 2.5' in order to get the building and some landscaping in there. Mr. Jones stated that since South 165th E. Ave. is a collector street and ends in a cul-de-sac, there will not be much traffic to screen from the parking lot. They do meet the 5' landscaping on the north and east side and that is where most of the traffic will be. Mr. Jones mentioned

that they did explore trying to buy some additional property from the landowner to the west and that was not possible. They checked with the abutting property owner and they have no problems with the development. Mr. Jones feels that this is the best scenario to get the store on this location. Mr. Jones stated the hardship to be the fact that they are bounded on three sides by a public street and one of them is an arterial and the other two sides are a collector street.

Comments and Questions:

Mr. Dunham stated that Staff comments mentioned that if the westernmost row of parking spaces were angled and the drive aisle was narrowed to 21.2', then neither one of the variances would be needed. Mr. Jones stated that if you have angled parking, you are dictating to people that it is a one entrance and one exit and Braum's philosophy is to provide as easy access to the parking spaces as possible. They do not want to restrict the direction of traffic flow.

Mr. White asked Mr. Jones if there will be a drive-in window. Mr. Jones replied yes, it is located on the east side of the building.

Ms. Perkins asked where the trash receptacles will be located and Mr. Jones pointed to it on the map.

Ms. Perkins asked if they are going to have any trees on the green area that is along S. 165th E. Ave. Mr. Jones replied yes, they will meet the tree requirement in the landscape ordinance.

Mr. Dunham believes that Braum's has done a good job laying this site out.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the required setback from the centerline of S. 165th E. Ave. from 55' to 50' to permit the construction of a new building. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 12** and a Variance of required 5' landscape strip abutting street right-of-way on east side of property. **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS**, finding that it meets the requirements of Section 1607.C., per plan submitted at meeting, on the following described property:

Lot 3, Block 1, QuikTrip Commercial Center, City of Tulsa, Tulsa County,
State of Oklahoma.

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Case No. 18210

Action Requested:

Variance of front setback from a public street from 100' to 47' to permit an addition.
SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11, located 345 E. Apache.

Presentation:

The applicant, **Otis Williams, Jr.**, submitted a site plan (Exhibit G-1) and photos (Exhibit G-2) and stated that he is expanding the former house that is now his law office.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance of the setback from centerline of Apache to 92' and setback from Frankfort to 47' **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11** finding that it meets the requirements of Section 1607.C., on the following described property:

Lot 33, Block 4, Devonshire Place Fourth Resub Boulevard Acres, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18212

Action Requested:

Special Exception to permit a Use Unit 15, including audio recording and duplicating, repair and assembly of parts and supplies and sale of audio, lighting, fog machines and related equipment in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**, located 6538 E. 31st St.

Presentation:

The applicant, **Paul James Thomas**, submitted a site plan (Exhibit H-1) but made no presentation.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; Cooper "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit a Use Unit 15, including audio recording and duplicating, repair and

Case No. 18212 (continued)

assembly of parts and supplies and sale of audio, lighting, fog machines and related equipment in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15** finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

The W 100' of E 252' of N 272.5' of NW/4 NW/4 NW/4 of Section 23, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18213

Action Requested:

Special Exception to permit a fence to exceed 4' in height in the required front yard to allow 6'. **SECTION 210.B.3. YARDS, permitted Obstructions in Required Yards – Use Unit 6** located 2440 E. 26th Pl.

Presentation:

The applicant, **David L. Duncan**, 2440 E. 26TH Pl., submitted a site plan (Exhibit I-1) and photos (Exhibit I-2) and stated that he purchased the home about five months ago. Mr. Duncan stated that because of Crow Creek running through the property, the house has an erosion problem. All of the water from his property and that from his neighbors drains into that area. Without some rock work done in that area it will continue to have erosion problems. The 4' fence will not keep anyone out. The new 6' fence will look nicer than the existing 4' fence.

Interested Parties:

Shelly Jackson, 2455 E. 27th Place, which is the street behind the Duncan's property. Ms. Jackson has no objection to what Mr. Duncan presented. However, the notice that was sent to the interested neighbors indicated that the fence in the front yard was to go from 4' to 6' and that would look very much like a fortress. Ms. Jackson has no problem with the fence being 6' in height in the side yard but does not want it to be 6' in the front yard.

Comments and Questions:

Mr. Duncan pointed out on the site plan exactly where the 6' fence will be located.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to permit a fence to exceed 4' in height in the required front yard to allow 6' for the northeast corner and east property line as indicated on the site plan as new fence

Case No. 18213 (continued)

location. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, per plan submitted, on the following described property:

Lot 4, Block 2, Eight Acres, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18214

Action Requested:

Variance of all landscape requirements. **CHAPTER 10. LANDSCAPE REQUIREMENTS – Use Unit 14** and a Variance of setback from the centerline of an abutting street from 100' to 80'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, located 2607 E. Pine.

Presentation:

The Applicant, **Melissa F. Gibson**, submitted a site plan (Exhibit J-1) and photos (Exhibit J-2) and stated that she is trying to start a shoe store at this address. The reason she wants a variance of the landscape requirements is because there is existing hard surface on the property and there is not any landscaping anywhere on Pine Street.

Comments and Questions:

Mr. Dunham asked if the applicant was constructing a new building and Ms. Gibson answered affirmatively. She stated that it is a metal building.

Ms. Gibson stated that the reason for the setback is because when she purchased the property it has part of a foundation already existing and there is existing footing. They tried to get a building to fit that foundation so they would not have to pour another foundation.

Mr. White stated that this building would not be sticking out any further than anything else that is currently there.

Mr. Beach stated that she would have to have 8 parking spaces. He noted that the applicant's desire to avoid pouring another foundation is a self-imposed hardship and he does not understand why the applicant cannot meet the building setback and the landscape requirement.

Case No. 18214 (continued)

Ms. Turnbo has no problem with putting it on the same location but she does have a problem with the variance for landscaping. She believes the area could be improved and that someone needs to start making a stand. Mr. Dunham agreed.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** Variance of all landscape requirements. **CHAPTER 10. LANDSCAPE REQUIREMENTS – Use Unit 14** and **APPROVE** a Variance of setback from the centerline of an abutting street from 100' to 80' finding that there is an existing foundation footing. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** finding that it meets the requirements of Section 1607.C., on the following described property:

Lot 728, Block 56, Tulsa Heights, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and 7.5' vacated alley adjacent on the north side of Block 56 AND Lot 11, Waverly Place Addition, City of Tulsa, Tulsa County, State of Oklahoma, less and except a tract of ground 20' square in the NE/c of said Lot 11.

Case No. 18215

Action Requested:

Variance of the required frontage on a public street from 50' to 0'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and a Variance of required all-weather surface to permit gravel parking and drive. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, located 1515 W. 36th Pl.

Presentation:

The applicant, **Michael L. Wood**, submitted a site plan (Exhibit K-1) and stated that the street was vacated in 1987 from the southwest corner of Lot 8. Mr. Wood stated that there is a 5 acre tract and there is a sale pending on Lot 6 and all of the lots east of that. There is a US Cellular tower site at the end of the vacated 36th Place. Mr. Wood stated that US Cellular maintains their roads to the tower sites in an all-weather material because they need access to the site in all weather conditions.

Comments and Questions:

Mr. White stated that Staff is recommending a tie agreement to be submitted for all of the lots contained on the subject tract. Mr. Wood agreed to that condition.

Mr. Beach stated that Lots 7 through 11 are not involved in this case at all. What Staff is suggesting is that the entire subject tract and all of the portion of the property to the

Case No. 18215 (continued)

west of it currently function as one property but they are separate lots. He would not want to see approval of this application without a tie agreement for Lots 3 through 6 that would prevent them from being sold off separately.

Mr. White stated that he understood Staff's request to have the drive paved within a year but the City streets that are shown as being dedicated are themselves gravel. What is the purpose of having the applicant pave his drive if nothing up to it is paved.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the required frontage on a public street from 50' to 0'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and a Variance of required all-weather surface to permit gravel parking and drive. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** with the provision that Lots 3 through 6 be tied together, finding that it meets the requirements of Section 1607.C. on the following described property:

The parts of Lots 3 – 6, Block 1, Interurban Addition to the City of Tulsa, that are south of the Cherry Creek Drainage right-of-way, and described as follows: beginning at a point on the south line of Lot 3 that is 65' E of the SW/c of Lot 3; thence N and W along the S line of the drainage right-of-way (NW 309.56'; thence W 60'; thence N 40'; thence NW to the W line of Lot 6); thence S along the W line of Lot 6 to the SW/c of Lot 6; thence E along the S lines of Lots 6, 5, 4 and 3 to the point of beginning, Tulsa County, State of Oklahoma.

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Case No. 18216

Action Requested:

Special Exception to remove the requirement to provide a screening fence on a nursing home accessory parking lot which abuts residential zoning on the south and west boundaries of a property zoned RM-2. **SECTION 212.C. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement and SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 5, located 2552 E. 21st St.**

Presentation:

The applicant, **Brian H. Hoyle**, 2538 E. 31st Street, submitted a site plan (Exhibit L-1) and photos (Exhibit L-3) and stated that the property is a nursing home that has been at this location for approximately 37 years. The area in question, where the screening fence would be placed, is at the south border of the property which borders residential homes on 22nd Street. The current condition of this border is very heavily forested with trees and shrubs. If the nursing home were to comply with the requirement they would have to remove many mature trees which they believe would be a detriment to the site and to the neighbors. Mr. Hoyle stated that they have letters from neighbors in support of the application who do not want the fence to be erected. In the 37 years of his family's ownership of the property, Mr. Hoyle stated that they have never had a complaint relative to a screening or fencing problem. Mr. Hoyle believes that this would have a negative impact on the property.

Comments and Questions:

Mr. White asked the applicant which property line are they dealing with. Mr. Hoyle replied that it was the south property line.

Interested Parties:

Bill Cox, stated that he and his wife own property at 2117 S. Atlanta Place which borders the nursing home on the west side which has the complete and unbroken visual barrier. Mr. and Mrs. Davis which own the property on the south side could not be present and asked Mr. Cox to convey their opposition (Exhibit L-2) to this variance. Mr. Cox stated that their house was built in 1952 by an aunt and uncle and there has been a running battle with the nursing home ever since. Mr. Cox has lived there for ten years and they have never finished a visual barrier. About four or five years ago, the nursing home constructed an addition and that took up most of the parking lot. Mr. Cox submitted photos (Exhibit L-4) that were taken from the west and south side of the nursing home. Mr. Cox proceeded to explain numerous problems that they have with the nursing home including the parking lot and nursing home employees. Mr. Cox asked the Board to deny the application.

Applicant's Rebuttal:

Mr. Hoyle stated that the photos speak for themselves. The screen that is in place between the nursing home and Mr. Cox's property was deemed acceptable by a zoning officer.

Comments and Questions:

Mr. Stump asked Mr. Hoyle if the screening fence along the west currently complies with the zoning code. Mr. Hoyle understands that it does, they have a 6' barrier that is a fence. The nursing home is about 15' or 20' above the Riley's property so as far as screening, they are significantly above their property and have always had appropriate screening. The fact that they do run an operation may cause some inconvenience. They have been there for 37 years and these are the only neighbors that they have ever had any problem with.

Case No. 18216 (continued)

Mr. Hoyle stated that the variance should only be for the south side because that is what the zoning violation was for.

Mr. Beach agreed, the zoning violation notice does refer to only the south property line.

Mr. Dunham stated that he has looked at the property and cannot believe that this could have a negative effect on anybody.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to remove the requirement to provide a screening fence on a nursing home accessory parking lot which abuts residential zoning on the south boundary of a property zoned RM-2. **SECTION 212.C. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement and SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 5**, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described properties:

E 189' of Lot 29, Block 1, Harter's Second Sub., an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Case No. 18217

Action Requested:

Variance of front yard setback from 25' to 12.6'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 6673 E. 60th Pl.

Presentation:

The applicant, **Gene Graves**, 6416 S Fulton, submitted a site plan (Exhibit M-1) and stated that he and his wife live at the previously listed address and have just bought property at 6673 E. 60th Pl. and they are planning to build a new house there. The reason for the setback is because of the topography. They are planning a circle drive to keep the traffic off of the street as much as possible. The house will set behind the property line, it is the porte-cochere that would be in front. Mr. Graves has spoken with all of the neighbors in the area and he has their approval (Exhibit M-2). Mr. Graves also submitted photos (Exhibit M-3) of other porte-cocheres in the area.

Comments and Questions:

Mr. Beach stated that the porte-cochere that was approved previously was added to an existing building. This is a new construction.

Mr. Dunham believes that the topography is the hardship and does not want to make the applicant build a bunch of retaining walls.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of front yard setback from 25' to 12.6'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** for the porte-cochere only, per plan submitted, finding the hardship to be the topography of the lot on the following described property:

Lot 2, Block 1, Executive Estates, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Case No. 18218

Action Requested:

Variance of side yard setback from 10' to 5'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2714 E. 56th St.**

Presentation:

The applicant, **E. Tunney Livengood**, 2714 E. 56th Street, submitted a site plan (Exhibit N-1) and stated that he and his wife have lived at this address since 1975. The existing property line is 5' and a 5.2' setback. Mr. Livengood believes that the zoning ordinance was changed in the 1970's. They are adding onto the bedroom, the southeast corner.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of side yard setback from 10' to 5'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** per plan submitted finding that it meets the requirements of Section 1607.C., on the following described property:

Lot 3, Block 3, Amended Plat of Valley Grove Addition, City of Tulsa,
Tulsa County, State of Oklahoma.

* * * * *

Case No. 18220

Action Requested:

Variance to permit an existing building of 1,472 SF in an RS-4 District. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** and **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance of rear yard coverage of 20% to 48%. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards**, located 363 S. Zunis.

Presentation:

The applicant, **Mike Coyle**, 363 S. Zunis, submitted a site plan (Exhibit O-1) and stated that his home is rather old and the garage and attached building, that were there five years ago when he purchased the house, are deteriorated. Mr. Coyle decided to tear them down and replace them with a garage/storage building and arranged his financing and hired a contractor. Mr. Coyle never did this before and did not know that he needed a building permit. The permit cannot be granted until the variances are granted. Mr. Coyle had no idea about the size of the building being a problem. The building is metal and was professionally built on a concrete slab. The inspector that looked at it, sees no problem with it in that area. The only problem is the size. Mr. Coyle stated that his wife is a learning disabilities teacher and they store a lot of her materials for school. He also has two classic automobiles that he likes to keep inside and he does woodworking.

Comments and Questions:

Mr. White asked Mr. Coyle if there is any commercial business conducted within the building. Mr. Coyle answered negatively.

Ms. Perkins stated that there is a motor outside the garage on a stand and asked if he works on cars. Mr. Coyle stated that goes inside a car that he owns. When they built the building there is no driveway up to the building and the slab is about 18" high and he cannot lift the engine in the garage by himself. The debris outside the garage is from the construction people who just finished the job.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance to permit an existing building of 1,472 SF in an RS-4 District. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** and **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance of rear yard coverage of 20% to 48%. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards** subject to there being no commercial

Case No. 18220 (continued)

activity in the building, finding that it meets the requirements of Section 1607.C.on the following described property:

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

*****.

Case No. 18221

Action Requested:

Special Exception to permit a mobile home in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9;** Variance to permit a mobile on a permanent basis. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS;** Variance of all-weather surface to permit gravel drive. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,** located 540 S. 38th W. Ave.

Presentation:

The applicant, **Dana Alexander**, was represented by Ray Hanson who submitted a site plan (Exhibit P-1). The reason they want the variance is to move the trailer closer to her father and mother. Mr. Freemeyer who owns the property has no problems with the variance. Mr. Hanson submitted photos (Exhibit P-2) of all of the trailers in the area.

Comments and Questions:

Mr. White asked if they are going to remove the building existing on the property. Mr. Hanson replied affirmatively and stated that the building is deteriorated. They are going to remove the building and place the mobile home in the exact same spot.

Interested Parties:

Howard Freemeyer, 532 S. 38th W. Ave., stated that he owns the property and also owns the property across the street and four other pieces of property on the same street. Mr. Freemeyer stated that this would be an improvement to the location by getting the old building torn down. Mr. Freemeyer supports the application.

Comments and Questions:

Mr. White stated that they have turned down a few mobile homes in the area because of protest of the neighbors.

Ms. Turnbo asked about the variance of the all-weather surface – is there a time when they could put an all-weather surface down? Mr. Hanson replied two or three years.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to permit a mobile home in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;; Variance to permit a mobile on a permanent basis. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS;** Variance of all-weather surface to permit gravel drive for a period not to exceed three years. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** finding that it meets the requirements of Section 1607.C., on the following described property:

Lot 8, Block 1, Exchange Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18222

Action Requested:

Variance of side yard setback requirements from 5' to 0' and the rear yard setback requirements from 20' to 0' (corner of house encroaches 8.74' into adjoining property) in order to get a lot split. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 3805 E. 24th Pl.

Presentation:

The applicant, **Douglas W. Reynolds**, 3136 Woodward Blvd., submitted a site plan (Exhibit Q-1) and stated that the house was built in 1952 by his father who was a developer and builder in Tulsa.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of side yard setback requirements from 5' to 0' and the rear yard setback requirements from 20' to 0' (corner of house encroaches 8.74' into adjoining property) in order to get a lot split. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** per plan submitted, finding that it meets the requirements of Section 1607.C., on the following described property:

Lots 1 & 2 LaBrae Addition, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18223

Action Requested:

Special Exception to permit a Use Unit 2, Group Home for children under age 18, in an RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2**, located NW/c W. Fairview & Tisdale Exp.

Presentation:

The applicant, **John W. Moody**, 7146 S. Canton Ave., submitted a site plan (Exhibit R-1) and stated that he is an attorney and he represents Out Reach Mission, Inc. ("Outreach"). Mr. Moody submitted some materials to the Board (Exhibit R-2). Mr. Moody stated that Outreach Mission provides group home services for disadvantaged children who are in need of group home care for a number of reasons. They may have mental or emotional problems or they may just be from broken homes. Outreach has been in existence since 1984 and provides word processing training and other schooling to disadvantaged children as a way for them to have some type of career in the future. Outreach opened its first home in 1990 in California and presently operates two group homes for boys in Rialto, CA. Within the packet Mr. Moody submitted are letters of recommendation from the City of Rialto Planning Commissioner, a neighbor and other attesting to the quality of the home and the fact that none of the homes have created any problems for the City or the neighbors. Last year, Ms. Bronner (representative of Out Reach Mission, Inc.) was contacted by a local church and asked to come to the City of Tulsa to act as a consultant to the church for some of its ministry programs. In reviewing some of the places where such a ministry could be operated, the subject property, 585 Fairview, became a focal point for those efforts for a number of reasons. Primarily because it is uniquely sited for such a home, it is presently equipped for such a home and because of its zoning and history as operating as a Use Unit 2 for over 46 years. The property had been held by the Faith Christian Fellowship International Church, who made it available for Ms. Bronner to purchase. Ms. Bronner was very excited about the project and there were some newspaper articles written which perhaps misrepresented the proposed project. Some of the Staff's comments in the packets were based on those newspaper articles, which are not relevant to what they are planning. Mr. Moody stated that the proposal before the Board today is to operate a children's home or group home for a maximum of twelve boys under the age of 18. None of the boys will be taken from the office of Juvenile Affairs. The children will be referred by the community, the Department of Human Services, the Department of Mental Health and other agencies. The children would be referred because they have no appropriate home environment. They are not juvenile offenders or in need of treatment for substance abuse. Roger Rooth, who has a Master's degree in Clinical Social Work, has agreed to be the Executive Director of the home. Mr. Rooth is a highly respected Tulsan who has operated several successful group homes and programs in Tulsa. There will also be six full time care personnel who will be divided into eight hour shifts so that there will always be at least two full time child care workers on premises 24 hours a day. That will be one Staff member per six children at all times, which is extremely high. In addition, there will be an administrative Staff and

grounds and house personnel. Some tutoring and counseling will be provided on site. However, the children will attend public school and will receive primary counseling off premises by accredited counselors as required. Mr. Moody stated that they anticipate that these will be children who live in the community now. Mr. Moody said that the property has been used for the past 46 years for Use Unit 2, non-single family uses. From 1947 until 1959, the property was owned by the Salvation Army and was used as a group emergency home for females. From 1959 until 1988, the property was owned and used by the Saba Grotto M.O.V.P.E.R., Inc. also known as the Shriner's Organization. The Shriners are the people who erected the large auditorium on the property. From 1988 until February 1993, the property was owned by D. Leon Ragsdale who is a local architect and who restored the home. From 1993 until August 1998, the property was owned by Faith Christian Fellowship International Church and was used as a counseling and rehabilitation center and retreat for ministers. All of the above uses except Mr. Ragsdale's use are classified as Use Unit 2, by the Tulsa Zoning Code and the property has been used this way for 46 of the past 51 years. Mr. Moody stated that except for the time that Mr. Ragsdale owned the property they would not need to be before the Board because it would be considered a legal nonconforming use that existed prior to the time that the Zoning Code was enacted. Because Mr. Ragsdale used the home for residential purposes it broke the chain of Use Unit 2 uses. The property is zoned RM-2, Multifamily Medium Intensity. It has approximately 1.34 acres. Mr. Moody stated that if you have a 50/50 mix of one and two bedroom apartments, a person could build 43 two bedroom apartments on the property. Mr. Moody pointed out that if the 43 apartments were built on this property now, there would probably be at least 21 children on the property compared to the 12 that are currently proposed for the use. The property located immediately due south of the subject property is zoned RM-O-Residential Multifamily. Mr. Moody stated that on all sides except the west, this property is surrounded by multifamily zoning. The Tisdale Expressway abuts this property entirely on the east boundary. Mr. Moody submitted photos (Exhibit R-4) showing the relation of the expressway to the subject property. It is important to note that under the RM-2 zoning, by right, without the Board of Adjustment approval, they are entitled to operate a Use Unit 8, Community Group Home on the property and Mr. Moody read the definition of Community Group Home as defined in the Tulsa Zoning Code. Today, under the existing Code and without Board approval they could have 15 mentally disabled or other people living on the property with only one resident on-site staff person. The question is whether or not they are considered a "Community Group Home" or considered to be a "Children's Home". Mr. Moody believes that this should be considered a Children's Home, a Use Unit 2 use. The Children's Home is not defined in the Tulsa Zoning Code although it is stated as a Use Unit 2 in the Code. Given the physical facts of the location of this property; the fact that the City of Tulsa has recognized legislatively and has zoned this property as Multifamily and would permit more than 12 children on site and the fact that the City of Tulsa, Tulsa Zoning Code and Comprehensive Plan has recognized this as a Use Unit 8, Community Group Home for more than 12 children on the property, Mr. Moody submitted that this application is entirely within the spirit and

intent of the Zoning Code. Mr. Moody stated that there are six bedrooms. Four of the bedrooms are large and will house three children each and one of the bedrooms is smaller and will house only two children. There are seven bathrooms on site. This property is uniquely fitted for the kind of use that they are seeking approval of. Mr. Moody stated that the building setback from the two residential houses is 100'. The north side of the property is the Osage Hills Apartment Complex and is going to be redeveloped for apartments and other things. It is not going to be a single family neighborhood. One of the things that they always hear is the "eggs in a basket" theory meaning that these types of projects are always on the north side and that is a burden to the north side. Mr. Moody reminded the Board that this property has always been used as a Use Unit 2 and only used for a short period of time as an actual single family home. Mr. Moody stated that there is not another facility located within a ¼ mile of this building. Mr. Moody cannot see how 12 children, who will more than likely come from this area, have an adverse affect on the area.

Comments and Questions:

Ms. Turnbo asked Mr. Moody about the children being referred by "other agencies". Mr. Moody asked Ms. Turnbo to let Ms. Bronner answer that question.

Ms. Turnbo stated that she was on the Special Residential Facilities Task Force and mentioned that there is a problem with youths that have not been told where they are going to be placed.

Mr. Dunham asked what the ages of the children will be. Mr. Moody replied five to seventeen years.

Ms. Turnbo asked if there was a provision that a seventeen year old can stay there until he is nineteen. Mr. Moody replied no, not under their proposal.

Interested parties in support of the Application:

Debbie McIntosh, 8004 E. 87th Court, Tulsa, stated that she runs a State licensed home for troubled, pregnant, teenage girls. Ms. McIntosh heard about Ms. Bronner from several friends of hers. Ms. McIntosh has heard, from various parts of the Country, of the impact Ms. Bronner has had on the children's lives. Ms. McIntosh visited Ms. Bronner in Los Angeles to get some ideas about how to operate a quality facility here in Tulsa. The children that were in the home were very well mannered. Ms. McIntosh submitted photos of the facilities in Los Angeles (Exhibit R-5).

Ms. Turnbo asked Mr. McIntosh about the facility she currently runs for teenaged girls. Ms. McIntosh answered Saint Domenic's Maternity Home at 8621 S. Memorial.

Ms. McIntosh asked Ms. Bronner to come to Tulsa and help develop their program and give them some pointers. Ms. McIntosh stated that Ms. Bronner's program really

made a lasting impression on her and she thinks it would be an honor to have some one of her caliber helping the youth of Tulsa.

Ms. Maxine Bronner, 585 West Fairview, Tulsa, OK 74106, stated that she feels that working with children in this way is a calling. Ms. Bronner believes that there is a great need in the City of Tulsa for this type of service. She did not come to Tulsa to house criminals. These are young kids that have lost their parents and most of the children's parents have drug problems. She also has a home that houses children who have been in her program and have turned 18 and have no where to go. They stay there and get job training and learn how to support themselves.

Ms. Turnbo asked Ms. Bronner why all the quotes in the newspaper were attributed to her. The newspaper stated that she was going to be housing juveniles and Mr. Moody mentioned that they were not children in trouble with the law. Ms. Bronner stated that when she was first asked to come to Tulsa, there was a woman wanting Ms. Bronner's help to open a girls' home and that is where the statement about housing boys and girls came from. Ms. Bronner put in a bid with the Office of Juvenile Affairs for a girls program and it was given to someone else. Ms. Tyler from the Department of Human Services (DHS) called Ms. Bronner and told her as soon as she gets her zoning permit DHS will give her a license and she will be able to take children in. She is approved to take any child from any State agency that is approved to place the children.

Ms. Turnbo asked if Ms. Bronner intended to house up to 100 boys, as the newspaper stated. Ms. Bronner replied no.

Mr. Dunham stated that the application is for only 12 children and that the Board should disregard anything that the newspaper says.

Bernice Alexander, 2124 N. Owasso Ave., stated that she is a former social worker with the Department of Human Services. She did investigations for child welfare. Ms. Alexander has spent many years dealing with the placement of children. In 1982, Ms. Alexander developed Tulsa Community Youth Home which was operated in that area. That facility was a program which was funded by the Oklahoma Department of Mental Health. Those children were adjudicated as being in need of mental help. That program is now a part of Children's Medical Center. Ms. Alexander stated that she is not aware of the zoning for the property now, but in 1982 in the same proximity as the subject property, there existed a home for children. Ms. Alexander stated that there is a need for the placement of children outside their immediate homes in this community.

Tyrel Fagbendrough, 6738 S. 78th E. Place, stated that he is in support of the application. Mr. Fagbendrough works for a nonprofit agency called The Life Link. He stated that the one thing that this community needs for its children is a safe place for them to grow up. Mr. Fagbendrough stated that Ms. Bronner has proven herself successful in California and now Tulsa needs her and here she is. Mr. Fagbendrough asked the Board to approve this application for the children.

The following people listed their names and addresses expressing support but did not speak:

Michael Dubore, 8105 E. 93rd St., #707, Tulsa, OK; **Lemuel Taylor**, 3709 N. Iroquis, Tulsa, OK 74106; **Josephine Mills**, 1918 N. Oxford Ave., Tulsa, OK 74115; **Dorothy Hunter**, 14221 N. Canton Ave., Tulsa, OK 74115; **Oral Alston**, 2187 N. VanCouver, Tulsa, OK 74127; **Tirri Chiri**, P.O. Box 702752, Tulsa, OK 74136; **LaShel Cotton**, Rt. 1, Box 146, Inola, OK 74036; **Johnnie Banks**, Rt. 1, Box 113-K, Inola, OK 74036; **Charlene Cotton**, 18487 E. 650 Road, Inola, OK 74036; **Mathis Tucker**, 4150 N. Detroit Pl., Tulsa, OK; **Richard**, 585 Fairview, Tulsa, OK; **Amley Floyd**, 1034 E. Young Pl., Tulsa, OK 74106; **Pastor Andre Matthews**, 3244 E. 4th St., Tulsa, OK 74104.

Interested Parties in Opposition of the Application:

Brenda Berry, 568 N. Guthrie, stated that she has a petition of opposition (Exhibit R-6) with 127 signatures of residents around the proposed facility. Ms. Berry believes that this facility would hurt the property values in this area. Many of the neighborhoods in the area are working towards revitalization and this would only hinder that progress. Ms. Gloria Pasternak sent a letter to the Board (Exhibit R-3) and Ms. Berry read it to the Board.

Mr. White stated that they are in receipt of a letter of opposition from Mr. Jim Norton, Downtown Tulsa Unlimited.

J. Homer Johnson, 412 E. Latimer Court, stated that he lives in Heritage Hills and it has been redeveloped successfully. Mr. Johnson said that what is being proposed is in an area that has a very delicate balance. Mr. Johnson stated that he believes the subject property has been abandoned for several years. He admires what Ms. Bronner is trying to accomplish but does not think it is in the right place. Mr. Johnson asked the Board to deny the application.

Mark Barcus, 544 N. Quannah, stated that he is the Chairman of the Charles Page Area Steering Committee. The location of the subject property is just over their border to the north. Mr. Barcus stated that he has received several calls relating to this application. For the last 6 years they have been developing a comprehensive plan that relates to residential development, economic revitalization and social services infrastructure in this area. One of the problems that these neighborhoods have is that there are 8 to 10 facilities of this type within a ½ mile radius of this area. They do not want any more of them. It does not do any good to the plans that they have spent 6 years developing. This project is inconsistent with the philosophy of the Charles Page plan. Mr. Barcus reminded the Board that he has received numerous calls about this application and urged the Board to deny the application.

Tim Loveall, 608 N. Cheyenne, stated that he is the President of the Brady Heights Neighborhood Association. Mr. Loveall stated that there has been universal opposition to the Fair View Mansion being given a variance for this use. One of the things they decided to do was to ask INCOG to make a map showing other types of treatment facilities within a ¼ mile radius. Brady Heights has been working very hard for revitalization. They are not opposed to Ms. Bronner's ministry, they just feel that there are other locations that would be better suited to this task.

Jeff Castlerrel, 506 W Fairview, directly across the street from the mansion. Mr. Castlerrel stated that he empathize with what Ms. Bronner is trying to do. His concern is with the safety of the children on the property. With all the social services in the area and the close proximity to the Osage Hills apartments there is a concern about the children. The historical value of the home is a major concern. An upset child can do major damage to a house in a matter of minutes. Mr. Castlerrel believes that with the all of the social service agencies going into the area it will not do anything but harm the neighborhood.

Ken Hurd, 579 N. Country Club Dr., stated that he lives around the corner from the subject property. What also needs to be considered is what kinds of facilities are just outside the ¼ mile radius.

John Klinghagan, 4527 S. 135th E. Ave., stated that he is Director of the Hope Six Program for the Tulsa Housing Authority. Mr. Klinghagan stated that he is completely neutral about this application. The Hope Six project is an impact in this area and four or five years ago, he brought before the Board their proposed preliminary plans. Mr. Klinghagan stated that the blocks adjacent to the Fair View Mansion are planned for homeownership units very similar to the additions in Country Club Estates.

Terry Klien, 924 N. Cheyenne, Tulsa, OK 74106, stated that he is opposed to this application. Mr. Klien stated that in the past few months the Brady Heights neighborhood has seen drugs, rape, drive-by shootings, etc. Mr. Klien is a licensed social worker with the State of Oklahoma and can understand what these kids are going through but still believes that this is a danger to the other kids in the neighborhood.

Melvin Gilliam, 569 N. Country Club Drive, stated that he believes that this is a good idea but not in this neighborhood. Mr. Gilliam believes that the project will hurt property values and what north Tulsa is trying to accomplish.

The following people listed their names and addresses expressing opposition but did not speak:

Marjorie Spees, 544 N. Rosedale, Tulsa, OK 74127; **Willie Kimberly**, 556 N. Guthrie Ave., Tulsa, OK 74103; **Richard Rus**, 548 N. Quannah Ave., Tulsa, OK; **Lenora Williams**, 620 W. Fairview, Tulsa, OK; **Margaret Aycock**, 1135 N. Denver, Tulsa, OK 74106; **Barbara Moore**, 1130 N. Cheyenne, Tulsa, OK 74106; **Cathryn Young**, 140 N. Denver Ave. Tulsa, OK; **Roxanne Snider**, 1424 W. Easton Pl., Tulsa, OK 74127; **Brenda Barre**, 568 N. Guthrie, Tulsa, OK; **Harry Johnson**, 412 E. Latimer, Tulsa, OK.

Applicant's Rebuttal:

John Moody, stated that many of the people have overlooked the fact of the distinguishing characteristics of this particular site. This property has been used for the past 46 years for Use Unit 2 uses, some of which would fall into a group home category. There has been no evidence, other than unsubstantiated opinion, that these types of facilities cause depreciation of property values. The idea that 12 children living in this home is going to be the downfall of Downtown Tulsa Unlimited's plans or any other plans is absurd. This particular project is uniquely sited based on its physical facts and zoning. There is not another facility within a ¼ of a mile. The children that will be in the home will not be harmful to the neighborhood. If this mansion is torn down there is the possibility that someone could build a multifamily development without Board approval. Community group homes are already permitted by right on this property. They could do this if they wanted to but they want to house children instead of adults. Mr. Moody urged the Board to approve this application because it is the best use of this property.

Comments and Questions:

Ms. Turnbo commented that she was on the Special Residential Facilities Task Force and she stated that the ½ mile requirement between sites was agreed to by everyone and nobody in the group home business thought it would do them harm. They also took a bus tour of the subject area and further north. This neighborhood was on the edge and Ms. Turnbo believes that it is slowly crawling up. Ms. Turnbo believes that this facility will hurt the neighborhood. This building is within ½ a mile of many other facilities and the neighborhoods have many other problems. The Board has already turned down two similar facilities in this very same area and the Board found that they were injurious to the neighborhood. Ms. Turnbo does not want to see all of the group homes, etc. located in one area of the City and that is what the Task Force is trying to accomplish by putting a space requirement on them. Ms. Turnbo stated that she could not vote for this Special Exception because it would be injurious to the neighborhood.

Mr. Dunham personally is very supportive of what Ms. Bronner is trying to do and he hopes she does decide to locate in Tulsa. Mr. Dunham thinks that there were some strong points made and good arguments made for both sides. It is a unique property that is bordered on one side by an expressway, is bordered by multifamily, is zoned

multifamily and can be used as a group home. It is unrealistic to believe that this will be used for single family. Mr. Dunham feels the same as Ms. Turnbo and believes in the recommendation of the Task Force and could not support this.

Mr. White stated that the concept of "injurious to the neighborhood" is present in all cases and what Ms. Bronner has to offer is commendable but what happens when she leaves this house because the Special Exception goes with the property and not with the individual. Mr. Moody's research in proving that the community group home or the 43 apartments without getting any relief is a definite concern. The immediate problem is the injurious effect to the neighborhood. Mr. White could not support the application.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** Special Exception to permit a Use Unit 2, Group Home for children under age 18, in an RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2** on the following described property:

A tract of land described as commencing at a point 603.73' N of the SE/c of the NE/4 SE/4 of Section 34, T-20-N, R-12-E of the IBM, Osage County State of Oklahoma; thence S 98.09' to the point of tangent of a curve to the left having a radius of 170'; thence SEly along said curve through an arc of 61°59' a distance of 183.55' to the point of the curvature of said curve; thence SEly on a tangent to said curve a distance of 132.08' to the 96th Meridian; thence N along the 96th Meridian a distance of 310' to a point; thence W at right angles to the said 96th Meridian 205.08' to the place of beginning, said tract being a part of Lot 3 (NW/4 SW/4) of Section 35, T-20-N, R-12-E of the IBM, Osage County Oklahoma, less and except portion thereof conveyed to the City of Tulsa by Warranty Deed recorded in Book 316, Page 60 of the land records of Osage County Oklahoma.

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Case No. 18224

Action Requested:

Variance of the required rear yard from the centerline of 41st St. from 85' to 80' for construction of a sun room. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 13316 E. 40th Pl. S.

Presentation:

The applicant, **Lloyd N. Babcock**, Tin Man Home Improvements, 5424 –B South Mingo, submitted a site plan (Exhibit S-1).

Case No. 18224 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the required rear yard from the centerline of 41st St. from 85' to 80' for construction of a sun room. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, finding the hardship to be the shallowness of the lot and the fact that it is bordered by streets on three sides, per plan submitted on the following described property:

Lot 1, Block 11, Park Plaza East IV, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18225

Action Requested:

Special Exception to allow a public park in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located S and E of the SE/c of E. 81st St. and S. Sheridan.

Presentation:

The applicant, **Kerry Miller**, City of Tulsa Park Department, 1710 W. Charles Page Boulevard, submitted a site plan (Exhibit T-1).

Comments and Questions:

Mr. White asked Mr. Miller if the submitted plan is a conceptual plan. Mr. Miller answered that it is conceptual and is being used for construction of the park. All of the permitting is done and they just need this approval. The items that are actually on the plan are going to be built.

Mr. Beach stated that the reason he made the comment in the Staff report about considering this to be a conceptual plan is because when the Park Department comes before the Board for approval their plans are often conceptual and subject to minor changes or adjustment of location of the facilities. If approved by the Board is made "per plan", they have to get reapproval of the site plan when they apply for a building permit. Mr. Beach does not think that is necessary in this case and would like to see any approval conditioned on this being conceptual and if there is any further site plan review needed, that it be delegated to Staff.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to allow a public park in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, the plan submitted should be considered as conceptual and can be amended with Staff approval, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 1, Block 19, The Crescent, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 4:27 p.m.

Date approved:

NOVEMBER 24, 1998


Chair