

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 916
Tuesday, August 9, 2005, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Chair
Henke, Secretary
Paddock, Vice Chair
Stead
Stephens

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, August 4, 2005, at 4:53 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

Mr. Dunham noted a letter from Councilor Henderson asked for a continuance on Case No. 20089. The applicant was not present at that time. Mr. Dunham stated the Board would address the case when the applicant arrived.

MINUTES

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of July 12, 2005 (No. 914).

UNFINISHED BUSINESS

Case No. 20084

Action Requested:

Special Exception to allow a manufactured home in an RS-3 zoned district - Section 401; and a Special Exception to allow the manufactured home permanently - Section 404.E

Presentation:

The applicant, **Melvin Davis**, was not present. Mr. Dunham stated the case would be moved down on the agenda and asked staff to contact the applicant.

N/2 LT 7 BLK 4, GRIMES HGTS, GRIMES HGTS 2ND, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20083

Action Requested:

Variance of the side yard setback; a variance of the front yard setback; and a Variance of the rear yard setback (Section 403), 1203 South Yale Avenue East.

Presentation:

Lou Reynolds, 2727 East 21st Street, Suite 200, stated they have withdrawn the variance of the side yard setback. He submitted a revised site plan, photographs and letters of support (Exhibits A-1, A-2 and A-3). The applicants need to make changes in the home for a daughter that is handicapped. The existing garage apartment will be removed. It appears to be more than a two-story house but it is not. They visited with the neighbors to the south and east and they do not object to the application.

Comments and Questions:

He responded to the Board members questions, stating the existing square footage is 2,400 sq. ft. and the plan is for slightly more than 3,300 sq. ft. He stated the hardship to be the size of the lot was decreased by the Major Street and Highway Plan, and a similar imposition on 12th Street occurred after the house was built.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the front yard setback; and a **Variance** of the rear yard setback (Section 403), finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, per plan, and recognizing that the variance of the side yard setback was withdrawn by the applicant, on the following described property:

LT 1 BLK 1, YALE ADDN RESUB, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20085

Action Requested:

Special Exception to modify conditions of a previous approval (BOA-19212) to increase the allowed beds from 320 to 390, located: 302 West Archer Street North.

Presentation:

Eric Gray, Vice President, Corporate Council for Southern Corrections Systems, Inc., 13401 Railway Drive, Oklahoma City, Oklahoma, stated Southern Corrections is a subsidiary of Avalon Correctional Services. They proposed to increase the number of beds from 320 to 390, which is the maximum allowed occupancy. They did not propose any other changes.

Comments and Questions:

In response to questions from the Board members, Mr. Gray stated the employee count varies based on the actual number of residents. They are required to have a minimum of one employee per every 100 inmates between 9:00 p.m. to 8:00 a.m. and a one per sixty ratio from 8:00 a.m. to 9:00 p.m. They provide a better ratio than required, including one employee per sixty inmates at night. There are three shifts so the employees are not all there at one time and there is adequate parking. He added that the inmates go out to jobs, but they do not go home for the weekends.

Interested Parties:

Jim Norton, stated he is the President of Downtown Tulsa Unlimited and Chairman of the District 1 Neighborhood Association, which includes all of downtown. He understood from the last Board approval that the maximum capacity is 320. He added that they did not have any problem with the way the

facility has been operated. He then mentioned the plans for construction of the new convention center and two new hotels downtown. He expressed concern for a 22% increase in the capacity of this facility, in light of the changes and improvements to downtown.

Applicant's Rebuttal:

Mr. Gray submitted a copy of the Zoning Clearance Permit/Certificate of Use and Occupancy (Exhibit B-1). It allows a capacity of 390 inmates for this facility.

He reminded the Board that it is a well-kept property that does not appear to be a correctional facility. The gate is attended from 6:00 a.m. to 10:00 p.m. and is locked after that time.

Board Action:

On **Motion** of **Stead**, the Board voted 4-1-0 (Dunham, Stephens, Henke, Stead "aye"; Paddock "nay "; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to modify conditions of a previous approval (BOA-19212) to increase the allowed beds from 320 to 390, subject to the conditions as previously stated: no more than 50 inmates to receive visitors at any given time; no murderers, sex offenders or drug dealers to be housed on the premises; finding the number of beds is being increased to capacity but no increase to the size of the facility itself; and finding it 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:

ALL BLK 63 & ALL 20 VAC ALLEY, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

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Paddock out at 1:31 p.m.

Paddock returned at 1:33 p.m.

Mr. Dunham informed Lillie and Carl Caldwell that City Councilors Henderson and Turner have requested a continuance to look into this case further before it is heard.

Case No. 20089

Action Requested:

Special Exception to permit a manufactured home in an RS-4 district, Section 401 -- Use Unit 9; Special Exception of 1-year time limit to permanent Section 404. E.1 -- Use Unit 9, located: 763 East Pine Place North.

The Board members and the applicant briefly discussed the continuance to better inform the interested parties before the case is heard. The applicants agreed to a continuance.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20089 to the meeting on August 23, 2005, regarding the following described property:

LTS 24 & 25 BLK 7, BERRY-HART'S RESUB B7-10 ROOSEVELT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Dunham out about 1:35 p.m.

Case No. 20087

Action Requested:

Verification of the spacing requirement of 300 ft from another day care home abutting the same street to establish a family day care home; Section 1606.C -- Use Unit 6, located: 6259 East Marshall Place North.

Presentation:

Tanisha Alexander, 6259 East Marshall Place North, informed the Board that she contacted all of the neighbors affected by the 300 ft. spacing requirement.

Dunham returned approximately 1:37 p.m.

Comments and Questions:

The Board members discussed the need for a third-party verification of the spacing. It was determined that she had contacted her neighbors. Mr. Ackermann informed her she could not have a sign. There was no documentation of the survey that she took of the neighborhood. Mr. Ackermann informed the Board that she could be sworn-in, at their discretion.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of the spacing requirement of 300 ft from another day care home abutting the same street to establish a family day care home; Section 1606.C -- Use Unit 6, on the following described property:

LT 31 BLK 11, MAPLEWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20088

Action Requested:

Special Exception to permit Use Unit 5 (Hospital and Accessory Uses) in an RS-3 and OL district to allow repair of existing St. Francis Hospital employee parking garage and construction employee temporary parking, located: Southeast of Southeast corner 61st Street and Yale Avenue.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, represented Saint Francis Hospital. They proposed a temporary use of the subject property for construction employee parking, as proposed in the application, with conditions (Exhibit C-1).

The special exception to permit the temporary use of the subject property for construction employee parking, construction office trailers and construction access to the employee parking garage and the repair and reconstruction of the employee parking garage shall be subject to the following conditions: The uses shall be limited to and in accordance with the locations depicted on the submitted aerial photographs. The construction employee parking area shall be subject to the following: The parking area shall be setback not less than 100 ft. from adjoining residential lot lines and the Ronald McDonald House lease line. Access to the parking area shall be derived from 61st Street. Chain linked fencing shall be installed along the east, south and west boundaries of the parking area. The area shall be graveled and watering for dust control shall be provided. Upon completion of the Children's Hospital or June 1, 2007 whichever first occurs, the parking use shall be discontinued and the area restored to the condition existing before the use commenced. The construction office trailers shall be subject to the following: The area shall be graveled and watering for dust control shall be provided. Upon completion of the Children's Hospital or June 1, 2007, whichever first occurs, the trailers shall be removed and the area restored to the condition existing before the use commenced. The construction access to and the reconstruction of the employee parking garage shall be subject to the following: The uses shall be discontinued within 18 months after commencement. The access drive shall extend from the existing east loop road of the hospital to the existing opening to the garage located on the east building wall and shall be 24 ft. in width and graveled and watering for dust control shall be provided. The demolition and construction activities occurring outside the garage, other than access, shall be limited to an area adjoining the existing opening to the garage and not exceeding 60 ft. (n/s) and 90 ft. (e/w) in area. The construction activity shall be limited to daylight hours. Upon completion of the reconstruction of the Employee Parking Garage, the access road and construction areas shall be restored to the condition existing before the use commenced.

The new children's hospital is going to be constructed as an addition to Saint Francis Hospital. This will require a new parking garage to the north of the children's wing. The existing employee parking garage needs reconstruction on some of the floors. Mr. Johnsen stated they estimate this can be accomplished in

eighteen months with the temporary parking space available. He submitted an aerial map (Exhibit C-2).

Interested Parties:

The interested parties present indicated they had no objections to the application.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit Use Unit 5 (Hospital and Accessory Uses) in an RS-3 and OL district to allow repair of existing St. Francis Hospital employee parking garage and construction employee temporary parking, with conditions submitted by the applicant, finding it 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, not to exceed two years, on the following described property:

N 100' OF W 557.82' of LT 1 BLK 2 WARREN CENTER EAST AND W 125' OF S 900' OF N 1100' OF RES A WARRENTON, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20084

Action Requested:

Special Exception to allow a manufactured home in an RS-3 zoned district - Section 401; and a Special Exception to allow the manufactured home permanently - Section 404.E, located: 1553 East 54th Street North.

Presentation:

The applicant did not arrive at the meeting.

Board Action:

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20084 to the meeting on August 23, 2005, regarding the following described property:

N/2 LT 7 BLK 4, GRIMES HGTS, GRIMES HGTS 2ND, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20084

Action Requested:

Request refund.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a refund of \$50.00 to the applicant, Melvin Davis, per staff recommendation.

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Case No. 20072

Action Requested:

Request refund.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a refund of \$50.00 to the applicant, Patrick Summers, per staff recommendation.

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Case No. 20073

Action Requested:

Request refund.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a refund of \$500.00 to the applicant, Kenneth Ray Firey, per staff recommendation.

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There being no further business, the meeting was adjourned at 1:59 p.m.

Date approved: _____

Chair