

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 950  
Tuesday, February 13, 2007, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Dunham  
Henke, Chair  
Stead, Vice Chair  
Tidwell, Secretary

**MEMBERS  
ABSENT**

Stephens

**STAFF  
PRESENT**

Alberty  
Butler

**OTHERS  
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, February 8, 2006, at 2:54 p.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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

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**MINUTES**

On **MOTION** of **Tidwell**, the Board voted 3-0-1 (Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; Stephens "absent") to **APPROVE** the Minutes of November 28, 2006 (No. 946).

On **MOTION** of **Tidwell**, the Board voted 3-0-1 (Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; Stephens "absent") to **APPROVE** the Minutes of December 12, 2006 (No. 947).

On **MOTION** of **Tidwell**, the Board voted 3-0-1 (White, Stead, Tidwell "aye"; no "nays"; Henke "abstained"; Stephens "absent") to **APPROVE** the Minutes of January 9, 2007 (No. 948).

On **MOTION** of **Tidwell**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** the Minutes of January 23, 2006 (No. 949).

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**UNFINISHED BUSINESS**

**Case No. 20367**

**Action Requested:**

Appeal the determination of the Tulsa Preservation Commission to deny a Certificate of Appropriateness application. located: 312 East 20<sup>th</sup> Street South.

**Presentation:**

Mr. Alberty stated the applicant's representative asked for a continuance to March 13, 2007.

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, stated the reason for the request for continuance was to let the Board hear this case with the related Case No. 20437, which was also appealed.

**Interested Parties:**

**Paul Gilling**, 1712 South Newport Avenue, stated he is the North Maple Ridge representative of the neighborhood association. He informed the Board that since this would be a second continuance, the interested parties in his association wanted some assurance that the Board would hear this case the next time it is on the agenda.

**Susan McKee**, 1616 South Victor, stated she is the President of the Coalition of Historic Neighborhoods. She expressed agreement with Mr. Gilling. She suggested that other interested parties not attend today because of the probable continuance.

**Herb Beattie**, 3474 South Zunis Avenue, stated he came to this hearing at the request of friends with the Coalition of Historic Neighborhoods and Maple Ridge Neighborhood Association. He asked the Board to say no to the continuance request and the appeal.

**Board Action:**

On **Motion of Tidwell**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20367 to the meeting on March 13, 2007, on the following described property:

LTS 80 81 & W15 LT 82 & N10 VAC ALLEY ADJ ON S LESS S6 LT 82 & LESS  
BEG SECR LT 81 TH N6 W2 CRV LF TO PT SL LT 81 E8 POB BLK 9, SOUTH  
SIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20405**

**Action Requested:**

Special Exception to permit an emergency and protective shelter (Use Unit 2) in a CS district, for children 17 years and younger (Section 701); and a Special Exception to permit the shelter within 1/2 mile from another detention/correctional, emergency and protective shelter, homeless center, residential treatment center or transitional living center (Section 1202.C.7), located: South side of East Reading Street, east of Peoria Avenue adjacent to Highway 75.

**Presentation:**

Mr. Alberty informed the Board that the applicant has withdrawn Case No. 20405.

**Board Action:**

No action needed.

LT 5, GATEWAY PLAZA ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**NEW APPLICATIONS**

**Case No. 20417**

**Action Requested:**

Verification of spacing requirement for a family day care home in an RS-3 district (Section 402.B.5), located: 44 North Louisville Avenue East.

**Presentation:**

**Lora Dixon**, 44 North Louisville Avenue, provided a letter stating DHS told her there are no home day cares within 300 ft. of her home. The letter was a part of the agenda packet for this hearing as was a copy of her license. She stated that she walked the neighborhood and she did not find any indications of another daycare home.

**Interested Parties:**

**Larry Ray**, 3531 East Admiral Court, noted a commercial daycare center at Louisville and Admiral. He opposed a business in the R district.

**Comments and Questions:**

Mr. Ackermann informed Mr. Ray there is a difference in a home daycare and a commercial daycare center. Mr. White stated it is outside of the 300 ft. radius also. Mr. Henke stated he would prefer signatures from the neighbors in the 300 ft. radius that they do not run a daycare home. Mr. Tidwell noted the staff reported they did not find any indication of another daycare home within 300 ft. of the subject property. Ms. Stead stated she would prefer a letter from the DHS.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Verification of spacing requirement furnished for a family day care home in an RS-3 district at 44 North Louisville Avenue (Section 402.B.5), on the following described property:

LT 1 & N 2' LT 2 BLK 1, LAMB ADDN RESUB LANTZ ADDN, SEQUOYAH HILLS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20418**

**Action Requested:**

Variance of the minimum frontage permitted in an IM district from 200 ft. to 40.56 ft. (Section 903), located: 5755 East 15<sup>th</sup> Street.

**Presentation:**

The applicant was not present.

**Interested Parties:**

There were no interested parties present.

**Board Action:**

On **Motion** of **Tidwell**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20418 to the meeting on February 27, 2007, on the following described property:

BEG 40N SWC SW NE TH N238.8 NWLY 344.65 CRV NLY 310 TO EL RR R/W TH SELY 400 E102 S260 W305.87 SE315.97 W427.31 POB SEC 10 19 13 5.615ACS, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20419**

**Action Requested:**

Variance of the maximum permitted size for an accessory building in an RS-1 district from 750 square feet to 2,148 square feet (Section 402.B.1.d), located: 6559 East 25<sup>th</sup> Place South.

**Presentation:**

**Paul Matthews**, 6559 East 25<sup>th</sup> Place South, proposed to install a wood-working shop approximately 1500 sq. ft. He pointed out there is an existing horse-loafing barn, which is 648 sq. ft. It is a 1950's architectural detail of the property. The shop would use about 1/30<sup>th</sup> of the size of the property. He added that they plan to add about 1700 sq. ft. to their home. He stated he would not use the shop for commercial business. He wanted to build furniture and cabinets for their home.

He indicated other accessory buildings on neighboring properties that were 750 sq. ft. and some that are larger. He provided photographs (Exhibit A-3) to the Board.

**Comments and Questions:**

Ms. Stead asked about the small red shed. He stated he would remove the old red shed from his property. She asked that the peak would not be greater than 18 ft. on the new structure, to which he agreed. Mr. Henke asked for a hardship. Mr. Matthews stated that since RS-1 zoning is 13,500 sq. ft. on an average lot that 45,000 sq. ft. is three times larger. He indicated he is under the size allowed per that ratio, though he understood he is still over his house limit.

**Interested Parties:**

**Clyde Box**, 6560 East 25<sup>th</sup> Place, stated his support of the application.

**Joyce Jillingworth**, 6547 East 25<sup>th</sup> Place, supported the application to keep the horse barn, which is characteristic of the neighborhood, and the 30' x 50' workshop. She stated she received wrong information at first but she talked with the applicant to find out the details.

**Bruce Powers**, 6573 East 25<sup>th</sup> Place, expressed concern for oversized accessory buildings out of character with the neighborhood and for of the value of the property. He asked the Board to deny the application.

**Sandra Eaton**, 6550 East 24<sup>th</sup>, submitted a letter and a petition of opposition (Exhibits A-1 and A-2) to the application. She indicated there was no hardship for this variance and it was out of character for the neighborhood.

**Marie Morris**, 6535 East 25<sup>th</sup> Place, stated her support of the application.

**Sheila Powers**, 6573 East 25<sup>th</sup>, was opposed to an oversized accessory building.

**Walter Takecare**, 6585 East 25<sup>th</sup> Place, urged the Board to stay with the code and not approve the variance. He stated he opposed anything that indicates commercial use.

**Julie Alexander**, 7305 East 25<sup>th</sup> Place, expressed her opposition. She was concerned they would use the accessory building for a business, resulting in increased traffic in the neighborhood.

**Applicant's Rebuttal:**

Mr. Matthews offered the Board to put a condition to any approval that the building would be removed if it is used for a business.

Mr. Henke asked about the height of the proposed building. Mr. Matthews indicated it would be around 14 to 15 feet and not two-story. He added that he is not making any changes to the loafing shed. Mr. White stated the ratio of a 1.03

acre lot to the building size requested is less than 13,500 sq. ft. on RS-1 zoned property. He considered that ratio to be the unusual, exceptional condition that would cause an unnecessary hardship.

**Board Action:**

On **Motion** of **Stead**, the Board voted 3-1-0 (Henke, Stead, Tidwell "aye"; White "nay"; no "abstentions"; Stephens "absent") to **DENY** a Variance of the maximum permitted size for an accessory building in an RS-1 district from 750 square feet to 2,148 square feet (Section 402.B.1.d), finding it would be detrimental to the neighborhood, on the following described property:

LOT-12-BLK-4, JOHANSEN ACRES AMD, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20420**

**Action Requested:**

Special Exception to permit a carport in the required front yard in an RM district (Sec 210.B.10); a Variance of the maximum size of a carport (Section 210.B.10.a); a Variance of the setback from a side lot line (Section 210.B.10.b); and a Special Exception to modify the height of a fence in the front yard (Sec 210.B.3), located: 112 South Quanah Avenue.

**Presentation:**

**Efrain Diaz**, 16 North Nogales, stated he owns the subject property. He proposed to build a carport in front yard. There was damage to the original carport and he wanted to keep the 5 ft. 4 in. fence in the front yard. Someone has burglarized his property twice and taken his work tools. He was not aware he needed a permit to rebuild it. He provided a petition of the neighbors in the agenda packet and they were all in support.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit a carport in the required front yard in an RM district (Sec 210.B.10); a Variance of the maximum size of a carport (Section 210.B.10.a); a Variance of the setback from a side lot line (Section 210.B.10.b); and a Special Exception to modify the height of a fence in the front yard (Sec 210.B.3), finding the small size of the lot might permit compliance with the carport size; finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, 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; finding 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:

N/2 LT 2 BLK 30, OWEN ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20421**

**Action Requested:**

Variance of the setback from an abutting property line for a detached accessory building from 3 ft. to 2 ft (Section 210.B.5.b); and a Variance of the allowable coverage of a required rear yard by a detached accessory building from 30% to 38% (Section 210.B.5.a), located: 1547 South Delaware Place East.

**Presentation:**

**Lester A. Ghan**, 1547 South Delaware Place, stated they were cited for building without a permit and his contractor stopped building his garage. The contractor had removed the original garage and concrete. Mr. Ghan added that he proposed to add one foot to the depth and extra width so that both of their cars will fit in it. He stated it would be in character with the neighborhood, with a hipped roof, and the same siding.

**Comments and Questions:**

Mr. Alberty counted twenty letters of support for this application.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the setback from an abutting property line for a detached accessory building from 3 ft. to 2 ft (Section 210.B.5.b); and a Variance of the allowable coverage of a required rear yard by a detached accessory building from 30% to 38% (Section 210.B.5.a), finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, 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, on the following described property:

LT 22 BLK 3, AVONDALE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20422**

**Action Requested:**

Verification of spacing requirements for a liquor store, 300 ft. from other liquor stores, blood banks, plasma centers, day labor hiring centers, and pawn shops (Section 1214.C.3), located: 2130 South Sheridan Road East.

**Presentation:**

**Kevin Gable**, 2130 South Sheridan, introduced his partner, Marty Colburn. He provided a list of other businesses within 350 ft., which is in the agenda packet. They did not find any of the businesses not permitted within 300 ft. per the zoning code.

**Comments and Questions:**

Ms. Stead noted that staff did not find any business not permitted in the 300 ft. radius.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Verification of spacing requirements for a liquor store, 300 ft. from other liquor stores, blood banks, plasma centers, day labor hiring centers, and pawn shops (Section 1214.C.3), as submitted, on the following described property:

BEG 50W & 250S NEC NE TH S1012.56 W630.88 N1211.54 E440 S200 E200  
POB SEC 15 19 13, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

**Case No. 20423**

**Action Requested:**

Variance of the maximum permitted square footage for a detached accessory building in an RS-1 district (Section 402.B.1.d), located: 1735 South Lynn Lane East.



**Presentation:**

**Erwin Freese**, 1735 South Lynn Lane, proposed to build an accessory building on a much larger lot than the average RS-1 lot. He has a small garden storage building to the back of the lot. He proposed to build the new structure closer to the house. There is a large pond on the property. He submitted six letters of support and photographs (Exhibits B-1 and B-2).

**Interested Parties:**

**Monte Dunham**, 6355B East 41<sup>st</sup> Street, spoke in support of this application. They have moved the smaller building away from the house and the new building would be about 15 ft. from the house. He pointed out that the code was written for a 1/3 acre lot and this is a five-acre lot. He indicated the literal interpretation of the code would be a hardship to this lot.

**Board Action:**

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the maximum permitted square footage for a detached accessory building in an RS-1 district (Section 402.B.1.d), by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, 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, on the following described property:

W33 S/2 SE NW SW & S/2 SW NW SW LESS W33 FOR RD SEC 12 19 14  
5.00ACS, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20424**

**Action Requested:**

Special Exception to permit office use as a home occupation in an RM district (Section 401), located: 1540 East 1<sup>st</sup> Street.

**Presentation:**

**Ben Callicoat**, represented the applicant. He submitted photographs (Exhibit C-1) of the property and area. He pointed out the commercial uses within a block of the property. The applicant operates a check cashing business almost exclusively for the benefit of the business next door, Stand-by Personnel. He stated there is no signage.

**Comments and Questions:**

In response to questions from the Board, the members discussed the following issues. There are vending machines in the office, which are allowed (Use Unit 11), in a residential use by special exception. The applicant has a residence at the back of his side of the duplex, but has temporarily moved out. He has a contract to purchase the property. It was pointed out this is an RM district, which allows office use, and he does not have to live there. There is not a garage, driveway, or any parking space available. The sidewalk needs repair. The Board members have noticed numerous signs advertising beer, cigarettes and other items. Mr. Callicoa stated he informed the applicant that the code does not permit signage and he removed them. Mr. Ackermann stated that the request for a home occupation was not correct but it is for the principle use, Use Unit 11 for an office. The applicant will need to provide parking, one space per 300 sq. ft. and all of the requirements for the office, including screening from the RM district. Mr. Henke suggested a continuance to allow the applicant time to prepare for a change of the request.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Tidwell**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20424 to the meeting of March 13, 2007, on the following described property:

W 10 LT 2 E 30 LT 3 BLK 1, MIDWAY ADDN, City of Tulsa, Tulsa County,  
State of Oklahoma

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**Case No. 20425**

**Action Requested:**

Variance of the required setback from 20th St. to 0 ft. (Section 903), located: 2002 South Southwest Boulevard.

**Presentation:**

**Mike Marrara**, 2001 South 114<sup>th</sup> East Avenue, stated that Evans Electric rebuilds electric motors. They need to expand the facility with a 25 ft. wide addition. He pointed out that 20<sup>th</sup> Street is not a through street because of Highway 75. The building line is no longer needed to keep development in order. There are only three other properties on this street.

**Mr. Henke out at 2:35 p.m.**

The business has considered purchasing the Union Hall building in the future and at that time it would be more appropriate to vacate 20<sup>th</sup> Street.

Mr. Henke returned at 2:36 p.m.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the required setback from 20th St. to 0 ft. (Section 903), by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, 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, on the following described property:

LTS 2 THRU 13 & 15FT VAC ALLEY E OF EL RED FORK EXPWY ADJ ON S  
LTS 2 THRU 13 LESS E5 THEREOF & LESSE5 LT 2 & LESS PRT LT 13 BEG  
NWC E17.43 SWLY TO PT ON SL W1.66 TO SWC N125 POB BLK 6,  
RIVERSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20426**

**Action Requested:**

Special Exception to permit a residential treatment center in a CH district (Sec 701); and a Verification of the ½ mile spacing requirement for a residential treatment center from a detention/correctional center, emergency and protective shelter, homeless center, another residential treatment center, and transitional living center (Section 1202.C.7) or in the alternative a Special Exception to permit a residential treatment center within ½ mile of a similar Use Unit 2 facility (Section 1202.C.7), located: 6126 East 32<sup>nd</sup> Place South.

**Presentation:**

**Chris Herroux**, 502 West 6<sup>th</sup> Street, represented the applicant, Associated Centers for Therapy (ACT). The building is approximately 5,900 sq. ft. with 22 parking spaces. It is somewhat isolated from the neighborhood and backs up to the Broken Arrow Expressway. He submitted a notification card and photographs (Exhibits E-1 and E-2). They provided a notification card to the property owners of the neighboring properties in addition to the notices to property owners in the 300 ft. radius. This is a non-profit organization, which provides comprehensive outpatient community health services for the Tulsa area. This includes transitional living services and management of housing for long-term independent living for mentally challenged individuals. The outpatient facilities are certified by the Oklahoma Department of Mental Health and Substance Abuse Services. They are

accredited by the Committee of Rehabilitation Facilities. ACT has two other locations at 71 and Yale and in Sand Springs, Oklahoma. They have not received significant complaints, criminal conduct or police involvement in their twenty-five year history. They have provided outpatient mental health counseling for adolescents previously. The proposed use is consistent with the prior use. They propose to operate a fifteen-bed, short-term, community adolescent living management center. The State of Oklahoma has mandated to make available mental health services facilities such as this, due to the increased need. This will be the second of this kind in the state. The first one is Red Rock, located in Oklahoma City. One such facility will be located Muskogee. He explained that the patients are not violent or criminal offenders. They do not need medical detoxification for drugs or alcohol. They are not under DHS custody. The facility would provide a three to five day stay to allow the patient and family to stabilize. The alternative for these patients would otherwise have no help or be placed in-patient for more intensive treatment. They would receive a focused assessment and counseling services. Mr. Herroux covered the seven factors required for a special exception showing this use is in compliance to the zoning code. He stated there would not be any modifications necessary to the exterior of the property. There is a big need for this facility. This is in harmony with the current uses in the area and there is no detriment to the neighbors. It is consistent with the previous outpatient use of the property. The improvements to the interior of the facility will provide the highest degree of safety for the residents, staff and neighbors. The maximum of 15 residents and the size of the facility fits well within the property and the uses within the neighborhood. The facility is in a central location to meet the needs of the Tulsa County area.

#### **Comments and Questions:**

Ms. Stead asked if they would have buses that bring in patients. Mr. Herroux responded they would not have buses bring patients. They would have less vehicular traffic than the previous use. He stated that security plans include double safety locked doors, video cameras for the entire facility, no window exits, a separate entrance for deliveries and a sprinkler system.

Mr. Herroux stated the staff would include a psychiatric-pediatric Nurse on duty 24 hours per day, seven days a week; a licensed therapist on the first and second shifts; four behavioral health specialists on each shift, and a certified children's case manager. He added they would serve ten to seventeen year old, male and female patients.

#### **Interested Parties:**

**James Weeger**, 15 East 5<sup>th</sup> Street, 3800 1<sup>st</sup> Place Tower, represented the Lakewood Homeowners' Association. They are concerned about safety issues of having troubled teens residing at night and require security. They consider it inappropriate for this area, thinking the condominiums would be the most likely place to go if they got past security.

**Mike Brose**, Executive Director of the Mental Health Association in Tulsa. He added he is Co-Chair of the Children's Behavioral Health Systems of Care Community Team. He explained they provide help in a crisis for a teen and the family to calm down, work through a crisis, and return to their home. This type of facility offers intervention to protect individuals from an unnecessary admission to an institution, hospital or the juvenile justice system. He stated this is a more central location for the Tulsa area.

**Alisha Shultz**, 6120 East 32<sup>nd</sup> Place, stated she owns the property next door. She has a catering and cakes company. She added that she and another company in her building were opposed to the application. She did not consider a commercial area to be appropriate for this use.

**Pamela Ward**, stated she is a homeowner in Lakewood Gardens. She stated they did not receive the information card from the applicant, though they received the notice from the Board.

**Spencer Sewal**, stated he is the owner-manager of the Pines Office Building. He was opposed to the application.

**Applicant's Rebuttal:**

Mr. Herroux responded to the objections, stating the interested parties failed to produce accurate or definitive arguments of opposition. He indicated the objections were out of fear of the unknown and perceived adverse affects on the neighborhood. He noted that the residential neighborhood is closer to stores and restaurants that are open at night, than to the subject property. He replied there is an expressway fence at the back of the property. Mr. Herroux stated that they provide short-term intensive care so the patients do not require time outside.

Mr. White considered the level of security, age of residents, and nature of care are applicable to the code requirements. Ms. Stead asked how early staff mails the notices. Mr. Alberty replied the requirement is ten days in advance of the meeting by mail, posting a sign and legal newspaper notice. Mr. Henke asked if it would have gone to each of the homeowner's in Lakewood Gardens. Mr. Alberty replied that because there is a request for verification of spacing, the notices go out to all property owners in a ½-mile radius, or 2,640 ft., which is a much broader notice.

**Board Action:**

On **Motion** of **Stead**, to **APPROVE** a Special Exception to permit a residential treatment center within ½ mile of a similar Use Unit 2 facility (Section 1202.C.7), as the Board does not know if there are other facilities within ½ mile, with conditions: limited to a maximum of fifteen residential patients; 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. Mr. White seconded the motion. Mr. Henke called for discussion of the motion.

Mr. Henke asked Mr. Herroux if there would be a security guard for the third shift. Mr. Herroux replied the anticipated staffing to include one Psychiatric R.N., licensed counselor, and two behavioral service employees. He stated he would need to consult with his clients to see if a security guard would comport with their plans. He asked if Mr. Henke was suggesting security for the third shift only or around the clock. Mr. Henke replied at the minimum he would expect during the third shift. Ms. Stead asked if they would have to do much renovation on the interior. She also asked if they would agree to a limitation of time for the approval.

Mr. White withdrew his second of the motion for an amended motion.

Mr. Herroux responded to the Board with an alternative to a security guard. They suggested the third shift behavioral health specialists be CLEET certified. That would be two CLEET certified staff on the third shift. They expect the renovation to cost \$275,000.00. His clients hesitated to agree to a five-year limitation, as they needed time to recoup their investment, should they need to move the facility. Mr. White noted that the five-year limitation would be a good incentive to keep their good record.

Ms. Stead withdrew her motion.

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit a residential treatment center in a CH district (Sec 701); and a Special Exception to permit a residential treatment center within ½ mile of a similar Use Unit 2 facility (Section 1202.C.7), as the Board does not know if there are other facilities within ½ mile, with conditions: there be no more than fifteen overnight or fifteen residential patients under the age of 18 years old at any one time; two CLEET certified staff present on the third shift; the special exceptions be granted for a period of five years, at which time they will be reconsidered; finding the special exceptions 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:

LT 5 BLK 2, MARSHALLTOWN CTR RESUB PRT SHERIDAN CIRCLE &  
LORRAINE HGTS, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

#### **OTHER BUSINESS**

**Case No. 20444**

**Action Requested:**

Request for a refund.

**Presentation:**

Mr. Alberty stated the applicant requested a refund. Staff did not work on the application before the request to withdraw. Staff recommended a full refund of \$735.00.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Refund of \$735.00 in Case No. 20444, on the following described property:

PRT LOT 4 BEG 400E NWC TH S200 E155 N200 W155 POBBLK 2 , TOWNE CENTRE II, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*.

**Case No. 20401**

**Action Requested:**

Clarification of an approved plan and elevation.

**Presentation:**

**Stephen Schuller**, reminded the Board this case was approved in January 2007. The two-story garage exceeded the height limitation in the zoning code limitation. The client wanted to expand the garage. When they removed the veneer, they found rotted wood supports. It was apparent they needed to remove and replace the structure. The permit office was willing to give a building permit for a new structure according to the approved plans. The applicant determined since they were starting with a new structure they could build with a better design. He referred to the proposed plans (Exhibit D-1). They would use the same footprint and it would have the same height. They did not want any delay or confusion over which design was approved.

**Board Action:**

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVED** the amended plan and elevation submitted this day as the final plans for this project, on the following described property:

LT 31, ROCKBRIDGE PARK, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*.

There being no further business, the meeting adjourned at 3:52 p.m.

Date approved: 2/27/07

Frank X. [Signature]  
Chair