

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 965  
Tuesday, September 25, 2007, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Henke, Chair  
Stead, Vice Chair  
Stephens  
Tidwell, Secretary  
White

**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, September 20, 2007, at 3:04 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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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 20571**

**Action Requested:**

Variance of the maximum permitted display surface area for a sign accessory to an office use in a PUD (Section 402.B.4); and a Variance of the constant illumination provision to permit an LED changeable copy element in the sign (Section 402.B.4.b), located: 9004 East 61<sup>st</sup> Street South.

**Presentation:**

Mr. Cuthbertson stated the applicant needed an extra element of relief and in order to advertise for that, it need to be continued to the next meeting on October 9, 2007.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20571 to the meeting on October 9, 2007, on the following described property:

LT 1 BLK 1, COMMUNITY PLACE, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20573**

**Action Requested:**

Modification of a previously approved site plan to permit installation of a modular office, located: 6262 South Sheridan Road.

**Presentation:**

Mr. Cuthbertson informed the Board that the applicant made an untimely request for a continuance in order to resolve an issue with a neighbor.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20573 to the meeting on October 9, 2007, on the following described property:

N 495 E 551.61 S/2 NE NE LESS E 50 FOR ST SEC 3 18 13, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20546**

**Action Requested:**

Variance of the height of a detached accessory building in the required rear yard (Section 210.B.5.a); and a Variance of the maximum permitted square footage for a detached accessory building to 874 sq. ft. (Section 294.B.1.d), located: 2209 South Yale Avenue.

**Presentation:**

Mr. Cuthbertson informed the Board the applicant requested a continuation this morning, per the letter given to the Board. This application was continued three times.

**Comments and Questions:**

The Board members agreed not to continue this case again.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **White**, the Board voted 4-1-0 (White, Stephens, Henke, Tidwell "aye"; Stead "nay"; no "abstentions"; no "absences") to **DENY** an Appeal the determination of the Neighborhood Inspector that permits are required for construction on the accessory/ garage building and inspections are needed, without prejudice, on the following described property:

LT 1 BLK 3, GRACEMONT 1ST ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**UNFINISHED BUSINESS**

**Case No. 20550**

**Action Requested:**

Special Exception to permit a juvenile treatment center (Use Unit 2) until January 2008 and a women's transitional living center (Use Unit 2) thereafter; in an AG district; and a Verification of the spacing requirement for a residential treatment center and a transitional living center (Section 1202.C.7), located: 1616 North Gilcrease Museum Road.

Mr. Cuthbertson informed the Board that the applicant withdrew the application for the juvenile treatment center.

**Presentation:**

**Don Batson**, 1304 Brighton Avenue, Oklahoma City, Oklahoma, President and CEO of the Oklahoma United Methodist Circle of Care. He stated they withdrew the request for the juvenile treatment program. They had the home for girls until three and one-half years ago. Since then they have operated other facets of the ministry. Pearl Opal Thorpe left an estate for helping women who are homeless and/or in danger of losing their children. They met with neighbors since the last BOA meeting.

**Comments and Questions:**

Ms. Stead asked about the possibility the applicant would hire CLEET certified security. Mr. Batson addressed the security needs and they did not plan to hire CLEET officers. They would consider electronic monitoring of ingress and egress from the campus. He answered more questions, including plans to serve approximately twelve to fourteen women and their children at a time. They have two staff members living on campus at all times. They would also have a campus supervisor, an intake and follow-up worker and a case assistant. They plan for a seven-month stay with an option for a 45/day extension, if necessary. This is a

voluntary program. Ms. Stead asked if the applicant would agree to an approval for a limited number of years. Mr. Batson replied they would agree to it. Mr. White asked how many neighbors went to the meeting with the applicant, to which Mr. Batson replied there were about twenty neighbors present.

**Interested Parties:**

**Ray Tulus**, 1428 North Waco, stated he wanted to know the time limitation for the approval and if the nature of the program could be changed to include pre-release men or juveniles, et cetera. He had concerns regarding security. He would not assume that the police could cover the needs. He pointed out that it is in Osage County. Mr. Henke responded that they could not change the type of program with coming before the Board again. He added that the Board could set the time limitation on the approval.

**Sharon Edd**, 2408 West Pine Place, expressed concern that the treatment of the centers residents might be expanded when needs arise. She considered the qualifications for entering the program were not strict enough.

**Larry Duke**, 1919 West Seminole, General Manager of the Gilcrease Homeowner's Association, noted the forty-acre tract and was concerned about future expansions into a very large program. He stated it would be a substantial adverse influence on the area. He expected it to lower property values. He indicated it would cause the neighborhood inconveniences, and a rise in crime. He predicts they will propose more programs in the future of this site.

**Patty Mandrell**, 1171 North 27<sup>th</sup> West Avenue, stated her support of the program. She also shared a concern that the applicant would expand to more programs for men or incarceration.

**Terrill Ramsey**, 2105 West Xyler Street, stated he and his wife just built a new home in the neighborhood. He stated this would affect more than Gilcrease Hills and into north Tulsa. He suggested it would hurt the economy and property values. He mentioned problems at the school and in the neighborhood with some of the girls that came from the Francis Willard Home, such as vandalism, theft and runaways.

**Rose Hardwick**, 2318 West Woodrow Street, noted that the City Councilors' letter only mention their support of a children's center but nothing about a women's transitional center. She did not consider the resident qualifications to be specific enough.

**Maxine Horner**, 1010 West Queen Place, considered this to be a worthwhile program and much needed. However, she did not think this was the appropriate site. She questioned where the residents would come from and who would fund the program. She thought it sounded like an experimental program. Ms. Stead

asked if she attended the open house. Ms. Horner replied that she did not and she was not invited.

**R. H. Ladd**, 2014 North Yukon, understood that the reason the Francis Willard Home moved the girls to Tahlequah, was that it was not economical to keep them there. He stated that they have been good neighbors. He expressed similar complaints, previously mentioned.

**Kim Sope**, 2151 North Vancouver Avenue, stated her opposition for similar reasons previously mentioned.

**Ronald Edd**, 2408 West Pine Place, stated he lives within 300 ft. of the facility and did not receive a notice.

**C. J. Hurlbut**, 2143 North Vancouver Avenue, was opposed to the application, stating it was not congruent with the surrounding residential setting.

**Norman Pullen**, 1247 West Queen Street, stated opposition to any such programs. He asked for a denial, based reasons stated by other parties.

**Ace Wayne Cooper**, 1746 West Virgin, was opposed to the application. He stated that children would affect the school system and the neighborhood.

**Jason Charles**, 7 Mathis Park Drive, stated he is the Program Director for the Circle of Care. He stated he lives on the campus at Tahlequah. He was the director of the Francis Willard Home from 1997 to 2000. During that time the maximum capacity was 23 girls and the majority of them attended school on their campus. They had very rare occasions of runaways, but he did not know of any occasions of vandalism or any other issues.

**Terry West**, 1015 West Tecumseh, **Brent Johnson**, **JoAnn Groen**, 2407 West Oklahoma Place, **Dr. Nathaniel Goodman**, 2206 West Jasper, 3116 North 24<sup>th</sup> West Avenue, objected to the application for this facility in their neighborhood.

**Mr. Henke out at 2:04 p.m. and returned at 2:06 p.m.**

**Barbara Wright**, 7337 East 66<sup>th</sup> Court, stated she represented the Board of Directors of the Circle of Care. She did not think the facility would significantly impact property values. They focus on children and children's welfare. Some of the women would not be coming out of other social issues, but their home situation has dissolved and need a place to live.

**Al Bellefeld**, 2303 West Newton Court, stated his neighborhood still dealt with problems caused by another facility. He urged the Board to carefully consider before making a decision.

**Paul Braden**, 1111 West Seminole Place, **Jane Reed**, 2001 North Rosedale Avenue, **Tommy C. Jones**, 2306 West Reading Place, also were opposed to the application for similar reasons.

**Applicant's Rebuttal:**

**Don Batson**, Circle of Care CEO, stated that they have occupied the Francis Willard Home since the 1950's, before many of the interested parties purchased their homes. They receive referrals from the church and the 411 information systems. They have been a good neighbor all of these years and will continue to be.

Ms. Stead reminded Mr. Batson that it is not a matter of just occupying the site but maintaining the criteria for keeping the previously approved special exception status. Mr. Cuthbertson stated that the question is whether there is a legal non-conforming use status existing on this property. The legal non-conforming use is active for up to three years after it is vacated or a three-year window within four calendar years. The burden of proof for the new operation to pick up that legal non-conforming status is on the applicant with the permit office. The applicant must demonstrate that the new operation is compatible with the former use within that expiration window. Mr. Cuthbertson added that staff has not heard from the permit office to verify the proof. Mr. Henke brought up the issue of security. Mr. Batson responded they go by the Eagle Accreditation, but armed security is not in their plans. They train staff on non-violent crisis intervention and behavior management.

The Board discussed the case, considering the security, neighborhood opposition, location and good history of the applicant on this site.

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Special Exception to permit a juvenile treatment center (Use Unit 2) until January 2008 and a women's transitional living center (Use Unit 2) thereafter, in an AG district; finding that it would be detrimental to the neighborhood; and **APPROVE** a Verification of the spacing requirement for a residential treatment center and a transitional living center (Section 1202.C.7), on the following described property:

NE SE SEC 28 20 12, City of Tulsa, Osage County, State of Oklahoma

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White out at 2:35 p.m.

## **NEW APPLICATIONS**

### **Case No. 20570**

#### **Action Requested:**

Verification of the spacing requirement for a Residential Treatment Center. (Section 1202.C.7), located: Northeast corner of East 66<sup>th</sup> Place and South Riverside Drive.

**White returned at 2:37 p.m.**

#### **Presentation:**

**Nicole Peltier**, with DeShazo, Tang and Associates, 10830 East 45<sup>th</sup> Street, stated the applicant proposed to expand the center, having the same license and same owner. They will be on the TMAPC agenda for a lot combination next month. They asked for approval contingent on the approval of the lot combination.

#### **Interested Parties:**

There were no interested parties who wished to speak.

#### **Board Action:**

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** this applicant's Verification of the spacing requirement for a Residential Treatment Center. (Section 1202.C.7), subject to furnishing an executed and recorded lot-combination submitted to INCOG, on the following described property:

LT 1, Blk 1, 6600 RIVERSIDE DRIVE PRT RSB PT L2 B1 RIVERBANK PLAZA,  
City of Tulsa, Tulsa County, State of Oklahoma

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**Mr. Stephens out at 2:40 p.m.**

### **Case No. 20572**

#### **Action Requested:**

Special Exception to permit a home occupation (lymph therapy and lymph massage) in an RS-3 district (Section 404.B); and a Variance to permit a 6 sq. ft. sign advertising the home occupation on the property (Section 404.B.3), located: 2662 South Yale Avenue.

Mr. Cuthbertson informed the Board of several email communications submitted on the night before and morning of this hearing.

#### **Presentation:**

**Pat DeMoss**, 2662 South Yale, stated she is an RN with specific certification with lymph drainage therapy, craniosacral therapy and advanced brain therapy. Her

training is highly specialized and she is the only one in the state of Oklahoma with the advanced brain therapy. She submitted brochures (Exhibit A-1) of this medical type therapy. It reduces edemas, chronic and sub-acute inflammation, and numerous other conditions, including relief of pain.

**Mr. Stephens returned at 2:42 p.m.**

She estimated she would see one to three patients per day at her home.

**Mr. Tidwell out at 2:50 p.m.**

Her son designed a sign for her yard to help patients to find her house.

**Mr. Tidwell returned at 2:52 p.m.**

**Interested Parties:**

Ms. Stead noted the Board received seventeen letters of opposition (Exhibit A-2) from the neighbors. She indicated they opposed a home occupation on a busy street. She stated that she planned for construction of a u-shaped drive for easier egress.

**Mary Cutright**, 4207 East 25<sup>th</sup> Street, represented the Mayo Meadow Association, was opposed to a home occupation in the neighborhood because of the heavy traffic.

**Shane Hood**, 4919 East 26<sup>th</sup> Place, President of the Lortondale Neighborhood Association, expressed concern for a lighted sign. He stated this is a self-imposed hardship by putting a home-based business on Yale. They were opposed to circular drive in front of a house.

**John Nidifer**, 4731 East 22<sup>nd</sup> Place, stated the location would cause traffic safety hazards on Yale. He indicated the physical condition of the patients after treatment could cause safety concerns. He considered the sign to be a possible cause for safety hazards in traffic.

**Charles Klabzuba**, 8305 Meadowwood Avenue, Broken Arrow, Oklahoma, stated he owns the property at 4925 East 25<sup>th</sup> Place. He was not opposed as long as there were not people coming and going. He objected to a sign in the yard.

**Applicant's Rebuttal:**

Ms. DeMoss responded that the sign is not up yet because she did not have the variance. She added that it is no bigger than the garage sale signs people put in their yards. The sign is just to help people find her house easier. There are signs all along the street. She explained that she planned to provide the therapy in her home because the patients want a home atmosphere instead of going to another clinic. She will have a driveway constructed for safe and easy egress. She added that the sign would not be lighted.



In discussion, the Board members mentioned concerns for the traffic in that location and an over-sized sign.

**Board Action:**

On **Motion** of **Stead**, the Board voted 3-2-0 (White, Stephens, Stead, "aye"; Henke, Tidwell "nay"; no "abstentions"; no "absences") to **DENY** the Special Exception to permit a home occupation (lymph therapy and lymph massage) in an RS-3 district (Section 404.B); and a Variance to permit a 6 sq. ft. sign advertising the home occupation on the property (Section 404.B.3), finding the high traffic on the secondary arterial, proximity to the exit and entrance ramps to the Broken Arrow Expressway; finding it would be detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and finding a lack of hardship, on the following described property:

LOT-18-BLK-8, WISTFUL VIEW ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20574**

**Action Requested:**

Variance of the minimum building setback from the centerline of S. Mingo Rd. from 200 ft. to 175 ft. (Section 803), located: 6414 South Mingo Road.

**Mr. Stephens out at 3:32 p.m.**

**Presentation:**

The applicant was not present. The Board proceeded to the next case.

LT 2 BLK 1, BALDWIN ACRES RESUB L13-15 B7 UNION GARDENS, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20576**

**Action Requested:**

Special Exception to permit a mobile home in an RS-3 district (Section 401); and a Special Exception to extend the one year time limitation (Section 404.E.1), located: East of the Northeast corner of North Columbia Avenue and East 27<sup>th</sup> Street North.

**Mr. Stephens returned at 3:34 p.m.**

**Presentation:**

**Casey Landrum**, 534 East Marshall Place, stated he purchased a mobile home and proposed to move it onto the subject property. It is a 1981 remodeled single-wide home.

**Comments and Questions:**

Ms. Stead counted 29 new homes and four slabs poured for new houses in the neighborhood. She asked if there was a possibility, he could build on the lot. Mr. Landrum responded that he planned to add onto the mobile.

**Interested Parties:**

**Sharon Briggs**, 2722 East 27<sup>th</sup> Street North, stated she lives in a home directly across the street, built through Habitat for Humanity. She is opposed to a mobile home as out of character for the neighborhood.

**Tim Neal**, 2720 East 28<sup>th</sup> Street North, submitted a petition (Exhibit C-2) of opposition signed by homeowners.

**Mr. Stephens out at 3:41 p.m. for the remainder of the meeting.**

**Gary Castele**, 1349 South 75<sup>th</sup> East Avenue, stated he is the Executive Director for Habitat for Humanity. He added that they have built 34 homes in this area since 1998. The home ownership ratio in this neighborhood has increased from 40% to 76%. This is a fragile neighborhood and the owners are determined to maintain and improve it. He asked that the Board would consider the efforts that Tulsans have put in here.

**Applicant's Rebuttal:**

The applicant did not have a rebuttal.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DENY** a Special Exception to permit a mobile home in an RS-3 district (Section 401); and a Special Exception to extend the one year time limitation (Section 404.E.1), finding the special exceptions would not be in harmony with the spirit and intent of the code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 19 BLK 8, BEN C FRANKLIN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20574**

**Action Requested:**

Variance of the minimum building setback from the centerline of S. Mingo Rd. from 200 ft. to 175 ft. (Section 803), located: 6414 South Mingo Road.

**Presentation:**

**Eric Sack**, 111 South Elgin, represented Miller Swim School, to expand on the southwest corner of their building to add an additional pool inside. They also proposed to add the observation area and a restroom. He mentioned the variance approved for the ice arena for 75 ft. The applicant considered a 25 ft. variance to be in line with that Board approval. They would remove a few parking spaces, which would be added to the rear of the property for employee parking. He was aware of any additional classes but there are a few peak times that the main pool has an overload.

**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 minimum building setback from the centerline of S. Mingo Rd. from 200 ft. to 175 ft. (Section 803), per conceptual plan, with condition for additional parking to be constructed east of the structure to satisfy the code requirements, 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 2 BLK 1, BALDWIN ACRES RESUB L13-15 B7 UNION GARDENS, City of Tulsa, Tulsa County, State of Oklahoma

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**NEW BUSINESS**

**Review 2008 BOA Meeting Room Schedule**

**Board Action:**

On **MOTION of Tidwell**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** the 2008 BOA Meeting Room Schedule.

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**Case No. 20568**

**Action Requested:**

The Board requested to give a partial refund on Case No. 20568 to the applicant, Timothy L. Taylor.

**Presentation:**

Staff recommended a \$150.00 partial refund.

**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 Refund of \$150.00 to the applicant.

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There being no further business, the meeting adjourned at 3:55 p.m.

Date approved: 10/23/07



Chair