

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 968
Tuesday, November 13, 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**

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, November 8, 2007, at 3:39 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Henke called the meeting to order at 1:01 p.m.

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

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20604

Action Requested:

Special Exception to permit a Transitional Living Center, Homeless Center, Emergency and Protective Shelter and a Residential Treatment Center (Use Unit 2) in a CBD district (Section 701); and a Special Exception to permit such uses within a 1/2 mile of similar uses (Section 1202.C.7), located: 506 North Cheyenne Avenue West, 505 North Denver Avenue West.

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 **Continue** Case No. 20604 to the meeting on November 27, 2007, on the following described property:

The South Ten (10) feet of Lot 3, all of Lot 4 and all of Lot 5, Block 3, Original Town, now City of Tulsa, Tulsa County, State of Oklahoma, according to the

official plat thereof, and the dedicated alley lying between the South ten (10) feet of Lot 3 and all of Lot 4 on the East and the South Ten (10) feet of Lot 6 and all of Lot 5 on the West, all in Block 3, Original Town, now City of Tulsa, Tulsa County, State of Oklahoma, according to the official plat thereof.

Case No. 20607

Action Requested:

Variance of the maximum permitted one story, 10 ft. at the top plate, and 18 ft. total height of a detached accessory building in the required rear yard (Section 210.B.5); and a Special Exception to permit the reconstruction of a partially damaged legal nonconforming structure in the RS-2 district (Section 1402.G & 1405.B), located: 1125 East Sunset Drive.

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 **APPROVE** a Refund of \$475.00, per staff recommendation, for Case No. 20607, on the following described property:

Lot 6 and the following described part of Lot 7: Beginning at the Southwesterly corner of Lot 7, thence N 43°32'35" E along the Westerly line of Lot 7 for 82.29', thence S 33°04'36" W for 81.55' to a point on the Southerly line of Lot 7, thence N 55°49'38" W for 0.00', thence along the Southerly Line of Lot 7 around a curve to the right having a radius of 325.0 feet for 14.96' to the Point of Beginning; All in Block 12, SUNSET PARK, Tulsa, Tulsa County, Oklahoma

MINUTES

On **MOTION** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of October 9, 2007 (No. 966).

MINUTES

On **MOTION** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of October 23, 2007 (No. 967).

UNFINISHED BUSINESS

Case No. 20589

Action Requested:

Verification of spacing requirements for an Outdoor Advertising Sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: Northwest corner of Highway 75 and West 61st Street.

Mr. Cuthbertson announced this case was continued to today to obtain a surveyor's certificate to verify spacing.

Presentation:

Stephen Rogers, 2644 East 14th Street, provided a certificate of survey.

Interested Parties:

Kay Price, 5815 South 31st West Avenue, asked if this use is by right. She wanted to know if they meet all of the guidelines. Ms. Stead replied the zoning code specifies a minimum distance of 1,200 ft. The billboards must be placed within an expressway corridor.

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** a verification of the spacing requirements, per the land survey, showing a distance of 2,242 ft. from the centerline of the proposed sign from the nearest point of another sign, on the following described property:

LOT 1 BLK 2, PARKVIEW TERRACE RESUB TURKEY MOUNTAIN HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20590

Action Requested:

Verification of the spacing requirement for an Outdoor Advertising Sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: 11015 East Pine Street North.

Mr. Cuthbertson announced this case was also continued to today to obtain a surveyor's certificate to verify spacing.

Presentation:

Stephen Rogers, 2644 East 14th Street, was present, having provided a certificate of survey.

Interested Parties:

Rose Moon, 6601 East 60th Place, stated she opposed this case at the last hearing. She had a civil complaint.

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** a verification of the spacing requirements, per survey, showing the 1,541 ft. from the center of the proposed sign to the nearest point of an existing sign, on the following described property:

LT 5 BLK 1, WOLF POINT BUSINESS CENTER RSB PT B2 WOLF POINT IND
PKWY, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20592

Action Requested:

Modification of a previously approved plan to permit private school expansion; and a Variance of the 25 ft. setback requirement for a school from an abutting R-zoned property (Section 404.F.4), located: Southeast corner of South Hudson Avenue and East 36th Place.

Mr. Henke abstained from Case No. 20592.

Presentation:

Leisa McNulty, 3607 South Trenton, Architect for the Undercroft Montessori School, Phase I expansion. She provided the plans, designs and photographs (Exhibits A-1, A-2 and A-3). The subject property is approximately three acres containing three buildings totaling 17,270 sq. ft. The addition would be another 15,000 sq. ft. This would replace some temporary buildings, which would be removed. She introduced the construction manager for the project.

John Blickensderfer, 17712 East 104th Place North, Owasso, Oklahoma, stated they do not plan to increase enrollment. This is to improve the facilities.

Comments and Questions:

Ms. Stead asked if they would object to approval per the plan submitted. He replied the plans as submitted with changes by the permit office stand. He added they would be willing to maintain the sidewalks along Hudson. He stated that most of the exterior lighting is down-lighting with lighting on the exterior of the school.

Mr. Stephens asked when they expect to build Phase II. Ms. McNulty replied in five to ten years. He asked for the hardship. She responded that although the

property abuts RS-2 zoned property, it is not being used for residential. It is used for Bishop Kelley's athletic fields. Mr. Blickensderfer explained that the Montessori philosophy requires the buildings and spaces have a home-like setting.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 4-0-1 (White, Stephens, Stead, Tidwell "aye"; no "nays"; Henke "abstained"; no "absences") to **APPROVE** a Modification of a previously approved plan to permit private school expansion; and a Variance of the 25 ft. setback requirement for a school from an abutting R-zoned property (Section 404.F.4), with conditions to maintain sidewalks along Hudson; lighting per the Kennebunkport plan; and per plan submitted today, however permitted any modifications the building permit department might add after this meeting, finding the 25 ft. requirement on the South abuts the athletic field of Bishop Kelly High School for quite a distance; 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:

A tract of land lying in the NW/4 of SE/4 of Section 22, T-19-N, R-13-E of the IB&M, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point which is 550 feet South of the North line and 55 feet East of the West line of said SE/4 of said Section 22; thence East and parallel to the North line of said SE/4 for 700 feet; thence South and parallel to the East line of said NW/4 of SE/4 for 200 feet; thence West and parallel to the North line of said SE/4 for 700 feet; thence North and parallel to and along a line that is 55 feet East of the West line of said SE/4 to the Point of Beginning.

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Case No. 20593

Action Requested:

Special Exception to permit office use (Use Unit 11) in the RM-2 district (Section 401); Variance of the building setback from the centerline of S. Denver Av. from 85 ft. to 70 ft. (Section 404.G & 603); Special Exception to remove the screening requirement between an office use and an abutting R district (Section 212.C.4); and a Variance of the setback requirement for a parking area within 50 ft. of an R district from the centerline of an abutting street from 50 ft. to 40 ft. (Section 1302.B); to permit bank use (Use Unit 11), located: 1419 South Denver Avenue.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, represented the Tulsa Postal and Community Federal Credit Union. They have been located at this site since 1985 and find that it is inadequate and inefficient for the customers. He covered the history of past Board cases on this property. They proposed to build a new building according to the site plan on this property. He submitted exhibits A and B, a rendering and photographs (Exhibits B-1, B-2 and B-3). He reviewed the surrounding property uses and existing setbacks.

Comments and Questions:

Ms. Stead asked if there were any changes on Exhibit A, to which Mr. Norman replied there were not. She asked about the areas with hash marks to verify they were for sidewalks on two sides. He pointed out the drive-through would be on the north side.

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 **APPROVE** a Special Exception to permit office use (Use Unit 11) in the RM-2 district (Section 401); Variance of the building setback from the centerline of S. Denver Av. from 85 ft. to 70 ft. (Section 404.G & 603); Special Exception to remove the screening requirement between an office use and an abutting R district (Section 212.C.4); and a Variance of the setback requirement for a parking area within 50 ft. of an R district from the centerline of an abutting street from 50 ft. to 40 ft. (Section 1302.B); to permit bank use (Use Unit 11), per plans (Exhibits A and B submitted today); lighting to be focused downward; crosshatch areas on Exhibit B on 14th Place and Denver are sidewalks to be constructed and maintained; 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; regarding the variances, 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:

LTS 7 THRU 10 LESS W5 THEREOF FOR RD BLK 1, CAMPBELL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20594

Action Requested:

Variance of the maximum permitted parking area coverage in the required front yard from 34% (Section 1303.D), located: 3512 South Norfolk Avenue.

Presentation:

Jim Congleton, 3512 South Norfolk Avenue, stated the property is at a dead end street with 50 ft. lots on the west side of the street. All of the houses on the east side have been removed except for one. The Southminster Presbyterian Church plans to build a large recreation hall, with two-stories and substantial parking. He felt that the variance would allow for a better flow of traffic. He found the neighbors on his block to be in support.

Comments and Questions:

Ms. Stead noted he did not obtain a permit and built over City right-of-way. Mr. Congleton offered suggestions for changes that would satisfy this Board and the City of Tulsa. Ms. Stead suggested he come back to the Board with a plan for less concrete in the front yard. Mr. White added that the applicant will need a viable hardship, because at this time he did not see a hardship for this application.

Interested Parties:

There were no interested parties who wished to speak. There was one letter of opposition before the Board (Exhibit C-1).

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 **CONTINUE** Case No. 20594 to the meeting on January 8, 2008, on the following described property:

N1/2 OF LT 5 BLK 2, PEORIA COURT RESUB B1 PEORIA GARDENS AMD & PRT PEORIA GDNS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20595

Action Requested:

Variance of the maximum permitted coverage of a required front yard by a parking area from 34% to 52% to permit a semi-circular drive (Section 1303.D), located: 3822 South Utica Avenue.

Presentation:

Benita Duncan, 4318 East 52nd Place, stated the subject property is lower than street level, therefore, they have to back out of the driveway going uphill. The hills north and south on Utica Avenue impedes a driver's ability to see on-coming traffic. She pointed out that between 41st Street and 31st Street on Utica there are 21 properties with semi-circular drives. Twelve of those properties are between 36th and 41st Streets. The plan was provided in the agenda packet (Exhibit D-1).

Comments and Questions:

Ms. Stead stated it was obvious after seeing the property that the applicant needs relief for a better driveway.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum permitted coverage of a required front yard by a parking area from 34% to 52% to permit a semi-circular drive (Section 1303.D), per plan as shown on page 7.6 of the agenda packet, finding the topography of the lot is the hardship; by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land 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 4 BLK 1, FOREST RIDGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20596

Action Requested:

Special Exception to permit college (Use Unit 5) use in the AG district to permit expansion of the Spartan College of Aeronautics and Technology (Section 301) located: West of the Southwest corner of East Pine Street and North 89th East Avenue.

Presentation:

Stephen Schuller, 1100 ONEOK Plaza, represented Spartan College of Aeronautics and Technology. They proposed to expand the campus. They sold the campus on the Tulsa International Airport grounds, to permit the City of Tulsa to expand the terminal and other airport facilities. That decision was approved by the City Council, 9-0-0, to issue and fund the bonds to pay for that acquisition by the City. Spartan plans to build according to the plans submitted (Exhibit E-1) and combine it with the existing campus on Pine Street. The special exception would meet all of the bulk and area requirements of the zoning code. It would be an improvement of the campus and the area in general. It is consistent with the current facility for Spartan College. This special exception would not be injurious to the neighborhood or otherwise detrimental to the public welfare. The staff comments state the subject property is planned for aviation-oriented industries. It has a high intensity designation in the Comprehensive Plan. Staff pointed out that the Tulsa Airport Authority, which is TAIT, Tulsa Airport's Improvement Trust

should oversee the development. Spartan would pay rent to TAIT, thereby increasing the non-airline revenue. There would not be any additional traffic access, just the existing access to the campus. Students will be able to walk to classes instead of drive. Mr. Schuller stated there would not be a need for sidewalks along Pine Street, as the pedestrians would be walking across the interior of the campus. There is no development to the west of the campus. He expected the special exception to trigger a platting requirement and the Planning Commission could deal with sidewalk requirements at that time. He also noted the staff comments stated there are no adjoining residences or agricultural properties, which would appear to warrant any special protections or considerations. There is not likely to be any other development than airport related uses as mandated by the Comprehensive Plan. The expansion is deliberately located away from the residential neighborhood to the east by several hundred feet.

Comments and Questions:

Ms. Stead asked if this expansion would cause a great deal more noise. Mr. Schuller replied that the test cell in the facility would be no louder than the current noise of aircraft overhead. They will orient the facility to exhaust the noise to the west, away from the neighborhood and will vent it into the ground. This is for reciprocating engines not jet engines. It is not the same kind of noise. They will only use it about once every six weeks during normal school hours, never on weekends or holidays. Ms. Stead stated the Board has little choice in requiring sidewalks.

Interested Parties:

The Board received one letter of opposition (Exhibit E-2).

Carol Barrow, 8924 East Marshall Street, stated she is the head of the Layman Neighborhood Association. She complained that she did not receive notice of this hearing. She informed the Board there have been many complaints of speeding traffic on 89th Street when classes let out. Ms. Stead informed her that the requirement for notices is within a 300 ft. of the facility. Ms. Barrow stated they are concerned about more noise and vibration that could damage the residential properties.

City Councilor, Roscoe Turner, 3415 East Haskell Street, stated there has been a long history of problems from these industries. This residential area suffers from the noise. He expressed the need to buy out the homeowners for industrial use.

Laura Dowdy, 8905 East Latimer Street, stated she has lived at this address since 1968. She covered some history of this area, listing buyouts. She mentioned the covenants made between the neighborhoods and Spartan.

Applicant's Rebuttal:

Mr. Schuller responded that the houses are several hundred feet from the residences. He added that the only night classes conducted on the campus are for a bachelor's degree, not aviation classes. He assured the Board that Spartan does not have any engines that are loud enough to make the kind of noise, of which the neighbors are describing.

Comments and Questions:

Ms. Stead vouched for Mr. Schuller's statements regarding the noise from 24 hour American Airlines facility. She also understood the complaints of the homeowners. She stated that special exceptions go to perpetuity. She added that the residents probably did not understand these campuses were always available for this use.

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 **APPROVE** a Special Exception to permit college (Use Unit 5) use in the AG district to permit expansion of the Spartan College of Aeronautics and Technology (Section 301), subject to construction and maintenance of sidewalks along Pine to the extent of the subject property; no testing of any engines on nights, weekends or holidays; per site plan as shown on page 8.6 of the agenda packet, 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:

ALL THAT PRT NW LYING E GILCREASE EXPY LESS N40 E1530 THEREOF
& LESS S40 E450 W1145 SW NW & LESS S30 E175 SW NW & LESS S40 SE
NW & LESS 11.40ACS LEASE, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20597

Action Requested:

Special Exception to permit a mobile home in an RS-3 district (Section 401); and a Special Exception to permit the mobile home permanently (Section 404.E.1), located: 2415 North Canton Avenue East.

Presentation:

Quilla Sanders, 17807 East Owasso, stated he owns the subject property. He has been improving by clearing off a lot of junk. He noted there are about nine mobile homes in the area. He waited to get approval before he purchased a used mobile home.

Comments and Questions:

Ms. Stead advised Mr. Sanders that the Board usually makes approval limited to a number of years for a mobile home. She added the other usual requirements for skirting, tie downs, concrete or asphalt drive and two parking spaces on the drive.

Mr. Sanders contacted his neighbors and found them in support of the application. He provided a petition and photographs found in the agenda packet.

Interested Parties:

City Councilor Roscoe Turner stated he was not in support of mobile homes in the area. They are trying to improve the neighborhoods. Ms. Stead asked if he visited this area. He replied that he only found out about the case the day of the hearing. She explained to him there are numerous mobile homes in this immediate area. He suggested that they put a mobile home in a mobile home park. She encouraged him to look at the area. He offered to take a look at the neighborhood and get back with his findings to the Board.

Ms. Stead stated that if they continue this case, she would suggest that the applicant does not need to attend the next hearing of this case.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20597 to the meeting on November 27, 2007, on the following described property:

S 1/2 W 1/2 LT 1 BLK 4 , S R LEWIS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20598

Action Requested:

Special Exception to permit a locker room and restroom addition to an existing school athletic facility in an RS-3 district. (Use Unit 5), (Section 401), located: 1631 East Woodrow Place.

Presentation:

Bob LaBasse, 3027 South New Haven, stated the relief is for the addition of locker rooms, new concessions, restrooms and referee dressing room on the Booker T. Washington campus.

Interested Parties:

City Councilor Turner spoke in support of the application.

Mildred Blocker, 2234 North Rockford, inquired why the school did not build this in conjunction with the new gymnasium.

Jackie Blocker, 2234 North Rockford, expressed concern the addition would be a multi-story building near the residential homes.

Mr. Cuthbertson interjected that the only thing they requested is a small building in the middle of the campus. It was pointed out on the site plan (Exhibit F-1). It would not be visible to the residential neighborhood.

John Hinkley, 2145 North Rockford, was in support of the application.

Applicant's Rebuttal:

Mr. LaBasse responded that the building is one-story. This facility will serve the football stadium not the gymnasium.

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 **APPROVE** a Special Exception to permit a locker room and restroom addition to an existing school athletic facility in an RS-3 district. (Use Unit 5), (Section 401), per plan as shown on pages 10.6 and 10.7, 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:

THE NE 1/2 SE 1/2 NW 1/2 AND THE SE1/2 SE 1/2 NW 1/2 LESS THE SOUTH 40 FEET THEREOF, BOTH TRACTS SITUATED IN SECTION 30, T-20-N, R-13-E, TULSA COUNTY, OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEROF AND LOTS 4-12 INCLUSIVE, BLOCK 1, ALL OF BLOCKS 2, 3, 4, AND 5, COOTS ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACORDING TO THE RECORDED PLAT THEREOF, AND BLOCKS 1 AND 2, CARVER HEIGHTS SECOND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEROF, AND BLOCKS 1 AND 2, CARVER HEIGHTS THIRD ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEROF, CONTAINING 40.20 ACRES MORE OR LESS. LESS ANY EXISTING STREET RW THROUGH OR ADJACENT TO THE ABOVE.

Case No. 20599

Action Requested:

Special Exception to permit a restroom and concession stand addition to an existing school athletic facility in an RS-3 district (Use Unit 5), (Section 401), located: 1919 West 40th Street.

Presentation:

Bob LaBasse, stated this special exception is for the Webster facility, incorporated with the football field and stadium. It is actually two small facilities, a small ticket booth and the other for concessions, restrooms and a referee changing area. A site plan was provided (Exhibit G-1).

Interested Parties:

Kay Price, 5815 South 31st West Avenue, stated support of the application.

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 **APPROVE** a Special Exception to permit a restroom and concession stand addition to an existing school athletic facility in an RS-3 district (Use Unit 5), (Section 401), per plan as shown on page 11.6, 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:

LOTS 4 TO 23 INCLUSIVE BLOCK 1 LOTS 7 TO 26 INCLUSIVE BLK 2 ALL OF BLOCK 3. ALL OF BLOCK 4 AND LOTS 8 TO 27 INCLUSIVE BLOCK 5 OF CLINTON HOMESITE AND TO RED FORK, TULSA COUNTY OKLAHOMA. INCLUDING WEST 38TH STREET VACATED FROM EAST SIDE OF SOUTH YUKON AVE. TO CENER LINE OF ALLEY AT EAST PROPERTY LINE. SOUTH WACO AVE. FROM N LINE OF W 38TH STREET TO N LINE OF W 40TH STREET. AND ALL EASEMENTS IN BLOCKS 1,2,3,4, AND 5 AS SHOWN ON PLAT DATED JUNE 30, 1955.

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Case No. 20600

Action Requested:

Minor Special Exception to reduce the front setback from 35' to 30' for a new porte cochere (Section 403.A.7), located: 6122 South Gary Avenue East.

Presentation:

James Boswell, 1305 East 15th Street, Project Architect, provided a plan, elevations and photographs to the Board (Exhibit H-1, H-2 and H-3). They proposed to update the design per plan on page 12.6 of the agenda packet.

Comments and Questions:

Ms. Stead asked for the percentage of concrete. Mr. Boswell replied it will be less than 40%. He also responded they are going to preserve the two trees.

Mr. Tidwell out at 2:53 p.m.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-1 (White, Stephens, Henke, Stead "aye"; no "nays"; Tidwell "abstained"; no "absences") to **APPROVE** a Minor Special Exception to reduce the front setback from 35' to 30' for a new porte cochere

(Section 403.A.7), per plan submitted on page 12.6 of the agenda packet, 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:

LT 4 BLK 1, MANOR VIEW ESTATES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20601

Action Requested:

Special Exception to permit a Homeless Center (Use Unit 2) in an IM district; Special Exception to permit a Place of Worship (Use Unit 5) in an IM district; Special Exception to permit an Emergency and Protective Shelter (Use Unit 2) in an IM and PK district; and a Special Exception to permit a Homeless Center and an Emergency and Protective Shelter within ½ mile of one another (Section 1202.C.7), located: South of the Southwest corner of East Apache Street and North Harvard Avenue.

Mr. Cuthbertson informed the Board that numerous letters were received from interested parties at the last minute, which he placed before the Board.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, stated that he represented Catholic Charities of the Diocese of Tulsa and Lou Reynolds represented the Domestic Violence Intervention Services. They are separate projects to be located on a 15-acre property donated to them. Catholic Charities proposed to relocate nine buildings in four locations as a single campus. The existing sites will be sold after the move from those locations. He desired the submitted numerous exhibits, including site plans, photographs, screening details and development standards (Exhibits I-1, I-2, I-3, I-4, and I-5). He reviewed the surrounding properties and uses. Mr. Norman stated there would be twelve rooms for twelve adult pregnant women, with four staff people. There is staff coverage twenty-four hours a day. They would provide 15 apartments for homeless families, having one employed adult per family. It can be one woman with children or a man and woman with children, or a man with children. They must be drug free for one year or more. The shortest stay has been one month, typical stay is six months and longest stay is one year. They have secure, enclosed courtyards for children to play outside.

Comments and Questions:

Ms. Stead asked that the applicants address schooling for the children. Ms. Stead also asked about the signage mentioned in the application. Mr. Norman responded that the signs were not designed yet, but they would be small signs, about 8' x 8'. He stated the sign for the Catholic Charities would be to the north at the main entrance and the sign for DVIS would be near what will be platted as the

mutual access easement. He stated that about 50% of the children of families residing here would stay in their home school. The other children would attend the neighborhood schools. Ms. Stead asked if they would monitor the security cameras. Mr. Norman replied that they would not because the history of these facilities have demonstrated monitoring to not be necessary.

Lou Reynolds, 2727 East 21st Street, informed the Board that the DVIS Director, Angie Douglas, was present for any questions. They will have ten to fifteen employees and many volunteers. They have never had to call the police. They will have a double-locking entry and cameras will be on. A staff person would be able to observe the visitor and staff can release the electronic lock to allow entrance. He stated they have electronic closed-circuit television on the exterior and interior, which will be monitored. This will be a one-story facility for easy access for people with disabilities and more of a family setting. This will be a site for women and children only. They assist the clients to obtain daycare and/or placement of children in school and after-school care. They have discussed this with the schools and found it will not cause problems with overcrowding or funding shortage.

Mr. White out at 3:28 p.m.

They do not get very many teenagers. Teenagers are only accepted if they are family dependents and enrolled in school full-time.

Mr. White returned at 3:30 p.m. Mr. Henke out at 3:30 p.m.

The program provides counseling to parents and family members, meals, and medical care. They plan to have a gymnasium. The current facility is old, worn out, two stories, and too small. Mr. Reynolds stated DVIS has been a good neighbor, as indicated by the neighbors' letters to the Board. He referred to the photographs provided (Exhibit I-3) showing the nice homes that have been built around the current DVIS facility.

Mr. Henke returned at 3:33 p.m.

Mr. Reynolds pointed out that DVIS has a good track record as a service provider and as a neighbor. He stated they will not close Young Street, but they will not be using it. He noted the nearby businesses, Morton Clinic and the library have supported them.

Comments and Questions:

Ms. Stead asked if they were going to re-plat the property, to which Mr. Reynolds replied that they would.

Interested Parties:

Randy Bell, 1526 North Harvard, expressed concern for the re-sale value of the neighboring homes. He asked if there would be a lot of foot-traffic to and from the

neighborhood and facility. Ms. Stead responded to him that the applicant explained the residents would be screened applicants who reside there, not walk-ins.

Charlene Watkins, 104 East 13th Street, Sand Springs, Oklahoma, stated she owns an apartment building in the neighborhood. She did not have any knowledge of the case. She wanted to see the neighborhood improve and was concerned about a homeless shelter.

Mike Hardmon, 3109 East Xyler, stated he brought signatures of neighbors opposed but he did not submit them. He added they were concerned about a large homeless shelter because of the way the notice was worded.

Michael Reed, 1008 East Queen Street, complained of another social service facility moving into this area of the city. They are looking for new avenues for economic development. He was opposed to the application.

Councilor Turner, stated he received numerous calls from constituents. He mentioned the Mohawk center for mothers with children. He added they are trying to improved north Tulsa and he was opposed to another social service program.

Applicant's Rebuttal:

Mr. Reynolds responded that the two facilities would employ about 35 people per diem. He stated that if the DVIS facility has any signage, it would probably just say DVIS. DVIS is selling the current facility and would be pleased to see more new houses built there.

Comments and Questions:

In response to questions from the Board, Mr. Reynolds explained that the use of the name, homeless shelter was necessitated by the zoning code.

The Chair recognized an interested party.

Amley Floyd, 1034 East Young Place, asked questions about new employees and where the homeless people are coming from. He thought the funds should go to individuals to re-establish them instead of a shelter where they are overseen.

Mr. Norman responded that 60 people will be employed by Catholic Charities at this location. He informed the Board that Lou Reynolds met with City Councilors Barnes, Henderson and Turner. They gave copies of the application and exhibits to the Councilors in advance. He sent letters to four neighborhood associations who were parties of interest, with copies of the applications and exhibits in advance of this hearing also. Mr. Norman stated they have had many conversations with people in the neighborhood, including Mr. Bell's wife, and gave her a lot of this information. They are trying to reduce the scattering effect of the social services delivered by Catholic Charities by consolidating nine buildings in

four different locations into one campus with the generous gift they recently received. He referred to the conditions presented as a part of the application to show the applicants' consideration of their neighbors, including screening and signage. He introduced Mr. Menchall to conclude the applicant rebuttal.

Richard Menchall, 2444 East 26th Place, stated he is Vice Chairman of the Board of Governors, Catholic Charities, and the Interim Executive Director of Catholic Charities. The Bishop is the Chairman, and would have been at the hearing, but he was out of town at a Bishops' Conference. He felt there were some misconceptions, which he wanted to clear. He reminded the Board that this is a residential program for pregnant women and families, applicants are drug and alcohol free for a minimum of a year, with one adult gainfully employed. They will set aside 25% of their wages in a savings account while they are in residence so they have a nest egg to get started on their own when they move out. This helps keep the family unit intact until they can go back to society and make their way. Mr. Menchall explained the pregnant women usually seek advances in their education or vocational training. This is so they are more able to obtain better employment.

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 **APPROVE** a Special Exception to permit a Homeless Center (Use Unit 2) in an IM district; Special Exception to permit a Place of Worship (Use Unit 5) in an IM district; Special Exception to permit an Emergency and Protective Shelter (Use Unit 2) in an IM and PK district; and a Special Exception to permit a Homeless Center and an Emergency and Protective Shelter within ½ mile of one another (Section 1202.C.7), subject to the conditions: for a mutual access agreement from Harvard; no public access into the neighborhood to the south; the gated drive from Young Street be for emergency use only, otherwise gated and locked; construct and maintain sidewalks along Harvard to the extent of their property; also subject to the narrative supplemental to the BOA application, page 13.6, adding there shall be no more than twelve maximum adult pregnant women at any one time housed in the Catholic Charities facility; no more than fifteen apartment units for homeless families that in accordance with applicant statements, at least one adult of each homeless family in the apartments must be employed and all adults drug-free for at least one year; per development standards for Tract A and Tract B; and per the required platting, 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:

A TRACT OF LAND THAT IS PART OF THE NE/4 OF THE NE/4 OF SECTION 29, T-20-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE

NORTHEAST CORNER OF SAID SECTION 29; THENCE DUE WEST ALONG THE NORTHERLY LINE OF SECTION 29 FOR 50.00'; THENCE S 00°10'32" E PARALLEL WITH THE EASTERLY LINE OF SECTION 29 AND ALONG THE NORTHERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY LINE OF NORTH HARVARD AVENUE AND ALONG SAID RIGHT-OF-WAY LINE FOR 427.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING S 00°10'32" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 590.26'; THENCE S 89°58'16" W AND PARALLEL WITH THE SOUTHERLY LINE OF THE NE/4 OF THE NE/4 OF SECTION 29 FOR 435.00'; THENCE S 00°10'32" E AND PARALLEL WITH THE EASTERLY LINE OF SECTION 29 FOR 300.00' TO A POINT ON THE SOUTHERLY LINE OF THE NE/4 OF THE NE/4; THENCE S 89°58'16" W ALONG SAID SOUTHERLY LINE FOR 589.30'; THENCE DUE NORTH FOR 201.07'; THENCE DUE WEST AND PARALLEL WITH THE NORTHERLY LINE OF SECTION 29 FOR 175.34'; THENCE DUE NORTH FOR 405.44' TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 37°44'12", A RADIUS OF 125.00' FOR AN ARC LENGTH OF 82.33', WITH A CHORD BEARING OF N 18°52'06" E FOR A CHORD DISTANCE OF 80.85' TO A POINT OF TANGENCY; THENCE N 37°44'12" E ALONG SAID TANGENCY FOR 178.50' TO A POINT OF CURVE; THENCE NORTHEASTERLY AND NORTHERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 37°44'12" A RADIUS OF 175.00' FOR AN ARC LENGTH OF 115.26' WITH A CHORD BEARING OF N 18°52'06" E FOR A CHORD DISTANCE OF 113.19'; THENCE DUE SOUTH FOR 123.51'; THENCE DUE EAST AND PARALLEL WITH THE NORTHERLY LINE OF SECTION 29 FOR 300.00'; THENCE DUE NORTH FOR 83.00'; THENCE DUE EAST AND PARALLEL WITH THE NORTHERLY LINE OF SECTION 29 FOR 724.92' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 854,225 SQUARE FEET OR 19.6103 ACRES.

Case No. 20602

Action Requested:

Special Exception to permit church accessory use in an RS-3 district (Section 401); and a Variance of the minimum required average lot width from 60 ft. to 46 ft. to permit lot splits (Section 403); to permit residential and church parking development, located: 5920 South 32nd Avenue and 5900 South 32nd Avenue.

Presentation:

Robert McGuire, 5737 East 63rd Place, stated that on August 15, 2007 the Board heard a presentation for this property. They proposed to use it for church use entirely. The application was denied by this Board. He informed the Board that he has built churches and homes, some in this neighborhood. He has talked with some of the neighbors about his proposal. He recognized the church is not a part

of a large denominational organization. They independently govern themselves and raise their own funds. He presented his plans and suggested conditions (Exhibit J-2 and J-3), to help the church achieve their goals and meet zoning requirements. He pointed out the panhandle on adjacent residential properties that would provide a sewer access. This plan would eliminate traffic flow through 32nd Street. He stated he would conserve trees; construct a screening fence; and would be open to lighting restrictions. He would remove the old barn structure and an old house. He would build three homes on all three of the residential lots. He pointed out the three lots have more than the required frontage. He informed the Board that the invalid owner of the property is under contract to sell to the church through her attorneys managing her estate. He suggested this would add more nice homes and allow the church to expand within the neighborhood. Mr. McGuire offered a condition, that they could not build the parking lot until the houses were constructed.

Interested Parties:

Kay Price, 5815 South 31st West Avenue, stated Mr. McGuire is a good developer. She stated she disagrees with him on the impact this redesign would have on Summit Park. She stated she spoke for herself and for West of River Tenants and Homeowners. She pointed out that neighbors across the street that are on a higher elevation will look down on asphalt. She expressed concern that the church would not maintain the privacy fence.

Latoya Gaston, 5903 South 33rd West Avenue, was in support of new homes. She was opposed to asphalt all around her home.

Dan Crowley, 5830 South 32nd West Avenue, stated support of the application. He would not want the church to vacate the property and leave it empty.

Mr. Stephens out at 4:59 p.m. and returned shortly thereafter.

Ray Morales, 5905 South 32nd West Avenue, stated concern for traffic. He did not think the new homeowners would be content with a parking lot behind their property and it would cause too much turnover in ownership.

Christine Fisher, 5924 South 32nd West Avenue, stated there is a considerable elevation change in the area and they could not build a fence high enough to screen the parking lot.

Mr. Morales wanted to verify the Board received a letter from one of the neighbors (Exhibit J-1), which the Board assured him they received.

Applicant's Rebuttal:

Mr. McGuire responded he was willing to construct a six or eight-foot fence. He refuted the interested party's statement that they could see the parking lot from 32nd Street. He indicated this would bring this neighborhood to it's fullest potential.

Mr. McGuire stated he would be willing to run the sewer lines across 32nd Street and not create the panhandle lots, if the Board should require it.

Board discussion ensued.

Board Action:

On **Motion of Stead**, the Board voted 3-2-0 (Henke, Stead, Tidwell "aye"; White, Stephens "nay"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit church accessory use in an RS-3 district (Section 401); and a Variance of the minimum required average lot width from 60 ft. to 46 ft. to permit lot splits (Section 403); to permit residential and church parking development, subject to division of lots as shown on pages 14.6, 14.7 and subject to those conditions mentioned in October 3, 2007 letter from Open World Land and signed by Robert McGuire. Those conditions are: on the front 95 ft. to build three single-family homes facing 32nd West Avenue, with lot widths of 73 ft., 63.5 ft. and 63.95 ft.; the property will be cleaned and new construction will be completed within twelve months; there will be a TREE-SAVE program; two of the three lots will have 16 x 55 ft. extensions, at the rear, for the purpose of reaching the sewer in a legal fashion and on the downhill leg of the sewer main; to screen the rear lot lines from the church parking with a six-foot privacy fence; the 55 foot north and south ends of the church parking will be fence, six-foot privacy; all of the new parking access will be through the existing church parking lots. The motion continued with conditions for a six-foot board, privacy fence around the parking lot; lighting to be directed down and away from neighborhood; parking lot not to be built until homes on lots with addresses 5902, 5906 and 5912 are constructed; finding the topography of the existing land and reconfiguration is unusual; and that the finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding the variances 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; and 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 50' LT 23, LT 24, LT 25, BLK 1, SUMMIT PARKS, City of Tulsa, Tulsa County,
State of Oklahoma

*****.

Case No. 20603

Action Requested:

Verification of spacing for a family day care home (Section 402.B.5.g), located:
119 East 47th Street South.

Presentation:

Lisa Mason, 119 East 47th Street, provided verification of spacing for a daycare home. A petition was provided in the agenda packet.

Comments and Questions:

Ms. Stead reminded Ms. Mason there should be no parking on the yard and no signage is permitted.

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 **ACCEPT** the verification of spacing for a family day care home (Section 402.B.5.g), on the following described property:

LT 10 BLK 5, SONNIE SUE ACRES SUB W/2 TR B HARRY N ABDO, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No. 20453-A

Action Requested:

Modification of a previously approved plan, located: 2300 North Lewis Avenue. Request for refund of fees paid for relief not required.

Presentation:

Roy Johnsen, 201 West 5th Street, represented Advance Metal Recycling, owner of the subject property. The plan was modified for Board approval (Exhibit K-1). The applicant found the old structures were dilapidated and removed them. They proposed to replace them with a 6,000 sq. ft. office building. Virgin Street is closed and no longer a public street. They plan to construct a metal screening fence along the common boundary with the railroad for the full length and Lewis. The main building is preserved as shown on the plan. The landscaping plan will remain the same. He stated they have graded the areas for the new sidewalks.

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 **APPROVE** the modification of a previously approved plan, per page 17.6, as shown in the agenda packet, on the following described property:

PRT SE NE BEG 1420.2S & 33W NEC NE TH W385.05 N100 W40.57
SW184.58 SW177.68 SW104.06 SW234.02 SW254.61 S80 NE836.19 N358.97
POB SEC 30 20 13 7.25AC, City of Tulsa, Tulsa County, State of Oklahoma

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a refund of fees paid for relief not required, \$107.00 per staff recommendation.

OTHER BUSINESS

Case No. 20583

Action Requested:

Reconsideration of a Variance of the required setback for a church in an R district from an abutting R district from 25 ft to 13.5 ft. (Section 404.F), located: 2245 North Norfolk.

Presentation:

R. E. Walker, 2235 North Norfolk, provided the plan, petition of support with about 200 signatures and photographs (Exhibits L-1, L-2 and L-3). He asked the Board to consider the hardships declared in a letter from him, dated October 16, 2007, to the Board of Adjustment.

Interested Parties:

Claudia Graham, 2131 North Norfolk, stated her support of the application.

Patricia Lewis, 525 East Woodrow Place, stated they were not against the church. She added that they are trying to increase the number of rooftops. She showed photographs (Exhibit L-3). She felt that the addition would be too close to the house next door.

Almay Floyd, 1034 East Young Place, spoke in support of the applications. He pointed out the proximity of his property from the church; and stated he has not heard noise from the church. He noted parking lot was there when the new house was built in the last year. He appreciated that the church put up security cameras that provides surveillance of the area.

Patricia Bell, 2147 North Norfolk, expressed support for the church as a good neighbor. She added that they keep the property clean, show interest in the community and offer a good influence.

James Harrison, Assistant Pastor, 1490 North 78th Street West, Muskogee, Oklahoma, stated this would be an improvement in the neighborhood. They are a progressive church and need classrooms.

Mr. Henke explained to the public that the Board needs a hardship for the variance.

Esther Ogens, 2202 North Owasso, wanted to see an increase of homes and businesses. She was opposed to metal buildings that decrease property values.

Charles Carter, 2211 North Norfolk, noted twelve new homes were built on his street and twelve to eighteen new homes were built on Owasso.

Michael Reed, 1008 East Queen Street, stated there is no hardship for this application.

Applicant's Rebuttal:

Pastor Walker stated he stands on the hardships he declared.

Comments and Questions:

Mr. White noted the building at the back is 29 ½ ft. from the rear property line. The sewer line is quite a distance east from the rear property line. They cannot build over the sewer line. The design of the existing building makes it impossible to build out because of the mechanical equipment, including the air-conditioner on the east side. Adding to the north would be a logical approach. The house on the corner of 2247 is a small enough lot but they could not build a bigger home.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") upon reconsideration to **APPROVE** a Variance of the required setback for a church in an R district from an abutting R district from 25 ft to 13.5 ft. (Section 404.F), per plan, finding the hardships listed in the applicant's letter from October 16, 2007, found on page page 19.7 of the agenda packet, particularly referring to items 2 and 3; 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 14 BLK 3, HENRY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

*****.

There being no further business, the meeting adjourned at 6:30 p.m.

Date approved: 12/11/07

Frank X. Kelly, III
Chair