

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1197
Tuesday, January 9, 2018, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Van De Wiele, Chair Flanagan, Vice Chair Back, Secretary Bond Ross		Miller Moye Sparger Ulmer	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on January 4, 2018, at 10:18 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

Ms. Moye read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the December 12, 2017 Board of Adjustment meeting (No. 1196).

NEW APPLICATIONS

22376—Layla Jabur

Action Requested:

Special Exception to allow a Bed and Breakfast (short-term rental) in an R-3 District (Section 5.020). **LOCATION:** 2139 East 17th Place South **(CD 4)**

Presentation:

The applicant has withdrawn the application.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

LT 31 BLK 5, MAYWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22371—Eller & Detrich – Andrew Shank

Action Requested:

Appeal of a written zoning code interpretation by the Planning and Development Director (Section 70.140).

Presentation:

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; after discussion with City staff the applicant has requested a continuance to March 13, 2018.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **CONTINUE** the request for an Appeal of a written zoning code interpretation by the Planning and Development Director (Section 70.140) to the March 13, 2018 Board of Adjustment meeting.

22373—Brian Adler

Action Requested:

Special Exception to permit a freestanding sign to be located in the planned Right-Of-Way with a 30-foot setback from the center of South Boston Avenue East (Section 60.020). **LOCATION:** 1709 South Boston Avenue East (**CD 4**)

Presentation:

Brian Adler, 1004 East 17th Place, Tulsa, OK; stated this to erect a business sign.

Mr. Van De Wiele asked Mr. Adler where the sign will sit in relation to the sidewalk, the street and the street curb. Mr. Adler stated this is a new construction, part of the building construction, and there is a steep slope that goes up to the first floor of the building. In order to prevent erosion and to have a nice looking landscape, there is a series of retaining walls constructed to contain the landscaping. The sign will be erected in the first tier of the lowest flowerbed after all the utility lines have been located and identified.

Mr. Van De Wiele asked if there was a license agreement with the City required. Mr. Adler stated that he will be applying for that if he is approved today by the Board of Adjustment.

Ms. Blank stated the applicant will actually be applying for a removal agreement because the sign would be erected in the planned right-of-way.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back wanted to make sure the applicant understands that even if he receives Board approval today, he may not be able to receive the removal agreement with the City of Tulsa. Mr. Adler stated that he did understand that.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **APPROVE** the request for a Special Exception to permit a freestanding sign to be located in the planned Right-Of-Way with a 30-foot setback from the center of South Boston Avenue East (Section 60.020), per conceptual plans 3.11 and 3.12 of the agenda packet. This approval is subject to the applicant receiving a removal agreement with the City of Tulsa. The Board finds that the requested 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; for the following property:

LT 3 BLK 3, TOWNLEY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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OTHER BUSINESS

22373—Brian Adler

Action Requested:

Special Exception to permit a freestanding sign to be located in the planned Right-Of-Way with a 30-foot setback from the center of South Boston Avenue East (Section 60.020). **LOCATION:** 1709 South Boston Avenue East (**CD 4**)

REFUND REQUEST:

Refund for \$130.00 – no posting of a sign needed for this application.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **APPROVE** the request for a **REFUND** for \$130.00; for the following property:

LT 3 BLK 3, TOWNLEY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22374—A-Max Sign Company

Action Requested:

Special Exception to allow a freestanding sign with a dynamic display in an RS-3 District (Section 60.050). **LOCATION:** 3600 South Yale Avenue East (**CD 9**)

Presentation:

Andy Campbell, 9036 East 30th Street, Tulsa, OK; stated the location for this request is 36th and Yale for Yale Avenue Christian Church. There is an existing sign that uses the old fashion changeable letters which do fall off, and the church would like to have a dynamic electronic sign.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back stated that her concern the sign will be on a very busy, busy street, so she would like to encourage the applicant to be aware of that fact and the sign could become distracting.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **APPROVE** the request for a **Special Exception** to allow a freestanding sign with a dynamic display in an RS-3 District

(Section 60.050), subject to conceptual plans 4.8 and 4.9 of the agenda packet and subject to the conditions established by the City Zoning Code. The Board finds that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

RESERVE A MAX CAMPBELL 4TH, MAX CAMPBELL FOURTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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OTHER BUSINESS

22374—A-Max Sign Company

Action Requested:

Special Exception to allow a freestanding sign with a dynamic display in an RS-3 District (Section 60.050). **LOCATION:** 3600 South Yale Avenue East (**CD 9**)

REFUND REQUEST:

Refund for \$260.00 – no posting of a sign needed for this application.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **APPROVE** the request for a **REFUND** for \$260.00; for the following property:

LT 3 BLK 3, TOWNLEY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

22377—Justin Reed

Action Requested:

Special Exception to allow a dynamic display sign in an R District (Section 60.050); Variance to exceed the permitted display area of a freestanding sign; Variance to exceed the permitted display area of a dynamic display sign; Variance to exceed the permitted height of a sign in an R District (Section 60.050). **LOCATION:** 3319 West 41st Street South (**CD 2**)

Presentation:

Justin Reed, 4419 West 55th Place, Tulsa, OK; stated he represents Red Fork Church of God. They would like to increase the sign height to 25 feet with a 5 x 10 dynamic display and a 3 x 10 upper cabinet for a total of 80 square feet. The hardship for this request is the 32-square foot maximum sign surface as well as the 20-foot overall height requirement in an R District. Mr. Reed stated that the home owner most affected by this sign will be Mr. Bailey who lives just west of the subject area. Mr. Bailey has told him that he has no problem with the sign as long as it is turned off by 9:00 P.M.

Mr. Van De Wiele asked Mr. Reed to explain what he is allowed in square footage and what he would like to go to in the sign. Mr. Reed stated that 32 square feet is what is allowed overall in an R District, and the request is to go to 80 square feet. The 80 square feet would be a 50-square foot dynamic display of 5 x 10, and a 3 x 10 upper cabinet on top of the display.

Mr. Van De Wiele asked Mr. Reed how big the current sign is. Mr. Reed stated it is a 4 x 10 that is only eight feet off the ground.

Mr. Van De Wiele asked Mr. Reed to state his hardship for the size and the height Variance. Mr. Reed stated the hardship is the 20-foot overall height requirement in the R District. Mr. Van De Wiele asked Mr. Reed to justify going from 20 feet to 25 feet in height. Mr. Reed stated that there is not anything else around the subject area because the church has purchased all the property around itself, except for the property across the street. The property has large tall pine trees, so people would not be able to see the sign headed from the east.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back stated that she does not have a problem with going five feet taller since the church is not on an arterial street. She does have a problem with the 80 square feet requested; that would be a huge dynamic display.

All other Board members expressed the same concerns as Ms. Back.

Mr. Van De Wiele asked Mr. Reed if he prefers to continue this request to allow him time to visit with the church authorities to see what their thoughts are about possible changes to the request. Mr. Reed agreed to the continuance.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **CONTINUE** the request for a Special Exception to allow a dynamic display sign in an R District (Section 60.050); Variance to exceed the permitted display area of a freestanding sign; Variance to exceed the permitted display area of a dynamic display sign; Variance to exceed the

permitted height of a sign in an R District (Section 60.050) to the January 23, 2018 Board of Adjustment meeting; for the following property:

LTS 13 THRU 16 & PRT VAC STREET & ALLEY BEG SWC LT 13 TH W20 N155 E120 S10 W100 S145 POB BLK 12, YARGEE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22380—Kenneth Barth

Action Requested:

Special Exception to allow the driveway width to exceed 20 feet (Section 55.090-F3). **LOCATION:** 1860 North Hartford Avenue East **(CD 1)**

Presentation:

Kenneth Barth, 18328 East 50th Place, Tulsa, OK; stated the house is built on the corner of Seminole and Hartford. Currently the house has a 3 ½ car garage but only approved for a 20-foot driveway. He would like to widen it at the house to 44 feet narrowing down to 40 feet about half way down the driveway, then narrowing even more to 34 feet at the street.

Mr. Van De Wiele asked if there was a specific number for the curb cut. Ms. Miller stated the driveway is determined by the zoning, and this zoning is RS-4. The restrictions are 20 feet within the right-of-way and 20 feet outside of the right-of-way. Mr. Van De Wiele asked if the Special Exception request covered both of those issues. Ms. Miller answered affirmatively.

Mr. Van De Wiele asked Mr. Barth how the proposed driveway would compare to the house around the corner on Hartford. Mr. Barth stated that driveway is probably 30 feet wide.

Mr. Bond asked Mr. Barth if the entire driveway would be connected to the house, or if there was going to be a patio area or something else in the front of the house. Mr. Barth stated that it is all connected to the garage of the house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **APPROVE** the request for a Special Exception to allow the driveway width to exceed 20 feet (Section 55.090-F3), subject to conceptual plan 7.4 of the agenda packet. The Board finds that the

requested 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; for the following property:

LOT 2 BLOCK 3, DIRTY BUTTER-HERITAGE HILLS EXT RESUB PRT BLK 1 & PRT BLK 7 & PRT BLK 8 & PRT BLK 12 MEADOWBROOK, MEADOWBROOK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22381—Eller & Detrich – Nathalie Cornett

Action Requested:

Variance to exceed the permitted display area of a ground sign in an office district; Variance to exceed the permitted height of a freestanding ground sign (Section 60.060). **LOCATION:** 4200 East Skelly Drive South **(CD 9)**

Presentation:

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated this request is to increase the display surface area and the height of an existing ground sign. The Code permits 150 square feet of display surface area, and the applicant would like to have 192 square feet. The request is to accommodate a new tenant, Grand Bank, in Richmond Plaza. The property is six acres and the office building is 11 stories, which is a large tract of land with a large building on it. There are only two identification signs on the subject property; one on 51st Street and one on Skelly Drive. The hardship is the size of the lot itself as well as the size of the office building. Additionally, with the widening of I-44 that has increased the need for the identification sign to be visible.

Mr. Van De Wiele asked Ms. Cornett if the sign was on the highway side of the building. Ms. Cornett answered affirmatively.

Mr. Van De Wiele asked Ms. Cornett if she was only adding to the top of the existing sign. Ms. Cornett answered affirmatively and stated there would only be two feet added to the top of the existing sign.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **APPROVE** the request for a Variance to exceed the permitted display area of a ground sign in an office district from 150 square feet to 192.5 square feet; Variance to exceed the permitted height of a freestanding ground sign from 20 feet to 22'-8" (Section 60.060), subject to conceptual

plan 8.11 of the agenda packet. The Board has found the hardship to be the size of the lot and the size of the office building. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**PRT LT 2 BEG SEC TH W498.89 N470.12 NELY107.32 NE428.04 S670.65 POB
LESS BEG NEC LT 2 TH SW347.99 NE68.23 NE275.08 N16.29 POB FOR RD,
LINCOLN EST THIRD RESUB PRT L1&3 MORLAND SECOND ADDN, MORLAND
SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

22382—A-Max Sign Company

Action Requested:

Special Exception to permit a dynamic display sign in an AG District; Variance to exceed the permitted display area of a dynamic display sign (Section 60.050).

LOCATION: 10300 East 81st Street South (CD 7)

Presentation:

Steven Cox, 2840 East 89th Street, Tulsa, OK; stated he represents Tulsa Community College. The current sign along 81st Street and Highway 169 is west of Highway 169 and south of 81st Street, and this is the northern sign on the subject property. The existing sign has been dead for over a year because the aluminum platform finally gave way. Due to that the college would like to update the sign with new technology. The existing structure for the sign will be used, but they would like to expand the height of the sign from five feet to ten feet.

Mr. Van De Wiele asked Mr. Cox to explain the current size and height compared to the requested size and height of the sign. Mr. Cox stated the current sign is 5 x 35 and the proposed sign is 10 x 30, and the existing structure will not change.

Mr. Van De Wiele asked Mr. Cox if the existing sign had a dynamic display on it. Mr. Cox answered affirmatively.

Interested Parties:

Bruce Anderson, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated there is an existing 5 x 35 dynamic display on the sign. The existing structure will remain the same. The only thing that will be done is to remove the 5 x 35 dynamic display sign off the existing structure and replace it with a 10 x 30 dynamic display. The actual square footage will not be added to.

Mr. Van De Wiele asked if the dynamic display would be on both sides of the sign to be seen both from the north and the south. Mr. Anderson answered affirmatively.

Ms. Back asked Mr. Anderson if the existing sign is dynamic display on both sides. Mr. Anderson answered affirmatively. Ms. Back asked if the existing sign was just being upgraded to a new sign type. Mr. Anderson answered affirmatively. Ms. Back asked Mr. Anderson if the picture shown on the overhead screen, a fully animated picture, would be shown on the requested sign because it is not allowed per Code. Mr. Anderson stated that the sign will stay within the Code requirements.

Comments and Questions:

Ms. Ross stated that she did not have a problem with this request because it is a huge campus and a huge sign needs to accommodate it.

Mr. Van De Wiele agreed with Ms. Ross.

Ms. Back stated that there is dynamic display on both sides of the requested sign and it is 10 x 30, though on the exhibit it shows 10 x 15, she asked if the sign is truly 10 x 30 times two sides that would be 600 square feet. Mr. Van De Wiele stated the dynamic portion of the sign looks like it is 10 x 36, times two sides would be 720 square feet. Ms. Back stated the request is for 360 square feet which is only one side of the sign. Ms. Moyer stated that in terms of the Variance, the Zoning Codes stipulates that only one side of a sign is counted. For any multi-sided signs only one side of a sign is counted for the purpose of determining the area for a sign.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **APPROVE** the request for a Special Exception to permit a dynamic display sign in an AG District; Variance to exceed the permitted display area of a dynamic display sign to 360 square feet (Section 60.050), subject to conceptual plans on 9.14 and 9.15 in the agenda packet. The Board has found the hardship to be the large footprint of the existing Tulsa Community

Campus, and the placement of the existing sign. The Board finds that the requested 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. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

N50 E/2 NW & LT 1 BLK 1 TULSA JUNIOR COLLEGE SOUTHEAST CAMPUS LESS BEG NEC NW TH S541.87 NW305 N110.02 NW67.14 W700 NW101.98 W300 N10 W119.65 N50 E1320 POB, TULSA JUNIOR COLLEGE SOUTHEAST CAMPUS, DAVIS VILLAGE, SOUTH TOWNE SQUARE, COLLEGE CENTER AT MEADOWBROOK, SOUTH TOWNE SQUARE EXT, City of Tulsa, Tulsa County, State of Oklahoma

22383—Tereza Gaspar

Action Requested:

Special Exception to allow a manufactured home on an RS-3 zoned lot; Special Exception to extend the one-year time limit to 30 years (Section 5.020 and Section 40.120). **LOCATION:** 535 North 91st Avenue East **(CD 3)**

Presentation:

Tereza Thomas Gaspar, 221 North 89th East Avenue, Tulsa, OK; stated she would like to have a manufactured home on her lot. The manufactured home is a 2000 model double wide.

Mr. Van De Wiele asked Ms. Gaspar if there were any other manufactured homes on her block. Ms. Gaspar stated there were not.

Mr. Van De Wiele asked Ms. Gaspar if she has spoken with any of the neighbors about the requested manufactured home. Ms. Gaspar stated that she has five signatures showing their support. Mr. Van De Wiele asked Ms. Gaspar if she spoke to anyone that was opposed to this request. Ms. Gaspar answered affirmatively.

Interested Parties:

Charlene Smith, 546 North 91st East Avenue, Tulsa, OK; stated the house that she lives in is her family home, and her parents moved there before it was a neighborhood. Ms. Smith stated that she also owns the property immediately next door to the subject property. Ms. Smith stated the entire neighborhood are houses with foundations, and to move a mobile home into the neighborhood will bring down property values. Ms. Smith stated the subject property did have a house on it before and it was demolished because it was deteriorated. Ms. Smith stated there is a trailer park right behind the subject property, to the east, and she could move a mobile home into that park.

Mr. Van De Wiele asked if there was a screening fence between the trailer park and the subject property. Ms. Smith answered affirmatively; it is a ten-foot chain link fence.

Jason Taylor, 504 North 91st East Avenue, Tulsa, OK; stated the applicant came by his house on multiple occasions to ask if they would be in favor of a mobile home on the subject property, and he told her no. Mr. Taylor presented a petition opposing the requested mobile home. Mr. Taylor stated there are 25 houses in the neighborhood and Ms. Gaspar only acquired five signatures in favor of the request. Mr. Taylor stated the neighbor's main concern is property values. The existing houses are old but there are several that are rebuilding or refurbishing their houses. The subject property is not the primary residence of the applicant, because she owns a house in the neighborhood in which she and her family reside in. The neighborhood is zoned to not allow mobile homes on the lots.

Rebuttal:

Tereza Gaspar came forward there are not many houses in the immediate area, so she does not understand why the neighbors oppose her request. She plans to make the mobile home look like a house.

Comments and Questions:

Ms. Back stated she cannot support this request because the neighbor consists of stick built houses. There is a fine line between where the trailer park is and where the houses are located. She would prefer to see a stick built house go back on the property.

Ms. Ross agreed with Ms. Back.

Mr. Flanagan stated if the applicant wants a manufactured home there is a mobile home park community on the other side of the fence with at least 18 vacant pad sites. Mr. Flanagan stated he is not in favor of this request.

Mr. Bond agreed with the other Board members.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **DENY** the request for a Special Exception to allow a manufactured home on an RS-3 zoned lot; Special Exception to extend the one-year time limit to 30 years (Section 5.020 and Section 40.120), finding that it would not be in harmony with the spirit and intent of the Code and it would be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 2 BLK 2, MOSES SUB NO 2, City of Tulsa, Tulsa County, State of Oklahoma

22385—Leo Coffman

Action Requested:

Special Exception to allow a Public, Civic and Institutional/ Government Use in the CS District (Section 15.020, Table 15-2). **LOCATION:** 1645 South 101st Avenue East (CD 5)

Mr. Bond recused and left the meeting at 2:03 P.M.

Presentation:

Leo Coffman, 10220 East 112th Street South, Bixby, OK; stated he is the architect's representative for this project. This is a government facility that will operate out the Corp of Engineers building, Both of the buildings in question on the property have been government services buildings and nothing else.

Mr. Van De Wiele asked Mr. Coffman if the building is the old IRS building. Mr. Coffman answered affirmatively, and stated the IRS is moving back into the larger building. Department of Defense is in the annex building and the subject project will also be located in the annex building.

Mr. Coffman stated that he believes that when the new City Codes were issued there seems like there was lapse in the paperwork in getting the subject buildings zoned for government services.

Mr. Van De Wiele asked Mr. Coffman if this would apply to both buildings, not just the one. Mr. Coffman stated that it is all the same property and the entire property is CS zoned, but once the Special Exception is approved it should cover both buildings.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele asked staff how this came about because these buildings have been used as government buildings for decades. Ms. Moyer stated that she believes that as the applicant was applying for their permits for an interior remodel, it was discovered that the subject property had never previously approved for government use. Although, even in the previous Code the governmental use had been allowed in the CS District by Special Exception.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; Bond "abstaining"; none absent) to **APPROVE** the request for a Special Exception to allow a Public, Civic and Institutional/ Government Use in the CS District (Section 15.020, Table 15-2), subject to the conceptual plan 11.13 of the agenda packet. The Board finds that the requested 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; for the following property:

S150 W150 LT 1 & LTS 2 & 3 LESS PRT LT 2 BEG 27.15NELY SECR TH NE100 NW10 SW100 SE10 POB BLK 1, MAGIC CIRCLE CENTER ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Bond re-entered the meeting at 2:05 P.M.

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OTHER BUSINESS

22376—Layla Jabur

Action Requested:

Special Exception to allow a Bed and Breakfast (short-term rental) in an R-3 District (Section 5.020). **LOCATION:** 2139 East 17th Place South **(CD 4)**

REFUND REQUEST:

Refund for \$525.50 – the application was withdrawn by the applicant.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **APPROVE** the request for a **REFUND** for \$525.50; for the following property:

LT 31 BLK 5, MAYWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW BUSINESS

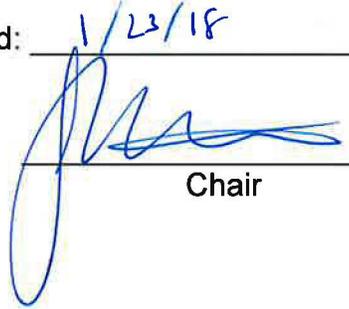
None.

BOARD MEMBER COMMENTS

Mr. Van De Wiele wished everyone a Happy New Year.

There being no further business, the meeting adjourned at 2:06 p.m.

Date approved: 1/23/18



Chair