

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1207
Tuesday, June 12, 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 Ross	Bond	Miller Ulmer Sparger R. Jones	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on June 6, 2018, at 4:47 p.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. Ulmer read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the **Minutes** of the May 22, 2018 Board of Adjustment meeting (No. 1206).

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present today; Mr. Bond is out of town. Any motion will require an affirmative vote of three of the remaining four members. When there is less than a full Board the Board will entertain a request to continue agenda items to a later meeting date, at which all five members of the Board may be present. If an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. The audience nodded their understanding and no one came forward to request a continuance.

UNFINISHED BUSINESS

22444—Jay Kingsley

Action Requested:

Variance to permit a swimming pool to be located within the street setback (Section 5.030-A, Section 90.090-C). **LOCATION:** 2929 East 56th Place South (CD 9)

Presentation:

Jay Kingsley, P. O. Box 14136, Tulsa, OK; stated this request is to allow a pool in the street setback so that it will match the other houses along the street.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance to permit a swimming pool to be located within the street setback (Section 5.030-A and Section 90.090-C), subject to conceptual plan 2.11 of the agenda packet. The Board finds the hardship to be that this particular piece of property is located between two public streets requiring street setbacks on both the front and the back yard. The approval is subject to the condition that the security fencing remain around the swimming pool. 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:

LT 10 BLK 2, FAIRWAY ESTATES THIRD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22446—Brett Fuller

Action Requested:

Variance to allow a non-all-weather parking surface material (Section 55.090-F);
Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-B). **LOCATION:** 8015 South 28th West Avenue **(CD 2)**

Presentation:

Brett and Taylor Fuller, 8015 South 28th West Avenue, Tulsa, OK; stated the Variance requested for the non-all-weather parking surface will be temporary until the existing structure is demolished and final grade is established, and then it will become a concrete surface.

Mr. Van De Wiele asked Mr. Fuller if the building that is designated as the shop/guest suite on the plan will remain. Mr. Fuller answered affirmatively.

Mr. Van De Wiele asked Mr. Fuller if he was only replacing the existing house. Mr. Fuller answered affirmatively.

Mr. Van De Wiele asked Mr. Fuller if at that point would he be leaving the gravel drive. Mr. Fuller answered no and stated that the entirety of the drive would become concrete at that point; from the street all the way to the new accessory structure and house.

Mr. Van De Wiele asked Mr. Fuller what time frame he is looking at for the project. Mr. Fuller stated that once the accessory structure is built and he guesses at the most it would be about five years.

Mr. Van De Wiele asked Mr. Fuller if there were other gravel driveways and accessory buildings in the neighborhood. Mr. Fuller answered affirmatively.

Mr. Van De Wiele asked Mr. Fuller he had heard anything from the neighbors, whether it be positive or negative. Mr. Fuller stated that he received a telephone call from the neighbor directly across the street and they are in support of the request, and there was a neighbor about a ½ mile to the east and south of 81st Street, stating that the

notification process being too small of an area and that she had not received a notice of this request.

Ms. Back asked Mr. Fuller to state his hardship for the request to the Board. Mr. Fuller stated the hardship is that it is a significantly large lot for an RS-3 area; many areas in the neighborhood are zoned AG. There is movement within the neighborhood and engagement with INCOG to rezone the entire area to AG.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back asked Ms. Miller about the possibility of the area going back to an AG zoning as opposed to staying RS-3. Ms. Miller stated she has met multiple times with the neighbors and the Councilor for this area, and everyone is meeting again next Tuesday evening. Ms. Miller stated Council is considering+ an “opt in rezoning program” to those that want to go back to the AG zoning or RE zoning; RE zoning is ½ acre lots. This area was oddly zoned RS-3 in 1970 even though it is large lots.

Mr. Van De Wiele asked Ms. Miller how this would impact this application if the property were zoned RE or AG. Ms. Miller stated it would not have made a difference.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance to allow a non-all-weather parking surface material (Section 55.090-F) to allow a new gravel driveway from South 28th West Avenue; Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-B), subject to conceptual plans 3.19 and 3.20 of the agenda packet. The Board finds the hardship to be the fact that this is a large lot that is zoned RS-3. The approval is subject to the condition that the non-all-weather parking surface will have a time limit of five years from today's date, June 12, 2023. 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:

NE SW SE SW LESS W25 SEC 10 18 12, City of Tulsa, Tulsa County, State of Oklahoma

22447—John Watchous

Action Requested:

Special Exception to allow a personal improvement use in an OM District (Section 15.020). **LOCATION:** 1222 South Lewis Avenue East (**CD 4**)

Ms. Blank stated the western portion of the subject property is zoned RS-3 and it appears the legal description for the Special Exception includes the RS-3 portion. The Board will need a legal description for just the OM portion of the subject property because that is what the Special Exception will apply to if granted.

Ms. Miller stated if the Board chooses to grant this request, and they make the motion to only cover the OM portion of the subject property, before the applicant would receive the paperwork required to take to the City Permit office he could send the legal description for just the OM portion of the subject property so the records could be adjusted at INCOG.

Presentation:

John Watchous, 1401 South Boulder Avenue, Tulsa, OK; stated there are two commercial buildings located on the lot and the Special Exception request is for the OM portion to allow personal improvement use. The personal improvement use approval would allow for barber shops, nail salons, yoga studios, etc.

Mr. Van De Wiele asked if the request would apply to both buildings. Mr. Watchous stated that he would prefer to apply it to both, but it was to be limited he would request that it be limited to the vacant building, which is 2311.

Mr. Van De Wiele asked Mr. Watchous if there is a vacant lot there also. Mr. Watchous answered affirmatively and stated there was a house there that had been torn down by the owner.

Mr. Watchous stated that he thinks this is a fair request since there is IL and IM to the north of the subject property, and across Lewis there is CH and IL. This seems like a logical fit for the area with all the redevelopment that is happening along 11th, the Pearl District and Kendall Whittier moving toward 15th Street.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele asked staff if there were any uses under the Personal Improvement Use that the Board should discuss. Ms. Blank stated the Code describes the Personal Improvement Services as “Uses that provide personal grooming, cosmetic or health and well-being related services. Typical uses include barbers, hair and nail salons, tanning salons, day spas, body art services and fortune telling services.”

Ms. Back asked Mr. Watchous if he would be opposed to the Board removing the body art services and the fortune telling services since the subject property is near a residential area. Mr. Watchous stated that he would prefer to leave those in because there was an interest from a tattoo parlor about leasing a space.

Mr. Van De Wiele asked Mr. Watchous if the owner of the subject property also owned the lot to the left of the black and white dotted line on the aerial photo. Mr. Watchous stated the owner owns from Lewis all the way to Gillette.

Ms. Back stated that if this were for the house on the corner that fronted on the major arterial she would be inclined to approve for all the personal services. Coming in closer and out to Gillette probably and making it all a commercial triangle makes sense except if you were living south of it or across from it on Gillette; these people are in a well-established neighborhood. She does not have a problem with the personal services from the little red house located on the subject property, but she would make a motion that there would not be any body arts or the fortune telling services in the red brick house.

Mr. Flanagan agreed with Ms. Back.

Ms. Ross stated that she does not have an issue with this as long as it did not go any farther than the red brick house; beyond that is getting into the neighborhood.

Ms. Miller stated that the list Ms. Blank quoted from is not an all-inclusive list, they are just things that could be included. There could be things that are considered a personal service that may not even be a thing right and no one is thinking about that are not included in the list that could possibly be more objectionable. This is a very broad open category and there is not definitely not an all-inclusive list here.

Mr. Van De Wiele stated he does not have an issue in approving all of the request including the body art services and the fortune telling services for the pink building on the subject property, but he would leave out the body art services and fortune telling services for the red brick building. That brings in the question as to what happens if the buildings being discussed are torn down. He would limit his approval to “as

constructed” with a full list as to the eastern property and a limited list to the western property.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to allow a personal improvement use in an OM District (Section 15.020), subject to the “as constructed” plans as they exist on the site today and as shown on page 4.6 of the agenda packet. The approval is subject to the following conditions: the allowed personal improvement services uses allowed would only be barbers, hair and nail salons, tanning salons, day spas, body art services and fortune telling services for the most eastern property on the corner of Lewis and 12th Place South. The uses allowed for the most western property in the OM zoned district, the little red brick house, the uses would be barbers, hair and nail salons, tanning salons, and day spas. The applicant is to submit to INCOG a corrected copy of the legal description depicting only the two properties that are included in the OM District; the building on the corner of Lewis and 12th Place and the little red brick building and does not include the vacant lot. 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:

LTS 3 & 4 BLK 7 & PRT VAC RR R/W BEG 86.51SE MOST NLY NEC LT 4 BLK 7 TERRACE DRIVE ADDN TH SE53.61 N23 W12.75 NW15.89 NW12.52 POB SEC 7 19 13 .005AC, TERRACE DRIVE ADDN AMD SUB B2-3&7, TERRACE DRIVE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22448—David Kvach

Action Requested:

Variance to permit a bar to be located within 300 feet of a religious assembly use (Section 40.050). **LOCATION:** 321 South Frankfort Avenue East (**CD 4**)

Presentation:

David Kvach, 4302 South 137th West Avenue, Sand Springs, OK; stated he one of the owners of the subject property. This is a warehouse type building and currently there is a brew pub and a brewery being constructed inside. He has been approached by another tenant that would like to have a community service/church in the basement of the building. This is a very urban type situation. The building time for constructing the church would be shorter than the construction time for the brewery. Mr. Kvach stated he had a conversation with Casey Stowe, one of the owners of The Boxyard, who expressed a concern of a church being located on the subject property because it would restrict his use of The Boxyard where there are already bars and restaurants located.

Interested Parties:

Greg Baca, President of Go International, 203 South Riverfront, Jenks, OK; stated he just wanted to express the fact that he has zero problem with this. He would like to be downtown and wants to be great neighbors. He wants to encourage the development of downtown. He does not think this will be anything that would be restrictive or prohibitive of any entities that exist now or that will be developed in the future.

Comments and Questions:

Ms. Back stated that she has been doing research on this and she personally does not think that it is bad to have a church next to a bar, however, there are state statutes.

Ms. Miller stated there are ABLE Commission laws that have the same restrictions and she does not begin to know what the exception process may be to those, if there is one, but this does not impact that at all. This is to be taken care of from the City's perspective.

Mr. Van De Wiele asked the applicant to come forward to state the hardship for the case. Mr. Kvach stated the hardship is that the church has the potential to be finished before the bar. Mr. Van De Wiele asked Mr. Kvach if the bar was under construction. Mr. Kvach answered affirmatively.

Ms. Miller stated that downtown is expected to be a dense environment.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-1 (Back, Flanagan, Van De Wiele "aye"; no "nays"; Ross "abstaining"; Bond absent) to **APPROVE** the request for a Variance to permit a bar to be located within 300 feet of a religious assembly use (Section 40.050). The Board finds the hardship to be the nature of the CBD and the density of downtown. 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:

LOTS 5-6-&-7 BLK 114, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22449—Claude Neon Federal Signs – Dale Bennett

Action Requested:

Variance from the requirement that no more than one dynamic display be permitted on a single lot (Section 60.080-E); Variance to increase the allowed display surface area for signs (Section 60.080-E). **LOCATION:** 200 South Denver Avenue West **(CD 9)**

Presentation:

Dale Bennett, Claude Neon Federal Signs, 1225 North Lansing, Tulsa, OK; stated he represents the BOK Center downtown and they would like to have three additional dynamic displays creating a greater sign surface square footage for the allowable space.

Mr. Van De Wiele asked Mr. Bennett what the total size signage square footage is. Mr. Bennett stated the total is 649 square feet for the four signs.

Mr. Van De Wiele asked Mr. Bennett if he was currently limited to one sign at 48 square feet. Mr. Bennett answered affirmatively.

Mr. Van De Wiele asked Mr. Bennett to state the hardship for the request. Mr. Bennett deferred to Ms. Casey Sparks.

Interested Parties:

Casey Sparks, Assistant General Manager for BOK Center, 200 South Denver, Tulsa, OK; stated the hardship come down to two key factors. One is informational purposes for all the guests which could be up to 800,000 people attending BOK Center events; i.e., inclement weather and the Center needs the ability to get messages out to the guests. The other reason is to be able to compete in the space as it relates to other arenas, especially Oklahoma City who has almost 1,500 square feet of digital active space.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a

Variance from the requirement that no more than one dynamic display be permitted on a single CBD zoned lot to allow four dynamic display signs (Section 60.080-E); Variance to increase the allowed display surface area of a dynamic display sign to permit one 394.8 square foot free standing dynamic display sign, one 26 x 53 square foot dynamic display wall sign on the west elevation, one 143.78 square foot dynamic display wall sign on the east elevation and one 84.87 square foot dynamic display wall sign on the south elevation (Section 60.080-E), subject to conceptual plans 6.11, 6.12, 6.13 and 6.14 of the agenda packet. The Board finds the hardship to be the size of the lot, the size of the structure, and the use of the facility in the CBD District warranting the additional signage. 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:

LT 1 BLK 1, TULSA-ORIGINAL TOWN, TULSA REGIONAL CONVENTION AND EVENTS CENTER RESUB PRT OT TULSA, City of Tulsa, Tulsa County, State of Oklahoma

22450—Ruben Najera

Action Requested:

Variance of the dustless all-weather surfacing requirement to permit a gravel driveway in the RS-3 District (Section 55.090-F). **LOCATION:** 1303 South 161st Avenue East **(CD 6)**

Presentation:

Guadalupe Landeros and Ruben Najera, P. O. Box 690142, Tulsa, OK; stated the request is to allow a gravel driveway for the subject property.

Mr. Van De Wiele asked Ms. Landeros if there was a house already constructed or are there plans to construct a house. Ms. Landeros stated they are planning on constructing a house.

Mr. Flanagan asked how large the lot is. Mr. Najera stated that the lot is 6.65 acres.

Mr. Van De Wiele asked Ms. Landeros if there were other gravel driveways in the neighborhood. Ms. Landeros answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; Bond absent) to **APPROVE** the request for a **Variance** of the dustless all-weather surfacing requirement to permit a gravel driveway in the RS-3 District (Section 55.090-F), subject to conceptual plan 7.6 of the agenda packet. The Board finds the hardship to be the fact that it is a very large lot that is in the RS-3 zoning. 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:

**BEG 1233.42S NWC NW TH E732 SE150.28 SE146.68 SE242.52 SE201.38
NW625.84 N415 W535 N60 POB SEC 11 19 14 6.652ACS, RADIO HGTS, City of
Tulsa, Tulsa County, State of Oklahoma**

22451—GSE Construction, Inc. – Nick Grimmatt

Action Requested:

Variance of the required 10-foot setback in an IL District (Section 15.030-A).

LOCATION: 1527 East 4th Place South; 1530 East 4th Street South; 404 South Trenton Avenue East (**CD 4**)

Presentation:

Nick Grimmatt, Southwest United Industries, 422 South St. Louis Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele asked Mr. Grimmatt what he was trying to build or change. Mr. Grimmatt stated an enclosed building for a new waste water treatment system is being built for the existing facility.

Mr. Van De Wiele asked Mr. Grimmatt if the new enclosure was going stick out any more than the existing structure as seen in the photo. Mr. Grimmatt stated that it will not stick out any farther than any other building.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance of the required 10-foot setback in an IL District (Section 15.030-A), subject to conceptual plans 8.11, 8.12, 8.13 and 8.14. The structure shown on page 8.13 is to be an enclosed structure to the existing building. The Board finds the hardship to be the structure was built and constructed to previous Code parameters and the enclosed area will be in line and in keeping with the structure setbacks as established. 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:

LTS 6 & 7 BLK 8; LTS 3 4 & 5 BLK 8; LT 2 BLK 8; LT 1 BLK 8, MIDWAY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22452—Justin Braichie

Action Requested:

Verification of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot (Section 40.050-A). **LOCATION:** 412 East 2nd Street South **(CD 4)**

Presentation:

Justin Braichie, 9315 East 118th Place South, Bixby, OK; stated the subject property had been a candy bar in the past.

Mr. Van De Wiele stated the Board is in receipt of the spacing verification from the applicant on page 9.6 of the agenda packet.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar; for the following property:

E40 LT 8 LESS BEG SECR TH W40 N.19 ELY40 S.23 POB BLK 109, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22453—Nathan Cross

Action Requested:

Variance to allow a detached accessory building that exceeds the maximum height requirement (Section 90.090-C.2). **LOCATION:** 2430 East 22nd Place South (CD 4)

Presentation:

Nathan Cross, 2 West 2nd Street, Suite 700, Tulsa, OK; stated this is an older home that was purchased by his clients in June 2016. The house had been remodeled significantly by the previous owner and that remodel removed all the storage space that had existed in the house. The house was built in 1938 and at one point there was a garage for the house, but it has been removed. He is seeking a Variance of the 18-foot maximum height to 21 feet for three reasons. Primarily because the existing garage was the original garage and did not have significant space to accommodate two modern cars; two, the additional height will allow for attic space which the house does not have; and three, there is an architectural consistency component to this to make it match the existing house. The neighbors have written letters showing their support.

Mr. Flanagan stated that the proposed garage is a four-car garage with two doors. Mr. Cross stated that the point of the extra length to the garage is to house lawn equipment.

Mr. Cross stated that the exterior finishes of the proposed garage will be similar or the same as the existing house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance to allow a detached accessory building that exceeds the maximum height to allow an overall height of 21 feet (Section 90.090-C.2), subject to conceptual plans 10.17, 10.18, 10.19, 10.20, 10.21 and 10.22 of the agenda packet. The exterior finishes for the garage will match as closely as allowed to the exterior finishes of the existing house. The Board finds the hardship to be houses in the neighborhood had detached garages, but they were not large enough to accommodate two full size cars and storage of lawn equipment and other items needs for outside uses. 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:

**LOT 8 BLK 2, WELLS HEATH ADDN RESUB TR 14-17 HARTER'S SECOND SUB,
City of Tulsa, Tulsa County, State of Oklahoma**

22454—Insignia Signs

Action Requested:

Variance of the allowable number of signs in an OMH District to permit two signs (Section 60.060-B); Variance of the allowable display surface area for signs (Section 60.060-C). **LOCATION:** 3209 South 79th Avenue East **(CD 5)**

Presentation:

Christel VanTuyle, Insignia Signs, 809 S.E. 83rd Street, Oklahoma City, OK; no formal presentation was made, and Ms. VanTuyle deferred to her client.

Jorge Patel, 3209 South 79th East Avenue, Tulsa, OK; stated a monument sign is requested for the subject property because it sits back from the street affecting the visibility of the property. Mr. Patel stated there are monuments signs across the street from the subject property along with other monument signs down the street.

Mr. Van De Wiele asked Mr. Patel if there was an existing sign on the subject property. Mr. Patel stated that currently there is a small banner that states the name.

Ms. VanTuyle stated that the banner is located where the channel letters of the sign being requested will be located.

Ms. Back asked if the proposed sign is a static sign. Ms. VanTuyle answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Variance** to allow two signs along South 79th East Avenue frontage (Section 60.060-B); **Variance** of the allowable display surface area for signs from 46.78 square feet to 271.21 square feet along South 79th East Avenue frontage (Section 60.060-C), subject to conceptual plans 11.19, 11.20, 11.21 and 11.22 of the agenda packet. The existing banner is to be removed upon the installation of the permanent signs. The Board finds the hardship to be the positioning of the existing structure in relation to the street frontages, and not having visibility from the street. 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 3 BEG 710W SECR TH N340.39 E19.76 TH NELY CRV LF 136.18 NE0.00 SE80.92 S346.63 W215 POB & A TR OF LAND BEG 760W NEC N/2 SE NE E460 S10 W180.01 S50 W280 N60 POB SEC 23 19 13 .427AC,NORTHEAST OK REHAB HOSP PRT RSB PT L2B1 INTCHG PL&PT L3 INTCHG CTR, INTERCHANGE CTR, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

ELECTION OF OFFICERS:

Seats currently held are: Stuart Van De Wiele – Chair
Tom Flanagan – Vice Chair
Carolyn Back – Secretary
Austin Bond
Briana Ross

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Bond “absent”) to **NOMINATE** and **ACCEPT** Mr. Stuart Van De Wiele as Chairman.

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Bond “absent”) to **NOMINATE** and **ACCEPT** Ms. Carolyn Back as Vice Chair.

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Bond “absent”) to **NOMINATE** and **ACCEPT** Ms. Briana Ross as Secretary.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Mr. Van De Wiele announced that this is Mr. Flanagan’s last meeting. Mr. Van De Wiele, on behalf of the Board members, thanked Mr. Flanagan for the time he served on the Board and he will be missed.

Mr. Flanagan thanked everyone and stated that he has enjoyed his time on the Board and enjoyed getting to know everyone.

There being no further business, the meeting adjourned at 2:30 p.m.

Date approved: 6/26/18



Chair