

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1202
Tuesday, March 27, 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 Ulmer Sparger R. Jones	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on March 22, 2018, at 8:32 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. 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, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the **Minutes** of the March 13, 2018 Board of Adjustment meeting (No. 1201).

UNFINISHED BUSINESS

22397—Donny Beeler

Action Requested:

Variance to reduce the minimum lot area and lot area per unit; Variance to reduce the minimum street frontage to 0 feet in a AG District; Variance to reduce the

required lot width to permit a lot split (Section 25.020). **LOCATION:** 8217, 8223 and 8231 South Maybelle Avenue West (CD 2)

Presentation:

The applicant has requested a continuance to April 10, 2018.

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, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **CONTINUE** the request for a Variance to reduce the minimum lot area and lot area per unit; Variance to reduce the minimum street frontage to 0 feet in a AG District; Variance to reduce the required lot width to permit a lot split (Section 25.020) to the April 10, 2018 Board of Adjustment meeting; for the following property:

COMM SWC S/2 N2/3 N/2 NE TH E846.50 POB TH E712.78 N227.12 W1559.28 TO WL NE TH S13.50 E846.50 S213.56 POB SEC 14 18 12 3.98ACS; COMM SWC S/2 N2/3 N/2 NE TH E180 POB TH E666.50 N213.56 W846.50 TO WL NE TH S13.50 E180 S200 POB SEC 14 18 12 3.32ACS; BEG 227N SWC S/2 N2/3 N/2 NE TH E1559.28 N215.57 TO NL S/2 N2/3 N/2 NE TH W912.58 S202.07 W646.70 TO WL NE TH S13.50 POB LESS E456.29 THEREOF SEC 14 18 12 LIFECHURCH.TV JENKS ADDITION 2.258AC, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22413—Eller & Detrich – Andrew Shank

Action Requested:

Spacing Verification for a digital display outdoor advertising sign (Section 60.100-K). **LOCATION:** 10029 East 45th Place South (CD 7)

Presentation:

The applicant has requested a continuance to April 24, 2018.

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, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **CONTINUE** the request for a **Spacing Verification** for a digital display outdoor advertising sign (Section 60.100-K) to the April 24, 2018 Board of Adjustment meeting; for the following property:

PRT TR IN SE NW ADJ LT 1 & PRT LT 1 BEG 200N SWC LT 1 TH N APR 142.37 E18 N160 W18 N142.33 SE217.90 SE90.74 S303.33 W275.03 POB BLK 1 SEC 30 19 14 .33ACRES, IDEAL BRICK INDUSTRIAL TRACTS, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present today. Ms. Ross is out sick today, and Ms. Back must leave about 2:15 for a prior engagement. 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

22401—Nelson Allen

Action Requested:

Special Exception to allow a self-storage facility in a CS District (Section 15.020).

LOCATION: 2817 North Peoria Avenue East (**CD 1**)

Presentation:

Nelson Allen, 1717 North Peoria Avenue, Tulsa, OK; presented photos on the overhead projector of the subject property in its current condition showing the elevation changes, and other renderings of the proposal. There is an existing walking path that was cut as a trail by the surrounding residents, so they could go to the Dollar General Store, and he would like to make that trail a permanent walkway with steps for the elderly. There will be an eight-foot privacy fence erected on the back side of the subject property, and that fence will face the Dollar General. There are a lot of vacant lots in the area. The property going toward the east will have six-foot privacy fence erected running north and south.

Mr. Van De Wiele asked Mr. Allen if he said the privacy fence would go along the south side and the east side of the subject property. Mr. Allen answered affirmatively. Mr. Van De Wiele asked if the fence would go along the east property line. Mr. Allen stated the fence will go along the east property line on the top of the hill to the far back. Mr. Van De Wiele asked Mr. Allen if the fence would be between the subject property and the highway. Mr. Allen answered no and stated the fence will go where there are residences located.

Mr. Allen presented a picture depicting a road accessing the subject property from the intersection of Mohawk and Peoria. There were also renderings of the proposed storage facility on the subject property and future projects for Phase II. Mr. Allen stated the climate-controlled storage was designed so it would match up perfectly behind the Dollar General Store. Mr. Allen also presented renderings of the proposed landscaping.

Mr. Van De Wiele asked Mr. Allen if the renderings were close as to how it would be landscaped. Mr. Allen answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back thanked Mr. Allen for going back to the drawing board and bringing in new renderings; the Board really appreciates it. Ms. Back thinks Mr. Allen has done a great a job in listening to the Board about screening and the landscaping.

Mr. Van De Wiele stated that he would be inclined to support this request with a couple of caveats. The footprint of the self-storage be no greater than what is shown on the conceptual renderings, single story, no outside storage and landscaping consistent with the Code.

Mr. Flanagan stated that he has no issues with the proposal.

Ms. Blank suggested to the Board that it be made clear that approval of the conceptual site plan only applied to the mini-storage and not to the other buildings. Mr. Van De Wiele agreed.

Mr. Bond thinks the plans presented are good plans. The walkability is a major issue in this plan and he thinks it is something the neighbors can utilize. Mr. Bond thinks it is a great investment in Tulsa.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a Special Exception to allow a self-storage facility in a CS District (Section 15.020), subject to the conceptual plan 3.5 of the agenda packet. The approval is subject to the following conditions; the footprint of the self-storage will be no greater than what is shown in the

PowerPoint slides presented today, and that will be printed off by staff and added to the file. The buildings will be single-story. There is to be no outside storage. The landscape will be consistent with the City of Tulsa Zoning Code and renderings provided today. This approval applies to what is referred to as Phase I as the self-storage only, all future phases and structures are not approved by the Board of Adjustment. Referencing the conceptual plan on page 3.5, the walkways and farmers market site has changed a bit and the Board is aware of the change. 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:

PRT GOV LT 3 OR NW SW BEG 1319.73S & 100E NWC GOV LT 3 TH N527.32 E10 E1057.18 S527.27 W1067.73 POB LESS BEG 1228.54S & 100E NWC GOV LT 3 TH N186 E235 S186 W235 POB & LESS S25 E857.12 THEREOF SEC 19 20 13 11.425ACS,WINSTEAD ADDN, APACHE PLACE SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22406—Brian Seller

Action Requested:

Variance to reduce lot width in an RS-4 District to allow a lot split (Section 5.030).

LOCATION: 1301 North Main Street (CD 1)

Presentation:

The applicant was not present. Mr. Van De Wiele moved this case to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

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NEW APPLICATIONS

22410—Deborah Richards

Action Requested:

Variance to allow required accessible parking spaces to be located off site from the principal use (Section 55.080-D-1). **LOCATION:** 1007 South Peoria Avenue East (CD 4)

Presentation:

Deborah Richards, Architect, 718 West Sheridan Avenue, Oklahoma City, OK; stated the property currently has a building on the west side of the alley and a parking lot on the east side of the alley. They have been used in conjunction with each other for over 20 years. Her client owns both properties and is planning a new building and to bring the existing parking lot up to code. The Code requires that parking be located on the same site as the building, but because of the location of the alley the client is unable to combine sites.

Mr. Van De Wiele asked staff if the Board should require a tie agreement to the properties? Mr. Van De Wiele stated he has no concern of the request itself, but he is concerned that in the future the parking lot is sold leaving the other property with no parking. Ms. Miller stated that in this case it is probably appropriate because the alley does separate the two and she does not know of any other way to join the two properties together.

Mr. Van De Wiele asked Ms. Richards where the front door of the current facility is located, and where the front door of the proposed facility will be located. Ms. Richards stated the front door of the current facility is facing the south. The new facility door will be facing the alley but opening up to the south, and it will be facing the landscaped lawn that will be there. Currently there are doors on all sides of the building, but she expects the one that will be used the most is the one that faces the oval green space because it is closest to the parking lot.

Mr. Flanagan asked Ms. Richards if her client had been using the existing parking lot as a parking lot. Ms. Richards answered affirmatively and stated that it has been like that for over 20 years.

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, Bond, Flanagan, Van De Wiele "aye"; no "nays"; "abstaining"; Ross absent) to **APPROVE** the request for a Variance to allow required accessible parking spaces to be located off site from the principal use (Section 55.080-D-1), subject to conceptual plan 5.12 of the agenda

packet and that it does meet the permitting approval process. The Board has found the hardship to be that the alley separates the two properties, and the two properties have been used in conjunction with each other for over 20 years. The owner is to file a lot tie agreement to bring the two properties together and that one cannot be liquidated without the other. 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:

N. 40 OF LT 13 ALL OF LOT 14 BLK 10; LT 12 S 10 FT LT 13 BLK 10; LT 1 BLK 10; LT 2 BLK 10; LT 3 BLK 10, EAST LYNN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22414—Mary Huckabee

Action Requested:

Variance to reduce the side setback from 15 feet to 10 feet in an RE District (Section 5.030-A). **LOCATION:** 2618 East 37th Street South (CD 9)

Presentation:

Mary Huckabee, 4001 Williams Center, Tulsa, OK; stated the requested Variance is for the west side yard setback. The home is currently constructed and sits about ten feet from the west property line. Her client is not seeking to encroach farther into the setback than the home already sits, they would just want to add a covered patio onto the back of the house. To do so the existing roofline would need to be extended farther south. Her client did not construct the house, so they were not aware of the existing encroachment until they applied for a building permit for the covered patio. The homeowner has had conversations with the neighbors including the neighbor to the west who would be most affected by the addition. No neighbors have had any

concerns. Ms. Huckabee stated that she has verified with the architect that ten feet would cover the homeowner's need.

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, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a **Variance** to reduce the side yard setback from 15 feet to 10 feet in an RE District (Section 5.030-A), subject to conceptual plan 7.17 of the agenda packet. The Board has found the hardship to be the existing house line is already at ten feet and the homeowner is only added a covered porch extending toward the 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:

E/2 LT 6 LESS S60 & LESS BEG 105N SWC TH N143.82 CRV RT 44.65 CRV LF 89.84 S34.70 E.25 S119.28 W.25 S1.37 W120.12 POB BLK 2, OAKVIEW ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

22415—Claude Neon Federal Signs – Bob Dail

Action Requested:

Variance to permit the display surface area for the Community Care wall sign with logo to be increased from 330 square feet to 580 square feet on the southwest wall

(Section 60.080-B-1); Variance to permit the display surface area for the Community Care wall sign with logo to be increased from 432 square feet to 580 square feet on the north wall (Section 60.080-B-1). LOCATION: 2 West 2nd Street South (CD 4)

Presentation:

Bob Dail, Claude Neon Federal Signs, 1225 North Lansing Avenue, Tulsa, OK; stated he represents Community Care. There are usually three criteria that is typically used to determine the best size for a sign, and that is the speed of the traffic, the distance for viewing and the distance for the height of viewing a sign. The sign code in the Central Business District is geared for 20 to 25 miles per hour, 30 feet from the street to the sign, and usually the height is about ground level. When Community Care moved from their building on 6th Street to 2nd Street it changed things a lot for them. Community Care went from an eight-story building to the 23rd floor of the Williams II Tower. That places them 266 feet above the sidewalk. Effectively their signs are not visible to anyone that is passing by on the street; to see them you must be two blocks away. If the CBD sign code is applied the end result will be that the sign is too small, too high, too far, and it will not be effective. If Community Care is allowed to have the larger sign it will fit in with the other tall buildings and the other signs located in the downtown area. This request will not set a precedent and it will not violate any of the intent or the spirit of the original sign code. Mr. Dail stated the hardship cannot be overcome and would request approval of the Variance.

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, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a Variance to permit the display surface area for the Community Care wall sign with logo to be increased from 330 square feet to 580 square feet on the southwest wall (Section 60.080-B-1); Variance to permit the display surface area for the Community Care wall sign with logo to be increased from 432 square feet to 580 square feet on the north wall (Section 60.080-B-1), subject to conceptual plans 8.7, 8.8, 8.9 and 8.10 of the agenda packet. The Board has found the hardship to be the bulk and size and height of the existing building on which it is being installed. 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 NWC BLK 104 TH SLY41.05 SELY99.51 ELY186.63 NLY111.42 WLY257 POB
BLK 104, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of
Oklahoma**

22416—Andy Patel

Action Requested:

Variance to permit a projecting sign to exceed the maximum allowable height of 25 feet to be installed 41 feet above grade with a 37.5 foot setback from South Denver Avenue West (Section 60.080-D); Variance to permit a projecting sign to exceed the maximum allowable height of 25 feet to be installed 41 feet above grade with a 37.5 foot setback from South Cheyenne Avenue West (Section 60.080-D).

LOCATION: 202 West 5th Street South (CD 4)

Presentation:

Jack Stout, Superior Graphics and Signs, 515 South Main Street, Muskogee, OK; stated this request is similar to a request that was approved about a year ago for the Hampton Inn on 3rd Street.

Mr. Van De Wiele asked Mr. Stout why there is a need to put the signs at 41 feet instead of 25 feet. Mr. Stout stated 41 feet would bring greater visibility. The way the hotel was built there is no room for a pylon sign or any type of monument sign. The other location is to mount the sign to the building.

Mr. Van De Wiele asked if the 41 feet was the total height. Mr. Stout answered affirmatively.

Mr. Van De Wiele asked Mr. Stout for a hardship to go 16 feet taller. Mr. Stout stated that one is the visibility of the sign. Also, when the hotel was designed it was designed with the same type of signage that the Hampton Inn had, and the mounting for the sign was built into the building. The change would make it very difficult to readjust the brackets that was built into the building.

Andy Patel, 3418 South 79th East Avenue, Tulsa, OK; stated that architecturally, if the sign were 25 feet in height from the ground the Marriott did not like the sign. Secondly, Residence Inn by Marriott requires the name Marriott on the sign, and with that full name lettering the letters become so small that they are not visible enough.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele stated that stylistically he does not have a problem with the sign, but there needs to be a hardship that is not self-imposed.

Mr. Van De Wiele asked Ms. Miller if the issue was the overall height. Ms. Miller answered affirmatively; the sign needs the clearance from the street.

Board Action:

On **MOTION of BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a **Variance** to permit a projecting sign to exceed the maximum allowable height of 25 feet to be installed 41 feet above grade with a 37.5 foot setback from South Denver Avenue (Section 60.080-D); **Variance** to permit a projecting sign to exceed the maximum allowable height of 25 feet to be installed 41 feet above grade with a 37.5 foot setback from South Cheyenne Avenue (Section 60.080-D), subject to conceptual plan 9.15 and 9.16 of the agenda packet. The Board has found the hardships to be the building occupying the entire lot, and it being a building size to scale issue, and there are other signs in downtown that also have this look, character and feel with the size and scale of the 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:

LTS 1 -3 & LT 6 & VAC ALLEY THEREIN BLK 151; S75 LT 3 BLK 151, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22417—Scott Rodehaver

Action Requested:

Modification of a previously approved site plan. **LOCATION:** 1003 North 129th Avenue East (CD 3)

Presentation:

Scott Rodehaver, Wallace Engineering, 200 East Brady, Tulsa, OK; stated this request is for an existing maintenance facility that is no longer necessary because another building was completed last year to replace it with. The existing and former maintenance building is going to be expanded about 15 feet and renovated into elementary school gymnasium.

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, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a Modification of a previously approved site plan which is Exhibit 10.35 of the agenda packet today; for the following property:

LT 1 BLK 1 LESS BEG NWC THEREOF TH E55 S100 S54.86 W55 N54.92 N100.05 POB; LT 2 BLK 1 LESS BEG SWC THEREOF TH E55 N45.09 W55 S45.09 POB, CHURCH ON THE MOVE, City of Tulsa, Tulsa County, State of Oklahoma

22420—Carly Goodnight

Action Requested:

Special Exception to allow a dynamic display sign in an RS-3 District (Section 60.050); Modification to a previously approved site plan (BOA-17775). **LOCATION:** 202 South 117th Avenue East (CD 3)

Presentation:

Daniel Chambers, QuikTrip Corporation, 4705 South 129th East Avenue, Tulsa, OK; stated QuikTrip is an educational partner with Kerr Elementary School. The request is for a dynamic display on an existing sign. The sign will be moved farther away from the street to help enhance the character of the community. The more modern sign will help communicate messages to the heavily bilingual community, Spanish and English. The existing sign is very old and when it gets updated it will be updated to the current modern standards with LED fixtures. Mr. Chambers stated the hours of operation will be from 7:00 A.M. to 9:00 P.M.

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, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a Special Exception to allow a dynamic display sign in an RS-3 District (Section 60.050), subject to conceptual plan 11.13 and 11.14 of the agenda packet. The sign is to operate only from 7:00 A.M. to 9:00 P.M. To **APPROVE** a Modification to a previously approved site plan (BOA-17775). 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:

BEG NEC LT 1 BLK 1 W VILLAGE TH NE143.03 NW51.67 CRV RT 180.64 NE230 CRV RT 221.12 W495.92 SLY627 E578 POB SEC 5 19 14 7.44 ACS., City of Tulsa, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

22406—Brian Seller

Action Requested:

Variance to reduce lot width in an RS-4 District to allow a lot split (Section 5.030).

LOCATION: 1301 North Main Street (CD 1)

Presentation:

The applicant was still not present.

Mr. Van De Wiele stated that this case had been continued from the last meeting because the applicant was not present then. Mr. Van De Wiele asked Ms. Ulmer if she

had been in contact with the applicant. Ms. Ulmer stated that she had contacted the applicant after the last meeting, and the applicant told her then that someone would be in attendance today.

Mr. Van De Wiele asked Ms. Ulmer to read Item #4 and the Board will deal with it.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele stated that he believes this is straight forward and there are plenty of lots in that neighborhood are of this or a similar width. He believes the reason the applicant is not splitting them equally is to preserve some semblance of a side yard on the lot with the house. Mr. Van De Wiele stated that he would prefer someone be in attendance today, but he suggests the Board act upon this case. If the Board approves this request today, if the applicant decides he does not want to do the lot split the request will just die.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a **Variance** to reduce the required lot width from 50 feet to 45 feet to allow a lot split in an RS-4 District (Section 5.030), subject to conceptual plans 4.7 and 4.8 of the agenda packet. The Board has found the hardship to be the existing plat of the neighborhood and the existing character of the neighborhood. 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 14 & 15 BLK 2, KRAATZ-GERLACH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

None.

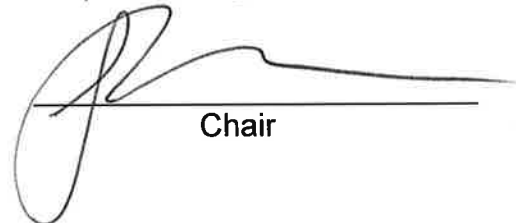
BOARD MEMBER COMMENTS

Mr. Van De Wiele congratulated Ms. Ulmer on a job well done, and thanked Robi Jones for her job.

Mr. Van De Wiele stated that he signed the report that is sent to the Mayor and the Council regarding the number of applications submitted and processed by the Board. The Board approved about 90% of the 2017 applications.

There being no further business, the meeting adjourned at 2:13 p.m.

Date approved: 4/10/18



Chair