

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 927
Tuesday, February 14, 2006, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Chair
Henke, Secretary
Stead
Stephens
Tidwell

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, February 10, 2006, at 10:00 a.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20174

Action Requested:

Variance of the minimum frontage requirement in an IL district from 150 ft. to 0 ft. (Section 903) to permit a lot split, located: 11702 East 51st Street South.

Presentation:

The applicant, Dave Sanders withdrew the application.

Board Action:

No motion was necessary.

LT 1 LESS BEG 65W NEC TH W375 S381.9 E375 N381.9 POB BLK 1,
HATHAWAY CENTER, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20176

Action Requested:

Variance of the required rear yard from 40 ft to 38 ft, variance of the average lot width from 200 ft to 183 ft; variance of required 15 ft side yard (tract 2) to permit a lot-split (Section 303), located: 10717 South Delaware Avenue East.

Presentation:

Mr. Cuthbertson reminded the Board this case was continued to allow the applicant to work with the City of Tulsa to determine the alignment of the right-of-way on Riverside. They had not yet been able to accomplish this and requested another continuance.

Board Action:

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **Continue** Case No. 20176 to the meeting on March 14, 2006.

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Case No. 20184

Action Requested:

Appeal the issuance of building permit #79472 for a substandard lot zoned RE, located: 1621 East 29th Street South.

Presentation:

Bill Grimm, 610 South Main, stated that staff recommended denial because the appeal was one day late. They have a hearing pending for the permanent injunction on this tract. The lot-split is also under appeal. Mr. Grimm pointed out that the tract size is not 1.7 acres but 12,600 square feet. The subject tract comprises two lots and part of a third lot. He stated that on October 25, 2005 he sent a letter to the owner pointing out the reasons they could not build three houses on two lots and a portion of a third. Mr. Grimm stated he sent copies of the letter to Jack Page and Allen Jackere. He was concerned that the City of Tulsa was aware of the neighborhood interest and were not noticed when a building permit was filed. They discovered the permit had been issued on the eleventh day, at which time they filed their appeal. He indicated they are being held to a ten-day appeal rule but was concerned that the City did not have to notify them of the issuance of the building permit.

Comments and Questions:

Ms. Stead noted the Board had only the two dates and the instruments showing the dates and what they proposed to do. She asked what notice has to be sent to the neighborhood concerning a building permit. Mr. Ackermann responded that no notice is made of building permits issued and that it would be a monumental task for the thousands of permits per year. Mr. Grimm stressed that the applicant

sent a letter to the City about this property and he expected the City to notify them. He provided a copy to the Board. See Exhibit B-1.

Interested Parties:

Roy Johnsen, 201 West 5th Street, Suite 501, represented the land owner and the individual who sought the building permit on the west 88' of Lot 12 in the subdivision. The building permit was issued on November 21, 2005 and the plaintiff learned of the issuance on November 25, 2005 per their petition in a restrictive covenant case, pending District Court. The appeal deadline was December 1, 2005.

Applicant's Rebuttal:

Mr. Grimm stated the property of concern is the east 88' of Lot 12. He indicated they only had four to five days after the Thanksgiving holiday to make the appeal.

Mr. Ackermann stated the ordinance allows ten days to appeal and it appeared the appellant knew of the permit being issued four days later on November 25, 2006. He added that they contacted the zoning official to discuss it. Mr. Alberty was in agreement.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** the Appeal the issuance of building permit #79472 substandard lot zoned RE, finding the appeal was not timely filed, on the following described property:

E88 LT 12, ROCKBRIDGE PARK, City of Tulsa, Tulsa County, State of Oklahoma

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MINUTES

On **MOTION of Stead**, the Board voted 5-0-0 (Dunham, Henke, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVED** the Minutes of January 24, 2006 (No. 926).

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UNFINISHED BUSINESS

Case No. 20183

Action Requested:

Variance to permit 0 ft of frontage on a public street - Section 206, located: 6331 West 29th Street North, Osage County.

Presentation:

Joe Lowe, 6331 West 29th Street North, stated the land is accessed by an easement recorded in Osage County on February, 2006. The mile and one-half easement road is maintained by abutting land owners. Exhibits were submitted (Exhibits A-1 through A-7).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance to permit 0 ft of frontage on a public street, finding the contours and exceptional conditions of the land, finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land situated in the S/2 of Section 19, Township 20 North, Range 12 East of the I.B&M., Osage County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows: Commencing at the SW/c of Section 19; TH N along W line of SW/4 of Section 19 2640.44 ft. to NW/c of said SW/4; TH S 89° 22' 39" E along the N line of S/2 of Section 19 3638.29 ft. to the POB; TH S 00° 32' 29" W 2266.65 ft.; TH Nwesterly along Centerline of 60.00 ft. wide Access and Utility Easement on a curve to the left (Tangent bears N 50° 26' 47" W), said curve having a radius of 1154.47 ft. and a central angle of 24° 33' 13", for an arc distance of 494.73 ft.; TH N 75° 00' 00" W along said Centerline 285.65 ft.; TH Nwesterly along said Centerline on a curve to the right, having a radius of 515.03 ft and a central angle of 17° 36' 57", for an arc distance of 158.35 ft. to the end of said 60.00 ft. wide Access and Utility Easement; TH N 32° 36' 57" E 33.00 ft.; TH N 00° 32' 29" E 1885.38 ft. to the N line of the S/2 of Section 19; TH S 89° 22' 39" E along said N line 842.45 ft. to the POB, containing 40.00 acres, more or less.

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Case No. 20188

Action Requested:

Special Exception to permit a community center (Use Unit 5) (Section 401); Variance of 35 ft building height to 45 ft (Section 403); and a Variance of structure height to 50 ft for ropes course structures in an RM-1 district , located: 1006 North Quaker Avenue.

Presentation:

Greg Helms, 329 South Elm, Jenks, Oklahoma, is the architect for Tulsa Public Schools on this project. This is the same as they presented at the previous meeting and they have corrected the legal description to include the vacated street. One letter of support was received from the neighborhood association.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a community center (Use Unit 5) (Section 401); Variance of 35 ft building height to 45 ft (Section 403); and a Variance of structure height to 50 ft for ropes course structures in an RM-1 district, finding the relief is necessary by reason of extraordinary exceptional conditions or circumstances peculiar to this land and structures proposed; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

ALL BLK 4, Capitol Hill Addn, LTS 14 THRU 37 BLK 5, CAPITOL HILL SECOND ADDN CORR and Vacated E. King St. between Block 4, Capitol Hill Addn and Block 5, Capitol Hill Second Addn Corr, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20191

Action Requested:

Request for reconsideration of a Special Exception to permit a fence in the front yard to exceed the maximum of 4 ft to 6 ft in an RS-1 District, located: 3035 East 49th Street South.

Presentation:

Ingrid Esberger, 3035 East 49th Street South, stated they requested a reconsideration as she was not allowed to answer questions of the Board during discussion after the public hearing on January 24, 2006 that she felt were critical to the case. She informed them that they had only constructed the front portion of the fence to keep their dogs in the yard. The neighbors on the east and west are doing extensive remodeling and two trees, which were struck by lightening, on the west have to be removed. They want to complete the fence around the side yard for safety concerns.

Comments and Questions:

Ms. Stead asked if they have a security alarm, to which Ms. Esberger replied that they do have a security system. She also asked what the proposed side fence height would be. Ms. Esberger replied they would be six feet. Mr. Cuthbertson explained that at the point the side fences are in the required front yard, relief would be needed. The way the request was worded covers all of the fences in the front yard. Ms. Esberger submitted photos and a list of properties with fences of greater than the four foot height limit. The fences located to the east of the property are owned by two separate individuals.

Chris Milliron, 3035 East 49th Street South, stated that besides the security issue, they felt they were singled out because there were numerous fences in the front yard greater than four feet in height within two miles of their home. They provided the photographs to identify the problem.

The Board discussed the consistency in neighborhoods, injury to a neighborhood, the proximity of an eight story office building and I-44 Highway, and the numerous fences greater than the four foot height limit in the front yard. It was also mentioned there is a high incidence of crime around I-44 and the increase in sound decibels when the highway is expanded and these could be cause for appeal.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-1-0 (Dunham, Stephens, Stead, Tidwell "aye"; Henke "nay"; no "abstentions"; no "absences") to **Reconsider** a Special Exception to permit a fence in the front yard to exceed the maximum of 4 ft to 6 ft in an RS-1 District, finding reason to rehear this case on February 28, 2006, regarding the following described property:

LT 9 & E 15 LT 10 BLK 1, VILLA GROVE SUB, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20195

Action Requested:

Special Exception(s): to permit a drive-in bank facility in the OL district (Section 601), to permit multi-family residential use within the OM and OH districts (Section 601), and to permit required off-street parking to be located on a lot not containing the principal use (Section 1301.D); a Variance of the one story building height limitation in an OL district (Section 603); and a Variance of the requirement that multi-family use in the OM district comply with the bulk and area requirements of

the RM-2 district (Section 604.B), located: Southwest corner South Main Street and West 21st Street.

Mr. Cuthbertson reminded the Board this case was actually continued but placed under new applications because an additional request was added to the application.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, for the applicant owner, stated he had objected to the late request for continuance for the neighborhood to hear more details. There were three weeks between the last meeting and this one because of the way the calendar fell. They received one call from the Maple Ridge leadership and met with approximately five of them. They explained the project and answered questions and they concluded there were no objections. He pointed out the zoning pattern of the area and the old platting of lots. The entire west boundary is right-of-way. He noted that the OH and OM zoning have no height limitation and greater floor area ratios. The back part of the block, not under application, is being developed into good quality, single-family patio homes. A bank with a drive-in facility is proposed for the OL-zoned property, which requires a special exception, no hardship required. They also requested a variance for a two-story structure related to the bank facility. Mr. Johnsen stated that on the east side of the property there is a pending negotiation for a sale to construct a three-story building with offices on two levels and possibly two condominium units on the upper level in the OM district, that has no height limitation. He noted the contrast of bulk and area requirements, and conflicting requirements of the mixed-use zoning.

Comments and Questions:

Ms. Stead asked if there are plans for a four-story building as pictured in the agenda. Mr. Johnsen replied that it is a building the next block over to the east. She asked if he had any problem with the Board limiting the drive-in to two-stories and the office building to three stories. He would agree to that limitation. He expected the lot would be split and there would be no need for off-site parking and he withdrew that request. He pointed out the significant elevation changes on the property and the structures behind this are at a substantially higher elevation.

Interested Parties:

Mary Athens, 5 West 22nd Street, stated that two years ago she was shown plans for single-story structures on this property. This is the first she heard of the changes for multi-stories. She is opposed if it is going to be higher than her home.

Mr. Cuthbertson reminded the Board that the three-story building could be built by right without the multi-family.

Applicant's Rebuttal:

Mr. Johnsen reviewed the elevation changes and he indicated the new structures would be lower in height than Ms. Athens' home.

Board Action:

The applicant withdrew the Special Exception to permit required off-street parking to be located on a lot not containing the principal use (Section 1301.D).

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception(s): to permit a drive-in bank facility in the OL district (Section 601), to permit multi-family residential use within the OM and OH districts (Section 601); a Variance of the one story building height limitation in an OL district (Section 603); and a Variance of the requirement that multi-family use in the OM district comply with the bulk and area requirements of the RM-2 district (Section 604.B), subject to the condition that the drive-in will be no more than two-stories; finding conditions and circumstances peculiar to the land, primarily the elevations, make the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding the variances will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

Lot 1, Block 2, The Tudors II, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20196

Action Requested:

Variance of parking requirements (Section 1212a.D) and a Variance of the 300 ft. spacing requirement between adult entertainment establishments (Section 1212a.C.3.c) to permit a jazz club; located: 3306 South Peoria Avenue.

Presentation:

James Andrews, 5908 South Birmingham Avenue, withdrew the variance for the 300 ft. spacing requirement for an adult entertainment establishment. He met with Dustin Wright to discuss the application. He found he could apply for a new certificate of occupancy for the entire space as a principle use restaurant with an accessory bar. He stated they will not need a variance for an adult entertainment permit. They proposed to close the main dining room in the existing Ciao restaurant at ten o'clock and open the proposed jazz club from 10:00 p.m. to 2:00 a.m.

Comments and Questions:

Mr. Ackerman stated the parking requirement for a restaurant is one space for every 100 s.f. of floor area and for an adult entertainment establishment is one parking space for every 75 s.f. of floor area. He added that the applicant is now advertised for the wrong use. He restated for the applicant to the Board that they

are still in the review process for a new certificate of occupancy and permit. Mr. Andrews added that they are redrawing the floor plan and site plan to incorporate everything as a contiguous space. Mr. Dunham calculated that the applicant needs 44 parking spaces to meet the zoning code requirement. Mr. Dunham informed the interested parties that the applicants change of plans means he is improperly advertised and the Board will not make a determination at this meeting. The case would have to be continued.

Interested Parties:

Dan Pentecost, 1218 East 33rd Street, stated he owns an office building to the west on 33rd Street. He expressed opposition to the application.

Mike Murphy, 1219 East 33rd Street, stated he also owns property across from Mr. Pentecost. He was opposed because of the parking problems. He stated his interest in the area is for the long term.

Barbara Penny, 1326 East 32nd Place, expressed opposition due to the parking situation in Brookside.

Photographs and letters were provided to the Board (Exhibits E-1 and E-2).

Board Action:

On **Motion of Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20196 to the meeting on March 14, 2006, for advertising the new relief requested, on the following described property:

W115 LT 1 & PRT VAC ST BEG NWC LT 1 TH N20 E TO PT SW TO PT W115
POB BLK 5, BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of
Oklahoma

Case No. 20197

Action Requested:

Verification of spacing requirements for a liquor store from blood banks, plasma centers, day labor hiring centers, liquor stores, and pawn shops (Section 1214.C.3), located: 1243 North Osage Drive.

Mr. Henke out at 2:27 p.m.

Presentation:

Obie Bolton, 804 South Louisville Avenue, was present to verify spacing requirements have been met for this property.

Interested Parties:

There were no interested parties who wished to speak.

Mr. Henke returned at 2:29 p.m.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing requirements for a liquor store from blood banks, plasma centers, day labor hiring centers, liquor stores, and pawn shops (Section 1214.C.3), on the following described property:

S 217.19' LOT 4, BLOCK 2, OSAGE PLACE ANNEX, City of Tulsa, Osage County, State of Oklahoma

Case No. 20198

Action Requested:

Special Exception to permit a residential treatment & transitional living ctr in RM-2 and PK districts; Special Exception to permit the proposed treatment center within ½ mile of other such facilities; Special Exceptions to allow required off-street (and principal use) parking on an RM-2 lot and a lot(s) not containing the principal use; Variance of minimum bldg. setback from an abutting R district to the west; Variance of the minimum setback for unenclosed off-street parking; Variance of the screening requirement of the principal use off-street parking; Variance of maximum permitted floor area; Variance of the minimum lot size; and a Variance of the minimum frontage requirement; all to permit the expansion of the existing facility. located: East & West sides of South Trenton Avenue between East 12th Street and East 13th Street.

Mr. Cuthbertson reminded the Board of the policy statement created by this Board in 1993. It suggested that anytime there is a request for multiple variances, the Board should consider whether the proposed development would be more appropriately addressed in a Planned Unit Development (PUD). In addition to that, the Comprehensive Plan for the Hillcrest Development Area also suggests that these specific facilities be developed in a PUD.

Mr. Dunham asked Mr. Norman to explain why he chose to come to the Board rather than go for a PUD.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, on behalf of Tulsa Psychiatric Foundation, which owns the facility as well as Parkside Psychiatric Hospital. Parkside operates the existing center for adolescent treatment also. He referred to the policy, indicating it was adopted in 1989 and refers to multiple variances. He

felt he could simplify the variances requested if given time to review them for the Board. He mentioned a PUD is more expensive than going through the BOA and exhibits would be more complicated. He also stated that it requires multiple hearings before the Planning Commission and City Council. He verbally condensed the request to an expansion of an existing building and the provision of additional parking. Mr. Dunham noted that the Comprehensive Plan for this area states that any major expansion shall require the filing of a PUD or PUD Amendment. Mr. Norman replied this request did not represent a major expansion.

Ms. Stead asked if he was also asking for a plat waiver and to combine these lots. Mr. Norman replied that he is. He explained that all of the utilities are already in place with no need for additional easements. They would only need to connect the storm water to the storm water sewer system and the connection from the roof of the new building into the alley system. He mentioned a lot combination or tie agreement to reduce requests or create one lot and one block. Ms. Stead asked Mr. Alberty why they are given a set of guidelines specific for development of this area if they are not to follow them. Mr. Alberty responded that the staff is in agreement and advised Mr. Norman of the staff's position and he chose to follow this procedure. The applicant has the right to make that application but the staff expects the Board to be apprised of policies and the wording of the comprehensive plan. Mr. Norman emphasized the policy makes a suggestion and the Board is encouraged to recommend a PUD but it is not mandatory. Mr. Dunham asked how many requests the applicant could condense this application to. Mr. Norman indicated he could get it down to three special exceptions and three variances.

Mr. Dunham stated at this point the Board needed to decide if they want to hear the case or determine if it should be reviewed as a PUD. Mr. Norman wanted to give more information and asked the Board to state the maximum number of variances they would allow per case.

After discussion related to the number of variances the policy permits, Mr. Cuthbertson advised the Board that staff could set the discussion for public hearing under 'Other Business' on the February 28th agenda and provide the Board with additional information on the policy.

Mr. Dunham asked for the size of the expansion. Mr. Norman replied that it would be 16,000 s.f. Mr. Dunham asked for an estimate of the whole facility, which Mr. Norman stated would be a 10% expansion.

The Board discussed the use, the process, and the proper venue for this case.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Special Exception to permit a residential treatment & transitional living ctr in RM-2 and PK districts; Special Exception to permit the proposed treatment center within ½ mile of other such facilities; Special Exceptions to allow required off-street (and principal use) parking on an RM-2 lot and a lot(s) not containing the principal use; Variance of minimum bldg. setback from an abutting R district to the west; Variance of the minimum setback for unenclosed off-street parking; Variance of the screening requirement of the principal use off-street parking; Variance of maximum permitted floor area; Variance of the minimum lot size; and a Variance of the minimum frontage requirement; all to permit the expansion of the existing facility, finding this is not the correct venue and that a PUD should be required, on the following described property:

LT 3 & VAC W10 TRENTON ON E BLK 6, LTS 23 & 24 & VAC W10 TRENTON ON E & LESS W50 LTS23 & 24 BLK 6, W50 OF EA 23 24 25 26 BLK 6, E90 LTS 25 & 26 & VAC W10 TRENTON ON E BLK 6, LTS 27 & 28 & VAC W10 TRENTON ON E BLK 6, LTS 29 THRU 32 & VAC W10 TRENTON ON E BLK 6, LTS 5 17 & 18 & VAC E10 TRENTON ON W BLK 7, LTS 19 & 20 & VAC E10 TRENTON ON W BLK 7, FOREST PARK ADDN RE-AMD, City of Tulsa, Tulsa County, State of Oklahoma

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The Chair directed staff to provide for discussion of the policies on multiply variances on the next agenda.

Case No. 20199

Action Requested:

Variance for permitted building signage from 1 sign to 2 signs; and a Variance for permitted square footage from 32 sq ft to 84 sq ft., located: 4132 East 51st Street South.

Presentation:

Christopher Heroux, 502 West 6th Street, with the Riggs, Abney Law Firm, stated he represented the Oklahoma Central Credit Union. He added that Rick Lloyd, Chief Retail Officer of the Credit Union was also present. They proposed two signs for better visibility. He pointed out the OL and OM zoning to the east and west. The structure is set back much more than the adjacent properties and their signage. They asked for a north facing and a west facing sign. He submitted photographs (Exhibit G-1).

Comments and Questions:

Mr. Dunham noted that they have to go before the Planning Commission also. Mr. Heroux replied they made application to the Planning Commission to amend the PUD, pending resolution of the Board of Adjustment hearing. Ms. Stead and Mr.

Dunham stated they could not see how the residential is going to be affected either way. Mr. Heroux pointed out signage and trees and the greater distance of the setback. Mr. Henke stated that he did not see why the applicant would not want a ground sign along the street.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 2-3-0 (Henke, Stead "aye"; Dunham, Stephens, Tidwell no "nay"; no "abstentions"; no "absences") to **DENY** a Variance for permitted building signage from 1 sign to 2 signs; and a Variance for permitted square footage from 32 sq ft to 84 sq ft., finding a lack of hardship.

For lack of a quorum to deny another motion was made.

On **Motion** of **Stevens**, the Board voted 3-2-0 (Dunham, Stephens, Tidwell "aye"; Henke, Stead "nay"; no "abstentions"; no "absences") to **DENY** a Variance for permitted building signage from 1 sign to 2 signs; and to **APPROVE** a Variance for permitted square footage from 32 sq ft to 43 sq ft. on the north side only, finding the building setback is the hardship; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district, on the following described property:

LT 1 BLK 1, OIL CAPITAL FEDERAL CREDIT UNION, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20200

Action Requested:

Variance of the required side yard setback from 5 feet to 2 feet to replace an existing garage - Section 1607 & 403, located: 2246 Terwilleger Boulevard.

Mr. Stevens out at approximately 3:24 p.m.

Presentation:

Steve Schuller, 1100 One Oak Plaza, represented Henry and Suzanna Will, who proposed to demolish the existing garage and build a new one. The home was built in 1927 with the garage in the current place. On the architect's recommendation they chose to build a new garage. The lot is narrower in the rear than the front of the lot. The position of the house, trees and landscaping limits the available locations for the garage. He stated the literal interpretation of the code would cause an unnecessary hardship. A site plan was provided (Exhibit H-1).

Mr. Stevens returned at 3:26 p.m.

Interested Parties:

The one interested party did not wish to speak, except to indicate support to the Chair.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the required side yard setback from 5 feet to 2 feet to replace an existing garage - Section 1607 & 403, per plan, finding that by reason of extraordinary exceptional conditions or circumstances, which are peculiar to the land, the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

PRT LTS 19 & 20 BEG 5.28N SECR LT 19 TH NLY84.72 WLY136.14 S76.5
SELY 130.25 POB BLK 3, TERWILLEGGER HGTS, City of Tulsa, Tulsa County,
State of Oklahoma

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Case No. 20201

Action Requested:

Variance of the required number of parking spaces from 23 to 22 for office use, located: 1502 South Harvard Avenue East.

Presentation:

R.L. Reynolds, 2722 East 21st Street, stated the original building was reduced in size to a little more than 6,800 s.f. A variance was previously approved for a U.U. 14, with a parking ratio of one space per 300 s.f. They now asked for the same parking variance for a U.U. 11, office use.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the required number of parking spaces from 23 to 22 for office use., finding the age of the facility and the zoning code at the time the building was built creates conditions that the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or

circumstances do not apply generally to other properties in the same use district; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LTS 1 THRU 3 LESS BEG NWC LT 1 TH E140 S153.24 W15 N50 E5 N98.24 W130 N5 POB BLK 1, EXPOSITION HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20213

Action Requested:

Special Exception to encroach into the required front yard 2 ft - 6 in (Section 403) to permit an addition, located: 2423 East 25th Place South.

Mr. Cuthbertson pointed out this is a minor special exception and only requires notice to abutting property owners.

Presentation:

Mark Lauinger, 2423 East 25th Place, proposed to construct an addition to his home. He has contacted the abutting neighbors, except for one he could not contact, and found no objection. There is no change of elevation.

Board Action:

On **MOTION** of **Henke**, the Board voted 5-0-0 (Dunham, Henke, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to encroach into the required front yard 2 ft - 6 in (Section 403) to permit an addition, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 13 BLK 1, KENLAWN ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting was adjourned at 3:30 p.m.

Date approved: 2/28/2006


Chair