CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 954
Tuesday, April 10, 2007, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
White	Tidwell	Alberty	Ackermann, Legal
Henke, Chair		Butler	
Stead, Vice Chair		Cuthbertson	
Stephens			

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Wednesday, April 4, 2007, at 3:45 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

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MINUTES

On **MOTION** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** the Minutes of March 13, 2007 (No. 952).

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UNFINISHED BUSINESS

Case No. 20467

Action Requested:

Variance of the required 75 ft. setback from adjoining R and O districts (Section 903), located: 9723 East 61st Street South.

Presentation:

John Moody, 1800 South Baltimore, Suite 900, stated the subject property was recently zoned IL, the former site of a children's nursery or day care center. The

lot is only 90 ft. wide and is non-conforming. They proposed to build a new building and an eight-foot solid wood screening fence. The business will be an air-conditioning shop. They would park their vehicles inside at night. He stated that the owner of the neighboring dog kennel was not opposed to the application. The hours of operation would be 7:00 a.m. to 7:00 p.m. He provided a conceptual site plan (Exhibit J-1).

Comments and Questions:

In response to questions of the Board, Mr. Moody stated they would demolish the existing building. The building would be one-story, about 20 ft. in height. It will be a service shop with light industrial work. He stated the land to the north would be open and vacant. Mr. Moody replied there would be no excessive noise. The actual work would be off-site. They would pave the parking with concrete or asphalt. He stated the applicant would be willing to maintain the sidewalk on 61st Street. He added they might want temporary storage for items behind the eight-foot screening fence in the far northwest corner. Mr. Alberty noted they did not specify the relief requested from the east property line on the site plan. The conceptual site plan shows a greater distance than the 17 ½ ft. He added that if it is to be the entry for truck traffic, it is too narrow and he would like to see it increased to at least a 22 ft. setback from the east property line. Mr. Moody stated they would not object to that. He added that at the time of application, their main concern was regarding placement of the utilities. He pointed out there would be two points of ingress and egress.

Interested Parties:

Charla Paul, 5932 South 99th East Avenue, pointed out the location of her home with two utility sheds. She wanted to know if there was a minimum setback to her property and that it would not cause any water run-off. She wanted a barrier wall to the east, separating her property and the property to the north. She talked with the business owner and expected they would be good neighbors.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Variance of the required 75 ft. setback from adjoining R and O districts (Section 903), subject to: an eight-foot, solid wood fence shall be constructed between this lot and the R district and the O district; hours of operation to be 7:00 a.m. to 7:00 p.m.; the new building to be one-story in height or no taller than 20 ft.; per conceptual site plan submitted; maintain sidewalks on 61st Street in good condition; all driving surfaces to be concrete or asphalt; if any parts or pieces are stored on the back of the lot that it will be separated by an 8 ft. storage fence on all four sides; the setback from the R district be 22 ft. in width; any lighting per the Kennebunkport formula; finding the 90 ft. width of the lot is the extraordinary, exceptional condition peculiar to the property; 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 the variance would not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

E90 S431 W/2 LT 4 LESS S50 FOR ST SEC 31 19 14, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20469

Action Requested:

Special Exception to permit an outdoor market – Use Unit 2 in a CS district (Section 701); and a Special Exception to permit an alternative off-street paving material (Section 1202.C.1), located: 550 ft. south of the Southeast corner of East 21st Street and South 109th East Avenue.

Presentation:

Matt Gawey, 2240 East 49th Street, General Manager of Aspen Realty, proposed to open a Farmer's Market for homemade and handmade products, plants and flowers. He provided a site plan for a four and one-half acre tract. It would hold 124 pad sites with parking provided for vendors and customers per the plan in the agenda packet, with two to three access points. He indicated there would be an alternative paving material. They plan to operate on Fridays, Saturdays and Sundays during daytime hours, morning and early afternoon, with no lighting or electrical outlets.

Interested Parties:

City Councilor Bill Martinson, 3521 South Darlington, stated this application is not compatible with the neighborhood. He thought parking would be insufficient and the elevation change would be an issue. He expected traffic ingress and egress would be an issue. He did not think on-street parking would be an option. He stated that **Sue Tibbs,** State Representative, asked him to inform the Board that she was vehemently opposed to this application. He stated that Dennis Troyer, City Councilor for District 6 concerns were issues of pavement, traffic on 21st Street, hours of operation, length of operation, control of products sold. He referred to Steve Carr's reservations in an email to the Board.

Christopher Stauback, 10967 East 23rd Street, Unit C, submitted a petition with 150 signatures (Exhibit A-1). He expressed concern for no place for the children to play; bicycling in the area; and the applicant's plans to expand the number of vendor pads. He indicated it would not be required to comply with the Comprehensive Plan or to do traffic controls that other developments would do. He stated that he and others would request, should this be approved, a sound wall around the project, sidewalks along 109th East Avenue and East 23rd Street.

Billie Thompson, 11007 East 24th Street, submitted a petition of her neighbors (Exhibit A-1). They have health concerns regarding port-a-johns and attraction of rodents to fresh produce. They were concerned about clearance for emergency vehicles and the safety of the children at the daycare center across 109th Street in such a high traffic area. She suggested the open fields and areas east of 21st Street to 145th Street.

Jamie Ross, 10967 East 23rd, Unit C, expressed concern for the safety of children crossing the street. She indicated it was an inappropriate location.

Sherry Wingo, 10829 East 24th Street, stated the same concerns above. She added there is a convenience store with a car wash and a weekend taco stand.

Russ Wingo, 10829 East 24th Street, indicated this would not be an improvement to the neighborhood.

Danny Martin, 10959 East 23rd Street, Unit C, pointed out the location of a bar and stated they have had more police presence in the area.

Gamal Lucias and **Roy Lucias**, 2318 South 109th East Avenue, were opposed to the application for the same issues already presented.

Wayne Anderson, 2531 South 110th East Avenue, suggested closing 109th East Avenue to prevent the traffic through their neighborhood. He was opposed to the application.

Applicant's Rebuttal:

Mr. Gawey pointed out this market would be open less days per year and less hours per week than the same thing in an enclosed building. He noted there is no on-street parking allowed on these streets. He considered the staff comments and was not opposed to having fewer vendors and more parking. They would not have prepared food sales or used and second hand products.

Comments and Questions:

Mr. White asked if he had spoken with the neighbors regarding the application. Mr. Gawey replied that he spoke with one neighbor twice and attempted to meet with more but it did not work out. Mr. Stephens and Ms. Stead were not comfortable with such issues as the ingress/egress, traffic in this area, alternative paving and possible future use of the special exception.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **DENY** Case 20469, finding the special exceptions would not be in harmony with the spirit and intent of the code

and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 2 LESS E100 N100 & LESS N50 THEREOF BLK 1, FIRST CITY BANK ADDN RESUB PRT L1 B1 TIFFANY PARK ADD, City of Tulsa, Tulsa County, State of Oklahoma

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Mr. Henke out at 2:14 p.m.

Case No. 19943-A

Action Requested:

Modification of a previous approval and plan to permit the addition of an early childhood and preschool education facility to the existing elementary school campus, located: East of 13702 East 46th Place South.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, represented The Tulsa Children's Coalition and the Community Action Project of Tulsa County (CAPTC). They propose to start an early childhood facility and center on property adjacent to Rosa Parks Elementary School on a parcel 342 ft. x 500 ft.

Mr. Henke returned at 2:15 p.m. and Mr. Stephens out at 2:15 p.m.

He provided an amended site plan, referred to as exhibit C, map and photographs (Exhibit B-1, B-2, and B-3). The facility would be 25,000 sq. ft. with 83 new off-street parking spaces, and a ground sign with a maximum of 48 sq. ft. of display surface area and a maximum height of 4 ft. The primary access to the school and new facility will be from South 145th East Avenue over the newly constructed access road, East 46th Place South, as required by the Board as a condition of approval of the elementary school in Case No. 19943. The architecture of the two facilities will be compatible. He pointed out the existing sidewalks in front of the elementary school site. He provided more photographs and aerials (Exhibits B-4) to the Board.

Mr. Stephens returned at 2:18 p.m.

Comments and Questions:

Ms. Stead asked if the new parking lot and center would be fenced from the school and school parking. He indicated the rear and play areas would be fenced in but not the front yard.

Interested Parties:

Roberta Schacht, 4603 South 135th East Avenue, stated opposition to the application because of increased traffic and deterioration of their streets, since the school opened. She added that even the school bus routes go through the

neighborhood. She indicated that very few people use the 145th Street exit. Ms. Schacht stated there is a lot of speeding traffic. She attributed the decreased sales of homes to the speeding and heavier traffic on their neighborhood streets.

Applicant's Rebuttal:

Mr. Norman responded that the Comprehensive Plan for Tulsa has strongly recommended for 35 – 40 years that elementary schools be located in the center of the section. This was discussed when the application went to the Board for the construction of Rosa Parks. Mr. Norman pointed out one stub street was closed to through traffic. He noted that Quail Ridge has very little off-site traffic because this section has been so lightly developed and is likely to remain that way.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** the Modification of a previous approval and plan to permit the addition of an early childhood and preschool education facility to the existing elementary school campus, subject to applicant's exhibit C, amended site plan, on the following described property:

LT 1 BLK 1, UNION ELEMENTARY #12 ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20470

Action Requested:

Variance of the minimum permitted lot area in an RM-2 district from 5,500 sq. ft. to 3,500 sq. ft. (tract 1) and 3,875 sq. ft. (tract 2); and a Variance of the minimum permitted land area in an RM-2 district from 6,750 sq. ft. to 6,200 sq. ft. (Sec 403); to permit a lot split, located: 3 South Rosedale Avenue West.

Presentation:

David Dryer, 5110 South Yale, Suite 430, stated the applicant purchased the property with two houses. A title opinion showed the two houses were on one lot. They sought a lot-split to clear the title.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Variance of the minimum permitted lot area in an RM-2 district from 5,500 sq. ft. to 3,500 sq. ft. (tract 1) and 3,875 sq. ft. (tract 2); and a Variance of the minimum permitted land area in an RM-2 district from 6,750 sq. ft. to 6,200 sq. ft. (Sec 403); to permit a lot-split; all parking and driving surfaces to be concrete or asphalt; finding by reason of

extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LTS 1 2 BLK 13, OVERLOOK PARK ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20472

Action Requested:

Special Exception to modify the height of a fence in the required front yard from 4 ft. to 8 ft. at its highest point (Section 210.B.3), located: Northeast corner of Columbia Avenue and East 45th.

Mr. Henke recused himself and left the room at 2:39 p.m.

Presentation:

Lou Reynolds, 2727 East 21st Street, represented John Pixley, the applicant, owner of the house to the north of this property. They talked with nine out of the ten neighbors, all of which were in support of the application. He provided exhibits, including a map and letters (Exhibits C-1 and C-2). He had photographs to show this type of request was not unusual for this neighborhood.

Board Action:

On **Motion** of **White**, the Board voted 3-0-1 (White, Stephens, Stead "aye"; no "nays"; Henke "abstained"; Tidwell "absent") to **APPROVE** a Special Exception to modify the height of a fence in the required front yard from 4 ft. to 8 ft. at its highest point (Section 210.B.3), subject to the applicant exhibits A, C and E in the agenda packet, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

S105 W/2 LT 15 BLK 7, VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

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Mr. Henke returned.

Case No. 20473

Action Requested:

Variance of the maximum permitted display surface area for a ground sign from 32 sq. ft. to 100 sq. ft. (Section 1103.B.2 and 1221.C.8.b), located: 4802 South 109th Avenue East.

Presentation:

Ed Horke, 533 South Rockford, with Claude Neon Federal Signs, represented Tulsa Bone and Joint Center. He pointed out the unique location with high visibility from Hwy. 169 and Hwy. 51, but it is more difficult to find from the city streets. He determined the maximum surface area was not large enough to help customers find the facility. He noted that those people seeking the facility are dealing with sickness and/or are senior citizens. He informed the Board of other unique features. First, he noted there are 95,000 sq. ft. within the three buildings that are interconnected. There are seven different businesses in operation and approximately 1,000 people per workday visit this facility. He added that 300 or more are first time visitors. A plan and applicant's Attachment 1 were provided (Exhibit K-1 and K-2).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke Stephens, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Variance of the maximum permitted display surface area for a ground sign from 32 sq. ft. to 100 sq. ft. (Section 1103.B.2 and 1221.C.8.b), per applicant's attachment 1 and per plan, finding the vast area of the businesses involved need extra signage, by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 1 BLK1, TULSA BONE & JOINT CLINIC, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Cuthbertson informed the Board this is the first step in the approval process for this plan. The property is located in a PUD and the PUD must be amended. The sign plan will have to be approved for compliance with the PUD. They needed the variance first.

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Case No. 20474

Action Requested:

Variance of the side yard requirement from 5 feet to 6 in. to permit a carport in an RS-1 District (Section 403), located: 6918 South Evanston Avenue.

Presentation:

Jay Patchett, 6918 South Evanston Avenue, stated he built a carport after a hail storm totalled his car. He added that he tried to build it with as little impact on the neighborhood as possible. He stated the previous fence between he and his neighbor was in bad repair. He and the neighbor built a new eight-foot fence to replace it. He pointed out that you cannot see the carport from the street or the neighbor's back yard. The carport is on the original driveway.

Comments and Questions:

Ms. Stead asked if he built the carport and obtained a permit. Mr. Patchett replied that he was mad at the City and his neighbor did not get a permit so he did not get one either. Mr. Henke asked for the hardship. Mr. Patchett replied this was the only location to build a garage or carport to protect his property.

Interested Parties:

Two letters of support from neighbors were provided (Exhibit D-1).

Joe Brandt, 6938 South Evanston, was opposed to the application. He stated you could see it from the street.

Janet Griffith, 6916 South Delaware Place, stated she also represented Valerie Randolph, who lives at 6921 South Delaware Place. She informed the Board that you could see the carport from every window in Ms. Randolph's house. She complained of heavy drainage from all of the paving on his property.

Carl Hall, 6935 South Delaware Place, noted the carport is visible from the street. He stated the applicant has parked some cars in the backyard.

Applicant's Rebuttal:

Mr. Patchett responded there is a pool in the back that drains to the front ditch. He added that according to the inspector if the carport were built three feet from the fence instead of six inches, it would have been ok, but it would have been just as visible. Mr. White asked if the garage was still functioning as a garage for two cars. Mr. Patchett replied that it was still functioning as a garage for two cars.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **DENY** a Variance of the side yard requirement from 5 feet to 6 in. to permit a carport in an RS-1 District, finding a lack of hardship, on the following described property:

LT-10-BLK-2, TIMBERLANE HGTS RESUB L3-5 B3 BRANIFF HILLS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20475

Action Requested:

A modification of CDP-21 to reduce setback requirements from S. 99th E. Ave. from 10 ft. to 7.1 feet to permit existing encroachment, located: 2186 South 99th Avenue East.

Presentation:

Kenneth Smith, 4554 South Harvard, represented the new owner of an apartment complex. This was an attempt to clear a title. A modified CDP plan was provided (Exhibit E-1).

Comments and Questions:

Mr. Cuthbertson reminded the Board this is a CDP, not a request for a variance. There was no need for a hardship.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a modification to CDP-21 to reduce setback requirements from S. 99th E. Ave. from 10 ft. to 7.1 feet to permit existing encroachment, per plan submitted, on the following described property:

LT 1 BLK 39, LONGVIEW LAKE ESTATES B30-38, LONGVIEW LAKE ESTATES B39-40, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20476

Action Requested:

Special Exception to permit a Use Unit 15 (dog day care - overnight indoor boarding) in a CS district (Section701), located: 6124 East 51st Place South.

Presentation:

Brian Walters, 4034 East 49th Street, proposed to open a non-traditional dog kennel, a Camp Bow Wow®. The hours of operation would be 7:00 a.m. to 7:00 p.m.

Mr. White out at 3:07 p.m.

He mentioned one such facility in another city that was across the street from a nursing home. There were never any complaints of noise or any other complaints. (Exhibit F-1) They have attendants at a ratio of one per every 15 dogs. They plan to use vinyl fencing, which decreases noise levels by five decibels. They would conduct waste management in a timely fashion and sanitize the outdoor play area with a biodegradable cleaning solution. He added there is sufficient parking for employees and customers. Mr. Walters stated they had a letter of recommendation from the City Councilor for District 7 (Exhibit F-2).

Comments and Questions:

Ms. Stead asked their intentions regarding the property. Mr. Walters stated they plan to lease the property for five years with an option to renew. Mr. Stephens asked if every dog gets some time in the outdoor play area, he wanted to know the amount of usage and where it would be, then noted it was on the western side. Mr. Walters replied that was correct. Mr. White asked if he had spoken with any of the neighbors, to which he replied he spoke to one.

Interested Parties:

Carla Hopkins, 6133 East 52nd Street, submitted photographs (Exhibit F-6). She stated that she and her husband, Jason Hopkins, live on Lot 13. She contacted all of the references and heard good things about the business. Several were located in industrial parks and one by an airport. The headquarters indicated none of them are as close to residential property as this one is to her home. She noted the driveway to the post office is near the dog yard. She showed by a photograph the elevation difference from the parking lot to her back yard and that the retaining wall provides very little privacy. They already have some traffic noise. She considered this location too close to residential property and not comparable to other such businesses with that same franchise.

Mike Waters, 6127 East 52nd Street, considered this location inappropriate, regarding the proximity to residential property. He expressed concern for the 80-dog capacity and waste containment. He measured about 45 ft. from his property to the proposed outdoor play area. He also showed photographs (Exhibit F-4). The slope of the subject property would allow waste to flow toward the post office or the retaining wall to the residential properties. The wall has fallen twice due to heavy drainage. The City rebuilt it with open blocks to allow drainage to flow through to the neighborhood. He expressed concern for his children's safety regarding waste and sanitizing agents flowing into his yard. He submitted an MSD document (Exhibit F-5) to show the dangers of these chemicals.

Heather Morrison, 6109 East 52nd Street, Lot 10, expressed the same complaints of noise.

Janet Stewart, 6139 East 52nd Street, Lot 14, expressed the same complaints from a 37-year history at this location.

Jennifer Edwards, 5107 South Irvington Avenue, stated opposition to the application and considered it detrimental to the neighborhood.

Paula Moffett, 6029 East 52nd Place, was opposed to the inappropriate location.

The Board received a petition of opposition (Exhibit F-3).

Applicant's Rebuttal:

Mr. Walter's stated the retaining wall was built to direct drainage toward Sheridan. The cinderblock walls are supposed to be a good noise barrier. He stated their policy is to be a good neighbor.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **DENY** a Special Exception to permit a Use Unit 15 (dog day care - overnight indoor boarding) in a CS district, finding the special exception would not be in harmony with the spirit and intent of the code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

PRT LT 8 BEG 332.72 W SECR TH W81 N277.84 E81 S277.84 POB BLK 1, GATEWOOD CENTER, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20477

Action Requested:

Verification of the 300ft spacing requirement for an adult entertainment establishment (Section 1212a.C.3); and a Special Exception to permit an adult entertainment establishment on a lot within 150 ft of an R district (Section 701); to permit a coffee house/beer bar, located: 567 East 36th Street North.

Presentation:

Virginia S. Steward, stated she has a 4,800 sq. ft. coffee house, in the Northland Center. She stressed that it is not a bar. She offers live entertainment Thursday through Saturday and sometimes on Sunday. It is jazz music and poetry reading. They serve a variety of coffees, teas, and soft drinks. She stated she does not prepare food but they do order sandwiches delivered there. They open at 8:30 a.m. and close at 11:30 p.m. They do cleaning until 12:00 midnight or 12:30 a.m. There is security present, good lighting and plenty of parking. She obtained a license to sell beer. Book clubs hold meetings there and sometimes order catered food. They provide wireless internet service. A list of businesses in the Center and a plan were provided (Exhibit G-1 and G-2).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Verification of the 300 ft. spacing requirement for an adult entertainment establishment (Section 1212a.C.3), as presented on agenda pages 11.7 and 11.8; and a Special Exception to permit an adult entertainment establishment on a lot within 150 ft. of an R district (Section 701); to permit a coffee house/beer bar, subject to a time limit of three years for this space only, as shown on agenda page 11.6; no outside consumption areas designated, nor music or other outside entertainment; no food preparation within the facility, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

PRT BLK 1 BEG 120.82W SECR TH W1146.35 N486.72 E1248.36 TH ON CRV LF145.60 SE95.05 TH ON CRV RT132.65 W118.74 S114 POB BLK 1, NORTHLAND CENTER, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20478

Action Requested:

Variance of the multi-family parking requirements (Section 1208.D); Variance of the setback of a two story multi-family structure from an RS-3 district from 50 ft. to 22 ft. (Section 403.A.1) to permit an existing multi-family complex, located: 1325 East 48th Place South.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, represented the owners of the Brookwood Apartments. They sought to comply with current zoning code provisions pertaining to parking and setbacks for the purpose of selling the property. The complex structures are brick, two-story buildings, attractively landscaped. There are 73 units with 78 parking spaces instead of the 128 parking spaces that would be required. Mr. Johnsen submitted a plan and photographs (Exhibits H-1 and H-2).

Ms. Stead out at 4:00 p.m.

The property is zoned RM-2. There is on-street parking available on 48th Street. He pointed out a small area of RS-3 to the north, which triggers a setback requirement of 50 ft. for a two-story structure. There is no house on the RS-3 zoned lot to and it is heavily wooded.

Ms. Stead returned at 4:02 p.m.

He stated to the east is RT zoning, which is a town home development, and the setback is 10 ft. He added that on the south side the setback is 50 ft. He pointed out the RS-3 area to the south that no longer has houses but is now a parking lot for St. Mary's Church. He pointed out one property zoned single-family, RS-3, with a house, that is abutting. The minimum setback in place is 22 ft. from the south boundary, thus the request for the variance. He surveyed the on-site parking and counted 31 unoccupied spaces at 3:00 p.m. on a Saturday. On Monday he counted 27 empty spaces at 8:15 p.m. On Tuesday morning at 6:00 a.m. there were 16 empty spaces. He noted the church lot is empty late at night and Hawthorne Park has a parking lot and on-street parking.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Variance of the multi-family parking requirements (Section 1208.D); Variance of the setback of a two story multi-family structure from an RS-3 district from 50 ft. to 22 ft. (Section 403.A.1) to permit an existing multi-family complex, per plan as shown on page 12.6 in the agenda packet, finding this complex from the early 1960's was not planned for the extensive use of automobiles that we have today; by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

Lot 1 – 7, Block 1, MUGGINS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20480

Action Requested:

Special Exception to permit a carport in the required front yard (Section 210.B.10); and a Variance of rear yard requirement from 25 ft. to 11 ft. - 6 in. (Section 403) to permit an existing encroachment and an expansion of a covered porch, located: 2748 East 39th Place South.

Presentation:

John Duvall, 1820 South Boulder, Suite 301, stated the carport in the front yard encroaches by several feet. The design is compatible with the work on the house and the general architectural character of the house and the neighborhood. The

design is similar to a pergola or an arbor, with wood columns, wood beam perimeters and a single-ply membrane, flat roof with rafter tails to hide that. He stated his clients were not able to meet with all of the neighbors but they met with several of them and explained the project. They were not aware of any objections. The intention is to cover one car and appear to be an extension of the house but not a small carport. The existing house is atypical as the front of the house addresses the corner. The existing house is 11 ft. 81/2 in. off the side yard, encroaching on the rear yard. They want to extend the covered, existing porch that does not encroach in the 25 ft. setback. The porch will remain behind the existing encroachment. A site plan was provided (Exhibit I-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Special Exception to permit a carport in the required front yard (Section 210.B.10), finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and a Variance of rear yard requirement from 25 ft. to 11 ft. - 6 in. (Section 403) to permit an existing encroachment and an expansion of a covered porch, per plan, finding the positioning of the house on the lot at a diagonal positions the house so far to the back that it necessitates the relief requested; by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT-1-BLK-2, WOODHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

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There being no further business, the meeting adjourned at 4:20 p.m.

Date approved: 5/8/07

Frank X. Hall, IV

Chair