

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 971
Tuesday, January 8, 2008, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**
Henke, Chair
Stead, Vice Chair
Stephens
Tidwell, Secretary
White

**MEMBERS
ABSENT**

**STAFF
PRESENT**
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, January 3, 2007, at 2:32 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 1:01 p.m.

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

MINUTES

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of November 27, 2007 (No. 969).

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of December 11, 2007 (No. 970).

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20594

Action Requested:

Variance of the maximum permitted parking area coverage in the required front yard from 34% (Section 1303.D), located: 3512 South Norfolk Avenue.

Presentation:

The applicant withdrew this application.

Board Action:

No action was necessary, on the following described property:

N1/2 OF LT 5 BLK 2, PEORIA COURT RESUB B1 PEORIA GARDENS AMD & PRT PEORIA GDNS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20604

Action Requested:

Special Exception to permit a Transitional Living Center, Homeless Center, Emergency and Protective Shelter and a Residential Treatment Center (Use Unit 2) in a CBD district (Section 701); and a Special Exception to permit such uses within a 1/2 mile of similar uses (Section 1202.C.7), located: 506 North Cheyenne Avenue West, 505 North Denver Avenue West.

Presentation:

Kevin Coutant, 320 South Boston, Suite 500, stated they are ready to give a presentation. They have worked diligently with the City of Tulsa and neighborhood associations and other interested parties. They thought everyone was ready for the Board hearing. The applicant was agreeable to the continuance if requested by another party.

Comments and Questions:

Mr. Coutant responded to Ms. Stead, stating he would bring as much detail as they could gather regarding similar facilities in the downtown area.

Interested Parties:

Mr. Henke stated the Board received a letter from the Mayor, requesting a continuance (Exhibit A-1). He read the letter to the Board.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case 20604 to the meeting on February 12, 2008, on the following described property:

The South Ten (10) feet of Lot 3, all of Lot 4 and all of Lot 5, Block 3, Original Town, now City of Tulsa, Tulsa County, State of Oklahoma, according to the official plat thereof, and the dedicated alley lying between the South ten (10) feet of Lot 3 and all of Lot 4 on the East and the South Ten (10) feet of Lot 6 and all of Lot 5 on the West, all in Block 3, Original Town, now City of Tulsa, Tulsa County, State of Oklahoma, according to the official plat thereof.

Case No. 20621

Action Requested:

Special Exception to permit a heliport in the CBD district (Section 701), located: 401 North Boston Avenue.

Presentation:

Mr. Cuthbertson stated the applicant made a request for a continuance to the meeting on February 12, 2008.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20621 to the meeting on February 12, 2008, on the following described property:

Lot 2, AND the following described portion of Lot 3, to-wit: Beginning at a point in the East boundary of Lot 3 that is 29.33 feet Southerly of the Northeast corner of Lot 3, thence Southerly along the East boundary of Lot 3 a distance of 16.37 feet to the Southeast corner of Lot 3; thence Westerly along the South boundary of Lot 3 a distance of 140 feet to the Southwest corner of Lot 3; thence Northerly along the West boundary of Lot 3 a distance of 52.9 feet to a point; thence Easterly a distance of 144.74 feet to the Point of Beginning; All in Block 6, ORIGINAL TOWN, now City of Tulsa, Tulsa County, State of Oklahoma, according to the Official Plat thereof

UNFINISHED BUSINESS

Case No. 20612

Action Requested:

Special Exception to permit automotive and allied activities in a CS district (Section 701) in a CS district (Section 701), located: 12909 East 21st Street.

Presentation:

Kevin Countant, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, reviewed the surrounding uses, noting it is a commercial intersection. The application is primarily for auto sales with some accessory and allied services. He submitted

exhibits (Exhibits B-1, B-2 and B-3). He explained that in addition to sales, the operations would include oil and lube, and renovation of vintage automobiles limited to one or two at a time. The renovations would be limited to a small-scale operation and no retail frontage. The applicant has discussed the application with City Councilor Dennis Troyer and neighborhood representatives. He pointed out the petition of supporters and the conditions they included. He also provided a petition of neighbors in support. Mr. Coutant read the proposed conditions to the Board.

Comments and Questions:

In response to questions from Board members, Mr. Coutant replied that the oil and lube service would be open to the general public. The detailing, light repair, and all the work on vintage cars would not. He specified the services for automobiles and light trucks. They would not sell heavy machinery, farm equipment, boats or commercial trucks. The applicant is purchasing the property. He stated they have removed the underground storage tanks.

Cindy Belauste, 5320 East 21st Place, Tulsa, Oklahoma 74114, responded to the Board regarding some earth movement on the property. She stated the sellers laid some concrete and they will remove the dirt pile. She informed them the new building would be on the east boundary to the back of the property. They are going to leave the canopies. The owners have put in new lighting. Mr. Coutant replied that the new building has two bay doors on the west.

Interested Parties:

Wayne Bohanon, 10617 East 1st Street, Tulsa, Oklahoma 74128, President of the Wagon Wheel Neighborhood Association, stated their appreciation for the applicant meeting with the neighbors to discuss the application. If the applicant will comply with the conditions presented, they support approval of the application.

Nancy Creighton, 245 South 120th East Avenue, President of Western Village Neighborhood Association, stated they are definitely interested in this corner. They addressed the concerns of the neighborhood with the applicant. She expressed concern that future owners would not know about the conditions to approval. However, they trust the applicant to comply and maintain the property. They are in support of this application. They asked that they not use advertising balloons, signs or banners.

City Councilor Dennis Troyer, District 6, 12811 East 13th Place, Tulsa, Oklahoma 74128, stated they had a good meeting with the applicant and neighborhood. He noted this is a very visible corner. He agreed that all of the conditions should be a part of the record. He suggested a BOA review of the property in a few years.

Ernest Mondragon, 10959 East 4th Street, stated his support of the application. He added he is a member of an East Tulsa Coalition and of The Greater Tulsa

Area Hispanic Affairs Commission for the City of Tulsa and Tulsa County. He thought it would be much better than an abandoned property.

Applicant's Rebuttal:

Mr. Coutant indicated the conditions they placed on their application should diminish the need for a review in only a few years. Ms. Belauste stated they do not do transmissions, engine overhauls or other such work. They change filters, spark plugs and light detail jobs. Mr. White noted this is a three-part operation, oil-lube service, auto renovation of old cars and sales.

Ms. Stead stated details she would desire included in the motion, such as: no body work, painting, engine or transmission work. The Board discussed a time limit to the approval. The Board, Mr. Ackermann and Mr. Coutant discussed placing the minutes of this case on record in the real estate records at the courthouse.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit automotive and allied activities in a CS district (Section 701), per plan submitted (page 4.7 in the agenda packet), subject to the conditions submitted by the applicant today: approval per site plan as to improvement location and use as shown on the site plan submitted with the application; the two curb cuts nearest the intersection will be taken out and completed with concrete sidewalks and curbs consistent with the existing improvements on either side; the reference on the site plan to "auto renovation" refers to uses customary for the detailing and light repair of the vehicles to be sold on the site, this includes minor detailing and tune-up only; specifically, no heavy repair or body work will be permitted on the site; the building may also be used for restoration of not more than two vintage vehicles at a time for resale, adding that restoration work be done inside and shall include only light and minor detailing; no bodywork, painting, engine, transmission or other complicated repairs; activities at this site are for automobiles and light trucks only; other activities in Use Unit 17 are not permitted; vehicles in need of repair must be kept inside the buildings; all vehicle repair work must be accomplished inside the buildings, limiting vehicle repair work to light tune-up, minor detailing, and similar low intensity activities; security fencing along the street frontage will be a pipe fence not taller than three feet; the oil and lubrication business will be confined to the building as shown on the site plan, and shall be for public use, as well as owners' use; the minutes of this meeting of the Board of Adjustment showing such additional conditions as imposed by the Board will be recorded in the real estate records of Tulsa County, **and enforceable by the City of Tulsa and return evidence to INCOG**; there shall be no advertising banners, balloons, etc. at any time; finding that in granting this special exception, it will be in harmony with the spirit and intent of the code, and not injurious to neighborhood or otherwise detrimental to the public welfare, on the following described property:

LT 1 LESS BEG SWC TH N26 SE35.38 W24 POB BLK 1, SKELLY HGTS
ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20614

Action Requested:

Variance of the minimum 1,200 ft. separation between outdoor advertising signs to 1,030 ft. (Section 1221.F.2), located: East of the Southeast corner of 165th East Avenue & I-44.

Presentation:

William LaFortune, submitted exhibits to the Board (Exhibits C-1 and C-2). He referred to his exhibits A and B, photographs of the subject property. He pointed out the proposed site. The nearest sign to the west is 1,440 ft. away. All other aspects of the proposed outdoor advertising sign comply with the zoning code. To the east the nearest outdoor advertising sign is 1,030 ft., which is related to this application. He listed hardships as the configuration of the subject property, being narrow and shallow; location in proximity to the freeway and industrial and commercial uses. He also indicated the location of the QuikTrip business sign to the west of the property causes an extraordinary circumstance. The QuikTrip sign was approved in 1994 by a variance. The applicant proposed to place the new sign as far to the east as possible to reduce visual clutter. He added they have the same issues QuikTrip had, including the Rogers County zoning across the highway. Mr. LaFortune also noted this property is uniquely adapted with the surrounding uses of freeway and freeway right-of-way around it. He stated this variance would not cause substantial detriment to the public good or impair the spirit, purposes and intent of the code. He pointed out from the staff comments that the distance from the existing outdoor advertising signs to the east and west is 2,400 ft., which would allow for three signs. He stated the literal enforcement of the code would create an unnecessary hardship for this application.

Interested Parties:

Michael Joyce, 1717 South Boulder, Suite 200, Tulsa, Oklahoma 74119, stated he is an attorney with the law firm Joyce and Paul. He submitted a draft of a pending revision to the City ordinances, by the Sign Advisory Board. He stressed this is a very big variance of the spacing requirement. He was opposed to the application.

Applicant's Rebuttal:

Mr. LaFortune stated the applicant would be agreeable to not replace the sign with an LED sign in the future. He added that no neighboring property owners objected.

The Board discussed the existence and proximity of the QuikTrip sign. They also discussed the possibility of a lot combination of the subject property and an abutting property of the same owner.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the minimum 1,200 ft. separation between outdoor advertising signs to 1,030 ft. (Section 1221.F.2), subject to the conditions that it not be an LED sign; the property as advertised be combined with another property to the south belonging to the same owner, for the purpose of calculating signage, 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:

PRT LT 1 BEG NWC LT 1 TH CRV RT 101.91 S94 W100 N75 POB BLK 1, AUD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20618

Action Requested:

Variance of the maximum permitted coverage for a parking area in the required front yard in an RS-3 district from 34% to 43% (Section 1303.D), located:

Presentation:

Glen Fisher, 1334 East 34th Street, Tulsa, Oklahoma 74105, stated his intent for this application is to aid with the excessive storm water drainage from the parking lot next door. The plan is (Exhibit D-1) as submitted on page 6.6 of the agenda packet.

Henke out at 2:37 p.m.

He will rebuild a slightly larger garage. He informed the Board that he discussed the application with all of his neighbors. They were in support.

Comments and Questions:

Mr. Tidwell asked if a six-inch curb would be high enough to be effective. Mr. Fisher replied that he raised the elevation of the driveway by eight inches, and expected it would be effective.

Henke returned at 2:39 p.m.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Variance of the maximum permitted coverage for a parking area in the required front yard in an RS-3 district from 34% to 43% (Section 1303.D), per plan on page 6.6 of the agenda packet, 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:

W 1/2 OF LT 7 BLK 2, OLIVERS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20619

Action Requested:

Special Exception to permit church and church accessory use in the RM-2 district (Section 401); Variance of the parking requirement for a church (Section 1205.C); and a Variance of the building setback requirement from S. Lewis Av. (Section 703), located: 102 South Lewis Avenue.

Mr. Cuthbertson informed the Board he discovered an obscure passage in the zoning code that allows accessory parking in the RM-2 district. The special exception is unnecessary.

Presentation:

Taylor King, 705 South Elgin Avenue, Tulsa, Oklahoma 74102, stated the applicant proposed to build a 2,000 sq. ft. sanctuary to the south of the existing sanctuary. They own three structures on the two lots. They met with the neighborhood associations, City Councilor Barnes, the City of Tulsa, and INCOG regarding this application. He informed the Board that Sweeney Hardware has given written permission for the use of sixty of their parking spaces to the north. The applicant proposed to provide twenty more parking spaces on the church lot and share forty spaces on the hardware store site. The church understands they need to remove three old houses to provide for green space to control storm-water drainage. There would not be any overlap of parking space use on the hardware

store lot. The church needs the parking on Wednesday nights and all day Sundays. The church would be required to obtain a lot combination. The site plan provided is (Exhibit E-1).

Interested Parties:

City Councilor Barnes stated support of the application.

Applicant's Rebuttal:

Mr. King responded the neighborhood associations and the Councilor offered beneficial input.

Comments and Questions:

Mr. Cuthbertson asked the Board to have the applicant establish how many parking spaces they intend to provide on site. He noted the applicant said twenty but the site plan indicates 27 parking spaces. Mr. King responded that the church is willing to provide 22 to 27 parking spaces on their property unless they need more green space for storm-water management. They have obtained agreement for the use of sixty parking spaces on the hardware store lot. They do not expect to need all of the shared sixty spaces.

Mr. King stated the church promised the neighborhood they would put in six Bradford Pear trees for screening on the south side.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the parking requirement for a church (Section 1205.C); and a Variance of the building setback requirement from S. Lewis Av. (Section 703);

(noting the Board is taking no action on the advertised Special Exception to permit church and church accessory use in the RM-2 district (Section 401) as action is not needed);

Approval is subject to submitting a lot combination to INCOG staff; approval is per plan with the exception of the number of parking spaces (twenty to twenty-seven spaces will be provided), which cannot be determined at this time and is subject to determination of space needed for storm-water management; all parking and driving surfaces shall be concrete or asphalt; screening on the south side of the new building will consist of approximately six Bradford Pear trees or similar trees; finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, partially because of the excessive water run-off on a portion of the lot, making 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 LESS E10 THEREOF AND LTS 2 – 6 BLK 1, WAKEFIELD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20620

Action Requested:

Variance of required parking from 5 spaces to 0 to permit a lot split (Section 1214.D), located: 207 South Memorial.

Presentation:

Kevin Hall, 3317 Southwest I Street, Bentonville, Arkansas, 72712, stated he is with C.I. Engineering. They proposed to obtain a lot-split. Wal-Mart plans to sell a portion of their property to Murphy Oil. There are no parking spaces within the proposed second parcel. See the site plan (Exhibit F-1). The two companies would have an easement of covenants and restrictions agreement to share parking spaces, pavement and easement.

Comments and Questions:

The Board had questions regarding access, signage, employee parking, and the easement agreement. Mr. Cuthbertson stated the CH-zoning does not require frontage. Mr. Alberty stated the Board needs a copy of the easement agreement. Mr. Cuthbertson noted the Murphy sign is outside of the proposed boundary for the second parcel and would therefore become an off-premise sign. The City of Tulsa Zoning Code does not allow off-premise signs. They would have to eliminate or move the Murphy sign. Mr. Hall responded that he could provide the Board with a copy of the easement of covenants and restrictions agreement. He did not have a copy with him at the hearing. Mr. White did not see how this could comply with the code. Ms. Stead asked for a copy of the standard agreement of easement. Mr. Cuthbertson stated if the gas station had five parking spaces they would not have to come before this Board because the CH district doesn't require frontage on a public street. Mr. Ackermann stated there is not a requirement in the zoning code for access from this property to the street.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of required parking from 5 spaces to 0 to permit a lot split (Section 1214.D), per plan as on page 8.6 of the agenda packet, 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:

BEG 1194.36S & 202.47E NWC NW TH E99.15 N234.93 W99.15 E234.93 POB
SEC 1 19 13 .535AC, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20622

Action Requested:

Variance of the maximum permitted square footage for detached accessory buildings in the RS-1 district from 1,098 sq. ft. to 1,621 sq. ft. (Section 402.B.1.d), located: 4530 South Jamestown Avenue.

Presentation:

John Roper, 4530 South Jamestown Avenue, Tulsa, Oklahoma 74135, proposed to build an accessory building. See the site plan (Exhibit G-1).

Mr. Tidwell out at 3:11 p.m.

He stated the plan complies with the zoning code except for the square footage. He stated there would be two overhead doors and a standard door. It is a 30' x 40' metal building with concrete floor. He stated the hardship is that the zoning is RS-1 permitting a 13,500 sq. ft. lot, but his lot is a 37,500 sq. ft. lot. He added his home is 2,745 sq. ft. There is an existing structure of about 200 sq. ft. Mr. Roper stated the zoning is somewhat restrictive to the livability for this size lot.

Comments and Questions:

In response to questions from the Board, Mr. Roper indicated he did not plan to have plumbing in the new building but he would have electricity. Mr. Cuthbertson clarified the variance of square footage is actually to 1,296 sq. ft., which is significant reduction in the request. The original number included unenclosed area under an overhang.

Mr. Tidwell returned at 3:15 p.m.

Mr. Roper provided the Board with a photograph in a brochure of a similar building (Exhibit G-2). He stated the purpose of the building is to pursue hobbies, restore a car, storing a racecar, and motorcycles. He replied he does not do lawn mower repair or maintenance, but he has a lawn cutting service and operates out of his home. Upon finding out he could not do that he stated he would cease. He had not planned to pave a driveway. Ms. Stead informed him it is required. Mr. Henke mentioned the Board received a letter from one of his neighbors (Exhibit G-3).

Interested Parties:

Chris and Rebecca Pound, 4544 South Jamestown, stated they own the property south of the subject property, separated by a chain link fence. They provided letters from other neighbors, opposed to the application (Exhibit G-3). He indicated his main objection is the size and visibility of the building.

Beka Pound, 4544 South Jamestown, estimated this building would be visible from nine back yards and across the street. She had the same objections, including the metal façade.

Applicant's Rebuttal:

Mr. Roper responded that the height is within the zoning code requirements. Mr. Ackermann agreed and added the copula has an exemption.

Mr. Stephens reminded Mr. Roper he could not operate his lawn service from the property. He uses the lawn equipment for his own property. He has a trailer for his lawn equipment, racecar, and motorcycles.

Mr. Ackermann summarized that the applicant has a violation of the code, and the Board does not intend to approve this building to allow a commercial operation.

Board Action:

On **Motion** of **Stead**, the Board voted 3-2-0 (White, Stephens, Stead, "aye"; Henke, Tidwell "nay"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum permitted square footage for detached accessory buildings in the RS-1 district from 1,098 sq. ft. to 1,296 sq. ft. (Section 402.B.1.d), subject to plans as shown on pages 10.6, 10.7, 10.8, and 10.9; and conditions: no plumbing installed; parking and driving surfaces to this building be concrete or asphalt; and no commercial business or activity from this structure; finding the extraordinary or exceptional size of the lot, 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 15 BLK 2, VILLA GROVE HGTS NO 1, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20623

Action Requested:

Special Exception to permit office use in the RM-2 district (Section 401); Variance of the frontage requirement for office use in the RM-2 district (Section 404.G); Variance of the building setback requirement from the centerline of abutting streets

(Section 404.G); Variance of the building setback requirement from an abutting R district (Section 404.G); and a Variance of the parking requirement from 9 to 2 (Section 1211.D); all to permit an office use in an existing structure in an RM-2 district, located: 1303 East 17th Place South.

Mr. Cuthbertson stated he discussed this application with the legal department and other staff. They determined there is no requirement for the variance of frontage, variance of the building setback, and variance from an abutting R district. The special exception is for office use in an existing building with no structural additions to the property.

Presentation:

Stuart Van De Wiele, 320 South Boston, stated he is an attorney representing the property owner, Scott Johnson. He proposed to operate his office out of this building for family law. He does most of his work in court and usually has only one client at a time in the office. He proposed to maintain the appearance of the property. A dentist office is going in on the north side of the block on the same side of the street.

Comments and Questions:

Ms. Stead inquired about the apartment at the rear of the property, noting a mailbox and a car.

Scott Johnson, 1303 East 17th Place, responded that no one occupies the apartment. He stated he has turned down potential renters. Ms. Stead replied that is the only other parking on the property. He indicated he might use the apartment for storage. Mr. Ackermann interjected that in RM-2 zoning, the Board could put a condition on the special exception that the building could be used only for accessory storage to the Use Unit 11.

Interested Parties:

Bill Yeary, 1725 South Peoria, Tulsa, Oklahoma 74120, complained the subject property is less than ten feet from his property. He added there is noticeable activity at night. He indicated there is on-street parking. He asked if the Board could specify the hours of operation. He did not think the location on a main street would be an issue.

Chip Adkins, 1630 East 38th Place, Tulsa, Oklahoma 74120, stated he represents the Ruth Hockett Trust at 1716 South Quaker, and is the property manager for that house. He thought parking would be an issue in the future. He suggested a time limitation on approval of the special exception. He did not know of any complaint of parking issues in the last year. If the issues could be worked out he was in support.

Applicant's Rebuttal:

Mr. Van De Wiele suggested the applicant could have a parking pad poured.

Ms. Stead asked about number of employees and hours of operation. Mr. Johnson replied he has two, a secretary and an assistant. He stated the latest hour would be 7:00 or 7:30 p.m., though he has an occasional emergency appointment later in the evening.

Board Action:

On **Motion of Stead**, the Board voted 4-1-0 (White, Henke, Stead, Tidwell "aye"; Stephens "nay"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit office use in the RM-2 district (Section 401); and a Variance of the parking requirement from 9 to 2 (Section 1211.D); all to permit an office use in an existing structure in an RM-2 district;

(noting it was determined that the Variance of the frontage requirement for office use in the RM-2 district (Section 404.G); Variance of the building setback requirement from the centerline of abutting streets (Section 404.G); Variance of the building setback requirement from an abutting R district (Section 404.G) are not applicable to this property);

with conditions for the garage apartment to the east of the main structure to remain unoccupied except for accessory storage to the Use Unit 11 activities, as long as the special exception is in effect, and the special exception to be approved for eight years; 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 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:

LT 9 BLK 24 & 10' VAC ALLEY, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20624

Action Requested:

Special Exception to permit church use in the OL district (Section 601), located: 525 South Memorial Drive.

Mr. Henke out at 4:07 p.m.

Presentation:

Joe Wells, 502 West 6th Street, represented Osborn Ministries. The ministry was established in Tulsa in 1949. They would have traditional service times on Wednesdays and Sundays and some special events. They plan to use the existing structure and sign without structural change. The applicant is aware they will need to provide some screening.

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, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to permit church use in the OL district (Section 601), 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:

LT 3 & S140 LT 4 BLK 7, CLARLAND ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20630

Action Requested:

Minor Variance of the rear yard requirement from 25 ft. to 22 ft. to permit residential expansion (Section 403), located: 1251 Hazel Boulevard.

Presentation:

Newton Baker, 1251 Hazel Boulevard, Tulsa, Oklahoma 74114, stated he and his wife own the subject property. They proposed to build an addition to the house, which would encroach 3 ft. into the setback. He pointed out the homes on this street are lined up evenly and it would be out of character for the neighborhood to build in the front yard. He stated they talked with the neighbors and they were in support of the application.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stephens**, the Board voted 3-0-1 (Stephens, Stead, Tidwell "aye"; no "nays"; White "abstained"; Henke "absent") to **APPROVE** a Minor Variance of the rear yard requirement from 25 ft. to 22 ft. to permit residential expansion (Section 403), 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:

LT 20 BLK 11, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

Board Policy on Meeting Procedures

Mr. Cuthbertson stated staff would like to use a sign-in sheet for interested parties who wish to speak regarding applications. This would provide the correct spelling of names and complete mailing addresses for a better record. Mr. White confirmed that if they decided later in the meeting to speak if they could sign-in later. Mr. Ackermann stated the important thing is to get a complete mailing address. Mr. Cuthbertson stated the requirement is if they speak they need to sign-in. They can sign-in any time at the meeting.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (Stephens, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Board Policy, whereby all persons who wish to speak before the Board will sign-in prior to speaking with a legible name and complete mailing address.

Training Session February 27, 2008 for BOA/TMAPC members

Mr. Alberty informed the Board staff is planning a training session with important information on legal issues, pertinent to the TMAPC and City and County BOA members. They have requested the attorneys who represent each the planning commission and boards to prepare comments. There is current litigation on some County BOA actions.

There being no further business, the meeting adjourned at 4:22 p.m.

Date approved: 2/12/08


Chair