

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 989  
Tuesday, October 14, 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**

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 Wednesday, October 8, 2008, at 3:35 p.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> 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 Tidwell, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of September 30, 2008 (No. 988sm).

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 20786**

**Action Requested:**

Appeal the determination of a neighborhood inspector that a vehicle used in conjunction with a home occupation is of a type customarily found in a residential area (Section 402.B.6), located: 5307 East 33<sup>rd</sup> Street.

**Presentation:**

This case was withdrawn.

**Board Action:**

No action was necessary regarding the following described property:

LT 3 BLK 2, YORKSHIRE ESTATES RESUB L2-4 B3 & ALL B4-13, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20248-A**

**Action Requested:**

Amendment to a previously approved site plan for a private school in an AG district (Section 301), located: 8621 South Memorial Drive.

**Presentation:**

The applicant made a timely request for continuation to the meeting of October 28, 2008.

**Board Action:**

No action necessary on the following described property:

LT 1, BLK 1, Higher Dimensions, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20794**

**Action Requested:**

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign (on Utica Ave.) for a school in the RS-2 district (Section 402.B.4), located: 2520 South Yorktown Avenue.

**Presentation:**

Mr. Cuthbertson stated that staff has received two requests from interested parties to continue this case. The applicant was notified and was agreeable to a continuation.

**Mr. Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 600, Tulsa, 74103, represented Utica Place LLC. They requested a continuance so they could meet with Cascia Hall for further discussion.

**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 No. 20794 to the meeting on October 28, 2008, on the following described property:

SW NE EXCEPT W40 TO CITY OF TULSA SEC 18 19 13, City of Tulsa, Tulsa County, State of Oklahoma

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**UNFINISHED BUSINESS**

**Case No. 20762**

**Action Requested:**

Variance of the 1,200 ft. spacing requirement for an outdoor advertising sign from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: 1402 South Lewis Avenue.

**Presentation:**

**Bill LaFortune**, 1100 Mid-Continent Tower, Tulsa, Oklahoma, 74103, gave a review of the request, reminding the Board that the relief is to allow a straight line measurement of 1,096 ft. to the nearest sign. The proposed site is located on the west end of one of the sharpest expressway curves in this area. He also pointed out the large commercial complex between the subject property and the nearest outdoor advertising sign. He thought the literal enforcement of the code for a straight line measurement would result in an unnecessary hardship. He submitted additional exhibits to those provided in the previous hearing (Exhibit A-1). He indicated that the curve, the commercial complex and the tree bank to the north and west of the subject property eliminate the ability to see the nearest outdoor advertising sign from the proposed site. He suggested the aerial shows a different perspective. The second measurement from the nearest sign to the proposed sign strictly along the right-of-way was approximately 1,218 ft. The third measurement is the distance along the right-of-way when you remove the jogs; it is 1,136 ft., which is 64 ft. short of the required spacing. The fourth measurement of distance, following the curve of the right-of-way is 1,139 ft. The fifth measurement is the distance along the travel lane from the proposed site to the nearest sign, which is 1,206 ft. There were two letters of support from local residents in the area. Mr. LaFortune responded to a letter of opposition, stating the hardship is the unique geographic situation and not the code requirement for the straight line measurement.

**Interested Parties:**

**Mike Joyce**, 1717 South Boulder, Suite 200, Tulsa, Oklahoma, represented a land owner, Cody Addington. He submitted a protest exhibit and a petition of protest and a letter from Mr. Addington (Exhibit A-2, A-3). He pointed out the applicant's hardship is not on the subject property. He noted eight existing Lamar billboards within 1,200 ft. of the proposed sign. He stated it would be approximately 640 ft. from Mr. Addington's home, and be fully visible above the tallest building in the area. He reviewed photographs in the exhibit to show the impact of all of these billboards in the area.

**Applicant's Rebuttal:**

Mr. LaFortune responded the applicant would agree to a condition that the sign would not be a digital sign. The code does not identify the unique and exceptional circumstances being just on the subject property. Ms. Stead read the code regarding the hardship and she pointed out that the subject property did not have any of the conditions described.

**Board Action:**

On **Motion of Stead**, the Board voted 3-2-0 (Stephens, Henke, Stead "aye"; White, Tidwell "nay"; no "abstentions"; no "absences") to **DENY** a Variance of the 1,200 ft. spacing requirement for an outdoor advertising sign from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), finding that by survey the measurement would be only 1,095 ft. from an existing billboard, and finding a lack of hardship, on the following described property:

E184 LT 5 LESS BEG NEC TH W 184 S 27.8 E 144 SE 29.7 S111.5 E 10.1 N  
160 TO BEG HGWY BLK 4, TERRACE DRIVE ADDN, City of Tulsa, Tulsa  
County, State of Oklahoma

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**Case No. 20770**

**Action Requested:**

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: 5265 South Union Avenue.

**Presentation:**

**Mike Joyce**, provided the updated certificate of survey (Exhibit B-1). He represented Whistler Outdoor Advertising. He received the interpretation from the permit office that where the highways intersect the spacing should be verified as to signs within your quadrant. The subject billboard is in the southwest quadrant and the distance to the one other board in that quadrant is 1,824 ft. It is 1,395 ft. to the billboard in the northwest quadrant. It is 9,154 ft. north on Highway 75 to the nearest billboard; and to the south on Highway 75 it is 3,671 ft. to the next billboard in the southwest quadrant. He noted in the northeast quadrant there is a board at 1,773 ft.; and in the southeast quadrant a board at 1,445 ft. and one more at 505 ft., however it is separated by the freeway as permitted by the ordinance.

**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 **ACCEPT** the verification of the spacing requirement for a digital outdoor advertising sign of

1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

PRT W/2 NW BEG 1102.46S NWC NW TH S230.82 E265 S300 W265 S20.82  
E1230.46 NE332.87 NW222.16 NW368 N51 W559.55 S110 W265 POB SEC 35  
19 12 15.49ACS, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20777**

**Action Requested:**

Variance of the side yard requirement abutting a public street from 35 ft. to 6 ft. - 6 in. (Section 403), located: 3047 South Boston Court.

**Presentation:**

Mr. Cuthbertson reminded the Board this application was continued to this meeting for correction of a typographical error. The variance of the side yard is from 35 ft. not 15 ft.

**Keith Robertson**, 5567 South Lewis, Suite 700, Tulsa, Oklahoma, represented his clients, Parker and Beth Fleming. The license agreement and site plan were provided to staff (Exhibits C-1 and C-2).

**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 the side yard requirement abutting a public street from 35 ft. to 6 ft. - 6 in. (Section 403), finding the 1930's platting is a definite hardship; finding these are 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 13 & S25 LT 14 BLK 9, TRAVIS PARK ADDN, City of Tulsa, Tulsa County,  
State of Oklahoma

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## NEW APPLICATIONS

### Case No. 20785

#### Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: 3141 East Skelly Drive.

#### Presentation:

**Mike Joyce**, stated that Briford Sign Company, LLC owns a billboard located on Skelly Drive just west of Harvard. It is one of the few that will survive the I-44 widening project. The nearest billboard to the east is almost to the intersection of 41<sup>st</sup> Street in front of Bishop Kelly. The nearest one to the west is 6,000 to 7,000 ft. away near Peoria.

#### 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 **ACCEPT** a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

SW SE SE Sec 29 T19N R13E, City of Tulsa, Tulsa County, State of Oklahoma

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### Case No. 20787

#### Action Requested:

Verification of the spacing requirement for a digital or conventional outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 and G.9), located: 5555 South 129<sup>th</sup> East Avenue.

#### Presentation:

**Lorenda Elizando**, 7777 East 38<sup>th</sup> Street, Tulsa, Oklahoma, 74145, provided a certificate of survey (Exhibit D-1).

#### Comments and Questions:

Ms. Stead asked if the previous proposed boards were abandoned, to which she responded that is correct and there are no permits on this location. Ms. Elizando added that she is in the process of obtaining the state permits.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** a Verification of the spacing requirement for a digital or conventional outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 and G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

LT 1, BLK 1, Ford Motor Company Tulsa Glass Plant, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20788**

**Action Requested:**

Verification of the spacing requirement for a digital or conventional outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & G.9), located: 5555 South 129th East Avenue.

**Presentation:**

**Lorenda Elizando** provided a certificate of survey (Exhibit E-1).

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **name**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** a Verification of the spacing requirement for a digital or conventional outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

LT 1, BLK 1, Ford Motor Company Tulsa Glass Plant, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20790**

**Action Requested:**

Variance of the requirement that signs be illuminated by constant light to permit an LED element on a sign for a church in the RS-3 district (Section 402.B.4), located: 205 South Sheridan Road.

**Presentation:**

**Richard Bartley**, 7815 East 79<sup>th</sup> Place, Tulsa, Oklahoma, represented Global Signs Solutions. They proposed an LED sign to replace an old manual reader board. It cannot be seen by any residential structure within 350 ft. to 400 ft.

**Comments and Questions:**

Mr. White asked how rapidly the message will change. Mr. Bartley responded that they would use graphics for the holidays and the message would probably change weekly. It is a three-line message board.

**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 the requirement that signs be illuminated by constant light to permit an LED element on a sign for a church in the RS-3 district (Section 402.B.4), with conditions for no flashing or blinking, and any scrolling will be horizontal only; to replace existing bulletin board, meaning both shall not remain; finding this is an R-zoned property, which restricts the use of the property by the church; finding these are 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:

W30 LT 1 & 2 ALL LTS 3 4 5 & 6 & LTS 19 THRU 24 BLK F, Crestview Estates, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20791**

**Action Requested:**

Variance of the maximum building height permitted in the OL district from one story to two stories in Tracts A and B (Section 603); Special Exception to increase the maximum Floor Area Ratio permitted in the OL district from .30 to .40 in Tracts A and B (Section 603); Special Exception to permit a drive-in bank facility in an OL



district in Tract A (for the temporary and permanent office) (Section 601); Special Exception to permit required parking on a lot other than the one containing the principal use for Tract A (Section 1301.D); and a Variance of the setback requirement on an arterial street in an OL district from 50 ft. to 44 ft. for Tract A (for the temporary structure); to permit an existing office development, new office development, and a temporary office structure, located: East of the Northeast corner of 71<sup>st</sup> Street and South Granite Avenue. The applicant provided Use Conditions and a legal description (Exhibit J-2).

**Mr. Stephens and Mr. White out at 2:22 p.m.**

**Presentation:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 500, Tulsa, Oklahoma, represented Summit West and Summit South (Exhibits J-1). He stated there are two parcels in the application and under common ownership.

**Mr. Stephens returned at 2:23 p.m.**

He referred to the western tract as Tract A and the eastern tract as Tract B. Tract B contains an existing office building, approved some years back by Special Exception for a two-story height limitation. Tract A is the proposed sight of a new office building. They propose a two-story height, and a floor area ratio of .40.

**Mr. White returned at 2:34 p.m.**

He reviewed the surrounding structures and zoning that includes office, church, a continuing care center, and apartments with two and three story heights. He pointed out there is not a single-family neighborhood near. He explained the lot-split of the two parcels in the subject property. He wanted to clear any questions regarding the new ownership lines to avoid any confusion in the future. He stated they lack seven parking spaces to meet the requirements on Tract A and the floor area is 23,058 sq. ft. He informed the Board they have drafted a parking agreement (Exhibit J-3) with the other tract. They proposed to place a mobile office on Tract A during the construction. He responded to Ms. Stead that they did not plan to screen the drive-through.

**Comments and Questions:**

Ms. Stead reviewed conditions she would put on an approval for the applicant. Mr. Stephens asked how the drive-through was designed for use. Mr. Johnsen explained that the traffic would come in on the west and drive around the building and exit.

**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 the maximum building height permitted in the OL district from one story to two stories in Tracts A and B (Section 603); Special Exception to increase the maximum Floor Area Ratio permitted in the OL district from .30 to .40 in Tracts A and B (Section 603); Special Exception to permit a drive-in bank facility in an OL district in Tract A (for the temporary and permanent office) (Section 601); Special Exception to permit required parking on a lot other than the one containing the principal use for Tract A (Section 1301.D); and a Variance of the setback requirement on an arterial street in an OL district from 50 ft. to 44 ft. for Tract A (for the temporary structure); to permit an existing office development, new office development, and a temporary office structure; subject to the following: a parking agreement will be executed providing ample parking between the two lots, totaling 77 spaces; the floor area in the proposed office is a maximum of 23,058 sq. ft.; all parking and driving surfaces will be asphalt or concrete; existing sidewalks on 71<sup>st</sup> Street shall be maintained to the limits of the property involved; if sidewalks are damaged during construction, they will be replaced as needed to provide a smooth walking surface; the temporary manufactured building will not exceed 24' x 66', and shall be removed within 18 months of this date, October 14, 2008; per plan as shown on pages 11.10, 11.11, and 11.12, subject to narrative dated September 4, 2008 on pages 11.7 and 11.8; and subject to Use Conditions submitted today, October 14, 2008, which may replace some items in the narrative; and the mutual access agreement as it presently exists and is on file of record; finding that in granting the variances, these are extraordinary and exceptional conditions 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; and in granting the special exceptions these 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:

A 20.00-foot wide tract of land being a part of the Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of Section Three (3), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, said 20.00-foot wide tract of land being described as follows: Beginning at the most southerly southeast corner of Lot One (1), Block One (1), Summit West, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence North 01° 28' 12" West along an easterly line of said Lot 1 for 270.00 feet; thence North 88° 42' 46" East along a southerly line of said Lot 1 for 20.00 feet; thence South 01\_ 28' 12" East for 270.00 feet; thence South 88° 42' 46" West for 20.00 feet to the point of beginning of said tract of land (containing 5,400 square feet or 0.124

acres, more or less.); A tract of land that is a part of Lot One (1), Block One (1) Summit West, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, said tract of land being described as follows: Beginning at the southwest corner of said Lot 1; thence North 01°28'35" West along the westerly line of said Lot 1 for 377.58 feet; thence North 88°31'48" East for 131.55 feet; thence South 01°28'12" East for 32.50 feet; thence North 88°31'48" East for 23.00 feet; thence South 01°28'12" East for 75.57 feet to a point on a southerly line of said Lot 1; thence South 88°42'46" West along said southerly line for 20.00 feet to a corner of said Lot 1; thence South 01°28'12" East along an easterly line of said Lot 1 for 270.00 feet to the most southerly southeast corner of said Lot 1; thence South 88°42'46" West along said southerly line for 134.51 feet to the point of beginning of said tract of land. Contains 52,237 square feet or 1.199 acres, more or less; A tract of land that is part of Lot One (1) Block One (1), of Summit West, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; said tract of land being described as follows: Beginning at the most easterly southeast corner of said Lot 1; thence South 88° 42' 46" West along a southerly line of said Lot 1 for 145.00 feet; thence North 01° 28' 12" West for 75.57 feet; thence North 88° 31'48" East for 145.00 feet to a point on an easterly line of said Lot 1; thence South 01° 28' 12" East along said easterly line for 76.03 feet to the point of beginning of said tract of land (containing 10,991 square feet or 0.252 acres, more or less); A tract of land that abuts Lot One (1), Block One (1), of Summit West, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; said tract of land being described as follows: Beginning at the most easterly southeast corner of said Lot One (1) Block One (1) of Summit West; thence South 01° 28' 12" East for 270.00 feet; thence South 88° 42' 46" West for 145.00 feet; thence North 01° 28' 12" West for 270.00 feet; thence North 88° 42' 46" East for 145.00 feet to the point of beginning; City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20792**

**Action Requested:**

Variance of the RS-2 side yard requirement from 10 ft. to 5 ft. to permit construction of two dwellings, each on independent lots with side yards of 5 ft. (Section 403), located: 2705 East 23<sup>rd</sup> Street.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma, submitted photographs (Exhibit F-5). The applicant proposed to tear down the existing house and build two houses. They intended to build to conform to the neighborhood (Exhibits F-1, F-2, F-3, F-4). Mr. Henke asked about the size of the house. Mr. Reynolds replied that it is over 3,000 sq. ft., and the lot is 75 ft. wide. Mr. Reynolds stated the neighborhood was platted in the early 1920's. The lots are unusually narrow, approximately 50 ft. wide, and under the first zoning code, the setbacks were

required to be 4 ft. from the side yard setback line. He noted in the letters from the neighborhood (Exhibit F-7), there are two common themes. They indicated the application was not in the best interest of the neighborhood, and overcrowding with a loss of privacy. He stated that the design was for one and one-half stories to provide for privacy, and a masonry exterior. The majority of the roof would have a 14 by 12 roof pitch. They planned to set back the second story window at least ten feet from the property line on either side of the house. They proposed privacy fences on both sides and rear yards. They would plant two trees and solid sod the yard within seven days of occupancy. The applicant is not requesting any relief from livability space, or from front or rear yards. He pointed out that the average house size in 2,584 sq. ft. for this neighborhood, and the median is 2,595 sq. ft. This plan is in keeping with the neighborhood.

#### **Comments and Questions:**

He responded to Ms. Stead that he has not met with a neighborhood association, but he has talked to numerous people. Ms. Stead asked staff to explain what the applicant can do with the property if this application is denied. Mr. Cuthbertson stated there are two 50 ft. lots of record, as they were platted. The applicant could still build a house on each lot within the zoning code requirements. She summarized the issue is whether or not to grant five feet on one side of each lot to build two houses according to his proposed criteria.

#### **Interested Parties:**

**Derek Audley**, 2720 East 22<sup>nd</sup> Place, Tulsa, Oklahoma, 74114, stated he and his neighbors were opposed to the variance of the side yard requirement. He added that they are not opposed to development but to decreasing the spacious appearance. Mr. Audley asked the Board to consider the neighbors' privacy.

**Joan Pringle**, 2504 South Birmingham Place, Tulsa, Oklahoma, 74114, submitted a petition with 101 signatures (Exhibit F-7) in opposition. They do not think this proposal is compatible with the neighborhood.

**Jim Lange**, 2717 East 23<sup>rd</sup> Street, Tulsa, Oklahoma, 74114, expressed opposition to the application without a concept plan to show conformity to the neighborhood and livability. He stated the same complaints previously stated.

**Tom Conner**, 2741 East 23<sup>rd</sup> Street, Tulsa, Oklahoma, 74114, wants the applicant to stay within the zoning code requirements. He did not think there was a hardship.

**Sharon Fiesco**, 2640 East 22<sup>nd</sup> Place, Tulsa, Oklahoma, 74114, pointed out a dry creek bed and concern for storm water drainage to her property that she suggested would be increased by this application. The Board members explained they cannot consider drainage issues.

**Chuck Patterson**, 2702 East 22<sup>nd</sup> Place, Tulsa, Oklahoma, 74114, stated his opposition because a 100 ft. is not a hardship. He expressed previous opposing views.

**Melissa Waller**, 2226 East 38<sup>t</sup> Street, Tulsa, Oklahoma, 74105, asked the Board to deny the variance and uphold the zoning minimum requirements.

**Applicant's Rebuttal:**

Mr. Reynolds noted that the adjacent house to the east obtained relief from the zoning code on several requirements. He stated the applicant has tried to capture the essence of the neighborhood in their design standards. He added there is not a uniform lot or house size in the neighborhood.

**Board Action:**

On **Motion of White**, the Board voted 4-1-0 (White, Henke, Stead, Tidwell "aye"; Stephens "nay"; no "abstentions"; no "absences") to **DENY** a Variance of the RS-2 side yard requirement from 10 ft. to 5 ft. to permit construction of two dwellings, each on independent lots with side yards of 5 ft. (Section 403), for a lack of hardship, on the following described property:

LTS 45 & 46 BLK 2, HARTER'S FOURTH, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20793**

**Action Requested:**

Special Exception to permit a trade school (automotive technical school - Use Unit 15) in a CS district (Section 701), located: 4444 South Sheridan Avenue.

**Presentation:**

**David Simmons**, 1401 South Denver, Tulsa, Oklahoma, stated the facility had an exception as a Use Unit 17 for a car dealership, and has been vacant for about two years. The applicant proposed to change it to an automotive trade school under Use Unit 15.

**Comments and Questions:**

Ms. Stead asked for more details. He responded there would be classrooms and all training would be inside the building. There would not be noise from engines or such outside. There will not be as much lighting outside of the building and some lights have already been removed.

**Mr. Tidwell out at 3:35 p.m. and returned at approximately 3:37 p.m.**

He continued that the wood screening fence on the back of the property to the R district will be repaired. Mr. Cuthbertson stated the proposed use is not permitted

in the office district portion of the subject property. Mr. Simmons stated they would be willing to screen the OM part of the property from the residential. He continued responding to questions, stating the required parking was in the front, and they did not intend to have outside storage, but would be willing to have the condition for no outside storage.

**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 Special Exception to permit a trade school (automotive technical school - Use Unit 15) in a CS district (Section 701), subject to all revving of engines and other appreciable noise shall be inside the building; that the OM area to the west be screened from the R district with a solid board fence, and if a gate is installed it shall be locked; existing screening to be repaired and make a neat appearance; per plan as shown on page 13.6 of the agenda, on the following described property:

LT 1 LESS BEG 356.91W NEC TH W386.44 S11 E386.44 N11 POB BLK 1,  
Neiman-Nassif Plaza, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20795**

**Action Requested:**

Variance of the minimum parking requirement for a commercial use (Section 1214.D), located: 4420 South Sheridan Road.

**Presentation:**

**David Barnett**, with Carlson Consulting Engineers, represented Wal-Mart, for a general remodel of the Sam's Club. He stated the zoning code requires 578 parking spaces based on 1 parking space per 225 sq. ft. There are 523 existing parking spaces. They proposed to add 26 spaces fronting Sheridan Road as part of a reconfiguration of the parking lot that would make a total of 517 spaces.

**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** a Variance of the minimum parking requirement for a commercial use (Section 1214.D), per plan as shown on page 15.6 of the agenda, finding this particular lot with the reduced parking availability has not been full, based upon past

observations, 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 1 LESS BEG NEC TH S20 NW18.03 W135 NW65.76 NL E215 POB FOR ST  
BLK 1, IMPERIAL PLAZA RESUB L1-4 & N/2 L5 RICHARD ACRES, City of  
Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20789**

**Action Requested:**

Request for Reconsideration of a Special Exception to modify the height of a fence located in the required front yard from 4 ft. to 8 ft. (Section 210.B.3) and a Variance to permit a swimming pool in the required front yard (Section 210.B.6), located: 1244 South Owasso Avenue.

**Presentation:**

**Jack Brown**, 15 East 5<sup>th</sup> Street, Suite 3800, Tulsa, Oklahoma, 74103, stated several points that they considered reason for reconsideration. He informed the Board that it was believed that the 13<sup>th</sup> Street yard was not within the 25 ft. required setback for RS-3. That distance has since been measured as 24 ft. 10 7/8 in. He provided photographs to show the change in elevation of the streets compared to his level yard. Mr. Brown mentioned a site distance triangle study by the permit office of the street corner of the yard. He stated there is a sewer running under the west side of the property beside the large maple tree. He had the support of neighbors that he could show to the Board. The applicant presented (Exhibits I-1, I-2, I-3, I-4).

Board discussion ensued.

**Board Action:**

This case died for lack of a motion, on the following described property:

LT 11 BLK 6, RIDGEWOOD ADDN OF TRACY PARK ADDN, City of Tulsa,  
Tulsa County, State of Oklahoma

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There being no further business, the meeting adjourned at 4:08 p.m.

Date approved: 11/25/08

  
Chair