

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1011
Tuesday, October 13, 2009, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

**MEMBERS
PRESENT**

White
Stead, Vice Chair
Van De Wiele

**MEMBERS
ABSENT**

Henke, Chair
Tidwell, Secretary

**STAFF
PRESENT**

Alberty
Cuthbertson
Butler

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, October 7, 2009, at 12:44 p.m., as well as at the Office of INCOG, Two West Second Street, Suite 800.

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

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

Ms. Stead announced that only three Board members were present and offered the applicants the opportunity to request a continuance to the next scheduled hearing in order to have their requests considered by a full board. It takes three votes to approve a case.

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20979

Action Requested:

Variance of the 200 ft. setback for an outdoor advertising sign from an R district to 79' (Secion 1221.4); and a Verification of the spacing requirement for an (non-digital) outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: East of the Northeast corner of I-44 and South Harvard Avenue.

Presentation:

Bill LaFortune stated this application is somewhat complicated. He asked the Board for a continuance so the full Board could hear the application.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **CONTINUE** Case No. 20979 to the meeting on October 27, 2009, on the following described property:

All that part of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (W/2 SE/4 SW/4 SW/4) of Section Twenty-eight (28), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit: BEGINNING at a point on the West Boundary of said W/2 SE/4 SW/4 SW/4, 16 feet South of the Northwest Corner thereof; thence S 0E07'07" E along the West Boundary of said W/2 SE/4 SW/4 SW/4 a distance of 200.77 feet to a point on the North Right-of-Way line of Skelly Drive (U.S. Highway 66 Bypass); thence South 89E 55'18" East along the North Right-of-Way of Skelly Drive a distance of 300.32 feet to a point 30 feet West of the East Boundary of said W/2 SE/4 SW/4 SW/4; thence North 0E06'28" West parallel to and 30 feet West of the East Boundary of said W/2 SE/4 SW/4 SW/4 a distance of 201.15 feet; thence North 89E59'39" West parallel to and 16 feet South of the North Boundary of said W/2 SE/4 SW/4 SW/4, a distance of 300.35 feet to the POINT OF BEGINNING.

Mr. LaFortune asked the Board if he could make a quick comment and request of the Board, and Ms. Stead recognized him. He stated he was copied on an email written by Mr. Doyle Fisher to City Councilor John Eagleton. Mr. LaFortune emailed a response to Mr. Fisher and offered to meet with the neighborhood association. Mr. Fisher emailed back to say thank you and wrote that he would inform the association and let Mr. LaFortune know if they wanted to meet. Mr. LaFortune stated that he did not hear back from them.

Interested Parties:

Steve Summers, 3731 East 43rd Street, Tulsa, Oklahoma, 74135, President of the neighborhood association, stated they conducted an informal email poll and a meeting poll. The neighborhood is very opposed to the application. Ms. Stead asked for them to bring documentation of the polls. He stated that they have a very active association and email list. He added there has not been any mail to the Board members that offered a meeting. Mr. Summers mentioned the association had a history of working with the development at 41st and Harvard.

William Thornton, 4848 South Knoxville Place, Tulsa, Oklahoma, 74135, stated he represented Margaret J. Thornton. He acknowledged the need for a continuance.

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Case No. 20965

Action Requested:

Special Exception to permit off-street parking on a lot not containing the principal use (Section 1301) or in the alternative a Variance of the parking requirement from 14 to 9 (Section 1211.D); and a Special Exception to increase the Floor Area Ratio permitted in the OL district from .30 to .40 (Section 601); all to permit an addition to an existing office use, located: 1809 East 15th Street South.

Presentation:

Mr. Cuthbertson informed the Board the application was continued to give the applicant time to establish mutual access easements for both drive aisles on either side of the property. The applicant is working on this matter and they have an agreement but they do not have easements signed and filed with the County yet.

Interested Parties:

There were no interested parties present.

Board Action:

On **Motion of White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **CONTINUE** Case No. 20965 to the meeting on October 27, 2009, on the following described property:

LT 13 BLK 3, TERRACE DRIVE ADDN SUB PRT B5, City of Tulsa, Tulsa
County, State of Oklahoma

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Case No. 20967

Action Requested:

Variance to permit an outdoor advertising sign outside of a freeway sign corridor (Section 1221.F.1), located: 9955 East 21st Street South.

Presentation:

Mr. Cuthbertson stated this application was continued to allow time for the applicant to find an alternative site for the hotel sign. They have not found an alternative. They have not submitted a request to withdraw. He added that Mr. Boulden stated the Board can act on a request for a refund. It was determined that the request should be formally withdrawn by the applicant.

Board Action:

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **CONTINUE** Case No. 20967 to the meeting on October 27, 2009, on the following described property:

LTS 1 & 2 LESS W447.79 LT 1 BLK 2, MAGIC CIRCLE SOUTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

MINUTES

On **MOTION** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** the Minutes of September 22, 2009 (No. 1010)

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UNFINISHED BUSINESS

Case No. 20975

Action Requested:

Variance of the minimum setback requirement for a detached accessory building located in the required rear yard from 3 ft. to .7 ft. (Section 210.B.5.b); a Variance of the maximum permitted coverage of a required rear yard by a detached accessory building in the RS-3 district from 30% to 40.8% (Section 210.B.5.a); and a Variance of the maximum height permitted for a detached accessory building located in the required rear yard from one story, 10 ft. at the top plate, and 18 ft. total (Section 210.B.5.a); to permit a new detached accessory building, located: 2628 East 14th Street.

Presentation:

Rick Saltzman, 2628 East 14th Street, Tulsa, Oklahoma, submitted a petition of support (Exhibit A-2). He had provided site plans to the Board (Exhibit A-1).

Comments and Questions:

Ms. Stead asked if the staircase is to living quarters on the second story, as she would be opposed. She asked the height at the peak of the second story. Mr. Saltzman replied it is not for living quarters, but for storage only. He thought the peak was about 7 ½ ft. inside the second story. He explained that a tree fell on the original structure. He kept the same setback as the pad on the west side, and discovered later that the original pad was too close to the property line. He extended it past the pad on the north, south and east. Mr. White asked when he began the reconstruction, to which Mr. Saltzman replied it has been over a year. The stop work order came in about May.

Interested Parties:

There were no interested parties. Mr. White noted four signatures on the petition from close neighbors. Mr. Saltzman also mentioned there is no water or sewer to the structure. It was determined that there are other two-story detached buildings located in the neighborhood.

Board Action:

On **Motion of White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Variance of the minimum setback requirement for a detached accessory building located in the required rear yard from 3 ft. to .7 ft. (Section 210.B.5.b), finding this was the original side yard dimension of the structure that was destroyed in the storm, and the applicant is re-establishing that location; a Variance of the maximum permitted coverage of a required rear yard by a detached accessory building in the RS-3 district from 30% to 40.8% (Section 210.B.5.a), finding it is only a 50 ft. lot, and there are several detached structures within the same block and they appear to go over the 30% level; and a Variance of the maximum height permitted for a detached accessory building located in the required rear yard from one story, 10 ft. at the top plate, and 18 ft. total (Section 210.B.5.a), finding the lot width is narrow; to permit a new detached accessory building; with conditions that the second story is for storage only; no utilities in the new building except electric; and no windows on south, west or east sides of the building; and allow only a standard pedestrian door on the north; per plan as shown on pages 4.7 and 4.8; 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 variances 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 6 BLK 2, CITY VIEW HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20977

Action Requested:

Special Exception to modify the maximum permitted height of a fence in the required front yard from 4' to 6' to permit an existing fence (Section 210.B.3), located: 2520 Woodward Boulevard.

Presentation:

Julius Puma, 11175 South 73rd East Avenue, Bixby, Oklahoma, stated this is an unusual lot configuration and pointed out the unusual way the house sits on the lot. He added that it is not out of alignment with the fences found on those streets. There is no other space for a back yard to locate the fenced pool area.

Interested Parties:

Sally Davies, 2700 Boston Avenue, Tulsa, Oklahoma, stated she also owns the property at 2502 Woodward Boulevard. She objected to the six foot fence in the front yard. She added that the other neighbors' fences were in their back yard. She provided a letter of opposition from the Cherie Cook, President of the neighborhood association (Exhibit B-1).

Applicant's Rebuttal:

Mr. Puma stated they have an entrance on Woodward Boulevard and on Owasso Avenue. Mr. Van De Wiele asked about the height of the columns and fence. Mr. Puma replied that the columns are six feet high and the fence is five and one-half feet. Mr. Van De Wiele stated that it appeared there are two side yards.

Board Action:

On **Motion of Van De Wiele**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Special Exception to modify the maximum permitted height of a fence in the required front yard from 4' to 6' to permit an existing fence (Section 210.B.3), 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 1 PT 2 B 9 BEG SE COR LT 2 TH W TO W L LT 2 THN TO NW COR E TO
NE COR S TO BEG SEE LT 13 BAL LT2 BLK 9, SUNSET TERRACE, City of
Tulsa, Tulsa County, State of Oklahoma

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Case No. 20978

Action Requested:

Variance of the minimum side yard requirement abutting a public street from 15 ft. to 5 ft.; and a Variance of the other side yard from 5 ft. to 4.2 ft. in an RS-3 district (Section 403); both to permit an existing dwelling, located: 6135 East 19th Street.

Mr. Cuthbertson stated it was found that this property already received a variance of the side yard abutting Maplewood Avenue. That variance is not necessary today. The only variance necessary is the one for the other side yard from 5 ft. to 4.2 ft.

Presentation:

Richard Borg, 5416 South Yale, Tulsa, Oklahoma, stated he represented Gladys Pearson, his aunt. The property was purchased in 1982, the variance issue and approval of the interior side yard is needed to clear the title.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Variance of the other side yard from 5 ft. to 4.2 ft. in an RS-3 district (Section 403); to permit an existing dwelling, finding this is a non-conforming usage, and the house has been on this side yard location since it was built in 1955, with a condition there be no additions to the house; relief on the west side of the property only; and noting the request for a Variance of the minimum side yard requirement abutting a public street from 15 ft. to 5 ft., was already granted in 1974, per plan as shown on page 6.6 of the agenda packet, 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 14 BLK 10, GLEASON VILLAGE, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 15245-B

Action Requested:

Amendment to a previously approved site plan to permit an expansion of the existing row club boathouse in the AG district, located: 715 West 21st Street.

Presentation:

Mike Kneafsey, 1840 East 16th Place, Tulsa, Oklahoma, stated he is on the Board of the Tulsa Rowing Club. They proposed to expand the site plan to the west (Exhibit D-1).

Interested Parties:

Tonja Pitzer, 717 South Houston, Suite 510, Tulsa, Oklahoma, represented the River Parks Authority. The Board of Trustees are in support of the application.

Board Action:

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** an Amendment to a previously approved site plan to permit an expansion of the existing row club boathouse in the AG district, finding this amendment is in agreement with the previously approved site plan, as to it's intent and usage of the area, per plan as shown on page 7.5 of 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:

LOT 11, SECTION 11, T-19-N, R-12-E, TULSA COUNTY, OKLAHOMA, BEGINNING AT THE NORTHWESTERLY CORNER OF AN EXISTING RIVERPARKS PARKING LOT ON THE WESTERLY BANK OF THE ARKANSAS RIVER AND WEST 21ST STREET SOUTH; THENCE DUE EAST A DISTANCE OF 74.29 FEET TO THE POINT OF BEGINNING; THENCE N34°58'09"W A DISTANCE OF 195.00 FEET; THENCE N55°01'51"E A DISTANCE OF 200.00 FEET; THENCE S34°58'09"E A DISTANCE OF 284.27 FEET; THENCE S52°35'52"W A DISTANCE OF 112.28 FEET; THENCE N46°44'46"W A DISTANCE OF 39.00 FEET; THENCE DUE WEST A DISTANCE OF 97.46 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 52108.4 SQ FT OF 1.2 ACRES MORE OR LESS, CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

Case No. 20871-A

Action Requested:

Variance of the setback requirement from the centerline of an abutting non-arterial street (E. 12th St.) from 50 ft. to 25 ft. for an approved mini-storage facility in the CS district (Section 703), located: 10540 East 11th Street South.

Presentation:

John Wilson, 10540 East 11th Street, Tulsa, Oklahoma, 74128, asked for the variance to allow room for a building. It is framed for a pad but the pad is not poured yet. He mentioned he may need a variance for landscaping also.

Comments and Questions:

Mr. Cuthbertson informed the Board that the COT Permit Office gave Mr. Wilson a letter of deficiency, which listed insufficient setback from 12th Street and expressed a lack of landscaping in the plans. Mr. Wilson applied for the setback relief but not the landscaping relief. Mr. Cuthbertson suggested the Board not make a final action on this case, if Mr. Wilson wants to apply for relief of the landscaping. Mr. White questioned why this relief was not sought with the original plans showing zero setback, and Mr. Cuthbertson did not know the reason.

Mr. White abstained from Case No. 20871-A, as his company did the alpha survey.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Van De Wiele**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **CONTINUE** Case No. 20871-A to the meeting on October 27, 2009, on the following described property:

E 160' LT 3 LESS N 25' FOR RD; BLK 1, MINGO VALLEY ACREAGE, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20980

Action Requested:

Special Exception to permit a hair salon as a home occupation in an RS district (Section 402.B.6), located: 9539 East 34th Street.

Presentation:

Marla Bryan, 9539 East 34th Street, Tulsa, Oklahoma, 74145, was present for her case. She agreed to the ordinance requirements for a home occupation.

Interested Parties:

Edward Nickle, 9521 East 34th Street, Tulsa, Oklahoma, 74145, stated he had lived there for 43 years. He added that the majority of his neighbors have lived there over 15 years. He was concerned about a business in this residential neighborhood and the traffic it may bring.

Applicant's Rebuttal:

Ms. Bryan responded there will not be an increased traffic volume. She will comply with the ordinance and there will be only one client at a time. She stated she will take clients by appointment only. Ms. Bryan added she will work Monday through Friday during normal business hours. She estimated four to six clients per day.

Board Action:

On **Motion of White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Special Exception to permit a hair salon as a home occupation in an RS district (Section 402.B.6), with conditions for operation Monday through Friday, 8:00 a.m. to 5:00 p.m., no employees, one customer at a time by appointment only, no walk-in services, parking will be in the existing driveway, no outside signage, and no

deliveries to the home, to comply with Section 404.B of the zoning code, which provides standards for the home occupation by special exception;

Ms. Stead interjected a question and comment to the motion, stating a special exception is in perpetuity and never expires. Usually on beauty shops the Board approves them for five years, and the applicant can come back to the Board to extend the time.

Mr. White continued with the **MOTION**: to approve the special exception with a time limitation of five 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, on the following described property:

LT 4 BLK 13, BRIARWOOD SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20981

Action Requested:

Special Exception to permit a manufactured home in an RS-3 district; and a Special Exception to extend the one-year time limit to permit the manufactured home permanently (Section 401 & 404.E), located: 5312 South 36th West Avenue.

Presentation:

Clifton Sartin, 5312 South 36th West Avenue, informed the Board that he proposed approval for five to ten years, not permanently. He stated he has lived in the area and has also built homes in the area. He submitted a list of mobile homes with the addresses, photographs, and a petition of support (Exhibits E-1, E-2, and E-3). He proposed to build a traditional home when the economy is better. He indicated that the surrounding neighborhoods are stagnant and need revitalization.

Comments and Questions:

Mr. Boulden asked if the driveway is gravel and how long it went unused. Mr. Sartin replied that it is gravel and has been since the 1940's. He added they are using the driveway now to store a cargo container in anticipation of placing a mobile home or construction of a home. Mr. Sartin stated the house and garage that were destroyed by fire were removed in February, 2009. He keeps the property mowed and clean.

Interested Parties:

Steve Johnson, 5347 South 36th West Avenue, Tulsa, Oklahoma, 74107 did not believe this would be an improvement for the neighborhood. He submitted a petition of opposition (Exhibit E-4). He stated it was not in character with the neighborhood. He did not want it to set a precedent.

Tyler Stevenson, 5336 South 36th West Avenue, Tulsa, Oklahoma, 74107, was opposed to a mobile home in the neighborhood. He indicated he was informed by the applicant it would be a stick-built home built on the lot and now he understands a mobile home is being requested. He does not believe it would be good for the neighborhood.

Kay Price, 5815 South 31st West Avenue, Tulsa, Oklahoma, 74107, shared some of the history of the area and the improvements that have been made, including water lines and sewer. She was in support of Habitat for Humanity building homes in the area. She opposed placing a mobile home on the subject property.

Terry Stevenson, 5330 South 36th West Avenue, Tulsa, Oklahoma, 74107, expressed opposition.

David Merrill, stated he represented his mother, who lives at 5366 South 36th West Avenue, Tulsa, Oklahoma, 74107. He disagreed with the applicant's statement that the neighborhood is stagnant, as he considered it vibrant. Many of the neighbors are long term residents and some of their children also have homes in the area. He was in opposition to the application, as it would be non-conforming and against the zoning.

Paul Kent, 6339 South 72nd East Place, Tulsa, Oklahoma, 74133, with Habitat for Humanity, stated their Board of Directors have considered this matter. They petition this Board to move cautiously in this case. He submitted a letter (Exhibit E-4) of opposition, considering the mobile home would set back the progress made in this under-served area.

Applicant's Rebuttal:

Mr. Sartin responded that he was pleased to see the community speak up regarding activity in the area. He thought this would be the best use for this property. He mentioned a meth-lab was discovered next door and removed within the last year.

Mr. Boulden noted that the terms mobile home and manufactured home have both been used, and asked for clarification on which one it is. Mr. Sartin replied that it is a single-wide mobile home.

Board Action:

On **Motion of White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **DENY** a Special Exception to permit a manufactured home in an RS-3 district; and a Special Exception to extend the one-year time limit to permit the manufactured home permanently (Section 401 & 404.E, finding the Special Exception will not be in harmony with the spirit and intent of the Code, and will be injurious to the neighborhood and detrimental to the public welfare, on the following described property:

LT 11 BLK 2, SOUTHWEST GARDENS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20982

Action Requested:

Special Exception to permit an existing carport in the required front yard (Section 210.B.10.g), located: 7212 East Newton Place North.

Presentation:

Yolanda Perez and **Rodrigo Lara**, 7212 East Newton, Tulsa, Oklahoma, the owners who live at this address. They were present to answer any questions.

Comments and Questions:

Mr. White noted the request is to permit the existing carport and that staff comments discuss the size limitation. Mr. Lara indicated the size of the carport will be reduced to comply with the code. He intends to pave with concrete under the carport. Ms. Stead asked how long it would take them to complete the project. Mr. Lara indicated it would only take two weeks.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Van De Wiele**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Special Exception to permit a carport in the required front yard (Section 210.B.10.g), per plan as shown on page 12.6 in the agenda packet; with conditions that the carport be no greater than 20' x 20'; all surfaces under the carport be concrete; requiring compliance be achieved within 60 days from October 13, 2009 with proof of compliance delivered to INCOG staff no later than 60 days from October 13, 2009; 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 BLK 3, AIRVIEW HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 16192-A

Action Requested:

Amend a condition of a previously approved Special Exception: to eliminate the condition '*all cars being parked no closer than 30 ft. from the curb line on 21st St.*', located: 6105 East 21st Street.

Presentation:

The applicant was not present. Mr. White noted this relief would allow cars on the right-of-way. Mr. Cuthbertson stated the applicant needs a license agreement and a variance to park within the right-of-way. Staff advised Mr. Clifton numerous times that the Board needs a site plan, referencing the 30 ft. and the location on the property.

Interested Parties:

There were no interested parties present.

Board Action:

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **Deny** Case No. 16182-A, finding the area described is actually City property, and not Mr. Clifton's property, on the following described property:

BEG 30E & 50N SWC SW SE SE TH E150 N125 W150 S125POB SEC 10 19
13, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 17685-A

Action Requested:

Minor Special Exception to amend a previously approved site plan to permit an expansion to an existing dwelling, located: 2465 East 23rd Street South.

Presentation:

Forrest Carpenter, 3180 South Florence Place, Tulsa, Oklahoma, 74105, proposed to remove existing storage and replace it with a new addition. He plans to expand the game room, and increase the wall height on the second story. It is four feet from the property line instead of five ft. It is not for rental property. The stairwell is on the interior.

Comments and Questions:

Ms. Stead asked if water and sewer lines are run to the second story. Mr. Carpenter replied they are.

Interested Parties:

There were no interested parties present.

Board Action:

On **Motion** of **Van De Wiele**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Minor Special Exception to amend a previously approved site plan to permit an expansion to an existing dwelling, with the condition that the addition not be used for rental quarters, per plan as shown on pages 14.6 and 14.8 in the agenda

packet, finding the Minor 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:

LOT 23 BLK 2, WELLS HEATH ADDN RESUB TR 14-17 HARTER'S SECOND SUB, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

Review and Approve Board of Adjustment 2010 Meeting Schedule

Board Action:

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** the City of Tulsa Board of Adjustment 2010 Meeting Schedule.

There being no further business, the meeting adjourned at 2:55 p.m.

Date approved: _____

10/27/09

Frank A. Henke, Jr.

Chair