

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1049
Tuesday, June 14, 2011, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Henke, Chair Stead Tidwell, Secretary Van De Wiele White, Vice Chair		Alberty Cuthbertson Sparger	Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, June 8, 2011, at 4:13 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the **Minutes** of the May 24, 2011 Board of Adjustment meeting (No. 1048) with the correction of the meeting number from 1047 to 1048.

Before the meeting proceeded Mr. Boulden stated that Item No. 14 on the agenda, Case No. 21257, Carl Edmunson requesting reconsideration, should be stricken from the record because the Board does not have jurisdiction in this case. Mr. Boulden stated he would be willing to speak with Mr. Bill LaFortune, who is now representing Mr. Edmunson, and after that discussion, if Mr. Boulden feels it is appropriate to consider hearing the case he would agree to have the item placed back on the agenda.

Mr. Henke asked Mr. Boulden if he wanted the Board to vote to remove the item from the agenda or should the item just be stricken from the record. Mr. Boulden stated it would be okay for the Board to vote to strike the case based on the advice of counsel.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to strike Case No. 21257 from the agenda based on City Legal's advice that the Board does not have jurisdiction in this case.

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UNFINISHED BUSINESS

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21265—Greg Helms

Action Requested:

Special Exception to permit a (Use Unit 5) Child Care Center and Church use in the AG district (Section 301); and a Variance to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); and a Variance to permit the RV's to be parked on a non-all-weather surface (Section 222).

Location: North of the NE/c of East 51st Street and South 177th East Avenue

Presentation:

Greg Helms, 329 South Elm Street, Jenks, OK; stated he is the architect for the subject project. The properties adjacent to the subject property are developing as neighborhoods, and a child care center and church are typical community services that would be located near residential areas. The primary function of the proposed building would be the child care center operating Monday through Friday. The church use would be weekends and evenings. To the north of the subject property is a residential area and the building has been set back from that area approximately 59 feet, which is more than the 25 foot setback required by code, and this was done purposely to create a buffer between the neighborhood and the child care center. The playground has also been placed on the far south side of the property to provide an additional buffer from the noise of the child care center. The property is laid out so the public will enter on the south and exit on the north side. This was designed so there was stacking space provided during the peak drop-off and pick-up times allowing a maximum amount of cars to stay off the street. The variance requesting permission to allow recreational vehicles is because the group working on the project is a mission that travels around the country building projects to fulfill their mission for different denominations. The second variance request is to allow the recreation vehicles to park on the property while the project is under construction, thus enabling them to provide security for the project also.

Mr. White asked Mr. Helms what the neighborhood concerns were, and Mr. Helms stated the neighbors' main concerns were a noise buffer being placed between the neighborhood and the child care center; night-time security; and screening of the project.

Mr. Cuthbertson stated this project is a Use Unit 5 use; therefore, the only screening the code will trigger is that which is required with the proximity of parking. The church or the child care center will not trigger the screening requirement, but parking areas with six or more parking spaces within 50 feet of an R district requires the screening.

Interested Parties:

Chris Brown, 17706 East 48th Street, Tulsa, OK; stated he did not want his privacy fence to be the only boundary between him and the subject property. He would like to have some mature trees or shrubbery planted; something that will not take four years to block the view. The exit drive is 20 feet from his privacy fence and he thinks looking at a privacy fence would look tacky and would like to see some trees or shrubbery to soften the view after the construction. Mr. Brown was concerned about the look of the building and would like to see the building be cohesive with the neighborhood.

Mr. Helm stated that evergreens or something that will grow fast and stay green year round could be planted; they will do as much as they can. There are landscape requirements that need to be met to satisfy the City so everything possible will be done.

Mr. Henke asked Mr. Helms if he could describe the look of the building's exterior, and Mr. Helm stated that those plans have not been finalized but the plan is to have a full masonry building with a shingled roof to blend in with the neighborhood. The intent is to make the proposed building look as residential as possible.

Mr. Boulden asked Mr. Helms if the plan was to park two recreation vehicles on the project site, and Mr. Helms stated there would be eight or nine recreation vehicles parked on the construction site. Mr. Boulden then asked if the construction crew was going to be residing on the project site and Mr. Helms answered affirmatively. The construction crew is a group that travels around the country, pull the RV with them, live on the site and once the construction project is complete they will leave the site to move on to the next construction project.

Comments and Questions:

Ms. Stead stated that in the motion made by the Board the motion will need to specify that the current RVs will be removed after construction, but the Board will not want to limit another RV being parked on a concrete pad for a week or so for a visiting minister or missionary.

Mr. Van De Wiele asked Mr. Cuthbertson if the existing privacy fence would be considered as screening for the area designated as future parking on the site plan. Mr. Cuthbertson stated if the future parking is within 50 feet of the R district and if on the date of inspection there is a screening fence in between the two, the inspector can say

the requirement is met. If the owner of the fence is the residential property owner and they choose to let the fence deteriorate, then the onus is on the child care center to replace the screening.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”) to **APPROVE** the Special Exception to permit a (Use Unit 5) Child Care Center and Church use in the AG district (Section 301); and a Variance to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); and a Variance to permit the RVs to be parked on a non-all-weather surface (Section 222). The applicant is intending to build a new facility for child care and church use. At present and during construction access will be exclusively from the south on 177th East Avenue to the west and a sidewalk will be constructed along 177th East Avenue, which is also Lynn Lane, to the limits of the property. Any future parking on the northwest side of the site will be required to be screened from the residential district to the north. The Board is requiring that the applicant submit to the Board of Adjustment, at a later date, a landscape plan covering up to 200 feet along the north property line shielding the residential district to the north. Any lighting will be shielded down and away from the abutting lower intensity districts. A maximum of nine RVs shall be parked on the site during construction for a maximum of one year from the date of the building permit. Construction RVs shall be parked approximately as shown on the conceptual site plan page 2.8. The applicant has indicated that the RVs will be parked on gravel and after the RVs are removed, the area will be sodded. In granting these variances the Board has found that there 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 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. In granting the Special Exception the Board has found that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, for this reason the Board has required the landscaping along the north side; for the following property:

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT TWELVE (12), BLOCK THREE (3), STONEGATE, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 01°19'34" EAST ALONG A SOUTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT TWELVE (12) FOR 275.00 FEET; THENCE SOUTH 88°40'26" WEST FOR 635.06 FEET TO A

POINT ON THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SW/4); THENCE NORTH 01°19'25" WEST ALONG SAID WESTERLY LINE FOR 275.00 FEET; THENCE NORTH 88°40'26" EAST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BLOCK THREE (3), STONEGATE, AND ALONG SAID SOUTHERLY LINE OF BLOCK THREE (3) FOR 635.05 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

21272—Tulsa Public Schools

Action Requested:

Variance of the maximum building height in the RS-3 district (Section 403) from 35 ft. to 45 ft. - 3 in. to permit renovation of and additions to an existing elementary school. **Location:** 1740 West 41st Street

Presentation:

Steve Jagers, 320 South Boston, Suite 1600, Tulsa, OK; stated he is the architect on the project, and the project is a complete renovation of an existing elementary school which was built in the 1930s. Tulsa Public Schools intends to turn this into an early child development center. The project has a new front drive, new parking, kitchen addition, and ADA upgrades which require an elevator. The requested variance is for the back portion of the building which is where the insert roof was located which is where the kitchen equipment was located; that area is now going to be part of the class room addition and the roof will be finished to a peak. According to the code the height is taken from an average ground elevation and there is a drastic slope on this project site which requires a request for a variance.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Mr. Boulden left the meeting at 1:45 p.m.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White, “aye”; no “nays”; no “abstentions”) to **APPROVE** a Variance of the maximum building height in the RS-3 district (Section 403) from 35 ft. to 45 ft. - 3 in. to permit renovation of and additions to an existing elementary school. The Board has found there is a considerable slope in the topography of the area. The height the Board is approving is limited to those back portions of the roof as shown in the attached plan on page 3.6. Any future buildings on site will comply with the code or be brought before the Board of Adjustment. In granting this variance the Board has found that the topography is extraordinary and an exceptional condition which is peculiar to this land. 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; for the following property:

ALL OF BLK 9, BEG 45W & 190S NEC NE TH S332.13 W680 N332.13 E680 POB SEC 27 19 12 5.184AC, CLINTON HOMESITES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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Mr. Boulden re-entered the meeting at 1:50 p.m.

21274—Quiktrip

Action Requested:

Variance of the maximum permitted display surface area for a directional sign (Section 225.B.3) from 3 sq. ft. per sign. **Location:** NW/c of East Pine Street and North Mingo Road

Presentation:

Kevin Bledsoe, 4705 South 129th East Avenue, Tulsa, OK; stated he is the Real Estate Project Manager for Quiktrip, and the company is requesting a variance to install directional signage to alleviate a traffic flow problem at the concept store located at Pine and Mingo. Upon recommendation of the bus company and vendors, Quiktrip would like to install signs that are 13.86 square feet in size. In the area of this Quiktrip there are other commercial businesses that utilize semi-trucks in their business and those semis use the Quiktrip lot to park on, which adds to the customer traffic congestion. Mr. Bledoe added the larger directional signs improve visibility for the truck traffic.

Mr. Henke asked Mr. Bledsoe if there was a Quiktrip logo designed for the proposed sign, and Mr. Bledsoe stated there would be no logo on the sign because the sign was designed for directional purposes only.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”) to **APPROVE** a Variance of the maximum permitted display surface area for directional signs (Section 225.B.3) from 3 sq. ft. per sign. It is evident from information furnished to the Board that trucks are having a problem unloading or delivering gasoline. Directional signs should be placed approximately as shown on page 4.6; that they will contain information as shown on pages 4.7, 4.8, 4.9 and 4.10. These directional signs are for information and traffic control in and out of the facility and are not to be converted to any type of advertising sign in the future without returning to the Board of Adjustment. In granting this Variance there are extraordinary or exceptional conditions or circumstances; that the signs will help in the delivery of products. These conditions 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; for the following property:

**TR BEG SECR SE SE TH W350 N340 E350 S340 POB LESS S40 & LESS E50
THEREOF FOR RD SEC 25 20 13, CITY OF TULSA, TULSA COUNTY, STATE OF
OKLAHOMA**

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21275—Ron Milner

Action Requested:

Special Exception to permit an Electrical Contractor use (Use Unit 15) in the CS district; to permit an existing business. **Location:** 215 South Garnett Road East

Presentation:

Ron Milner, Milner Electric, P. O. Box 690293, Tulsa, OK; stated he has been an electrical contractor since 1980 and bought the building in 2003 from Mr. Ken Littlefield. The building originally contained a resale shop and Ken’s Auto Glass, and Mr. Milner thought his electrical contracting business would be the same as the auto glass

business as far as zoning. Mr. Milner has since learned he needs a special exception to operate his electrical contracting business out of this building.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”) to **APPROVE** a Special Exception to permit an Electrical Contractor use (Use Unit 15) in the CS district; to permit an existing business. 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; for the following property:

PT LT 1 BEG SWC TH N 112.5 E 175 S 112.5 W 175 TO BEG -LESS W 50 FOR RD BLK 1 , WESTERN VILLAGE HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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21279—Jim Congleton

Action Requested:

Variance of the parking requirement for an office use (Section 1211.D) in a CS district from 8 spaces to 2 spaces to permit an addition to an existing building.

Location: 4501 South Peoria Avenue

Presentation:

Jim Congleton, P. O. Box 70021, Tulsa, OK; stated he is the property manager for Ted Parks, LLC, who is the owner of the subject property. The property has recently been acquired and they would like to build an addition onto the existing structure but the requirements for parking are not up to code, even before the proposed addition to the structure. Mr. Congleton provided that the existing staff requirements are minimal; there are only two full time employees plus the manager and he are out of the office more than they are in. There are customers who come in to pay their monthly rent and then leave, and they are on an infrequent basis. Many parking configurations have been studied and the one plan that would fit the best is to have one handicapped parking space in the front, and have the employees use the long driveway for parking. If need be, the landscaping can be deleted from the proposal and two more parking spaces can be placed in that area, but that would mean the front of the building would be all concrete. There is street parking that is across from the building that can be utilized. From an aesthetics point of view, by placing one handicapped parking space in front, using the driveway for parking, and utilizing the city parking would be the best plan.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** a Variance of the parking requirement for an office use (Section 1211.D) in a CS district from 8 spaces to 3 spaces to permit an addition to an existing building, subject to site plan submitted today, June 14, 2011. Finding that the applicant's use of this property is of such a nature that the eight required parking spaces will be unnecessary for the current and foreseeable use of the property, and that by reason of such use the Board finds these are extraordinary or exceptional conditions or circumstances, which are peculiar to this 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; for the following property:

LT 13 BLK 5, WILDER ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 21280—Big Time Billboards

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **Location:** 13003 East Admiral Place

Presentation:

No presentation was made; the applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Henke asked Mr. White if he had any issues with the surveyor's certificate for this case, and Mr. White stated that he did not.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10); 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; for the following property:

BEG 716.10E NWC GOV LT 4 TH E581.83 SE484.31 SW78.21 SWLY CRV LF 499.95 SW334.31 W106.31 N611.23 POB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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Case No. 21281—Roger McCoy

Action Requested:

Variance of the side yard requirement in the RS-3 district (Section 403) from 5 ft. to 3 ft. - 10 in. to permit an addition to an existing dwelling. **Location:** 2824 East 102nd Place South

Presentation:

Roger McCoy, 2824 East 102nd Place South, Tulsa, OK; stated he is the applicant and the resident, and is requesting to build a garage in the traditional method so that it will look like it is original to the house there is 13 feet required to allow for the brick veneer. Mr. McCoy has made site plans available to surrounding neighbors, especially the neighbor who will be right next to the addition and he did not have a problem with the proposed addition.

Ms. Stead asked Mr. McCoy what the second story in the addition would be used for and Mr. McCoy stated it will be similar to a family room. As the family grows the grandchildren can use it as a recreational room.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the side yard requirement in the RS-3 district (Section 403) from 5 ft. to 3 ft. - 10 in. to permit an addition to an existing dwelling. The RS-3 district requires a five-foot side yard. In an attempt to establish and maintain desired development intensities and patterns, as well

as separation of light, air and access, between single-family detached dwellings in the district the City permits a reduction of the required sideyard by 20% as a minor variance; however, this applicant's request is two inches beyond that permissible consideration. The Board has found that there are extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure and 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, subject to per plan on page 8.6; for the following property:

LT 5 BLK 4, DELAWARE POINTE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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Case No. 21282—Phil Marshall

Action Requested:

Variance of the minimum required lot width in the RS-3 district (Section 403) from 60 ft. to 52.5 ft. to permit a lot-split. **Location:** 1436 East 37th Place

Presentation:

Phil Marshall, P. O. Box 701316, Tulsa, OK; stated he represents the owners, Jack and Christa Samson. The property meets all of the bulk and area requirements in the zoning code. The property is located in the Brookside area. Mr. Marshall has visited with some of the neighbors, and Mr. Herb Beattie with the Brookside Neighborhood Association and they indicated no opposition to the lot width reduction or the lot-split. This request is following the new comprehensive plan in encouraging smaller lots and more density in some of the neighborhoods. The owner needs the reduction in the lot width to obtain a lot-split from the Planning Commission. This is also following the trend of the neighborhood where many similar cases have been approved by the Board of Adjustment in this area in the past. Mr. Marshall referred to a letter written by Mr. Brad Gemeinhart in support of the variance. In the letter Mr. Gemeinhart stated that lots on the north side of the street are all 52'-6" wide so the aesthetic value of the street would not be damaged. It would add to uniformity of the lots. In the letter Mr. Gemeinhart stated that he was the former Chairman of the Brookside Infill Development Task Force, which produced the Brookside Infill Plan which was approved in 2002, and this request is exactly what was envisioned with the work on the project and the goal was to ensure growth in the area through infill development without harming the unique qualities that make Brookside a desirable place to live, work and play. According to Mr. Gemeinhart this type of development attracts more people and increases property values of all who live in the area; it also helps the schools and infrastructure funding with the increased property taxes. Mr. Gemeinhart ended his letter stating that he fully supports the

request and feels that it is in the best interest of the entire area of Brookside, as updated quality housing increases through infill development.

Mr. Henke asked if Mr. Brad Gemeinhart is a City Planner and works for INCOG, and Mr. Cuthbertson stated that Mr. Gemeinhart does work for INCOG but he is not a City Planner. Mr. Gemeinhart's letter was written in his capacity as a private citizen and neighbor.

Mr. Van De Wiele asked Mr. Marshall to tell the Board what the hardship is, and Mr. Marshall stated that the hardship is the lot width reduction is needed to be able to go before the Planning Commission to request and receive a lot-split. Also, per the Zoning Code, if there is something that prevents the owner from doing what they would like to do with the property, they come to the Board of Adjustment and request the Board's permission to do it and that should be the hardship.

Mr. Henke stated that there is nothing unusual about the lot and it is in compliance with the code. The other lots may or may not have been split with or without some relief, it was not done in the last 40 years, so the Board is trying to comprehend a valid hardship.

Ms. Stead stated that RS-3 requirements are 7,000 square feet and these lots, because of the depth, have 8,400 square feet even after they are divided.

Interested Parties:

Oakley Deisenroth, 1440 East 37th Place, Tulsa, OK; stated he lives right next door to the subject property. If the subject property is allowed to reduce the lot width, when the new house is built on the lot, that house would be right next to his privacy fence.

Mr. Henke stated that the setback would not be changed from Mr. Deisenroth's property, and Mr. Cuthbertson confirmed there would still be a five-foot setback requirement.

Mary Apperson, 1424 East 37th Place, Tulsa, OK; stated her parents were the original builders of her family home, and she will be listing her property on the market within a year or two. In 1938 her parents wanted a double lot because they expected a large family and wanted a large yard for that family. When she puts her property on the market she will be before the Board of Adjustment with a similar request because the area is going to smaller lots with new homes, and that will be the only way to sell these double lots.

Rebuttal:

Mr. Marshall presented a five win situation to the Board. No. 1, the seller is able to sell the property for the fair market value. No. 2, the property is worth more without the house on the lot. No. 3, the buyer is able to build a new house in a walkable neighborhood which the comprehensive plan really wants. No. 4, the City benefits with the increased sales tax and real estate taxes, and the neighborhood benefits by keeping

the property values up. No. 5, the comprehensive plan benefits in keeping homeowners in the City of Tulsa and not moving to the suburbs, which is one of the important items discussed in the comprehensive plan, plus it, would create a smart growth neighborhood.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the minimum required lot width in the RS-3 district (Section 403) from 60 ft. to 52.5 ft. to permit a lot split. Finding that this lot has 140 feet in depth will still have more than enough lot area in the RS-3 zoning to meet the code. This area is part of the Brookside Infill Task Force study and it was found that the reduction lot sizes available to be built is the coming trend and the study is encouraging more of that. Also, within this neighborhood there are numerous houses on the other side of the street at the 52'-6" width and there are two on this side of the street and there are six in the adjacent street to the rear. This is the trend in the area, and it would be a higher and better use of the property than currently exists. 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; for the following property:

LT 4 BLK 4, LEOKI PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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Case No. 21283—James Tilly

Action Requested:

Variance of the rear yard requirement in the RS-2 district from 25 ft. to 4 ft. (Section 403) to permit an addition to an existing dwelling. **Location:** 2150 South Cincinnati Avenue

Presentation:

Robert Schaefer, 1208 East 26th Street, Tulsa, OK; stated he represents Mr. Tilly because of family matters that had to be dealt with.

Ms. Stead stated that there had been two previous items brought before the Board but nothing had been done with them, and Mr. Schaefer stated that it was true but it was because the project had changed and became much less complex. Mr. Tilly's existing

garage has become deteriorated and his desire is to replace it and move it farther away from the property line. He would like to also attach the garage.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the rear yard requirement in the RS-2 district from 25 ft. to 4 ft. (Section 403) to permit an addition to an existing dwelling. The Board has found that this property containing a garage built many years ago and the existing detached garage is in deteriorating condition with termite damage. The owner wishes to demolish the existing garage and replace it with an attached garage as reflected on conceptual plan on page 10.6. This will be located farther from the rear and side yard lines and will have a better foundation support. The garage will be a two-story structure with an attic space and subject to other RS-2 District requirements. No other detached buildings shall be constructed in addition to the garage. The upper story of the garage shall be used for storage or family use and not for commercial use. In granting this variance the Board has found that this house located near an abandoned railroad will not be harmful to the neighborhood; that the deteriorating condition of the existing garage 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; for the following property:

Parcel One: All that part of Lot Seven (7), Block One (1) SUNSETPARK, a Subdivision of land in Tulsa, Tulsa County, State of Oklahoma, according to the recorded Amended Plat No. 273, more particularly described as follows, to-wit: BEGINNING at the Southeast Corner of said Lot 7; THENCE in a Northerly direction and along the West line of Cincinnati Avenue, a distance of 73 feet; THENCE in a Westerly direction and parallel to Woodward Boulevard, a distance of 139 feet or to the West line of said Lot; THENCE in a Southerly direction and parallel to Cincinnati Avenue, a distance of 77.86 feet to the Southwest Corner of said Lot; THENCE in a Easterly direction and along the North line of Woodward Boulevard, a distance of 138.6 feet to the PLACE OF BEGINNING. LESS AND EXCEPT that part of Lot Seven (7), Block One (1), more particularly described as follows, to-wit: BEGINNING AT A POINT on the East line of Lot 7, Block 1, SUNSETPARK, said point being 73 feet North of the Southeast Corner of said Lot; THENCE in a Westerly direction a distance of 139.83 feet to a point on the West line of said Lot, 71.55 feet South of the Northwest Corner; THENCE South along

the West line a distance of 4.09 feet; THENCE East a distance of 138.83 feet to the POINT OF BEGINNING. Parcel Two: The northerly 25' of East Woodward Boulevard abutting the South line of Lot 7, Block 1, Sunset Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Amended Plat No. 273 thereof, more particularly described as follows; to wit: Beginning at the Southwest Corner of said Lot 7, Thence N 86° 06' 43" E along the South line of said Lot 7 a distance of 138.60 feet to the Southeast corner of said Lot 7; Thence S 16° 57' 53" E a distance of 25.67'; Thence S 86° 06' 43" W a distance of 138.60'; Thence N 16° 57' 56" W a distance of 25.67' to the Point of Beginning, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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Mr. Henke recused himself at 2:55 p.m. from Case No. 21284

Case No. 21284—Cyntergy

Action Requested:

Variance of the 50 ft. setback from a signalized intersection and a Variance of the 20 ft. setback from a driving surface of a street for two L.E.D. signs (Section 1221.C.2.a b). **Location:** 709 South Boston Avenue

Presentation:

Jason Mills, 320 South Boston Avenue, 12th Floor, Tulsa, OK; stated he is the architect and represents First Presbyterian Church. The church is undergoing a major expansion and they would like to have two 3'-0" by 8'-0" L.E.D. signs cut into the monument signs, one for the corner of 7th and Cincinnati and one for the corner of 8th and Boston. These signs would fit into the context of the overall building additions and the perimeter fencing to tie the campus together without taking away from the architectural character of the church. The church is landlocked and strapped for space with everything being close to the street and the density of the pattern downtown, so the church is challenged on where to place pedestrian and vehicular scale messaging without it being a large extravagant billboard type.

Mr. Van De Wiele asked if the architecture for the signs on both corners was the same, and Mr. Mills confirmed that they were to be the same.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the 50 ft. setback from a signalized intersection and a Variance of the 20 ft. setback from a driving surface of a street for two L.E.D. signs (Section 1221.C.2.a b). This will be for two LED signs as shown on page 11.8 for the location of the signs and the conceptual drawings on pages 11.9, 11.10, and 11.11 for the size, layout and display specifications of the signs. This is subject to further restrictions that no red, yellow or green color will be on the sign so as it will not be confused with the traffic signal colors that are in the immediate vicinity of the signs, subject to further restriction there will be no animation, no blinking, no twinkling, and scrolling is to be horizonitally only and other restrictions in the code apply. The Board has found with this use, the property in question, the developing project currently ongoing on this site would benefit from the signage in question and these are extraordinary and exceptional circumstances which is peculiar to this 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; for the following property:

LT 1 & N30 LT 2 & E10 OF VAC ALLEY ADJACENT ON W BLK 172, S70 LT 2 & ALL LT 3 & E10 OF VAC ALLEY ADJACENT ON W BLK 172, LT 4 & W10 OF VAC ALLEY ADJACENT ON E BLK 172, LT 5 & 6 & W10 OF VAC ALLEY ADJACENT ON E BLK 172, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 3:08 p.m.

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Mr. White left the meeting at 3:08 p.m.

Case No. 20724-C—Roy Johnsen

Action Requested:

Minor Special Exception to amend a previously-approved site plan to permit additional parking spaces. **Location:** 7210 South Yale Avenue East

Mr. White re-entered the meeting at 3:11 p.m.

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he represents Cypress Creek, which is a memory care center. The original approval for this project was in 2008, and there are currently 23 parking spaces, which exceeds the code requirements. The reason for the minor special exception request is because during shift changes the center is concerned about inconveniencing their clients and they would like to have the option of adding up to nine parking spaces if they find it necessary.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Minor Special Exception to amend a previously-approved site plan to permit additional parking spaces. This request is in compliance with, and fits in with the scope of the original approval and the spirit and intent of the code; for the following property:

LOT 1 BLOCK 1, CYPRESS SPRINGS-TULSA, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 20794-A—Cascia Hall

This amendment is brought before the Board by staff to correct the sign setback on Utica Avenue.

Action Requested:

Amendment to a condition of a previous approval permitting an LED sign in the RS-2 district; to correct a reference to the sign's setback from Utica Avenue.
Location: 2520 South Yorktown Avenue

Mr. Tidwell recused himself at 3:12 p.m.

Presentation:

Karen Tinnery, Chief Financial Officer at Cascia Hall, 2520 South Yorktown, Tulsa, OK; was present but no presentation was made.

Mr. Cuthbertson stated that the sign structure is 40'-0" from the centerline but the requirement was relative to the sign itself. The sign itself is situated between two brick columns and those are each ten feet wide; therefore, the 40'-0" setback is a reference point between the centerline and the western edge of the brick structure, referring to drawing 13.9 in the agenda packet. In the previous approval it was stated that the sign be setback 50'-0" from the curb, whereas the conditions should have been stated as the sign be set back 50'-0" from the centerline of the street. This amendment is before the Board today to correct that condition.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Amendment to a condition of a previous approval permitting an LED sign in the RS-2 district; to correct a reference to the sign's setback from Utica Avenue. The Board wishes to restate a portion of the previous case, Case No. 20794, to specify that the leading edge of the digital portion of the digital sign shall begin 50'-0" from the centerline of South Utica Avenue; for the following property:

SW NE EXCEPT W40 TO CITY OF TULSA SEC 18 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 21257—Carl Edmunson

Action Requested:

Request a reconsideration of an appeal of the determination of an Administrative Official (#651183) regarding Automotive Repair use of the property; inoperable, unserviceable, and/or junk vehicles; and parking of vehicles on a non-all-weather material in the yard. **Location:** 17317 East 14th Street South

Presentation:

Bill LaFortune stated that Mr. Edmunson had come to him for legal advice, and that Mr. LaFortune's opinion in this case was strictly regarding the gravel drive issue. The auto repair, junk and salvage issues have all been litigated and in Mr. LaFortune's opinion, Mr. Edmunson has no further options. The gravel drive issue seemed to be glossed over in the last hearing, and from research performed by Mr. LaFortune, Mr. Edmunson should have the right to have the driveway grandfathered to park legally tagged operable vehicles on the driveway. That is the reason for the filing of the request. Since then, Mr. LaFortune has had several conversations with Mr. Winston, Zoning Inspector for the City of Tulsa, and a settlement has been reached and agreed to. Therefore, Mr. LaFortune is formally withdrawing the request even though the case has been stricken from the record.

Board Action:

No Board action was taken; for the following property:

LT 8 BLK 7, LYNN LANE ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

Election of Officers for 2011-2012 Board of Adjustment year.

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to nominate and elect Mr. Frazier Henke as Chairman of the Board of Adjustment.

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to nominate and elect Mr. David White as Vice Chairman of the Board of Adjustment.

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to nominate and elect Mr. Michael Tidwell as Secretary of the Board of Adjustment.

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NEW BUSINESS:

None.

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BOARD MEMBER COMMENTS:

None.

There being no further business, the meeting adjourned at 3:20 p.m.

Date approved: 6/28/11


Chair