

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1076  
Tuesday, August 14, 2012, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

**MEMBERS  
PRESENT**

Henke, Chair  
Snyder  
Tidwell, Secretary  
Van De Wiele  
White, Vice Chair

**MEMBERS ABSENT**

**STAFF PRESENT**

Back  
Sparger

**OTHERS  
PRESENT**

VanValkenburgh,  
Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, August 9, 2012, at 9:51 a.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. Henke welcomed Ms. Tori Snyder to the Board of Adjustment. Ms. Snyder is Ms. Clayda Stead's replacement on the Board.

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Ms. Back read the rules and procedures for the Board of Adjustment Public Hearing.

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**MINUTES**

On **MOTION** of **TIDWELL**, the Board voted 4-0-1 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the **Minutes** of the July 24, 2012 Board of Adjustment meeting (No. 1075).

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**UNFINISHED BUSINESS**

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**NEW BUSINESS**

**21458—Andrew Shank**

**Action Requested:**

Variance to allow ground sign with movement within 11 feet of the driving surface of East 15<sup>th</sup> Street (Section 1221.C.2.b). **LOCATION:** 1419 East 15<sup>th</sup> Street **(CD 4)**

**Presentation:**

**Andrew Shank**, 2727 East 21<sup>st</sup> Street, Suite #200, Tulsa, OK; no presentation was made. The applicant has requested a continuance, due to additional relief needed.

**Interested Parties:**

None.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **CONTINUE** the request for a Variance to allow ground sign with movement within 11 feet of the driving surface of East 15<sup>th</sup> Street (section 1221.C.2.b), to the meeting of August 28, 2012; for the following property:

**LT 10 11 12 BLK 6, BELLVIEW ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21444—Garth W. Caylor**

**Action Requested:**

Appeal the Determination of an Administrative Official, the Tulsa Preservation Commission, denying the Certificate of Appropriateness for proposed single-family home (Section 1605). **LOCATION:** 1617 South St. Louis Avenue **(CD 4)**

**Ms. Snyder recused herself and left the meeting at 1:05 P.M.**

**Presentation:**

**Bill Caylor**, 2944 Woodward Boulevard, Tulsa, OK; stated he has supported historic preservation for many years, and it has become the rule rather than the exception. Tulsa, Oklahoma is fortunate to have implemented historic districts and guidelines for the district's protection. The design guidelines of the Tulsa zoning code and the historic districts are brief and correct, and they can be the basis of objective judgment of historical appropriateness. Mr. Caylor's view is that those guidelines are not being administered properly in the Swan Lake District. As one result there is very little new construction and the property values there are artificially restrained. The zoning code defines two responsibilities that are charged to the Preservation Commission. First, the Commission shall utilize the design guidelines to measure, meaning count, the appropriateness or inappropriateness of the proposed work. Secondly, the Commission shall strive to affect a fair balance between the purpose and intent of this chapter in the zoning code, and the desires and needs of the property owner. New construction guidelines for the Swan Lake District, paragraph one, sentence one, states designs for a new construction need not duplicate existing styles within the district, but should draw upon common characteristics of structures for the period of time when each addition was originally platted. Mr. Caylor stated there are two important items in those guidelines. One is, need not duplicate existing styles. Two is, the proposal for new construction should draw upon common characteristics that are found in the Swan Lake District. Mr. Caylor presented several pictures of houses in the vicinity of the proposed home. Mr. Caylor's proposed house is larger than most of the homes in the area, but does draw on characteristic styles of homes in the area.

Mr. Van De Wiele asked Mr. Caylor what the primary objections listed in his letter of denial were, and what did he do to resolve the objections. Mr. Caylor stated that he has presented his proposal formally a couple of times over a period of three years, and the committee must learn to use the design guidelines as criteria and not to make sweeping generalizations with subjective statements. Mr. Caylor continued by saying, in the first application there were several minor objections that he corrected, i.e., the height of the chimney or no shown gutters and downspouts.

Mr. White asked Mr. Caylor if the changes that he made to his proposal were accepted at the second application hearing. Mr. Caylor stated that they were not. There were additional objections that were not in the first hearing, i.e., complaints of no windows on the north side of the house.

**Interested Parties:**

**Amanda DeCort**, Tulsa Preservation Commission, 175 East 2<sup>nd</sup> Street, Suite 570, Tulsa, OK; stated that the historic preservation zoning districts comprise less than 2% of all the residential lots in Tulsa. These districts have HP zoning specifically because they asked for it, and they worked very hard to obtain that status. The homeowners of Swan Lake asked the City of Tulsa to hold their area to the historic design standards almost 20 years ago. They were not to prevent changes or infill construction but to make sure that when changes did occur, the changes they were consistent with the historic character of their neighborhood. The purpose of historic preservation zoning is

to provide a context for development and to protect property values. The Tulsa Preservation Commission works very hard to make the process fair and consistent despite the subjective nature of the work. The Tulsa Preservation Commission issues approximately 50 Certificates of Appropriateness and about 90% of the applications presented are approved. The commissioners attempt to balance the needs of the applicant with the intent of the design guidelines. Sometimes there is an application presented that just does not fit the guidelines, and that is the case of Mr. Caylor's proposal. The proposal failed because the process worked just the way it is supposed to work and is intended to work.

**Ed Sharrer**, City of Tulsa Planning Department, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated he started working with Mr. Caylor approximately late 2009. The first time Mr. Caylor went through the Certificate of Appropriateness process he informed Mr. Caylor that he would probably have objections to the design. Mr. Sharrer informed Mr. Caylor that his design was a very contemporary design, and while the arrangement of the three front facing gables with a roof pitch in the Tudor style by in large his proposal was very abstract and not a traditional arrangement. Mr. Sharrer stated that Mr. Caylor then withdrew his application after the sub-committee told him, the first time, that his application was not going to pass. Mr. Sharrer stated that Mr. Caylor is a very talented architect but his design did not fit into the neighborhood, and the process worked just as it supposed to work.

Mr. Van De Wiele asked Mr. Sharrer if in the first two rounds of comments from the Preservation Commission the project was basically doomed from the beginning. Mr. Sharrer stated that in his opinion the project was destined to fail because of the materials of the house, the arrangement of the house, the abstract nature of the design, the lack of a front porch, etc. His recession of the front entry is considered a contemporary arrangement. Mr. Caylor's design does not fit the spirit and intent of the guidelines.

Mr. Sharrer stated there is not a lot of infill in this neighborhood because there are not a lot of vacant lots. The preservation has worked; the old housing stock is in place. There is one vacant lot but that is because the house of that lot was lost during the last ice storm after an old tree fell on it.

Mr. Van De Wiele asked Mr. Sharrer how the commission strikes a balance between subjective and suggestive, because it is not merely as an applicant meets seven of the ten criteria. Mr. Sharrer stated it's not prescriptive as far as being objective or scientific, it is not a formula. There are certain professional qualifications or a person has to be a resident of the neighborhood. The guidelines are generally subjective but that also is to the benefit of the applicant, because it does not stifle creativity.

**DeeAnn Paisley**, 1530 South Trenton, Tulsa, OK; stated she is a strict preservationist. Her neighborhood fights preservation battles all the time, and as a homeowner in the Swan Lake District it is a constant battle. The people of the neighborhood do want the Tulsa Preservation Commission to be standing up for the neighborhood.

**Mark Burns**, 1613 South St. Louis Avenue, Tulsa, OK; stated he lives north of the subject lot. He has no problem with the proposed house being longer, taller, or larger. When the historic preservation overlay became the law of the land, so to speak, he rejoiced in that because he knew his interests were going to be protected. What he does object to is that the proposed house does not represent the character of the existing neighborhood.

**Mike Ashe**, 1628 South St. Louis Avenue, Tulsa, OK; stated he lives across the street from the proposed project. He was against the historic preservation overlay for precisely this reason. He has shown the proposed house to several of his friends, and one of the friends commented on the craftsman style of the proposed project. He does not see the problem with a little modernization, and he is in favor of the proposed project.

**Rebuttal:**

Bill Caylor came forward and stated that the condition of the existing home on the subject property was beyond repair or remodel, therefore, it was razed. The City employees, as Mr. Caylor understands it, take a position of neutrality but there seems to be a conflict. Ms. DeCort and Mr. Sharrer have shown pictures of every bungalow between 16<sup>th</sup> and 17<sup>th</sup> Streets on St. Louis Avenue, and that was very upsetting to him. Mr. Caylor stated that he had read the guidelines, and the guidelines emphasized the district. Not the street. Not the block, but the district. One of his points is that there is great diversity in the Swan Lake District to draw examples from, not just the bungalow style. He sees a lack of objectivity and a little lack of neutrality from the City employees; they are not impartial about the first provision of the zoning code. There are two important charges of a commissioner. One is to utilize the design guidelines to measure, meaning to quantify. Secondly, they should have an interest in the interest of the homeowner, as well as protecting the historical preservation.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-1-1 (Henke, Van De Wiele, White “aye”; Tidwell “nay”; Snyder “abstain”; none absent) to **DENY** the Appeal of the Determination of an Administrative Official, the Tulsa Preservation Commission, denying the Certificate of Appropriateness for proposed single-family home (Section 1605); for the following property:

**LT 12 BLK 13, ORCUTT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Ms. Snyder re-entered the meeting at 2:00 P.M.**

## **21455—Tanner Consulting**

### **Action Requested:**

Variance of the minimum lot frontage from 30 feet to 0 feet for buildings used in whole or part for residential purposes (Section 206). **LOCATION:** 3245 North Cincinnati Avenue **(CD 1)**

**Mr. Tidwell left the meeting at 2:08 P.M.**

### **Presentation:**

**Ricky Jones**, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, OK; stated he represents the developer and purchaser of the property, who is planning to construct an apartment complex in two phases on the subject 8.6 acre tract. The Planning Commission has approved the preliminary plat and it is divided into two lots. The reason for the two different lots, which will remain under one ownership, is for financing purposes. The apartment complex will be constructed under two separate phases and the first phase will be on the west side of the lot. The eastern lot has zero feet of frontage, and per zoning code, 30 feet of frontage is required on a public or dedicated right-of-way. What is proposed are two mutual access easements. The hardship is the unique shape of the property. When the property started it was a true rectangle, but the Gilcrease Expressway took the property on the south side. Another hardship for the property is, there is actually frontage on a public street on the east side but the dedicated street is not constructed. Since the street is dedicated but not constructed the City does not recognize that as meeting 30 feet of frontage on a public or dedicated right-of-way. The subject property does meet the 30 foot frontage requirement on a public or dedicated right-of-way, however, that right-of-way has never been accepted by the City. The property does overcome the hardship with the mutual access easement through two points, one on the north and one on the south.

**Mr. Tidwell re-entered the meeting at 2:11 P.M.**

### **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, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the minimum lot frontage from 30 feet to 0 feet for buildings used in whole or part for residential purposes (Section 206), Finding that the hardship to be the unusual configuration of the lot that is remaining after the Gilcrease Expressway removed a majority of the land to the south and blocked the access points, and there are no other means of access short of the Cincinnati Avenue side. This approval is to be per conceptual plan on page 3.9. 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:

**A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4), SECTION 24, TOWNSHIP 20 NORTH, RANGE 20 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND PART OF "CHEVY CHASE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 1402), SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SW/4 NW/4; THENCE SOUTH 1°10'41" EAST AND ALONG THE WEST LINE OF SAID SW/4 NW/4, FOR A DISTANCE OF 33.00 FEET; THENCE NORTH 88°41'11" EAST AND PARALLEL WITH THE NORTH LINE OF SAID SW/4 NW/4, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF NORTH CINCINNATI AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°41'11" EAST AND PARALLEL WITH SAID NORTH LINE, FOR A DISTANCE OF 1273.58 FEET TO A POINT ON THE EAST LINE OF SAID SW/4 NW/4; THENCE SOUTH 1°10'29" EAST AND ALONG SAID EAST LINE, FOR A DISTANCE OF 626.16 FEET TO THE SOUTHEAST CORNER OF THE N/2 SW/4 NW/4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF "CHEVY CHASE"; THENCE SOUTH 1°10'29" EAST AND ALONG THE EAST LINE OF "CHEVY CHASE", SAME BEING THE WEST LINE OF "CHEVY CHASE 2ND" (PLAT NO. 1460) AND THE EAST LINE OF THE SW/4 NW/4, FOR A DISTANCE OF 277.73 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF THE GILCREASE EXPRESSWAY; THENCE NORTH 66°26'03" WEST AND ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 178.01 FEET TO THE NORTHWEST CORNER OF LOT THREE (3), BLOCK ONE (1), "CHEVY CHASE"; THENCE NORTH 67°18'03" WEST AND CONTINUING ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 146.49 FEET TO A POINT ON THE WEST LINE OF BLOCK ONE (1), "CHEVY CHASE"; THENCE NORTH 67°31'07" WEST AND CONTINUING ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 65.48 FEET TO THE SOUTHEAST CORNER OF LOT ONE (1), BLOCK TWO (2), "CHEVY CHASE";**

THENCE NORTH 73°19'40" WEST AND CONTINUING ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 281.49 FEET TO THE NORTHWEST CORNER OF SAID BLOCK TWO (2); THENCE NORTH 74°31'13" WEST AND CONTINUING ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 103.90 FEET TO A POINT ON THE NORTH LINE OF "CHEVY CHASE", SAME BEING THE SOUTH LINE OF THE N/2 SW/4 NW/4; THENCE NORTH 74°31'26" WEST AND CONTINUING ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 270.13 FEET; THENCE NORTH 1°10'41" WEST AND PARALLEL WITH THE WEST LINE OF SAID SW/4 NW/4, FOR A DISTANCE OF 251.51 FEET TO A POINT ON THE NORTH LINE OF THE S/2 N/2 SW/4 NW/4; THENCE SOUTH 88°41'30" WEST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 291.64 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF NORTH CINCINNATI AVENUE, BEING 50 FEET PERPENDICULAR TO THE WEST LINE OF THE SW/4 NW/4; THENCE NORTH 1°10'41" WEST AND PARALLEL WITH SAID WEST LINE, FOR A DISTANCE OF 296.46 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 782,126.54 SQUARE FEET, OR 17.955 ACRES, MORE OR LESS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

#### **18394-A—Jack Bubenik – City of Tulsa Parks**

##### **Action Requested:**

Modification to previously approved site plan (BOA-18394) to permit construction of new facilities for Woodward Park (Use Unit 5). **LOCATION:** 1370 East 24<sup>th</sup> Place and 2101 South Peoria Avenue (**CD 4**)

##### **Presentation:**

**Jack Bubenik**, City of Tulsa Parks Department, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated there is a private donor who is providing funds to build a classroom facility for Linnaeus Gardens and a maintenance facility for Tulsa Parks to use as equipment storage for the park. City of Tulsa is using sales tax monies for design fees for the improvements. There will also be site work, such as, grading and drainage work, to alleviate a drainage problem on the east side. The proposed buildings will complement the existing structures.

##### **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, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for Modification to previously approved site plan (BOA-18394) to permit construction of new facilities for Woodward Park (Use Unit 5). This approval will be per conceptual plan on



page 4.14. Finding the modification to approving the conceptual plans submitted for funded items, and unfunded items conceptually approved, require no further Board of Adjustment action; finding the proposed improvements to be compatible with the neighborhood, such modification meets the current zoning requirements; for the following property:

**BEG NWC LT 2 TH S246 E330 N23 E121 SE ON CUR 43.98 E145.8 S109.5 E63.6 S109.5 E526.35 N470 W1218.36 POB SEC 18 19 13, GOV LT 1 OR NW NW LESS STS SEC 18 19 13 33.64ACS, TERWILLEGER HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**08846-A—Jack Bubenik – City of Tulsa**

**Action Requested:**

Modification to previously approved site plan (BOA-08846) to permit construction of new facilities for Heller Park (Use Unit 5). **LOCATION:** 5328 South Wheeling Avenue (**CD 9**)

**Presentation:**

**Jack Bubenik**, City of Tulsa Parks Department, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated the proposal is to add two shelters, park benches, and covered park benches. The plan submitted to Board is a very conceptual plan because construction for the proposed project will not start until approximately a year from now.

**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, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Modification to previously approved site plan (BOA-08846) to permit construction of new facilities for Heller Park (Use Unit 5). This approval will be per conceptual plan on page 5.10. Finding the modification to approving the conceptual plans submitted for funded items, and unfunded items conceptually approved, require no further Board of Adjustment action; finding the proposed improvements to be compatible with the neighborhood, such modification meets the current zoning requirements; for the following property:

**LTS 10 & 11 BLK 1, W/2 SW NE -LESS S 396 E 630 SEC 31 19 13, S 396 SW SW NE LESS W 30 SEC. 31-19-13, CARMAN ADDN, PARK LANE ADDN RESUB L8-9 B1 PERRYS SUB, PERRYS SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21456—Nelson’s Buffeteria**

**Action Requested:**

Variance of the allowed number of projecting/ground signs in the IL district from 2 to 5 (Section 1221.C.8); Variance of the maximum display surface area in the IL district from approximately 205 square feet to approximately 510 square feet (Section 1221.E.3). **LOCATION:** 4401 South Memorial Drive **(CD 7)**

**Presentation:**

**Steven Rogers**, 1330 East 32<sup>nd</sup> Place, Tulsa, OK; no presentation was made; Mr. Rogers was available for questions.

**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, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Variance of the allowed number of projecting/ground signs in the IL district from 2 to 5 (Section 1221.C.8); Variance of the maximum display surface area in the IL district from approximately 205 square feet to approximately 510 square feet (Section 1221.E.3). Finding that the removal of the existing star shaped sign, as shown on page 6.10, and the replacement of the prior Nelson’s sign as shown on page 6.8 is compatible with the shopping center and the other signage that has been there for several years; subject to per plan on page 6.8. 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; for the following property:

**N205 LT 1 BLK 2, MEMORIAL INDUSTRIAL PARK CORR, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21457—Nora Gordon**

**Action Requested:**

Special Exception to permit a carport (Porte-Cochere) in the required front yard in an RS-2 District (Section 210.B.10.g); Variance of the maximum allowed carport (Porte-

Cochere) size from 20 feet x 20 feet to approximately 23 feet x 48 feet (Section 210.B.10 a); Variance of maximum height from 10 feet to approximately 14 feet at the highest point of its interior ceiling (Section 210.B.10.d). **LOCATION:** 4320 East 100<sup>th</sup> Street South **(CD 8)**

**Mr. White recused himself and left the meeting at 2:21 P.M.**

**Presentation:**

**Nora Gordon**, Realtor, 25900 East 81<sup>st</sup> Street, Broken Arrow, OK; stated the subject porte cochere has been in existence for approximately four years. The owner of the property, her son, has found it necessary to sell the house. During the survey of the property the discrepancy was found.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, Van De Wiele “aye”; no “nays”; White “abstaining”; none absent) to **APPROVE** the request for a Special Exception to permit a carport (Porte-Cochere) in the required front yard in an RS-2 District (Section 210.B.10.g); Variance of the maximum allowed carport (Porte-Cochere) size from 20 feet x 20 feet to approximately 23 feet x 48 feet (Section 210.B.10.a); Variance of maximum height from 10 feet to approximately 14 feet at the highest point of its interior ceiling (Section 210.B.10.d) to permit an existing carport per plan on page 7.11. Finding for the two variances by reason of the large lots in question and the numerous porte cocheres, or carports, in the neighborhood this is an extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure and building involved and that the literal enforcement of the terms of the code would result in unnecessary hardship and that such extraordinary and 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 the special exception the Board has found that a 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:

**LT 9 BLK 3, WOODLAR, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. White re-entered the meeting at 2:26 P.M.**

**21357-A—Andrew Shank**

**Action Requested:**

Approval of license agreement to locate ground sign within City right-of-way (Section 1221.C.14) for sign previously approved under BOA-21357 and PUD-397-B-1.

**LOCATION:** SW/c of East 61<sup>st</sup> Street and South 91<sup>st</sup> East Avenue **(CD 7)**

**Presentation:**

**Andrew Shank**, 2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, OK; stated this case was previously before the Board of Adjustment for two variances; one for illumination by less than constant light and for a setback issue. During the permitting process it was determined the sign, when originally built, was in the right-of-way. So, per the code, an application must be submitted for construction in the right-of-way which is approved by the City. And because it is a sign, the City requires an appearance before the Board of Adjustment for approval. The City has approved the agreement with no objections to the existing sign.

**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, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for Approval of license agreement to locate ground sign within City right-of-way (Section 1221.C.14) for a sign previously approved under BOA-21357 and PUD-397-B-1; for the following property:

**LT 1 BLK 1, WOODLAND VALLEY OFFICE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**18607-B—Rob Coday**

**Action Requested:**

Amendment to a previously approved site plan for a church use in the RS-3 district to permit site and building expansions (BOA-18607-A). **LOCATION:** 8707 East 51<sup>st</sup> Street **(CD 7)**

**Presentation:**

**Rob Coday**, P. O. Box 128, Kiefer, OK; stated the modification request is for a building addition is 30'-0" x 77'-0" plus the parking lot.

Mr. White asked Mr. Coday about the two houses that are shown on the site plan. Mr. Coday stated that one house, the one located on Lot 18, is to be removed.

Mr. White asked Mr. Coday if there are plans to pave the existing gravel parking lot where the buses are now parking. Mr. Coday stated that at this time there are no plans to pave the parking lot.

Ms. Snyder asked Mr. Coday if the residents next to the parking lot had been contacted, and if there are plans for screening the residents from the parking lot. Mr. Coday plans for screening had not been discussed.

Mr. Van De Wiele stated this case had been before the Board approximately a year ago, and asked Mr. Coday if the plans presented today were additional improvements. Mr. Coday stated these plans were completely separate plan. The previously approved modifications had been abandoned and today's plans are the replacement.

**Interested Parties:**

**Geoffrey Gunter**, 1213 South Umbrella, Broken Arrow, OK; stated he is the pastor of the church which is the subject property. He stated that the residents east of the church have been told that a wooden fence will be built to screen them from the parking lot. Rev. Gunter stated that the gravel parking lot can be replaced with concrete or asphalt.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for an Amendment to a previously approved site plan for a church use in the RS-3 district to permit site and building expansions (BOA-18607-A), subject to conceptual plan on page 9.7. Finding that 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:

**LT 15 BK 1, LT 16 BK 1, LT 17 BK 1, LT 18 BK 1, LT 19 BK 1, REGENCY PARK WEST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

**21450—Herbert Hawkins**

Appeal the determination of an Administrative Official, vehicle is not used commercially (Section 402). The case was withdrawn, because the vehicle in question appeared to be a 1-Ton truck parked on the driveway without commercial signage; no relief was needed. The applicant has requested a refund of \$100.00.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a refund of \$100.00.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:38 p.m.

Date approved: 8/28/12  
Frank X. Henke, Jr.  
Chair