

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1085  
Tuesday, January 8, 2013, 1:07 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Henke, Chair Tidwell, Secretary Van De Wiele White, Vice Chair	Snyder	Miller Back Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, January 3, 2013, at 10:30 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 1:07 p.m.

\*\*\*\*\*

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

\*\*\*\*\*

**MINUTES**

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Henke, Van De Wiele, White "aye"; no "nays"; Tidwell "abstained"; Snyder absent) to **APPROVE** the **Minutes** of the December 11, 2012 Board of Adjustment meeting (No. 1084).

\*\*\*\*\*

**NEW BUSINESS**

**21513—Bailey Austin**

**Action Requested:**

Minor Special Exception to reduce the front setback from 35 feet to 30 feet (Section 403); Variance of the required side yard setback from 35 feet to 25 feet (Section 403.A, Table 3). **LOCATION:** 4130 North Frankfort Place **(CD 4)**

Ms. Back informed the Board that the address and legal description that had been advertised for this case was incorrect assessor's data, therefore, the case needs to be continued and re-advertised with the correct address and legal description.

**Presentation:**

No presentation was made.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **CONTINUE** the request for a **Minor Special Exception** to reduce the front setback from 35 feet to 30 feet (Section 403); **Variance** of the required side yard setback from 35 feet to 25 feet (Section 403.A, Table 3) to the Board of Adjustment meeting on January 22, 2013; for the following property:

**ALL LT-1-E.45-LT-2-BLK-5, WILDWOOD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21524—QuikTrip – Joe Kim**

**Action Requested:**

**Variance** of the maximum height of a business sign from 40 feet to 60 feet in the CH district (Section 1221.E.1). **LOCATION:** SE/c of West 23<sup>rd</sup> Street South and Southwest Boulevard **(CD 2)**

**Presentation:**

No presentation was made; the applicant has requested a continuance needing additional relief.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **CONTINUE** the request for a Variance of the maximum height of a business sign from 40 feet to 60 feet in the CH district (Section 1221.E.1) to the Board of Adjustment meeting on January 22, 2013; for the following property:

**A TRACT OF LAND THAT IS PART OF BLOCK 45 OF THE AMENDED PLAT OF WEST TULSA ADDITION, AND A PART OF BLOCK VIII OF RIVERVIEW PARK ADDITION, AND A PART OF BLOCK VIII OF THE REPLAT OF A PORTION OF BLOCK VIII RIVERVIEW PARK ADDITION, ALL BEING ADDITIONS TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE NORTHEAST CORNER OF BLOCK VIII, REPLAT OF A PORTION OF BLOCK VIII RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3338 THEREOF; THENCE SOUTH 88°56'18" WEST ALONG THE NORTHERLY LINE OF SAID BLOCK VIII FOR 282.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE SOUTH 01°08'42" EAST FOR 240.00 FEET; THENCE SOUTH 88°56'18" WEST FOR 360.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK VIII; THENCE NORTH 01°08'42" WEST ALONG SAID WESTERLY LINE, AND ALONG A NORTHERLY EXTENSION THEREOF, FOR 214.96 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°05'00", A CHORD BEARING OF NORTH 43°53'48" EAST, A CHORD DISTANCE OF 35.38 FEET, FOR AN ARC LENGTH OF 39.31 FEET; THENCE NORTH 88°56'18" EAST ALONG A WESTERLY EXTENSION OF THE NORTHERLY LINE OF SAID BLOCK VIII, AND ALONG SAID NORTHERLY LINE, FOR 334.96 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. CONTAINING 86,265 SQUARE FEET OR 1.980 ACRES, MORE OR LESS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**\*\*\*\*\***

Mr. Henke explained to the applicants that there were only four board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one or two board members voted no or recused today the application would be denied. Mr. Henke asked the applicants if they understood and asked the applicants if anyone would like to continue their case. None of the applicants asked to be continued to the next Board of Adjustment meeting. The meeting proceeded.

\*\*\*\*\*

## **UNFINISHED BUSINESS**

### **21506—Roy Johnsen**

#### **Action Requested:**

Variance to permit an off premise sign in a CO District (Section 1221.F.1 and Section 1221.F.7); Variance of the required 150 foot setback of an outdoor advertising sign if visible from an R district or a residential development area (Section 1221.F.4); Variance of the requirement that an outdoor advertising sign be oriented to be primarily visible from the freeway (Section 1221.F.7). **LOCATION:** East of the SE/c of East 75<sup>th</sup> Street and South Mingo Road **(CD 7)**

#### **Presentation:**

**Roy Johnsen**, 1 West 3<sup>rd</sup> Street, Suite 1010, Tulsa, OK; stated this application is for a senior citizens housing development located on 25 acres which is owned by Quapaw Investment. The actual location for the 140 unit senior housing is located on the north side of the 25 acres and is only 5.5 acres. The proposed sign will be located at 75<sup>th</sup> Street and South Mingo Road. The center is set back in the interior of the property and the applicant wants to be able to identify the project so the general public will know the center exists. There is a drainage area on the property that will not go away, and the subject property is located on the curve of the property with apartments immediately to the west of the curve creating very limited coverage for the subject senior citizens housing. The regulations for signs are difficult to follow. In this instance the property is zoned Corridor. Corridor zoning permits outdoor advertising but there are some limitations, and Mr. Johnsen thinks the limitations apply to the billboards that have 600 or more square feet of display surface area and are 50 or 60 feet tall in the air. The history of the Corridor Zoning envisioned a paralleling arterial, which would be Mingo Road, and a paralleling freeway, which would be Highway 169, and the separation between the two is almost a half mile. This is a situation that anticipates interior development of fairly high intensity. The proposed sign is a modest sign and it is almost identical to a sign that is across from the proposed sign site.

Mr. Van De Wiele asked Mr. Johnsen if the property were to remain whole or if there were plans for it to be split. Mr. Johnsen stated the property will be split in the future.

#### **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 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Variance to permit an off premise sign in a CO District (Section 1221.F.1 and Section 1221.F.7); Variance of the required 150 foot setback of an outdoor advertising sign if visible from an R district or a residential development area (Section 1221.F.4); Variance of the requirement that an outdoor advertising sign be oriented to be primarily visible from the freeway (Section 1221.F.7), subject to the conceptual drawing of the sign on page 2.13. The location of the sign is to be within the 45'-0" x 45'-0" area on the south side of East 75<sup>th</sup> Street as shown on the exhibit that was submitted today, January 8, 2013. The sign is to be limited to identifying the senior living development center which is planned for a portion of the subject property. Having found that the size of the subject property and the proposed location of the development, along with existing conditions on the subject tract would present a hardship. 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:

**BEG NEC GOV LT 2 TH W524.36 CRV L 122.57 SE50 CRV RT 185.44 S40 CRV RT 373.06 SW85 CRV RT 184.57 NW35 CRV L 172.79 W30 CRV L SW47.12 S680 E1197.17 N1306.70 POB SEC 7 18 14 25.020ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21511—Lou Reynolds**

**Action Requested:**

Modification to previously approved site plan (BOA-09247) to construct a 37,000 square foot addition to accommodate for 60 additional beds. **LOCATION:** 6262 South Sheridan Road East **(CD 9)**

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, OK; stated he and the applicant have met twice with the neighborhood and have reached an agreement on the application. On the west side of the subject property it is proposed to construct an 8'-0" rubber coated fence consisting of 6'-0" vertical fencing and 2'-0" angled fencing pointing inward. There will be a 6'-0" chain link fence constructed on the south side of the subject property running east and west. The applicant has agreed to a restrictive covenant with the neighbors, stating that the psychiatric hospital use will not be in the west 600 feet of the property.

**Interested Parties:**

**Jim Poe**, 5808 East 63<sup>rd</sup> Street, Tulsa, OK; stated the homeowner’s association and the neighbors have all agreed to the conditions that Mr. Reynolds has presented to the Board today, specifically, the erection of the fencing which will be erected during construction. The covenant confirms that there will be no further activity changing the existing zoning, which is residential, on the western approximately 660 feet of the overall tract. He understands that the proponent agrees that these are conditions to the approval of the application, and subject to those conditions the neighborhood does not oppose the application.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Modification to previously approved site plan (BOA-09247) to construct a 37,000 square foot addition to accommodate for 60 additional beds, subject to conceptual plan on page 3.16. This approval is conditioned that on the west side of the property near the ring road there will be an 8’-0” rubber coated metal fence; 6’-0” of that fence will be vertical and the top 2’-0” will be angled in toward the Shadow Mountain facility. There will also be a 6’-0” chain link fence on the south property line to the point as shown on the exhibit presented today, January 8, 2013. With the further condition that the restrictive covenant that is being resolved at this time, between the property owners to the west of the facility and Shadow Mountain, preserving the remaining 600 feet of the Shadow Mountain property be reserved for the residential zoning as it is currently stated. Finding that this modification ensures the proposed facility is compatible and is non-injurious to the surrounding area, and meets the intent of the previously granted special exception, amendments and modifications and meets the zoning requirements per code; for the following property:

**S/2 NE NE LESS E551.61 N495 & LESS E50 S165 THEREOF SEC 3 18 13 13.551AC, N495 E551.61 S/2 NE NE LESS E50 FOR ST SEC 3 18 13 5.70ACS, DEBORAH JEAN ADDN, DEL PRADO, SOUTHCREST OFFICE PARK RESUB SOUTHCREST, SOUTHMONT ESTATES, SOUTHMONT ESTATES EXT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*

## NEW BUSINESS

### 16985-A—Jack Bubenik – City of Tulsa Parks

#### Action Requested:

Modification to a previously approved site plan (BOA-16985) to replace existing identification sign for Penney Park. LOCATION: 531 South 49<sup>th</sup> West Avenue (CD 1)

#### Presentation:

**Jack Bubenik**, City of Tulsa, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated the City of Tulsa Parks Department is adopting new sign standards that will be applied to all parks. The original sign for this park was constructed and erected with donations. Mr. Yuen Ho with the City of Tulsa, gave the Parks Department “at risk” approval pending the Board of Adjustment approval on the sign.

#### Interested Parties:

There were no interested parties present.

#### Comments and Questions:

None.

#### Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-16985) to replace existing identification sign for Penney Park. This approval is to include future modifications and improvements commensurate with park amenities with no further Board of Adjustment approval required, finding that the proposed improvements are compatible with the neighborhood; for the following property:

**LTS 8 THRU 15 & 12.5 VAC ALY ADJ THEREOF BLK 9, VERNDALE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

### 16431-A—Jack Bubenik – City of Tulsa Parks

#### Action Requested:

Modification to a previously approved site plan (BOA-16431) to replace existing identification sign for Starks Park. LOCATION: 1622 North Main Street (CD 1)

#### Presentation:

**Jack Bubenik**, City of Tulsa, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated the City of Tulsa Parks Department is adopting new sign standards that will be applied to all parks. The original sign for this park was constructed and erected with donations. Mr. Yuen Ho

with the City of Tulsa, gave the Parks Department “at risk” approval pending the Board of Adjustment approval on the sign.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-16431) to replace existing identification sign for Starks Park. This approval is to include future modifications and improvements commensurate with park amenities with no further Board of Adjustment approval required, finding that the proposed improvements are compatible with the neighborhood; for the following property:

**ALL LTS BLK 1, ENGLEWOOD SECOND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**17101-A—Jack Bubenik – City of Tulsa Parks**

**Action Requested:**

Modification to a previously approved site plan (BOA-17101) to replace existing identification sign for Admiral Park. **LOCATION:** 29 North Victor Avenue **(CD 3)**

**Presentation:**

**Jack Bubenik**, City of Tulsa, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated the City of Tulsa Parks Department is adopting new sign standards that will be applied to all parks. The original sign for this park was constructed and erected with donations. Mr. Yuen Ho with the City of Tulsa, gave the Parks Department “at risk” approval pending the Board of Adjustment approval on the sign.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-17101) to replace existing identification sign for Admiral Park. This approval is to include future modifications and



improvements commensurate with park amenities with no further Board of Adjustment approval required, finding that the proposed improvements are compatible with the neighborhood; for the following property:

**ALL OF BLK 7, BARTON ADDN, GILLETTE-HALL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**08881-A—Jack Bubenik – City of Tulsa Parks**

**Action Requested:**

Modification to a previously approved site plan (BOA-08881) to replace existing identification sign for Archer Park. **LOCATION:** 2831 East Archer Street **(CD 3)**

**Presentation:**

**Jack Bubenik**, City of Tulsa, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated the City of Tulsa Parks Department is adopting new sign standards that will be applied to all parks. The original sign for this park was constructed and erected with donations. Mr. Yuen Ho with the City of Tulsa, gave the Parks Department “at risk” approval pending the Board of Adjustment approval on the sign.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-08881) to replace existing identification sign for Archer Park. This approval is to include future modifications and improvements commensurate with park amenities with no further Board of Adjustment approval required, finding that the proposed improvements are compatible with the neighborhood; for the following property:

**LTS 9 10 BLK 1, T D EVANS, HOODS ADDN SUB L7 T D EVANS ADDN, LORRAINE DRIVE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**17061-A – Jack Bubenik – City of Tulsa Parks**

**Action Requested:**

Modification to a previously approved site plan (BOA-17061) to replace existing identification sign for Highland Park. **LOCATION:** 4909 East 36<sup>th</sup> Street **(CD 5)**

**Presentation:**

**Jack Bubenik**, City of Tulsa, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated the City of Tulsa Parks Department is adopting new sign standards that will be applied to all parks. The original sign for this park was constructed and erected with donations. Mr. Yuen Ho with the City of Tulsa, gave the Parks Department “at risk” approval pending the Board of Adjustment approval on the sign.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a **Modification** to a previously approved site plan (BOA-17061) to replace existing identification sign for Highland Park. This approval is to include future modifications and improvements commensurate with park amenities with no further Board of Adjustment approval required, finding that the proposed improvements are compatible with the neighborhood; for the following property:

**HIGHLAND PARK, YORKSHIRE ESTATES RESUB L2-4 B3 & ALL B4-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21512—Tulsa Habitat for Humanity**

**Action Requested:**

**Variance** from the required minimum lot width in an RS-3 district from 60 feet to 50 feet to allow a lot-split (Section 403). **LOCATION:** 2431 & 2433 North Lansing Avenue East (**CD 1**)

**Presentation:**

**Larry Vitt**, Tulsa Habitat for Humanity, 6235 East 13<sup>th</sup> Street, Tulsa, OK; no presentation was made but the applicant was present for any questions.

**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 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a

Variance from the required minimum lot width in an RS-3 district from 60 feet to 50 feet to allow a lot-split (Section 403), having found that this neighborhood has had a significant number of lot splits which are compatible with this neighborhood. 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:

**S 61.12 LT 4 BLK 1, N 30 LT 4 & S 10.12 LT 5 BLK 1, GENTRY 2ND ADDN, SUNNY SLOPE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**20318-A—All Star Builders – David Ellis**

**Action Requested:**

Variance of the requirement that no merchandise may be displayed outside within 300 feet of an R district (Section 1217.C.2). **LOCATION:** 602 South Sheridan Road East **(CD 5)**

**Presentation:**

**David Ellis**, 6901 South Red Bud Avenue, Broken Arrow, OK; no presentation was made but the applicant was available for any questions. The applicant requested the Board approve an extension of the previous five year time limit for the variance.

Mr. Henke stated that he did not think the Board imposed time limitations on variances.

Mr. Swiney stated that there have been conditions placed on variances before, and a time limit could have been one of the conditions.

Ms. Back stated that staff was not clear on the meeting minutes from the previous meeting in 2006. It is not clear whether the variance was limited or if the special exception was limited. The minutes were not clear. Mr. Henke stated that he thought it was the special exception that had the limitation.

Mr. Van De Wiele stated that if the special exception in the previous case had the limitation then this today's case needs to be continued for the special exception.

Mr. Henke asked Mr. Swiney if the case needs to be re-advertised for the special exception. Mr. Swiney answered affirmatively to the re-advertisement.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **CONTINUE** the request for a Variance of the requirement that no merchandise may be displayed outside within 300 feet of an R district (Section 1217.C.2) to the Board of Adjustment meeting on February 12, 2013; for the following property:

**E195 TR 31, GLENHAVEN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21515—Douglas E. Meyer**

**Action Requested:**

Special Exception to permit a carport in the required front yard in an RS-3 district (Section 210.B.10.g). **LOCATION:** 1030 East 38<sup>th</sup> Place South **(CD 9)**

**Presentation:**

**Doug Meyer**, 7528 South 82<sup>nd</sup> East Avenue, Tulsa, OK; stated there are existing carports in the neighborhood that appear to be made from aluminum. The structure he is proposing will be a wooden structure and will complement the house.

**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 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Special Exception to permit a carport in the required front yard in an RS-3 district (Section 210.B.10.g), subject to conceptual plans on pages 12.8, 12.9, 12.10 and 12.11. 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:

**LT 5, NILES RESUB E/2 L7 BROCKMAN'S ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **21516—Rob Coday**

### **Action Requested:**

Variance of the required rear yard from 25 feet to 15 feet to permit a garage addition (Section 403, Table 3). **LOCATION:** 3508 East 64<sup>th</sup> Street South **(CD 8)**

### **Presentation:**

**Rob Coday**, P. O. Box 128, Kiefer, OK; stated he wants to be able to add one bay to an existing garage. The hardship is that the house is located on steep terrain and there is no other place for the garage addition.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

None.

### **Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Variance of the required rear yard from 25 feet to 15 feet to permit a garage addition (Section 403), subject to conceptual plan 13.8. Finding that there is significant elevation differences across the lot which precludes the garage addition being added at any other location other than straight back from the existing garage. 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 2 BLK 5, SOUTHERN HILLS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **21517—Acadia Properties, LLC**

### **Action Requested:**

Variance of the sideyard setbacks from 10 feet to 4 feet on the west, and 10 feet to 6.3 feet on the east for existing buildings (Section 403.A, Table 3). **LOCATION:** 3336 East Marshall Street North **(CD 3)**

**Presentation:**

**Donald Blum**, 10916 South Hudson, Tulsa, OK; stated he is the owner of the subject property and this variance request is for a title transfer only. No presentation was made but the applicant was available for any questions.

**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 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a **Variance** of the sideyard setbacks from 10 feet to 4 feet on the west, and 10 feet to 6.3 feet on the east for existing buildings (Section 403.A, Table 3). Finding that the improvements as constructed encroach into these areas and have been in the existing state for several years. 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:

**PART LT 5 OZARK GARDENS FARMS BEG 95.40 W OF NEC W 74.60 S 164.5 E 74.6 N 164.5 LESS N 25 FOR ST, OZARK GARDEN FARMS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21518—Randy Duncan**

**Action Requested:**

Special Exception to allow a carport in the required front yard setback (Section 210.B.10.g). **LOCATION:** 2485 South 127<sup>th</sup> Avenue East **(CD 6)**

**Presentation:**

**Randy Duncan**, 2485 South 127<sup>th</sup> East Avenue, Tulsa, OK; stated he wants to install a carport over an existing driveway.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Special Exception to allow a carport in the required front yard setback (Section 210.B.10.g), subject to conceptual plan 15.8. 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:

**LT 24 BLK 3, STACEY LYNN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21519—Chris Carter**

**Action Requested:**

Special Exception to allow for office use (Use Unit 11) in an RM-2 District (Section 401, Table 1). **LOCATION:** 244 West 16<sup>th</sup> Street **(CD 4)**

**Mr. Van De Wiele recused and left the meeting at 2:09 p.m.**

**Presentation:**

**Chris Carter**, 320 South Boston Avenue, Tulsa, OK; stated he represents Mr. Scott Johnson and is requesting the special exception to use the subject residence as a law office. Mr. Carter stated that if the Board approves the special exception request today, it will be necessary to file a variance request to address the screening and parking issues to be able to maintain the true residential feel of the subject property. Mr. Johnson is a family law attorney in Tulsa, and he desires to operate his law office out of the residence on the subject property. He wants to maintain the residential look and feel of the subject property so the house will not look like a law office. He currently has an office located at 17<sup>th</sup> and South Peoria, and he obtained a special exception on that property. He has been at the 17<sup>th</sup> and Peoria location for over five years and has not had any complaints from neighbors, and he will operate the new law office in the same manner. The subject property is located at the intersection of 16<sup>th</sup> and Denver on the south side of the street facing north. The property is surrounded on the south and west sides by office usage, including the immediate adjacent house to the west which is also zoned residential but is being used as an office under a special exception like today’s request. To the north and to the east of the subject property it is zoned RM-2. Mr. Scott works with one other attorney and two staff members, and the nature of his practice is such that he spends much of his time in the court room. When he is in the office he will have the occasional meeting with clients, but he seldom has a meeting with more than one client at a time so parking and traffic should not be an issue. Mr. Johnson’s practice is referral based so there will not be the walk-in clientele. Mr. Johnson is

moving from his current location because it is too small, and he would like to be able to use the detached garage on the subject property as storage avoiding offsite storage. Mr. Johnson does not have plans to expand his practice into a large law firm. The driveway on the subject property can easily accommodate all four staff members and the occasional client. The neighborhood is a mixed use neighborhood and there have been ten other special exceptions granted by the Board of Adjustment in the neighborhood. Again, Mr. Carter stated that Mr. Johnson wants to maintain the residential look and feel of the subject property such that no one will know there is a law practice in the structure.

Mr. Henke asked if there were any plans for signage. Mr. Carter stated that there would be no signage.

Mr. Henke asked Mr. Carter if Mr. Johnson had met with the neighbors. Mr. Carter stated that he had heard there had been a neighborhood meeting but Mr. Johnson was not present at that meeting; he doesn't even know if he had been invited to the neighborhood meeting.

#### **Interested Parties:**

**Brent Garrett**, 245 West 16<sup>th</sup> Street, Tulsa, OK; stated he lives directly across the street from the subject property. He opposes the request for a special exception. Another law office in the area will be injurious to the neighborhood and the residents that live there. There has been a petition passed through the neighborhood and there are several residents opposing the special exception. He purchased his property 20 years ago in a neighborhood that was less than desirable. Since then there has been a gradual turnover from an older population to younger residents that have restored the neighborhood. The subject property is a large house that sits on a double lot and is the pride of the neighborhood. There are ten children within the 300 foot radius of the subject property. Stonebraker Heights, in 2007, was listed on the National Register of Historic Places. There are several law firms and bail bond offices in the neighborhood, and on numerous occasions there have been public displays of confrontation and disturbances from the businesses. Also, the traffic flow and parking problems have flowed over into the residential neighborhood from these businesses. His concerns are that Mr. Johnson will expand his practice because it is an exceptionally large house for just two attorneys. Another concern is the pattern Mr. Johnson has of purchasing property for his law office before obtaining his special exception, and Mr. Garrett referred to Mr. Johnson's law firm located on South Peoria. Mr. Johnson did not apply for today's special exception request until December 3, 2012, and he has occupied the property since that time on weekdays, nights, and weekends. The neighborhood is experiencing an increase in traffic, and they are parking on both sides of the street on a street where parking is only legal on the south side. On December 29, 2012 Mr. Garrett stated that he and his wife were woke up around 3:00 a.m. because there was a Ryder truck in the driveway of the subject property moving in furniture with Mr. Johnson's truck parked next to it. This is not in harmony with a residential neighborhood. The City of Tulsa Comprehensive Plan, which was developed by PlaniTulsa, was adapted in July 2010. This plan clearly defines areas of growth and stability which helps establish implementation and priorities in specific areas. There are areas of growth where most



development will occur and utilize land for things such as surface parking, non-historic buildings downtown or along corridors. There are areas of stability which is defined as established neighborhoods and historic districts with concentration of historic structures which is Stonebraker Heights. The Comprehensive Plan defines a vision and the City aggressively opposes encroachment into areas of stability.

**Anne Pollard**, P. O. Box 4308, Tulsa, OK; stated she opposes the special exception request. In 2008 Riverview and Stonebraker Heights was granted historic designation status. That occurred from years of work in the neighborhood to determine areas of residential and to embrace those areas of commercial that were in place. The neighborhood feels strongly about the areas of stability because they are few and far between in the areas of growth as represented by the map that was on display on the overhead projector screen.

Mr. Henke asked Ms. Pollard if the property she developed at 1444 South Carson became a law office, which was originally a residential piece of property. Ms. Pollard stated that she did think that particular piece of property did become a law office. Mr. Henke asked Ms. Pollard if she had sold it to the people that converted the old home into a law office, and Ms. Pollard answered affirmatively. Mr. Henke asked Ms. Pollard if the house she sold was located in Stonebraker Heights. Ms. Pollard stated that it was not but was in the Riverview area.

Ms. Back stated that she had spoke with the Historic Preservation personnel at the City of Tulsa, and the neighborhood is on the National Historic Register not on the City's historic register.

**Kristen Bergman**, 417 West 7<sup>th</sup> Street, Tulsa, OK; stated she opposes the special exception request. She is before the Board as an interested party but she is also the current chair of the Tulsa Preservation Commission. She is also a member of the Zoning Code Advisory Committee that is currently overseeing all the zoning code changes being reviewed for the City of Tulsa. She is the previous owner and the current property manager of 241 West 16<sup>th</sup> Street, which is across the street from the subject property. She is also the previous owner of 244 West 16<sup>th</sup> Street which is the subject property. There are 14 residential districts or neighborhoods listed in the National Register of Historic Places, and Stonebraker Heights historic district was listed in 2007, after a completion of an intensive survey. This means that people went to each home in the neighborhood, took photographs, and did historic surveying to find out if the homes were a contributing structure or house. The National Register of Historic Places is the country's official list of historic buildings, districts, sites or structures that are significant to the past and worthy of preservation. In 2010, TMAPC upon suggestion and recommendation of the Historic Preservation Commission determined that all residential property included within the boundaries of a National Register listed district be shown as areas of stability in Tulsa's Comprehensive Plan. At that time, the request was made for TMAPC to prepare a small area plan to include not only Riverview but Stonebraker Heights as well. It is not a zoning overlay of one of the five historic preservation districts in Tulsa, but it is one of the 14 national registered districts. It is

very important to take a look at the zoning code's purpose of residential districts, because achieving the residential objectives of the comprehensive plan is critically important. It includes achieving a suitable environment for family life and meeting the various needs of families. Ms. Bergman believes what is happening is an encroachment of commercial into a residential district that is not only residential in nature but is a historically designated residential district. Encroachment has been very detrimental and injurious to the neighborhood. She believes that approving this special exception request is very dangerous. Ms. Bergman does not want to see the Board award very bad behavior when a person purchases a property without achieving or requesting underlying zoning change prior to closing. All of this could have been handled and taken care of at the property closing.

**David Pounds**, 1502 South Carson, Tulsa, OK; stated he opposes the special exception request. He currently serves Tulsa on the Historic Preservation Commission, but today he is speaking as a property owner. He believes by granting this special exception it would increase the traffic in the area and also increase the traffic that is unfamiliar to the area. That is an additional hazard to the children of the neighborhood. His backyard neighbor is one of the properties that has been granted a special exception to practice law. On the evenings and weekends when there is no one in the office the structure attracts some of the transients and vagrants of the area. That is another hazard to the neighborhood families. That is two of the primary reasons another law office would be injurious to the neighborhood.

**Demetrius Bereolos**, 1929 South Cheyenne, Tulsa, OK; stated he opposes the special exception request. The subject property is in an area of stability not in an area of growth. The property may sit on the cusp of that line but the subject property would encroach on the area of stability as the map has shown. There are several residential homes that have been converted to commercial property, so the neighborhood has probably reached a point of saturation or beyond a point of balance. Not all traffic is going to come from the west, or from Denver, so that would not be desired. It is hard to believe that the single residential driveway for the subject property is going to be able to handle all the parking concerns, even if it is four staff members there will be clients that need parking. The use is not in harmony with the spirit and intent of the zoning code, therefore, the Board should not grant the special exception.

**Anita Bryant**, 3626 South Atlanta Avenue, Tulsa, OK; stated she has a special interest in this property because she is the person who originally restored the property. She made a commitment to bring back revitalization of downtown Tulsa's historic neighborhoods, with the hope of bringing back opportunity to some of the most underserved neighborhoods. Since restoration of the subject property she has restored a 26-unit apartment complex in the neighborhood that is now 100% occupied. Currently she is restoring property that is located at 1306 South Denver, and it was formerly a crack house. When developers come in to perform work in these areas it is extremely challenging because many of the places have been left vandalized, boarded up and attracting criminal activity. When she purchased the subject property it had been divided into separate units, but she wanted to restore it to the point where the most

discerning buyer would desire to have it and return families to the neighborhood. She asks the Board not to dismantle the work she has started and that she has committed herself to.

**Brad Camp**, 1606 South Carson, Tulsa, OK; stated he too is in opposition to the special exception. He lives two houses away from the subject property and has five children. It is simple logic, the Board has to decide if the neighborhood is to be residential or not be residential. He moved to the neighborhood to have a family and live in a historic area that allowed that.

**Chip Atkins**, 1638 East 17<sup>th</sup> Place, Tulsa, OK; stated he is President of the Coalition of Historic Neighborhoods. He has been called by several people that are concerned about this project because of the location, a national registered neighborhood. That is sacred to him as a person, because he owns 14 homes on the National Register in Swan Lake and Yorktown. He restores homes and understands the importance of the neighborhoods, and the blood and sweat of the residents. When the committee went to PlaniTulsa, co-members and developers, they drew a line on those maps that showed where the people wanted development and where they wanted neighborhoods. Neighborhoods are where people live and raise their children. That is what is being asked for today; that the subject area remain a neighborhood and that drawn line remain in the concrete. Stonebraker Heights is becoming a great neighborhood. It was nominated as the number one neighborhood in Tulsa two years ago. That is really great for an infill neighborhood like this and is something to take under consideration. He asks the Board to vote no on this special exception request.

**Glenella Doss**, 1601 South Carson, Tulsa, OK; stated she is an attorney and has practiced for 32 years, and she is not here representing anyone other than herself as a homeowner. She moved into the neighborhood in 2008. Her observations and experiences are that she would never dream converting her house that she purchased in the neighborhood into a law firm. She does not practice family law but she was certified to be a mediator of family law. Family law is very adversarial and that is why she does not practice family law. Tulsa County has a Family In Transitions program, where everyone that has children is mandated to mediation. She suspects there will be auxilliary services offered out of the office location where the practice is totally focused toward family law. That type office is not conducive to a neighborhood that has children in it, because family law is an adversarial setting that sometimes rises to violence along with the other social issues that accompany that particular area of law. She requests the Board reject this application.

**Rebuttal:**

Mr. Carter came forward and stated that he heard a lot of issues, and that he would like to respond to the general themes that he heard. He would like to bring to the Board's attention that one of the signatories on the petition, Mr. Robert Shears at 1522 South Carson Avenue, a few years ago obtained a special exception exactly like what it being requested today for either a landscaping or architecture firm.

The main theme from the residents seems to be a high level of traffic. This office will not be a McDonald's or a car wash, it is a law practice where Mr. Johnson is gone most of the time. When Mr. Johnson is in the office it will be mostly one client at a time, and he is the attorney that handles most of the client contact. He is of the opinion that most of the traffic will be coming from Denver and there are only two houses in that area. The historical ramifications were raised several times by several different parties. Mr. Johnson is completely sensitive to a historical designation on a home. The house that he offices in currently has a historical designation. He has gone above and beyond on multiple occasions to honor that designation, i.e., by locating a special craftsman with lead based window knowledge to replace a broken window. That will be his same intent for the subject property. Parking has mentioned several times. Mr. Johnson is willing to construct a pad in the rear of the home to accommodate parking, but he does not think any of the people present at this meeting today wants a parking pad to be added to the property. Mr. Carter and his client do not think this request will be injurious to the neighborhood, and would ask the Board to grant the special exception.

Mr. Henke stated that the protestants have presented an argument today that there is clearly a delineation between the areas of growth and the areas of stability. Obviously the subject property is located in an area of stability, why encroach into the area of stability? Mr. Carter stated that Board has seen fit in the past to grant similar type of special exceptions. The neighborhood is a mixed use at this point and he understands the argument of enough is enough. But Mr. Carter does not feel this is any different from any other similar application in the past that the Board has granted.

Mr. Henke stated that the other issue is parking. Mr. Carter stated that again he thinks the single lane driveway would work because it does flare out toward the back toward the detached garage on the southwest corner. Mr. Johnson is of the opinion that all four staff members could fit their cars on the flared area of the driveway and in the garage allowing the clients to park on the driveway. Mr. Johnson does not want clients to park on the street.

Mr. Henke stated that the pictures of the moving van in the middle of the night was very interesting. Mr. Carter stated that he cannot speak to that, but he does know that Mr. Johnson is not operating out of the subject property.

Mr. Henke asked Mr. Carter to respond to the comments by the Historic Preservation Commission. Mr. Carter stated that he would reiterate what he said, Mr. Johnson's current office located at 17<sup>th</sup> and Peoria is listed on the National Register.

Mr. White stated that while Mr. Carter was speaking he reviewed the area of stability map on page 10 for previous actions and there are 11 places where relief was granted for businesses within a block of 15<sup>th</sup> and Carson.

Mr. Chip Atkins came forward and stated that Mr. Johnson's house located at 17<sup>th</sup> and South Peoria is on the National Register and in the zoning overlay protection as well. That house was single family home before it was converted to a law office. Everything

done to or for that house must be approved by the Historic Preservation Commission. All of the special exceptions that Mr. White referred to were before 2010, and he does not think there has been one granted since 2010 because of the new Comprehensive Plan. Mr. White stated that Mr. Atkins is correct, there are none after 2010.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Henke, Tidwell, White “aye”; no “nays”; Van De Wiele “abstaining”; Snyder absent) to **DENY** the request for a Special Exception to allow for office use (Use Unit 11) in an RM-2 District (Section 401, Table 1); for the following property:

**Tract 1 - Lot Nine (9) less and except the east six (6.0) feet thereof, and all of Lot Ten (10), Block Six (6), Stonebraker Heights addition to Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof. And Tract 2 - The east six (6.0) feet of Lot Nine (9), Block Six (6), Stonebraker Heights addition to Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Van De Wiele re-entered the meeting at 3:07 p.m.**

**21520—Kyle Phillips**

**Action Requested:**

Special Exception to permit off-street parking spaces to be located on a lot other than the lot containing the use (Section 1301.D); Variance of the required parking from 32 spaces to 22 spaces (Section 1212.D). **LOCATION:** 3313 South Peoria Avenue East and 1315 East 34<sup>th</sup> Street South **(CD 9)**

Ms. Back stated that after further research and discussion with City staff it has been determined that the outdoor seating area is not in the right-of-way so a license agreement is not required.

**Presentation:**

**Mark Bahlinger**, 1007 South New Haven, Tulsa, OK; stated he is before the Board today on behalf of Kyle Phillips. As part of Mr. Phillips lease he has 54% of the adjacent lot that grants him eight additional parking spaces, thus giving him a total of 30 parking

spaces on and adjacent to his lot. If the special exception is granted today it will only be reducing the number of parking spaces by two.

**Interested Parties:**

**Frankie Foster**, 2106 East 48<sup>th</sup> Street, Tulsa, OK; stated she is a co-owner in the adjacent parking lot that Mr. Bahlinger has referred to. Ms. Foster also has a business that is adjacent to the subject parking lot. Ms. Foster has a signed agreement on file with Mr. Beebe, an attorney, designating that the parking spaces on the adjacent lot be shared. The agreement is that her business only needs parking after 3:00 p.m. while Mr. Phillips business is an early morning and noon business. She wants to be reassured that Mr. Phillips is not going to open his restaurant to evening business thus using those parking spaces.

Mr. Henke stated that there is no way to police the subject parking lot as to who is parking where and in which facility. Ms. Foster agreed, but she would like for the Board to place conditions on the parking.

**Rebuttal:**

Mr. Bahlinger came forward and stated that all he can say is that according to Mr. Phillips lease he has 54% of time for the subject parking lot. The lease does not specify what time he can use the parking spaces in the subject parking lot. Mr. Bahlinger stated that he does know that Mr. Phillips is planning on opening for an evening dinner business.

**Mr. White left the meeting at 3:09 p.m.**

Mr. Henke states that the variance request is to reduce the parking spaces from 32 parking spaces to 22 parking spaces. Mr. Bahlinger stated that is correct because Mr. Phillips has 22 parking spaces on his parking lot. As Mr. Phillips has expanded his business he has increased his square footage thus requiring additional parking spaces. With his 22 parking spaces and the eight parking spaces in the adjacent parking lot he has the use of 30 parking spaces making a difference of two parking spaces.

Ms. Back stated that is understood Mr. Phillips applied for his liquor license, and at that point the City said he had expanded to the point that he needed to address the parking requirements.

**Mr. White re-entered the meeting at 3:12 p.m.**

Ms. Back stated that the Letter of Deficiency, dated November 9, 2012, Exhibit Number 17.8, second paragraph, Mr. Phillips expanded his business into what was formerly a retail china shop and into a former retail shoe store.

Mr. Van De Wiele asked Mr. Bahlinger to explain the discrepancy of the 22 parking spaces and the 32 parking spaces. Mr. Bahlinger stated that Mr. Phillips has 22 parking spaces on his lot for his business and a lease stipulating that he has the use of eight parking spaces on an adjacent parking lot. So with Mr. Phillips 22 parking spaces and the lease of the eight additional spaces, that makes a total of 30 parking spaces. But the City would not accept the lease. City Planning would only accept the site plan and the site plan shows Mr. Phillips parking lot and only his parking lot. Mr. Bahlinger offered to show the lease for the additional parking spaces on the adjacent parking lot.

Mr. Van De Wiele stated that with the 22 parking spaces on Mr. Phillips lot and the lease for the eight parking spaces on the adjacent lot there is a total of 30 parking spaces leaving on two spaces in question. Mr. Bahlinger stated that with the addition of Mr. Phillips patio in the front of his restaurant increases the parking space requirements because of the increase of the square footage.

Ms. Foster came forward that she did not believe the drawing presented to the Board is correct. She has counted the parking spaces behind Mr. Phillips business and there are not 22 parking spaces. She believes this parking lot needs to be reviewed.

Mr. Van De Wiele asked Ms. Foster if she had a separate document stating that she has use of the adjacent parking lot in the evening or a specific time. Ms. Foster stated there was an agreement to share the parking. Mr. Van De Wiele asked if the document stated she is to share parking based on numbers or based on time. Ms. Foster stated that she has legal ownership of 49% of the parking spaces. Ms. Foster states that she does not think Mr. Phillips has full ownership of the entire eight spaces because she is half owner of them.

**Kyle Phillips**, 1927 South College, Tulsa, OK; stated he is the owner of Brookside by Day. The adjacent parking lot that is being discussed has been marked so people would park where they should but they do park anywhere. He is addressing eight of the 16 parking spaces that are on the adjacent parking lot. Businesses in Brookside are sharing everything that is in the area. The majority of his business is Saturday and Sunday for breakfast and lunch. As he has taken over the rest of the building he probably should have addressed the parking issue, but he did not. When his landlord said he could expand his business into the rest of the building he did it, so that is where the restaurant is today. His patrons rarely use more than half of the building except for Saturday and Sunday. He just wants to make sure everything is done the correct way.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a **Special Exception** to permit off-street parking spaces to be located on a lot other than the lot containing the use (Section 1301.D); **Variance** of the required parking from 32 spaces to 22 spaces (Section 1212.D), subject to per plan on page 17.8. Finding that the lot and the adjacent lot provide the subject property with 30 parking spaces in total. The nature of the business would suffice for these parking spaces. 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. 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:

**Only that part of a building approximately known as 3313, 3315, 3317 and 3319 South Peoria, Tulsa, Oklahoma including the North 27.7 feet of Lot 1 and the South 45 feet of Lot 2, Block 1 Olivers Addition including 21 parking spaces as well as Party of the first parts 54% share of a parking lot co-owned with FRANKIE ELLEN FOSTER legally described as follows: A part of Lot 12, Block 1, OLIVERS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows: Commencing at the Southwest corner of Lot 12, Block 1, OLIVERS ADDITION; thence Northerly along the West line of Lot 12 a distance of 46.87 feet to the POINT OF BEGINNING; thence continuing Northerly along the West line of Lot 12 a distance of 74.38 feet to a point; thence Easterly and parallel with the North line of Lot 12, a distance of 50.00 feet to a point; thence Southerly and parallel with the West line of Lot 12 a distance of 74.38 feet to a point; thence Westerly and parallel with the North line of Lot 12 a distance of 50.00 feet to the POINT OF BEGINNING, and containing 3718.73 square feet or a 59.5/224 part of Lot 12, Block 1, OLIVERS ADDITION, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21521—Chris Lilly**

**Action Requested:**

**Special Exception** to allow a Childrens Museum (Use Unit 5) in an RS-3 District (Section 401). **LOCATION:** 560 North Maybelle Avenue **(CD 1, 4)**

**Presentation:**

**Chris Lilly**, 2200 South Utica Place, Suite 200, Tulsa, OK; stated he is before the Board on behalf of the Children’s Museum. The recreation center that is located at the



subject address is currently vacant and owned by the City of Tulsa. The City of Tulsa has leased the center to the Children's Museum. There was a special exception granted in 1975 for a community center in Owen Park that is a Use Unit 5 in a RS-3 District. The Children's Museum is similar to a community center for the activities for the children, except it is called a museum. The museum will be for children of all ages and will be a "hands on" creative learning center.

Mr. White asked Mr. Lilly if the museum would be expanding the building larger than the footprint currently exists. Mr. Lilly stated that it would not be expanded larger than the current building footprint.

**Interested Parties:**

**Dee Simmons**, 315 North Sante Fe, Tulsa, OK; stated that six years ago she became interested in the Children's Museum through the Tulsa World. She is a home owner in the Owen Park area and has lived there for 12 years. Six years ago she thought of the museum as a childrens museum without walls because they were traveling in a mobile center with their exhibits. She has mailed out letters to people of the neighborhood and she has received great support. The use of the community center is tried and true and is supported in every aspect by the community.

**Brenda Barre**, 568 North Guthrie, Tulsa, OK; stated that when she received her notification from the Board of Adjustment she contacted the neighbors, because they did not want any more social service organizations in their neighborhood. The neighborhood is in favor of the childrens museum going into the community center.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Special Exception to allow a Childrens Museum (Use Unit 5) in an RS-3 District (Section 401). 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:

**GOV LT 4 LESS TR BEG 664.4W OF NWC SE NW TH N150 E480 S TO EXPY NE ON EXPY 264.27 S TO SECR GOV LT 4 W TO POB SEC 2 19 12, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21522—Rob Coday**

**Action Requested:**

Special Exception to allow Heat & Air contractor (Use Unit 15) in a CS District (Section 701, Table 1). **LOCATION:** 7902 East 15<sup>th</sup> Street South (**CD 5**)

**Presentation:**

**Rob Coday**, P. O. Box 128, Kiefer, OK; stated wants to add a small addition to an existing building.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Special Exception to allow Heat & Air contractor (Use Unit 15) in a CS District (Section 701, Table 1), subject to conceptual plan 19.13. 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:

**N/2 NW NE NE SE LESS W30 THEREOF FOR ST SEC 11 19 13 1.13AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21523—Gregory Helms**

**Action Requested:**

Variance of the Parking setback from the centerline of the road from 50 feet to 30 feet in an R District (Section 1302.B, Table 1). **LOCATION:** 1120 East 34<sup>th</sup> Street South (**CD 9**)

**Presentation:**

**William R. Grimm**, 110 West 7<sup>th</sup> Street, Tulsa, OK; stated he is before the Board today on behalf of Aberson Development. There is a proposed demolition plan for a proposed parking lot on the northeast corner near an existing church. The existing structure on the northeast corner will be razed for the parking lot and will be located in a RS-3 zone. In conjunction with the entire project there is going to be another retail structure built in Center One.

**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 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Variance of the Parking setback from the centerline of the road from 50 feet to 30 feet in an R District (Section 1302.B, Table 1), subject to conceptual plan 20.8. Finding that the parking lot to be constructed will be constructed in a manner that is most compatible with the current parking and use of the lot. 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:

**LOT 1 BLOCK 1, SOUTHMINSTER PRESBYTERIAN CHURCH OF TULSA REPLAT  
PRT BURGESS AC & PRT PEORIA GARENS, CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA**

**21207-A—TCC/Tulsa Fire Department – Lou Reynolds**

**Action Requested:**

Variance of the maximum height allowed from 35 feet to 80 feet in an RS-3 District (Section 403, Table 3). **LOCATION:** East of the NE/c of North Harvard Avenue and East Apache Street **(CD 1)**

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated he is before the Board today on behalf of Tulsa Community College and the Tulsa Fire Department. This request is to correct a mistake that was made a year ago under a special exception request. There was a recent ammendment to the code, when a special exception is requested a heighth variance request is also necessary. The original site plan that was approved shows the five story drill tower but there was no vertical elevations designated. It was the belief at the time that the approval of the special exception approved all the other aspects of the use. Since then the permitting office has informed the applicant there is a requirement for a variance on the 35 foot height. The hardship is the size of the tract. The nearest building is a safety training building and it is 40 feet tall. If that building were in a commercial area it would require a 70 foot setback, and it is over 100 feet away from the property line. The five story building is 76 feet tall is about 350 feet from the property line, and if it were in a commercial area it would need a setback of about 180 feet. The buildings are far away from the residences to the north, which the comp plan shows the area to be an area of future business growth. The subject property is surrounded by industrial property to the east.

**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 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a **Variance** of the maximum height allowed from 35 feet to 80 feet in an RS-3 District (Section 403, Table 3), subject to conceptual plan on pages 21.11, 21.12, 21.13, 21.14 and 21.15. Finding that the size of the lot and the necessity of the training to be conducted at this facility 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:

**The East Half (E/2) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4), and the West Half (W/2) of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) all in Section 21, Township 20 North, Range 13 East, LESS AND EXCEPT:**

- 1. The South 350 feet of the West Half (W/2) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4);**
- 2. The North 25 feet of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4);**
- 3. Dedicated Right-of-Way for East Apache Street North; and**
- 4. Dedicated Right-of-Way of North New Haven Avenue East,**

**CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*  
\*\*\*\*\*

**OTHER BUSINESS**

None.

\*\*\*\*\*  
\*\*\*\*\*

**NEW BUSINESS**

None.

\*\*\*\*\*  
\*\*\*\*\*

**BOARD MEMBER COMMENTS**

None.

\*\*\*\*\*  
\*\*\*\*\*

There being no further business, the meeting adjourned at 3:56 p.m.

Date approved:

1/22/13

*Frank X. ...*

Chair