

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1111
Tuesday, February 25, 2014, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

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

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, February 20, 2014, at 9:39 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.

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

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 3-0-1 (Henke, Tidwell, White "aye"; no "nays"; Snyder "abstaining"; Van De Wiele absent) to **APPROVE** the **Minutes** of the February 11, 2014 Board of Adjustment meeting (No. 1110).

UNFINISHED BUSINESS

21667—Kinslow, Keith & Todd – Nicole Watts

Action Requested:

Variance for off-premise sign in the RM-2 District to permit a project identification and EMC billboard sign (Section 1221.F.1); Variance from sign orientation being primarily visible from the freeway (Section 1221.F.7); Variance to allow 2 signs per street frontage of a lot and increase the maximum display surface area from 147.2 square feet to 213 square feet (Section 402.B.4.a.b). **LOCATION:** 7515 South Riverside Drive West (CD 2)

Presentation:

The applicant has withdrawn this case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

A PART OF LOTS ONE (1), TWO (2), AND THREE (3), BLOCK THREE (3), RIVER GROVE SUBDIVISION, A DULY RECORDED SUBDIVISION LOCATED IN SECTION 7, TOWNSHIP 18 NORTH, RANGE 13 EAST, OF THE INDIAN BASE AND GUIDE MERIDIAN, TULSA COUNTY, OKLAHOMA, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 3, RIVER GROVE, AS THE POINT OF BEGINNING; THENCE SOUTH 88°36'50" WEST A DISTANCE OF 72.89 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY FOR THE RIVERSIDE PARK-WAY; THENCE NORTH 37°46'15" WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 545.06 FEET TO A POINT OF CURVATURE; THENCE ALONG A 44,939.56 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 37°46'15" WEST, A CENTRAL ANGLE OF 0°12'46" FOR AN ARC DISTANCE OF 166.89 FEET TO A POINT ON THE WEST LINE OF LOT 3, BLOCK 3; THENCE NORTH 1°25'42" WEST ALONG SAID WEST LINE A DISTANCE OF 35.88 FEET TO A POINT; THENCE NORTH 88°17'18" EAST ALONG THE NORTH BOUNDARY OF BLOCK 3, RIVER GROVE AND THE SOUTH RIGHT OF WAY OF EAST 75TH PLACE SOUTH A DISTANCE OF 495.00 FEET TO A POINT; THENCE SOUTH 1°25'42" EAST ALONG THE WESTERLY BOUNDARY OF BLOCK 8, KENSINGTON II AMENDED, A DISTANCE OF 611.60 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 181,038.27 SQUARE FEET OR 4.1561 ACRES, MORE OR LESS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

21678—Douglas Huber

Action Requested:

Variance of the required number of parking spaces from 3 parking spaces to 0 parking spaces for an additional unenclosed outdoor seating area (aggregate) exceeding 10% per Section 1212.C.1.c (Section 1212.D). **LOCATION:** 3421 South Peoria Avenue East **(CD 9)**

Presentation:

The applicant has requested a continuance to March 25, 2014.

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, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **CONTINUE** the request for a Variance of the required number of parking spaces from 3 parking spaces to 0 parking spaces for an additional unenclosed outdoor seating area (aggregate) exceeding 10% per Section 1212.C.1.c (Section 1212.D) to the March 25, 2014 Board of Adjustment meeting; for the following property:

S20 W70 LT 2 & W70 LT 1 BLK 2, OLIVERS ADDN, 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 three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Henke asked the applicants if they understood and asked the applicants what they would like to do. The applicants nodded showing their understanding and no one requested a continuance.

UNFINISHED BUSINESS

21671—Moura A. J. Robertson, Esq.

Action Requested:

Appeal the determination of an Administrative Official, the Tulsa Preservation Commission, for approving the Certificate of Appropriateness for a 5-unit townhouse project (Section 1605). **LOCATION:** 1730 South Quincy Avenue (CD 4)

Ms. Snyder recused herself and left the meeting at 1:08 P.M.

Mr. Henke announced that the Board would be limiting the time on this case to one hour, and would appreciate everyone budgeting their time accordingly.

Presentation:

Moura Robertson, 1343 East 18th Street, Tulsa, OK; she asked the City Attorney to make sure that the Board members understand what is a contributing and what is a non-contributing building for purposes of historic preservation. This will be an issue in this case.

Mr. Swiney stated he was not sure of the relevance of that question. The item on the agenda today is the Tulsa Preservation Commission's issuance of the Certificate of Appropriateness.

Mr. Henke stated it is whether or not the Tulsa Preservation Commission erred in their decision and if this project is in fact appropriate for the neighborhood.

Ms. Robertson stated that is correct. However, the Certificate of Appropriateness did rely on comparisons made among other properties in the neighborhood that are reportedly contributing properties as opposed to non-contributing properties. So that is an issue that was relied upon as a fact by the applicant.

Ms. Robertson stated she appealing the decision of the Tulsa Historic Preservation Commission as it relates to the Swan Lake Historic Preservation District, which was added to the National Register of Historic Places and afforded federal protection by the U. S. Department of Interior National Park Service according to Form 10-900-A, dated August 1986. The Tulsa Preservation Commission's approval must fail for a number of reasons. The project is located on the subject property characterized as a townhouse. The Commission failed to follow Title 42, Chapter 10A of the City of Tulsa Zoning Code

regarding historic preservation. The Commission failed to follow its own unified design guidelines. The Commission failed to consider Title 42, Section 403.A of the City of Tulsa Zoning Code. The subject property is in an RM-2 District and is bordered on the north and the south by an RS-4 District. The requirement under Title 42, Section 403.A is that the lot width for multi-family developments is 50 feet. This particular lot width is 49.95 feet in width. It is also required that the structure height be 35 feet.

Mr. Swiney interjected that the size, width, setback requirements and zoning requirements were not before the Historic Preservation Commission when they made their ruling. They do not have jurisdiction over setbacks and site widths, they only have jurisdiction over the historic character of the property. What is being raised by Ms. Robertson may become an issue at a future meeting but its not before the Board today.

Ms. Robertson stated she differs with City Counsel. The plans and the presentation went to lot width, structure height and there was a great deal of time spent addressing those issues when considering the appropriateness of the subject project. She would like to have an opportunity to address that in the record.

Ms. Robertson stated the structure height does not meet the requirement of 35 feet, it is 136.7 feet which is considerably taller. The setback requirements from an RS-4 District requires a setback of at least 25 feet. The subject property is 18 feet to the north and to the south bordering the RS-4 District. There is also a requirement for multi-family developments to be 75 feet, and townhouse developments require three townhouse lots. The subject property is one lot and it is not a townhouse lot. Section 1055.H from the Tulsa Preservation Commission guidelines requires the design to be consistent with the guidelines and that there is no alteration of the historic resource. The subject townhouse project is going to introduce an element that is not present in the neighborhood. There are no townhouses in the Swan Lake neighborhood. Ms. Robertson had Ms. Back display a page on the overhead projector and referred to C.1.5 pertaining to an established height on the same side of the street. The subject property is on the west side of Quincy Avenue and Ms. Robertson showed several structures near the subject property on the overhead projector.

Mr. Henke asked Ms. Robertson if she was present at the meeting with the Historic Preservation Commission. Ms. Robertson answered affirmatively. Mr. Henke asked if she offered all the information she was presenting today at that meeting. Ms. Robertson answered no, that she was bringing it before the Board today.

Ms. Robertson stated that the Historic Preservation Commission guidelines for new construction state that new construction must match the setback of the historic buildings along the subject street. Ms. Robertson presented examples on the overhead projector of what can and cannot be done, and again presented pictures of structures on the overhead projector. Ms. Robertson stated that the same orientation to the street must be maintained as established by the historic structures on the same street. All of the lots in the neighborhood have an east/west orientation. All of the front of the homes are facing Quincy Avenue, and this project does not.

Mr. Henke asked Ms. Robertson if she is referring to the guidelines that the Historic Preservation Commission should have been applying according to her. Ms. Robertson stated that is exactly what she is saying. The Historic Preservation Commission failed to follow their own guidelines, and under Chapter 10A they are required to look at the guidelines. On corner lots there is a requirement of a limitation of the service area of driveways and sidewalks to no more than 30% of the combined front and side yard areas. Ms. Robertson had Ms. Back display the conceptual plan page 3.57 on the overhead projector and referred to the paved areas and the greenspace. Ms. Robertson stated that according to the guidelines page 28, Section C41 regarding garages, the construction is required to locate garages within the rear yard and this is traditional to the neighborhood. The subject project has garages that are underneath the townhomes. That introduces another element that is not consistent with the historical resource of the neighborhood.

Mr. Henke asked if that guideline contemplated parking under a structure. Ms. Robertson answered no. Mr. Henke asked if it is not contemplated by the guideline what is to say that it would not be permitted? Ms. Robertson stated that it is not under this guideline and it is not what the TPC followed.

Ms. Robertson stated the structures that are listed and being relied upon in making a comparison to this project, all the addresses are listed on Quincy Avenue, but they are not Quincy Avenue properties. The subject property is on a cross street at 17th Street and the east side of the street. When there is a requirement that residences on the same side of the street be reviewed the comps are irrelevant. In addition, the other properties that are being referred to, the multi-family dwellings, are blocks away.

Mr. Henke asked Ms. Robertson if her statement, "they failed to include them...", does she mean the applicant to the Historic Preservation Commission or does she mean the Historic Preservation Commission itself in reviewing this case? Ms. Robertson stated both.

Ms. Robertson had Ms. Back display a picture on the overhead projector showing a two-story four-plex structure, which she stated is not included. Ms. Robertson referred to page 3.53 in the Board's agenda packet, and stated the two buildings presented on that page are the buildings being referred to and are not on the same side of the street. One of the buildings has been modified since it was first placed on the National Register. The one building is not on the same street nor is it on the same side of the street as the subject property. The other building is non-contributing. Ms. Robertson then had Ms. Back display page 3.65 on the overhead projector for height references.

Mr. White stated that page 3.65 was referring to elevations and is not the actual height from the ground itself.

Ms. Robertson asked Ms. Back to display page 3.46 on the overhead projector for reference to one-story residence next to a multi-level building. Ms. Robertson then

asked Ms. Back to display and referred to Title 42, Chapter 10.a, Section 1050 which specifically states what the express purposes of the chapter are. They are to promote, safe guard, and conserve the cultural welfare of the City, the architectural history of the City and the quality of the Historic Preservation Districts. The Historic Preservation Commission ignored its charge. It did not give some deference to that purpose, the express purpose of the code. The definition of historic resource is that the building have an embodiment of distinguishing characteristics, portray the environment in an era of history characterized by a distinctive architectural, engineering or construction type, and that it meets the criteria of the National Register of Historic Places. Under the registration the actual United States Department of the Interior achritectural classifications, there are specific separate classifications. The subject proposed structure combines various elements of different architectural styles. It is not consistent with the Register of National Historic Places. It is not consistent with the Tulsa Preservation Commission's guidelines. This is another reason the design and scale of the proposed project is just insufficient for the subject lot. Ms. Robertson had Ms. Back display a picture of the subject property, a vacant lot, on the overhead projector. The applicant intends to take up the entire lot with a three-story building that is architecturally incorrect and violates the City code. This proposed building should be denied. The Tulsa Preservation Commission is contrary to the law and it should be overturned.

Mr. Henke informed Ms. Robertson that at this point was 25 minutes into her 30 minute allotment. Ms. Robertson stated she would save her remaining five minutes for her rebuttal.

Interested Parties:

Monty McElroy, City of Tulsa Planning Department, 175 East 2nd Street, Tulsa, OK; stated he provides staff support to the Tulsa Preservation Commission. In this instance the Tulsa Preservation Commission, acting within its role related to historic preservation and using applicable design guidelines, approved the project as presented and issued a Certificate of Appropriateness. The property owners proposal was found to be appropriate, he believes the property owner is the real party and interest. The property has retained the services of Mr. Reynolds and he has agreed to make the presentation in support of the Certificate of Appropriateness. Mr. McElroy stated he will be eligible for any questions the Board may have.

Chip Atkins, 1638 East 17th Place, Tulsa, OK; stated he is the past President and a representative of the Swan Lake Neighborhood Association. The neighbors are overwhelmingly against the proposed project and have been for the last ten years. This project has been ongoing and a white elephant in the room. It has not accomplished any goals. The neighborhood has attempted to work with the client through the years and nothing has happened. The guidelines were rewritten by the Neighborhood Association to have uniform guidelines and they work, but they were overlooked. Ms. Robertson pointed to a concrete issue in the proposed project because 90% of the proposed project is concrete. The proposed garages are introducing a new element as stated by Ms. Robertson, and they need to be addressed because there would be

garage doors facing either the street or the side yard. This project was listed as a townhouse development, and as a subcommittee member he questioned the title of townhouse development several times.

Peter Doerr, 1415 East 19th Street, Tulsa, OK; stated he lives about two blocks from the subject property. He is shocked that this project is being revisited because he thought it was not going to be approved. He opposes the proposed project.

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated this case does something to dispel some of the superstitions the Tulsa Historic Preservation Commission. Mr. Reynolds asked Ms. Back to display page 3.119 of the Board's agenda packet on the overhead projector regarding the elevations. The proposed building is 35 feet or less in height, it is not 136 feet tall. The proposed building was designed by noted Tulsa architect Herb Fritz. Herb Fritz is a past member of the Tulsa Preservation Commission. Procedurely, before the Commission, when a project is brought to them a person must go to subcommittee, a Certificate of Appropriateness subcommittee. This project went before that subcommittee in 2013. The subcommittee expressed the changes they wanted to see and what type of project they wanted to see. The client went back to subcommittee in November 2013 and the subcommittee approved the project to the Tulsa Preservation Commission for a Certificate of Appropriateness. At the Preservation hearing, one of the questions addressed is whether the project is a townhouse or an apartment. Mr. Fritz told them the project is an apartment complex. The project was mislabeled and mischaracterized as a townhouse. In Section 1053 of the Tulsa Zoning Code that refers to historic preservation and district provisions, permitted uses for a property with historic preservation district may be used for the purposes permitted within the general zoning district in which it is located. The subject property is an RM-2 property. The questions of height and setbacks are not before the Board because the Tulsa Preservation Commission does not have the power to inquire into those matters, they only have the power to review a Certificate of Appropriateness. The applicant needs a Certificate of Appropriateness before they can apply for any building permits or any other issues that would trigger other zoning matters. A Certificate of Appropriateness involves that the Tulsa Preservation Commission, in Chapter A, shall review the application for a Certificate of Appropriateness and has the power to approve it, approve it for changes, or deny it. Which is similar to the Board of Adjustment. The Tulsa Preservation Commission in its review of the Certificate of Appropriateness applications shall utilize the design guidelines to measure the appropriateness or inappropriateness of the proposed work and shall to the highest extent possible strive to affect a fair balance between the purposes, intent of this chapter, and the desires and needs of the property owner. In addition the Tulsa Preservation Commission shall review the application and shall consider the degree which the proposed work is consistent with the design guidelines which have approved and adopted by the City Council. There was never an expectation that the applicant is 100% in compliance. In reference to the degree to which the proposed work would destroy or alter all or part of the historic resource, the Commission is balancing the project and the neighborhood interest as set out in the code. In reference to the degree to which the proposed work would serve to isolate the historic resource from its

surroundings or introduce visual elements that are out of character with the historic resource and its setting, or that would adversely affect the physical integrity of the resource, this sets the stage. The subject project is on a corner lot so there are two streets which is 17th Place and Quincy Avenue. On Quincy, on the southwest corner, there is a three-story apartment building and that is immediately next door to a one-story house. There is nothing inappropriate about the proposed project. There is nothing historically out of character to this type of circumstance in the area. On the north side of 17th Place, just east of the subject lot, there is another three-story six-plex and the proposed project is a five-plex. Mr. Reynolds had Ms. Back display a picture on the overhead projector showing a three-story building and a four-story building that each had parking underneath them. A unique thing about the Tulsa Historic Preservation Commission's code is that states not to just copy a building but use several of the features that are in the area buildings. That is what this proposed project has done. Many of the surrounding neighborhood structures are taller than what is proposed. The words, the degree in which the proposed work is compatible with the significant characteristics of the historic resource, this project is very compatible. Fair balance and needs of the property owner, utilizing the guidelines to measure the appropriateness is a big subjective judgment. The Tulsa Preservation Commission has a very broad power to make a subjective judgment. They are measuring the degree to which something achieves a fair balance. They are trying to make something perfect, they are judging it in the big picture at their discretion. They have used their discretion very wisely, and 17 out of 18 guidelines apply to the subject property. He would suggest to the Board that the appeal be denied.

Mr. White asked if the subject of whether the project is a townhouse or an apartment complex has been decided. Mr. Reynolds stated the project is an apartment project and has always been intended to be. He thinks someone thought "townhouse" sounded nicer but it was never a substantive issue. Mr. White stated that 12 years ago the Board denied an appeal for an apartment in the same location. Mr. Reynolds agreed with Mr. White. Mr. White asked if the design was different than the one that had been denied. Mr. Reynolds stated that he believed the design of the proposed project is different. Mr. White asked Mr. Reynolds if it was the same applicant. Mr. Reynolds stated that he did not know because he could not tell through his research of the property.

Rebuttal:

Moura Robertson came forward and stated that there has been a lot of comment on how the guidelines were followed. Ms. Robertson stated she will not repeat what she has already said, but she has demonstrated to the Board what guidelines were not followed. If the Board is going to start looking at the other side of the street, which is submitting is not what is to be considered, then other buildings cannot just be selected that are non-contributing to the historic resource or not on Quincy Avenue. The subject property is addressed on Quincy Avenue. It does not have two addresses, it has one address of 1730 South Quincy Avenue. Ms. Robertson submitted a packet of photographs to the Board. There are one family and two family homes that are consistent with the federal register of historic places. The fact remains the proposed building is a conglomerate of different styles. There are five proposed listed under Section 1050. The top three refer

to promoting, safeguarding and serving the cultural welfare, architectural heritage and preserve and enhance the quality and economic value of the historic preservation district. Ms. Robertson suggests that the Tulsa Preservation Commission gave deference to the subject property owner. They did not thoroughly consider its charge. It is a preservation commission, a historic preservation commission. The guidelines it put together, together with neighbors in that neighborhood to prevent this kind of property project, were not followed. It was said that Mr. Fritz was the architect on this project and she believes that he was at the meeting, and she believes the specific question was asked of him if he had any involvement with the project, and she believes that Mr. Fritz denied involvement. There has been mention of some of the older historic buildings having parking underneath them, she would like correct the applicant's counsel that there are no parking spots underneath historic buildings on 17th Street, even if they were to be considered. And they are not contributing to the historic resource. The Tulsa Preservation Commission's charge is to preserve the historic resource. She is contesting the comment about a property owner being allowed to have more than a single family residence on an RM-2 property, but she is contesting that this project is not appropriate and not consistent with the guidelines or the zoning requirements or the other historic preservation requirements of Title 42.

Comments and Questions:

Mr. Tidwell stated, as Mr. Reynolds presented, the Certificate of Appropriateness was approved. This project has a long way to go before anything can start happening and he will not vote to overturn the Tulsa Preservation Commission's decision.

Mr. Henke stated he is hard pressed to overturn the Tulsa Preservation Commission's decision.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Henke, Tidwell, White "aye"; no "nays"; Snyder "abstaining"; Van De Wiele absent) to **DENY** the request for an Appeal the determination of an Administrative Official, the Tulsa Preservation Commission, for approving the Certificate of Appropriateness for a 5-unit townhouse project (Section 1605); for the following property:

LT 8 BLK 23, ORCUTT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 2:01 P.M.

19047-A—Weldon Bowman

Action Requested:

Modification to a previously approved site plan (BOA-19047) to add an auto-detailing/window tinting use/structure (Use Unit 17) to an existing car wash facility (Section 701, Table 1). **LOCATION:** 7919 East 101st Street South **(CD 8)**

Ms. Back stated the applicant presented his case to the Board at the last meeting and is before the Board today to present an updated landscape plan.

Presentation:

Shane Hood, W Design, 1513 East 15th Street, Tulsa, OK; stated that in 2001 there was a Special Exception approved for the car wash, and he was before the Board to have approval to add four car bays for auto washing and detailing and one car bay for auto window tinting. At the last Board of Adjustment meeting the Board requested him to come back with an updated landscaping plan to show that the neighborhood would be shielded from the car wash activities. Since the Board of Adjustment's last meeting he met with the neighbors and presented them with the new proposed landscaping plan. Mr. and Mrs. Forbes joined the meeting to discuss their concerns and to review the new plan, and there was a plan that was in agreement to all. The plans are to plant 45 trees in the Juniper family on four foot centers along the back edge. The trees will be approximately ten feet tall when purchased. When the trees are fully grown they will stand approximately 35 feet tall with a base of approximately 15 feet wide. The trees will also help in shielding the car wash lights from the neighborhood. He checked the existing car wash bay lights that were a concern to the neighbors, and the existing lights in the car wash bays do have screens on them to shield them from the neighborhood.

Interested Parties:

Mark Forbes, 9957 South 79th East Avenue, Tulsa, OK; stated he lives about three homes away from the proposed project, and his wife attended the last Board of Adjustment meeting. They met with the applicant and he and his wife are generally in agreement with the proposed landscaping plan if the applicant will stick with the ten foot height and the distance of the planting of the trees. There were numerous pictures presented to the neighbors, and given the situation they think it will accommodate the neighbors.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-19047) to add an auto-detailing/window tinting use/structure (Use Unit 17) to an existing car wash facility

(Section 701, Table 1). This approval will be in conjunction with the information provided by the applicant today, February 25, 2014, with the planting plan that was submitted for the trees. The trees to be planted will be approximately ten feet in height with four foot spacing with a minimum number of 45 trees. All lighting, if not already, will be positioned so as not to shine into the neighborhood houses to the north and west of the car wash. The Board finds that request is compatible and non-injurious to the surrounding residential area, meets the previously granted Special Exception to the bulk and area requirements, and meets the zoning requirements per code; for the following property:

Lot 1, Block 1, Cab addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21681—John Davis

Action Requested:

Variance of the front yard setback from 35 feet to 25 feet and the rear yard setback from 25 feet to 19 feet in the RS-1 District (Section 403.A, Table 3). **LOCATION:** 2408 East 40th Street South **(CD 9)**

Presentation:

John Davis, 13024 East 93rd Street North, Owasso, OK; stated that when the project was proposed for the existing lot, it was found that there was a 25 foot front building line and a five foot rear building line which was confirmed by the original property survey performed in 1952. He designed the property according to the 1952 survey then found out that things had changed in 1970. The setbacks proved to be a hardship for the existing lot which makes the lot very difficult to build a nice structure and be in compliance. The owner of the property located south of the subject property called and when he explained the proposed plans for the subject property they were in complete agreement with the project.

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, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the request for a Variance of the front yard setback from 35 feet to 25 feet and the rear yard setback from 25 feet to 19 feet in the RS-1 District (Section 403.A, Table 3), subject to conceptual plan 6.13. The Board finds that the shape of the lot makes it extremely difficult to build a structure without having the requested relief. 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 1 LESS W2 N12 THEREOF FOR RD BLK 2, RICE ADDN, RICE ADDN AMD B2,
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 2:15 p.m.

Date approved: 3/11/14

Frank X. [Signature]
Chair