

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1116
Tuesday, May 13, 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 Van De Wiele White, Vice Chair	Tidwell, Secretary	Miller Sparger Foster Hoyt	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, May 8, 2014, at 10:42 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. Miller read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, VanDeWiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the **Minutes** of the April 22, 2014 Board of Adjustment meeting (No. 1115).

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. Henkey asked the applicants if they understood and

asked the applicants what they would like to do. They nodded their understanding and no one requested a continuance.

*****.

NEW BUSINESS

21707—Eller and Detrich – Lou Reynolds

Action Requested:

Appeal of an Administrative Official determining that there is a home occupation at this residence (Section 1605); *In the alternative*, Special Exception to permit a Home Occupation in the RS-1 District (Section 402.B.6.b). **LOCATION:** 1140 South 83rd Avenue East (**CD 5**)

Presentation:

Ms. Miller informed the Board that the applicant has requested a continuance to the June 24, 2014 Board of Adjustment meeting.

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, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **CONTINUE** the request for an Appeal of an Administrative Official determining that there is a home occupation at this residence (Section 1605); *In the alternative*, Special Exception to permit a Home Occupation in the RS-1 District (Section 402.B.6.b) to the June 24, 2014 Board of Adjustment hearing; for the following property:

N/2 LT 12 BLK 2, FOREST ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21713—Roy Johnsen

Action Requested:

Special Exception to allow required off-street parking on a lot other than the lot containing the use (Section 1301.D); Modification to a previously approved site plan (BOA-19528) to reduce approved parking from 311 spaces to 244 spaces in the RM-2 and CH Districts; Variance of the off-street parking setback requirement from the

centerline of East 10th Street from 50 feet to 35 feet in the RM-2 and CH Districts (Section 1302, Table 1); Variance of the screening fence requirement to extend existing fence type as approved under BOA-19528 in the RM-2 and CH Districts (Section 1303.E); Modification of the required tie agreement of Track A, B, and C as established by BOA-19528 and removal of Tract C as part of required parking. **LOCATION:** NE/c and NW/c of East 11th Street South and South Columbia Avenue **(CD 4)**

Presentation:

Roy Johnsen, One West 3rd Street, Suite 1010, Tulsa, OK; he has requested a continuance for this case to the June 10th Board of Adjustment meeting.

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, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **CONTINUE** the request for a Special Exception to allow required off-street parking on a lot other than the lot containing the use (Section 1301.D); Modification to a previously approved site plan (BOA-19528) to reduce approved parking from 311 spaces to 244 spaces in the RM-2 and CH Districts; Variance of the off-street parking setback requirement from the centerline of East 10th Street from 50 feet to 35 feet in the RM-2 and CH Districts (Section 1302, Table 1); Variance of the screening fence requirement to extend existing fence type as approved under BOA-19528 in the RM-2 and CH Districts (Section 1303.E); Modification of the required tie agreement of Track A, B, and C as established by BOA-19528 and removal of Tract C as part of required parking to the June 10, 2014 Board of Adjustment hearing; for the following property:

LT 1 & 60 VAC 10 ST ADJ ON N BLK 1 & S75 LT 12 LESS S30 VAC 10 ST ADJ ON N E40 LT 2 & W50 LT 3 BLK 13 HIGHLANDS ADDN, E/2 LOT 5 BLK 12, W/2 LOT 5 BLK 12, LTS 6 & 7 & E/2 LT 8 BLK 12, E40 LT 2 & W50 LT 3 & S30 VAC E 10 ST ADJ ON N BLK 13, BAMA PIE ADDN RESUB PRT B13 HIGHLANDS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21714—Eller and Detrich – Lou Reynolds

Action Requested:

Special Exception to permit automobile sales new/used (Use Unit 17) in a CS District (Section 701, Table 1). **LOCATION:** 4510 South Peoria Avenue **(CD 9)**

Presentation:

This case was withdrawn by the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required on this case; for the following property:

LT 1 BLK 1, BROOKSIDE CENTER RESUB B1 HOLMES SQUARE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

* * * * *

UNFINISHED BUSINESS

21705—Claude Neon Federal Signs – Gary Larsen

Action Requested:

Variance to allow an 1.7 foot x 5.3 foot electronic message center (EMC) sign in an RS-2 District (Section 402.B.4). **LOCATION:** 3745 South Hudson Avenue **(CD 5)**

Presentation:

Mark Little, 4180 East 44th Street, Tulsa, OK; stated he is before the Board today representing Undercroft Montessori School. No formal 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 **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a Variance to allow an 1.7 foot x 5.3 foot electronic message center (EMC) sign in an RS-2 District (Section 402.B.4), subject to conceptual plan 2.26 for the location and conceptual plan 2.25 for the design. The approval is also subject to the conditions listed on page 2.24 in the Board’s agenda packet, except no time limit will apply. 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:

BEG 550S & 55E WL NW SE TH E700 S200 W700 N200 POB SEC 22 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

*****.

NEW BUSINESS

21706—2930 Anderson Holdings, LLC – Michael Joyce

Action Requested:

Appeal the Determination of an Administrative Official that a Pet Crematory is a designated Use Unit 27 – Code Interpretation (Section 1211 - Funeral Homes) – includes funeral homes for pets. **LOCATION:** 4633 East 31st Street South **(CD 9)**

Presentation:

Michael Joyce, Attorney, 2121 South Columbia Avenue, Suite LL3, Tulsa, OK; stated he is representing 2930 Anderson Holdings. Previously, in 2012, the Board voted unanimously in relation to Serenity Funeral Homes to determine that a crematory for pets 200 pounds or less was allowable as an accessory use to a funeral home. The issue, with that prior determination, is whether a funeral home under the code includes a funeral home for pets. He asks respectfully, on behalf of his client, for the Board to interpret the code would include a funeral home for pets. Roughly 46% of all households have dogs as part of their family, and roughly the same percent own cats. It is a large issue on how to deal with family pets once they pass away. Many households do not have family or children, and the only member of their immediate family is their pet. People want to respectfully deal with the death of their loved one, the family pet. Up to this point, the City of Tulsa has not had a funeral home for pets or a way to respectfully deal with the death of a family pet. The pet funeral home will deal with the arrangement of interment, deal with the death respectfully, and deal with the cremation of the pet. The location is south of the Broken Arrow Expressway and west of 31st Street and Yale. It is in an area that is in need of redevelopment. Most of the buildings across the street from the subject property are vacant, and this would be a step toward the revitalization of the area. The Oxford dictionary finds the definition of a funeral home to be a business that provides burial and funeral services for the dead and their families. Many people in Tulsa consider their pet as part of their family, and sometimes it is their only family. Wikipedia defines a funeral home as an establishment where the dead are prepared for burial or cremation where funeral services are sometimes held. They are

not saying human dead. They are not saying animal dead or pet dead. In the reality of our society pets are part of the family, and they need a process where the death can be dealt with respectfully and regulated. The code does not stipulate human or pet funeral home, it just states funeral home.

Mr. Van De Wiele asked if Use Unit 27 was quoted because of the animal rendering. Ms. Miller answered affirmatively. She stated that even though the previous interpretation was made that a pet crematory could be an accessory use to a human funeral home, now the question is the funeral home difference.

Mr. White asked Mr. Swiney, would a motion made similar to page 3.8 in the Board's agenda packet be sufficient to grant the relief Mr. Joyce is seeking, or does the Board need to state that they are going to uphold the appeal or both. Mr. Swiney stated there are two actions before the Board. One is the appeal and the other is the interpretation. Mr. Swiney stated that in his opinion the Board would have two votes.

Interested Parties:

There were no interested parties present.

Comment and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **UPHOLD** the Appeal of the Determination of an Administrative Official that a Pet Crematory is a designated Use Unit 27 and a Code Interpretation Section 1211 - Funeral Homes includes funeral homes for pets. This approval is also to reiterate the interpretation that the Board made previously where animal crematories, small animals of 200 pounds or less may be cremated as an accessory use to a funeral home, including a pet funeral home. The Board is excluding a crematory as an accessory use to kennels and veterinary clinics; for the following property:

PRT SE SE BEG 354.62W SECR SE SE TH W100 N303.45 SE110.47 S256.78 POB LESS S35 & N16.5 FOR RDS SEC 16 19 13 .52AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21709—Eller and Detrich – Lou Reynolds

Action Requested:

Special Exception to permit a screening wall or fence height increase in the required front yard from 4'-0" to 8'-7" to the top of the column end cap (Section 210.B.3 and Section 212.A.2). **LOCATION:** NW/c of South Peoria Avenue and East 28th Street
(CD 4)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he is representing Dr. David Bell and his wife Ann, and they are the owners of the subject property. The subject property is comprised of nine lots that comply with the zoning code. Mr. Reynolds had several exhibits shown on the overhead projector for his presentation, showing other walls and fences in the area. The highest point of the proposed fence is 7.6 feet which are the pillars at the main gate. The ornamental iron fence is 6'-0" tall. There will be two gates on 28th Street, the west gate will be the main gate and will serve five lots. The existing house uses Peoria Avenue for their access but they will no longer utilize that access point, but will be using the east gate from 28th Street to serve the existing house. There will be two other houses built on the subject property. There will be a screening wall on Peoria and the highest point will be 8'-7" for the pillars, while the wall itself will be approximately eight feet high. The gated doorways into each of the lots will be 6'-8" and they have been approved by the Fire Department. They will have Knox locks placed on them, and it is the preferred way for the development of the subject property. The proposed walls will be on private property. All the lots have frontage on Peoria but they will not be using that frontage for access to the street, and the Street Department does not want driveways on Peoria because of people slowing down to turn or stopping completely for a turn. There is an existing sidewalk on Peoria but there is no sidewalk on 28th Street, but there will be a sidewalk installed running east and west the south side of the subject property on 28th Street.

Mr. Van De Wiele asked Mr. Reynolds how many lots were fronting Peoria. Mr. Reynolds stated there are six lots that front Peoria and as the lots are developed there will be three along the Peoria frontage.

Mr. Swiney asked Mr. Reynolds about the doors that are proposed in the screening wall. Mr. Reynolds stated the doors will be for emergency use, though they could be used for daily use but that is not the intent.

Interested Parties:

Greg Bledsoe, 1304 East 26th Place, Tulsa, OK; as a neighbor he wanted to commend the applicant for developing the property in an appropriate way and consistent with the neighborhood. As a long time resident in the area he would like to state that if the special exception is approved as per the plan submitted on 28th Street he will have no objections to the project. It is desirable as far as the neighborhood is concerned. He does have concerns about Peoria. Currently the property, as you drive down Peoria, it is very open and very visible with a wonderful park like atmosphere. He would be interested to finding another way instead of erecting the Great Wall of China built along Peoria. The house that is diagonol from the subject property has a wrought iron fence that is open with a base that is two or three feet tall. There is a house west of The Philbrook that has an appearance of blocking views and it is not compatible with the neighborhood. The proposed screening wall is going to make a tremendous change in how Peoria appears. The eight foot fence on the side yard is fine but it is the screening fence on the wall that is questionable. He would like to request the owner to consider

some method to allow for wrought iron in the screening fence to preserve the open space affect.

Rebuttal:

Lou Reynolds came forward. The owner's existing house is going to be reconfigured and will be redirected with the frontage on 28th Street and the rear along Peoria. The proposed screening fence will provide more privacy for that rear yard and that is the reason for the proposed design. The other two proposed houses will also have the rear yard along Peoria.

Mr. Henke asked Mr. Reynolds if there would be landscaping in front of the proposed screening fence. Mr. Reynolds stated there would be landscaping.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a Special Exception to permit a screening wall or fence height increase in the required front yard from 4'-0" to 8'-7" to the top of the column end cap (Section 210.B.3 and Section 212.A.2), subject to the conceptual plans as submitted today, May 13, 2014, showing the Peoria Avenue frontage and the 28th Street frontage, and page 5.11 to show the height increase layout along the Peoria Avenue frontage. 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 28 BLK 19, LTS 29-30-30A-31-32-33 BLK 19, SUNNYCREST ACREAGE, SUNSET VIEW ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21708—Maren Christensen

Action Requested:

Variance of the required side yard from 5 feet to 3 feet in RS-3 District to permit the construction of a detached one-car garage (Section 403, Table 3). **LOCATION:** 1351 East 21st Street South **(CD 4)**

Presentation:

Grant Christensen, 1351 East 21st Street, Tulsa, OK; stated he is the home owner of the subject property. Mr. Christensen did not make a formal presentation but was available for any questions from the Board.

Mr. Henke asked Mr. Christensen when the existing concrete foundation was poured. Mr. Christensen stated it was in 1920. When he purchased the house two years ago the garage was so dilapidated that it had to be razed.

Mr. Van De Wiele asked Mr. Christensen if he was using the original concrete pad for the rebuilt or new garage. Mr. Christensen answered affirmatively.

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, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a Variance of the required side yard from 5 feet to 3 feet in RS-3 District to permit the construction of a detached one-car garage (Section 403, Table 3). With the statement made by the applicant that the garage to be built will be replacing one that was torn down, and it will be on the same pad as the one that was torn down, and the new garage will be the same size and height as the old garage. The new garage will be the envelope in all three directions as the old 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:

W51 LT 7, ASA ROSE SUB L8-9 B28 PARK PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21710—Rebecca Stocker

Action Requested:

Special Exception to allow a RV Storage facility (Use Unit 16 – mini storage) in a CS District (Section 701, Table1). **LOCATION:** 9330 East 11th Street South (**CD 5**)

Presentation:

Rebecca Stocker, 9330 East 11th Street, Tulsa, OK; stated she owns both lots of the subject property. The business is maintenance on and the storage of RV's. Currently everything is open and not secure so she would like to build a building approximately

215 feet wide with individual bays that will be fully secure, insulated and it will match the existing building. She have privacy screening installed and the required landscaping.

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, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a Special Exception to allow a RV Storage facility (Use Unit 16 – mini storage) in a CS District (Section 701, Table1), subject to conceptual plan on page 7.16. There is to be no open storage of any kind on the subject property. 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:

BEG 480W & 50S NEC NE TH S280 W150 N280 E150 POB LESS N15 FOR ST SEC 12 19 13 .912AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21711—Wesley Thompson

Action Requested:

Special Exception to permit a home occupation of a law office (Use Unit 11) in an RS-3 District (Section 402.B.6.b). **LOCATION:** 2620 South Yale Avenue East (CD 4)

Presentation:

Leslie Mariah Thompson, 2620 South Yale Avenue, Tulsa, OK; stated she would like to have a home office in the residence.

Mr. Henke asked Ms. Thompson if she lived at the address, and Ms. Thompson answered affirmatively.

Mr. Henke asked Ms. Thompson if she had a chance to read the case report where it listed the different restrictions for a home occupation. Ms. Thompson answered affirmatively. Mr. Henke asked Ms. Thompson if she thought she complied with all the requirements. Ms. Thompson answered affirmatively.

Mr. Henke stated that the Board was in receipt of correspondence from the neighborhood association and there was a late e-mail from a concerned resident, and he asked Ms. Thompson if she had received a copy or read the latest e-mail. Ms. Thompson stated that she had not seen it, and Mr. Henke had a copy handed to the applicant allowing her a few minutes to read the e-mail.

Mr. Van De Wiele asked Ms. Thompson about signage for the home occupation. Ms. Thompson stated that she was aware there was a limit on the size of signage but that if she did have a sign it would probably would only display the word "Attorney-at-Law by Appointment".

Mr. White asked Ms. Thompson how many clients she would be seeing in a day. Ms. Thompson stated the daily volume is unclear but she didn't think there would be more than three or four a day, and she would not see any more than one client at a time.

Mr. White asked Ms. Thompson what type of law she would be practicing in the residence. Ms. Thompson stated the practice would be bankruptcy law under the Federal Bankruptcy Code, Civil Cases, and Federal Indian Law which is her specialty. Mr. White asked Ms. Thompson if she would be practicing any criminal law from the residence. Ms. Thompson stated that she did not plan on practicing any criminal law from her home office at this time.

Interested Parties:

Natasha Harp, 4905 East 26th Terrace, Tulsa, OK; stated she owns the property across the street from the subject property. Ms. Harp stated that Mr. Wesley Thompson is currently representing her in a Probate case and she didn't know if that would present a conflict of interest. She is concerned that once this property is zoned it will be a snowball effect for the remaining houses on that side of the street on Yale. There is commercial property at each corner of 21st and 31st Streets, but the subject property is in a residential neighborhood. The Thompson's also own a property that is two houses down from the subject property, and she is concerned that if this request is zoned the Thompsons' will also convert that house into a business once it is vacant.

Mr. Van De Wiele stated that the subject property is not going to change zoning, it will stay residential. What Ms. Thompson is requesting is not a stand-alone law office, this request is so Ms. Thompson can work out of her home. It will not be a full blown stand-alone operating law office. Ms. Harp stated there has been discussion today about signage and it will affect the neighborhood. Ms. Harp stated there is vacant commercial property on 31st between Yale and Harvard, and on 21st between Yale and Sheridan.

Mr. Henke stated that he did not think this was going to be Ms. Thompson's primary office, she has stated this is her home but she would like to have an office there. Ms. Harp stated that she understood that but the subject property is vacant about 50% of the time until a couple of weeks ago when the sign was posted. Ms. Harp stated that she believes if today's request is approved it will devalue her property that is directly across the street from the subject property. Ms. Harp stated that she does not think the driveway is long enough to accommodate any more than two cars at a time.

Rebuttal:

Ms. Thompson came forward and stated that the reason the property has been vacant is because she just recently moved back to Tulsa from Washington, D.C. where she

had been practicing law at the U. S. Senate. The house has been owned by her family for over 20 years. It was her residence before she moved to Washington, D.C. but she has been living in the home for over a month and she does intend for the house to be her residence. Parking should not be an issue because she only plans to have one client at a time which would be no more than as if she were having a guest at her home. She is not requesting to have the property zoned as commercial. As for the sign, she does plan to have a very conservative sign that will fall into the code guidelines.

Mr. White asked Ms. Thompson if the proposed office was going to be a secondary office. Ms. Thompson answered affirmatively as she practices law primarily at her father's law office located in Sapulpa.

Mr. White asked Ms. Thompson if the Board were inclined to approve her request today would she have any objections to a five year time limit, to see how the office would work out with the neighborhood. Ms. Thompson stated that she would not have any problem with that restriction.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Special Exception** to permit a home occupation of a law office (Use Unit 11) in an RS-3 District (Section 402.B.6.b). This approval will be for a period of five years from today's date of May 13, 2014. 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-27-BLK-8, WISTFUL VIEW ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21712—Wendall Wililams

Action Requested:

Special Exception to permit a manufactured home in a RS-3 District (Section 401, Table 1); Special Exception to extend the 1-year time limit to 10 years (Section 404.E.1). **LOCATION:** 422 South 38th Avenue West **(CD 1)**

Presentation:

Wendall Williams, 1611 South Utica, Suite 170, Tulsa, OK; there was no formal presentation given to the Board but the applicant was available for any questions.

Mr. White asked Mr. Williams how old the manufactured home is that he wants to place on the subject property. Mr. Williams stated the manufactured home is a 1976 model

but it is being completely renovated; new windows, new doors, new plumbing, new wiring, everything is being renovated. He plans to build a house in the future on the subject property, but it is not an option right now.

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, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a Special Exception to permit a manufactured home in a RS-3 District (Section 401, Table 1); Special Exception to extend the 1-year time limit to 10 years (Section 404.E.1) from today’s date of May 13, 2014, subject to the manufactured home being placed on the lot is a recently renovated manufactured home. Finding the Special Exceptions 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 4 BLK 1 Sherwood Place, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

08900-A—City of Tulsa – Gary Schellhorn

Action Requested:

Modification of a previously approved site plan for a public park (BOA-08900) (Maxwell Park). **LOCATION:** 5251 East Newton Street **(CD 3)**

Presentation:

Gary Schellhorn, City of Tulsa, Engineering Services, 2317 South Jackson, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

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, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a Modification of a previously approved site plan (BOA-08900) to add new features and amenities for Maxwell Park, to include future modifications and improvements

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

BEG SWC E/2 E/2 NW NW TH N719.72 E1047.04 S719.92 W1017.24 POB AUO BEG SWC E/2 E/2 NW NW TH N719.72 E1017.04 S719.92 W1017.24 POB SEC 34 20 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21534-A—Dan Alaback

Action Requested:

Modification of the previously approved conceptual plan and the conditions imposed for BOA-21534. **LOCATION:** NE/c of North Cincinnati Avenue & I-244 (CD 1)

Presentation:

Dan Alaback, 3202 East 21st Street, Tulsa, OK; stated he is the landscape architect for the subject site. This is a new gateway located on top of the hill at Cincinnati, and the intent was for the power “O” to be seen but it is not very visible thus the request to increase the signage. The structure will not be changed but there will be a slight increase to fit the existing panel.

Mr. White asked if there were any external lighting at the base shining upward on the tower. Mr. Alaback stated there are some spotlights at the base shining upward, but there mostly LED lighting in the white bands on the tower.

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, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a Modification of the previously approved conceptual plan and the conditions imposed for BOA-21534. The modifications will be as shown on page 11.11. The Board finds that the proposed signage is compatible with the surrounding context; for the following property:

LTS 1 & 2 & PRT LTS 3 & 4 BEG SECR LT 3 TH W60 N 78.18 CRV RT TO PT E51. 49 S100 POB BLK 1 & LTS 1 & 2 & 13 & 14 BLK 13 & VAC STREETS & ALLEYS ADJ THERETO, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

19599-A—Wallace Engineering – Jim Beach

Action Requested:

Modification to a previously approved site plan (BOA-19599) for the proposed nine new uses shown on the Church on the Move master plan dated 3/11/14.

LOCATION: 1003 North 129th Avenue East (CD 3)

Presentation:

Jim Beach, Wallace Engineering, 200 East Brady, Tulsa, OK; stated he is representing The Church On The Move. The Church On The Move has developed a five year Master Plan. Mr. Beach presented new exhibits to the Board and had the new exhibits displayed on the overhead projector depicting several of the planned projects for the church. The request today is for approval of the Master Plan in concept, and approval of this concept plan with acknowledgement that each of these projects will occur sometime over the next five years in hopes that the church does not need to come back before the Board again until the completion of all the proposed projects.

Mr. White asked Mr. Beach that if the Board were inclined to approve would they be approving the concept as a “conceptual plan” or a concept of a broad base. Mr. Beach stated that the Board would approve the Master Plan with each project in concept. It will be built substantially in accordance with the plan as presented today.

Mr. Van De Wiele asked staff if there was a time limit for the applicant to implement the approval, or is that just for Special Exceptions. Ms. Miller stated the time limit is for a Special Exception not a modification.

Mr. Van De Wiele asked Mr. Beach what a fortified assembly space is. Mr. Beach stated it is a tornado shelter.

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, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-19599) for the proposed nine new uses shown on the Church on the Move Master Plan dated 3/27/2014. The Board has found that the proposed site plan presented today is compatible with the surrounding context; for the following property:

LOT 1-2 BLOCK 1 CHURCH ON THE MOVE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21587-A—Eller and Detrich – Lou Reynolds

Action Requested:

Modification to previously approved Site Plan (BOA-21587) to allow for the addition of a pharmacy drive-through lane and the rearranging of parking, landscaping, and crosswalk due to drive-through addition. **LOCATION:** 3339 South Harvard Avenue East (CD 9)

Presentation:

Andrew Shank, 2727 East 21st Street, Suite 200, Tulsa, OK; stated this is a request for a modification to a previously approved site plan. The project has evolved and Mr. Shank presented exhibits to be displayed on the overhead projector. The pictures were of the proposed canopy and pneumatic tube for the drive-thru lane for the pharmacy. There is a new curb cut to make traffic flow easier. The landscaping plan will have more landscaping. There will be a screening fence at the end of the lane to obscure headlights from the neighborhood at night.

Interested Parties:

Scotty Denton, 3179 South Gary Place, Tulsa, OK; stated his concern about adding a drive-thru is the traffic flow onto Harvard. The area is a very sensitive area for accidents because of the unusual intersections of 32nd and 33rd Streets onto Harvard. There are an extremely large amount of accidents in that area because the intersections are not equally spaced. He believes by adding the drive-thru it would encourage people to use 32nd and 33rd Streets to access Harvard, and that would increase the flow of traffic in that particular area.

Mr. Henke asked Mr. Denton where he lived in relation to the subject property. Mr. Denton pointed out at least three properties on the map placed on the overhead projector that he owned.

Mr. Van De Wiele asked Mr. Denton how his concerns over the traffic flow of the drive-thru would be any different than if a person parked their car, went in to pick up the prescription, and then left. Mr. Denton stated there is a difference of time because a person must park their car, exit the vehicle, walk into the store, stand in line at the pharmacy window, pay for the prescription, walk back out to the car, start the vehicle then leave the parking lot. The drive-thru allows a person to stay in their car, pull up to the window, receive the prescription, and leave the parking lot. The drive-thru would add to a steady flow of traffic. The traffic in the 31st and Harvard area backs up a lot, and he has had vehicles in his back yard because of a crash.

Rebuttal:

Andrew Shank came forward and stated that he thinks the traffic flow will be addressed with the addition of the additional curb cut on 32nd Street. He understands Mr. Denton's concern but he thinks this is a solution to the traffic problem and not an addition to the traffic problem.

Mr. Van De Wiele asked if the plans had to go through the City of Tulsa Traffic Department processes. Mr. Shank stated the plans must go through the permitting process, but he is not sure which departments or how many departments see the plans. Mr. White stated that since there is an additional curb cut it will be processed through Traffic Engineering. Ms. Miller stated there is not a traffic study required through the permit process, so she does not know what level of review Traffic Engineering is performing. Mr. Shank stated he is not aware of the Traffic Engineering requirements in the process, but he does know that just like every development this is subject to City approval.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a **Modification** to previously approved Site Plan (BOA-21587) to allow for the addition of a pharmacy drive-through lane and the rearranging of parking, landscaping, and crosswalk due to drive-through addition, subject to the conceptual plans on pages 15.13, 15.14, 15.15 and 15.16; for the following property:

LOTS 5 and 6, ALBERT PIKE 2ND SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21715—Eller and Detrich – Andrew Shank

Action Requested:

Special Exception to permit a carport in the required front yard (Section 210.B.10.g); Variance to allow the structure to cover an area of 25’-0” x 32’-0” (Section 210.B.10.a); Variance of the side setback for a carport in the required front yard from 5’-0” to 1’-6” (Section 210.B.10.b); Variance from extending 20 feet into the required front yard to 25 feet from the existing principal building (Section 210.B.10.c); Variance of the permitted carport height in a required yard to 10 feet at the perimeter and 18’-6” at the highest point of the interior ceiling (Section 210.B.10.d). **LOCATION:** 2617 South Maplewood Avenue East **(CD 5)**

Presentation:

Andrew Shank, 2727 East 21st Street, Suite 200, Tulsa, OK; he presented pictures of the neighborhood to be displayed on the overhead projector, and he explained the pictures will support the concept that the carport is compatible with the neighborhood. His client hired a contractor to install the carport and after the carport was completed received a notice of violation from the City. His client spoke to the neighbors regarding the carport and received 89 signatures of support from the neighbors for the carport. When entering the neighborhood from Sheridan onto 27th Street the first thing a person

sees is a carport added onto a house with many other carports throughout the neighborhood. Because of the topography of the neighborhood and mature trees the applicant's carport cannot be seen as one enters his street.

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, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Special Exception** to permit a carport in the required front yard (Section 210.B.10.g); **Variance** to allow the structure to cover an area of 25'-0" x 32'-0" (Section 210.B.10.a); **Variance** of the side setback for a carport in the required front yard from 5'-0" to 1'-6" (Section 210.B.10.b); **Variance** from extending 20 feet into the required front yard to 25 feet from the existing principal building (Section 210.B.10.c); **Variance** of the permitted carport height in a required yard to 10 feet at the perimeter and 18'-6" at the highest point of the interior ceiling (Section 210.B.10.d). This approval is to permit an as constructed carport. The Board has found that the neighborhood has several carports such that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In regards to the Variances, the Board has found that the landscaping and topography of the lot in question tends to mitigate any damaging visual impact of the carport and 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:

LT 17 BLK 1, BOMAN ACRES, SOUTH SHERIDAN MANOR, 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 2:55 p.m.

Date approved: May 27 2014



Chair