

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1117  
Tuesday, May 27, 2014, 1:00 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>
Snyder Tidwell, Secretary Van De Wiele White, Vice Chair	Henke, Chair	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 22, 2014, at 11:09 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair White called the meeting to order at 1:05 p.m.

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

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**MINUTES**

On **MOTION** of **SNYDER**, the Board voted 3-0-1 (Snyder, VanDeWiele, White "aye"; no "nays"; Tidwell "abstaining"; Henke absent) to **APPROVE** the **Minutes** of the May 13, 2014 Board of Adjustment meeting (No. 1116).

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Mr. White 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. White 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.

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### **NEW BUSINESS**

#### **21716—Jeremy Taylor**

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

Special Exception to allow Automobile Sales (Use Unit 17) in a CS District (Section 701, Table 1). **LOCATION:** 439 South Sheridan Road **(CD 3)**

##### **Presentation:**

**Jeremy Taylor**, 439 South Sheridan Road, Tulsa, OK; stated he has owned this existing auto paint and body business since 1952. This business has highs and lows, and he would like to add an auto sales. He does not want to sell autos outright in front of the business, but he will be taking in autos that need repairs and after the repairs he will take those vehicles to the dealer auction. This will help fill in the slow times in his current business.

Mr. White asked Mr. Taylor if he would be storing the vehicles at his location. Mr. Taylor answered affirmatively. He stated that he has a privacy fence in the rear of the business, and he can store approximately 30 vehicles within the building. Mr. Taylor stated that he rarely stores anything outside except for in his back lot.

Mr. Van De Wiele asked Mr. Taylor how many vehicles he expected to have on the premises at any one time. Mr. Taylor stated that the current business keeps 15 to 30 vehicles at a time, and he expects to only add one or two to that count. He plans to purchase the repairable autos on a Friday and then sell on a Friday at the auto dealer auction.

Mr. White asked Mr. Taylor if he would be selling the vehicles at his location on Sheridan. Mr. Taylor stated that he would not.

Ms. Snyder asked Mr. Taylor if he planned to display the autos that are to be sold on his large concrete pad. Mr. Taylor stated that was not his intention, but he may place a auto there and place a for sale sign on it. Mr. Taylor stated that he has a successful existing business and selling cars there is not his intention.

Mr. Van De Wiele asked staff if Mr. Taylor wanted to display merchandise for sale on the property would he be able to do so? Ms. Miller stated that Mr. Taylor needs to be screened from an R District, but the Use Unit does allow car sales.

Mr. Taylor stated that he could obtain a wholesale license and not be required to go through this process and he could become a distributor for wholesale. But the purpose for going through this process is so that he could sell an auto if he needed to, such as, a vehicle that does not sell at the auction can be displayed on his property. Ms. Miller stated that today's request will allow him to do that in the front of his business.

Mr. Tidwell asked Mr. Taylor if he was currently a licensed dealer. Mr. Taylor stated that he is not, but he intends to apply for his dealer license after today's process.

**Interested Parties:**

**Theresa Landers**, 6930 East 7<sup>th</sup> Street, Tulsa, OK; stated she lives in the neighborhood that backs up to the subject property. The entire area is saturated with used car lots and most of them are not very nice looking. On Sheridan from the subject property to 11<sup>th</sup> Street there are already three used car lots so the area is already saturated. None of the businesses on Sheridan have improved their lots or done anything to make them look better. It does not look like there is a lot of space to park a car that is to be for sale. This part of his business will add more congestion in the area. Ms. Landers stated that Mr. Taylor has not been the worst neighbor that is in the neighborhood, but he has not been the best either.

Mr. White asked Ms. Landers what she would think if the Board imposed a limitation on the number of cars that could be placed on the lot. Ms. Landers stated that it would depend on the number. Ms. Landers stated that she drove by the subject property several days ago and there were already five or six cars parked out front. The street is an eyesore as it is and adding a lot of cars adds to the blight of the area.

**Rebuttal:**

Mr. Taylor came forward. He stated that most of the vehicles that are on the lot are his customer's vehicles. As for the vehicles that he would be purchasing will be purchased under a separate company name, a company that he owns.

Mr. White asked Mr. Taylor if the cars will be marked as for sale that are on the lot for sale. Mr. Taylor stated that his intention is not to have any vehicles on the lot because he wants to only have them for a week or less. It is no profit to him to repair a car and keep it. The purpose of this is to accelerate the business side of the body shop and not to be a car lot.

Mr. White asked Mr. Taylor what the maximum number of cars he would anticipate placing on the lot for sale. Mr. Taylor stated that the maximum number of vehicles that he would place on the lot for sale would be one. He simply does not have the room for more because his existing business is a good business that stays fairly busy.

Ms. Miller clarified her previous statement regarding vehicle sales in front of his business, stating that since the entire lot appears to be within 300 feet of a residential

district, the vehicles will need to be within an enclosed structure. If the lot were bigger the situation would be different.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Henke absent) to **APPROVE** the request for a **Special Exception** to allow Automobile Sales (Use Unit 17) in a CS District (Section 701, Table 1. This approval is with the requirement that the screening on the east side and the north side, all the way to the front building line on the north side, remain in place and be maintained by the applicant. There is to be no outdoor display of merchandise. 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:

**LTS 16 & 17 BLK G, CREST VIEW ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21717—Stephanie Byrd**

**Action Requested:**

**Special Exception** to permit a carport in required front yard (Section 210.B.10); **Variance** to increase 20 feet minimum carport on one side to 23 feet (Section 210.B.10.a); **Variance** to reduce the required side yard setback from 5 feet to 3 feet 9.5 inches (Section 210.B.10.b); **Variance** to allow an 11 foot perimeter height and a 16 feet 5 inch interior ceiling height (Section 210.B.10.d). **LOCATION:** 159 East 29<sup>th</sup> Place South **(CD 4)**

**Presentation:**

**Stephanie Byrd**, 2124 East 20<sup>th</sup> Street, Tulsa, OK; stated she represents the home owner. The home was built in 1939. The proposed carport does extend into the right-of-way and extends less than five feet into the side lot but the carport is in line with the existing house. The purpose for the carport is to protect their vehicles from the weather. Ms. Byrd presented several pictures of many different carports in the area to the Board which were displayed on the overhead projector.

Mr. White asked Ms. Byrd in what radius of the application were the pictures taken. Ms. Byrd stated she was not sure of that because the home owners took the pictures, but she thought they were very close.

Mr. Swiney asked Ms. Byrd if she said the carport was in the street right-of-way. Ms. Byrd stated there is a right-of-way that is actually in the grassy part of the subject

property's yard. Mr. White asked Ms. Byrd if she was actually referring to the building line. Ms. Byrd stated the street right-of-way is part of the property owner's front yard.

A site plan was placed on the overhead projector. Mr. White stated the carport is over the building line but it is not over the property line, which is a significant difference. Mr. White stated that he drove by the property and the carport is not in the street right-of-way. Mr. Van De Wiele stated that if the carport were there would be permitting issues to be resolved.

**Interested Parties:**

**Beverly Henderson**, 450 West 7<sup>th</sup> Street, Tulsa, OK; stated she represents her daughter Sarah Bliss who lives at 169 East 29<sup>th</sup> Place, which is the property that is next door to the subject property. Because the property has an existing two-car garage this carport would not meet the criteria for the Special Exception or the Variances.

**Rebuttal:**

Stephanie Byrd came forward, and stated the home owner told her the garage was only 16 feet deep so they cannot pull a car into it. Because of this fact they are making the request for the carport.

Mr. White stated the site plan shows the garage to be 26'-6" deep and he asked Ms. Byrd to explain where the additional 10'-6" went. Ms. Byrd stated the home owner told her they measured the depth of the garage. Mr. White asked Ms. Byrd what is in the back of the existing garage. Ms. Byrd stated there is a utility room in the rear of the garage.

Mr. Van De Wiele asked staff if the two carports that are closest to the subject property have or have not been permitted. Because he does not see any relevant previous actions mentioned in the Board's agenda packet, does that mean they are not permitted? Nathan Foster stated that he did history research as far south as 31<sup>st</sup> Street.

Mr. Van De Wiele stated that he sees by the pictures why they built the carport like they did. As for where it is and how big it is is not his issue, his issue is that it is there at all.

Mr. White asked Ms. Byrd how long the current home owners have owned the house. Ms. Byrd stated they have owned the house for three years. Mr. White asked if the garage was only 16 feet deep when the current owners purchased the subject property. Ms. Byrd answered affirmatively.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **TIDWELL**, the Board voted 3-1-0 (Snyder, Tidwell, White "aye"; Van De Wiele "nay"; no "abstentions"; Henke absent) to **APPROVE** the request for a Special Exception to permit a carport in required front yard (Section 210.B.10); Variance to

increase 20 feet minimum carport on one side to 23 feet (Section 210.B.10.a); Variance to reduce the required side yard setback from 5 feet to 3 feet 9.5 inches (Section 210.B.10.b); Variance to allow an 11 foot perimeter height and a 16 feet 5 inch interior ceiling height (Section 210.B.10.d), subject to per plan 3.10. The Board has found that the carport is not out of character with the neighborhood. 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. 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:

**LT 4 BLK 1, TRAVIS PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21718—Russell Hurt**

**Action Requested:**

Verification of the spacing requirement of 300 feet from a public park, school, or church for an Adult Entertainment Establishment (Cigar Box) in an RS-1 District (Commercial uses permitted by District Court Case) (Section 1212a.C.3.b, Section 1212a.C.3b, and Section 1212a.C.5). **LOCATION:** 4932 East 91<sup>st</sup> Street South (CD 8)

**Presentation:**

**Russell Hurt**, 1501 West 108<sup>th</sup> Street, Jenks, OK; no formal presentation was made but the applicant was present for any questions from the Board.

Mr. White stated the Board is in receipt of the applicant's survey.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed adult entertainment establishment (cigar bar) subject to the action of the Board being void should another adult entertainment establishment or other conflicting

use be established prior to the expansion of this adult entertainment establishment (cigar bar); for the following property:

**N20 E244 LT 3 & ALL LT 4 BLK 1, Hunters Glen, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21719—Philip Doyle Design**

**Action Requested:**

Variance of the required side yard along an arterial street (E. 31st St.) from 70 feet to 65 feet in an RS-2 District, to permit an addition (Section 403). **LOCATION:** 2202 East 31<sup>st</sup> Street South **(CD 9)**

**Presentation:**

**Philip Doyle**, 2616 East 14<sup>th</sup> Street, Tulsa, OK; stated he represents the home owner. There was no formal presentation made by the applicant but he was available for any questions from the Board.

Mr. Van De Wiele asked Mr. Doyle if the addition being constructed was going to be on the rear of the house. Mr. Doyle stated the addition will be more to the side of the house, and will stay south of the existing house line.

**Interested Parties:**

There were no interested parties present.

**Comment and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Henke absent) to **APPROVE** the request for a Variance of the required side yard along an arterial street (E. 31st St.) from 70 feet to 65 feet in an RS-2 District, to permit an addition (Section 403), subject to conceptual plan 5.7. The Board has found that the home was built well before the current zoning code. The addition to be constructed does not encroach any farther toward East 31<sup>st</sup> Street than the existing portion of the property. 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:

**N95 LT 1 LESS S10 THEREOF BLK 9 & PRT LT 2 BEG NWC LT 2 TH E15 S80 W10 N80 POB BLK 5 OAKNOLL ADDN, BREN-ROSE ADDN, OAKNOLL, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21720—Catoosa Hills Christian Church – Bill Howard**

**Action Requested:**

Variance to allow an 2'-0" x 8'-0" electronic message center (EMC) sign in an RS-3 District (Section 402.B.4). **LOCATION:** 18415 East Admiral Place North **(CD 6)**

**Presentation:**

**Bill Howard**, 64 South 204<sup>th</sup> East Avenue, Tulsa, OK; stated he represents the church. The church has been in existence for 50 years and is a small congregation. On Wednesday evenings the church transports approximately 75 young people, bring them to the church, feed and teach them, and attempt to expose them to a different way of life. The church would like to have a new digital sign in front to mark the 50<sup>th</sup> anniversary. There is currently a constantly lighted sign that a pole must be used to change the lettering. The church thinks a digital sign will better promote the services and events held at the church. The funds for the sign was donated by a friend. There is only one residence in the area. It is east of the church behind a row of trees and 177 feet away from where the sign will be placed. With the exception of this one residence everything else around the church is light industrial. The existing is a 4'-0" x 8'-0" sign and the new digital sign will also be 4'-0" x 8'-0" with the message center portion being approximately 2'-0" x 8'-0". The church sits approximately 42 feet from the edge of Admiral Place.

Mr. Van De Wiele asked if the new sign would be placed in the same place as the existing sign. Mr. Howard stated that it because the new sign will use the same pole.

Mr. Tidwell asked Mr. Howard if the church would be comfortable with turning the sign off at 10:00 P.M. and turning it back on at 6:00 A.M. Mr. Howard answered affirmatively.

**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 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a Variance to allow an 2'-0" x 8'-0" electronic message center (EMC) sign in an RS-3 District (Section 402.B.4), as part of a 4'-0" x 8'-0" sign to be located at the location of the current sign which is shown on 6.7. This approval is subject to the conditions shown



on page 6.15 of the Board's agenda packet. The hours of operation that the sign shall not be operated will be between the hours of 10:00 P.M. and 6:00 A.M. Finding that the sign in question is a key component to the applicant's population of it's services in the neighborhood informing the congregation of events to be held at the church. 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:

**E289.25 S602.70 GOV LT 3 LESS BEG 95.89S NEC GOV LT 3 TH S13.53 SW289.53 N14.37 NELY CRV LF 289.52 POB SEC 1 19 14 3.908ACS,CAROLANE ADDN, LAKESHORE FOOD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21721—Terrazzo Properties, LLC**

**Action Requested:**

Variance of the required front yard setback from 25 feet to 19 feet in the RS-3 District (Section 403.A, Table 3). **LOCATION:** 1814 South Detroit Avenue **(CD 4)**

**Presentation:**

**William Benton**, 1606 South Quincy Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Van De Wiele asked staff about the Certificate of Appropriateness. Ms. Miller stated the Tulsa Preservation Committee does not look at every zoning provision that applies to the property, but they do look at the design and the footprint of the house on the property. Mr. Benton stated it is an extensive process before approval is received.

Mr. Benton stated that he purchased the subject property from the land owners that live south of the subject property. The property had been in their family for years, and they have looked at the proposed house plans and approved.

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

Variance of the required front yard setback from 25 feet to 19 feet in the RS-3 District (Section 403.A, Table 3), subject to conceptual plan dated April 7, 2014. The Board has found that the applicant's plans for construction would cause the house to be constructed to generally line up on the front face of the building with the adjoining property to the north and south. The applicant has obtained a Certificate of Appropriateness from the Tulsa Preservation Commission. The historical nature of the property would pose a hardship of such that justifies granting the requested Variance. 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:

**The North 53.4 feet of Lots Forty-eight (48) and Forty-nine (49) and the South 10 feet of Vacated Alley adjacent on the North, Block Six (6), SOUTH SIDE ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Benton stepped forward after the Board's motion was complete. He wanted to let the Board and staff know that Mr. Jay Hoyt was very timely in his responses and was very helpful.

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:02 p.m.

Date approved: 6/10/14

Frank X. Hernandez  
Chair