

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1118
Tuesday, June 10, 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 Van De Wiele White, Vice Chair		Miller Sparger Foster Hoyt	Swiney, Legal Edmiston, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, June 5, 2014, at 9:08 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 **TIDWELL**, the Board voted 4-0-1 (Snyder, Tidwell, VanDeWiele, White "aye"; no "nays"; Henke "abstaining"; none absent) to **APPROVE** the **Minutes** of the May 27, 2014 Board of Adjustment meeting (No. 1117).

NEW BUSINESS

21726—Eller & Detrich – Lou Reynolds

Action Requested:

Special Exception to allow for a drive-thru bank in an OL District (Section 601);
Special Exception to permit an 8'-6" screening fence along the North lot line (Section

210.B.3); Variance to allow 2 signs on one street frontage in an OL District (Section 602.B.4.b); Variance from allowed 61 square feet of display surface area to permit a 35 square foot wall sign and a 97 square foot monument sign (Section 602.B.4.c); Variance to allow for a 23 square foot digital display (Section 602.B.4.f). **LOCATION:** 2525 East 21st Street (CD 4)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; no presentation was made but the applicant was present for any questions from the Board. The applicant requested a continuance for additional relief needed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **CONTINUE** the request for a Special Exception to allow for a drive-thru bank in an OL District (Section 601); Special Exception to permit an 8’-6” screening fence along the North lot line (Section 210.B.3); Variance to allow 2 signs on one street frontage in an OL District (Section 602.B.4.b); Variance from allowed 61 square feet of display surface area to permit a 35 square foot wall sign and a 97 square foot monument sign (Section 602.B.4.c); Variance to allow for a 23 square foot digital display (Section 602.B.4.f) to the meeting on June 24, 2014; for the following property:

LT 9-10 BLK 4 WILMAC-KNOLL ADDN LT 6-8 BLK 2 GILBERT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

21723—Justin Haddock

Action Requested:

Variance of the front setback from 35 feet to 30 feet in a RS-1 District (Section 403, Table 3). **LOCATION:** 2864 East 35th Place South (CD 9)

Presentation:

No presentation was made. The applicant withdrew the application and requested a full refund of \$422.00.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Miller stated the application had been withdrawn by the applicant before any work was performed by staff.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a refund of \$422.00; for the following property:

LT 5 BLK 9, CHARLANE EST B6-9, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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UNFINISHED BUSINESS

21713—Roy Johnsen

Action Requested:

Special Exception to permit parking (Use Unit 10) in an RM-2 District (Section 401); Special Exception to allow required off-street parking in Tract B, which is a lot other than the lot containing the principal use (Section 1301.D); Variance to reduce the parking requirement from the previously approved 311 spaces to 244 spaces (Section 1211.D and Section 1225.D); Variance of the setback for off-street parking from the centerline of East 10th Street from 50 feet to 35 feet for additional property (Section 1302, Table 1); Variance of the screening fence requirement to extend existing fence type as approved under BOA-19528 for additional property (Section 1303.E); Modification of the condition for a tie agreement of Tracts A, B, and C to remove Tract C; Modification to a previously approved Site Plan (BOA-19528).

LOCATION: NE/c and NW/c of East 11th Street South and South Columbia Avenue (CD 4)

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he is representing Bama Companies, Inc. which has a long time presence in Tulsa. This request is basically about parking. In 2003 an application was filed which dealt with the three properties. Tract A is the main place where production takes place as well as the administration. Tract B is basically used for parking and had been approved for parking with various conditions. When the application for Area B was made before it was a smaller area, and what has happened since then is that Bama has acquired additional property to Tract B. Since 2003 Bama increased their product and the number of employees they had. Tract C is located on the east side of Delaware and it had been

leased for parking. Now there are techniques that are more successful and the product line has been reduced along with the number of employees. Today they are seeking 244 parking spaces overall. The lease for Tract C is going to expire and it will no longer be used by Bama.

Mr. Van De Wiele asked Mr. Johnsen to expound on the screening. Mr. Johnsen stated that 10th Street has a 60 foot right-of-way so Bama is taking the setback that is required to the smaller number but it is actually as big as if there were a 50 foot wide street. Along 10th Street Bama has planned for a chain link fence with black vinyl on the top, and this fence is requested for security reasons. They would like to extend this fence the full length along 10th Street on the northwest corner of Tract B. They would like to go south by 20 feet with chain link for security reasons, and separate the residents from the parking lot. They do not want to extend the fence all the way to the property line to allow for the vehicles to have a line of sight from the parking lot.

Interested Parties:

Rosita Golz-Martin, 3344 East 83rd Place, Tulsa, OK; stated she owns the neighboring residential property for 38 years, before Bama Pie installed a parking lot. She currently uses her property next to the subject property to supplement her monthly income. Next to her property is an apartment complex and behind her property is a shopping center which is on 11th Street. Her property is the only residential property among Bama's parking, the apartment complex and the shopping center. She has updated the structures on her property with several amenities. She has not ruled out the selling of the property but the offers she has received from the applicant are not equal with the value of the property and the revenues that it continues to generate. Several properties adjacent to hers have been purchased and the structures demolished with the intention of installing a parking lot for the Bama Pie factory employees. Ms. Golz-Martin stated that the treatment she has received from the applicant has not been open and candid. To date she has not been shown the plan for the proposed parking lot by the applicant. Ms. Golz-Martin would like to know if the applicant has filed a stormwater prevention plan, and if the elevation of the parking lot will be higher than her property. Ms. Golz-Martin also would like to know what type of security lighting is planned for the proposed parking lot, and what measures will be taken to screen her property from the parking lot lighting. Ms. Golz-Martin stated the existing fence around the subject property is chain link fencing, and that type of fencing is not capable of blocking lights and sound. Ms. Golz-Martin believes the applicant is asking for Variances from the zoning code so they can ignore certain provisions in the zoning code because it will save them money will ignoring the detrimental affect it will have on her property. Ms. Golz-Martin quoted Section 101.A.1 of the Tulsa Zoning Code. She respectfully requested the Board deny the applicant's request thereby granting her the most basic of her rights as a taxpayer and protecting the Tulsa Zoning Code.

Rebuttal:

Roy Johnsen came forward.

Mr. Henke asked Mr. Johnsen to give further explanation of the screening between the properties, and the ingress and egress to 10th Street.

Mr. Johnsen stated that Bama will not be accessing the parking area from 10th Street. It is proposed to extend the current chain link fencing 20 feet farther south, and between the adjoining residential properties on the western boundary there will be the required six foot stockade fence except for the right-of-way area.

Mr. Van De Wiele asked Mr. Johnsen about the lighting for the proposed parking lot. Mr. Johnsen stated there are code requirements that will be met by the applicant. The lights will be shielded, focused downward and away from the neighbor to the west. The height will be 27'-6".

Mr. Henke stated that the Board of Adjustment does not deal with drainage issues but he knows the applicant will need to comply with all the drainage requirements of the City. Mr. Henke asked if the parking lot was to be elevated in any way. Mr. Johnsen stated that he did not think the parking lot would be elevated.

Mr. Van De Wiele asked Ms. Golz-Martin to come forward, and he asked her if she understood the proposed fencing that had been described by Mr. Johnsen. Mr. Van De Wiele had a drawing placed on the overhead projector and explained the landscaping and fencing that was designated on the drawing in relation to her property, and how the last 20 feet of the screening fence would be chain link for safety for drivers. Ms. Golz-Martin stated that she has seen wooden fences that tapered downward as they were closer to the street which would also allow a driver to safely see in both directions. She wants the entire fence installed as a wooden fence with the front portion tapering downward.

Mr. Johnsen stated that if the fence were to be tapered downward as Ms. Golz-Martin is proposing the fence will not provide security, because as the fence goes from six feet down to three feet people can step over the lowest portion.

Mr. Van De Wiele asked Mr. Johnsen why Bama did not take the wooden fence all the way down to the property line. Mr. Johnsen stated that Bama could do that, if that is the Board's request.

Mr. Van De Wiele asked Ms. Golz-Martin which she prefer to see, a six foot wooden fence all the way to the corner or a 20 foot section of chain link fence to the corner that will have landscaping in front of it. Ms. Golz-Martin stated she would prefer to have a wooden fence all the way to the corner.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a **Special Exception** to permit parking (Use Unit 10) in an RM-2 District (Section 401); **Special Exception** to allow required off-street parking in Tract B, which is a lot other than the lot containing the principal use (Section 1301.D); **Variance** to reduce the parking requirement from the previously approved 311 spaces to 244 spaces (Section 1211.D and Section 1225.D); **Variance** of the setback for off-street parking from the centerline of East 10th Street from 50 feet to 35 feet for additional property (Section 1302, Table 1); **Modification** of the condition for a tie agreement of Tracts A, B, and C to remove Tract C; **Modification** to a previously approved Site Plan (BOA-19528). This approval is subject to the conceptual site plan on pages 2.50 and 2.51. The lighting on the property shall be shielded down and away from the neighboring R property. The screening is to be a 6'-0" wood screening fence all the way to the northwest corner of Tract B. The Board has found that the conditions are consistent with the conditions in the previous matter. 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. 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.

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **DENY** the request for a **Variance** of the screening fence requirement to extend existing fence type as approved under BOA-19528 for additional property (Section 1303.E), finding that the six foot wooden fence will extend to the northwest corner of Tract B; for the following property:

TRACT A – LOT 1 IN BLOCK 1 OF "BAMA PIE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3475 THEREOF, AND THE EAST 40' OF LOT 2 AND THE WEST 50' OF LOT 3 AND THE SOUTH 75' OF LOT 12 IN BLOCK 13 OF "HIGHLANDS ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. AND A 3.00 FOOT WIDE STRIP OF SOUTH DELAWARE AVENUE LYING EAST OF LOT ONE (1), BLOCK ONE (1), BAMA PIE ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3475 THEREOF, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT, THAT IS THE MOST EASTERLY NORTHEAST CORNER OF SAID LOT 1; THENCE EASTERLY ALONG AN EXTENSION OF THE NORTHERLY LINE OF LOT 1 FOR 3.00 FEET; THENCE SOUTHERLY AND PARALLEL WITH AS MEASURED 3.00 FEET PERPENDICULAR TO THE EASTERLY LINE OF LOT 1 FOR 295.00 FEET;

THENCE WESTERLY AND PARALLEL WITH AS MEASURED 5.00 FEET PERPENDICULAR TO THE SOUTHERLY LINE OF LOT 1 FOR 3.00 FEET TO A POINT ON THE EASTERLY LINE OF LOT 1; THENCE NORTHERLY ALONG SAID EASTERLY LINE, FOR 295.00 FEET TO THE POINT OF BEGINNING.

TRACT B – THE EAST SEVENTY-FIVE FEET (75') OF LOT FOUR (4), ALL OF LOTS FIVE (5), SIX (6), SEVEN (7), EIGHT (8) AND THE EAST HALF (E/2) OF LOT NINE (9), BLOCK TWELVE (12), HIGHLANDS ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

TRACT C – LOTS 15 THROUGH 21 INCLUSIVE IN BLOCK 3 OF "SIGNAL ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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NEW BUSINESS

21722—Alan Madewell

Action Requested:

Variance to allow a two-story detached accessory building 21 feet in height and 17 feet to the top of top plate (Section 210.B.5a). **LOCATION:** 1113 East Sunset Drive South (CD 4)

Presentation:

Alan Madewell, 5314 South Yale, Suite 210, Tulsa, OK; stated the subject property is located in the historic Sunset Park area. This is a beautiful neighborhood with curving streets, large trees and varying architecture. Unfortunately it also makes for very strange shaped lots. The subject property is a smaller lot in comparison to others in the neighborhood so it ends with not a lot of buildable area. The original 1920s house had a one-car garage in the rear, and the garage had a storage space and a maid's quarters. Over the lifetime of the garage the original doors were changed to one large door giving the illusion of a two-car garage, but the garage was never big enough to fit two cars. The old garage is less than 19 feet deep because the car size of the 1920s was not as large as today's vehicles. The old garage was placed 19 feet away from the back of the existing house, so if two cars were squeezed into the space a person cannot back out of the garage, because there is only 19 feet to back into. Approximately a year ago the tree next door fell on the garage during a storm and damaged the house. After a structural analysis it was determined that the garage would need to be removed. The owners took the opportunity to correct some of the issues the old garage had, such as the inability to drive in and out of it and the garage depth. It is proposed to turn the new

garage slightly, give enough access so a vehicle can drive in or out, turn around, get back out making it easier to maneuver on the smaller property. The home owners would also like to have a small guest room, because the house itself is not large enough for a guest room. The vocabulary of the neighborhood has a lot of 1920s two-story garages that have original maid's quarters over them, and to use that as a guide for the new structure. The design is set up so that the roof line is kept as short as possible and still achieve a two-story. The new building has been designed to look very similar to the old building, and hopefully when it is complete it will look like it has always been there. The new garage was slid over slightly to be behind the house so it is not visible from the front. Everyone is aware of the effect on the Ferguson's property so the massing has been reduced so it will not overpower what is already a small yard. All the finishes will match the existing house with a tiled roof. The adjoining properties, one to the southwest and one to the northwest, have two-story garages, and there are several other two-story garages in the neighborhood.

Interested Parties:

Stephen Schuller, 1100 OneOk Plaza, 100 West 5th Street, Tulsa, OK; stated he represents several of the adjoining property owners. At this point Mr. Schuller deferred to Dr. Aaron Fieker so the doctor could return to his office and patients.

Dr. Aaron Fieker, 2160 South Norfolk Terrace, Tulsa, OK; stated he lives in the house that is behind the Ferguson's property where the new structure will be built. This is a very beautiful neighborhood and it is one of the reasons he chose to move into the neighborhood two years ago. One of his concerns is the window line of the second floor of the new proposed garage will be above his fence line. He has three small children and he has no reason to distrust the Fergusons but a future homeowner could of concern.

Mr. Swiney left the meeting at 1:59 P.M. and Mr. Bob Edmiston entered the meeting as Legal Counsel.

Mr. Schuller returned to the podium. The Board can only grant this Variance by reason of extraordinary or exceptional conditions that are peculiar to this property or to the structure or to the building involved, by which the literal enforcement of the Zoning Code creates an unnecessary hardship on the applicant. It is only where these extraordinary or exceptional conditions do not apply generally to other properties in the same use district, and only if the Variance to be granted will not cause substantial detriment to the public good or impair the purpose and spirit and intent of the Zoning Code. Here there are no extraordinary or exceptional conditions or circumstances that are peculiar to this property or the structure or building involved in this application. All of the lots in the neighborhood are large irregularly shaped parcels. The applicant's lot is probably the most irregularly shaped parcel in this area. All of the lots have large houses and large yards with garages predominantly in the rear. There is nothing peculiar about this property that creates a hardship if the Zoning Code is literally enforced. Without the

Board of Adjustment's relief that is being requested the applicant can replace the existing one-story garage with guest quarters in compliance with the Zoning Code. The only hardship the applicant is claiming is that they cannot erect a second story for a guest room on the proposed garage. There is nothing unique about the applicant's property that makes it necessary to erect the story on the proposed garage. As the staff states in the Case Report the Zoning Code intent is expressly is to preserve an openness along the rear yard lines in the residential zoning district. Contrary to the Zoning Code's intent this proposed two-story 21 foot tall structure is going to be in the middle of the applicant's lot line separating it from the adjoining properties to the rear. That destroys the openness and draws accessory structure almost against the middle of the rear property line. There are some two-story garages in the neighborhood, but they are all placed in the corner of their properties they are not in the middle of the rear lot line. That is precisely to preserve the openness along the rear yard lines in the residential district. The proposed structure is going to be almost up against the fence. Note that the main building structure is three feet from the property line but the roof overhang is broad enough to be almost up to the property line. There can never be any trees between the proposed structure and the applicant's property line. The windows, on three sides, of the proposed structure will overlook the neighboring properties. Mr. Schuller had pictures placed on the overhead projector demonstrating the view from the applicant's home as seen from the Cole's backyard. In granting this Variance request does cause substantial detriment to the adjoining properties and impairs the express intent of the Zoning Code to preserve the openness along the rear lot lines. Legally there are no grounds to grant this Variance to construct the proposed tall structure.

Mr. Tidwell asked Mr. Schuller if the house windows depicted in the picture on the overhead projector were first floor or second floor windows, because it appears they are above the trees in the picture. Mr. Schuller stated the windows are the second floor windows of the home because the home is three stories tall.

Mr. Van De Wiele asked Mr. Schuller whether the argument could be made that the proposed garage would be blocking the neighbor's second story windows, if there is a privacy concern. Theoretically, no one is going to be able to see because of the garage and guest quarters blocking the view. Mr. Schuller stated that even if the quarters is used as a guest room as presently proposed the occupants will overlook the adjoining properties from three different sides of the guest room, presuming there are windows on all four sides of the proposed structure.

Ms. Snyder asked if the other garages were detached and are they two-story? Mr. Schuller stated that when Mr. Cole takes the podium he will be able to clarify that question.

Mr. Van De Wiele asked Mr. Schuller about the openness along the lot line, whether the garage is at one end of the common rear line, in the middle or the other corner how is that saved by being in the corner or how is destroyed by being placed in the middle? Mr. Schuller stated that the two-story garages in the neighborhood are in the corners. Because those garages are in the corners they butt up against each other and they

aren't in the middle of the lot line overlooking the rear yard of the neighbor. That offer some privacy preserves the openness along the rear lot lines. Mr. Schuller stated that even the Board were to grant the Variance with the condition that there be no windows on the one side presents two problems. One, is that there are still windows on the other sides that look over neighboring lots. Secondly, the openness concept would be destroyed contemplated by the Zoning Code.

Mr. Van De Wiele asked that page 3.22 be placed on the overhead projector. This picture depicts the east elevation in relation to the neighboring property. Mr. Van De Wiele asked Mr. Schuller if the neighbors are concerned about the west and south sides as well. Mr. Schuller answered affirmatively. A person does not want to cut out all the windows on the proposed structure which would be the most advantageous to the neighbors to avoid the loss of privacy. But the structure is still being brought right up to the property line in the middle of the yard, in the middle of the lot line.

Shannon Bengé, 3702 West Boston Court, Tulsa, OK; stated she is a certified building code official and have been for 17 years, and a licensed realtor. She is speaking on behalf of the Coles and the concerns of who has the actual hardship. Ms. Bengé had a photograph placed on the overhead projector depicting a bare space before the damaged garage. When the proposed garage is built the existing garage space will become a driveway. Almost the entire yard will be impervious surface. This is a concern for stormwater run-off, and the lively hood of the vegetation for the adjoining properties. She was with the City of Tulsa as a Code Official and she has seen where an over abundance of impervious surface will cause the loss of vegetation. Ms. Bengé pointed out in the picture a PSO-AEP service line, and stated that PSO will not allow a building to be within ten feet of the line for public safety. Another concern is the reduction of value of the Coles home, because the only small patch of blue sky visible to them will be covered by a wall. Potential buyers in this neighborhood are very unique and they are very selective, so if all that is seen is a wall the home will be looked over. The proposed garage is detrimental to the property value, detrimental to water table issues, and is a problem with the overhead utility line. Under the building code there cannot be an overhang within two or three feet of the property line. The actual firewall setback is going to be three feet from the property line at a very minimum.

Charles Cole, 2150 South Norfolk Terrace, Tulsa, OK; stated he lives directly behind the subject property. Mr. Cole stated Mr. Madewell stated the home owners would like to have a turn-around for the driveway and almost no one in the neighborhood does that. Almost all of the driveways are long and narrow and people must back out of them. His house currently has a two-story garage at the end of the driveway, and the other house in the immediate vicinity have garages but they are all placed back to back. The Ferguson's current garage is placed behind his garage. All of the garages are either behind one another or at the end of the driveway, which does not disrupt the view when in the backyard. Once the building is erected it is a permanent structure and the trees are not. In the 19 years that he has lived in his house he has lost seven trees, four of which are in direct line of sight and if he loses those trees he will be looking

directly at the proposed garage. By adding the proposed garage it will change the nature of the neighborhood.

Rebuttal:

Mr. Madewell came forward and presented a photograph for the overhead projector, and discussed the proposed garage in relation to the neighboring garages. Mr. Madewell stated that he had designed the Cole's house years ago and it is a courtyard house. A major part of the living space for the backyard is within the center of the Cole's property, and not at the back of the property. The other two properties will be able to see the proposed garage but it will be at a considerable distance. The proposed structure is not as tall as the existing house. The existing house soffit line is at 23 feet and the proposed garage will be only 21 feet. The Cole's main living space and the pool is placed in the center of the house, and the house sits at a much higher elevation than the Fergusons. At this point Mr. Madewell had a graphic of the difference placed on the overhead projector, and explained the different angles of the surrounding houses.

Mr. Van De Wiele asked Mr. Madewell how far is it approximately from the Cole's house to the Ferguson's house. Mr. Madewell stated that it is approximately 75 feet to the property line from the Ferguson's house.

Mr. Madewell stated that the nature of the neighborhood does have the type of garages as is being proposed. All of the garages have windows and they look into the next property. The proposed garage is not anything unusual for the neighborhood.

Mr. Henke asked Mr. Madewell to state his hardship. Mr. Madewell stated the hardship is the shape of the lot and the available building space. The existing garage is a one car garage and the proposed garage is for two cars. Until the tree fell on the old garage the Fergusons were willing to deal with the small garage, but since the old garage had a tree fall on it they would like to correct the issue. In answer to the drainage issue that was raised, the proposed garage is lower than anyone else and will not drain anywhere except out into the street. The proposed garage is being kept as small as possible with the least amount of impact on the surrounding neighbors. The proposed garage will only be 21 feet in height while the surrounding garages are 25 feet in height. Mr. Madewell stated that he has already discussed the power line with the Building Department, and he is allowed a 10 foot circle not 10 foot on the ground and this proposed garage is well outside that 10 foot circle.

Mr. Van De Wiele asked staff if the proposed garage were connected to the main house would the Board approval be necessary. Mr. Madewell stated that it would still be necessary because he cannot place the existing residence into the back yard building setback.

Mr. Cole came forward stated that the primary issue for him is that he will be looking at a wall if the garage is allowed. He has two courtyard areas and a pool, and each of

these areas have a direct line of sight to the proposed garage so there is a substantial part of the living area of the house will be looking at a wall.

Ms. Bengé came forward and stated that the Variance that is being requested is for the height of the proposed building. Typically it would only be allowed ten feet to the ridge line and there has been no hardship demonstrated to increase the height of the proposed garage. A hardship must be demonstrated to meet the Zoning Code.

Mr. Madewell came forward and stated that he cannot get in or out of the front of the garage if it faces the street, so the garage must be turned. The proposed location given is the tightest it can be and still get in or out of the garage. So if what is proposed for the second story and place it on ground level the majority of the back yard will be covered making a larger and value reducing detriment to the subject property. If the proposed garage were to be rebuilt as it was, a one and half car garage with a small guest room or maid's quarters, it again covers more of the back yard than the new structure will cover thus creating a bigger hardship for the Fergusons.

Comments and Questions:

Mr. Van De Wiele stated that if the new garage were to be a one-story structure he would not have a problem because it would strictly be a replacement.

Mr. Henke stated that he has the same issues as Mr. Van De Wiele as well as the hardship issue. He does not find anything about the proposed project objectionable.

Mr. Tidwell stated that he has no problem with a replacement garage but he does not consider the height issue a hardship.

Ms. Snyder does not see a problem with the proposed garage, there is only three feet difference in height from old to new.

Mr. White stated that he does not remember a request coming before the Board where the structure has been moved from one place to another. He has a difficulty with the hardship because to him it is self imposed.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Henke, Tidwell, Van De Wiele, White "aye"; Snyder "nay"; no "abstentions"; none absent) to **DENY** the request for a Variance to allow a two-story detached accessory building 21 feet in height and 17 feet to the top of top plate (Section 210.B.5a), citing the lack of a hardship; for the following property:

LOT 5 BLK 12, SUNSET PARK AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21724—Sack & Associates – Ted Sack

Action Requested:

Variance of the required parking from 35 spaces to 31 spaces for light manufacturing/industry (Section 1225.D). **LOCATION:** 2002 Southwest Boulevard (CD 2)

Presentation:

Ted Sack, Sack & Associates, P. O. Box 50070, Tulsa, OK; stated he is representing Evans Enterprises which has been in Tulsa at least 60 years. Evans has added a 21,000 square foot building to house and repair very large electric motors, motors that are the size of an SUV vehicle. Evans Enterprises is basically land locked in their location and are not able to provide the necessary parking space. The very large equipment required to make the motor repairs limits the number of technicians necessary. There will only be seven technicians in the space for the motor repairs. The lack of the ability to have additional parking spaces and the fact that there will only be seven employees the additional spaces are not needed creating this request.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Variance of the required parking from 35 spaces to 31 spaces for light manufacturing/industry (Section 1225.D), subject to the conceptual plan 4.9. Finding the hardship will be that the parking requirements for this industry are in excess of what is needed which deals with a small number of employees, large equipment and the parking is not necessary. 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:

LTS 37 THRU 47 & W20 LT 48 & N15 OF VACATED 21ST ST ADJ ON S BLK 6, RIVERSIDE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21725—All Steel Building Company

Action Requested:

Variance of the building setback, in an IM District, from an abutting AG District from 75 feet to 22 feet to permit an addition (Section 903). **LOCATION:** 12321 East Pine Street North (CD 3)

Mr. White recused himself at 3:05 P.M.

Presentation:

Scott Dawes, 1122 West 156th Street South, Suite 100, Glenpool, OK; stated is representing Kirby Smith Machinery. No presentation was made but the applicant was available for any questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, Van De Wiele “aye”; no “nays”; White “abstaining”; none absent) to **APPROVE** the request for a Variance of the building setback, in an IM District, from an abutting AG District from 75 feet to 22 feet to permit an addition (Section 903). Finding that the applicant is the owner of the property in question as well as the abutting AG property to the west. 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:

**PRT SE BEG 1975.25W SECR TH N693 E440.80 S692.77 W440 POB SEC 29 20 14
7ACS, FLEMING 2ND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF
OKLAHOMA**

Mr. White re-entered the meeting at 3:09 P.M.

OTHER BUSINESS

Election of Officers

Seats currently held are: Frazier Henke – Chair
David White – Vice Chair
Mike Tidwell – Secretary
Stuart Van De Wiele
Tori Snyder

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the reappointment of Mr. Henke as Chair, Mr. White as Vice Chair, and Mr. Tidwell as Secretary.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:10 p.m.

Date approved: 6/24/14

Frazier X. Henke
Chair