

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1122
Tuesday, August 12, 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 Moye Foster Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, August 7, 2014, at 11:15 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. Moye read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Henke, Snyder, White "aye"; no "nays"; Van De Wiele "abstaining"; Tidwell absent) to **APPROVE** the **Minutes** of the July 22, 2014 Board of Adjustment meeting (No. 1121).

The Board Members tabled the Minutes for July 8, 2014, Meeting #1120, and are to be approved at the next meeting.

Mr. Henke explained to the applicants that there were only four board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board

members to constitute a majority and if two board members voted no today the application would be denied. Mr. Henke asked the applicants if they understood and asked the applicants what they would like to do. The applicants nodded their heads in understanding and no one requested a continuance.

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UNFINISHED BUSINESS

21743—Wallace Engineering – Carolyn Back

Action Requested:

Variance of off street parking setback from required 75 feet to 65 feet for an addition of a parking lot for an existing school in the R District (Section 1302.B, Table 1).

LOCATION: 10222 South Yale Avenue East **(CD 8)**

Presentation:

The applicant has withdrawn this case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

LT 1 BLK 1, RESERVE A, JENKS SOUTHEAST CAMPUS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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NEW BUSINESS

21755—Michael Joyce

Action Requested:

Variance of the parking requirement from 72 spaces to 21 spaces to permit a funeral home and accessory crematory for pets (Use Unit 11) (Section 1211.D); Variance of the minimum lot area from 1 acre to .52 acres for a funeral home with a chapel or

assembly area (Section 1211.C.2). **LOCATION:** 4633 East 31st Street South (CD 9)

Presentation:

The applicant has withdrawn this case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

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

21752—Joe Kelley

Action Requested:

Special Exception to remove all screening requirements between the OL zone and a RS-3 District (Section 212.C). **LOCATION:** 6371 East 67th Place South (CD 9)

Presentation:

Joe Kelley, J. C. Engineering, 10035 North 177th East Avenue, Owasso, OK; stated he represents State Farm Insurance. The State Farm property is zoned OL and the adjacent property is zoned RS-3. He presented a revised site plan and an agreement letter from the church to the Board. Bethany Christian Church is located north of the subject property which is zoned RS-3 and by City Ordinance there is a requirement of a six foot screening fence between the two properties. The intent of the screening fence is to be between a business and a residence, but there is no residence only a church. The church did contact him and they are fine with no screening fence except they want a some screening between their playground and the subject business, which his client has agreed to.

Mr. White asked Mr. Kelley if the fence around the playground was to be all six foot tall. Mr. Kelley 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 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a **Special Exception** to modify the screening requirements between the OL zone and a RS-3 District (Section 212.C). Removing the screening requirements except for the area shown on the site plan submitted today showing approximately 41.2 feet of six foot screening fence. 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:

LOT 1 BLOCK 1, SHERIDAN MEDICAL PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21753—Michael Payne

Action Requested:

Variance to reduce the required parking from 23 spaces to 18 spaces (Section 1214.D). **LOCATION:** 1416 East 11th Street South **(CD 4)**

Presentation:

Michael Payne, 1221 Charles Page Boulevard, Tulsa, OK; stated the building was purchased approximately four years ago from the demolition claws of the City. Because of the zoning code the building needed parking, so he purchased the day care located behind the building, razed it, and installed a parking lot. He also had a lot tie agreement for the property. The building currently houses a dog training center, an antique shop, a beauty salon, and a record store. When the antique shop took over the larger space in the building the parking requirements kicked in. The street parking has not been counted in the parking requirements and there are approximately eight spaces on the street in front of the building. To the west of the subject building is a vacant space so there is quite a bit of parking available. The dog training center mostly works at night. The record store has sporadic hours. He has never seen the lot full.

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 **Variance** to reduce the required parking from 23 spaces to 18 spaces (Section 1214.D) as shown on conceptual plan Exhibit 5.8 in the Board’s agenda packet. The Board has found that the building on the lot and the uses contained in the building, and the

business hours of those businesses tend to provide relief for the parking in the area such that the 23 spaces technically required are not practically needed for this building. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 1 LESS N.21/2' & ALL LT 2 BLK 2, ORCHARD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21754—Rodney Shewey

Action Requested:

Variance to permit the construction of a two-story accessory structure with a height of 24'-7"; Variance to allow a detached accessory structure to cover 27% of the required rear yard in RS-2 District (Section 210.B.5.A); Variance to allow an accessory structure to be 1,352 square feet which exceeds 40% of the square footage of the principal structure (Section 402.B.1.D). **LOCATION:** 1375 East 27th Street South **(CD 4)**

Presentation:

Rodney Shewey, 1375 East 27th Street, Tulsa, OK; stated that the old garage is 18 feet wide and would like to make it 22 feet wide to be able to park two cars in it. The garage will be designed with a shed roof as an architectural feature. Within the shed roof there will be a door for access to the garage. Before the garage was designed he went through the neighborhood and observed the garages. Most of the garages in the neighborhood are two and three car garages that are either a story and a half or two-story with dormers.

Mr. White asked Mr. Shewey about the window on the north side of the garage. Mr. Shewey stated that directly behind the house there is a property line split and the two neighbor's detached garages back up to his garage screening his house from their houses, so that north window will look into their garages. The only benefit of that window is the light not a view.

Mr. Swiney asked Mr. Shewey if he intended to rent or have anyone living in the second floor area of the garage. Mr. Shewey stated that the second floor of the garage will strictly be used for storage because the house is an older house and there is not a lot of storage space in it.

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 permit the construction of a two-story accessory structure with a height of 24’-7”; Variance to allow a detached accessory structure to cover 27% of the required rear yard in RS-2 District (Section 210.B.5.A); Variance to allow an accessory structure to be 1,352 square feet which exceeds 40% of the square footage of the principal structure (Section 402.B.1.D), subject to conceptual plans 6.14 through 6.20. 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:

W/2 LT 6 ALL LT 7 BLK 1, SUNSET VIEW ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

19899-D—Mass Architects

Action Requested:

Modification to a previously approved site plan (BOA-18587) to allow an expansion to the university by 15,750 square feet. **LOCATION:** 4502 East 41st Street South (CD 9)

Presentation:

Shane Murray, Mass Architects, 18 West Park Place, Oklahoma City, OK; stated he represents the University of Oklahoma. The University wants to add to an existing building on the southwest portion of the existing wing. The total square footage is approximately 15,750 square feet with the footprint being approximately 7,600 square feet. The addition will be totally located within the campus with no outside visibility and will be a similar use as the rest of the building, an educational space. The addition will be two stories tall while the existing building is three stories tall.

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** to a previously approved site plan (BOA-18587) to allow an expansion to the university by 15,750 square feet, subject to conceptual plans 8.28 and 8.29. 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:

NE NE & N/2 SE NE LESS BEG NEC NE TH W175 S50 E125 S125 E15 S1805 E35 N1980 POB SEC 28 19 13 58.206ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21756—Tulsack, Inc. – Jarrod Dyess

Action Requested:

Special Exception to permit a paper product manufacturing (Use Unit 26) in an IL District (Section 901). **LOCATION:** 10405 East 55th Place South (**CD 7**)

Presentation:

Jarrod Dyess, Tulsack, Inc., 10405 East 55th Place South, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Henke stated the Board had reviewed the materials they had been presented and he asked the Board members if they had any questions for the applicant.

Ms. Snyder asked if there were any dangerous chemicals or compounds used in the manufacturing process. Mr. Dyess stated that all the products they use are water based.

Mr. Van De Wiele asked what “twisted paper” is. Mr. Dyess stated it is strips of two inch paper that is twisted to form the rigid handles on a shopping bag.

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 permit a paper product manufacturing (Use Unit 26) in an IL District (Section 901). This approval will be an “as built” situation. 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 1 BLK 15, TULSA SOUTHEAST IND DIST B12A-18 RESUB PRT TULSA SE IND & EXT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21757—William Copeland

Action Requested:

Special Exception to permit an artisan chocolatier (Use Unit 25) in a CH District (Section 701). **LOCATION:** 6902 East 11th Street South **(CD 5)**

Presentation:

William Copeland, 12437 East 60th Street, Tulsa, OK; stated he currently is operating at 15 East Brady street in the Brady District downtown and has been since 2006. He opened a retail facility in 2010 offering artismal chocolates to the community. The new facility will allow him to increase his national exposure and production ability bringing both jobs, growth and economic development along Route 66. He has outgrown his current facility. The building he is designating as the new production facility is located on East 11th Street which is currently zoned CH.

Mr. White asked Mr. Copeland if he would have an outlet at the subject site as well as the manufacturing facility for the chocolates. Mr. Copeland stated that at this time there would only be manufacturing.

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 permit an artisan chocolatier (Use Unit 25) in a CH District (Section 701). This approval will be “as built”. Finding 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; for the following property:

LTS 5 6 & 7 & VAC SERV RD ADJ ON N OF EACH LT BLK 2, SHERIDAN INDUSTRIAL DISTRICT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21758—Aaron Sloan

Action Requested:

Variance of all parking requirements to 0, for uses permitted by right in a CH District;

OR In The Alternative: a Variance of the parking requirement from 16 spaces to 0 spaces to permit a boxing gym for 1338 E. 6th St. (Section 1219.D). **LOCATION:** 1328 East 6th Street South – **TENANT SPACE:** 1338 East 6th Street South **(CD 4)**

Ms. Snyder recused herself at 1:34 P.M.

Presentation:

Aaron Sloan, 10748 North 153rd Avenue, Owasso, OK; stated he is leasing the subject site and the space has already zoned to zero parking spaces. He would like to see if it is possible to grant a blanket Variance for the parking requirements so a future tenant will not need to go through this process again.

Mr. Van De Wiele asked staff if a blanket Variance could be granted by this Board. Mr. Swiney stated that he is concerned that a Variance that would apply to the entire lot would be problematic. The application is just for this one use, the gym. Mr. Swiney would recommend against trying to apply a blanket Variance to the entire property.

Interested Parties:

Mr. K. Rahhal, 4363 East 72nd, Tulsa, OK; stated this is part of more than one property that is being declared as one property. This is the fourth time he is seeking the same thing. He has a tenant in the bar next to the gym that has received the same type Variance. Over a year he was granted the same Variance for the restaurant. All of the property is declared as one property. In the future there will be a spice market and that client will be facing the same thing again. So the whole one property declaration is for the gym and the restaurant which is all one building. Then there is a duplex that has been converted. The whole property boundary ways are an alley on the east side, alley on the south, Quaker Avenue on the west and 6th Street on the north and it has been declared as one property. Everything that is being done is being addressed as one property. Why is it necessary to keep coming back for the same thing? There is some parking that has existed for a long time and it is a gravel lot. The restaurant uses it and the neighbors use it. Mr. Sloan has an asphalt parking lot behind the building he will be using for the gym and will accommodate at least ten vehicles. He believes he is going through a lot of complications for the same thing with the same results everytime. This is the fourth time he is before the Board to address this one property.

Ms. Miller stated that she had met with Mr. Rahhal's wife and son-in-law about a year ago, and this block and the issues was discussed which was prior to the lot combination process. The one thing about a Variance, that this Board does not typically do for good reasons, is approve blanket Variances that are not specific to an use. It would be feasible for someone to bring in this property to say that a Variance is needed for a

specific use requiring zero parking, but to have it open for any use that is where the process becomes a little complicated. Now that all the previous single lots have been combined there is vacant land in the back of the subject building that could potentially be used as parking. There are other zoning options that do not require parking, such as, Form Based Code.

Mr. Rahhal stated that he joined this property because Mr. Paul Enix told him to get onto the same docket as Mr. Sloan and make it a one time approval. There is just 1,000 square feet that he is trying to receive a permit for.

Mr. White stated that the legal description on the application does cover the entire area, which is four lots. That is also the legal description that was included on the prior approvals. Does that present a modification to the necessary procedure on this application? Mr. Swiney asked Mr. White if he was asking if proper notification had been given on today's procedure. Mr. White asked if the Board had already taken care of today's request because of the prior approvals granted. Mr. Henke stated it is tied to the specific uses. Each Variance and each approval is tied to specific uses. Mr. White stated that the legal description covers the same property. Mr. Swiney stated that is a concern but he does not think it is fatal to these proceedings today, and Ms. Miller pointed out that the agenda states that the tenant space under discussion is 1338. Mr. White asked if that would take precedent over the legal description. Mr. Swiney stated that it would not take precedent, if the Board could make a determination to the entire space. Mr. Swiney stated that he was advising earlier that it would be a better practice to identify the particular space being discussed rather than grant a Variance for the entire lot. Mr. White asked if the Board was to identify it by address. Mr. Swiney answered affirmatively.

Tamra Wagman, 124 East 4th Street, Tulsa, OK; stated that when Mr. Sloan applied for help from the City it was suggested that he go in with the landlord on this issue. Mr. Sloan is actually only here to present an application for this particular facility that already has a zero parking requirement. So it is just a change of previous use to a requested boxing gym that would not increase the need. While she understands there may be other issues Mr. Sloan needs to move expeditiously to open his business and operating.

Mr. Van De Wiele asked staff if there is a way the Board could grant relief for a particular list of uses, i.e., restaurant space, marketing space, a gym, to give some portion of relief so the landlord would not need to come back.

Mr. White stated that in the past the Board has referred to the Pearl District in this development and changing to the Form Based Code, and nothing has really happened with that. Ms. Miller stated discussions with the Planning Commission regarding the new code, she would not be comfortable using that as a justification because that is not the next phase of the Form Based Code.

Mr. White asked if there is a Use Unit the Board could approve the subject area for that encompass most of what the applicant is wanting, and still stay within the guidelines. Ms. Miller asked if the Board would feel comfortable is approving whole Use Units? Mr. Swiney stated that the agenda item states “for uses permitted by right in a CH District”, that is the first alternative. The second alternative doesn’t say “uses permitted by right in a CH District” but it is implied.

Mr. White stated that the Board has always shied away from granting a blanket Use Unit and have always gone for specifics. Is this the time to be specific? Ms. Miller stated that instead of trying to come up with a solution right now, staff could meet with the applicant at a later date to come up with a specific uses and continue this case until the next meeting.

Mr. Henke stated that he thinks this a conversation for another time. He is not comfortable with this, and is not going to vote to set this type of precedent.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-1 (Henke, Van De Wiele, White “aye”; no “nays”; Snyder “abstaining”; Tidwell absent) to **APPROVE** the request for a Variance of the parking requirement from 16 spaces to 0 spaces to permit a boxing gym for 1338 E. 6th Street space (Section 1219.D). This approval is “as built” because there will not be any improvements at the site. Finding this property predates the code and is built to the property line, and does not have sufficient on site parking but there is parking in the immediate area which will provide sufficient parking for this use. 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 5 THRU 8 BLK 10, FACTORY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 1:56 P.M.

21759—Ray Brown (Osage County)

Action Requested:

Variance to allow two recreational vehicles to be parked or stored in the front yard in an RS-3 District (Section 402.B.7.a.5.e). **LOCATION:** 1547 West Latimer Court (CD 1)

Presentation:

Ray Brown, 1547 West Latimer Court, Tulsa, OK; stated he would like to be able to park his boat and RV on his driveway.

Mr. White stated that in the pictures of the subject property presented to the Board in their agenda packet there is also a utility trailer and he asked Mr. Brown if that trailer was used for construction or something like that. Mr. Brown answered affirmatively. Mr. White asked Mr. Brown if the utility trailer was parked there all there time in addition to the boat and the RV also. Mr. Brown stated that it too is always parked in the driveway because he has riding lawn mowers that he uses.

Mr. White asked Mr. Brown about the vehicle under cover that is between the boat and the RV. Mr. Brown stated it is a classic 1980s Chevrolet pickup that has been restored and he keeps it covered for safety reasons.

Mr. Henke asked Mr. Brown if he had thought about leasing a storage unit. Mr. Brown stated that it was in storage. He had paid storage fees for approximately five years. He did some home improvements so he could bring things to his house. Mr. Henke stated things just look very busy in the driveway.

Mr. White asked Mr. Brown about the vehicle that is parked in the front on the street that has a for sale sign on it. Mr. Brown stated it is a 1989 Chevy Suburban that he has owned for about ten years.

Mr. White asked Mr. Brown about the Cadillac that is also parked out front. Mr. Brown stated that vehicle is not a Cadillac but is a 1974 Chrysler New Yorker.

Mr. Van De Wiele stated the Board has evidence that there is at least one person that sent in the complaint, and several neighbors that are in support of the request. Mr. Van De Wiele asked what the hardship is for the Variance, because the Board must have a valid hardship that is not financial to approve requested Variance.

Lucille Brown, 1547 West Latimer Court, Tulsa, OK; stated that when they expanded the driveway they did not realize they could not have two recreation vehicles in the front yard until they received the citation. She was diagnosed with Stage 4 cancer two years ago, and they brought the recreation vehicles to their house so they could retire and so every thing would close to be able to go on fishing trips.

Mr. Van De Wiele stated that he does not have a problem with the boat and RV being in the driveway, but there is a boat, a RV, a utility trailer, vehicles for sale and everything else. Ms. Brown stated she and her husband are trying to sell some of the cars and once they are sold there won't be all those cars sitting in the front.

Mr. Van De Wiele asked Ms. Brown what else was in her driveway besides the boat, RV and the utility trailer. Ms. Brown stated there is a SUV and a Malibu parked in the driveway. The SUV and Malibu will be parked on the street as soon as the Suburban and the truck are sold. Mr. White stated that still leaves the pickup and the trailer in the driveway with the boat and the RV.

Mr. Henke stated there is the problem of having a valid hardship.

Mr. White stated that he does not recall a case coming before the Board involving two recreation vehicles in the driveway in the front yard, and he has been on the Board a long time. Mr. Henke concurred. Mr. White stated the recreation vehicles are not so much a problem in itself, but it is all the other vehicles that are there. When he drove by the house it was very crowded and it was the only residence in the area that looked like a used car lot. He is surprised the Browns have as many letters of support as they do. He appreciates what the Browns are trying to do but there is no hardship for the Variance.

Mr. Van De Wiele stated the lack of a valid hardship is his only problem with this case.

Mr. White stated the hardship is financial because the Browns do not want to pay money for a storage facility, and the Board cannot use that as a valid hardship.

Ms. Brown stated that they cannot really afford to pay for a storage facility because she is on disability now and she is not working. They also have two children at home. Mr. White stated that is a financial hardship and the Board cannot consider financial hardships. The hardship must be something pertaining to the land itself.

Mr. Swiney asked Mr. and Mrs. Brown if they operated their business out of their home that they had the utility trailer for. Mr. Brown stated that he just uses the utility trailer for mowing. Mr. Swiney asked if all the vehicles were operable. Mr. Brown stated all the vehicles are operable and insured. Ms. Brown stated the Malibu will leave when her daughter graduates this year then goes to college. Mr. Swiney referred to the Browns stated financial hardship and stated that if they are paying to keep all the vehicles up it has to run into a lot of money. Ms. Brown stated that it has, but they were able to keep it up when she was working before her Stage 4 cancer. Ms. Brown stated that she has been on disability since December. Mr. Swiney asked the Browns if they were trying to sell some of the vehicles. Mr. Brown answered affirmatively.

Mr. Van De Wiele asked if the inaccessibility to the back yard a hardship?

Mr. Swiney asked the Browns if there was any way to get from the front yard to the back yard. Mr. Brown there is not.

Mr. White asked the Browns how long they had lived in the house. Mr. Brown stated they have lived there for ten years.

Ms. Snyder asked if the garage was full. Mr. Brown answered affirmatively. Mr. Henke asked what was in the garage. Ms. Brown stated it is work out equipment.

Mr. White asked if the area was still a garage or is it enclosed. Mr. Brown stated that it is still a garage.

Mr. Swiney stated that he thinks this is a temporary condition since the Browns are attempting to sell the vehicles. Mr. Henke stated that the graduate is not taking one of the recreation vehicles, and the recreation vehicles is what triggers this Variance request. There is policy behind having only one recreational vehicle in the driveway. Mr. Henke stated that he does not see any extraordinary circumstances in this case that would justify the Browns parking two recreational vehicles in the driveway.

Mr. White concurred. He stated he cannot support the application so he would suggest a time limit to allow the Browns time to dispose of some of the vehicles, if this were to be approved.

Mr. Henke asked staff if the Browns would be in compliance if they moved one of the vehicles into storage. Mr. Henke stated it is because of one recreational vehicle that the Browns are before the Board today so they will need to decide which recreation vehicle they use the least and find a storage facility for storing it.

Ms. Snyder asked Mr. Swiney if the utility trailer counted as a recreation vehicle. Mr. Swiney stated that it did not. If the concern is the general clutter of the driveway, certainly the utility trailer is aggravating the situation, but the issue for decision is just the recreation vehicles.

Mr. Van De Wiele asked if the Board could place an expiration time frame on a Variance. Mr. Henke stated the Board places time frames on Special Exception but not on Variances.

Mr. Van De Wiele stated that the lack of access to the back yard, where people would normally store this type of vehicle, would give enough of a legal hardship in his mind to approve this request.

Mr. White stated that since the garage is still a garage, in theory, the boat could be placed inside the garage.

Mr. Van De Wiele asked if the garage was deep enough to park the boat inside the garage. Mr. Brown stated the boat is a 16 footer and is a little too long for the depth of the garage.

Ms. Snyder asked the Browns if they had heard from the neighbors on each side of them. Ms. Brown stated that the neighbor on the right side of her is a City worker and he is the one made the complaint because he is jealous. The neighbors on the other side are drug dealers and she turns them in all the time so neither neighbor signed the letter, but everyone else in the area signed except for a couple who did not want to be involved.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 2-2-1 (Van De Wiele, Snyder “aye”; Henke, White “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a Variance to allow two recreational vehicles to be parked or stored in the front yard in an RS-3 District (Section 402.B.7.a.5.e). The Board has found that the width of the home in question would prevent access to the rear yard for storage purposes of either of the recreation vehicles in question. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

Lot 6, Block 13, Country Club Heights, an addition to, CITY OF TULSA, OSAGE COUNTY, STATE OF OKLAHOMA

Board Action:

On **MOTION** of **WHITE**, the Board voted 2-2-1 (Henke, White “aye”; Snyder, Van De Wiele “nays”; no “abstentions”; Tidwell absent) to **DENY** the request for a Variance to allow two recreational vehicles to be parked or stored in the front yard in an RS-3 District (Section 402.B.7.a.5.e) due to the lack of a hardship; for the following property:

Lot 6, Block 13, Country Club Heights, an addition to, CITY OF TULSA, OSAGE COUNTY, STATE OF OKLAHOMA

Both Motions FAILED due to lack of a majority vote.

21760—Larry Wilson

Action Requested:

Verification of the spacing requirement for a liquor store of 300 feet from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **LOCATION:** 1700 South Yale Avenue East
– **TENANT SPACE:** 1649 South Yale Avenue **(CD 5)**

Presentation:

The applicant was not present.

Mr. Henke 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 **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant's verification of the spacing requirement for the proposed liquor store provided that the existing liquor store located at 1685 South Yale Avenue, Midtown Liquor, is demolished before the proposed liquor store opens for business. Subject to the action of the Board being void should another liquor store or other conflicting use be established prior to this liquor store; for the following property:

**BEG 50E NWC SW NW SW TH E361.36 S329.64 W361.53 N329.5 POB SEC 10 19 13
2.73AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

OTHER BUSINESS

None.

NEW BUSINESS

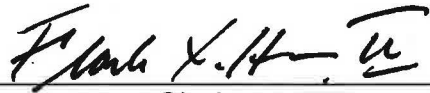
None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 2:20 p.m.

Date approved: August 26, 2014



Chair