

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1126
Tuesday, October 14, 2014, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street
Tulsa, Oklahoma 74103

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Henke, Chair Snyder Tidwell, Secretary Van De Wiele White, Vice Chair		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, October 9, 2014, at 9:50 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 **TIDWELL**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the September 23, 2014 Board of Adjustment meeting (No. 1125).

UNFINISHED BUSINESS

21768—Bill LaFortune

Action Requested:

Special Exception to allow Off-Street Parking in an RM-2 District (Section 401, Table 1). **LOCATION:** 1234 North Wheeling Avenue (**CD 1**)

Presentation:

The applicant has requested a continuance to October 28, 2014 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 Off-Street Parking in an RM-2 District (Section 401, Table 1) to the October 28, 2014 meeting; for the following property:

LT 1 & N 30 LT 2 BLK 2, BERRY-HART ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21775—J. R. Donelson

Action Requested:

Variance to permit a 4-sided ground sign (Section 1221.E.4). **LOCATION:** 10313 East 47th Street **(CD 7)**

Presentation:

Staff is requesting a continuance to October 28, 2014 to allow the applicant to receive a revised Letter of Deficiency from the City Permit Office.

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 Variance to permit a 4-sided ground sign (Section 1221.E.4) to the October 28, 2014 meeting; for the following property:

LT 17 & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15; LT 18 & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15; LT 19 & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15; LTS 20 THRU 22 LESS

BEG NEC LT 22 TH W62.50 SE103.62 TO PT ON EL LT 22 N POB & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15, AND A PORTION OF LOTS 5, 6, 7, 8, AND 9, BLOCK 15, TULSA COUNTY, STATE OF OKLAHOMA, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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NEW BUSINESS

21779—Redline Contrators – Pete Daniels

Action Requested:

Special Exception to allow metal recycling (Use Unit 28) in an IM District (Section 901). **LOCATION:** 2476 North Lewis Avenue (**CD 1**)

Presentation:

The applicant has requested a continuance to November 12, 2014 because he is out of town.

Interested Parties:

Eric Michael, Contractor, 2525 North Lewis, Tulsa, OK; he is representing the people of the community that are located on the north and west side of the surrounding area. He objects to the request because the community wants to maintain the peace and quiet. There will be noise and dust with a recycling plant, and there is concern of the traffic.

Mr. Henke asked Mr. Michael, in terms of the request for continuance, is there any objection to continuing the case to November 12th. Mr. Michael stated that the hearing of November 12th would be fine.

Terry McGee, no address given; stated he is the property of three adjacent parcels to the subject property. He is in favor of a continuance because he would like to hear from the applicant.

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 metal recycling (Use Unit 28) in an IM District (Section 901) to the November 12, 2014 meeting; for the following property:

W205 E245 S125 N/2 NE NE NE SEC 30 20 13 .588AC; S/2 NE NE NE LESS 1.35ACS FOR RDS SEC 30 20 13 3.65ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

21773—Thanh Nguyen

Action Requested:

Special Exception to permit a nail salon (Use Unit 13) as a home occupation in a RS-3 District (Section 402.B.6.b). **LOCATION:** 1516 East 41st Street **(CD 9)**

Presentation:

Thanh Nguyen, 1516 East 41st Street, Tulsa, OK; stated she is wanting to have a nail salon in the house.

Mr. Van De Wiele asked Ms. Nguyen if she intended on installing a sign in the front. Ms. Nguyen stated she would like to have a sign if it is allowed. Mr. Henke stated that a two square foot sign would be allowed.

Mr. White asked Ms. Nguyen if she had seen the list of home occupation requirements. Ms. Nguyen answered affirmatively. Mr. White asked Ms. Nguyen if she would have any problems with complying with the requirements. Ms. Nguyen stated that she would not have any problems because she is only going to have only one customer at a time because it is just her operating the salon. Customers will be seen by appointment only.

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 Special Exception to permit a nail salon (Use Unit 13) as a home occupation in a RS-3 District (Section 402.B.6.b) per conceptual plan 3.8. 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 BLK 4, WARREN HGTS L1-17 B1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

21776—Lynda Crowley

Action Requested:

Special Exception to permit a carport in the required front yard (Section 210.B.10); Variance to reduce the required side yard setback for a carport to 7 inches (Section 210.B.10.b). **LOCATION:** 540 South Yorktown Avenue **(CD 4)**

Presentation:

Lynda Crowley, 540 South Yorktown Avenue, Tulsa, OK; stated she replaced an old carport that collapsed in the ice storm several years ago. She thought she was just replacing the old carport with a sturdier one and did not realize she needed a permit for the new carport. She spoke to the contractor and he told her the permit was her responsibility.

Mr. Van De Wiele asked if the carport sat in front of the house. Ms. Crowley stated that the carport lines up with the edge of the front porch so in essence it does, but not totally. Ms. Crowley stated that after she received the citation she was told that carports were illegal in Tulsa, and she asked if she could move it to the back yard she was told no because it is a carport. Mr. White confirmed that carports in the front yard are illegal in the city limits of Tulsa. Ms. Crowley stated that the new carport is in her side yard. Mr. Van De Wiele stated that since the carport is even with the front porch it is considered to be in the front yard, but if it had been kept with the line of the house it would have been considered completely in the side yard and she would not have had to come before the Board for relief.

Mr. Van De Wiele asked Ms. Crowley asked about the Variance relief request, and wanted to know if part of her driveway was on her neighbor's property. Ms. Crowley stated that it is not. Mr. Van De Wiele asked Ms. Crowley where the seven inches was measured from. Ms. Crowley stated that she did not know. Ms. Moye stated that she took the measurement based on the site plan dimensions, and based on those dimensions the site plan shows the carport is seven inches from the south property line.

Ms. Crowley stated that she has seven signed statements from neighbors that like her carport, and she submitted the statements to Ms. Moye. Mr. Van De Wiele asked Ms. Crowley how close the people that signed the statement live to her. Ms. Crowley stated they live close, one of them lives across the street and two are two doors down. Ms. Crowley stated that she handed out 25 letters and had seven returned.

Interested Parties:

Phyl Wilton, 542 South Yorktown Avenue, Tulsa, OK; stated she lives immediately next door to Ms. Crowley. Ms. Wilton stated that the setbacks are all the same up and down the street, and she measured it again for clarification. Ms. Wilton stated that Ms. Crowley is a very good neighbor and she is not angry with her, but her contractor should have warned her about the size of the carport. This carport completely obstructs Ms. Wilton's view looking north from her porch and the windows on the north side of her

home. The carport is a safety issue for her because she cannot see northward. Ms. Crowley did a very good job in matching the carport to the house, but what she sees from her front porch is a metal riveted roof.

Mr. Van De Wiele asked Ms. Wilton what the nine feet is that she measured. Ms. Wilton stated the contractor did some strange things with the carport, because they would start construction at 8:00 P.M. When the construction started she asked Ms. Crowley what she was doing and Ms. Wilton stated the contractor is looking to see if he can stay away from Ms. Wilton's gas meter. Ms. Wilton cannot stand the carport where it is because it is partially on her property, she suggests the carport be moved to the slab in Ms. Crowley's back yard. All the houses were built in the 1920s, and there was no carport when Ms. Wilton purchased her home in 2007. Ms. Wilton stated that Ms. Crowley feels the carport increases the value of her house, and she does not want to fight with Ms. Crowley but she does not want the carport where it is.

Mr. White stated that the seven inches that has been referred to derives from the side yard measurement of 12.7 feet, as noted on page 5.7 in the Board's packet, and the carport is noted as being 12 feet wide leaving a difference of .7 inches. Thus that is not an unusual assumption to make. Secondly, the setback from the front property line to the house is 32.5 feet and the porch extends 7.8 feet which basically takes it to 25 feet from the front of the porch. Back in 1920 that was a common setback and still is common from the property line to the front of the house. So in reference to the building line, that was the observed building line irrespective of the 1970 Zoning Code.

Mr. Van De Wiele stated that on page 5.9 he sees a gap between the carport and the house. Mr. White agrees that it does exist but he is pointing out how the figures were probably calculated, and this is not an unusual situation.

Bert Fechner, 536 South Yorktown Avenue, Tulsa, OK; stated he wanted to know if the carport were moved west would that appease everyone. Mr. Van De Wiele stated that it would take care of the carport being in the front yard, but it would not take care of the side yard setback. Mr. Fechner stated the carport is a metal structure and can be cut back, which he would be willing to do.

Mr. White stated the Board is not to resolve the neighbor's problem, but a suggestion would be to move this item to the end of the agenda allowing the concerned parties to go to the hallway to reach a solution. Mr. Henke asked Ms. Crowley if she would like to move her case to the end of the agenda or continue hearing it. Mr. Henke asked what the measurement was between the bumpout on the house and the property line. Mr. White stated it is 11.2 feet, and if Ms. Crowley stayed with the requested relief she will only have a 10'-6" wide carport taking it back from the line of sight.

Mr. Tidwell asked how far back the driveway was paved. Ms. Crowley stated that is not the total length of the area.

Mr. Henke asked Ms. Crowley if she was agreeable to moving the carport back to the 19.3 as depicted on the exhibit. Ms. Crowley stated that as long as she can keep the carport she is willing to move it back.

Jeff Perrin, 528 South Yorktown Avenue, Tulsa, OK; stated he lives a couple of houses down from Ms. Crowley. He enjoys the carport and if moving the carport back to make everyone happy would be wonderful.

Amy Shelton, 543 South Yorktown Avenue, Tulsa, OK; stated she lives across the street from Ms. Crowley. She sees the front view and she would request that Ms. Crowley be allowed to move the carport back.

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 **DENY** the request for a **Special Exception** to permit a carport in the required front yard (Section 210.B.10) and **APPROVE** the **Variance** to reduce the required side yard setback for a carport to 7 inches (Section 210.B.10.b). The Board has found that the carport is generally a replacement for a previously existing carport that was destroyed. This approval is subject to the understanding that the carport will be no farther east than the front of the existing house and any driving surface will be paved. 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 10 BLK 15, ABDO'S ADDN, HILLCREST ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21777—A Pocket Full of Hope, Inc.

Action Requested:

Special Exception to permit a Community Center (Use Unit 5) in an IL District (Section 901, Table 1). **LOCATION:** 1624 East Apache Street **(CD 1)**

Presentation:

Lester Shaw, 1325 East Apache, Tulsa, OK; stated the organization has been in Tulsa for 15 years with a 100% graduation rate. The students develop life and learning skills through the use of music, dance, theatre, videography, photography with the

Department of Education in the Tulsa Public Schools. There are internships at Oklahoma State University, Tulsa University, and Northeastern State University. The organization has run out of room at its current location, and need the extra room to have implement a program for the Community Center for Educational Research. This program is assessing learning strategy purposes of young people, showing how they learn.

Mr. Van De Wiele asked about the age range of the students being served. Mr. Shaw stated the ages range from seven to nineteen.

Mr. White asked Mr. Shaw if there would be any changes made to the inside of the structure. Mr. Shaw stated there will be an office placed inside the building and there will be a stage area.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, 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 a Community Center (Use Unit 5) in an IL District (Section 901, Table 1). The Community Center will be for Arts and Education or any other related activities. This approval will be per conceptual plans 6.17 and 6.18. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

BEG NEC NW TH W423.57 S329 E423.57 N329 POB LESS N65 THEREOF FOR RD SEC 30 20 13 2.567ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21778—RDSC Corporation – Ronnie Potter

Action Requested:

Special Exception to allow a billiards bar (Use Unit 12a) within 150 feet of a R District (Section 701, Table 1); Verification of the spacing requirement for an adult entertainment establishment (Section 1212.a.C.3). **LOCATION:** 11426 East 21st Street – **Tenant Space:** 11654 East 21st Street (CD 6)

Presentation:

Ronnie Potter, 15405 East 530 Road, Inola, OK; stated he is the agent for the owner of the subject property. The owner currently has a tenant in the building that has

developed a grocery store. Due to the A3 rating the business has the City will not allow a billiards bar in the subject property unless the Special Exception is approved. For the applicant to have international billiards rating there must be a bar.

Mr. Swiney asked Mr. Potter if he performed the presented calculations himself. Mr. Potter 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 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 allow a billiards bar (Use Unit 12a) within 150 feet of a R District (Section 701, Table 1). 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. The Board moves 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 subject to the action of the Board being void should another adult entertainment establishment or other conflicting use be established prior to the establishment of this adult entertainment establishment. This approval of the Special Exception is only applicable to the space identified in the overall larger building as shown on page 7.11 in the Board’s agenda packet, identified as 11654 and noted as billiards on the exhibit; and page 7.12 for the verification of spacing; for the following property:

LT 1 BLK 1, BURRIS SQUARE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21780—Ann Smith

Action Requested:

Variance to reduce the required side yard to 15 feet; Variance to reduce the required setback from the centerline of South Lewis Avenue to 50 feet (Section 403, Table 3). **LOCATION:** 2227 East 26th Place **(CD 4)**

Presentation:

Ann Smith, 2227 East 26th Place, Tulsa, OK; stated she is converting a storage shed into a garage and storage area. The previous carport has been enclosed.

Interested Parties:

There were no interested parties present.

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 Variance to reduce the required side yard setback from 35 feet to 15 feet; Variance to reduce the required setback from the centerline of South Lewis Avenue from 70 feet to 50 feet (Section 403, Table 3), as shown in the conceptual site plan on page 9.11 to permit the construction of the new garage and storage area. The Board has found that the area to be constructed to be generally placed in the previously existing structure of the same general area. 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:

PT LT 21 BLK 2 BEG NEC LT 21 TH WLY ON NL 146.88 TO PT TH SLY ON L TO PT SL 135 WLY FR SEC TH ELY SL 135 SE C NLY 165 TO BEG, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21781—Bart James

Action Requested:

Special Exception to allow a car wash (Use Unit 17) in the CS District (Section 701, Table 1). **LOCATION:** 10910 East 31st Street (**CD 6**)

Presentation:

Bart James, 7910 South 101st East Avenue, Tulsa, OK; stated he is the attorney for the buyer of the subject property. The buyer would like to replace the existing structure with a car wash as shown on the conceptual site plan. There will be some details that still need to be worked out for the subject site. The building may a little more north or south. There is a private covenant site line easement on the northern edge of the building. There is an office zoning to the south that is basically in the flood plain area, and tomorrow there will be a request to change all of the subject site to CS zong before the Tulsa Metropolitan Area Planning Commission.

Ms. Miller stated that this request can only be at this point for the CS portion of the subject property, because a car wash which is Use Unit 17 is not allowed in OL zoning. That change will have to take effect first.

Ms. Miller asked Mr. James if he had submitted a revised legal description for just the CS portion of the site. Ms. Moyer stated the legal description was not revised. Mr. James stated the request was for the whole property assuming the zoning would be changed to CS. Ms. Miller stated that she did not think it would be possible to grant a Special Exception on a property where it is prohibited by code.

Mr. James stated that the reason for the zoning change is because if there is a drive or structure placed in through the OL it is considered an extension of the car wash. Currently the car wash will be totally within the CS zoning.

Ms. Snyder left the meeting at 2:03 P.M.

Mr. Van De Wiele asked Mr. Swiney if there was anything within the code that would prohibit the approval contingent on the new zoning. Mr. Swiney stated that he is not aware of anything in the code and that he thinks it would be up to the Board to grant the approval with reasonable requirements.

Ms. Snyder re-entered the meeting at 2:04 P.M.

Ms. Miller stated that if the zoning does not permit the car wash as a Special Exception she does not see how this can be considered. Mr. Van De Wiele asked if this is similar to what is done with lot splits, where a Variance is approved as to lot width? Ms. Miller stated that is a little different because the current zoning is still in place with some adjustment. Ms. Miller stated that Janine VanValkenburgh, she works with Mark Swiney, spoke to her about this case, and she specifically asked if staff had requested a revised legal description from the applicant. Ms. Miller stated that she thought that had been requested, and that it had been made very clear to the applicant that the CS portion of the subject site was the only area being considered under today's request. Mr. Henke stated that is how the request is advertised, as only being on the CS portion of the subject site. Ms. Miller confirmed that was how the request was advertised and that those comments were in the staff report, and Ms. Miller read the staff comments.

Mr. Henke asked if there was anything prohibiting the Board from deciding on the relief request before them today. Ms. Miller stated there was not. Ms. Moyer stated that the notice that sent out was for the entire property, and it shows the property to be zoned OL and CS, and that is also how it was published in the newspaper. The notice and the newspaper stated that the car wash would be in the CS District.

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 **Special Exception** to allow a car wash (Use Unit 17) in the CS District (Section 701, Table 1), subject to per conceptual plan on page 10.16 with the clarification that the legal stated in the application covers the entire property this approval only affects that which is currently zoned CS. 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:

PRT LT 2 BEG NEC TH S450 W281.76 N150 E161.18 N300 E119 POB LESS BEG 93.18W NEC TH W25.82 S20 E25.86 N20 POB BLK 2, VALLEY GLEN SOUTH, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21783—Randy Floyd

Action Requested:

Variance to allow an increase in a structural nonconformity (Section 1405.A); Variance to allow a two story detached accessory building (Section 210.B.5.a); Variance to allow a detached accessory building with a height of 20 feet in the required rear yard (Section 210.B.5.a); Variance of the required setback for a detached accessory building in the required rear yard from 3'-0" to 2'-11" (Section 210.B.5.b). **LOCATION:** 2221 South Madison Avenue **(CD 4)**

Presentation:

Randy Floyd, 7720 North Robinson (P. O. Box 2053), Oklahoma City, OK; stated her client purchased the residence in the Maple Ridge Addition approximately five years ago. At the time of purchase there was no usable garage but there was a very small two-story building at the northeast corner of the lot which had been a garage in 1924 when the house was built. This building was a garage on the first floor with a studio apartment on the second floor that an exterior set of stairs leading up to it. At that time the driveway probably paralleled the back property line. The entire garage building had been abandoned because it is too small with low ceiling height. The home owner hired her to design a new garage for the property and asked her to make the abandoned building into a guest quarters for his family. When she investigated it she quickly found out that the building was out of compliance. What the owner would like to do is make the old building a two-story guest quarters with an enclosed stairway so people move from the living area downstairs to the bedroom area upstairs without going outside. The enclosed stairway would be a small addition to the building which increases the non-conformity.

Mr. Van De Wiele asked if the building would be a garage as well as guest quarters. Ms. Floyd stated that it would not because there will be a new garage erected. The new garage will be on the west side as presented on the site plan. There is nothing out of compliance with the new garage, it is simply a question of can the owner build the small enclosed staircase onto the existing two-story building. In her estimation it would be a shame to raze the building because it is a historic building within a historic neighborhood.

Mr. White asked Ms. Floyd if she had spoke with any of the neighbors or received any input from the neighbors. Ms. Floyd stated that her client informed her that they have not heard from any of the neighbors.

Mr. Van De Wiele asked Ms. Floyd how tall the new proposed garage will be. Ms. Floyd stated the new garage will be one story and will be in compliance, and will not have a top plate over ten feet.

Mr. Van De Wiele asked Ms. Floyd how the structural non-conformity was being increased in the existing garage. Ms. Floyd stated that she has been told that is an increase in the cubic volume of the building by adding the stair.

Ms. Snyder asked Ms. Floyd if she was making the existing stair wider. Ms. Floyd stated there is an existing stair on the north side of the building and it is completely up to the property line and actually is built on the utility easement. She wants to build the enclosed stair on the south side of the building which will be done by adding a small addition to the garage to allow for the building of the enclosed stair.

Mr. White asked Ms. Floyd if this meet the fire code. Ms. Floyd stated that any codes will be dealt with by the Development Department. Mr. White asked if it was a requirement to have a stairway. Ms. Floyd stated that if the building is not used there is no need for a stairway.

Mr. Van De Wiele asked Ms. Floyd if there was a stairway on the back outside of the building. Ms. Floyd answered affirmatively. Mr. Van De Wiele asked Ms. Floyd if she was going to remove the existing outside stairs and then cut through the second floor on the inside of the building and install stairs going to the first floor, or are the new stairs going to be added to the outside of the building. Ms. Floyd stated it is actually a little of both. The stairs will be added to the outside of the building which be about a five foot by eighteen foot addition to the building with a slight remodel to the inside of the building to contain the stairs. At this point Ms. Floyd used page 11.15 on the overhead projector to point out the new stairwell addition.

Ms. Snyder asked if the building was currently existing at 20 feet in height as depicted on the site plan. Ms. Floyd answered affirmatively. Ms. Floyd stated that the non-conformities are that the building has a 20 foot top plate height and that it is only 2'-11" from the north property line.

Mr. Henke asked Ms. Floyd if she had an elevation depicting what the project will look like from the street. Ms. Floyd stated that she did but was not asked for it. The lot is pretty high and she does not think anyone will be able to see the old building from the street unless it is a small portion of the roof.

Mr. Van De Wiele asked Ms. Floyd if all she was before the Board for today is the small 5 x 18 addition to the existing garage. Ms. Floyd answered affirmatively. Ms. Floyd stated the client is within the allotted square footage for accessory buildings.

Mr. Van De Wiele asked if the two buildings were connected in some way. Ms. Floyd stated they are not connected. The small building is two-story and the new larger building is one story.

Mr. White asked Ms. Floyd if the roof of the one story encroaching the property to the east, because it looks like the upper right corner does. Ms. Floyd stated it is on the setback, and she is not requesting a Variance. The City has reviewed the plans and they did say anything about encroachment.

Ms. Snyder asked if the the enclosed stairway is the only thing being done to the existing building. Ms. Floyd stated the building will be remodeled into guest quarters. There will be a small kitchen installed, a bedroom, closet space, and a living area.

Mr. Van De Wiele asked Ms. Miller if the Board can allow two residences on one lot of record. Ms. Floyd stated that issue has already been resolved. There was a letter written stating there will not be two families living on the lot.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, 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 to allow an increase in a structural nonconformity (Section 1405.A); Variance to allow a two story detached accessory building (Section 210.B.5.a); Variance to allow a detached accessory building with a height of 20 feet in the required rear yard (Section 210.B.5.a); Variance of the required setback for a detached accessory building in the required rear yard from 3'-0” to 2'-11” (Section 210.B.5.b). This approval for the expansion is per plan as shown on page 11.15, referring to the single building located in the northeast corner of the subject lot. All the Variance approvals referred to in this motion all refer to the single story building in the northeast corner. The approved expansion is to permit a stairwell on the south side of the existing non-conforming building. In granting this Variance the Board has found that this is an existing non-conforming building and the existing stairwell needs to be changed thus the approval for

a new stairwell. 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 2 LESS BEG NORTHERNMOST COR TH SWLY 12 SELY 90 SELY TO NEC LT 2 TH NWLY 120 POB BLK 9, SUNSET PARK AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tidwell left the meeting at 2:29 P.M.

21785—Llon H. Crendenen

Action Requested:

Variance to increase the cubic content of a non-conforming structure (Section 1405.A); Variance to allow a two story building in an OL District (Section 603, Table 3); Variance to reduce the setback from 100 feet to 65 feet from the centerline of South Harvard Avenue (Section 603, Table 3). **LOCATION:** 3305 East 45th Street (CD 9)

Mr. Tidwell re-entered the meeting at 2:32 P.M.

Presentation:

Llon Crendenen, 3305 East 45th Street, Tulsa, OK; stated this is for his orthodontic office which is growing and expanding. The expansion will allow for a better work flow and staff.

Ms. Snyder asked if the existing building currently sits at the setback presented. Mr. Crendenen answered affirmatively. Ms. Snyder asked Mr. Crendenen if he knew what the current setback is. Mr. Crendenen stated the setback is currently 100 feet from the centerline of South Harvard and the building is approximately 65 feet.

Mr. Van De Wiele asked if the new addition was going to be the full height of the tallest part of the existing building. Mr. Crendenen stated that it will be close. The building is not currently a two-story building but it is pitched as though it is. The roofline will roughly be the same. It will not be the tallest looking building on the street because it is at the bottom of the hill.

Interested Parties:

There were no interested parties present.

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 Variance to increase the cubic content of a non-conforming structure (Section 1405.A); Variance to allow a two story building in an OL District (Section 603, Table 3); Variance to reduce the setback from 100 feet to 65 feet from the centerline of South Harvard Avenue (Section 603, Table 3), subject to the conceptual site plan on page 12.16. The Board has found the building addition to be constructed will be in line with the western existing building line of the single story structure. The proposed addition will be no taller than the current existing structure as shown on page 12.13. 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 11 BLK 1, VILLA GROVE HGTS NO 1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21786—Global Sign Solutions

Action Requested:

Variance to allow more than one sign per street frontage in an OL District to permit two signs (Section 602.B.4.b). **LOCATION:** 3820 East 51st Street **(CD 9)**

Presentation:

Muhammad Ahmadian, 17424 South Union, Mounds, OK; stated he represents Global Sign Solutions. He would like to have a second sign and 20 square feet more for that sign.

Mr. Henke asked who owned the building the client is in. It is obvious that the lease gave the client signage. Mr. Ahmadian stated the owner is the Husky Chiropractic Clinic, and according to the lease the client can have a second sign. When the permit was applied for through the City of Tulsa that was not the case.

Mr. Henke asked Mr. Ahmadian if it is in the lease that the client can have the signage. Mr. Ahmadian deferred to the client.

Mr. Van De Wiele stated there is nothing in his packet stating the client is asking for more square footage. To him it looks like there is to be a split of the 32 square feet. Ms. Miller stated the Letter of Deficiency does not show that. Ms. Moyer stated the Permit Office said only to allow two signs and did not say anything about square footage.

Mr. Van De Wiele stated that if the client is looking for more than the 32 square feet the Board cannot hear that request today, but if the client is requesting two 16 square foot signs that can be heard.

Mr. Van De Wiele asked if there were only two tenants in the building. Mr. Ahmadian stated there are four tenants spaces in the building with two spaces occupied.

Mr. Henke asked what the Board is to do when the next tenant requests signage. Mr. Ahmadian stated that he asked the owner the same question, and he was told there can be a pole sign where everyone can have their name displayed.

Mr. Van De Wiele stated that if the existing State Farm sign is 11 feet by 2 feet there is more than 32 square feet now.

Interested Parties:

Chris Lile, 5832 South Hudson Place, Tulsa, OK; stated that Dr. Husky was under the impression that he had 32 square feet of signage available for the building. In the lease, based on the proportionate foot print of the insurance office compared to Dr. Husky's office and the other offices that are still available, that left 20 square feet for the insurance sign.

Ms. Miller stated in regards to the sign regulation it stipulates that no more than one sign shall be erected for each street frontage of a lot, and that is what is being looked at today. The sign regulation also says, "the sign shall not exceed 2/10 of a square foot of display surface per lineal foot of street frontage provided that no event the sign shall be restricted to less than 32 square feet nor permitted to exceed 150 square feet of display surface area". So, whatever the calculation is of the frontage of the lot it is 2/10 of a square foot or 32 square feet would be the minimum.

Mr. Lile stated the building is significantly larger than his office space. Mr. Van De Wiele stated he did the calculations using the site plan of 157.25 feet wide times 2/10 gives 31.45 square feet for the minimum. On the site plan presented it quotes the existing sign to be 35 square feet, and the client is asking for 19.8 feet. Mr. Van De Wiele believes the applicant is asking for something the Board cannot give him. Ms. Miller stated the applicant may need another Variance.

Mr. Ahmadian stated that he presented the request just as the Board sees it to the City. Mr. Henke stated that another problem is the hardship, he is not sure what the hardship for the other request would be for adding more surface area of signs to the building. Mr.

Van De Wiele stated that if there are other tenants they are going to want the same thing.

Mr. Lile stated the other tenant is a title company and they do not care about frontage. Theoretically, yes someone might want some signage, but Dr. Husky is a pretty hard core person and it took quite a bit of convincing to allow the existing State Farm sign.

Ms. Miller stated that, unfortunately, staff needs to discuss this case some more with the Permit Office.

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 **CONTINUE** the request for a Variance to allow more than one sign per street frontage in an OL District to permit two signs (Section 602.B.4.b) to the Board of Adjustment meeting on November 12, 2014; for the following property:

E155 W660 S125 N175 NE NW SEC 33 19 13 .44AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Mr. White asked about the concept of "cubic content"; he has not heard that terminology before. Ms. Miller stated it is the terminology used when a person increases the non-conformity. Cubic content is the terminology the Permit Office used, but she does not know if it something they just started using.

Mr. Swiney stated that it speaks to the improvements on the inside of a building. A permit is needed to increase the non-conformity but the total footprint or space of the building is not being increased.

There being no further business, the meeting adjourned at 2:47 p.m.

Date approved: 10/28/14

Frank X. [Signature]
Chair