

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1127
Tuesday, October 28, 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 23, 2014, at 2:28 p.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 October 14, 2014 Board of Adjustment meeting (No. 1126).

UNFINISHED BUSINESS

21768—Bill LaFortune

Action Requested:

Special Exception to allow Off-Street Parking in an RM-2 District (Section 401, Table 1); Special Exception to permit required off-street parking to be located on a lot other

than the lot containing the primary use (Section 1301.D). **LOCATION:** 1234 North Wheeling Avenue **(CD 1)**

Presentation:

The applicant has requested his case to be moved to the end of today's agenda because he has a prior scheduled speaking engagement. The Board members agreed to move this case to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No action required at this time; 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:

Ms. Moye stated that the applicant had requested a continuance to the November 12, 2014 meeting but now has withdrawn this case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No action required for this case; 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

*****.

NEW BUSINESS

21787—Jose Del Rio

Action Requested:

Variance to reduce to required side yard to 0 feet to permit an addition (Section 403.A.8); Variance to reduce the required rear yard to 6 feet 4 inches to permit an addition (Section 403, Table 3). **LOCATION:** 1019 West 2nd Street **(CD 4)**

Presentation:

Jose Del Rio, 1019 West 2nd Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. Henke asked Mr. Del Rio if the house was his, and he stated that it was not but pointed to a member of the audience.

Mr. White asked Mr. Del Rio if he had heard from the neighbor to the west of the subject property. Mr. Del Rio stated that he had not.

Mr. White cautioned Mr. Del Rio that the relief goes to zero feet, to the property line itself, and he needs to be careful not encroach upon the neighbor because the relief would not allow that.

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 to reduce to required side yard to 0 feet to permit an addition (Section 403.A.8); Variance to reduce the required rear yard to 6 feet 4 inches to permit an addition (Section 403, Table 3), subject to “as built” on page 4.11 notwithstanding any encroachments that may occur. The hardship is that this particular lot is unusually small and in order to be able to have any parking structure at all would require going to the side lot line. The rear yard requirement is still the same carport because of the shallow depth of the lot. The lot is shown as being 67’-6” wide x 50’-0” deep. 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:

E1/2 OF LT 3 RESERVE, CROSBIE HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21788—Michael Ward

Variance to permit a 45 foot sign in an CH District (Section 1221.E.1); Variance to reduce the required setback from the centerline of South Memorial Drive to 70 feet to permit a 45 foot sign in an CH District (Section 1221.E). **LOCATION:** 7878 East Admiral Place **(CD 3)**

Michael Ward, 4705 South 129th East Avenue, Tulsa, OK; stated this request is for a new Quik Trip store at Memorial and Admiral. He believes there are three different hardships for the request. One of the hardships is the overall visibility of the sign. Highway 244 to the north, he believes that safety is a concern for their customers. One of the things that is different about the subject intersection is the off-ramp for 244 is on the left hand side of the expressway so he believes the additional five feet will help the customers to safely maneuver to the left side for exiting. The property is not being replatted but by plat Quik Trip has 50 feet of right-of-way dedication. The sign code states the setback is based on the Major Street and Highway Plan which is 60 feet, and that is why there is a request for ten feet of relief. The sign will fit in with the other high rises of the area, and he believes there are extraordinary circumstances with the subject intersection.

Mr. Van De Wiele stated that he does not see what five feet will gain Quik Trip. Mr. Ward stated that Quik Trip does fly all their signs before they are installed, and five feet will get the sign to the level needed. Whenever the site is approached by east bound traffic the signs disappear as they get closer to the exit except for the other signs in the subject area. There is a Conoco Phillips 66 sign that is very visible, and Quik Trip feels that the five feet will give them the height needed to be visible.

Mr. Tidwell asked Mr. Ward how high the Conoco Phillips 66 sign is. Mr. Ward thought the sign was 40 feet, but Conoco has the advantage of being on top of the hill plus their sign is out of sight line of the trees. Mr. Ward stated that the zoning code states an applicant is allowed 50 feet if they are abutting a highway and within 660 feet of the

freeway right-of-way. Quik Trip is within 660 feet of the freeway but they are not abutting the highway.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele stated that he does not see the hardship. He does not have an issue with the placement of the sign, but he thinks the height is not necessarily for a safety issue but a commercial issue.

Mr. White stated there were similar considerations for the McDonald sign that is on the northeast corner of the subject intersection.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Henke, Snyder, Tidwell, White “aye”; Van De Wiele “nay”; no “abstentions”; none absent) to **APPROVE** the request for a Variance to permit a 45 foot sign in an CH District (Section 1221.E.1); Variance to reduce the required setback from the centerline of South Memorial Drive to 70 feet to permit a 45 foot sign in an CH District (Section 1221.E), subject to conceptual plan on pages 5.11 and 5.12. The hardship is the topography from I-244 as it approaches the Memorial Drive exit. 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 1 LESS BEG NEC TH S25 NW35.43 NE25 POB BLK 1, TOMMY-LEE RESUB B1, TOMMY-LEE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21789—Kevin Vanover

Action Requested:

Variance to reduce the total number of required off-street parking spaces for a new classroom addition to 645 spaces (Section 1201.D). **LOCATION:** 2906 East 41st Street **(CD 9)**

Presentation:

Kevin Vanover, Impact Engineering & Planning, 109 North Birch, Owasso, OK; stated there will be what is considered a classroom addition. It is actually two auditorium style classrooms that are being constructed on the front of the north side of the existing Edison Prep School. It will be a multi-purpose building because it is not just classroom but also a FEMA certified safe room. It will be the first certified safe room on this

campus and it house up to 600 students during a tornado or violent event. The current location for the proposed facility is a parking lot that has approximately the same number of parking spaces as the proposed parking lot. The proposed parking lot will replace the displaced parking, and it will not reduce the number of parking spaces but there is not the opportunity to increase the parking spaces either. The parking lot that is being added is not something that is normally done as far as a dead end parking lot. This parking lot is something that Tulsa Public Schools is adamant about, they want the parking at the proposed location. The problem with having the full 16 spaces that would be required for the addition is there no land available that is not currently dedicated to something on campus. All of the existing open land area on the south side of the campus is set aside for athletic or playground areas. Every other space on the campus that is available is parking. This case came before the Board regarding parking when a new field house on the south side, and at that time there were 645 spaces as a required minimum and with this remodel and restripping there are now 650 spaces.

Mr. Van De Wiele asked how many spaces were being removed for the proposed class addition and how many spaces are going in on the proposed parking lot. Mr. Vanover stated there is a net change of five spaces, or taking out 20 spaces and replacing them with 25 spaces making for 650 parking spaces.

Mr. Vanover stated that the proposed facility is not intended to increase student numbers nor increase any population on campus. It is simply adding two auditorium style classrooms to be used by the existing student count. The student count is not going up. These are not classrooms that will be used everyday but as a special event or presentation type classroom.

Mr. Van De Wiele asked Mr. Vanover if he knew what the population of the faculty and driving age students is. Mr. Vanover stated that he did not have those numbers.

Mr. Tidwell asked how many square feet are provided per student in the shelter. Mr. Vanover stated he was not sure what the numbers are because he is a civil person and does get involved in that process, but he believes the FEMA requirements are three or four square feet per student.

Mr. Van De Wiele asked if the proposed addition is big enough for the entire student population. Mr. Vanover stated it is not 100% of the students. He believes that there will be another addition in the future to encompass all the students.

Interested Parties:

Mike Koch, 4311 South Florence, Tulsa, OK; stated that 2010-2011 Tulsa Public School Edison did not want to comply with the City of Tulsa zoning requirements in the last construction project. The neighbors objected at the Board of Adjustment meetings indicating the school should provide adequate parking for school events and that was Board of Adjustment case 21185. If Edison does not provide adequate parking for an event the result will be that people attending the event must park in a residential neighborhood. At the previous protest neighbors provided photographic examples of

vehicles and school buses parking on the street along Florence Avenue. The neighbors also provided an example of an UPS truck that had to back up an entire block to allow another truck to pass because there is not enough space on the street. When people park on the street it creates access problems for the residents by limiting access, introducing traffic problems, and increasing security concerns due to unknown people walking the streets and parking in front of houses. It is both a potential safety problem for the neighbors and the school because emergency vehicles cannot service the neighborhood due to the two-way traffic issue.

Mr. Henke stated that all current five Board members were present at the referred to meeting so that case does not need to discuss it again. Mr. Koch did not realize that and continued with his presentation.

Mr. Koch stated that the end result of the neighbors protest is documented in a court action and Edison never complied with that order. In this application it appears that Edison has 650 parking spaces but as of last evening there are 610 marked parking spaces accessible to the public, there are 25 marked parking spaced behind a locked fence. Edison has the space available for additional parking but they choose not use that space. He would request the Board enforce the previous agreement requiring Edison to provide 645 usable parking spaces, not including the parking spaces behind the locked fence.

Mr. Van De Wiele asked Mr. Koch to point out on the map displayed on the overhead projector the parking spaces behind the locked fence. Mr. Koch did so. Mr. Koch stated that the gate stays locked because it is a gate that actually goes out into the neighborhood. Mr. Tidwell stated that he thought the Board required that gate to stay locked.

Mr. Van De Wiele asked Mr. Koch if he believed the parking spaces behind the locked fence were not used during the day. Mr. Koch stated that he went over there right after school time and the gate was locked. He believes it is only open to access when the school is released.

Mr. Van De Wiele asked Mr. Koch if he actually counted the parking spaces. Mr. Koch stated he personally counted every one of the spaces and counted 610 marked parking spaces that are not behind the fence and 25 spaces that are behind the fence.

Mr. Van De Wiele asked Mr. Koch if the City had erected the No Parking/Tow Away Zone signs. Mr. Koch stated they had been erected but they are ignored. People park on both sides of the street. There are even Tulsa Public School Security personnel that stand on the street and people still park.

Dorothy Ellen Burgess, 4247 South Columbia Place, Tulsa, OK; stated she lives on the west side of Edison and has lived there since 1980. She was curious as to how much of the new parking was used so she walked her side of the school property during school time, and she also consulted with a couple of neighbors who live there, and she

was told by the neighbors that they have never seen cars on the parking lot that is inside the locked area. The school does open that gate about 7:00 A.M. leaving it open all day and securing it again about 5:00 P.M. The gate is secured so the neighborhood does get people parking using the access road as a parking lot. During a recent scrimmage the school failed to open the gate and there were more than 70 cars parked on the street, and she have never seen that many cars on that street as long as she has lived there. An emergency vehicle could not have been able to get through if there had been a problem at the game because of all the people and cars. She called the school about the problem nothing happened. She believes part of the problem is the enforcement of the rules that are in effect, and she does not know if they can be fixed. If the residents are still having problems on the east side it is because people prefer to park closer to the event they are attending, because the majority of the time the parking lots on the west side are not utilized. Ms. Burgess stated that she does not know where Edison could add parking because so much of the property is allocated to various athletic activities. Ms. Burgess stated that on the presented site plan the proposed classrooms are titled "College Counseling Center", she would like Mr. Vanover to give some more explanation about the building. Is it a two-story building or a one story building; is it a college counseling center; is it classrooms or exactly what it is.

Rebuttal:

Mr. Vanover came forward. Mr. Henke asked Mr. Vanover to answer the questions about the building, but more importantly, Mr. Koch raised questions about the number of spaces.

Mr. Vanover stated that the 645 spaces is a court mandated number. One of the things his company can do in their service to Tulsa Public Schools is to look at the existing spaces and compare that to the plan that was approved calling out any inefficiencies. As for as the enforcement of the No Parking signs, that is not something that Tulsa Public Schools can enforce off school property but it is something that can addressed through the school liasion officer and the City of Tulsa Traffic Operations Department. As for the overall number of spaces, when classes are in session there has not been an abundance of parking issues because all the parking spaces are not used on the east or west side. The parking is east side heavy because that is where all the students are, and he would imagine there is some energy deficiency that requires the students to park in the street instead of using the west side parking lot. Mr. Henke translated to students not wanting to walk.

Mr. Van De Wiele stated the court order stipulates that Tulsa School Campus Police Department will monitor the parking on South Florence Avenue, and ticket and seek to tow away. Mr. Van De Wiele asked if the Campus Police Department had the authority to ticket. Mr. Vanover stated that it is his understanding that the Campus Police Department is an agent of the City of Tulsa, and would have the authority to do so. This is something that can be discussed with the Tulsa Public School representatives. Tulsa Public Schools recognize there is an issue with the parking on the street during events.

Mr. Vanover stated that the roadway on the west side was not intended for parking and is intended for access only during school hours, and the parking lot is locked when school is not in session. This is something that needs to be addressed with Tulsa Public Schools.

Mr. Henke asked Mr. Vanover who he coordinates with at the school or Tulsa Public School. Mr. Vanover stated that Robert LaBass is the coordinating person he works with at the bond office. Mr. Henke stated that this should be continued because there are no Tulsa Public School representatives in attendance, and he is uncomfortable making an adjustment today because there is no accounting to the number of spaces.

Mr. Van De Wiele stated he would like to see a drawing with the number of parking spaces on each individual lot, and showing the lot as it is striped not as it was planned to be striped or constructed.

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 reduce the total number of required off-street parking spaces for a new classroom addition to 645 spaces (Section 1201.D) to the November 12, 2014 Board of Adjustment meeting which is a Wednesday because the regularly scheduled meeting falls on Veterans Day; for the following property:

NW NE SEC 29-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21790—Jeremiah Bradshaw

Action Requested:

Variance to reduce the required front yard from 35 feet to 25.5 feet to permit an addition (Section 403, Table 3); **Variance** to reduce the required north side yard to 3.3 feet (Section 403, Table 3). **LOCATION:** 2736 South Victor Avenue **(CD 4)**

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents the applicant, Jeremiah Bradshaw. Mr. Reynolds had Ms. Moye place page 7.1 and page 7.22 from the Board’s agenda packet on the overhead projector to show the location of the property on Victor Avenue. In the packet there are five separate letters from the adjacent neighbors that are in support of the application. Mr. Reynolds presented another letter of support to the Board. Mr. Reynolds asked Ms. Moye to display page 7.11 on the overhead projector to show where the neighbors that presented the letters of support live in relation to the subject property. On the north side of the lot there is basically the lot line of the rear lot so there is not an established site line that is broken

up by moving the garage and house toward the street. The 35 foot setback is still over 20 feet from the street and nearly 50 feet from the centerline of the street. On the south side the setback is 15 feet and 10 feet on the north side. The fenceline has been in place for approximately 30 years is 1.7 feet from property line to the lot on the north side, so the property owner is still set back five feet from the true property line not the platted property line. The neighbor on the north is in favor of this application.

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 reduce the required front yard from 35 feet to 25.5 feet to permit an addition (Section 403, Table 3); Variance to reduce the required north side yard from 5 feet to 3.3 feet (Section 403, Table 3), subject to conceptual plan on page 7.14. Finding that the actual north side of the house abuts the back side of the house to the north, and it will not interfere with the view. 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:

N25 LT 14 & LT 15 LESS N60 BLK 11, FOREST HILLS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21791—Lamar Outdoor Advertising – Lorinda Elizondo

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign (Section 1221.F.2); Verification of the spacing requirement for a digital outdoor advertising sign (Section 1221.G.9 and Section G.10). **LOCATION:** 5124 South Peoria Avenue (CD 9)

Presentation:

Lorinda Elizondo, 7777 East 38th Street, Tulsa, OK; stated this is an existing billboard on the subject property that the client would like to add a digital display to the billboard, and she is available for any questions.

Mr. Henke stated the Board is in receipt of the survey for the subject property and sign.

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) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant’s verification of spacing between outdoor advertising signs, whether it be a digital or conventional billboard, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign; for the following property:

LT 1 LESS BEG INT EL LT 1 & SL LT 2 TH NW164.35 NW95.05 S73.45 SE258.95 N74.13 POB FOR HWY & LESS BEG NEC LT 1 TH W25.62 SE41.23 E15.63 N40 POB FOR HWY BLK 1, JEN-ASH PARK, RIVERVIEW VILLAGE 2ND ADDN, ROYAL ARMS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21792—Lamar Outdoor Advertising – Lorinda Elizondo

Action Requested:

Verification of the Spacing Requirement for an outdoor advertising sign (Section 1221.F.2); Verification of the spacing requirement for a digital outdoor advertising sign (Section 1221.G.9 and Section G.10). **LOCATION:** 9510 Broken Arrow Expressway **(CD 7)**

Presentation:

Lorinda Elizondo, 7777 East 38th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

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 **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant’s verification of spacing between outdoor advertising signs, whether it be a digital or conventional

billboard, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign; for the following property:

BEG 1052.2N SWC E/2 E/2 NE TH N510 TO SLY R/W BA EXPY TH SE359.86 S368.79 W331 POB LESS BEG 1052.2N SWC E/2 E/2 NE TH N296.63 E20 S296.63 W20 POB SEC 25 19 13 3.203ACS,ALEXANDER TRUST ADDN, ALEXANDER TRUST ADDN AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21793—Costco Wholesale – Michael Okuma

Action Requested:

Spacing verification for a liquor store in a CS District (Section 1214.C.3).

LOCATION: South of the SW/c of East 101st Street and South Memorial Drive (**CD 8**)

Presentation:

Caroline Shaw, 19000 MacArthur Boulevard, #250, Irvine, CA; stated she is representing the applicant and was available for any questions from the Board.

Mr. Henke stated that the Board is in receipt of the measurements taken showing the 300 feet.

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) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant’s 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 subject to the action of the Board being void should another above referenced conflicting use be established prior to this liquor store, subject to the liquor store shown on pages 10.7 and 10.8 at the location thereon; for the following property:

S/2 NE NE LESS E120 THEREOF FOR RD SEC 26 18 13 18.18AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21794—LaRue Homes, Inc.

Action Requested:

Variance to reduce the side-yard setback to 4'-7" (Section 403, Table 3).

LOCATION: 1830 East 32nd Street **(CD 9)**

Presentation:

Jeff LaRue, 12806 South Memorial Drive, Bixby, OK; no presentation was made but the applicant was available for any questions.

Mr. Henke asked the applicant to explain a little about his request.

Mr. LaRue stated there is a ten foot easement on one side and a five foot easement on the other side of the property. The addition will be on the east side of the subject property.

Mr. Van De Wiele asked how large the addition is going to be. Mr. LaRue stated that it is a two-story house and the addition is one-story comprising a master suite; a bedroom, closet, and bathroom.

Mr. Van De Wiele asked Mr. LaRue what his hardship is for the request. Mr. LaRue stated there are two trees in the rear yard that are quite old and the owner does not want to lose them. Mr. Henke stated that there cannot be a self imposed hardship.

Mr. Van De Wiele asked if making the addition smaller was an option. He has presented several smaller options to the owner but the owner feels that a smaller addition will not serve their needs.

Mr. Van De Wiele asked Mr. LaRue if he had heard anything from the neighbor. Mr. LaRue stated that he had not.

Interested Parties:

Neely Wynn, 1830 East 32nd Street, Tulsa, OK; stated the house on the east side of the subject property does not have anyone living there. She has lived in her house for eight years and the previous owners of her property had lived there for ten years, and no one has ever occupied the house on the east side of her property. She has spoke to the neighbor on the west side and the neighbors across the street about the project and everyone is in favor of the addition.

Mr. Van De Wiele stated he is having a hard time with the hardship. Ms. Neely stated that the south half of her property is in a City of Tulsa flood management zone so she cannot build into that area. There is a large amount of water that flows through the back yard going to the west, and that water path must be kept open. She received a map from the City that shows about 60%, the southern portion of her property, is in the flood zone.

Mr. Van De Wiele asked how close she thought the flood plain line is to her patio. Ms. Neely stated the patio is completely in the flood plain. She stated that if her house had not been built the water would flow where the house is. In fact, shortly after she purchased the house it was flooded so they had grading work done and drains installed to deflect the water away from the house.

Mr. Van De Wiele asked Ms. Neely in what direction the water flowed. Ms. Neely stated the water flows from the southeast to the northwest.

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 reduce the side-yard setback to 4'-7" (Section 403, Table 3), subject to conceptual plan 11.7 limiting it to the encroachment as shown on 11.7. The Board has found that there is a flood issue that goes from the southeast side of the property to the northwest side of the property which inhibits the owner from building farther into the rear yard. 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 4 BLK 5, BREN-ROSE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

20688-A—Enterprise Rent-A-Car

Action Requested:

Special Exception to permit an automobile rental use (Use Unit 17) in a CS District (Section 701). **LOCATION:** 6111 South Sheridan Road **(CD 7)**

Presentation:

Becky Hauk, Enterprise Rent-A-Car, 433 East Memorial Road, Oklahoma City, OK; no formal presentation was made but the applicant was available for any questions.

Mr. White stated that he drives by the subject location a lot and it has been kept up quite well, it is a nice location.

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 an automobile rental use (Use Unit 17) in a CS District (Section 701). This approval is a continuation of the initial Special Exception that was granted in 2007. 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 LESS BEG NWC TH E30 SW28.28 TO PT 20S & 10E NWC S130 W10 N150 POB FOR ST BLK 1, MSM CENTER RESUB L2 B1 GRAVATT-TABOR CTR, GRAVATT-TABOR CENTER, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

17108-B—City of Tulsa Parks – Jack Bubenik

Action Requested:

Modification of a previously approved site plan (BOA-17108) to permit construction of new facilities. **LOCATION:** 1818 East Virgin Street **(CD 1)**

Presentation:

Jack Bubenik, City of Tulsa Parks Department, 175 East 2nd Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board members.

Mr. Henke stated that he knows Mr. Bubenik has been hard at work meeting with the neighbors because he has been reading about this project in the newspaper.

Mr. Bubenik stated that the last two years has been somewhat of a journey. He has met with the neighborhood on several occasions. The neighbors formed a task force and toured some of the parks in the system, and they made note of the amenities that they liked. They presented a list to the Parks Department and prioritized the list and from that list a conceptual plan was made which has been presented.

Interested Parties:

Jerod Widemon, 2207 North Rockford, Tulsa, OK; stated he represents the Joe Louis Neighborhood Association. He presented the Board with a conceptual plan for the proposed park. Mr. Widemon stated the association has been working with Mr. Bubenik for a number of years and the association has approved the plans the Park Department has set aside for the area. The plans are quite extensive and this will be completed in three phases with the first phase is what is being discussed today. The neighbors have

been meeting every week for the last two months and everyone is in agreement with the first phase.

Tracie Chandler, 564 East 39th Street North, Tulsa, OK; stated she does not live in the planned area but she plans to go to the park. She is hoping the Board will accept the proposed modification. The committee has worked extremely hard and has come united in the effort for the park. This park will provide a place for anyone to come even if they are from another city or another part of Tulsa. This will be a park to come. This is something that is exciting and the neighbors wants this proposal to be approved.

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) moves **APPROVAL** of the modification of the previously approved site plan, BOA-17108, to permit construction of new facilities which is located in a RS-3 zoned District, subject to the conceptual plan submitted on page 13.20 for funded items and unfunded items conceptually approved with no further Board of Adjustment approval required. Finding the proposed improvements to be compatible with the neighborhood; for the following property:

W/2 NW SE LYING N OF AT & SF RR R/W LESS BEG 1328.55S NWC W/2 NW SE TH N306.14 NE846.42 TO EL W/2 NW SE TH S265.07 TO NL RR R/W TH SW870.51 POB SEC 30 20 13 11.55AC APROX, BULLETTE HGTS 2ND ADDN, CONSERVATION ACRES SUB, GREATER MT. CARMEL BAPTIST CHURCH ADD RSB L1-4B4 BULLETTE HTS 2ND, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21795—Eller & Detrich – Andrew Shank

Variance to permit an outdoor advertising sign in the CS District outside of a freeway sign corridor (Section 1221.F.1); Variance from an outdoor advertising sign orientation being primarily visible from the freeway (Section 1221.F.7); Variance from an outdoor advertising sign being supported by one (1) post or column (Section 1221.F.10). **LOCATION:** South of the SE/c of East 31st Street and South Harvard Avenue **(CD 9)**

Presentation:

Andrew Shank, 2727 East 21st Street, Suite 200, Tulsa, OK; stated his firm was hired about a year ago for the redevelopment of Ranch Acres, which the center consists of essentially three lots; lots 4, 5 and 6. He came before the Board for some Variances for WalMart for landscaping. This center is one of the oldest commercial shopping centers in Tulsa so it predates the code and everytime there is a redevelopment it must come

back before the Board and address shortcomings of the code that was issued after the fact. This presentation is one of the last steps of the redevelopment process. When his firm took over Ranch Acres consisted of six lots that was owned by different entities. That has since been condensed down. There have been lot-split and lot combination applications with TMAPC that will be heard on November 5th. After that process is completed the six pieces will be two pieces, and the landlord will be contractually obligated to split off the WalMart leased premises for Ad Vorlem tax tracking purposes. When this happens the lot, the WalMart, will not be the same lot where the existing Ranch Acres sign is located. This case is to ensure that WalMart like it is today will continue to have the top panel that can be advertised on it, similar to a case that was located on Garnett Road. This is not a true billboard. This is limited to Ranch Acres. In fact when the combination is finished all the development except for WalMart will be on the same lot where the sign is located so there will not be any relief issues. The hardship is that the center and sign predates the Tulsa Zoning Code. The sign is a 150 square foot monument sign and it is under the most restrictive display surface area size wise, and not asking to be any bigger. He has the authority to limit the display surface area to 200 square feet, which will allow the landlord to add another panel if the Board is interested in placing a governor on the aspect of the sign. The client is happy to limit the sign to only advertisement for entertainment, commodities, services being sold at the Ranch Acres center.

Interested Parties:

Robert Denton, 320 South Boston, Suite 1030, Tulsa, OK; stated he represents some of the homeowners in the Ranch Acres subdivision. As the sign is currently situated there are no objections to the sign. The concerns of the homeowners are that there will be any further Variance of the sign. Approximately 18 to 24 months ago there was a case before the Board for Drug Warehouse to install a LED sign which was denied, and that is the concern of the homeowners that there will be further modification or future modification to the subject sign. They do not want to see this becoming a precedent for making further modifications. The sign has been there for as long as most homeowners can remember and has not been any trouble. The homeowners want the keeping of the current tenants as the only advertising and make the sure the sign is not increased in size, brightness or other type of display ability.

Rebuttal:

Andrew Shank came forward. This case is distinguishable from the Drug Warehouse case that was cited. He believes they are zoned to allow this by right but they abutt the residential neighborhood. He wants to make clear that this sign does not have some of the same restrictions, and he would not need to ask for a Variance to make the sign LED. If the Board is so inclined to approve, he would ask that the sign be subject to the sign regulations and code limited to advertising for the tenants in Ranch Acres. He is not aware of any plans to make the sign LED. There is some LED back lighting but not the digital display that everyone is concerned about.

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 permit an outdoor advertising sign in the CS District outside of a freeway sign corridor (Section 1221.F.1); Variance from an outdoor advertising sign orientation being primarily visible from the freeway (Section 1221.F.7); Variance from an outdoor advertising sign being supported by one (1) post or column (Section 1221.F.10), subject to the conceptual plan submitted today and dated September 11, 2014 noting that the sign columns are as constructed and the signage as conceptually displayed on this exhibit. This approval is subject to the other sign limitations per the code. This approval is subject to the further restriction that the advertising to be contained on the sign will be limited to the commercial activities in the various business operations contained in the shopping facilities contained on the lot on which the sign is located and the adjacent lot which the WalMart facility is located. The Board has found by reason of the various lot splits and lot combinations that are currently pending or in place relevant to the shopping facility on the property containing the sign and the adjacent property containing the WalMart facility necessitates the Variances to be granted. 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:

LTS 5-6, ALBERT PIKE 2ND SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

* * * * *

UNFINISHED BUSINESS

21768—Bill LaFortune

Action Requested:

Special Exception to allow Off-Street Parking in an RM-2 District (Section 401, Table 1); Special Exception to permit required off-street parking to be located on a lot other than the lot containing the primary use (Section 1301.D). **LOCATION:** 1234 North Wheeling Avenue **(CD 1)**

Presentation:

Bill LaFortune, 2021 South Lewis, Suite 335, Tulsa, OK; stated this case started when the City issued a ticket to the Applegate family. Claudine Applegate has owned the corner house, the lot directly to the west and the subject lot since the early 1960s.

Mitchell Applegate operated a trucking company beginning in the 1960s. The ticket that was received was for a home based business being operated, and the parking of two trucks on the lot to the north. After several meetings with City staff Mr. LaFortune showed them documents showing the trucking had been operated from the house since the early 1960s. A letter was written by the City stating and agreeing that the business should have been allowed, and to continue, without any action by the Board. But the City the off-street parking issue still needed to be addressed. The history of the Applegate family that owns all three tracts is very important. The business is operated by two sons of Mrs. Applegate's, who still resides in the house on the corner, and the trucks are pulled in to the property at night. The trucks leave early morning and come back at dusk. There is no truck activity during the day. The IL zoning surrounds everything but a strip along Marshall which is RM-2. There is truck parking that happens to the north, there is parking on the lot to the west which is next to the Applegate lot. So in terms of the character of the neighborhood parking two trucks overnight will not destroy the nature of the neighborhood. This is classified as a stable neighborhood under to the plan and Mr. LaFortune thinks it is a transitional neighborhood where it is becoming more industrial. There is screening between the mother's house and the property where the trucks are parked. There is also screening to the north.

Mr. Van De Wiele asked Mr. LaFortune about the parking surface. Mr. LaFortune stated that if the Board imposes that it be paved, and right now it is gravel, then it will be done. Mr. Van De Wiele stated that he did not know if the Board needed to make it a condition, whether it is said or not. Ms. Miller stated that it is a requirement that all parking and driving surfaces be an all-weather surface.

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 Off-Street Parking in an RM-2 District (Section 401, Table 1); Special Exception to permit required off-street parking to be located on a lot other than the lot containing the primary use (Section 1301.D), subject to the conceptual parking plan 2.8. Finding the Special Exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

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

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

The Board members congratulated Mr. LaFortune on his new position as District Judge starting in January 2015.

There being no further business, the meeting adjourned at 2:38 p.m.

Date approved: 11/12/14

Frank X. Hill, Jr.

Chair