

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1129  
Tuesday, November 25, 2014, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street  
Tulsa, Oklahoma 74103

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Henke, Chair Snyder Tidwell, Secretary Van De Wiele White, Vice Chair		Miller Moye Foster Huntsinger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, November 19, 2014, at 10:22 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.

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

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**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 November 12, 2014 Board of Adjustment meeting (No. 1128).

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**NEW BUSINESS**

**21804—Labor Ready Central, Inc.**

**Action Requested:**

Verification of the spacing requirement for a day labor hiring center from blood banks, plasma centers, liquor stores, bail bond offices, pawn shops, and other day labor hiring centers (Section 1214.C.3). **LOCATION:** 902 South Boulder Avenue (CD 4)

**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The applicant has withdrawn this case.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 on this case; for the following property:

**N50 LT 1 BLK 192, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21807—Roy D. Johnsen**

**Action Requested:**

Variance of the required building setback from Southwest Boulevard from 50 feet to 30 feet (Section 603, Table 3); Variance of the allowable floor area ratio (FAR) in the OM District from .50 to .57 (Section 603, Table 3). **LOCATION:** 1111 West 17<sup>th</sup> Street (CD 2)

**Presentation:**

The applicant has requested a continuance to the December 9, 2014 Board of Adjustment meeting.

**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 of the required building setback from Southwest Boulevard from 50 feet to 30

feet (Section 603, Table 3); Variance of the allowable floor area ratio (FAR) in the OM District from .50 to .57 (Section 603, Table 3) to the Board of Adjustment meeting on December 9, 2014; for the following property:

**ALL BLK 5 & N35 VAC ST ADJ ON S BETWEEN RR R/W & JACKSON AVE,  
RIVERVIEW PARK SECOND ADDN RESUB, CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA**

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**UNFINISHED BUSINESS**

**21786—Global Sign Solutions**

**Action Requested:**

Variance to allow more than one (1) sign per street frontage in an OL District to permit two (2) signs (Section 602.B.4.b); Variance to increase allowed display surface area from 32 square feet to 55 square feet to permit two (2) signs (Section 602.B.4.c). **LOCATION:** 3820 East 51<sup>st</sup> Street South **(CD 9)**

**Presentation:**

**Abolfazi Ahmadian**, 17424 South Union, Mounds, OK; no formal presentation was made by the applicant.

Mr. Henke stated the applicant has been before the Board previously in regards to this case and asked if any Board member had any questions.

Mr. White asked if there would be any City staff making any presentation today. Ms. Miller stated that City staff would not be making a presentation today. Ms. Miller stated that since the last meeting the INCOG staff researched the other cases the applicant had brought to the Board's attention in a previous meeting that were in other parts of the City but the applicant thought were relevant to this case.

Mr. Van De Wiele asked the applicant to present his hardship in this case before the interested parties were heard from.

**Chris Lile**, 5832 South Hudson Place, Tulsa, OK; stated he is not sure what qualifies as a hardship, but he is a small business owner and is attempting to have a presence in his area. His office is located at a very busy intersection in Tulsa and he is completely invisible even though he is in an ideal location. He wants the local neighborhood to know that his office is located at 51<sup>st</sup> and Harvard.

Mr. Ahmadian came forward and stated that he thinks he has presented the Board with several cases that have a similar situation as this current case and they have been approved. All he is requesting is two signs and 20 feet of square footage.

Mr. Tidwell asked if the existing sign for the chiropractic clinic has been verified at 32 square feet. Mr. Ahmadian stated the City had told him that the sign was 35.5 square feet, but he measured it and stated that it is less than 32 square feet. Mr. Tidwell asked Mr. Ahmadian for his measurements. Mr. Ahmadian stated that there are two ways of measuring the sign. One way is to measure the width by the height, or by measuring each individual letter to arrive at the square footage of the sign. By not counting the space in between the letters he calculates the sign to be 16 or 18 square feet, and he feels by using this calculation method he can arrive at 32 square feet for the requested sign whether it be one sign or two signs. Mr. Van De Wiele stated that 32 one foot signs creates visual clutter and is not the same as one four foot by eight foot sign.

Mr. Lile came forward and stated that the building immediately next door to him has a large "Check 'N Go" and there are other businesses across the street with huge signs. At the last meeting there was a comment made that his area is zoned residential and the businesses are supposed to be mellow with the signs. His office is not in the middle of a neighborhood it is at 51<sup>st</sup> and Harvard. His personal opinion is that a sign for his business would not look out of place at that intersection.

Mr. Tidwell stated that he is familiar with the signs in the area, and asked Mr. Lile if the landlord had agreed to change his chiropractic sign. Mr. Lile stated that the landlord has not agreed to change his sign but had written a letter stating that he would not offer any signs in his leases from this date forward.

Ms. Snyder stated that she understands Mr. Lile's need for a sign but there will be other tenants in the building that will want or need a sign.

Ms. Miller stated that she understands the landlord has stated that he will not offer any more signs, but she has seen a sign on the property advertising space for lease. Mr. Lile stated that he and the chiropractic clinic are the only two businesses in the building but there are two vacant places in the building.

Mr. Van De Wiele asked staff if there had been any guidance from the City on how a sign's square footage is to be calculated, because every sign the Board has seen is measured as a box. Ms. Miller stated that the City does attempt to be customer friendly but she does not know if they would be willing to draw or calculate two boxes for the square footage.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. White stated that the hardship is hard to come up with but the uniqueness of the zoning around the subject property, i.e., CO, CS, the PUD across the street, have been subjected to variations of the sign code for the existing signs. In many respects this property just happens to fall victim to that which has gone before in the neighborhood.

Mr. Van De Wiele stated he has a problem with the potential of the building being covered with signs. Typically what is seen in this type of situation is a monument sign with the tenants listed.

Mr. Henke stated that the restriction of the square footage mitigates the risk of having four signs.

Mr. White asked Ms. Miller if the Board were to limit this to two signs at the 32 square feet, would the landlord still be eligible to have a monument sign on the property. Ms. Miller stated they would not. A monument sign is only allowed the same 32 square feet.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-2-0 (Tidwell, Van De Wiele, White “aye”; Henke, Snyder “nay”; no “abstentions”; none absent) to **APPROVE** the request for a Variance to allow more than one (1) sign per street frontage in an OL District to permit two (2) signs (Section 602.B.4.b); Variance to increase allowed display surface area from 32 square feet to 55 square feet to permit two (2) signs (Section 602.B.4.c). Finding that the hardship applicable to both of these Variances is the current zoning on the applicant’s tract in comparison to the zoning in the immediate area which is producing a large amount of commercial activity with the attendant’s signs at those places. They are involving PUDs and the various different commercial zonings. 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:

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

**21799—Metro Mechanical Supply**

**Action Requested:**

Variance to reduce the permitted setback from the centerline of East 47<sup>th</sup> Place from 50 feet to 40 feet in the IL District (Section 903, Table 2). **LOCATION:** 9900 East 47<sup>th</sup> Place **(CD 7)**

**Mr. Tidwell recused himself at 1:35 P.M.**

**Presentation:**

**Curtis Kelsey**, 6220 South 101<sup>st</sup> East Avenue, Tulsa, OK; stated that most of the objections he has heard about pertain to water flow and sediment. He presented pictures from 2007 showing water standing in front of a building in the subject area. After the previous meeting he met with Danny McCartney, the City of Tulsa Stormwater Management Engineer. Mr. McCartney stated that the City shaped the interested parties parking lot, Shelby Investments, LLC, as a funnel to direct all the water into the barr ditch. The bar ditch has become full of silt and sediment through the years and nothing will flow. The street in between Metro Mechanical and the Shelby property would have to have water standing over two feet deep running east to west, or from Metro to Shelby to say the water is coming from Metro Mechanical.

Mr. Henke stated that this Board does not deal with water problems and that is why it is left to the City.

Mr. Kelsey stated the City has agreed to come to the area within the next week or two to clean out the ditches to alleviate the problems. The parking lot for Metro Mechanical has not been changed. There are layers of bricks laid down from the 1940s with layers of gravel over that because the lot used to be a brick yard. The Variance being requested will affect an area that is one block north and one block west of the Shelby property, which is the opposite side from Shelby so it will not affect the Shelby property.

Mr. Van De Wiele asked Mr. Kelsey if the addition being proposed will extend any farther than the existing building. Mr. Kelsey answered that it would not.

Mr. White asked Mr. Kelsey who performed the survey of his property. Mr. Kelsey stated that the survey was performed by White Surveying Company. Mr. White stated that White Surveying is his company and he will be abstaining from this case.

**Mr. White recused himself at 1:45 P.M.**

**Interested Parties:**

**Roger Eldredge**, 320 South Boston, Suite 1026, Tulsa, OK; stated he represents Shelby Investments, LLC who is a neighboring property owner. He understands the Board of Adjustment deferring things such as the stormwater management. He is fully aware of that possibility and if that is what the Board is inclined to do he does not know that there is much need for him to make a long presentation.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-2 (Henke, Snyder, Van De Wiele “aye”; no “nays”; Tidwell, White “abstaining”; none absent) to **APPROVE** the request for a Variance to reduce the permitted setback from the centerline of East 47<sup>th</sup> Place from 50 feet to 40 feet in the IL District (Section 903, Table 2), subject to the conceptual site plan on page 3.15. The Board has found that the property is certainly an irregularly shaped property being bordered by a railroad right-of-way on one side and dead ending into Highway 169 toward the east, and that the addition to be built will extend no further into the setback either to the north or to the west than the currently existing 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:

**LTS 1 THRU 10 & LTS 17 THRU 19 & VAC ALLEY BLK 27, ALSUMA, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Tidwell and Mr. White re-entered the meeting at 1:51 P.M.**

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**NEW BUSINESS**

**21801—A-MAX Sign Company – Lori Worthington**

**Action Requested:**

Variance to allow four (4) wall signs and one (1) canopy sign in the OH District without street frontage (Section 602.B.4.b); Variance to increase the allowed display surface area for five signs from 150 square feet to 258 square feet (Section 602.B.4.c). **LOCATION:** 1120 South Utica Avenue **(CD 4)**

**Presentation:**

**Brian Ward**, 9520 East 55<sup>th</sup> Place, Tulsa, OK; stated this case is for Hillcrest Emergency Department located on the subject property. Trenton Avenue has been vacated and therefore there is no frontage. The property is a large 11 acre tract and used as a hospital. The City of Tulsa issued a conditional permit based on the Board’s approval.

Mr. Van De Wiele asked Mr. Ward where the four wall signs and the one canopy sign will actually be located. Mr. Ward had a plan placed on the overhead projector and pointed out the different locations using a laser pointer.

**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 allow four (4) wall signs and one (1) canopy sign in the OH District without street frontage (Section 602.B.4.b); Variance to increase the allowed display surface area for five signs from 150 square feet to 258 square feet (Section 602.B.4.c), subject to conceptual plans shown on page 4.19 which shows three wall signs on the south facing elevation and the canopy sign on the west facing canopy, and conceptual plan on page 4.20 which shows the fourth wall sign on the south face of the west elevation. Finding that for need of emergency directions for hospital patients for the emergency center at Hillcrest Hospital that this is 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 4 THRU 12 LESS N5.5 LT 7 BLK 1 & LTS 1 THRU 6 BLK 2 & LTS 2 THRU 13 LESS N6.5 LT 6 & LESS E34 LT 13 BLK 1 & LTS 2 THRU 7 & S43.5 LT 1 BLK 2 HOPPING HGTS ADDN & LTS 1 THRU 12 LESS E20 LT 12 BLK 1 & LTS 1 THRU 7 BLK 2 MCNULTY ADDN & ALL VAC STREETS & A, FOREST PARK ADDN RE-AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21802—Andrew Unruh**

**Action Requested:**

Special Exception to permit a coffee roastery (Use Unit 25) in a CH District (Section 701); Special Exception to allow parking on a lot other than the lot containing the principal use (Section 1301.D). **LOCATION:** 1 North Lewis Avenue (CD 3)

**Ms. Snyder recused herself and left the meeting at 1:58 P.M.**



**Presentation:**

**Ed Sharrer**, 2318 East Admiral Boulevard, Tulsa, OK; stated he represents Hoot Owl Coffee Company. Hoot Owl Coffee Company is a local coffee roastery that has been in business for four years. They have grown from servicing a few accounts to selling their product in Whole Foods, and now have ten stores in Dallas, Texas. Hoot Owl is interested in the subject property because they need a larger place to perform their roasting and would like to open a coffee shop in the front of the building. Mr. Sharrer had some exhibits placed on the overhead projector depicting the subject building and area. There is parking available on the street and within 200 feet of the front door of the subject building there are about 50 parking spaces available. The parking lot was installed by the City of Tulsa for the Whittier Square merchant's customers. Hoot Owl is a small batch roastery. This is not a Folgers factory nor a Maxwell House factory. Hoot Owl will have one roastery that fits on a table top and fills a bag that is 30 inches tall, 20 inches deep and 13 inches wide.

Mr. Van De Wiele asked where the roaster was vented to. Mr. Sharrer stated the roaster is vented out the rear of the building which faces I-244. There will be one five inch diameter pipe for the venting.

Mr. Sharrer stated the company intends to roasts from about 5:00 A.M. to about noon everyday. Everything around the subject building is commercial property and there are no houses within 300 feet. There is an arterial street that backs up to an eight lane interstate with Admiral Boulevard being technically a service road. There are 14 ownership interests in the 300 foot radius and all are commercial, which represents approximately 20 buildings. The Zieglers that own a frame shop nearby are in favor of the proposed business. Mr. Sharrer stated that there are 11 letters from neighboring businesses and presented them to the Board, and all of these interested parties are in favor of the roastery. There is a precedent in this case and it speaks well to allowing coffee roasting in a CH building. Four years ago BOA Case #21036 there was an application before the Board for the exact same thing, which was for the address of 1229 East Admiral Boulevard. Today that is the Topeca Coffee Roasting Company. The Board voted 5-0 in favor of Topeca. Topeca also received a parking variance down to zero on the site.

Mr. Tidwell asked Mr. Sharrer how many employees there would be for Hoot Owl Coffee.

**Andrew Unruh** came forward and stated that currently there are four people that own Hoot Owl Coffee Roastery. They wanted to do this as an expansion and they do not want that to change until it must for financial reasons.

**Interested Parties:**

**John Gaberino**, 1629 East 37<sup>th</sup> Street, Tulsa, OK; stated this is an issue that has been discussed widely throughout the roasting community. In the United States it is an issue

that has been a nuisance in enough cities that there is a specific code directed toward addressing the issue of coffee roasting. People think of coffee as a pleasant aromatic smell that is enjoyed on a daily basis, but the reality is that it is a nuisance for many people. Depending on the blend being roasted it can smell similar to dead tuna fish, and some times it can smell like caramel. A local roaster located at 81<sup>st</sup> and Lewis was told by the City of Tulsa that he must move the roasting facility to a industrial zoned area. Mr. Gaberino stated that when he was roasting at the Mayo Hotel he had a couple of people complain about the smell, and at that time he was roasting approximately 400 pounds every two weeks. He even had an afterburner which burned off a lot of the smell while at the Mayo Hotel. From the Mayo he proceeded to move to 12<sup>th</sup> and Houston, and the City allowed him to open at this location but it became an issue when people in the area started complaining. Again, he did not want to be a bad neighbor and moved to a new location in what he thought was an industrial area. He is in favor of the new roasting company and will visit them in the future because he likes the Whittier Square area but this is a growing industry and can become quite large.

Mr. Henke asked Mr. Gaberino if Mr. Schuller was misinformed about the roasting smell in the previous case heard by the Board. Mr. Gaberino stated that he thought it was his attempt to solve an issue with a lawsuit involving a neighbor over the roasting. Mr. Gaberino stated that he thinks the smell can be like any other nuisance, it can be attractive to some people and a nuisance to others, using the example of a barbecue restaurant. He does not want to hurt the applicant but he met with them about a month ago to try to figure out a solution, i.e., leasing a small square footage of an industrial zoned building for the roasting process.

Mr. Tidwell asked Mr. Gaberino how many pounds of coffee he roasts in his facility. Mr. Gaberino stated that at the Mayo Hotel he roasted for a couple of hours two or three times a week at 15 kilos.

Mr. Sharrer came forward and stated that it is a shame that Mr. Gaberino had to move his business a couple of times, but the comparison between the two businesses is not apples to apples. When Mr. Gaberino was at 12<sup>th</sup> and Houston his facility backed up to a residential neighborhood. Mr. Sharrer stated that it was mentioned that other cities had instituted a specific code for roasteries but the City of Tulsa has a specific code that lists coffee roasting as light industrial. As for the nuisance, Mr. Sharrer presented the Board with a letter from a current neighbor to Hoot Owl that operates a crossfit gym. These are people that are huffing and puffing, they are breathing in a lot of air and the neighbor states "that the only thing that would make our sweat drenching runs less painful is the delicious smell of coffee roasting from the warehouse". Mr. Sharrer stated there is a Folgers plant in downtown Kansas City, Missouri that shut down in 2012 because the Smucker Company purchased Folgers. When Folgers was in Kansas City it was across the street from lofts similar to the Mayo Hotel and there was a news story telling about the delicious coffee aromas wafting from the plant daily and how the residents were sad to see the Folgers plant leave.

Mr. Van De Wiele asked staff if the Board was approving any level of quantity of fumes or quality of fumes, or whether this is or is not a nuisance. Ms. Miller stated that would be part of the Board's consideration in granting the Special Exception, but the code specifically allows the Board the latitude to approve Use Unit 25 in the CH District, which is the coffee roastery. Ms. Miller stated the Board can place conditions on the approval regarding the size or the volume roasted or the hours of operation. Mr. Van De Wiele asked if the Board's approval prohibited a neighboring landowner a nuisance action. Mr. Swiney stated that it does not. The Board's decision today does not legalize something that would be illegal.

Mr. Henke stated the Board can grant a Special Exception with a time limit. The neighbors may think now that it smells great but in a year they may think differently in a year or two. Right now it appears there is overwhelming support of the request.

Mr. Van De Wiele asked Mr. Unruh how long he had leased the building. Mr. Unruh stated the lease is for three years with an automatic three year renewal option, so essentially it is for six years.

Mr. Gaberino came forward and suggested that since it sounds like the Board is going to approve today's request the Board place a limit on the size of the operation, i.e., the kilos roasted. The challenge is that it opens the door for other roasters to do the same, going into the downtown area, thus making it very complicated for other roasters. By passing today's request sets a precedent for people to make bad decisions and it becomes a bigger issue. Mr. Van De Wiele stated that is part of the reason the Board would place the time limit condition on an approval. Mr. White stated the market will take care of it.

#### **Comments and Questions:**

Mr. Van De Wiele stated he is in favor of this request but there are likely to be people that this may offend. He does not know if there are filters or a mechanism in the roasting process that will burn off the fumes, but he would like to have a time frame placed on the request.

Mr. White stated that the prevailing winds are generally from the south and this is on the south side of I-244 so the aroma will be blown toward the expressway then into a commercial area. He does not see any problem with today's request and agrees with a time limit being placed as a condition.

#### **Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the request for a Special Exception to permit a coffee roastery (Use Unit 25) in a CH District (Section 701); Special Exception to allow parking on a lot other than the lot containing the principal use (Section 1301.D). The approval is subject to a three year time limitation on the coffee roastery from today's date of November 25, 2014 at which time the applicant is to reapply if they want to continue the Special Exception. The Board has

found that there is ample off street or public parking lot space available. Finding the two 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 13 BLK 4, EAST HIGHLAND ADDN RES B1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Ms. Snyder re-entered the meeting at 2:43 P.M.**

**21805—Kevin Creedon**

**Action Requested:**

Variance to permit a two-story building in an OL District (Section 603); Special Exception to increase the maximum floor area ratio to .40 (Section 603).

**LOCATION: 4805 East 89<sup>th</sup> Street (CD 8)**

**Presentation:**

**Kevin Creedon**, 8804 South Lakewood Avenue, Tulsa, OK; no presentation was made by the applicant but he was available for any questions from the Board.

Mr. Henke asked Mr. Creedon if he was seeking an extension of the Variance and Special Exception. Mr. Creedon answered affirmatively.

Mr. White asked Mr. Creedon if there was anything different from the application three years ago. Mr. Creedon stated there was not, it's just that it expired.

Mr. Van De Wiele asked Mr. Creedon if it was the same style of building and the same set of plans. Mr. Creedon answered affirmatively.

**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 permit a two-story building in an OL District (Section 603); Special Exception to increase the maximum floor area ratio from .30 to .40 (Section 603). Finding that this an extension of a previously approved application was case BOA-21205. No conditions of the application have changed since that the application in 2011 so it will still be as per plan as submitted in 2011; for the following property:

**LT 1 BLK 1; LT 2 BLK 1, LEADERSHIP OFFICE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21806—Seisemore, Weisz Associates, Inc.**

**Action Requested:**

Variance to allow a swimming pool to be constructed in the required front yard (Section 210.B.6); Variance to reduce the rear yard setback to 22 feet on an RS-1 zoned lot (Section 403, Table 3). **LOCATION:** 2403 East 27<sup>th</sup> Place **(CD 4)**

**Presentation:**

**Mark Capron**, 6111 East 32<sup>nd</sup> Place, Tulsa, OK; stated he represents the applicant. In 1991 the subject house was built with a permit and a swimming pool was later built under a permit. The house has a unique situation because it is with three houses on a private access drive. Mr. Capron used an aerial photo of the subject property on the overhead projector screen to show how the subject house is positioned and served by the private drive. A survey was made and it was discovered that there is an encroachment of the front yard with a swimming pool and a 2'-6" encroachment on the east side.

Mr. Van De Wiele asked Mr. Capron if the front yard was technically Lewis Avenue. Mr. Capron answered affirmatively. According to the City of Tulsa Lewis Avenue is the front yard of the property that has a 12 or 15 foot concrete wall. No one will see what is going on in the yard. It is not the practical front yard even though the strict interpretation of the code states the front is Lewis Avenue.

Mr. Swiney asked Mr. Capron if there was any access to Lewis Avenue through the surrounding concrete wall. Mr. Capron stated there is not. Mr. Swiney asked if the Post Office delivered the mail from the private drive. Mr. Capron stated that he did not know the answer to that question. Ms. Moyer stated that the Post Office does deliver the mail from the private drive because when she was taking site pictures the mail truck was parked on the drive, and the parked truck can be seen in the picture on page 8.9.

**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 allow a swimming pool to be constructed in the required front yard (Section 210.B.6); Variance to reduce the rear yard setback to 22 feet on an RS-1

zoned lot (Section 403, Table 3), subject to the property as constructed as shown on page 8.10. The Board has found that this property which fronts onto a private drive, the legal front yard faces Lewis Avenue, the property's practical rear yard faces the private drive which is the legal back yard but is the practical front yard on the private drive creating the hardship for which the Variances need 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:

**PRT LT 6 BEG 25.01E NWC LT 6 TH S183.68 NE128.49 N155.6 W126.92 TO POB & 25.01 VAC STREET ADJ ON W BLK 2, WOODY-CREST SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21810—Eli Ingram**

**Action Requested:**

Special Exception to permit a landscaping/irrigation business (Use Unit 15) in a CS District (Seciton 701, Table 1). **LOCATION:** 6520 East Latimer Place **(CD 3)**

**Presentation:**

**Shawna Hale**, 1245 South Owasso Avenue, Tulsa, OK; stated she represents the buyer and the seller as the subject property is currently under contract. The property has already undergone the rezoning through the the Tulsa Metropolitan Area Planning Commission. The business will provide security and general beautification for the neighborhood just because of their line of business. Neighbors have already let it be known that they are happy to see the property occupied because of past issues with vandalism and vagrancy.

Mr. White asked Ms. Hale if there would be outside storage of products such as sod or dirt. Ms. Hale stated that due to the location it is the intention to store 90% of the equipment and materials indoors. The materials will be on site based on a job-by-job basis. There will be trees stored outdoors. The front of the building is about 100 feet from the street and the building itself is about 100 feet long. Any outside storage would be contained in the rear yard.

Mr. White asked Ms. Hale what the days and hours of operation for the business would be. Ms. Hale stated the hours of operation would be the normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday.

**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 landscaping/irrigation business (Use Unit 15) in a CS District (Section 701, Table 1). The days and hours of operation will be typical business commensurate with this sort of business. 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:

**E162.5 LT 4 LESS N5 ST BLK 2, AVIATION VIEW SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

None.

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There being no further business, the meeting adjourned at 3:01 p.m.

Date approved: 12/9/14



Chair