

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1130
Tuesday, December 9, 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 Tidwell, Secretary Van De Wiele White, Vice Chair	Snyder	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, December 4, 2014, at 9:57 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.

Mr. Henke explained to the applicants that there were only four board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Henke asked the applicants if they understood and asked the applicants what they would like to do. The applicants nodded their understanding and no one requested a continuance.

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the **Minutes** of the November 25, 2014 Board of Adjustment meeting (No. 1129).

UNFINISHED BUSINESS

21797—CBC Builds, LLC

Action Requested:

Variance to reduce the permitted livability space from 4,000 square feet to 3,846 square feet (Section 403.A, Table 3). **LOCATION:** 1037 East 37th Place **(CD 9)**

Presentation:

The applicant has withdrawn this case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required on this case; for the following property:

LTS 16, BLK 1, RIVERLAWN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

21803—Stava Building Corporation – Mike Dwyer

Action Requested:

Special Exception to remove the screening requirement (Section 212.C) from the abutting R District (Section 1226.C.2). **LOCATION:** 3702 South Elwood Avenue **(CD 2)**

Presentation:

Staff is requesting a continuance to the January 13, 2015 meeting to allow for renotification.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **CONTINUE** the request for a **Special Exception** to remove the screening requirement (Section 212.C) from the abutting R District (Section 1226.C.2) to the Board of Adjustment meeting on January 13, 2015; for the following property:

**LTS 32 & 33 LESS BEG NEC LT 33 TH S315 W300 N10 E245.05 CRV LF 39.22
N280.05 E30 POB FOR RD BLK 2,GARDEN CITY, CITY OF TULSA, TULSA
COUNTY, STATE OF OKLAHOMA**

UNFINISHED BUSINESS

21800—Tim Nall

Action Requested:

Variance to reduce the required setback from the centerline of West 36th Street from 45 feet to 35 feet to permit a detached accessory building in the required rear yard (Section 210.B.5.b); Variance to increase the permitted square footage of a detached accessory building from 500 square feet to 1,760 square feet (Section 402.B.1.d); Variance to increase the permitted height of a detached accessory building from 18 feet to 20 feet (Section 210.B.5.a). **LOCATION:** 3601 South Nogales Avenue **(CD 2)**

Presentation:

Tim Nall, 318 North McKinley Avenue, Sand Springs, OK; stated he would like to install a carport on the subject property. There is a refinery to the north, there is light industrial to the east and there is residential to the south of the subject property. He has erected an eight foot privacy fence around the subject property.

Ms. Moyer stated that the legal description for the subject property is incorrect and it should only be Lot 1, Block 1, Garden City.

Mr. Van De Wiele asked if this would cause a notice issue. Ms. Miller stated that it would not.

Mr. Swiney stated that on Exhibit 3.12 the applicant’s diagram indicates a single lot that is 100 feet wide, and he understands that there are actually two lots. Mr. Swiney asked if the applicant had ever had a lot combination. Mr. Nall stated that he had not. Mr. Nall stated that he owns both lots.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a **Variance** to reduce the required setback from the centerline of West 36th Street from 45 feet to 35 feet to permit a detached accessory building in the required rear yard (Section 210.B.5.b); **Variance** to increase the permitted square footage of a detached accessory building from 500 square feet to 1,760 square feet (Section 402.B.1.d); **Variance** to increase the permitted height of a detached accessory building from 18 feet to 20 feet (Section 210.B.5.a) to permit the construction of a proposed carport for a recreation vehicle. The Board has found that the property in question has industrial property fronting on two sides to the north and to the east, and a vacant residential lot to the south. The subject property is more narrow than the typical RS-3 lot. This approval is subject to the conceptual plan on page 3.12. 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 BLK 1, GARDEN CITY, FIRST MCBIRNEY SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21807—Roy D. Johnsen

Action Requested:

Variance of the required building setback from Southwest Boulevard from 60 feet to 20 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 17th Street **(CD 2)**

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he is representing Dewberry Architects who is working for Oklahoma State University. Oklahoma State University will be erecting an academic classroom on the subject property which will be 84,000 square feet and 45 feet in height with a parking garage. The subject property was platted in 1975 and is approximately 15 acres, which is one lot. On the east boundary of the subject property is a railroad track and the west boundary is Southwest Boulevard, and next to it is I-244. This is not a typical situation for office zoning within

the city. The subject property is on the northeast corner of Southwest Boulevard and West 17th Street. Mr. Johnsen had some exhibits placed on the overhead projector to give a visual of the subject property in relation to I-244 and Southwest Boulevard. This is a good piece of property that will not interfere with any other properties. After studying the property and calculating the floor area ratio it was discovered that it is just slightly above the allowable .50 thus the request for that Variance in the OM zoning. At the time this property was platted the dedicated right-of-way was 40 feet to the centerline. On the south end of the property there are two utilities, one is water and the other is stormwater drainage. The stormwater drainage will remain in place but the 42" water line will be relocated. This will create a building setback of 20 feet from the existing right-of-way for Southwest Boulevard.

Mr. White asked Mr. Johnsen about how many additional parking spaces are going to be required for the proposed project. Mr. Johnsen stated there will be an additional 743 parking spaces which exceed code, because there will be a five-story parking garage on site.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Variance of the required building setback from Southwest Boulevard from 60 feet to 20 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), subject to conceptual plans on pages 4.19 and 4.20. The Board has found that the hardship is because of the dedication of the right-of-way on Southwest Boulevard and the existing utility placement, and the fact that I-244 and Southwest Boulevard are both on the west side of the property and the 20 foot setback will not be a problem. The Board has found that the height of the building is going to be increased taking the floor area ratio to .57, and has the same restrictions of the street right-of-way on the west and the utilities easement on the east causing the building to go up in height. 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:

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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NEW BUSINESS

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21808—William Farr

Action Requested:

Modification to a previously approved site plan (BOA-16031) for a car wash in the CS District. **LOCATION:** 5022 South Yale Avenue **(CD 9)**

Presentation:

William Farr, 5022 South Yale Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Henke stated there was correspondence from Council for the neighboring property to the south of the subject property. The neighbor raised questions about a mutual access agreement for a mutual access that is shared by you both. Mr. Henke stated that he had also read an e-mail from the applicant stating the mutual access would stay open and not be affected. Mr. Farr answered affirmatively.

Mr. Henke asked Mr. Farr if he was planning on demolishing the existing car wash and install a new automatic car wash. Mr. Farr answered affirmatively.

Mr. Tidwell asked Mr. Farr if he had any correspondence with the concerned neighbor. Mr. Farr stated that he had not. Mr. Farr stated that he could not close the access even if he wanted to do so because his property line is further to the north.

Mr. Van De Wiele asked Mr. Farr if the letter from Mr. White, regarding his client, is concerning the property that is on the corner of 51st and Yale. Mr. Farr answered affirmatively. Mr. Van De Wiele stated the letter is confusing because it refers to a property west of the subject property and the subject property does not border the concerned party's property on the west side.

Mr. Tidwell asked Mr. Farr if the interested party had a car wash. Mr. Farr stated that he has a filling station with an attached car wash on the west side of his property.

Mr. Van De Wiele asked Mr. Farr if he was installing anything along the south side, because the common line blocks the mutual access between the subject property and

the filling station. Mr. Farr stated there will be curbing but the filling station access will not be affected.

Mr. Swiney asked Mr. Farr if the curbing he had referred to was going to be on the west side of the subject property. Mr. Farr answered affirmatively. Mr. Farr stated the driveway that makes a fish hook will have grass between the driveway and the Braum's parking lot. Mr. Farr stated that his west property line is on the Braum's side. Mr. Swiney asked Mr. Farr if the traffic that is on the subject property can access the filling station from the south side. Mr. Farr answered affirmatively.

Mr. White asked Mr. Farr if the subject alleyway was on the filling station property and if it will remain open. Mr. Farr answered affirmatively. At this point Mr. Farr had a picture on his I-Pod placed on the overhead projector depicting the subject alleyway.

Mr. Van De Wiele asked if there would be a curb in the alleyway between the property on the left and the property on the right, referring to the picture that was on the overhead screen. Mr. Farr stated there is an existing curb on the neighboring property and he will have to have some type of curbing but he could not close the access because it is not his property.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Modification** to a previously approved site plan (BOA-16031) for a car wash in the CS District, subject to the conceptual plan on page 6.11. Finding that the modification 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 10 BEG 10W NEC TH S199.34 W175 N12.50 W39.32 NW87.46 NE197.26 E105.42 POB, INTERSTATE CENTRAL EXT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21809—Eller & Detrich – Andrew Shank

Action Requested:

Variance to allow an 11 square foot electronic message center in the CS District to be located within 200 feet of a residential district (Section 1221.C.2.c). **LOCATION:** 8149 East 31st Street **(CD 5)**

Presentation:

Andrew Shank, 2727 East 21st Street, Suite 200, Tulsa, OK; stated after filing the case Dr. Evans held a neighborhood meeting to explain to the neighborhood what the application was about. There were no complaints or concerns received. Matter of fact, a neighbor that lives across 31st Street in a residential area submitted an e-mail supporting the case. The John Calvin Presbyterian Church, which is also within the 300 foot radius, submitted a letter of support as well. This case is essentially about a setback for an eleven square foot electronic message center from the centerline of 31st Street. The boundary line between the residential district and the commercial district is from the centerline of the street that is the measurement. These applications are usually on sideline measurements where things match up with the residential property development starts. The property line is actually on the other side of the service road, so there is 31st Street, then the service road and then the residential district. The code requires the sign to be separated 200 feet from the centerline of 31st Street. This is very uniquely shaped lot that has a small amount of frontage and develops into the building being set back quite a distance from East 31st Street. The request is for approximately an eleven square foot electronic message center as an addition to an existing framed sign. This is one of the true electronic message centers that people are used to seeing that show the time and temperature at banks.

Mr. White asked Mr. Shank if the sign will comply with all the Section 1221.C.2 requirements. Mr. Shank answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Variance to allow an 11 square foot electronic message center in the CS District to be located within 200 feet of a residential district (Section 1221.C.2.c). The Board has found that the location of the sign complies with Section 1221.C.2 with the exception of the stated request. This approval will be subject to conceptual plan on pages 7.13 and 7.14. The unique shape of the property with this particular building would not create any undo hardship on the neighborhood with the sign placed in this location. 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:

W/2 S200 E/2 LESS E8 THEREOF & LESS BEG 214.22W SECR LT 4 TH W121.36
N200 E53.20 S73.89 E34.97 S77.58 E34.30 S48.30 POB LT 4 BLK 1, GROVELAND
ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 1:51 p.m.

Date approved: 1/13/15

Frank X. Hunter, III
Chair