

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1133  
Tuesday, February 10, 2015, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
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, February 5, 2015, at 9:25 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair White 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 **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 **Minutes** of the January 27, 2015 Board of Adjustment meeting (No. 1132).

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Mr. White 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. White asked the applicants if they understood and asked the applicants what they would like to do. The applicants nodded their heads in understanding and no one requested a continuance.

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**NEW BUSINESS**

**21841—Branch Communications – Kayla Kramer**

**Action Requested:**

Special Exemption to permit a cell tower to be setback 4 feet from an OL zoned property (Section C.3.g.1). **LOCATION:** 12331 East 11<sup>th</sup> Street **(CD 6)**

**Presentation:**

The applicant has withdrawn this case.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board action required; for the following property:

**PRT LT 1 BLK 3 & PRT VAC BLKS 1 & 2 BEG 249.02S NWC VAC BLK 1 TH SE317.99 SE350.34 S535 W106.50 S296.18 W125 N316.18 W400.68 N688.82 POB SEC 5 19 14 9.227ACS, PENNANT ADDN RESUB L25-30 PRT L31 & ALL L32 PLAINVIEW HGTS, PLAINVIEW HGTS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**UNFINISHED BUSINESS**

**21822—One Property – Chase Robertson**

**Action Requested:**

Variance of the allowed square footage for an accessory building in the RS-3 District from 500 square feet to 2,838 square feet (Section 402.B.1.d); Variance to allow an accessory building height greater than 10 feet to the top of the top plate (Section 210.B.5.a). **LOCATION:** 1728 West 81<sup>st</sup> Street South **(CD 2)**

**Presentation:**

The applicant has requested a continuance to the Board of Adjustment meeting on February 24, 2015.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **TIDWELL**, 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 **Variance** of the allowed square footage for an accessory building in the RS-3 District from 500 square feet to 2,838 square feet (Section 402.B.1.d); **Variance** to allow an accessory building height greater than 10 feet to the top of the top plate (Section 210.B.5.a) to the Board of Adjustment meeting on February 24, 2015; for the following property:

**PRT LT 2 BEG 20S NEC TH W90.31 S281.66 E90.27 N281.66 POB, ROSS HOMESITE SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

**Request for Refund:**

**21841—Branch Communications – Kayla Kramer**

**Special Exemption** to permit a cell tower to be setback 4 feet from an OL zoned property (Section C.3.g.1). **LOCATION:** 12331 East 11<sup>th</sup> Street **(CD 6)**

**Presentation:**

This case was withdrawn by the applicant and is requesting a refund of \$500.00.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

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 request for a

Refund for \$500.00 for the Special Exemption to permit a cell tower to be setback 4 feet from an OL zoned property (Section C.3.g.1) as the applicant has withdrawn this case; for the following property:

**PRT LT 1 BLK 3 & PRT VAC BLKS 1 & 2 BEG 249.02S NWC VAC BLK 1 TH SE317.99 SE350.34 S535 W106.50 S296.18 W125 N316.18 W400.68 N688.82 POB SEC 5 19 14 9.227ACS, PENNANT ADDN RESUB L25-30 PRT L31 & ALL L32 PLAINVIEW HGTS, PLAINVIEW HGTS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW BUSINESS**

**21837—Bob Dail**

**Action Requested:**

Variance of the requirement that a sign in the RS-2 District be lit by constant light to permit an electronic message center (Section 402.B.4.a); Variance of the 200 foot setback requirement for digital signs from a R District (Section 1221.C.2.c).

**LOCATION:** 1770 East 61<sup>st</sup> Street (CD 2)

**Presentation:**

**Bob Dail**, Claude Neon Federal Sign Company, 1225 North Lansing Avenue, Tulsa, OK; stated he represents Tulsa Public Schools McClure Elementary School. Last year 61<sup>st</sup> Street was improved and as part of the process the existing school sign was lost. The school would like to have a digital message center to speak to the parents and students of the school. The proposed sign is not a very large sign because it is not for massive advertising but it is to get the school's message out.

Mr. Van De Wiele asked Mr. Dail if the top two portions of the sign were internally lit. Mr. Dail answered affirmatively.

Mr. Van De Wiele asked Mr. Dail how long the school planned on having the sign lit. Mr. Dail stated that the effective time the school would need the sign to be activated would probably be from 7:00 A.M. to 8:00 P.M., or in that range.

Mr. White asked Mr. Dail if the lower section of the sign would be the only part of the sign that is changeable. Mr. Dail answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Variance of the requirement that a sign in the RS-2 District be lit by constant light to permit an electronic message center (Section 402.B.4.a); Variance of the 200 foot setback requirement for digital signs from a R District (Section 1221.C.2.c), subject to conceptual plan on 3.10 for the dimensions and conceptual plan 3.9 for the location. This approval is subject to the conditions as shown on page 3.12 in the Board’s agenda packet; such as the digital portion of the sign will not be operating between the hours of 10:00 P.M. to 6:00 A.M., and the other conditions listed on 3.12 will apply. The Board has found that the school in question is in need of communicating with the parents and the neighborhood. 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:

**BEG NEC W/2 NW NW NE TH S1319.85 E509.63 N1319.43 W508.47 POB SEC 6 18 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21838—Bob Dail**

**Action Requested:**

Variance to allow a wall sign for Oklahoma State University in the RM-2 District (Section 402.B.4.b). **LOCATION:** 700 North Greenwood Avenue **(CD 1)**

**Presentation:**

**Bob Dail**, Claude Neon Federal Sign Company, 1225 North Lansing Avenue, Tulsa, OK: stated he represents OSU-Tulsa in this request. OSU-Tulsa has a very large footprint in the community in North Tulsa, and their main hall they do not have any identification. They would like to place a small logo sign on a very large wall for identification.

Mr. Tidwell if the name, Main Hall, is on the building. Mr. Dail stated that he did not recall seeing a name on the building but there is probably a name somewhere on the building. Mr. White stated that he believed there was a name in small letters above the weather protector at the entry door but nothing as far as OSU is concerned.

**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 allow a wall sign for Oklahoma State University in the RM-2 District (Section 402.B.4.b), subject to conceptual plan 43.8 for the location and conceptual plan 4.9 showing the size and style. The Board has found that the university campus to be in need of signage and branding on its building. With the overall size of the lot this will not be injurious, and by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 1 BLK 2, UNIVERSITY CENTER AT TULSA, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21839—Justin Haddock**

**Action Requested:**

**Variance** to expand the non conformity of an existing structure in a RS-2 District (Section 1405.A); **Variance** to decrease the east side yard setback from 15 feet to 8.3 feet in a RS-2 District (Section 403.A, Table 3). **LOCATION:** 227 East 25<sup>th</sup> Street **(CD 4)**

**Presentation:**

**Justin Haddock**, 1055 North Owasso Avenue, Tulsa, OK; stated he is representing the home owner today. Mr. Haddock stated that he thinks his request may be worded incorrectly because there is an existing structure on the property and he wants to build on top of it.

Mr. Van De Wiele stated that on page 5.9 it looks like Mr. Haddock is adding second floor space above an existing portion, so this is not an expansion of the footprint. Mr. Haddock agreed.

Mr. White asked Mr. Swiney if that would affect this request in any way. Mr. Swiney stated the expansion is the focus of the conversation. The issue is not the footprint of the building but rather the volume of the building, the cubic footage of the building requires a request for a Variance.

**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 expand the non conformity of an existing structure in a RS-2 District (Section 1405.A); **Variance** to decrease the east side yard setback from 15 feet to 8.3 feet in a RS-2 District (Section 403.A, Table 3), subject to conceptual plans 5.9 and 5.12. The Board has found that the addition to be constructed has no farther encroachment into the side yard setback footprint than currently exists with the existing residence, and the addition will not cause injury to the neighborhood. 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 13 BLK 5, SUNSET TERRACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21840—Brian Letzig**

**Action Requested:**

**Variance** to reduce the required setback from the centerline of East 1<sup>st</sup> Street from 65 feet to 46 feet (Section 903, Table 2). **LOCATION:** 1212 East 1<sup>st</sup> Street **(CD 4)**

**Mr. Tidwell recused himself at 1:22 P.M.**

**Presentation:**

**Weldon Bowman**, 1513 East 15<sup>th</sup> Street, Suite A, Tulsa, OK; upon Mr. Tidwell’s recusal Mr. Bowman requested a continuance to the next meeting.

**Interested Parties:**

There were several interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-1 (Henke, Van De Wiele, White “aye”; no “nays”; Tidwell “abstaining”; Snyder absent) to **CONTINUE** the request for a Variance to reduce the required setback from the centerline of East 1<sup>st</sup> Street from 65 feet to 46 feet (Section 903, Table 2) to the Board of Adjustment meeting on February 24, 2015; for the following property:

**LTS 9-12 and ½ of LT 13 BLK 14; BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Tidwell re-entered the meeting at 1:23 P.M.**

**21842—Walter P. Moore & Associates – Hollis Allen**

**Action Requested:**

Variance to reduce the required setback of the unenclosed off-street parking area to 35 feet from the centerline of East 2<sup>nd</sup> Street (Section 1302.B, Table 1).

**LOCATION:** 8033 East 2<sup>nd</sup> Street **(CD 3)**

**Presentation:**

**Hollis Allen**, Walter P. Moore & Associates, 7666 East 61<sup>st</sup> Street, Suite 251, Tulsa, OK; he is representing Arvest Bank and they are making changes to the drive-thru. They would like to move the ATM off-site, therefore, the reason for the primary purpose of the subject tract being altered is for the ATM. However, he realizes the plan that he put forth with Development Services there were too many parking spaces along the west property line. So he is requesting a setback to try to gain at least one more parking space. Mr. Allen presented a new site plan for discussion to the Board for the proposal and had it placed on the overhead screen.

Mr. Van De Wiele asked Mr. Allen if the ATM was the only thing that was going to be on the parcel. Mr. Allen stated that the parking area will be overflow parking primarily and the ATM is the only thing that will be on the parcel. There is no pedestrian access expected at the ATM.

**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”; Tidwell absent) to **APPROVE** the request for a



Variance to reduce the required setback of the unenclosed off-street parking area to 35 feet from the centerline of East 2<sup>nd</sup> Street (Section 1302.B, Table 1), subject to the conceptual site plan submitted today, February 10, 2015. The Board has found that the lot in question is there to provide overflow parking for the adjacent bank property as well as relocation of the ATM facilities for the related bank. 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 14 BLK 8, TOMMY-LEE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21843—Eller & Detrich – Lou Reynolds**

**Action Requested:**

Special Exception to allow a 6 foot 10 inch iron and masonry fence with two gated entries in the required front yard (Section 210.B.3). **LOCATION:** 1550 East 27<sup>th</sup> Street **(CD 4)**

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, OK; stated the project is on a corner lot of two different streets, East 27<sup>th</sup> and East Terwilliger Boulevard. There is almost 100 feet of frontage on the three acre lot. The home owners would like to install a six foot wrought iron fence with two driveway gated entrances. The columns for the entries are approximately 6'-8" and the Special Exception asks for 6'-10" in case there is a slight difference once in the field. There will be fourteen linear feet of curved stone at each of the two entry points, so there will be four of them at 5'-6" high.

Mr. Van De Wiele asked if the bulk of the fence was only six foot tall. Mr. Reynolds stated it is a six foot wrought iron fence. Mr. Van De Wiele asked if there would be columns every few feet or if the columns were only at the entry. Mr. Reynolds stated the columns will only be at the two entries.

**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 **Special Exception** to allow a 6 foot 10 inch iron and masonry fence with two gated entries in the required front yard (Section 210.B.3), subject to conceptual plan 9.9 showing the details of the entry gates with the remainder of the iron fence as shown on 9.9. The Board has found that this fence is to be substantially similar to a previous fence on the property that was removed, and it will not be out of character of other fencing in the neighborhood. 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:

**ALL LT 25 & E. 15 OF LT 26, ROCKBRIDGE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21844—Wallace Engineering – Jim Beach**

**Action Requested:**

Special Exception to permit a hospice & family facility (Use Unit 2) (Section 901, Table 2); Variance to reduce the building setback from the west property line from 175 feet to 60 feet (imposed in BOA-20601). **LOCATION:** 2450 North Harvard Avenue **(CD 3)**

**Presentation:**

**Jim Beach**, Wallace Engineering, 200 East Matthew Brady Street, Tulsa, OK; stated this project is the Porticelli House. Catholic Charities of Tulsa is developing a vacant portion of their existing property on the west end of the tract. The Porticelli House is a facility for hospice patients that are in the last days or weeks of the life. The patients are there when dying at home is not an option. Porticelli House will provide individual rooms, meals and personal care, and it will not be a licensed medical facility, nursing home or hospice program. The guest must be enrolled in a hospice program before they are admitted to Porticelli House. The guest hospice program will administer all the medical care and hospice services. This use will be low intensity. It is only providing twelve patient rooms. The only traffic to and from the site will be visitors that are patient family members and hospice care professionals. This will be consistent with the social service nature of the facility. The facility will be located near the parking lot of the industrial facility to the west, so the setback will not impact anyone other than the industrial facility parking lot. It is well over 300 feet to the family residences to the south. The reason for moving the proposed project closer to the property line than the 75 feet is to allow the remaining undeveloped property to the east to remain open for future development.

Mr. Van De Wiele asked what is the meaning of personal care in the proposed project? Mr. Beach stated that personal care could be assistance with dressing, bathing, etc. and it is essentially part of the hospice services. There are a number of hospice providers in

Tulsa and any number of them would be welcome into this facility to treat their patients. There are a lot of instances where hospice patients simply cannot stay in their homes because they don't have anyone to care for them or their homes may not be fit.

Mr. White asked Mr. Beach about a crash gate for the proposed facility. Mr. Beach stated the drive along the south side of the property actually goes out to the public street. At this point Mr. Beach deferred to the architect for the project.

**Interested Parties:**

**Kenneth Dennis**, Architect, 415 North Broadway Avenue, Oklahoma City, OK; stated there is a crash for the east part of the property where there is a secured parking lot for the housing component. The crash gate is there for the fire department or any emergency vehicle to acquire access to the area. The parking for this proposed project is not behind any fences or gates so there is not a requirement for a crash gate.

**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 Special Exception to permit a hospice & family facility (Use Unit 2) (Section 901, Table 2); Variance to reduce the building setback from the west property line from 175 feet to 60 feet to permit a hospice and family support center, subject to conceptual plan 10.9 and 10.10. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board has found that the previously approved 175 foot setback to be unduly burdensome on the property and would hinder its further development unnecessarily. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LOT 1 BLOCK 1, CATHOLIC CHARITIES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21846—Edward Brett**

**Action Requested:**

Variance to allow a 2-story building in the OL District (Section 603, Table 3); Special Exception to increase the allowed floor area ratio (FAR) from .30 to .36 in the OL District (Section 603, Table 3). **LOCATION:** 1855 East 15<sup>th</sup> Street (**CD 4**)

**Presentation:**

**Edward Brett**, 624 South Boston, Suite 1070, Tulsa, OK; stated this is the property he was before the Board on several months ago. The property had been in a fire and subsequently found out there were some structural issues with the basement, and the owners were concerned that the smoke smell would never be abated. The proposal is to demolish the old building and build a new two-story structure.

Mr. White asked if the new building was going to be a residence. Mr. Brett stated that the existing building had a garage apartment in the rear, and the resident of that apartment is who discovered the fire so the owners would like to accommodate that resident with an apartment on the first floor of the new building.

Mr. Van De Wiele asked staff if an apartment would be allowed in the new structure. Mr. Henke stated that he thought the code allowed for one residence in a commercial building. Ms. Miller stated that she would need to look at the Code because she is not sure OL zoning allows a residence and an office in the same building. She stated that CH zoning allows it as long as the residence is above the commercial portion of the building. Ms. Miller asked for a minute or two to read the Code.

The Board discussed the different styles and sizes of the surrounding buildings in the area.

Mr. Tidwell asked Mr. Brett if the new building was being placed as far to the rear of the lot as possible. Mr. Brett answered affirmatively. Mr. Brett stated that the two story portion of the building is in the front and the back portion of the building is only one-story. The two-story portion does not cover the whole footprint of the building.

Ms. Miller asked Mr. Brett if he had one dwelling unit in the building. Mr. Brett answered affirmatively. Ms. Miller stated that the Code in the OL zoning, OL does not allow for a dwelling in a building. OM or OMH and higher intense office districts do allow for a dwelling unit in a mixed use building, but OL does not. Mr. Brett asked Ms. Miller to stated which section of the Code she was citing. Ms. Miller stated it is Section 601, Table 1. Ms. Miller stated that she looked over the Letter of Deficiency from the Permit Office and the dwelling unit is not something they noticed on the plans. Mr. Brett stated that no one had said anything about the dwelling unit before today. Ms. Miller stated that it does not appear that the dwelling unit can even be requested by a Special Exception. The only Special Exception in a residential category is a multi-family dwelling unit; only one multi-family dwelling unit is allowed in an office building. Mr. Brett asked Ms. Miller if there were two dwelling units in the building if it would be allowed. Ms. Miller stated the Permit Office would need to make that decision, but possibly they would consider two multi-family units as a duplex dwelling. Ms. Miller stated that a conversation with the Permit Office would need to take place on this.

Mr. White asked Ms. Miller if it would be best to continue this hearing to allow time for the applicant to have a meeting with the Permit Office. Ms. Miller if they still want the

dwelling unit it should be continued. Mr. White asked Mr. Brett what his thoughts were. Mr. Brett asked if the apartment was eliminated would the request be accepted. Ms. Miller stated that is not a problem with the Code. Mr. Brett asked if the proposed apartment were converted into an office or additional lease space would that be an issue? Ms. Miller stated that would be in line with the OL zoning.

Mr. Henke stated the Board could make a ruling on what is being asked for today, then the applicant could come back for additional relief if needed. The Board does not need to approve the request per plan. Mr. Van De Wiele stated the Board could make the note that the approval is subject to conceptual plan but the Board is not approving a living space. Mr. Henke stated that would give the applicant the approval he needs to move forward with the plans and give him the flexibility to meet with the City and INCOG staff regarding additional relief.

Mr. Van De Wiele asked if the Board were to approve this request as it is, but without any dwelling unit, today that would allow the applicant to start the project, then in the next week or so could the Board rehear something that has already been before them? Ms. Miller stated there is a possibility with these plans and the dwelling unit that they could move forward depending on the interpretation of the Permit Office. Mr. Henke stated that if the Permit Office says the applicant cannot move forward then he will still need to file a new application, that is why it is beneficial for the applicant to get this approval today because they have already said they are willing to convert the additional apartment space to lease space. Ms. Miller agreed.

**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 allow a 2-story building in the OL District (Section 603, Table 3); Special Exception to increase the allowed floor area ratio (FAR) from .30 to .36 in the OL District (Section 603, Table 3). The Board has found that this building to be constructed is a replacement of a building that was damaged by fire on the same location, and is generally the same size floor area as the building to be replaced. The Board has found that there are multiple other two-story buildings in the neighboring area of the OL District. This approval is subject to the conceptual site plans noted as page A1-1, A3-1A, A3-1B with the note of the Board’s approval of those plans excluding any denoted use of the space within the proposed building. 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. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would

result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LOT 15 BLK 4, TERRACE DRIVE ADDN SUB PRT B5, 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 2:03 p.m.

Date approved: 2/24/15

Frank X. H. II  
Chair