

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1134
Tuesday, February 24, 2015, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

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 Monday, February 23, 2015, at 11:10 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Henke called the meeting to order at 1:00 p.m.

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

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 4-0-1 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the **Minutes** of the February 10, 2015 Board of Adjustment meeting (No. 1133).

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 81st Street (CD 2)

Mr. Henke recused himself and left the meeting at 1:03 P.M.

Presentation:

Chase Robertson, P. O. Box 702394, Tulsa, OK; stated the previous discussion regarding the proposed building was the overall square footage of the existing out buildings with the square footage of the new building. Originally the new building was to be 40'-0" x 60'-0" and the easiest solution would be to reduce the proposed building to 40'-0" x 40'-0". This would be 1,600 square feet for the new structure and with the 438 square feet that already exists would make for a total of 2,038 square feet. Another solution would be to clear any existing accessory buildings if he were allowed to have a different footprint. He would like to request the 40'-0" x 40'-0" building first.

Mr. Van De Wiele asked Mr. Robertson what would happen to the other accessory buildings if the 40'-0" x 40'-0" building is allowed. Mr. Robertson stated that they would just be left where they are.

Mr. White asked Mr. Robertson if he had spoken to the neighbor that is on the south side of the subject property. Mr. Robertson stated that he had and the neighbor's concern is the trees and the fence line. His concern is the trees being trimmed to high creating too much weight on his side creating a problem if there is an ice storm. It is not intended to remove any trees but he does want to raise the canopy high enough to allow for the building.

Mr. White asked Mr. Robertson if he is allowed the 40'-0" x 40'-0" building if he was going to bring it in ten feet on each side creating 25 foot side yards. Mr. Robertson answered affirmatively.

Mr. Tidwell asked if the walls would be 12'-0". Mr. Robertson stated they will be 12'-0" to the top plate.

Mr. Robertson stated that the hardship that was discussed a month ago specifically pertained to the size of the building in reference to the lot size.

Mr. White asked Mr. Robertson asked if the usage was still going to be storage for a commercial project. Mr. Robertson stated the owner of the property is a hobbyist in astronomy, so he has large telescopes that stand rather tall and he wants to store them in the building without breaking them down.

Mr. White asked Mr. Robertson about the development project that is outside the subject property that was brought up in the last meeting. Mr. Robertson stated the owner is building a new home for himself and the proposed building will serve as

secondary storage for him during the construction and move. When he is finished with the home construction he plans to finish the proposed building as a wood shop. Mr. White asked if it would be a commercial wood shop. Mr. Robertson stated that it would not be commercial.

Mr. White asked Mr. Robertson if the owner would be living in the residence on the subject property. Mr. Robertson stated that he would not.

Mr. Van De Wiele asked staff if the storage of hobby supplies at a residential lot other than the lot the person resides is an accessory use. Mr. Swiney stated the fact that he himself is not living in the residence does not make the building of accessory nature, as long as it is a residential home being used for residential purposes.

Mr. Van De Wiele stated that he is concerned about the size of the building in relation to the size of the lot. Is there a hardship to get that much building on that small of a lot. Mr. Robertson stated that the discussion at the last meeting was the 2,400 square foot proposed building with the addition of the out buildings would have been greater than 10% of the lot size, but by reducing the building size it does get it under the 10% mark.

Mr. Tidwell asked what the plans were for the building when the owner was finished building his house. Mr. Robertson stated that when the owner is finished using the building as his overflow storage he will convert the building into a wood shop.

Ms. Snyder asked if the residence on the subject property was rented. Mr. Robertson stated that it is not currently rented, but that is the intention. The tenant the owner is proposing is someone he knows.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 3-1-0 (Snyder, Tidwell, White “aye”; Van De Wiele “nay”; Henke “abstaining”; none absent) to **APPROVE** the request for a Variance of the allowed square footage for an accessory building in the RS-3 District from 500 square feet to 2,038 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), subject to conceptual plan 2.14 as a 40’-0” x 40’-0” building with 25 feet on each side yard and 15 feet setback on the rear yard. The Board has found that this is a very deep odd shaped lot and the use of the building is for an unusual hobby of astronomy. The astronomy equipment will be stored in the building and the building size is needed for the storage of this equipment. 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:

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

Mr. Henke re-entered the meeting at 1:24 P.M.

NEW BUSINESS

21853—Brian Freese

Action Requested:

Variance to permit two signs on one street frontage in a RS-2 District (Section 402.B.4). **LOCATION:** 2520 South Yorktown Avenue **(CD 4)**

Presentation:

The applicant has withdrawn this application.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action is required; for the following property:

SW NE EXCEPT W40 TO CITY OF TULSA SEC 18 19 13, WILDWOOD, FOREST HILLS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

21811—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to permit a wall sign to exceed the permitted display surface area from 36 square feet to 39.5 square feet along East 44th Street; Variance to permit two signs to be erected per street frontage of a lot and to exceed the permitted display surface area from 32 square feet to 55.49 square feet along South Harvard Avenue (Section 602.B.4.b-c). **LOCATION:** 4408 South Harvard Avenue **(CD 9)**

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated this is a case that was before the Board about a month ago and there was some confusion regarding the application. He took the request back to the permit center, cleaned up the relief needed and now it is back before the Board. The request for the north wall is a Variance for 3.5 square feet and the Harvard side is a request for a second sign and a Variance in square footage. Utica Park Clinic has an existing 20 square foot monument sign. It is proposed to reface the existing monument sign, it is proposed to have a sign on the building facing Harvard, and it is proposed to have a sign on the north elevation facing 44th Street. There is a large tree that obstructs the vision of traffic on Harvard. The Utica Park Clinic standards call for the lettering to be all on one line as shown on page 3.20, and to do that on the monument sign the lettering will be only five inches. To be approved for the sign on the north side of the building would be a great help in people locating the clinic. All of the signage will be by constant lighting.

Mr. Van De Wiele asked Mr. Ward if the ground sign was 20 or 24 square feet because in the staff comments the ground sign is noted at 24 square feet and the requested relief if for 59'-6". Ms. Moyer stated that the calculations were made based on the information provided by the Permit Office and they say the ground sign is 24 square feet, so the total square footage for both the ground sign and the wall sign facing Harvard is where the total square footage comes from. Mr. Ward stated there is a square below the sign portion counting for the extra footage, and he is only counting the display surface.

Mr. Van De Wiele asked if the monument sign was two sided. Mr. Ward stated the monument sign is two sided. Mr. Van De Wiele asked if the two sides were counted. Ms. Moyer stated the code only counts one side of the ground sign.

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 permit a wall sign to exceed the permitted display surface area from 36 square feet to 39.5 square feet along East 44th Street; Variance to permit two signs to be erected per street frontage of a lot and to exceed the permitted display surface area from 32 square feet to 55.49 square feet along South Harvard Avenue (Section 602.B.4.b-c), subject to conceptual plans 3.18, 3.19 and 3.20. The Board has found that this is for a medical complex and medically related business, and it needs signage so the public can find the business. Another contributing factor is an utility easement and parking in front of the 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 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:

E.180 OF LT 1 BLK 2, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21812—Matt King

Action Requested:

Variance to reduce the required side yard setback from 10 feet to 0 feet (Section 403.A, Table 1); Variance to reduce the setback from the centerline of East 15th Street from 70 feet to 40 feet (Section 403.A, Table 1); Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1). **LOCATION:** 1445 South Carson Avenue **(CD 4)**

Presentation:

Matt King, King Architectural Solutions, 1513 East 15th Street, Suite B, Tulsa, OK; stated this case was continued from last month because of opposition to the request. Since then there has been a meeting with the neighborhood and the information provided clearly shows there is a significant hardship given the provided setbacks. This lot has been empty since the 1970s, and he assumes it was a single family previously because there is a brick wall that faces 15th Street and has three sets of stairs. His client has asked him to design a four unit townhouse project for the lot.

Mr. Henke asked staff if this case can be still be heard today because in the staff report the request is listed as a two or three unit structure. Mr. King stated that he does not exactly recall what was submitted but it probably was two or three units, but his client has determined that the structure needs to be four units. Ms. Moyer stated that the request does not need to be readvertised because the number of units was not advertised to the public but the actual Variance request was advertised.

Mr. Van De Wiele asked if the drawing on page 4.18 was four units. Mr. King answered affirmatively. What was submitted since the last meeting is a builable unit with the

current zoning. There is also a preliminary floor plan to show how the building is proposed for the site. The rendering of the building that was being displayed on the screen is not exactly what is being proposed but an image to show what the client would like to do on the site. He is trying to pull in elements from the architecture of the neighborhood. He knows this is a sensitive issue and he thinks it is important to adapt to the surrounding neighborhood so he tried to find images that were similar in character of the area. He thinks the house used to face Carson which was the front yard, and in this case the ten foot setback would be the sideyard which is 15th Street.

Mr. Van De Wiele asked Mr. King to explain the diagrams on pages 4.15 and 4.16. Mr. King stated the image on 4.15 is what the client is trying to achieve while maintaining the ten foot rear yard and maintaining the ten foot side yard on Carson and on the alley while trying to vacate the setback entirely off 15th Street. He would like to maintain the brick wall on 15th Street as much as possible which would push the building back which means the loss of square footage. There will be rear entry garages which takes up 20 feet so all the living space for the tenants would be on the second floor hence the request for the additional height so there can be a sloped roof instead of a flat roof. Mr. King gave further description of the diagram rendering.

Interested Parties:

Demetrius Bereolos, 1929 South Cheyenne, Tulsa, OK; stated he is in opposition in the granting of the Variances. Mr. Bereolos stated that in terms of relevant previous actions, the most relevant previous actions that are in Stonebraker Heights and in the nearby Buena Vista Neighborhood, all these actions have occurred since the adoption of the Comprehensive Plan regarding setback variances, regarding centerline setback variances, and regarding height variances in the RM-2 zoning. In all the cases Variances were denied. In two cases they are dealing with a much larger lot on South Cheyenne the height variances and front yard setbacks were denied. In BOA-29519 a height variance in Stonebraker Heights was denied and the denial was upheld in District Court on appeal. So the most recent actions of the Board dealing with this type of setbacks on a large than the subject property have been denied Variances. In regards to multi-family units in the area, going from 13th Street to 21st Street over to Boulder and Denver, there are 28 multi-story multi-family apartments and condominiums of varying densities and housing costs. The zoning code speaks about the spirit and intent of the code being a variety of dwelling types and premises, and he believes that the 28 multi-family dwellings in that corridor constitutes a sufficient number of multi-family units in the area. If there were to be a random survey of 28 multi-story multi-family apartments and condominiums it will be found that a precious few of them want to build to the property lines as the applicant would like to do in this case. As to adequate off street parking, the code characterizes this development as Use Unit 8 which speaks to off street parking requirements being 1.5 parking spaces per one bedroom dwelling unit or two parking spaces per dwelling for two or more bedrooms. In the proposed site plan rendering it is still unclear whether there is sufficient parking because it is not sure how many bedrooms there are going to be per unit. He believes the applicant should clearly note that to allow the Board to make a decision regarding adequate off street parking. Mr. Bereolos stated the lot is too small to support a multi-family development. In

applications in 2012 and in 2013, on a lot that also adjoined an arterial corridor on South Cheyenne, a lot that was 8,600 square feet which is approximately a third larger than the subject property and the Board rejected variances. He believes the Board should also deny the variances on this significantly smaller lot. There is also a pressure of on street parking. The applicant does not recognize or provide for the detriment that would be caused by residents parking more vehicles than the assigned area might accommodate, and also by guest parking. The first on street parking within the 100 feet of the proposed development will not be available because of the driveways, and the adjoining property has right-of-ways in front of it. If there were a casual survey performed on South Carson in a two block area there are about 30 parking spaces available, and at almost any occasion almost all of those spaces are being used by existing residents or by visitors. There is also no parking in the alley because of Section 522 in the Municipal Code. This proposed development will place significant pressure on the on street situation that occurs on South Carson. There is an issue of the quality of sidewalks, and from the submitted drawing there is no indication that the suggested curb cuts comply with city development standards. Stonebraker Heights, South Carson and 15th Street are part of what the Comprehensive Plan calls a downtown neighborhood, a neighborhood that is primarily pedestrian oriented. If the Variances requested are granted and the building is allowed to be built almost on top of the property line on the south side it will have a negative impact on the quality of those sidewalks, and the curb cut on the west side will have a significant impact. The Comprehensive Plan is committed to making similar to this pedestrian friendly. This development goes against the notion of being pedestrian friendly. Mr. Bereolos would request the Board to deny the Variances.

Brent Garrett, 245 West 16th Street, Tulsa, OK; stated he is not opposed to the development of this property for multi-family use, but he is opposed to building something that is oversized for the lot. This property is located in the Carlton Place historic district and this area was listed on the National Register of Historic Places in September 2007. Initially the area was three blocks and over the years things have been razed for other development so what remains is the current 1 ½ blocks of historic homes dating from the 1910 era. Mr. Garrett has several slides placed on the overhead projector showing the subject neighborhood. Mr. Garrett stated that the staff comments states that based on conversations with the owner, it appears the site will support two residential units on two levels possibly three. This is confusing as to what is going to be built. Mr. Garrett stated that, to him, the Board case for 1522 South Carson is not relevant because it was a Variance to allow a kitchen to be built that did not extend beyond the existing structure. Mr. Garrett stated that parking is a big issue and when there is a structure that is large for the lot the question is where are the residents going to park even with two-car garages for each unit. The proposed two-car garages are for the residents not for the people that visit. He is not opposed to the multi-family unit being proposed but he does not see the hardship for the size of the proposed multi-family unit. He would ask the Board deny this Variance request at this time.

Fred Menge, 1441 South Carson Avenue, Tulsa, OK; stated he is the property owner of the subject lot. He purchased it with the intentions of future development. He

renovated and upgraded the 1441 building, and it is fully occupied. At the meeting in January he was asked to continue his case so he could speak with the Riverview Association and he did. He provided drawings to the association at their February 10th meeting also. He spoke to the association for 45 minutes and they kept asking for more information, and he did what he thought was reasonable by telling them his intention was to build a structure that is going to relate to the neighborhood. He has also met with the immediate neighbors, including a gentleman that lives in a condo across the street, and he was opposed because he thought the extra five feet in height would block his view. He posted everything, including drawings, on the Riverview Association bulletin board and no one has complained, nor has the immediate neighbors. He asks for the Board's approval to have the opportunity to improve the subject lot.

Rebuttal:

Matt King came forward and stated that the Form-Based Code, for the Pearl District in particular, are in place for a reason; to make the area pedestrian friendly. The building was intended to come to the street for that reason, to enhance the relationship between the pedestrian and the tenant. He is not saying the building will come right to the property line because there must be access to the building given. The issue is not so much the width as it is the depth. His client has been attempting to provide the information without spending an enormous amount of money on services, when it may not be in his benefit. His client is trying to show that this is what it takes to make the site financially viable. He is trying to be as sensitive as possible to the neighborhood. Mr. King stated that reason for the two-car garage was to get the traffic off the street, but everyone in the neighborhood has visitors. Mr. King hopes the Board can see what his client is facing and approve the request.

Ms. Snyder asked Mr. King if the existing sidewalk would remain. Mr. King stated the sidewalk will not be changed, it may be improved as part of the project, but the intent is to take the existing cuts in the existing brick wall and create a landing that may have stairs going in both directions to circle the units making the brick part of the project.

Ms. Snyder asked if the garages were coming off 15th Street. Mr. King stated they were not because they are rear entry garages.

Ms. Snyder asked Mr. King if this was a historic preservation district. Mr. King stated it may be on the Historic Register but it is not HP zoned.

Ms. Snyder asked Mr. King about the mention of the two or three units in the staff comments and asked if it was now a financial reason for the proposed four units. Mr. King deferred to Mr. Menge.

Fred Menge came forward and stated that when the project was started about six months ago he asked a realtor about the comps in the area, and that is how the conclusion of a four unit townhouse would be most reasonable.

John Nix, 1325 South Guthrie, Tulsa, OK; asked if the proposed project was going to be four two bedroom units?

Joanna Blackstock, 1235 East 24th Place, Tulsa, OK; came forward to answer Mr. Nix's question. She stated that she is Mr. Menge's realtor. Depending on the Variance allowance and where the setbacks need to be for the garages will determine the amount of bedrooms. It will probably be two bedrooms with a living space like the majority of Cherry Street, but the three bedroom is not the goal. The goal is the number of units.

Mr. Van De Wiele asked staff if this project was the type of project the City is leaning toward especially with the changes that will be coming in the zoning code. Ms. Miller stated that this is a downtown neighborhood and the new code proposes no parking requirements in downtown neighborhoods.

Matt King came forward and stated this is preliminary. There are still a lot of processes the project must go through to receive approval. Curb cuts and things like that will be dictated by regulations in zoning. There is still a long way to go.

Comments and Questions:

Mr. Van De Wiele stated that this type of development makes sense to him, whether it is too much for the lot or not, it certainly feels similar to the development that was proposed on 21st or 23rd and Cheyenne. Obviously the need or desire to have more units because the better a person is financially, but that is not for the Board's consideration. This type of project seems to be what the new code will be pushing for.

Ms. Snyder stated that she does not see a person wanting to build a single house on the subject property, but this project is different than the one that was proposed on Cheyenne because the entry was off the street. To her that project was on a street that is similar to an ingress ramp to the Riverside, and 15th Street is not like that even though it is busy. She thinks this project is what is coming in the future.

Mr. Henke stated that what this property has going for it is that the owner owns the lot to the north. An argument could be made for some of the Variances, but his concern is 15th Street and the alley and how this project will be adequately parked. This is not Boston or Chicago, a person can't just hop on the ell or hail a cab. People in Tulsa drive cars and where are they going to park those cars?

Mr. Tidwell stated that he likes the development and likes the looks but the intensity of the development is too much for the neighborhood. He can not support this project with four units.

Mr. White agrees that this is the type of project coming in the future because there are some very interesting things going to happen in the zoning code for developments similar to this, however, the change is not here yet. He sees too many parallels between this application and the application for the project at 21st and Cheyenne. This

project is not as severe but it is not much less. He thinks it is too intense for this particular location.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-2-0 (Henke, Tidwell, White “aye”; Snyder, Van De Wiele “nays”; no “abstentions”; none absent) to **DENY** the request for a Variance to reduce the required side yard setback from 10 feet to 0 feet (Section 403.A, Table 1); Variance to reduce the setback from the centerline of East 15th Street from 70 feet to 40 feet (Section 403.A, Table 1); Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1); for the following property:

LT 36 BLK 2, CARLTON PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21828—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to reduce the required setback from the centerline of East 11th Street to permit a cell tower, utility buildings and/or structures accessory to a cell tower in the CS District (Section 703, Table 2). **LOCATION:** 9316 East 11th Street **(CD 5)**

Presentation:

Kelly Kramer, 1516 South Boston, Tulsa, OK; stated the Variance is requested to get closer to the street to give the land owner the most use of his property as possible with the 50'-0" x 50'-0" compound being placed on the property. This would be permitted by right if the compound were to be moved to meet the setbacks. The lot is an odd shaped lot and if the compound were moved to meet the setbacks it would diminish the land owner's ability to build anything because meeting the setbacks would basically cut the property in half.

Mr. Van De Wiele asked Ms. Kramer if the subject property was commonly owned with the property to the west. Ms. Kramer stated that the owner of the subject property is partnered with his brother in the ownership of the property to the west. The property to the west is used as overflow parking for the garage.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Henke, Snyder, Tidwell, White “aye”; Van De Wiele “nay”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Variance to reduce the required setback from the centerline of East 11th Street from

100'-0" to 55'-0" to permit a cell tower, utility buildings and/or structures accessory to a cell tower in the CS District (Section 703, Table 2), subject to per plan on page 5.10. The Board has found that the configuration of the lot, the proximity of the RS zoning at the southern end of the lot and the proximity of Mingo Creek to the east all contribute to the necessity of locating the tower in the location shown on page 5.10. This approval will require all driving and parking surfaces must be paved, as shown on page 5.9. 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:

A part of the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section Twelve (12), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit: BEGINNING at a point 50 feet South and 165 feet East of the Northwest corner of the NE/4 NE/4 of said Section 12; thence South 280 feet; thence East 165 feet; thence North 280 feet; thence West 165 feet to Point of Beginning. LESS AND EXCEPT a tract of land lying in the NE/4 of Section 12, T-19-N, R-13-E, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: BEGINNING 330 feet South and 220 feet East of the Northwest corner of the NE/4 NE/4 of said Section 12; thence N 12°42'25" E 271.61 feet; thence S 89°57'20" E 50 feet; thence S 0°03'20" E 265 feet; thence S 89°57'20" W 110 feet to the Point of Beginning. (WARRANTY DEED RECORDED IN DOCUMENT# 2005060288, DEED RECORDS OF TULSA COUNTY, OKLAHOMA), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

218440—Brian Letzig

Action Requested:

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

Mr. Tidwell recused and left the meeting at 2:34 P.M.

Presentation:

Weldon Bowman, W Design, 1315 East 15th Street, Tulsa, OK; he had drawings placed on the overhead projector depicting the required setback and the requested setback. The requested setback would comply with other buildings on 1st Street. First Street is a one-way street into downtown and does have a lot of traffic.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; Tidwell “abstaining”; none absent) to **APPROVE** the request for a Variance to reduce the required setback from the centerline of East 1st Street from 65 feet to 46 feet (Section 903, Table 2). The Board has found that the subject property setback has justified the Variance would put the subject property’s buildable area in line with the neighboring properties, and the property abutting the expressway right-of-way would be a very minimal if any impact on the area. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

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 2:38 P.M.

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NEW BUSINESS

21845—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to permit an electronic message center within 200 feet of an R District (Section 1221.C.2). **LOCATION:** 6110 South Lewis Avenue **(CD 2)**

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated the proposed electronic message center is to be placed on the monument sign on 61st Street. With a red LED message center the viewing angle is slightly less than a full color message center. Mr. Ward had a print placed on the overhead projector to convey this for the subject site. His

company has seen multiple protests come in from the residents in the area and the company is sensitive to it. Mr. Ward stated that because of this he would like to ask for a continuance for this case to allow his company to take off the existing cover, that is over the LED portion of the installed sign, for one night to allow the home owners to see if the LED will effect them.

Interested Parties:

Cindy Trankel, 6137 South Zunis, Tulsa, OK; stated she lives in a two-story townhouse that is next to the CVS store, and her condo is the extreme northeast corner of the building. She can see all of the CVS lights from the north and from the east. Ms. Trankel had pictures that she had taken from the inside of her house placed on the overhead projector to let the Board see what she contends with at night. There are 12 residential units in her building that have their bedroom windows face north toward CVS. She met with the developer, Jeff Brewer with Orange Development out of Atlanta, Georgia, before the property was turned over to CVS and it was his idea to take down the large CVS signs down because there was no reason to light up the alley, and he promised they would be removed.

Mr. Van De Wiele asked Ms. Trankel if the signs she is discussing are lit all night long. Ms. Trankel answered affirmatively. Ms. Trankel stated she would like to have CVS turn the lights off. She also requested that CVS not be allowed any more lights. Ms. Trankel handed a petition from the neighbors to the Board.

Mr. Van De Wiele asked Ms. Trankel if she would be willing to met with A-MAX Sign Company to let them turn on the message center. Ms. Trankel stated that she would be willing to do so.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Variance** to permit an electronic message center within 200 feet of an R District (Section 1221.C.2) to the Board of Adjustment meeting on March 10, 2015 to allow A-MAX Sign Company to demo the red LED message center to the residents; for the following property:

LT 1 LESS N10, MICHAEL'S GLEN RESUB L2-4 OF RESUB L1 PECAN ACRES, PECAN ACRES, PECAN ACRES RESUB L1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21847—Tom Boyce

Action Requested:

Variance of the rear setback requirement in an AG District from 40 feet to 10 feet (Section 303, Table 3). **LOCATION:** 5606 East 111th Street **(CD 8)**

Mr. Tidwell and Ms. Snyder recused themselves and left the meeting at 2:54 P.M.

Presentation:

Tom Boyce, 10727 East 100th Place, Tulsa, OK; stated this is a proposal to build a one-story single family dwelling with a three car detached garage in an AG zoning. He would like to reduce the 40 foot setback in the rear to ten feet. There is a knoll at the rear of the property that the owner would like to set the house on. There are a lot of trees on the property and they are going to be taking a few out at the rear of the property for the house but want to keep the trees on the front of the property.

Interested Parties:

Tim Driscoll, 5611 East 113th Street, Tulsa, OK; stated he lives just south of the subject tract. His concern is that the front of his house is facing the rear of the subject property and his circular driveway comes within a few feet of the property line; the driveway ingress is on 111th Street. It appears to him that it would be easier to place the building forward instead of placing it ten feet from his property line. He has not had any contact with the property owner or the architect, and the information provided here today is all he knows about the project.

Gene Taylor, 5706 East 111th Street, Tulsa, OK; stated he operates Taylor Tree Care and has worked in the city for over 25 years. Mr. Taylor stated that Tulsa's slogan used to be "The most beautiful city in the country". Now the people are not being very good stewards of taking care of the city, i.e., by not taking care of the trees. The subject property is covered with 65 year old hickory trees, white oaks and red oaks. He does not think when the house was designed that any consideration was given to the trees on the lot. He and his wife have been taking care of the land for 36 years by mowing it, pruning the trees every four or five years, and to see someone notch and drop 20 trees to build a house is terrible. Mr. Taylor stated the subject lot is 410 feet deep and he doesn't understand why any one would want to take out those trees. People have to take care of their city including the buildings.

Rebuttal:

Tom Boyce came forward and stated that the road that comes into the house just south of the subject property comes within 10 or 15 feet of the neighbor's gate. The house will be a one-story low roof with a Mediterrean style. The house is fronted by 111th Street and cutting down any of the front trees is not an option. The rear portion of the property has many tall trees as well but if he wants to build some of the trees need to go.

Mr. Henke stated that this will have a substantial impact on the neighbors to the south of the subject property. Mr. Henke asked Mr. Boyce what his hardship is for the Variance request. Mr. Boyce stated that there are two hardships. One is attempting to not move forward. Second, he was going to take the watershed to 111th Street and if he moves the house too far forward it will be in the low spot on the property.

Mr. Van De Wiele stated that he is having a hard time finding a reason to get so close to the property in the rear.

Mr. Henke concurred with Mr. Van De Wiele and a tree cannot be used as a hardship. The lot is a large lot and drainage is truly not an issue either.

Mr. Boyce stated the driveway coming into the property is within 10 to 15 feet because it is a real tight drive coming in, especially in the front. He assumed the neighbor's house front was facing the other way because of the way the streets are laid out. There is also an eight foot tall concrete wall that goes all the way around the subject property. Mr. Henke stated the wall is fine but when a structure goes above that is impacting the neighbor's to the south.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-2 (Henke, Van De Wiele, White "aye"; no "nays"; Snyder, Tidwell "abstaining"; Snyder absent) to **DENY** the request for a **Variance** of the rear setback requirement in an AG District from 40 feet to 10 feet (Section 303, Table 3); for the following property:

**PRT NW NE BEG NWC NE TH S410 E240 N410 W240 POB SEC 34 18 13 2.26ACS,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Tidwell and Ms. Snyder re-entered the meeting at 3:12 P.M.

21848—Nick Denison

Action Requested:

Variance to reduce the parking requirement to 0 in an CH District (Section 1212.D & Section 1212a.D). **LOCATION:** 1402 East 11th Street, Suites 1402, 1406, 1408 and 1410 **(CD 4)**

Presentation:

Shelby Navarro, One Architecture, 1319 East 6th Street, Tulsa, OK; stated the subject building is located on 11th Street and has been in existence for quite some time. The building has served as a radiator shop, a bicycle shop, and three loan offices. This area

is an area in Tulsa that is starting to regenerate and starting to change. It is good to see these areas grow, especially on Route 66 which is under utilized in Tulsa. The owner of the building would like to meet some of the new demands and provide an opportunity for new businesses to move into the neighborhood. Mr. Navarro stated that he does not know who the future tenants are going to be. The building is built out as far as it can be so there is nowhere to go or do anything. Visitors from outside the area can travel the main streets by bicycle, transit or car, and parking is provided on street, small private off street lot or shared lots. Parking is a challenge and the Comprehensive Plan is addressing things like parking. Parking lots behind buildings may not be the solution but it is a solution, and there are better solutions coming in planning. He understands there are concerns about people parking on the street but the street has always been there and people have always parked on it. The structure is built property line to property line and the owner would like to develop it in the direction the neighborhood is going. The major goal is to increase economic activity in the area to benefit existing residents and businesses, or provide the stimulus to redevelop. If the Board approves this Variance it will provide the stimulus to redevelop the area and in keeping with that the neighborhood wants to be.

Interested Parties:

Louis Moffett, 1330 East 11th Street, Tulsa, OK; stated he owns a business at the provided address. The information he received says there is 21 existing parking spaces and he would like to know where they are located. Mr. Navarro stated there are no parking spaces on the site, but there were 21 parking spaces assumed to go with the building because of the businesses that were there. Mr. Moffett stated the building to the east was recently redeveloped and remodeled, and they had to purchase the property behind them to install a parking lot as required by the City. The building to the west of the subject property has parking for their customers. He has parking for his business. This applicant is asking to give 86 parking spaces that simply do not exist. He is trying to avoid being a traffic cop by towing people off his property.

Mr. Tidwell asked Mr. Moffett if he had a lot of customers that come into his business throughout the day. Mr. Moffett stated he is auto repair and does have quite a few customers.

Mr. Henke asked Mr. Moffett if he has people that park on his lot that are not his customers. Mr. Moffett answered affirmatively.

Ms. Miller stated that she did not know what use was in the building. She and Nikita discussed the parking situation and the desire of the applicant to have the flexibility over what the spaces will be in the building. That is why the parking request is to zero. Mr. Henke stated the request is to take the parking to zero for a CH zoned property to allow them the flexibility of future tenants.

Werner Lehnert, 1344 East 11th Street, Tulsa, OK; stated he has been on 11th Street for 10 years, and he has parking in the rear of his building. The parking is adequate for his employees and his customers. What is being proposed is for someone who wants

to desert the parking, because where else is there going to be parking but in the neighborhood. He does not oppose new business in the area, but they need to provide for their own parking.

Joe Gierak, 1342 East 11th Street, Tulsa, OK; stated he is west of the subject property, and he does have a parking lot behind his building which is sufficient for clients and deliveries. When the building was a loan company it was a lower use place. He is in favor of having the property developed because it will improve the area. If this place were to have retail or something similar it could be useful, but if it were to be a restaurant it will require a lot of parking. All of the streets on the east and west side are filled with cars that are parked, and if this building that has no parking is allowed where are people going to park? Mr. Gierak presented photos that he took of the subject building to the Board and explained them as they were displayed on the overhead projector. There needs to be smart growth and development in the area.

Mr. Van De Wiele left the meeting at 3:42 P.M.

Blake Ewing, 175 East 2nd Street, Tulsa, OK; stated that there have been a lot of references to Cherry Street today, as the urban commercial districts have evolved in Brookside, Cherry Street, and 18th & Boston, a City that has primarily had a suburban minded approach to development and to parking over the last several decades has struggled to know what to do with urban revitalization thanks to the automobile. The kind of things that being seen today are big city problems, and it means the old buildings are coming to life again. It means that old neighborhoods that had boards where there use to be glass are lighting back up. Route 66, 11th Street, is probably the City's most pronounced opportunity for revitalization and for many is the front door to the City. It has been said plainly that this building has no use if there is not a parking variance granted, that it is just sitting there as a building. This is a building that is 90 years old with no associated parking connected to it, and that it would be recognized as an important piece of the 11th Street revitalization especially between Peoria and Utica area. These districts, as they evolve, become a place where you park once and walk shop to shop which entirely changes the dynamics of how people interact with the structures. It is different than in a suburban setting where a person drives from building to building. He has a 4,000 square foot restaurant that is ½ mile north of the subject property that has a zero parking variance, and he gets to decide, as the restaurant owner, whether he wants to offer that convenience to his guests. In the dense urban neighborhoods there becomes an evolved understanding of the sharing of the burden of where to park. The City also has a roll in that. As far as he understands it, in the Capital Funding package, 11th Street from Peoria to Utica is a slated reworking of the entire corridor. The plan starts this year, 2015, for a scheduled redo of that street and is to be completed in 2016. There are potential land reductions, sidewalk widening, and the changing from parallel parking spaces to angled parking similar to Cherry Street. Eleventh Street has a greater opportunity to expand the on-street parking to the public because it is basically being started from scratch and going the full length of 11th Street

from Peoria to Utica. That is the City saying they have a roll in this, they get to participate in the revitalization by helping solve the parking issue. There is also space by the Meadow Gold sign that is being turned into free public community parking, which is one block west of the subject property. The City is seeing that a vibrant commercial corridor actually has positive neighborhood impact, using Cherry Street as the example. If the applicant is approved for this Variance and commence with the revitalization of that structure they can provide the parking later as they acquire the space to meet the demands of the customers. If the Variance is denied it essentially creates a wonderful financial situation for the adjacent residential property owners who then get to name their price on their property. By granting this Variance the Board will allow this to happen in the right order.

Rebuttal:

Shelby Navarro came forward and stated that big city problems are good things to deal with. The neighborhoods are changing and growing. There is no parking on the site and there is no parking adjacent to the subject property. If the Variance is not approved the building cannot be used. There is not a restaurant slated to go into the building. There is not a bar slated to go into the building. There is nothing slated to go into the building currently, the owner just wants to provide the opportunity. A business person that needs parking will not lease a space in the building, and if parking does become a problem they will find a solution. There are ways to make this work and keep the neighborhood strong.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the request for a **Variance** to reduce the parking requirement to 0 in an CH District to permit a mixed use commercial (Section 1212.D & Section 1212a.D). The Board has found that this structure was built to the lot line and prior to the zoning code. 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 51 & 52 LESS N2 1/2 LT 52 BLK 2, ORCHARD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21849—Eller & Detrich – Lou Reynolds

Action Requested:

Variance to permit an electronic message center within 20 feet of the driving surface of East 58th Street; Variance to permit an electronic message center within 200 feet of an R District (Section 1221.C.2.b-c). **LOCATION:** 5780 South Peoria Avenue (CD 9)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents the South Tulsa Community House. They are a one stop provider in a transportation challenged neighborhood by providing a food pantry, computer center, GED classes, job assistance program, bus token program, bus assistance for people to get to work, and they have a partnership with St. John's, emergency infant services care, and there will be a charter school for middle school children by year's end. The subject lot has a one-story building with a six foot screening fence, and on the southside of the building is a mini-storage unit. The property is a 157 feet from the residential zoned property and 172 feet to the nearest structure. Walgreens Corporation has donated the electronic message center to the South Tulsa Community House and they would like to take advantage of it to let the community know what services and classes are offered. Mr. Reynolds had several photos of the subject property showing that no one in the immediate surrounding area will have visibility of the sign. The hardship for the Variances is that the property is almost twice as deep as it is wide. The property could have two signs, one on each street, with about 400 square feet of monument type signage rights and the existing sign is about 170 square feet. The property is rather unusually shaped and in width and in depth in the CS zoned property. The electronic message center is needed to affectively communicate with clients and patrons.

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, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Variance to permit an electronic message center within 20 feet of the driving surface of East 58th Street; Variance to permit an electronic message center within 200 feet of an R District (Section 1221.C.2.b-c), subject to per plan 10.8. The electronic message center will be in the same location as the existing sign on the property. The hardship is that the property is almost two times as deep as it is wide, and the depth of the property results in limited frontage along South Peoria in which to locate the sign. The electronic message center is necessary to effectively communicate the South Tulsa Community House numerous services and classes to its patients and clients the majority of which are residences in the surrounding community. 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:

**PRT BLK 2 BEG SECR TH W282.04 N170.29 E282.04 S170.32 POB & E25 VAC ST
ADJ ON W, RIVERSIDE SOUTH COMPLEX, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

21850—Blendia & Vernon Clark

Action Requested:

Special Exception to allow a manufactured home in the RS-3 District; Special Exception to extend the one year time limit for the manufactured home (Section 401). **LOCATION:** 408 South 39th West Avenue **(CD 1)**

Presentation:

Vernon Clark, 401 South 39th West Avenue, Tulsa, OK; stated he and his wife are disabled and they need an affordable place to live.

Mr. White asked Mr. Clark the age of the trailer. Mr. Clark stated it is a 1975 Skyline and it has been painted recently.

Interested Parties:

Michael Simpson, 419 South 40th West Avenue, Tulsa, OK; stated that the neighbors have been trying real hard to clean up the neighborhood, and have been razing old houses. Where the trailer sits now there used to be an old house that was torn down. He can look out his back window and see the mobile home, and he thinks it takes away from the neighborhood. He believes his neighborhood is the forgotten part of Tulsa. He believes that if this request is approved it will be a step backward for the neighborhood. He understands what Mr. Clark is saying because he has been on disability most of his life, and he knows what it is like to try to make ends meet but for the neighborhood he feels this is a step backward.

Blendia Clark, 401 South 39th West Avenue, Tulsa, OK; stated her mother lives right across the road from the subject property, and her children live beside Mr. Simpson. She and her husband are trying to make things better.

Mr. Henke asked Ms. Clark how long they are asking to extend the time limit. Ms. Clark stated that they would accept whatever they can receive.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the request for a Special Exception to allow a manufactured home in the RS-3 District (Section 404, Table 1); Special Exception to extend the one year time limit for the manufactured home (Section 404) to five years from today, February 2020. This approval is subject to per plan on page 11.13. 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-3-BLK-2, PARK VIEW PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21851—Barron & McClary – Bert Pohl

Action Requested:

Variance of the required rear yard setback in the RS-3 District from 25 feet to 4.3 feet to permit an existing garage (Section 403, Table 3); Variance of the required garage setback from 20 feet to 15.2 feet (Section 403.A.5); Minor Variance of the required side yard setback in the RS-3 District from 5 feet to 4.2 feet to permit an existing pool house and carport (Section 403, Table 3). **LOCATION:** 1568 South Yorktown Place **(CD 4)**

Mr. White recused himself at 4:11 P.M.

Presentation:

Kurt Barron, Barron & McClary General Contractors, 1424 South Harvard, Tulsa, OK; no presentation was made at this time.

Mr. Henke thanked Mr. Barron for his patience, and pointed out that with Mr. White recusing himself and Mr. Van De Wiele’s need to leave the meeting there are only three Board members to hear the case. It will be necessary to have all three Board members in favor of the request for it to pass. Mr. Henke asked Mr. Barron if he would like to ask for a continuance. Mr. Barron stated that he would be brief.

Mr. Barron stated that he has been building in the mid-town area for about 30 years and there is a common setback issue on the subject property. This house was built closer to the property line than the modern code allows. What he proposes is to connect the existing pool house to the main house. He proposes to move 12 inches away from the

north property line to give a 5.2 dimension. The hardship is that this is an existing older house where the existing property lines are set too close to the house.

Interested Parties:

Jim Twombly, 1562 South Yorktown Place, Tulsa, OK; stated he lives immediately to the north of the subject property. He does not have any objections to the proposal and is in favor of the extension. His concern is that the dimensions are not accurate. The distance from the fence line to the pool house is 4.2 feet, but the fence line does not sit on the property line. When he moved into the house the sellers informed him that the fence was placed about 12 to 18 inches on his property because of several trees that were on the property line. Those trees have just been removed. There is also a retaining wall that is about a foot tall that is in line with a fence post that is engulfed in a tree which is about a foot and a half onto his property. He would ask for a continuance so that the property line issue could be resolved before a Variance is approved. He spoke to the property owner and she said she would speak to her contractor.

Rebuttal:

Kurt Barron came forward and stated that he has arranged to split the survey costs with the neighbor, and he is hoping to have the information by the March 10th meeting.

Mr. Henke asked Mr. Barron if he had anything to present today that would answer the property line questions. Mr. Barron stated that he thinks the proposed structure is farther away from the property line than is existing.

Mr. Henke asked Mr. Barron if he thought the Board should get it right. Mr. Barron stated that is probably the right direction.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 3-0-1 (Henke, Snyder, Tidwell, "aye"; no "nays"; White "abstaining"; Van De Wiele absent) to **CONTINUE** the request for a Variance of the required rear yard setback in the RS-3 District from 25 feet to 4.3 feet to permit an existing garage (Section 403, Table 3); Variance of the required garage setback from 20 feet to 15.2 feet (Section 403.A.5); Minor Variance of the required side yard setback in the RS-3 District from 5 feet to 4.2 feet to permit an existing pool house and carport (Section 403, Table 3) to the Board of Adjustment meeting on March 10, 2015; for the following property:

LT 7, SEVEN ACRES PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White re-entered the meeting at 4:18 P.M.

21852—Chris Zemanek

Action Requested:

Variance of the required front yard setback in the RS-1 District from 35 feet to 21 feet to permit an addition (Section 403, Table 3); Minor Variance of the required rear yard setback in the RS-1 District from 25 feet to 24 feet to permit an addition (Section 403, Table 3). **LOCATION:** 4470 South Gary Avenue **(CD 9)**

Presentation:

Steve Curtis, 4470 South Gary Avenue, Tulsa, OK; stated he is the property owner. The proposed addition is for a two-story living space with a garage underneath. The original proposed addition was to be set farther back but was told the house is in a flood plain and the addition would need to be dropped two feet below the rest of the house which would create the need for a two foot retaining wall down the middle of the driveway. The architect recommended to pull the proposed addition forward and ask for the Variance for the offset from the street so the property line could be on the same elevation as the rest of the house. He has spoke with the neighbors and the neighbors to the north gave him their written approval for the addition.

Mr. Henke asked Mr. Curtis if he was saying his hardship is terrain, topography and the flood plain. Mr. Curtis answered affirmatively.

Mr. Swiney asked Mr. Curtis if he had the letter from his neighbor. Mr. Curtis stated that he has it on his cell phone in an e-mail. Mr. Swiney asked Mr. Curtis if he could see it and Mr. Curtis provided it to Mr. Swiney.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the request for a Variance of the required front yard setback in the RS-1 District from 35 feet to 21 feet to permit an addition (Section 403, Table 3); Minor Variance of the required rear yard setback in the RS-1 District from 25 feet to 24 feet to permit an addition (Section 403, Table 3), subject to conceptual plan 13.9. The Board has found that due to the shape of the lot and the fact that there is a flood plain that crosses over the property it requires the relocation of the addition. 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 5 BEG 116.13E SWC TH E68.61 CRV LF 86.68 NW111.50 SW110.27 SE146.44 POB BLK 5, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

13745-B—Sack & Associates – Ted Sack

Action Requested:

Modification to a previously approved site plan (BOA-13745-A); Variance to increase the permitted height from 35 feet to 39 feet (Section 403, Table A). **LOCATION:** 6363 South Trenton Avenue **(CD 2)**

Presentation:

Ted Sack, Sack & Associates, 3530 East 31st Street, Tulsa, OK; stated he represents Metro Christian and what they have is an indoor practice facility. Metro Christian does own the property adjacent property that is north. The height variance is needed to get as much height as possible because the facility is for indoor football practice.

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, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-13745-A); Variance to increase the permitted height from 35 feet to 39 feet (Section 403, Table A). The Board has found that on the modification the condition is necessary and reasonably related to the request to ensure the proposed modifications are compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements per code. 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:

SE NW LESS S200 W475 & LESS N50 S475 W100 & LESS N500 THEREOF & LESS ELY1.039AC FOR RD SEC 6 18 13 35.204ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21854—Midtown Land & Development

Action Requested:

Variance of the allowed driveway coverage in the required front yard from 34% to 44% (Section 1303.D); Variance to allow two (2) unconnected parking areas (Section 1301.C). **LOCATION:** 1428 South Evanston Avenue **(CD 4)**

Mr. Tidwell and Mr. White recused themselves at 4:32 P.M.

Presentation:

No presentation was made due to a loss of quorum.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **CONTINUE** the request for a Variance of the allowed driveway coverage in the required front yard from 34% to 44% (Section 1303.D); Variance to allow two (2) unconnected parking areas (Section 1301.C) to the Board of Adjustment meeting on March 24, 2015; for the following property:

LTS 13 THRU 16 BLK 6, ROSEMONT HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tidwell and Mr. White re-entered the meeting at 4:33 P.M.

21855—Acura Neon Signs – Yoko Lam

Action Requested:

Variance to permit a digital sign to be located within 200 feet of an R District (Section 1221.C). **LOCATION:** 3515 South Harvard Avenue **(CD 9)**

Presentation:

Peter Jansen, Acura Neon Signs, 1801 North Willow Avenue, Broken Arrow, OK; stated this request is for a proposed LED upgrade to a sign. This is a fairly high traffic area and the church in effort to increase evangelizing has pursued a digital sign. The hardship is the danger and difficulty in changing the old fashioned lettered sign with ladders. Generally the brightness is cited as one of the largest concerns with this type of sign. This is a modern Daktronics sign that has a photocell built into the sign, and while it displays 100% brightness during the day it goes down to 3% to 5% at night in brightness. The new sign will be set farther back than the old sign, and if a person is north of the sign it will be partially covered by the church. The new sign will be closer to the parking lot, east of where the existing sign is now located.

Mr. Henke stated there has been quite a few protests received to this request, and understandably the people across the street are concerned about the impact of the light on their houses.

Mr. Jansen stated that he spoke with the Pastor and the one thing the church is willing to do is turn the sign off at night between 10:00 P.M. and 7:00 A.M. This can be done through the software package, and the LED portion of the sign can be turned off while keeping the fluorescent portion of the sign on.

Interested Parties:

Lynne Tucker, 3136 South Florence Place, Tulsa, OK; stated the church has been a good neighbor to the home owner's association and the garden club, but the neighborhood needs to be protected. Due to the topography the church side of Harvard is higher than the side the neighborhood is located on, and a six foot fence on the residential lot does not block very much. PSO has trimmed all the trees along the utility lines so there is no green screening to block the view.

Mr. Henke asked Ms. Tucker if the neighborhood got together as a group or if someone went door-to-door to get the signatures on the petition she presented. Ms. Tucker stated there was similar situation to this with the Drug Warehouse sign. Mr. Henke asked Ms. Tucker if there was anything the applicant could propose that the neighbors would be agreeable to. "Not to do it" was Ms. Tucker's statement.

Mr. Henke asked Ms. Tucker if she was saying that no digital sign under any circumstances would be acceptable to her or her neighbors. Ms. Tucker stated that would be correct because of the precedent setting for all the other properties along Harvard.

Rebuttal:

Peter Jansen came forward and stated the new sign and the old sign are very close in height.

Mr. White asked Mr. Jansen if he had met with the neighbors. Mr. Jansen stated that he has not as a sign company. Generally as a sign company he does not address the complaints unless the customer requests he do so.

Comments and Questions:

Mr. Henke stated that he could not support the application today so Mr. Jansen might be well suited to have the church meet for discussion with the neighbors, he would be happy to continue the case.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **CONTINUE** the request for a **Variance** to permit a digital sign to be located within 200 feet of an R District (Section 1221.C) to the Board of Adjustment meeting on March 24, 2015; for the following property:

**LT 40 & LTS 1-4 BLK 4 EISENHOWER ADD RSB, EISENHOWER ADD RSB
L38&39&41-43&W/2L44 ALBERT PIKE SUB, ALBERT PIKE SUB, 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 4:45 p.m.

Date approved: 3/10/15

Frank X. Henke

Chair