

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1136  
Tuesday, March 24, 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 Snyder Tidwell, Secretary Van De Wiele White, Vice Chair		Miller Moye Foster Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, March 19, 2015, at 9:26 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.

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

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**MINUTES**

On **MOTION** of **TIDWELL**, the Board voted 4-0-1 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the **Minutes** of the March 10, 2015 Board of Adjustment meeting (No. 1135).

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**UNFINISHED 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:**

The applicant has requested a continuance to the April 28, 2015 Board of Adjustment meeting.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **CONTINUE** the request for a Variance to permit an electronic message center within 200 feet of an R District (Section 1221.C.2) to the April 28, 2015 Board of Adjustment meeting; 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**

**21855—Acura Neon Signs – Yokko Lam**

**Action Requested:**

Variance to allow an electronic message center within 200 feet of an R District (Section 1221.C.2.c). **LOCATION:** 3515 South Harvard Avenue (**CD 9**)

**Presentation:**

The applicant has requested a continuance to the April 28, 2015 Board of Adjustment meeting.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **CONTINUE** the request for a Variance to allow an electronic message center within 200 feet of an R District (Section 1221.C.2.c) to the April 28, 2015 Board of Adjustment meeting for a renotification; 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

\* \* \* \* \*

**NEW BUSINESS**

**21868—Joel Bein**

**Action Requested:**

Special Exception to permit a food truck court (Use Unit 2) in the CH District (Section 710, Table 1); Variance of the allowable days for open air activities from 179 days to year round (Section 1202.C.1); Variance of the requirement that all motorized vehicles be parked on an all-weather surface (Section 222). **LOCATION:** 418 South Peoria Avenue (CD 4)

**Presentation:**

The legal staff has requested a continuance to the April 14, 2015 Board of Adjustment meeting.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, White, Van De Wiele “aye”; no “nays”; no “abstentions”; none absent) to **CONTINUE** the request for a Special Exception to permit a food truck court (Use Unit 2) in the CH District (Section 710, Table 1); Variance of the allowable days for open air activities from 179 days to year round (Section 1202.C.1); Variance of the requirement that all motorized vehicles be parked on an all-weather surface (Section 222) to the April 14, 2015 Board of Adjustment meeting; for the following property:

LT 1, 2, 3, 4 BLK 1, CENTRAL PARK PLACE, CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA

\* \* \* \* \*

**UNFINISHED BUSINESS**

## **21854—Midtown Land & Development**

### **Action Requested:**

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

**Mr. Tidwell and Mr. White recused themselves at 1:07 P.M.**

### **Presentation:**

**Ken Myers**, Midtown Land & Development, 5411 East 15<sup>th</sup> Street, Tulsa, OK; stated the lot is either in concrete or small aggregate because it was a lot for service vehicles. If the structure is allowed to be built there will be more green space. To the south of the subject property there is a commercial parking lot. The area is very congested. There are two duplexes across the street, a duplex south of the commercial parking lot, a donut shop, and a commercial business. What the applicant is attempting to do is get their parking off the street. There is no parking allowed on the east side of Evanston Street.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

None.

### **Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-2 (Henke, Snyder, Van De Wiele “aye”; no “nays”; Tidwell, White “abstaining”; none absent) to **APPROVE** the request for a Variance of the allowed driveway coverage in the required front yard from 34% to 44% Variance to allow two (2) unconnected parking areas (Section 1301.C and Section 1303.D), subject to the conceptual plan on page 3.9. The Board has found that the property has historically been used for commercial parking and the changes to be made are less impactful than would be as the property is historically a parking lot. 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 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 1:12 P.M.

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**NEW BUSINESS**

**21862—C. J. Collins**

**Action Requested:**

Special Exception to permit a carport in the required front yard in the RS-3 District; Variance to allow a carport within the 5 foot side yard setback; Variance of the allowed square footage for carports from 400 square feet to 420 square feet (Section 210.B.10.a.b). **LOCATION:** 3815 South 82<sup>nd</sup> East Avenue **(CD 5)**

**Presentation:**

**C. J. Collins**, 3815 South 82<sup>nd</sup> East Avenue, Tulsa, OK; stated the house was built in 1963 by his father-in-law. The oak tree in the yard was planted in 1964 and produces good shade but drops acorns all over everything. He has problems using his wheel chair and scooter because of those acorns, and he would like to cover the driveway with the carport.

Mr. Van De Wiele asked Mr. Collins why he does not park his vehicle in the garage of the house. Mr. Collins stated that he uses his garage for other purposes other than parking a vehicle in, and he also uses the garage as a hobby wood workshop.

Mr. Tidwell asked Mr. Collins how wide the driveway is now. Mr. Collins stated the driveway is within two inches of his property line. There is a six to eight inch drop off from his property to the neighbors driveway and that area has a wall in place.

Mr. White asked Mr. Collins if the carport he was proposing was aluminum. Mr. Collins stated is a prefabricated carport manufactured by South Carolina Carports; open sided with a dome type roof that comes down about 18 inches on the sides. The way the soffett is on the house the carport cannot attach to the house.

**Interested Parties:**

**Juanita Brand**, 3819 South 82<sup>nd</sup> East Avenue, Tulsa, OK; stated she lives east of Mr. and Mrs. Collins, and has lived there since 1999. Shortly after she and her husband moved into their house Mr. Duncan, the previous owner of the subject property, passed and the Collins moved into the house. Shortly after they moved in they widened the driveway of their house toward her property. When the contractor started pouring the Collins driveway expansion she asked the contractor not to attach the concrete to her portion of the curbing. The diagram for the carport locates the carport in an area where

her vision would be blocked from backing out of her own driveway. Currently there is a boat and a trailer in the subject property driveway and she cannot see to the west as she is backing out of her driveway, and she believes the carport would further impede her vision. Ms. Brand stated the Collins garage is being used for storage of garage sale items and other items, and it is a two-car garage. The Collins have three vehicles plus the trailer and the boat in their driveway. She believes all these vehicles in the Collins driveway is putting her in harms way when she must back out of her driveway. Ms. Brand presented pictures for display on the overhead projector of the Collins vehicles and yard. Ms. Brand believes the Collins have other alternatives for placing the carport, but she has no other alternative.

Mr. Van De Wiele asked Ms. Brand if there were other carports in her neighborhood. Ms. Brand stated she could only find one carport in her area.

**Charlotte Curry**, 7345 East 59<sup>th</sup> Place, Tulsa, OK; stated she is Ms. Brand's daughter. She stated that she drove her mother's neighborhood and there are other carports but none of them are like the proposed carport. The other carports are flat roofed with poles and they were either in the side yard or the back yard. There is one carport down the street that has a flat roof and it acts more as a porch than a carport.

Mr. Van De Wiele asked where that carport is located. Ms. Curry stated it is east of her mother's house and is farther than the aerial map presented by INCOG.

Mr. Henke stated that the Board did not have any history of approved carports in the area.

Mr. White asked Ms. Curry if Mr. Collins had cars or something usually parked in his driveway. Ms. Curry answered affirmatively. Mr. White asked Ms. Curry if she is looking at the Collins vehicles when backing out of her mother's driveway irrespective of the carport. Ms. Curry answered affirmatively. Mr. White stated that regardless of what Mr. Collins would have in his driveway, with the carport height as presented on the proposed sketch provided by Mr. Collins, from the bottom of the roof edge a driver would be looking under the edge of the carport. Ms. Brand stated that she could not say because of all the cars, the boat and the trailer that are parked in the Collins driveway and over the sidewalk.

Mr. Henke asked Mr. Swiney about the parking of vehicles over a sidewalk. Mr. Swiney stated parking is not allowed on a sidewalk.

**Brian McBride**, 3778 South 82<sup>nd</sup> East Avenue, Tulsa, OK; stated that in regards to the other carports in the neighborhood, there is one at 3247 South Memorial that was not permitted and the home owners had to remove the carport. There is a carport at 3742 South 82<sup>nd</sup> East Avenue that was not permitted and they too were made to remove the carport.

Mr. Tidwell asked Mr. McBride if he knew the dates of the carport removals. Mr. McBride stated that he did not know the date but it has been within the last two years.

Mr. McBride stated there is also a carport at 8212 East 37<sup>th</sup> Street that is located on the side of that house and it was permitted. He drove the neighborhood and there are no carports in the front yard in an eight block area. He has lived in his house for 38 years and the portable carports are an eyesore. He believes a person should park their cars in their garage, and have the hobby in a constructed building in the back yard. Mr. McBride stated that he knows how Ms. Brand feels when backing out of her driveway because when he runs he cannot see westward and must run in the street around all the vehicles. He has seen mothers push their strollers into the street to get around the Collins vehicles. Mr. McBride stated he is guilty of parking over the sidewalk but he pulls his vehicle up as close to the garage door as possible and he is about 18 inches over the sidewalk. Mr. McBride stated that if the carport is not going to be attached to the house or the roofline there is still be a presence of acorns on the sidewalk and the driveway. The proposed portable carport in the front yard devalues the neighborhood, and if one is allowed there will be several carports to follow. Mr. McBride stated that he does not have a problem with a carport being attached to the house and built to match the structure of the house if it can be permitted, but he does have a problem with a portable carport being placed in the front yard.

**Lisa Duncan Collins**, 3815 South 82<sup>nd</sup> East Avenue, Tulsa, OK; stated she moved into the subject house with her mother and father in 1964. Her father passed away in 2010 and received the house from probate in 2012. The west side of the house cannot have a driveway because houses are allowed only one driveway unless it is a circular drive. The blue van that is in the picture in the driveway is up for sale so it will be gone as soon as there is a buyer. The trailer in the picture in the driveway was used to haul items to the flea market at Admiral and Memorial, so that is why it is hooked up to the pickup truck. The trailer has been stored at a storage facility all winter and has not been in the driveway until this past weekend.

Mr. Henke asked Ms. Collins about the swingset in the front yard. Ms. Collins stated the swingset will come down this coming weekend because it is rusted and must be cut apart. The birdbath and the upsidedown wheelbarrow that is in the picture is part of a flower bed. Ms. Collins stated she has checked with the City Permit Department to see what she can do and they gave her the rules that she can follow. That is why she went to INCOG and filed an application for the carport. The carport will be bolted to the concrete and will be permanent. The carport will have only one panel that comes down from the roof and it will not have walls to the ground, so Ms. Brand will be able to see through the carport. Ms. Collins stated the problem is that she is not the only house that parks cars over the sidewalk. Ms. Collins stated she can park on the street but Ms. Brand will still have problems seeing traffic as she backs out of her driveway no matter which direction she goes. Ms. Collins stated the boat will also be sold.

Mr. Henke asked Ms. Collins if she would stop parking on the sidewalk. Ms. Collins stated that as soon as some of the vehicles are sold they will quit parking on the

sidewalk. Ms. Collins stated that the carport will not cross the sidewalk because that is not her property, it is City property. Ms. Collins stated that she lost five family members in five years and she has everything they owned, that is why she selling items at flea markets. Her goal is to be able to park in the garage but for now the garage is full of family items that will be sold.

**Rebuttal:**

Mr. Collins came forward and stated that most everything said today is probably true. He is aware of the City codes because spent many years with the Housing Authority. He always tries to stay off the sidewalk but it happens on occasion. The carport will be approximately four feet from the sidewalk, it will not go to the sidewalk.

Mr. Van De Wiele asked Mr. Collins what his hardship would be for the Variances requested. Mr. Collins stated that he has an approximate 21 foot driveway and that is why he requested a 21 foot wide carport. Mr. Van De Wiele asked Mr. Collins to justify the 21 feet. Mr. Collins stated that he is trying to be a good neighbor by calling a survey company for the driveway so he could get it correct, and that survey shows that Ms. Brands fence is on his property. He has been cordial in not making her remove the fence.

Ms. Snyder asked Mr. Collins what prevented him from parking a car on the additional concrete pad he had poured. Mr. Collins stated that he planned on placing the boat on the pad with the van in front of the boat.

Mr. Collins stated that he did not understand why the swingset that is in the front yard has become a problem. He plans on painting and hanging flower baskets from it. Mr. Collins stated that he did not know it was against the law to have a swingset in the front yard as long as it was not dangerous.

**Comments and Questions:**

Mr. Tidwell stated that he cannot support this request because of blocking the neighbors view.

Mr. Henke stated that the request is not in harmony or in the spirit of the code or harmonious with the neighborhood.

**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 **DENY** the request for a Special Exception to permit a carport in the required front yard in the RS-3 District; Variance to allow a carport within the 5 foot side yard setback; Variance of the allowed square footage for carports from 400 square feet to 420 square feet (Section 210.B.10.a.b); for the following property:

**LOT 20 BLK 3, MEMORIAL ESTATES ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**



**20831-A—Kinslow Keith & Todd – Nicole Watts**

**Action Requested:**

Modification to a previously approved site plan (BOA-20831) for additional parking.

**LOCATION:** 6150 South Yorktown Avenue **(CD 2)**

**Mr. Tidwell left the meeting at 1:55 P.M.**

**Presentation:**

**Nicole Watts**, Kinslow Keith & Todd, 2200 South Utica Place, Tulsa, OK; stated this site plan was approved in 2009 for the Community Action Project. Today it is before the Board because the circulation patterns have been modified to allow better driving flow for less congestion.

**Mr. Tidwell re-entered the meeting at 1:56 P.M.**

Mr. Van De Wiele asked Ms. Watts if there was parking being added. Ms. Watts stated there will be a few parking spaces added.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, White, Van De Wiele “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-20831) for additional parking, subject to the revised conceptual site plan on pages 6.12 and 6.13; 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, PECAN ACRES, SOUTHERN HILLS VIEW, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21863—MapleOak Investments, Inc. – Don Guterman**

**Action Requested:**

Verification of the spacing requirement for a liquor store 300 feet from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **LOCATION:** 2828 East 91<sup>st</sup> Street, Suites A & C (CD 2)

**Presentation:**

**Don Guterman**, MapleOak Investments, 10708 South Holly, Jenks, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Henke acknowledged the receipt of the applicant's survey on page 7.9.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant's verification of the spacing requirement for the proposed liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to this liquor store; for the following property:

**LT 1 BLK 1, CAR CARE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**17281-A—Dewberry – Dominic Spadafore**

**Action Requested:**

Revision to a previously approved site plan to permit the expansion of the jail facility. **LOCATION:** 300 North Denver Avenue (CD 4)

**Presentation:**

**Dominic Spadafore**, Dewberry, 1550 South Boulder, Suite 600, Tulsa, OK; stated this is for a proposed expansion. A recent bond was passed for funding of two units to the Tulsa County Jail. The master plan of the jail has always been to extend the units to the rear which abuts I-244. Unit B, the farthest west unit, is two pods inside that expansion and will take care of the mental health capacity. Unit A is an extension of the low risk population. The site plan allows for two future expansions should the jail and the public find a necessity for that.

**Interested Parties:**

**Michael Willis**, Deputy Chief County Commissioner, 2530 West 78<sup>th</sup> Street, Tulsa, OK; stated he is here to provide his support on behalf of the Board of County Commissioners for this project.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a **Revision** to a previously approved site plan to permit the expansion of the jail facility, subject to conceptual plans 8.18, 8.19 and 8.20. The Board has found that the proposed modifications are compatible with and non-injurious to the surrounding area and meets the previously granted Board relief of the zoning requirements for the code; for the following property:

**LT 1 BLK 1 COUNTY JAIL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21864—John Mullins**

**Action Requested:**

**Variance** of the required west side yard setback in the RS-2 District from 10 feet to 3.6 feet (Section 403, Table 3); **Variance** to extend an existing nonconforming structure (Section 1405.A). **LOCATION:** 2615 East 22<sup>nd</sup> Place **(CD 4)**

**Presentation:**

**John and Kim Mullins**, 2615 East 22<sup>nd</sup> Place, Tulsa, OK; stated this request is to add on to a one-car garage. The house was built in 1957 on a small lot and it was approved at that time to be built three and a half feet from the property line. He would like to extend a one-car garage the same three and a half feet from the property line in order to have enough space for a car, and hopefully pick up a little bit of storage area. Currently he uses his dining room as an office and he would like to have approximately nine feet that can be utilized for an office. He and his wife care very much about property values and have employed an architect to draw the plans. The addition will match the existing house. He has spoken to the neighbors and they have told him they have no objections.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Variance of the required west side yard setback in the RS-2 District from 10 feet to 3.6 feet (Section 403, Table 3); Variance to extend an existing nonconforming structure (Section 1405.A), subject to conceptual plan 9.15. The Board has found that the addition to be added does not extend any closer to the west property line than the existing structure and does not extend beyond the front building line. 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 55 & E 10 LT 56 E 10 S 15 LT 9 & S 15 LT 10 BLK 1, HARTER'S FOURTH RESUB L1-20 B1 HARTER'S THIRD RESUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21865—Branch Communications**

**Action Requested:**

Special Exception to permit a cell tower (Use Unit 4) in the RS-3 District (Section 401). **LOCATION:** 2122 West Edison **(CD 4)**

**Presentation:**

**Kelly Kramer**, Branch Communications, 1516 South Boston Avenue, Suite 215, Tulsa, OK; stated this request is to erect a 150 foot cell tower on the subject property and this lot meets the setbacks required by the City. At this time Ms. Kramer had before and after cell tower coverage maps placed on the overhead projector.

Mr. Henke asked Ms. Kramer what the height is of two existing cell towers in the area. Ms. Kramer stated the taller cell tower is 180 feet which is utilized by AT&T, and an application was made to also utilize this tower but it was structurally deficient. The other tower is 100 feet tall with a carrier at 96 feet, and her company was targeting 165 feet for their location so that tower would require an extension which structurally failed.

Her company found out that the church was a willing lessor and had a location that could meet her company’s objectives they formatted a lease.

Mr. Van De Wiele asked Ms. Kramer if the access road would be paved or asphalted. Ms. Kramer answered affirmatively.

Mr. Swiney stated that in the Board's agenda packet on page 10.4 there are requirements by the zoning code, that when a motion is made and take a vote that the findings of Board of Adjustment as to the factors that are involved in the decision be found verbally and recorded into meeting minutes. Mr. Henke asked Mr. Swiney if the Board would be allowed to cite Section 1204.C.5.a or if the Board member would need to itemize the Section. Mr. Swiney stated that, for example, the height or distance from the neighboring zoning district would need to be recited.

Mr. Van De Wiele asked Mr. Swiney if the Board could simply state that the factors in Section 1204.C.5.a have been taken into account in their determination. Mr. Swiney stated that in addition to that statement the Board will need to make the findings and record the findings so they are contained in the official record.

Mr. White asked Mr. Swiney if the site plan submitted reflect the compliance of Section 1204.C.5.a. Mr. Swiney stated that as he reads the requirement, it states "as the findings of the Board of Adjustment as to each of these factors shall be made on the record". That suggests to him that they must be made verbally. Another way to handle this would be to question the applicant and the answers by the applicant would be part of the record.

Mr. White asked Mr. Swiney how to proceed with the questions. Mr. Swiney stated that factor number one, the height of the proposed tower. Mr. Henke stated the proposed tower is 150 feet and there are towers of the same height or higher in the immediate proximity to this application. Mr. Swiney confirmed that Mr. Henke was correct and that the proximity to the residential structures is at least 165 feet, which is the setback required by the zoning code.

Ms. Kramer stated that her company's plans have a 165 foot radius drawn around the tower toward any structure in the proposed area. At this point Mr. Swiney asked Ms. Kramer about the eleven factors in Section 1204.C.5.a. Ms. Kramer answered all the factors affirmatively and confirmed that all eleven factors had been addressed and taken into consideration by her company.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a cell tower (Use Unit 4) in the RS-3 District (Section 401), subject to conceptual plan 10.11, 10.12, 10.13, 10.14, 10.15 and 10.16. The Board has considered the factors provided in Section 1204.C.5.a of the zoning code:

1. Height of the proposed tower
2. Proximity of the tower to residential structures, residential district boundaries and existing towers
3. Nature of uses on adjacent and nearby properties
4. Surrounding topography
5. Surrounding tree coverage and foliage
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
7. The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation
8. Architectural design of utility buildings and accessory structures to blend with the surrounding environment
9. Proposed ingress and egress
10. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area
11. The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts

finding the application to satisfy each of those factors to the Board's satisfaction. 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:

**BEG 170N & 1063.2E SWC LT 2 TH W343 NLY13 NWLY170 NELY235 NELY331 E334.7 S657.4 POB SEC 3 19 12 6.578ACS, IRVING PLACE, MONTICELLO ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21866—Larry Erbe**

**Action Requested:**

Variance of the allowed square footage for an accessory building from 1,046 square feet (40% of the principal structure) to 1,200 square feet in the RS-2 District (Section 402.B.1.d). **LOCATION:** 1232 South 105<sup>th</sup> East Avenue **(CD 5)**

**Mr. Henke left the meeting at 2:21 P.M.**

**Presentation:**

**Larry Erbe**, 1232 South 105<sup>th</sup> East Avenue, Tulsa, OK; stated he would like to build a new shop larger than what the rules allow. He petitioned the neighborhood and obtained their signatures showing their agreement. He has lost his current storage due to a divorce. This building is to keep all his toys inside. Once the building is built he will

have a privacy fence and gate around it, and the house will probably block half of the view from the street.

**Mr. Henke re-entered the meeting at 2: 23 P.M.**

Mr. Van De Wiele asked staff what the minimum lot size is for RS-2. Ms. Miller stated the minimum lot size is 9,000 square feet.

Mr. White asked Mr. Erbe what he meant by toys or if this is for a business. Mr. Erbe stated that is not a business. He has a race car, a boat, a Corvette, a Harley, and an antique car.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Variance of the allowed square footage for an accessory building from 1,046 square feet (40% of the principal structure) to 1,200 square feet in the RS-2 District (Section 402.B.1.d), subject to conceptual plan 11.14. The Board has found that the lot in question is more than twice the size of the minimum sized RS-2 lots, and there are other accessory buildings in the immediate area and the majority of the neighbors in the immediate area have supported the application for this Variance. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 4 BLK 4, CRESCENT HGTS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **21867—Eller & Detrich – Andrew Shank**

### **Action Requested:**

Variance of the maximum number of signs permitted in the OMH District (Section 602.B.4.b); Variance of the permitted display surface area for business signs in the OMH District to allow two (2) additional 166 square foot wall signs for Matrix Service Company on the Meridian Tower (Section 602.B.4.c). **LOCATION:** 5100 East Skelly Drive **(CD 5)**

### **Presentation:**

**Andrew Shank**, Eller & Detrich, 2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, OK; stated he is before the Board representing Matrix Service Company, which through it's subsidiaries is a top tier engineering, construction and maintenance company that designs, builds and maintains infrastructure critical to North American energy power industrial markets. Tulsa is fortunate to have Matrix headquarters call Tulsa home. The corporate offices are here which employs approximately 174 people and they are the anchor tenant of the Meridian Tower. The proposed signs are static wall signs and will be on the northeast side and the southwest side of the building. The building is a very unique shape and fronts on a highway corridor, as well as a one-way street and Mr. Shank believes this satisfies the hardship requirement.

### **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 of the maximum number of signs permitted in the OMH District (Section 602.B.4.b); Variance of the permitted display surface area for business signs in the OMH District to allow two (2) additional 166 square foot wall signs for Matrix Service Company on the Meridian Tower (Section 602.B.4.c), subject to conceptual site plan 12.14 and the drawing submitted today, March 24, 2015. The Board has found that the building is on three plus acreage lot, and abuts I-44 and a one-way street. The Board has also found that the signs are needed on two sides of the building due to the triangular shape 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:



BLK 1 LESS BEG NEC BLK 1 TH SE161.64 SW9.6 SWLY ON CRV LF 128.45 TH S36.55 SW159.77 NW241 NE306.60 POB, ADMIRAL BENBOW ADDN RESUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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**OTHER BUSINESS**

**21265—Gregory Helms**

**Action Requested:**

Request approval of the Landscape Plan imposed by the Board of Adjustment in BOA-21265 on June 14, 2011. **LOCATION:** 4901 South Lynn Lane Road **(CD 6)**

**Presentation:**

**Gregory Helms**, 424 East Main Street, Jenks, OK; stated that in June 2011 a Special Exception was received to permit a child care center in a church in an AG District, and a Variance to allow RVs to be parked on an all-weather surface during construction. As part of the prior approval it was required that the applicant receives a landscape plan approval from the Board. The parking has been moved the parking to about 50 feet away from the north property line. There have been multiple rows of evergreens and deciduous trees.

Mr. Van De Wiele stated that the old minutes state that a requirement of 200 feet of landscaping and it looks like there is more being done. Mr. Helms confirmed that Mr. Van De Wiele was correct.

Mr. White asked Mr. Helms if he had contacted the neighbors or if they had contacted him. Mr. Helms stated that there has been no contact made with the neighbors. Ms. Miller stated that Ms. Nikita Moye had attempted to contact the most vocal neighbors mentioned in the previous minutes and discovered that they have moved.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for an approval of the Landscape Plan as submitted on page 14.6 of the Board’s agenda packet. The plan satisfies the requirements imposed by the Board of Adjustment in case BOA-21265 on June 14, 2011; for the following property:

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT TWELVE (12), BLOCK THREE (3), STONEGATE, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 01°19'34" EAST ALONG A SOUTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT TWELVE (12) FOR 275.00 FEET; THENCE SOUTH 88°40'26" WEST FOR 635.06 FEET TO A POINT ON THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SW/4); THENCE NORTH 01°19'25" WEST ALONG SAID WESTERLY LINE FOR 275.00 FEET; THENCE NORTH 88°40'26" EAST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BLOCK THREE (3), STONEGATE, AND ALONG SAID SOUTHERLY LINE OF BLOCK THREE (3) FOR 635.05 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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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 2:32 p.m.

Date approved: 4/14/15

Frank X. [Signature]

Chair