

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1145
Tuesday, August 11, 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 Thursday, August 6, 2015, at 10:15 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 5-0-0 (Henke, Snyder, Tidwell, VanDeWiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the July 28, 2015 Board of Adjustment meeting (No. 1144).

UNFINISHED BUSINESS

21913—Peter Kroner

Action Requested:

Variance to exceed the permitted height of 10 feet at the top of the top plate for a detached garage; Variance to exceed one story in height; Variance to exceed 500 square feet in building floor area (Section 210.B.5.a-b) to permit remodel of an

existing detached accessory building. **LOCATION:** 1215 East 20th Street South
(CD 4)

Presentation:

The applicant requested a continuance to August 25, 2015 due to site plan changes.

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 exceed the permitted height of 10 feet at the top of the top plate for a detached garage; Variance to exceed one story in height; Variance to exceed 500 square feet in building floor area (Section 210.B.5.a-b) to permit remodel of an existing detached accessory building to the Board of Adjustment meeting on August 25, 2015; for the following property:

LT 6 BLK 3, MAPLE HGTS ADDN. CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21928—Will Wilkens

Action Requested:

Special Exception to allow a duplex use in the RS-4 District (Section 401, Table 1); Variance of front yard setback from 20 feet to 11 feet (Section 403, Table 3); Variance of the side yard setback from 15'-0" to 4'-11" (Section 403.A.5); Variance from the stated Bulk and Area requirements in Section 404.C.1, 2 & 4.
LOCATION: 1024 North Denver Avenue West (CD 1)

Presentation:

The applicant requests a continuance to August 25, 2015 to receive approval from the Preservation Commission.

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 Special Exception to allow a duplex use in the RS-4 District (Section 401, Table 1); Variance of front yard setback from 20 feet to 11 feet (Section 403, Table 3); Variance of the side yard setback from 15'-0” to 4'-11" (Section 403.A.5); Variance from the stated Bulk and Area requirements in Section 404.C.1, 2 & 4 to the Board of Adjustment meeting on August 25, 2015; for the following property:

LT 1 BLK 7, BURGESS HILL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21932—Steve Hahn

Action Requested:

Variance to allow an electronic message center within 200 feet of an R District (Section 1221.C.2.c). **LOCATION:** 902 South Sheridan Road East (**CD 5**)

Presentation:

The applicant requests a continuance to August 25, 2015 because he is unable to attend today’s 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 Board of Adjustment meeting on August 25, 2015; for the following property:

PRT BLK 60 BEG NEC TH SW153.20 S150 E150 N178.07 POB .56AC, GLENHAVEN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

21935—Crown Neon Signs – Gary Haynes

Action Requested:

Variance to allow a digital sign in the OL District (Section 602.B.4). **LOCATION:**
4555 South Harvard Avenue (CD 9)

Mr. Henke stated that a request for continuance on this case has been made by Councilor Bynum.

Presentation:

William Coffey, Rosenheck Company, 4555 South Harvard Avenue, Tulsa, OK; stated he is opposed to the request for continuance because he wants to have the case heard today.

Mr. Henke asked Mr. Coffey if he has had an opportunity to meet with the neighbors or reached out to them in any manner. Mr. Coffey stated that he did not know there was an association until late Thursday. He had no idea he had to meet with the neighbors. Mr. Coffey stated that he had met with the association's president on Friday after receiving her folder of protests regarding the sign. Mr. Coffey stated he is prepared to present his case to the Board.

Mr. Henke asked Mr. Coffey if he was interested in meeting with the neighbors. Mr. Coffey stated that he has been working on this project for quite some time and there are time constraints. The company has seasons coming up that he needs to have the sign up and ready to go. There are open enrollments with Medicare and the Affordable Care Act; these are very strategic moments for the company.

Interested Parties:

There were interested parties present.

Comments and Questions:

Mr. White stated the Board usually responds to a request for continuation from a City Councilor for a request in their district. Mr. White thinks communication with the neighborhood, particularly one as large as the one involved in this case, could be very beneficial.

Mr. Tidwell concurred with Mr. White. In the past when a Councilor has requested a continuance the Board has obliged. Mr. Tidwell stated that he thinks it is very important to meet with the neighbors.

Mr. Van De Wiele stated that the applicant is ready for his presentation to the Board and it is his application, he has met with the representative of the neighborhood association, so he is inclined to move forward with the request.

Ms. Snyder stated that she has never had this situation arise while she has been on the Board so she was unaware that previously the Board typically has approved requests

for continuation for a Councilor's request. Ms. Snyder was curious is everyone that might protest this request is in attendance today. Mr. Coffey stated that not everyone who is pro is in attendance either, because he did not realize there was going to be a battle over the request and he would rather get this presentation over with. Ms. Snyder stated that she is willing to hear the case.

Board Action:

No Board action required at this time, the case will be heard in the order of the agenda.

21936—Stephen Schuller

Action Requested:

Special Exception to permit an office use (Use Unit 11) in the RM-2 District (Section 401, Table 1); Variance of the screening requirement for office uses in the R District (Section 1211.C.1); Variance of the required setback from the centerline of East 14th Street South (Freeway Service Road) from 50 feet to 40 feet (Section 603, Table 3); Variance of the required setback from the abutting R District on the south side from 10 feet to 8.5 feet (Section 603, Table 3); Variance of the required parking for an office use in the RM-2 District from 7 spaces to 3 spaces (Section 1211.D). **LOCATION:** 1401 South Quaker Avenue **(CD 4)**

Presentation:

The City of Tulsa requests a continuation to August 25, 2015 to allow time for the applicant to obtain a revised Letter of Deficiency.

Stephen Schuller, 1100 OneOk Plaza, 100 West 5th Street, Tulsa, OK; stated this is a residence that is being converted to offices, and the client filed an application for a zoning clearance permit. The City issued a Letter of Deficiency based on the application but later it was discovered the City misperceived the scope and extent of the development that is being undertaken. His client had requested relief from all the items listed on the Letter of Deficiency but the City determined that they need time for another review of the plans.

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 Special Exception to permit an office use (Use Unit 11) in the RM-2 District (Section 401, Table 1); Variance of the screening requirement for office uses in the R District (Section 1211.C.1); Variance of the required setback from the centerline of East 14th

Street South (Freeway Service Road) from 50 feet to 40 feet (Section 603, Table 3); Variance of the required setback from the abutting R District on the south side from 10 feet to 8.5 feet (Section 603, Table 3); Variance of the required parking for an office use in the RM-2 District from 7 spaces to 3 spaces (Section 1211.D) to the Board of Adjustment meeting on August 25, 2015; for the following property:

LT 24 BLK 7, BELLVIEW ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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UNFINISHED BUSINESS

21265-A—Gregory Helms

Action Requested:

Special Exception to permit a (Use Unit 5) Child Care Center and Church use in the AG District (Section 301); Variance to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); Variance to permit the RV's to be parked on a non-all-weather surface (Section 222). **LOCATION:** North of the NE/c of East 51st Street South and South 177th East Avenue **(CD 6)**

Presentation:

Greg Helms, 424 East Main Street, Jenks, OK; stated that at the last Board of Adjustment meeting the Board requested that he have a meeting with the neighborhood associations to work on a plan for the RVs. There was a meeting on August 6th with the representatives of Stonegate and Boulevard neighborhoods, and that information packet was given to the Board for their review along with a proposed time schedule for the RVs.

Mr. Van De Wiele asked Mr. Helms how many houses are there, that are in the photos, in from 177th East Avenue. Mr. Helms stated there are two that will be next to the fence.

Mr. Helms stated the neighbors asked if the laborers could park in an RV park and drive to the construction site every day. The Laborers of Christ were contacted and they said they would give permission for that as long as it was within a five to seven mile radius of the construction site. Mr. Helms stated that Mr. Gilmore, President of the Building Committee, made telephone calls to all the RV parks within that radius and there was not one that could accommodate a group of this size. This is not going to be permanent. This is a mission of the church and this is what they do all over the country. Mr. Helms stated that he requests the Board's approval for this project.

Interested Parties:

Tammy Fairchild, 17403 East 49th Street, Tulsa, OK; stated she appreciated the meeting with the church and with Mr. Helms, it provided great insight into the project. She has a concern that this is going to be rubber stamped because of the prior approval in 2011, and she was told by staff that the Board would take into consideration any changes in the area. The landscape from 2007 to today has changed by several home developments and they will be affected by the daycare and the RVs, which is a change since 2011. The neighbors are still against the nine RVs. Ms. Fairchild presented pictures of nine RVs lined up as a representation of the effect on the neighborhood. Ms. Fairchild stated that it is not just the RVs but there will be canopys that extend out and with nine of them lined up that is 144 feet of RVs, and there are vehicles parked with each RV. That is a mini RV park. All of the units will be hooked up permanently during their stay to the utilities and the sewer. Ms. Fairchild stated that she spoke to Chuck in the Building Inspections Department, and he said the RVs will not be allowed to park on the 17 foot easement on the north side so that will bring the RVs forward on the project site. The temporary eight foot fence that is proposed will be along the left side of her development, and a person may not be able to see all the RVs but as a person exits her neighborhood the RVs will still be seen. The project is slated to start in January and all the trees in the area will be bare and most of the greenery will be removed for the project, so everyone driving north on Lynn Lane will have a direct view of all of the RVs. Ms. Fairchild stated that she was under the impression that the Laborers for Christ were going to be people building the project and the people staying the RVs were going to be responsible for the building of the project. What she has since learned is that they will be the construction managers and they will have a superintendent on the job while hiring outside labor and outside contractors for the project. So when the nine RVs are on the site they will be bringing in their own laborers to work with the hired laborers. Not only will there be RVs but there will be all the normal construction traffic. Ms. Fairchild stated that everyone knows construction never runs on time so the timeline is very aggressive considering it starts in January with lots of weather that time of year. If the Board is to approve this request what happens to the nine RVs when the project is two months behind? The City does not have an RV police so, as homeowners, the neighbors have no avenue to get them moved. That is a concern for Ms. Fairchild. Ms. Fairchild stated that a year may not be a long time to the construction crew but a year is a long time to the neighbors with RVs in the front of their homes. Ms. Fairchild stated that she drove around the area and found an RV park, and that RV park did say they only had one opening but that is one opening today. These RVs are not needed to be there until January so things can change and spaces can open up. There is also a mobile home park on 71st Street east of County Line Road, so there are other options for the RVs. Ms. Fairchild stated the neighbors are not trying to be negative. They totally support the child care. Ms. Fairchild thinks they will be very good neighbors and they will be full the day they open because there is a need for them in the area. But her neighborhood is still new with ten houses occupied, two houses for sale, two houses are under construction and all the houses are \$450,000.00 plus. The neighbors are attempting to protect their property values and protect the integrity of the neighborhood and the surrounding neighborhoods.

Mr. Van De Wiele stated that he agrees with Ms. Fairchild that construction schedules can slip, but if the Board were to give them a year and their project slipped they do not get a free slip from this Board. If the Board approves this request and if Ms. Fairchild or anyone sees the RVs are still on the site when they are not supposed to be she can call the City. Mr. Van De Wiele also stated that the schedule limits the time and the total of RVs on the site so the impact is not quite as severe as the neighbors are afraid of. Mr. Van De Wiele asked Ms. Fairchild if she would object to that time schedule, and why is it a detriment for the RVs to be hooked to the utilities. Ms. Fairchild stated that hooking the RVs to the utilities makes them a permanent attached home to the property. Ms. Fairchild stated that they can give the Board a schedule but what happens when the project is running behind schedule. Mr. Van De Wiele stated that if the Board gives approval by the time line presented and the neighbors see that the RVs are still on the site when they should not be then the City can be called because the RVs would be in violation of the approval conditions cited by the Board. Ms. Fairchild stated that does not help the neighbors if they are already there. Ms. Fairchild stated that when a prospective buyer comes into the neighborhood and see the RVs they will not be as interested in purchasing a house in the neighborhood. Ms. Fairchild stated that another of her concerns is that once the RVs are there the homeowners will think it is okay to park RVs in their driveways, because they will not understand that the nine RVs are there by permit. Ms. Fairchild stated this is not a rural area, it is a residential area inside the city limits of Tulsa. The area has changed a great deal and when a person drives north on 177th East Avenue all you can see are houses. There is no commercial.

Tom Kelley, 17520 East 49th Street, Tulsa, OK; stated he lives in The Boulevard. Mr. Kelley stated this is a residential area and it is not rural. He made calls to some RV parks and the general comments were that there was only one spot currently but the RVs will be leaving in a month so new people will come in. Mr. Kelley stated that he thinks this probably happens most of the time, construction people coming in stay in RV parks. Mr. Kelley stated this would be a mini RV park. Mr. Kelley stated that he would like for the church people to be there, because they are good people, but when it came to the point of asking them to relocate they contacted the national office. Mr. Kelley stated that he was able to find a small RV park in the seven mile radius that was stipulated by the national headquarters, but there is a larger RV park of 230 spaces that is ten miles away. The larger RV park said they could place the nine RVs together and they could receive a group rate. Mr. Kelley stated that he cannot see that this type of Variance would be allowed in any residential area in the City of Tulsa. He understands that the original request was granted three and a half years ago. Three and a half years ago his neighborhood had not even started. Mr. Kelley hopes the Board will take this into consideration. The neighbors would really like for the laborers to pursue placing the RVs somplace else.

Charles Barrett, 18209 East 47th Street, Tulsa, OK; stated he lives in the Stonegate subdivision, and he is the President of the home owners association for Stonegate which consists of over 385 houses at this time. His neighborhood is in opposition to allowing the RV settlement. On the north side of the development, where there is a fence line, the first phase of houses back up to where the RVs are going to be parked.

Within approximately 17 feet there will be nine RVs and vehicles backed up to houses with the same unsightly issue of RVs reaching above a screening fence. He understands that it will directly affect only two of the houses, but the concerns are that it does effect the value of their home if someone decides to sell. Mr. Barrett stated that he agrees with everything Ms. Fairchild stated about her concerns and issues. Mr. Barrett stated that he agrees the day care center and the church will be great to have in the subject location but they do not want to have a mini RV park behind the neighborhood.

Mr. Henke asked Mr. Barrett how long he had been the President of the Stonegate neighborhood. Mr. Barrett stated that he was on the Board for two years and stepped down in February, and came back to the Board as President about 4 weeks ago.

Mr. Henke asked Mr. Barrett how long he had lived in the subdivision. Mr. Barrett stated that he has lived there a little over four years.

Mr. Henke asked Mr. Barrett if he had received notice in 2011 when the Board granted the original relief. Mr. Barrett stated that he could not recall receiving a notice.

Mr. Henke asked Mr. Barrett when he became aware of the relief that had been granted on the subject site. Mr. Barrett stated that he knew about the church and daycare for a long time. Mr. Henke asked Mr. Barrett when he became aware of the RV aspect of the project. Mr. Barrett stated it was about the time when he became President of the home owners association.

Mr. Henke asked Mr. Barrett if this project has caused a problem with new people coming into subdivision, or the building of new houses in the subdivision, or the sales in the subdivision. Mr. Barrett stated there are concerned residents over this development, and especially the ones that backed up to the once proposed apartment development.

Pastor Tim Dreier, 2604 South 96th East Avenue, Tulsa, OK; stated the church is doing everything possible to make this project feasible. The church wants to be a good neighbor and obviously everyone wants to be a good neighbor to the church. It is amazing how much of a difference three years can make. The national level, Laborers for Christ, are retired people that come in with their RVs and do their best to adhere to timelines. They get projects completed on tight schedules because they have to move on to the next project. Pastor Dreier stated that he has concerns of the year timeline, because the laborers start on their timeline. In other words, if the calendar says January 1 and the laborers can't start until January 31 that they means they haven't started on time. The amount of time the RVs would be present on the site would be the same.

Mr. Van De Wiele asked Pastor Dreier if he was saying that regardless when the project started the schedule remains the same, but shift one way or the other. Pastor Dreier answered affirmatively.

Rebuttal:

Mr. Greg Helms came forward and stated that this was a residential neighborhood when the project came before the Board four years ago. The amount of development has changed but it was still a residential neighborhood. The church offered to erect the same screening fence along the north property for the first two residences. The church offered to place a sign at the front to explain what is happening. The site will not look like an RV park, it will look like a construction project. The two property owners that the project backs up to were not at the last Board of Adjustment meeting, not at the neighborhood meeting, and they are not in attendance today so the two most effected have not voiced any concerns yet several that live blocks away have.

Mr. White asked Mr. Helms if there was going to be at least one construction trailer for a project of this size. Mr. Helms answered affirmatively. Mr. White asked if there would be more than one. Mr. Helms stated there will be a project manager trailer, and any of the trades, i.e., electrical, plumbing, mechanical contractor, etc., can certainly have storage boxes but he does not know for certain.

Comments and Questions:

Ms. Snyder stated that she hears the neighbors saying they want the day care and it seems like this is part of the construction to give them what they want which will be a good thing for the neighborhood. Ms. Snyder stated this is a construction and she believes it will be obvious to people that it is a construction site. She will support this with very strict time lines.

Mr. Van De Wiele stated that he agrees. He does not think the characterization of the area going from rural to residential is accurate, because there were neighborhoods there when it was originally approved in 2011. He would like to include the eight foot tall screening along Lynn Lane in the entirety with the exception of the drive. The bulk of the RVs is going to be on the site for 120 days, and he does not believe it is quite the impact on the neighborhood as what is being heard.

Mr. Tidwell stated the expansion of the screening fence would help hide a good portion of the project. Everyone in the city faces this same dilemma, no matter where the project is located.

Mr. White stated this is a developing area. It is new. There are going to be more situations just like this, that are temporary. They are temporary sites that no one wants to see but it is part of the construction process. It is something that is necessary. Mr. White stated that since it is temporary he does not have a problem with the request especially with the schedule that has been outlined.

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 (Use Unit 5) Child Care Center and Church

use in the AG District (Section 301); Variance to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); Variance to permit the RV's to be parked on a non-all-weather surface (Section 222), per the proposed site plan submitted today, August 11, 2015 showing the temporary gravel lot for the RVs and the eight foot tall 80'-0" long screening fence along 177th East Avenue. This is subject to the further conditions, on that location, that an additional 80'-0" of eight foot tall screening fence be erected during the time the RVs are on the site and be located south of the drive entrance to the site and in line with the screening fence that is shown on the site plan. This is subject to the further condition that there are no more than nine RVs on the site at any given time and subject to the following schedule:

- From the commencement of construction there be no more than one (1) RV on site for a 75 day period following the construction start date
- On the 75th day following the construction start date there be no more than nine (9) total RVs on site for the 120 days thereafter
- Following the 195th day after construction commences there be no more than three (3) RVs on site
- All RVs be removed within 365 days from the commencement of construction

The Board has found that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the 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:

COMM 1976.15SW & 660N & 660SW & 275.44N SECR SW TO POB TH N275 NE635.05 S275 SW635.06 POB LESS W50 THEREOF SEC 25 19 14 3.694ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

21933–Kevin Vanover

Action Requested:

Variance to reduce the required building setback from the centerline of East 41st Street South from 85 feet to 80 feet to permit the expansion of school facilities (Section 403, Table 3). **LOCATION:** 2906 East 41st Street South **(CD 9)**

Mr. Henke left the meeting at 2:01 P.M.

Presentation:

Kevin Vanover, Impact Engineering, 109 North Birch, Owasso, OK; stated the purpose of this Variance is really a housekeeping step for the school. The project was submitted to the City of Tulsa for review for code compliance prior to submitting another permit application. The building layout was designed to match up with the library/media center. During the code compliance review it was missed that the setback was exceeded by the building approximately 2.7 feet. The City issued the permit with the caveat that the school seek the Variance.

Mr. Van De Wiele asked if it was just the one portion of the bump out that exceeds the setback. Mr. Vanover answered affirmatively but the media center also violates the setback by roughly the same distance.

Mr. Henke re-entered the meeting at 2:03 P.M.

Mr. Van De Wiele asked Mr. Vanover how long the library and media center had been in existence. Mr. Vanover stated that he is not aware but he thinks it is about five to seven years.

Interested Parties:

Kenneth Guertin, 2929 East 44th Place, Tulsa, OK; stated he lives directly south of the campus. The Tulsa Public Schools and the architect are incompetent regarding everything that has been on the subject property. When is the City going to stop enabling Tulsa Public Schools to continue this time after time. The last project was installing artificial turf on the football field. Now he is one of the residents on the south side that is watching his property disappear because Tulsa Public Schools completely bull dozed the property improperly. It is always after the fact, that automatically everyone is to sign off on their incompetence. At some point it needs to stop. The Board of Adjustment will either be part of the solution or will they continue to be part of the problem.

Jon McGrath, 4139 South Florence Avenue, Tulsa, OK; stated he has lived there for 22 years and is on the east side of Edison High School. The neighborhood residents want to be ensured that the 645 parking spaces are maintained. He knows that has been before the Board on several occasions.

Mr. Henke asked if the parking has been a problem since the last meeting regarding the school. Mr. McGrath stated the issued has only increased. There are people driving through the yards and drive around because of the excess traffic.

Mr. Henke stated that at the last meeting regarding the school the Chief of Police for the Tulsa Public Schools, Mr. Robert Swain, was in attendance and he gave people a number for the residents to call. He was even asked if he could ticket cars that had been parked illegally. Mr. McGrath stated that Tulsa Public Schools has been unresponsive to the resident's requests. They have not returned telephone calls. Residents have even been asked to call the Tulsa Police for enforcement and have refused to enforce the parking issues.

Mr. Tidwell asked if the school has lost parking spaces since the last meeting regarding the school parking. Mr. McGrath stated that because the school is under construction no one has been to the lot to count the spaces, but there still continues to be an issue.

Mike Koch, 4311 South Florence Avenue, Tulsa, OK; stated he just wants to be make sure that Tulsa Public Schools maintains the 645 parking spaces. Right there is a lot less than that because the construction trailer is taking up spaces to the east.

Rebuttal:

Mr. Vanover came forward and stated that the Tulsa Public Schools intends to comply with the 645 parking spaces. The plan to meet that requirement is still in place and will be taken care prior to the completion of construction on this project.

Mr. Henke asked when this project would be completed. Mr. Vanover stated the original goal was to have it over before the start of school, but construction is two months behind.

Mr. Van De Wiele asked what the impact of the construction was on the 645 parking spaces. Mr. Vanover stated the spaces shown as "proposed" on the plan are not in place because that is part of the staging area. Mr. Van De Wiele asked if those were included in the 645. Mr. Vanover answered affirmatively. Mr. Vanover stated that the staging area on the west side of the campus, which is the same staging area that was in use for the field house, that will slowly condition back to parking. The problem the school is having is that the east side is the student parking and once it is saturated no one wants to park on the west side then walk.

Mr. Van De Wiele asked Mr. Vanover how many parking spaces there are today if school were open. Mr. Vanover stated that he would guess that there are between 575 and 600 parking spaces.

Mr. Henke asked Mr. Vanover if he could shed any light the comments from the neighbors today, because there seems to be a disconnect between the school and the residents. Mr. Vanover stated that he would take today's information back to the school officials, but the parking variance is what is at issue today. Mr. Henke stated it was an issue when the Board granted the relief in the first place, and the residents are still bringing that up. Mr. Henke stated that at the last meeting he had the impression that everyone was working in good faith, and everyone left feeling good about the future but

now the comments from neighbors it seems the problems have only been exacerbated. That is a concern to him.

Mr. Van De Wiele informed the Board and the audience that after reviewing the site plan that he calculated a total of 652 parking spaces.

Mr. Henke asked Mr. Vanover what the hardship is for the Variance request. Mr. Vanover stated that the hardship goes back to the fact that the permit was issued without the knowledge of the Variance needed. Construction began with the direction from the City of Tulsa to seek the Variance relief in an at risk position. For aesthetic reasons the building was lined and will not go any farther than the existing library building is currently. To have the three feet removed would compromise the building design and construction.

Mr. Henke asked Mr. Vanover if he knew who replaced Mr. LaBasse upon his retirement. Mr. Vanover stated that he thought it was Ms. Hudgins handling his duties, but was not aware of anyone officially being named to the position.

Comments and Questions:

Mr. Van De Wiele stated that he is not inclined to make Tulsa Public Schools rip off three feet of brick, but the conditions or problems that were around a year ago when the additions were approved there are promises that may not being met. School is starting next week, and this could be a big problem very quickly. It sounds like the school needs to figure out a way to make their high school students park on the west side of the building. The fact that there is a middle school next to a parking lot where there are students that are not old enough to drive sounds foolish. The school needs to figure out a way to keep the students from parking in the neighborhood.

Mr. Henke suggested that the case be continued in order to have school representatives attend the next meeting, at least Robert Swain who spoke at the last meeting. The Board granted relief and this relief is related to the previous relief. It is related to a building that the Board granted relief to build and it was built without the complete amount of relief needed.

Mr. White stated the compliance is not being followed up on so he does not think it is the Board's problem, shouldn't that go to the City for a resolution or to the public school system. Mr. Henke stated this Board is charged with making a decision as to whether the Variance is going to be granted or not, and how that impacts the neighbors. Mr. Van De Wiele agreed with Mr. Henke.

Mr. Van De Wiele stated the Board has repeatedly granted growth to this school which is appropriate as the school needs changes, but if the school or district is not compliant with that he is not inclined to give them any further relief until they adhere to what has been required of them in the past.

Mr. Tidwell agreed with Mr. Van De Wiele.

Mr. White agreed and that conditions need to be enforced, and holding this construction problem for approval is not going to solve problems.

Mr. Swiney stated that if the Board places a condition on the Variance and the condition is not met that should void the Variance.

Ms. Miller stated that could be stated in the conditions; it is an enforcement issue and that does not necessarily void the Variance if the school does not comply.

Mr. Henke asked Mr. Vanover what the timeline is for completion of the project. Mr. Vanover stated that he is not part of the construction but he would estimate two months out. Mr. Vanover stated that the Board seems to be attempting to enforce a past Variance that has not even been completed, as far as the parking numbers. Getting to the requirements of that Variance is still in process. As far as the enforcement on site, the school came before the Board and stated what they were going to do and what they will do and what they are willing to do. If they are not being compliant with that, he thinks it is a code compliance issue and not an issue for the Board to take up time and time again. The Variance being sought today has nothing to do with parking, has nothing to do with enforcement off campus, or someone driving through somebody's yard. That seems to be a larger problem.

Mr. Henke stated the Board granted relief with the spirit of cooperation and had the Board known, this directly relates to the project that the school sought relief for, then what is known now the Board would have been less likely to grant the relief.

Mr. Van De Wiele stated this is no different than a Special Exception that the Board has given a timeline on and it is back before the Board for renewal, and the neighbors say it has been a horrible situation then the Board is less likely to extend the Special Exception. It is not an enforcement issue, it is more of should the Board be granting this relief. The standard is whether it is going to cause detriment to the public good. This encroachment, which is part of an approval that the Board previously granted, and if the Board is going to continue to grant this Variance or any Variance with the thought that it is going to be detrimental to the public good he will not vote for it. He realizes this is just a foot of brick and he is inclined to give the relief that is being requested but the Board needs to see how the Variances are being complied with.

Mr. Vanover asked the Board, to make it clear, that the main issue is the parking off campus. Mr. Van De Wiele stated that it is how the school is providing the 652 parking spaces that are required and enforcing the restriction of off campus parking that has been discussed previously. Mr. Henke stated the school needs to provide a plan on how they are going to prevent the issues.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the

request for a Variance to reduce the required building setback from the centerline of East 41st Street South from 85 feet to 80 feet to permit the expansion of school facilities (Section 403, Table 3). The relief granted is applicable to only the amount of encroachment as shown on page 6.32 and 6.33 for the existing library and media center as well as the addition directly to the north of the proposed safe room and class room addition to the extent that those facilities, as constructed or as being constructed, encroach over the setback line. This is subject to the condition that the school or the school district provide a parking compliance plan to evidence how the school is satisfying the 652 parking spaces that were previously required as well as how the school is restricting or dealing with off campus parking by the students. The compliance plan will be required to be provided by the August 25, 2015 Board of Adjustment meeting. 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:

NW NE SEC 29-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21934—Duit Construction Company – Justin Bruce

Action Requested:

Special Exception to permit a temporary concrete plant (Use Unit 26) in an IL District for the length of 12 months (Section 901). **LOCATION:** 4535 East Apache Street North **(CD 1)**

Presentation:

Justin Bruce, Duit Construction Company, 2303 East County Road 70, Mulhall, OK; stated he is the project manager for Duit Construction and this request pertains to the I-244 Phase I reconstruction project. This facility is for temporary only and this site is the main yard for the I-244 project. The project is on a crucial timeline and is scheduled to be complete in the spring of 2016. At this point time the concrete plant is functioning. When the project was first started the company went to the City for all the permits, and he was told that this temporary facility met all the needs of air quality, DEQ, stormwater, etc. Then it was discovered that there was a zoning issue and so he is before the Board for a Special Exception. After speaking with Development Services and the City he has mitigated any type of dust issues, i.e., weekly sweeping on the roadway. He will also be erecting screening to mitigate any noise issues that has been happening.

Mr. White asked Mr. Bruce if the site depicted in the Board's packet is what he currently occupies. Mr. Bruce answered affirmatively and stated that the facility occupies ten acres of the 35 acre parcel.

Mr. White asked Mr. Bruce if there were any plans for expansion of the facility. Mr. Bruce stated that there would be no expansion of the facility.

Mr. White asked if the 12 months for operation being requested were to start today. Mr. Bruce stated that the 12 months being requested is from the process first started in June. Mr. Bruce stated that he plans to have the concrete complete in the spring of 2016. Mr. Bruce stated that at the end of the process he will put the facility site back to normal or even better than before he set up the batch facility.

Ms. Snyder asked if there were any environmental hazards to the people living in the area. Mr. Bruce stated that the potential is for dust but the company is watching out for that because they do want anything hazardous.

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 temporary concrete plant (Use Unit 26) in an IL District (Section 901), subject to conceptual site plan as shown on 7.15. The Special Exception will expire July 1, 2016. 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 1 LESS E10 S210 THEREOF BLK 5, Gilcrease Freeway Industrial Park B-3-10, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21935—Crown Neon Signs – Gary Haynes

Action Requested:

Variance to allow a digital sign in the OL District (Section 602.B.4). **LOCATION:**
4555 South Harvard Avenue **(CD 9)**

Presentation:

William Coffey, Rosenheck and Company, 4555 South Harvard Avenue, Tulsa, OK; stated he has been with the Rosenheck and Company since 1999 and is the Vice President of Marketing and Administration. The company is in the field of insurance and retirement plans for small businesses, and Rosenheck has been in business for 40 years. The majority of the company’s clients are senior citizens and the company has in excess of 20,000 clients in the state of Oklahoma. The company has been at the subject location for 30 years. A couple of years ago he was given the task of deciding

the best option for signage for the location. It was decided to be discreet and there were two black wrought iron signs placed on the face of the building bearing the name of Rosenheck and Company. It became apparent that the signs were no adequate because they could not been seen from the road. It was decided to go with a bigger sign so the elderly clients could easily find the office. In years past the need to be seen was not as urgent as it is today because the majority of the company's business was out of town and other counties. In the past appointments were made by calling and setting up times in the client's home, but the "Do Not Call" list had made that form of reaching out nearly impossible. After many months of deliberation a decision was made that would work best for the company and be tasteful and within the ordinances. The sign will need to have the ability to change the message from time to time as the business is seasonal and there is a different message required for each season. Some items in the industry change daily, i.e., interest rates. The sign needs to be large enough to have company name displayed as well as carry the information. On Thursday, August 5th, Ms. Toni Graber, President of the Patrick Henry Neighborhood Association dropped off a binder of e-mails protesting the sign and requested a visit so they could work together. He had never heard of the Patrick Henry Association until then. On August 6th he called Ms. Graber to set an appointment at the office and present at that meeting was Darren Gantz and the company attorney Steve Money along with himself and Ms. Graber. At that meeting he felt it became evident that Ms. Graber was not there to work with them, and she was asked what her objections were and she said it was a pole sign with display messages. Ms. Graber's main objection to the sign was that it would devalue her property, and could give no evidence for this statement. Mr. Coffey had pictures placed on the overhead projector to show where the sign would be placed in relation to the neighborhood and the surrounding area. Ms. Graber was very proud of the fact that she had the City to deny the construction of a Walmart in her neighborhood, as well as having the sign for the Methodist Church denied. Ms. Graber was not interested in who they are and what the company does. She does not want a sign in her neighborhood unless it is a sign of her approval. It was explained to Ms. Graber that the sign could not be relocated because it was the only place the sign could be placed so as not to break parking lot ordinances. It was explained to Ms. Graber that without signage the company was in danger of eliminating the areas of business that Rosenheck is attempting to expand in order to survive. Ms. Graber stated that she knew what it was to be a small business person and that her expertise taught her that signs do not bring business. Mr. Coffey had a copy of a letter written by Councilor Bynum placed on the overhead projector, and believes that Councilor Bynum was mislead in stating that Ms. Graber is reasonable and "does not employ not in my neighborhood tactics". He pleads with the Board for approval of his request and stand for small business. There is no residence in the line of sight of the proposed sign and there is no residence within 300 feet of the proposed sign. He does not believe the home owner's association has legal authority to control commercial signage. There are existing pole signs up and down Harvard and Mr. Coffey had several pictures of the existing signs placed on the overhead projector. Mr. Coffey stated the proposed sign would be less bright than the existing Spirit Bank sign.

Mr. Van De Wiele asked staff if the only thing the Board was considering was the digital portion of the proposed sign, because he thinks the company would be entitled to a pole sign. Ms. Moyer stated that is correct and that the square footage of the proposed sign is legal and the only thing requiring a Variance is the digital portion. Mr. Van De Wiele asked if the pole sign would require the removal of the existing signs from the building based on either the number of signs or the square footage of signage. Ms. Moyer stated that the zoning code states not more than one sign may be erected per street frontage of the lot, and this lot has frontage on both Harvard Avenue and East 46th Street so they would be allowed two signs. The Harvard Avenue frontage would be allowed 50 square feet of signage.

Mr. Van De Wiele asked Mr. Coffey to state his hardship for the digital sign. The Board needs to find there is a hardship that is peculiar to the land or the building that gives validity to ignoring the zoning code to allow the digital sign. Mr. Coffey stated it is a matter of being able to get the message out to the public just like the bank.

Mr. Henke stated the bank be allowed to have sign under the code because of their zoning. The Board needs to figure out what it is about the subject property and the way it is currently zoned that is unusual or out of the ordinary that would justify the Board granting the requested relief.

Interested Parties:

Ted Rosenheck, 4555 South Harvard, Tulsa, OK; stated that his company has been in the subject building for 30 years and feels his company has been an excellent neighbor. For years he purposely did not want a sign because he had some bad experiences in the building and did not want to bring notice to his business. Mr. Rosenheck stated that his clientele are mostly senior citizens and they want to see a presence. These are changing times and the health insurance business is history; there is no competition. Mr. Rosenheck stated that the signs he has on his building face each other and were placed there for identification purposes. He needs to get his company's message out to the public because there are going to be seminars and workshops to help the Tulsa community. That is the reason the sign is being requested.

Darren Gantz, 2004 West 120th Street South, Jenks, OK; stated he moved into the subject building about a year ago and has been in business for 16 years. This building is a difficult place to find. Yes there is a number on the building and there are signs in place but people cannot see them. The building sets back from the road and where the sign would be is still quite a distance away. There is a pole sign across the street that does not have LED on it, but this company has a unique message. The company is not trying to be a McDonalds or a QuikTrip, but the company does want a LED sign that would allow four messages similar to Spirit Bank. There will be no flashing but it would scroll for a period of time. It is a conservative sign.

Mr. Henke stated that he understands the desire for a pole sign but he is having trouble with the LED portion of the sign. He does not know if there other options available, i.e., temporary signage for open enrollment, etc. Mr. Henke stated that he does not oppose

changeable copy but the LED portion is troubling. Today there are upscale changeable copy signs available.

Mr. Henke left the meeting at 3:15 P.M.

Mr. Van De Wiele stated that he drove by the subject property and he agrees that the two existing signs are difficult to find and are difficult to see, and a pole sign can be 50 square feet. It is not the Board's place to say that the applicant can or cannot have a pole sign because the applicant is entitled to have a pole sign. Mr. Van De Wiele stated that it sounds like there can be a sign per street frontage. Mr. Gantz asked Mr. Van De Wiele if the company would be allowed to display different messages underneath the company name. Mr. Van De Wiele stated that as long as the zoning code is not being violated.

Mr. Henke re-entered the meeting at 3:17 P.M.

Toni Graber, President of the Patrick Henry Neighborhood Association, 4562 South Jamestown Avenue, Tulsa, OK; stated the Patrick Henry Neighborhood Association encompasses the area from Harvard to Yale and 41st Street to Skelly Drive. Ms. Graber presented a thick bound book of responses of the neighborhood regarding the pole sign and responses on Next Door as an exhibit.

Mr. Van De Wiele asked Ms. Graber what Next Door is. Ms. Graber stated that Next Door is a project that the City of Tulsa has tried to get all the neighborhoods and all the neighborhood associations to use to keep in contact with the City; it is like an app.

Ms. Graber stated that when she found out about the pole sign with a LED she contacted the neighborhood. Ms. Graber stated she sent out 323 e-mails and of those e-mails she received 111 responses stating they did not approve of the proposed sign. Ms. Graber stated there was only one response that stated they did approve of the proposed sign. The Next Door poll results were 28 from her neighborhood that oppose the signage, 34 responses from the Harvard corridor, and one undetermined response.

Mr. Van De Wiele asked Ms. Graber if she was asking about a pole sign or an LED sign. Ms. Graber stated that it was concerning the LED sign.

Ms. Graber stated that since the e-mails were so overwhelmingly opposing the sign she took them to the applicants office, and she told the lady in the front that the intent was to work with the firm and not to fight with them. Ms. Graber stated that she has worked with other businesses and property owners in the neighborhood, and working on a plan with Katherine Lyons of Midtown Alert Neighbors for the Harvard corridor so the residents can tell the businesses what they would like to see to attract them to the

business. Ms. Graber stated there is a pole sign without a LED directly across the street, McDonald's does have a pole sign, QuikTrip's pole sign is actually on Skelley Drive not on Harvard and Spirit Bank does have a pole sign with lights but it is allowed. Ms. Graber stated that the remaining businesses on Harvard have monument signs and some do not have any signage. The residents want to maintain the look of Harvard between 41st and 51st Streets; maintain the classy look of the area with monument signs. Ms. Graber stated that she was told, when she asked for a continuance to be able to work with Rosenheck, that she would need to have her proposal to them before today's meeting because there would not be a continuance. Mr. Graber told them that she would try to have a proposal prepared for them by that time, unfortunately she was not able to do so. Ms. Graber stated that the applicant was concerned about needing to take parking spaces if they chose to erect a monument sign, but because of the changes that are going to be coming in the future, utilizing less parking for the businesses, she thought maybe the Board would be accepting in taking up one or two parking spaces to allow the monument sign. Ms. Graber stated the neighborhood prefers not to have the LED pole sign, and it is obvious by the responses from the neighborhood that they would prefer no pole sign at all.

Rebuttal:

Mr. Ted Rosenheck came forward and asked if he understood that the major concern was the LED portion of the sign. Mr. Henke stated that is the only concern before the Board today and to have the LED there is a hardship needed that would not be self imposed.

Mr. Rosenheck stated there are numerous people that come to the office that are totally lost and that is a major thing.

Darren Gantz came forward and stated that if the company needs to drop the LED portion of the sign they would be willing to do so in order to get a sign, then come back before the Board to address the approximate 17 square feet LED portion of the sign.

Mr. Van De Wiele stated that if a non-LED sign were erected the only restriction the code would place on the company would be the number of signs and the total square footage of the signs. The Board is not here to approve the fact that there is a sign because the company is allowed that right by taking down one of the signs on the building.

Mr. Gantz asked if they would be allowed to have a LED sign on the building. Mr. Van De Wiele stated it is not the location that is causing the problem it is the fact that LED signs are not allowed by right.

Mr. Henke stated the company is allowed to have a changeable copy sign, it's just that it is not as easy as sitting down at the computer to change the message.

Mr. Henke asked the applicant if he was withdrawing his application for the LED portion of the sign, because if the request is being withdrawn the Board does not need to act. Mr. Rosenheck stated that he would like to withdraw the application.

Comments and Questions:

None.

Board Action:

The applicant withdrew the application. No Board action required; for the following property:

LT 7 BLK 2, VILLA GROVE HEIGHTS NO 1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21938—Barrick Rosenbaum / City of Tulsa

Action Requested:

Variance of all Bulk and Requirements in the RS-1 District to permit a lot-split (Section 403, Table 3). **LOCATION:** 3908 South Evanston Avenue **(CD 9)**

Mr. Tidwell recused at 3:26 P.M.

Ms. Snyder recused at 3:26 P.M. and left the meeting.

Presentation:

Barrick Rosenbaum, Rosenbaum Consulting, 1709 West Granger Street, Broken Arrow, OK; stated he is representing the City of Tulsa on this action. The City has excess properties and he is working with the Asset Management Department. The City acquired this property after repeated flood events. They do not want to hold onto properties that can be modified and resold. A portion of the west side of the property is the area that has had repeated flooding and there was an old house razed. The City wants to control the property by owning that indefinitely, and the lot split application, which is being processed, requires a Board of Adjustment action for non-compliant property. The western portion of the subject property does not meet the RS-1 zoning after the lot split.

Mr. Van De Wiele asked Mr. Rosenbaum if the lot would need to be physically changed in order to develop because of the topography. Mr. Rosenbaum stated that he could not answer that specifically and he deferred to Ms. Michelle Lester.

Interested Parties:

Michelle Lester, Real Estate Manager, Asset Management Department, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated the original house that was located on the subject property was located more on the eastern side of the lot. Later there was a garage built

on the portion of land being discussed today and that is where the flooding was occurring. The City does not anticipate needing to change the topography.

Mr. Van De Wiele asked Ms. Lester if the property that is to be sold would still have some low lying land with it. Ms. Lester answered affirmatively.

Ms. Lester stated that she has spoke with the Stormwater Management Engineer this morning, and one of things that could be done is to place a restriction that would not allow any building on the lower portion.

Mr. Van De Wiele asked if the City would indefinitely retain the 40 foot strip of land in the rear. Ms. Lester answered affirmatively and a restriction could be place on it that the land would never be sold.

Colin Tucker, 2860 East 39th Street, Tulsa, OK; stated he lives downhill and west of the subject property. Mr. Tucker presented prints of the area to the Board for review. The work that has been done make sense on the surface, to split off the portion that floods from the portion that doesn't. The concern he has is that almost all of the property floods. At this point Mr. Tucker explained the prints that he had presented as exhibits. There are drains in the low point of the property for flood mitigation. Mr. Tucker presented photos of the subject property when it is raining showing ponding on both sides of the drains and the build up of water retention. Mr. Tucker stated that this spring he had a foot of water in his garage with a sump pump that did not fail. He understands the desire to sell surplus property and putting it back on the tax rolls, but he would not want to be before the City in a couple of years requesting the City purchase his house because the flooding has become worse with more development. Mr. Tucker stated that his neighbor that lives across the street is 92 years old and is an original Ranch Acres resident that there was a creek used to run through the property before the southside was developed. Mr. Tucker stated that he has been told by another neighbor that the City performed a hydrology study of the area to get a sense of what options were available beyond simply purchasing the now razed 6,000 square foot house. He understands the study said that work to control waters or reroute them could not be done because it would increase the load on Joe Creek which runs a block east, and it would be unacceptable of property owners down stream. Mr. Tucker stated he submitted a records request to the City yesterday but it was too late to have the report for today's meeting. The application as it exists and the Board has today, there is no aspect of topography. The topography is not addressed whatsoever. Mr. Tucker stated there is a Corp of Engineer map that shows two parcels to east of the subject property and coming back to approximately Delaware there is a 60 foot drop in elevation running from the northwest to the southeast. Mr. Van De Wiele asked Mr. Tucker to show the subject property on the map that was displayed on the overhead projector which Mr. Tucker did point out. Mr. Tucker stated that topography is a very serious element in respect as to how water moves in the area. He believes the topography should be taken into account in this application review.

Joseph Gilbert, 3918 South Evanston, Tulsa, OK; stated that he concurs with Mr. Tucker's comments and he is the neighbor to the south of the subject property. Mr. Gilbert stated that the City has incurred no cost with the property because the neighbors have maintained the property since the property was turned over to the City. This property has become an area of community for several of the neighborhood children and even the senior citizens. There has been contemplation of further landscaping the property, should it be remain a City property, to make it a public use area that would not cost the taxpayers. The neighborhood has enjoyed the use of the land and there is some benefit to the property as it is for stormwater control.

Mr. Tidwell asked Mr. Gilbert if he has had any water on his property. Mr. Gilbert stated that his house on the higher elevation of the property so he had not had any water in the house proper, but his backyard has had multiple feet of water.

Rebuttal:

Barrick Rosenbaum came forward and stated that after discussion with Ms. Lester he would like to request a continuance to do some research.

Mr. Van De Wiele requested to have a topographical overlay for display if possible.

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"; none absent) to **CONTINUE** the request for a Variance of all Bulk and Requirements in the RS-1 District to permit a lot-split (Section 403, Table 3) to the September 8, 2015 Board of Adjustment meeting; for the following property:

LT 10 BK 25, Ranch Acres Blocks 19-25, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tidwell re-entered the meeting at 3:43 P.M.

21938—M G Ballpark, LLC

Action Requested:

Special Exception to permit a brewpub/restaurant (Use Unit 25) in the CBD District (Section 701). **LOCATION:** 323 East Mathew Brady Street (**CD 4**)

Mr. Van De Wiele recused at 3:43 P.M.

Presentation:

Casey Stowe, 3120 East 28th Street, Tulsa, OK; stated that he represents the McNellie Restaurant Group and the Gates Building which is directly across the street from the ballpark. The design is for a group brewpub restaurant serving low point beer which be overseen by Marshall Brewing. An architectural firm will occupy the top floor of the building. This is a mixed use project and it is the first piece of property placed under contract by the ballpark trust. This will not be a bottling plant but the brewing will be accessory use to the restaurant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Henke, Tidwell, White “aye”; no “nays”; Van De Wiele “abstaining”; Snyder absent) to **APPROVE** the request for a **Special Exception** to permit a brewpub/restaurant (Use Unit 25) in the CBD District (Section 701), subject to conceptual plans 11.10, 11.11, 11.12 and 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 & E10 VAC ALLEY ADJ ON W BLK 25, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Van De Wiele re-entered the meeting at 3:47 P.M.

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:47 p.m.

Date approved: 8/25/15

Frank X. [Signature]

Chair