

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1147
Tuesday, September 8, 2015, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

**MEMBERS
PRESENT**

Henke, Chair
Flanagan
Snyder
Van De Wiele
White, Vice Chair

MEMBERS ABSENT

STAFF PRESENT

Miller
Moye
Foster
Sparger

**OTHERS
PRESENT**

Swiney, Legal
VanValkenburgh,
Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, September 3, 2015, at 10:00 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

Mr. Henke introduced the new Board member, Mr. Tom Flanagan.

MINUTES

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Snyder, VanDeWiele, White "aye"; no "nays"; Flanagan "abstaining"; none absent) to **APPROVE** the **Minutes** of the August 25, 2015 Board of Adjustment meeting (No. 1146).

NEW APPLICATIONS

21953—Eller & Detrich – Lou Reynolds

Action Requested:

Modification of a previously approved site plan (BOA-13218) to permit expansion of an existing church. **LOCATION:** 3819 South Lewis Avenue East **(CD 9)**

Presentation:

Lou Reynolds, 2727 East 21st Street, Suite 200, Tulsa, OK; stated that there was a neighborhood meeting last Thursday evening and the neighbors requested for a continuance while at that meeting. He is before the Board to request a continuance to the September 22nd meeting.

Interested Parties:

There were interested parties present but they did not wish to speak.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **CONTINUE** the request for a Modification of a previously approved site plan (BOA-13218) to permit expansion of an existing church to the Board of Adjustment meeting on September 22, 2015; for the following property:

PRT SW SW BEG 457.5E & 25S NWC SW SW TH S169 W457.45 S305 E522.96 N305 W33.11 N169 W32.5 POB SEC 20 19 13 3.76AC, SOUTH LEWIS HILL ADDN, BROADMOAR ADDN, HIGHLAND PARK EST., CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

21937—Barrick Rosenbaum

Action Requested:

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

Presentation:

The applicant was not present. The Board moved this case to the end of the agenda to allow for the applicant’s arrival.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

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 to 40 feet (Section 603, Table 3); Variance of the required building setback from the abutting R District on the south side 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:

Robert Getchell, 100 West 5th Street, Suite #1100, Tulsa, OK; stated the house situated on the subject lot was designed and built by Bruce Goff, a nationally prominent architect. This house is also on the National Historic Register. His client has taken great care to restore and preserve the original structure on the property and believes it is important to preserve it. He would like to have office use permitted in the RM-2 District because he plans to convert the property into a small professional office. There are several other properties, particularly along the 14th Street corridor, that have this type of use. The Special Exception would allow his client to convert the house to a small scale office and be able to preserve the property in its present condition. The lot and house have existed for almost 100 years. The minimum lot size currently required by the Code would be completely out of scale for the neighborhood so he believes the requested Variance should be acceptable in order to preserve the character of the neighborhood. Fourteenth Street is designated as a freeway service road and it would require an extraordinary building setback from the centerline of the freeway service road which is not met by any of the other buildings along 14th Street; many of the other buildings are closer to 14th Street than the subject property. It would be an unnecessary hardship to meet those minimum building setbacks in order to utilize the property as an office. It is requested to be able to remove the screening requirement from the adjacent property because the north and west property lines are public streets, the east property line is a public alley that provides access to the subject property, and the other property line has a shared driveway to allow access to the rear of the subject property. To enforce the screening requirement would defeat the purposes of the shared driveway arrangement and restrict access to the rear of the property. It is his

understanding that the neighbors are in support of this application. Originally the parking requirements included 12 parking spaces but that calculation included the basement square footage of the subject house. When the basement square footage is removed from the equation there are seven parking spaces required. There is only room for three spaces on the subject lot but there is ample on-street parking along 14th Street and along Quaker Avenue.

Mr. Van De Wiele asked Mr. Getchell what type of office use is intended for the subject house. Mr. Getchell stated that he will defer to Mr. Mark Sanders who is present.

Mark Sanders, 1202 East 17th Place, Tulsa, OK; stated he is a member and manager of Preservation Strategies, LLC. The type of office use could vary but he sees it as a design professional because of the architectural merit of the property and the lure of Bruce Goff. Mr. Sanders stated that the three spaces in the rear would more than likely be the owner and staff with the clientele parking on 14th Street.

Mr. Getchell stated the area is designated as an area of growth. This is not a use or a reconditioning of the property that is inconsistent with what is already being done in the area.

Interested Parties:

Mark Zabienski, 1407 South Quaker Avenue, Tulsa, OK; stated he lives next door to the subject property. He likes what the applicant has done but the biggest problem is sharing the driveway and the three spaces in the rear. Mr. Zabienski wonders why he can't be given spots on 14th Street in the angle fashion like is done all over Tulsa instead of sharing his space in the rear with the applicant's business. Mr. Zabienski stated that he has four or five cars that belong to the people that work for him plus his own car so it becomes very crowded in the rear. The way the driveway is set up is that once the applicant gets past the house he can move over into his side of the property, but once he parks three cars at an angle and Mr. Zabienski uses his side of the driveway it seems like he is being asked to forfeit the extra four feet that he wouldn't normally have to have if it were clear all the way to the back.

Mr. Van De Wiele stated that applicant is not requesting to park on Mr. Zabienski's property. Mr. Zabienski stated that he does not think the applicant would need to park on his property either but he thinks he would be and blocking some of the access to the applicant's parking in the rear.

Mr. Van De Wiele asked Mr. Zabienski if the lots were accessible from the rear. Mr. Zabienski stated that they are both accessible from the rear. Mr. Van De Wiele asked Mr. Zabienski if he typically used the driveway or if he used the alley. Mr. Zabienski stated that he uses both.

Mr. Henke asked Mr. Zabienski if he was concerned that he would block the applicant's three parking spaces. Mr. Zabienski asked if there was another solution to the parking

because of the problems he might have with parking in his driveway and having people over.

Mr. Van De Wiele asked Mr. Zabienski if he had to back cars out of the driveway. Mr. Zabienski stated he does sometimes, though not at this time because the house is vacant. Mr. Zabienski stated he is also concerned about the water runoff but has been reassured that that has been taken care of. Mr. Zabienski stated that he would like to see another solution to the applicant's parking instead of a parking lot in the rear because right now it is grass.

Rebuttal:

Mr. Getchell came forward and stated that as a practical matter some off-street parking has to be maintained and thinks it is critical to be able to have the off-street parking. The whole purpose to the angle style parking is to limit the encroachment onto the easement area. His intention is for traffic to move in one direction, up the driveway and into the parking spaces and exiting through the alley to 14th Street. The driveway easement dates back to November 1985 covers the four feet from the front to the rear regardless. The applicant is not requesting any use that has not historically been a right of the property owners.

Mr. Van De Wiele asked Mr. Getchell if the applicant had plans to park in the driveway. Mr. Getchell stated that he does not have any such plans. The parking is there to accommodate getting out of the driveway so the driveway can be used.

Mr. White asked Mr. Getchell if there were plans to extend the parking so people can exit directly into the alley. Mr. Getchell stated that the way the site plan reads it shows there is a strip of sod between the alley and the property line; that is not planted grass but is grass that has grown over the pavement that exists. That area will be cleaned up and there will be a functioning exit to the alley from the parking area.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** 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 to 40 feet (Section 603, Table 3); Variance of the required building setback from the abutting R District on the south side 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), subject to conceptual plan 3.19 as built noting that the parking may change for access. The Board has found that this building is historic and was constructed prior to the zoning code. The setbacks are violated by most of the buildings in the area as they all were built prior to the zoning ordinance. The Board has found

that because the property abuts an alley, is sided by two streets, and the house next door shares the driveway it would be difficult for screening from the R District. 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. 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 24 BLK 7, BELLVIEW 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:

Andrew Shank, 2727 East 21st Street, Suite #200, Tulsa, OK; stated sign will not be moved closer to the residential district. This sign has been in the mixed use commercial corridor for quite some time, in fact, it predates adoption of the Tulsa Zoning Code. The applicant would like to add a 27 square foot electronic message center to the old Lee's Chicken sign. In the 1970s the Board found that the unique shape of the tract was a satisfactory hardship. There is a topography change on the subject property that results in the multi-family property to the north and the west being set back and lower than the existing property. There is also a tree that shields the residential property to the north and to the west. There are nine other electronic message centers in the area from Admiral to 19th Street on Sheridan. The applicant is willing to limit the hours of operation to be compatible with the surrounding properties to where the sign will be operated from 7:00 A.M. to 11:00 P.M. The sign will comply with all aspects of the Code.

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, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request

for a Variance to allow an electronic message center within 200 feet of an R District (Section 1221.C.2.c), subject to being “as built” with changeable copy. This sign will comply with Section 12221.C.2.c conditions. The Board has found that the R District that creates the necessity for the Variance is actually an apartment complex northwest of the subject property, and there are no other residentially zoned properties in the immediate area. There are digital along Sheridan Road between Admiral and 19th Street. The sign will operate between the hours of 7:00 A.M. to 11:00 P.M. finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

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

21942—Malcolm Rosser

Action Requested:

Special Exception to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901); Special Exception to permit required parking on a lot other than the lot containing the principal use (Section 1301.D); Variance to reduce the building setback requirement from the centerline of South Peoria Avenue to 50 feet; Variance to reduce the building setback requirement from the centerline of East 3rd Street South to 50 feet; Variance to reduce the building setback requirement from the centerline of East 4th Street South/South Owasso Avenue to 35 feet (Section 903). **LOCATION:** 302 South Peoria Avenue East **(CD 4)**

Ms. Snyder recused and left the meeting at 1:41 P.M.

Presentation:

Malcolm Rosser, 321 South Boston, Suite #500, Tulsa, OK; stated he represents Iron Gate and appreciates the continuance the Board granted at the last meeting. This allowed Iron Gate to have a meeting with the interested parties, and that meeting was held at Iron Gate’s current facility at Trinity Episcopal Church. In addition to himself there are other people that would like to speak, and there will be discussion about Iron Gate and the people they serve, and what will happen at the new facility which is different than what happens at their current facility. Mr. Rosser had a diagram placed on the overhead projector of the plat of the subject property. When Owasso was dedicated the result was an irregularly shaped parcel that is bounded by streets on three sides and on the fourth side by a railroad right-of-way. Peoria Avenue is an urban

arterial which requires an 85 foot setback from the centerline; 3rd Street and Owasso are both classified as commercial/CBD industrial collectors which require a 65 foot setback so Iron Gate is requesting a 50 foot setback on Peoria Avenue and a 50 foot setback on 3rd Street and a 35 foot setback on Owasso, which essentially takes the building to the property line. A number of the buildings in the area are outside the required setback, both on the north and south sides of 3rd Street. He believes what Iron Gate is asking for is consistent with the existing structures in the area. The plan, as designed, is to take the building to the property line on the east and north sides. The existing building has parking in the street right-of-way and the proposed building will be opposite of that because the property will be behind the building. At this point Mr. Rosser had several renderings of the proposed building placed on the overhead projector. The Board has granted requests to reduce the setback in this area on a couple of occasions in the past. The hardship for the subject property is the unusual size and configuration of the lot, as well as the fact that it is surrounded by streets on three sides and railroad right-of-way on the fourth side. So there is no way to add any additional land area to the lot. Based on the other properties in the area he does not believe it would cause a detriment or impair the spirit and intent of the zoning code. Mr. Rosser stated that what is proposed for parking is to have the parking in area that will be leased from the Union Pacific Railroad which is located immediately adjacent to the subject property on the south side. A lease, as consigned by Iron Gate, has been submitted to the railroad for their approval and that lease would renew automatically every year. It does have a clause that allows either party to terminate on 30 days notice without cause, which essentially means that as long as Iron Gate complies with the lease the lease should be in place until Iron Gate chooses to terminate the lease.

Mr. Van De Wiele asked Mr. Rosser what Iron Gate would do if the railroad chose to terminate the lease. Mr. Rosser stated that Iron Gate would do what several others along the track would do; they would have to find other parking or shut down.

The area designated on the site plan has 35 parking spaces including two handicap parking spaces. The code requirement for the proposed building, which is at 16,000 square feet, is 32 parking spaces so the parking is exceeded. The parking would be on a lot adjacent to the principal use which he believes in harmony with the spirit and the intent of the Code. It is a common way to address parking requirements and would not be injurious to the neighborhood. Mr. Rosser stated that the parties from Iron Gate, present today to speak, believe and can show this facility will in fact be a benefit to the neighborhood and not a detriment. Mr. Rosser referred to the Downtown Area Master Plan which designates the various areas that are currently in existence for the social/justice groups. There is no statement in the Downtown Plan that says Iron Gate should be located in the area that is identified as social/justice that he could find. Mr. Rosser stated that other references have been made to the 6th Street Infill Plan and whether the proposed facility is or is not consistent with that plan, and he could not find anything saying that it is not consistent with that plan. He believes staff found that it is consistent insofar as allowing an institutional use by that social, educational, religious use property. Mr. Rosser stated that he did find a discussion of social service agencies and their presence in the 6th Street area which is on page 43 of the 6th Street Infill Plan,

Section 11.2.1.2. It states, "Community Services nearby – there is a concentration of community services located in this area, Indian Health Resource Center, Family & Children Services, churches and other institutions. These services contribute to the health and wellness of the neighborhood. These institutions are an asset in themselves with the traffic they generate as equally important. These facilities provide a reason for people from all over Tulsa to visit this neighborhood. This base of employees and volunteers and the steady stream of people and families that visit them are an important resource for a neighborhood trying to grow economically." Mr. Rosser stated as to whether a particular use will be injurious to the neighborhood you have to look at the character of the neighborhood. What is allowed today and what is not allowed. Mr. Rosser had a map placed on the overhead projector showing a zoning map of the area. The soup kitchen and pantry use is allowed by right without a Special Exception in the CH and CBD Districts which is a significant portion of the neighborhood. That in itself says the proposed use cannot be injurious to the neighborhood. This particular location, another benefit it has it will be close to where many Iron Gate guests currently live. There are 380 pantry guests that live in the Pearl District and East Village area; 522 pantry guests live in the Kendall Whittier District; and 753 pantry guests live in the Crutchfield District.

Mr. Van De Wiele asked Mr. Rosser stated that when he looked the Iron Gate website he saw 1,260 pantry guests per week, yet if he added properly the figure stated today is 1,650. Mr. Rosser stated that his numbers are not necessarily per week but are residents who use the food pantry.

Mr. Van De Wiele asked Mr. Rosser about a curb cut onto Owasso because it is not shown on the site plan. Mr. Rosser stated that is correct. Mr. Van De Wiele asked Mr. Rosser how Iron Gate was going to receive food deliveries, trash collection, shuttle service vehicles, etc. in one ingress/egress point. Mr. Rosser stated there is a loading dock, and he pointed to the plan on the overhead projector, which will take care of the food deliveries; shuttles will drop off similar to a bus which would probably be along Peoria. Mr. Henke interjected that a vehicle cannot stop on Peoria or on 3rd Street. Mr. Rosser stated that he would defer to the architect because he does not want to get outside of his area.

Interested Parties:

Connie Cronley, 1711 South Gary Avenue, Tulsa, OK; stated she is the Executive Director of Iron Gate. In the 1970s there was a sudden influx of homeless people that gravitated to urban areas and Trinity Episcopal Church is located at 5th and Cincinnati. The spontaneous act of compassion by the parish priest and two parishioners helping a hungry homeless man started a ministry. Many people started helping the hungry by handing out food in the cloister garden that had an ornate iron gate, and the word on the street spread that if you are hungry go to the church with the Iron Gate. The name stuck. Over the years the ministry moved and separated legally from the church so Iron Gate can raise their own money. Iron Gate has raised money to renovate the basement of the church and have now out grown that. The misconception is that everyone that comes to Iron Gate is homeless but the growing number has been the working poor.

Iron Gate says that it is not homelessness that comes through the gate but poverty. With the recession the number of people coming to Iron Gate for food assistance has grown 407%. The Board has decided that it is time to raise funds to build a new facility and have committed to a multi-million dollar campaign to do that. Iron Gate looked at where the guests come from and how they get to Iron Gate. Iron Gate believes 3rd and Peoria is the best place to be. The people of Pearl District, Kendall Whittier, East Village all they want to do is eat at Iron Gate and all Iron Gate wants to do is feed them. Iron Gate assures the neighbors that they will build a beautiful facility in the neighborhood, and they will be good neighbors.

Mr. Van De Wiele asked Ms. Cronley about her numbers because they are different than what appears on the website; on a daily basis how many guests come to the soup kitchen. Ms. Cronley stated that it fluctuates in the month because of food benefits. At the first of the month the number is low, maybe 150 to 200, but at the end of the month when SNAP benefits are gone there could be 400 to 500 people. The staff does not count the people they count the plates. Iron Gate may be the only organization that allows people to eat as much as they want because the soup kitchen may be the only meal of the day. Mr. Van De Wiele asked Ms. Cronley if she knew how many of those people walk, drive their own car, etc. Ms. Cronley stated many walk or ride bikes. If they live in one of the shelters the Morton bus picks them up and brings them to Iron Gate twice a day and takes them back. Ms. Cronley stated of the people that come to the soup kitchen that about 23% walk throughout the morning; about 15% people ride the Morton bus; a small percentage ride the City bus. Mr. Van De Wiele stated that he just trying to get an approximate count of traffic because he works downtown. Mr. Van De Wiele stated that he typically was a Riverside to Denver commuter but is not anymore, so for the last two or three weeks he has purposely been driving by Iron Gate. He knows the Board is going to hear the "not in my backyard" spiel from people, but when drives by Iron Gate somewhere between 7:30 and 8:30 there are dozens, upwards of 100 this morning, of people laying the sidewalk, standing in the street, walking across the street and he thinks this is the feel the bulk of the interested parties are not going to enjoy being next to. Mr. Van De Wiele asked Ms. Cronley how they were going to deal with that, to the extent that it is a problem, but it is where the people are before and after the service is provided. Mr. Van De Wiele stated that he drove by at noon a couple of times and there was a lot of litter on the parking lot, how is Iron Gate going to handle that situation at the new facility. Ms. Cronley stated that it is addressed with the design of the building. That was one of the first things that the Zarrow Foundation, a major donor, asked for. They do not want to see a line. They do not want to see people on the street. The building was designed so that it is bigger so everyone can get inside. The proposed building has two entry areas. There is a porch area with restrooms that is open so they can wait until soup kitchen is open.

Mr. Van De Wiele asked Ms. Cronley when the outer doors are opened and when the inner doors are opened. Ms. Cronley stated that currently the doors are opened at 8:00 A.M. and the others will be opened at 7:00 A.M. The shelters close at 7:00 A.M. and the day center opens at 7:30 A.M. but not everyone lives in the shelters. The people that live on the street, when the sun comes up they are ready to go somewhere. So

Iron Gate will open their doors as early as they can and as early they need to get people inside. That is the whole point of a larger building.

Ms. Cronley stated that Iron Gate's security system cleans up the parking lot all around the church, the whole block after Iron Gate is closed. Mr. Van De Wiele stated that to Iron Gate's credit when he leaves to go home he does not see any trash so they do a remarkable job.

Mr. Van De Wiele asked Ms. Cronley about the food pantry numbers. Ms. Cronley stated the emergency grocery pantry is open three days a week and they see 100 families a day and last month it was 135. Mr. Van De Wiele asked if that was 135 people or 135 families. Ms. Cronley stated that is 135 families. Mr. Van De Wiele asked Ms. Cronley how the families arrive at Iron Gate. Ms. Cronley stated that most of the families drive or carpool, about 75%. Mr. Van De Wiele asked where these people were going to park. Ms. Cronley stated because Iron Gate will extend the hours they will rotate through, just the same as anyone going to a grocery store. Mr. Van De Wiele asked Ms. Cronley if Iron Gate runs out of food so that situation would encourage people to arrive early. Ms. Cronley stated that Iron Gate plans for that number of people. Ms. Cronley stated that Iron Gate is considering having a bus to drive through the Pearl District to bring families to Iron Gate.

Shane Saunders, 427 South Boston, Suite #706, Tulsa, OK; stated that Iron Gate has outgrown the 3,000 square feet they have a Trinity Episcopal Church. The proposed building is approximately 16,000 square feet so it is much larger. When staff set out to find a location that they thought would be appropriate for Iron Gate's relocation they wanted to do what was not only best for the organization and for the guests but also what was best for the City of Tulsa. There was a list of criteria developed. The staff knew that the bulk of the guests came from within and around the area of the IDL. Staff knew that access to transportation was important. Staff looked at dozens of locations and made offers on some. Staff thought this particular spot, this odd shaped parcel, where an organization like Iron Gate could make a substantial investment in the neighborhood and improve it. He recognizes that there are neighborhood concerns. To address migration concerns Iron Gate has worked with Morton to adjust their bus route. Iron Gate is studying the feasibility of being able to provide their own dedicated transportation. Iron Gate has a security staff that addresses security concerns.

Mr. Henke asked Mr. Saunders asked how many security staff he had on a regular basis. Mr. Saunders stated that it is between five and eight, depending on the time of the month. Part of the campaign is to have resources to be able to support the proposed facility so there would adjustments in that number upward. The hours of operation will be adjusted but in general the services Iron Gate offers will not change. A part of Iron Gate's commitment to the neighbors is that they will work with them. Iron Gate is making a good faith effort to respond to some of the concerns that have been raised. Iron Gate is a great organization and they are a great organization because they do things the right way. That is not going to change. Iron Gate is a private solution to a public problem. All of Iron Gate's funds are raised privately. No state. No federal.

Iron Gate operates with the generosity of the community and they believe this proposed building will be an outward example of that philanthropic spirit.

Mr. Van De Wiele stated that in the description on the website regarding the study of where Iron Gate wants to move to, the thing that jumped out at him was it says, "the architects consulted Iron Gate throughout the whole process to determine that Iron Gate needs at least 14,000 square feet for the facility and at least 39,000 square feet for parking", but the site plan reflects 6,300 square feet for parking which is about 1/6 of what the architects are saying is needed. Mr. Saunders asked if the 39,000 was actually for the lot size recommended. Mr. Van De Wiele stated that is not what the website says. Mr. Saunders believes the 39,000 square feet number was the recommended lot size. Mr. Van De Wiele the tract size of the proposed site is 25,000 square feet plus the 6,300 square feet for the railroad lot. Mr. Saunders stated it is not ideal but it is the best Iron Gate can come up with. Mr. Van De Wiele stated that his concerns are that this appears to be a lot crammed on not enough land.

Mr. Henke stated that he has the same concerns. There have been four or five site plans to review over two weeks because of the numbers for parking. Iron Gate has not explained how they are going to park employees, the guests and the volunteers. Mr. Saunders stated that there is no question, it will certainly be tight. Part of the constant site plan revisions were as Iron Gate received input and received more updates from the railroad Mr. Rosser the existing setbacks would have to be adjusted closer.

Ms. Miller left the meeting at 2:22 P.M.

Mr. Henke stated that Mr. Rosser stated that he was glad the case was continued and Mr. Henke stated that he is also glad the case was continued because there has been a host of facts and circumstances that have been revealed in the last two weeks that the Board did not know two weeks ago but know today. The Board works very hard to gather information and do their due diligence in understanding the applicant's plan. Mr. Henke stated that the only place he can see on the site plan where a bus can be unloaded or loaded is on 4th Street. It is not the Board's place to make assumptions or speculate, the Board wants to hear from the applicant that they know how things are going to work and that they have a business plan. Mr. Saunders stated there are public bus stops on 4th Street and on Peoria. Iron Gate's discussion for the Morton bus and the potentially contracted bus would be a drop off and pick up inside the parking loop.

Mr. White asked Mr. Saunders if he had checked with Morton about whether they would be able to turn their buses around in the proposed area. Mr. Saunders stated the buses are not like large City buses, they are only 30 or 40 passenger buses and they turn around at the current facility. Mr. White stated that is considerably larger. This proposal is a reduced parking area with one line of 90 degree parking and one driving lane.

Ms. Miller re-entered the meeting at 2:28 P.M.

Mr. Rosser came forward and stated that he has reviewed the lease from the railroad and it covers a total of 16,435 square feet which goes all the way to the centerline of Peoria. Mr. Van De Wiele stated that way he was calculating was by using the scale at the bottom of the site plan and only using the area where there are parking spaces. He is not inclined to count the area from the fence to the railroad or the grassy area. Mr. Rosser stated that he is not either.

Carmelita Skeeter, CEO of Indian Health Care Resource Center, 550 South Peoria Avenue, Tulsa, OK; stated the center has been there since 1999 and the feedback they received from the community when they purchased the school to develop it into an outpatient clinic the community did not want the center there. The public came out in great numbers to testify that they did not want an Indian clinic in their community. They wanted a business on the corner. They did not want another social service agency in that area. At that time Youth Services and Family & Children Services were in the neighborhood. The Center has purchased and cleaned up a three block area and another social service agency in that community is going to do the same thing. They will clean up the community. They are going to offer social services to help the people. This is a social issue much more than a location issue. If people would address the social issues that are going on in the City that Iron Gate takes care of, as far as the homeless, feeding and social services the Center sends staff to Iron Gate once a week such as mental health workers, dieticians, and work very closely with Iron Gate. From what she understands, when Iron Gate gets a larger facility the Center will be able to offer more services to them. This is very much a social issue. It is for the entire community. It is for the City of Tulsa. It is not just an area at 3rd and Peoria or at Trinity Episcopal Church. Ms. Skeeter believes if Iron Gate can move to the subject area they will help everyone.

John C. Powers, 2431 Terwilleger Boulevard, Tulsa, OK; stated he served as rector of Trinity Episcopal Church when it was founded in 1978. Iron Gate has been open and welcoming for nearly 37 years feeding hungry guests every single day including Sunday and holidays. Iron Gate has never closed. The church adheres to one important tenant, that they respect the dignity of every human being, thus the moral and ethical commitment to the hungry. The church has worked with friends and neighbors at 5th and Cincinnati to address any problems that have arisen with this commitment and that will continue. Mr. Powers stated that as an active Iron Gate board member he pledges to be open, to be good citizens, to be active residents in the Pearl District, and to be good listeners and sensitive to community concerns. The Iron Gate Board pledges to build a stunning facility that will make the Pearl District proud. Pearl District owners and residents are invited now, and in the future, to volunteer to help feed at Iron Gate. For all who take up that invitation it is an inspirational and transforming experience. Mr. Powers hopes the Board will grant the requested Variance; a Variance that any purchaser of the 3rd and Peoria property would need to request.

Violet Rush, 1723 East 13th Place (1416 East 11th Street), Tulsa, OK; stated she is a business owner in the Pearl District. She supports Iron Gate's move into the neighborhood. During the whole Pearl District, Iron Gate debacle there have been many arguments and in these arguments there are some serious flaws. Ms. Rush stated that a lot of people say by bringing Iron Gate into the community the property values will lower. She does not think this is actually possible as property values are most often assessed according to one of three approaches, the market value; the cost to replace the property; or the income the property will bring into the community. In Tulsa County, as far as she knows, property value is actually assessed at fair market value so it is not based on the kind of services that are offered on a property or the kind of people that utilize those services. In this case it would be those in poverty and those living on the streets. The argument that a \$4 million state-of-the-art facility designed by an award winning architectural firm will lower the property value in an already dilapidated area is completely flawed and she believes it is ludicrous. If anything the proposed building would increase the property value in the neighborhood. Ms. Rush stated that another argument has been that there needs to be a better balance between social services and businesses in the Pearl District. If a person looks at the facts, one in five Tulsa children goes to bed hungry every night. One in five people who are elderly in Tulsa County also go to bed hungry every night. If the neighbors really wanted a better balance between social services and business interests she believes there would an Iron Gate in almost every neighborhood. It is the right thing to do and she supports what Iron Gate does, and her support for the organization is not conditional on who is using their services.

Michael Sager, 823 East 3rd Street, Tulsa, OK; stated he is the seller of the subject property to Iron Gate. He is also a property owner, across the street from the proposed Iron Gate location. His property is zoned CH so this would be a moot point if Iron Gate were to move across the street. He was one of the original people in the Blue Dome District and owned a large series of assets there. Today on 1st Street he owns more than 120,000 square feet of property between Peoria and Cincinnati. He has owned a lot of property on 2nd Street and still owns property on 3rd Street. On 3rd Street he has developed businesses like Juniper and BMI. He owns commercial property on 6th Street. He has also sits on the Downtown Coordinating Council and they have no official position on this issue but when the discussion comes up about crime the Tulsa Police Department's website posts the crime statistics for the City of Tulsa. Downtown has the lowest crime rate in the City of Tulsa. If Iron Gate moves to 3rd and Peoria part of the lowest crime rate in Tulsa will be moved to 3rd and Peoria. He has partnered and been involved in many, many things in the neighborhood between Peoria and Cincinnati. He supports the proposed project.

Leanne Benton, 605 South Peoria Avenue, Tulsa, OK; presented and had placed on the overhead projector a document showing percentages for Iron Gate soup kitchen. According to Iron Gate's statistics 78% walk, 10% ride the bus and 6% drive or ride the Morton bus, The statistics also show that 43% live on the street, 21% live in shelters and 33% live in apartments or houses. Statistics show the Iron Gate food pantry guests

that 84% live in apartments and houses, 10% live on the street and 4% are classified as other. As the President of the Pearl District Association she has had the privilege and challenge of listening to residents, small business owners, and property owners in the last few weeks. They have voiced concerns over a 16,000 square foot soup kitchen with many chronically homeless people walking in the middle of a re-emerging urban neighborhood that is experiencing glimpses of revitalization. Some of the media has portrayed the neighbor's response to Iron Gate as fear. It is not fear but facts that bring the neighbors to their position of opposition; facts that will be clearly seen and spoken through a video of recent articles, TV news stories, and quotes from Iron Gate representatives. The proposed location for an expanding soup kitchen and food pantry isn't good for the Pearl District and she does not think it is good for the City of Tulsa. At this time Ms. Benton had a video placed on the overhead projector.

Mr. Van De Wiele asked Ms. Benton where the documents stating the percentages came from. Ms. Benton stated that when Iron Gate opened up their files the statistics were in those files.

Jeff Swanson, 1607 Dorchester Drive, Nichols Hills, Oklahoma City, OK; stated he attended Trinity Episcopal Church for years and was married there 10 years ago, and he donated to Iron Gate. He and his family have been personally and aggressively confronted by the homeless poverty people that go in and out of Iron Gate. It is his understanding that Trinity has had to call the police for help several times to address this very real problem that produces real injury in this area. With his family he owns three buildings located on the southwest corner of 4th and Peoria which overlooks the proposed Iron Gate site. His family has owned these properties since his grandfather purchased and developed them decades ago. His grandfather passed away but passed away knowing that his investments were safe and would provide necessary income for his family for years to come because Tulsa Zoning Code does not allow for a facility like Iron Gate to be placed in the subject neighborhood. His grandfather knew this because he served as a member on the City of Tulsa Board of Adjustment from 1978 to 1984. As a member of the Board of Adjustment he assisted in enacting and enforcing the standards that this current Board must uphold today. In granting the Special Exception this Board must find that the Special Exception will be in harmony and in spirit with the intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. While there is plenty of compassion for the homeless and the poverty stricken, as well as those who have invested their lives and livelihood in purchasing, investing and rebuilding the Pearl District, East Village and other areas around the Pearl District there compassionate arguments to be made on both sides. This is not a standard that asks or even allows this Board to balance or weigh whether Iron Gate should remain in the downtown neighborhood or if it should be moved to the Pearl District neighborhood. This Board is charged with focusing on ensuring that granting this Special Exception for this application will not be injurious to the new site's neighborhood. Mr. Swanson stated that he has a letter from one of his tenants stating they will leave the property and not renew their lease if today's application is granted. Mr. Swanson stated that he will suffer injury from that. This is a measurable injury. Mr. Swanson stated that his realtor informed him that it would be very difficult to obtain

another tenant and if he does it will be for less rent and his property will dramatically decrease in value. As a business owner and a commercial property owner his experience with regard to property value is that it is determined by rental income. He will lose rental income. He will suffer injury. His property values will decrease. This standard does ask the Board to weigh how much injury is too much; therefore, any evidence of injury is enough to defeat this application. Mr. Swanson stated that with this evidence by moving Iron Gate to 3rd and Peoria would be injurious to the neighborhood or otherwise detrimental to the public welfare. Mr. Swanson stated that Iron Gate's application must fail. There is a similar standard in granting a Variance as well. This Board must find that the application, ordinance, particular place or property would create an unnecessary hardship. Such conditions to a particular piece of property involved and would not cause substantial detriment to the public good or impair purposes and intent to the ordinance or the comprehensive plan. Mr. Swanson stated that time and time again this Board has ruled and the Oklahoma Supreme Court has upheld that an expense that would never actually be incurred is not an unnecessary hardship, but Council for Iron Gate has told the Board is that there hardship has to do with the size of the land. With regard to that, a hardship created by the owner of a premise constitutes no valid basis for a Variance from a zoning ordinance. Mr. Swanson stated that to allow a land owner to circumvent an ordinance by creating a self-imposed hardship would emasculate the ordinance as effectively as repeal. The Variance sought must not cause detriment to the public good or impair the purpose and intent to the ordinance. The neighbors are providing information and evidence that is concerning to public safety and that this is detrimental to the public good. Failure to show any one of these requirements is fatal to an applicant's request for a Variance. Mr. Swanson stated that in regards to the railroad lease, Union Pacific has only recently learned of some of the ramifications associated with the lease and the migration to and from the John 3:16 Mission, the day shelter, and others that would potentially take people the most direct route which is down the railroad. Mr. Swanson stated that he has been told there are investigators assigned to review all aspects of this project out of concern for safety. Mr. Swanson stated that in his dealings with railroad leases, they have very strict out clauses that can be executed if and when the railroad feels it is not safe or in their best interest to allow the lease to continue. Mr. Swanson stated that he has owned restaurants in the past and he does not see anyway delivery trucks can get in or out of subject property without, from time to time, backing out onto the blind corner around 3rd Street. That is definitely detrimental to the public good. That is a dangerous situation and is violation of law. The neighbors have requested that Iron Gate provide information about the security and they have said they have no plans to have security that will be going through the neighborhood to police and take care of the migration of people attending Iron Gate. Mr. Swanson stated that to compare this to the Indian Clinic is like apples and oranges. The Clinic has nothing to do with this or the neighbors concerns. Mr. Swanson respectfully requests this Board continue to uphold these standards and deny this application.

Josh Ritchey, 418 South Peoria Avenue, Tulsa, OK; stated that if a person watches the news or read the paper you will find all small business owners are lumped into one category. Everyone thinks we are either wealthy, absentee land owners that live in

palaces and run businesses in their spare time, or we are uncaring jerks that just do not want Iron Gate in their backyard. His business became profitable for the very time in 2011. In 2012 he applied for a loan and he was able to purchase his property on South Peoria. He is not a wealthy land owner. He actively works the land. He has worked hard to clean the property up, he has renovated the building and now he has moved out of the building and found tenants that are opening a food truck park. This is not normally a case where people make \$25 million a year. His concern is that instead of making \$32,000 a year he might make zero and it might just be over. That property is his investment and his whole life. He has invested everything he has into this land. Any impact that occurs will be felt ten times more so by the small business because they cannot hire security, cannot replace broken windows, clean up vandalism, or anything that happens. Small business cannot recover. The Pearl's yard is pretty full as far as a small neighborhood and social services; there is Indian Health Care, Family & Children Services, Youth Services, Tulsa Planned Parenthood, many churches. There is a lot of people packed into the neighborhood that are doing a good job to help people. Iron Gate has requested to be rezoned as a social service. Mr. Ritchey believes that Iron Gate being lumped in with other social services would be kin to zoning all football stadiums as football without regard to who plays. Iron Gate is the Dallas Cowboys of soup kitchens, they are nation's largest food only soup kitchen. It needs to be considered how large of an operation they have. Mr. Ritchey does not know if 3rd and Peoria will be able to accommodate everything they hope to do. Mayor Bartlett, in every interview, states that Tulsa has to keep and retain its young talent. The young professionals have come back to Tulsa and are excited about what is going on. To keep the young professionals Tulsa must improve the public schools, need safe neighborhoods surrounding downtown, and have streets with transit. The City of Tulsa relies 100% on sales tax; that the roads, the police, etc. The County of Tulsa relies 100% on property taxes. So if Iron Gate and the other social services is utilizing the best highest use quality parcels of land within a mile of downtown, they do not pay property taxes or sales taxes, how is the City going to receive any money for improvements because they gave away land that can be used for so much more. Mr. Ritchey stated that in his opinion there are two ways this can go, the Board says no to the rezoning and Iron Gate continues to look for a site, or the Board says yes and the neighborhoods businesses and homes are injured. Mr. Ritchey asked the Board to not take away the things he has built and worked for his whole life to maintain. Let the Pearl to continue to grow on its own and he encourages the Board to not approve the Iron Gate application.

Mr. Swiney left the meeting at 3:09 P.M.

Danny Overton, 3015 East Skelly Drive, Suite #410, Tulsa, OK; stated he specializes in commercial real estate analysis and services. He, with the Pearl District, is open to discussion with a compassionate ear to all matters concerning the homelessness. Given the District has the highest per capita amount of social services offered in the City of Tulsa the neighbors are well informed to the current situation of homelessness and

wish to be an ally to Iron Gate and to the City in this regard. The City of Tulsa spends thousands of dollars every year addressing and campaigning to show the City's interest to retain talent, grow the City and young entrepreneurs. One way the success of these goals is accomplished is through large and small area planning, which is a simple yet complex concept. If the citizens are trusted to have the information and to invest in its self because they grow best together there are silent partnerships created with thousands of people. That creates a bed rock for success. When those plans are not consulted as a guidebook to deal with the changes that will naturally come along the plan starts to fall apart, confidence falls, and the City's goals are not met. The Pearl District has had hundreds of millions of dollars invested into it through federal, public and private sources over many years with another \$100 million on the way. Through public and private funds, again, over the next 25 years a small part of that investment will be placed in the Pearl District to create dozens of jobs, and up to \$250 million dollars of tax income to the State of Oklahoma. This Board has had the honor of setting some of these past goals by believing in these plans through votes cast so he speaks in reverence rather than opinion as this Board can easily reference its successes in this area. All of this became possible due to planning; planning among enemies and friends. Mr. Overton stated that Iron Gate has stated time and time again that they speak for their guests. They have no interest in speaking about planning with HOAs, the BOA, the PDA, and most of the City itself concerning growth potential for the small area plans in place. A neighborhood that supports itself and focuses on small area planning and the law and their common sense as their guide stones will thrive with any kind of mixture. There is significant social return on investment that will impact any area negatively and positively by every decision that the Board makes. As mentioned in the guide to planning the three main criteria for decision making is harmony with the spirit and intent of the Code, non injurious to the neighborhood or otherwise detrimental to the public welfare. In all three there real feelings of doubt; by those standards that are set that is a short coming. The answer for this application must be no. This application does not meet the high standards that the Pearl has set for themselves, and that they ask of their policy makers. People can change their priorities without changing their principles. Obviously this Board is highly ethical as to address concerns at the last meeting that not enough members were present to make a fair decision. The Board has proved their concern for the respect and position of their job and everyone thanks you for that. Please continue to support these ethics and deny this application.

Matt Jones, 415 South Owasso Avenue, Tulsa, OK; stated he south of the subject property. He is a native Tulsan but left to go to Colorado then on to Austin, and now he has returned to be near family. He has seen Austin and Denver do great things, and he likes the potential of Tulsa. He thinks there is a lot here but it was a gamble because it can go the other way. If a small group of people are allowed to make all the decisions maybe there is another place. If a people cannot think outside the box the last thing you want to do is make the box bigger. He is shocked that there is no City plan for social services. He believes Iron Gate should keep operating at Trinity and come up with a plan that more people can be involved with.

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

Bob Bartz, Barber and Bartz Law Firm, 525 South Main Street, Suite #800, Tulsa, OK; stated he represents the Pearl District Association as well as Mac Systems, Inc. Mr. Bartz had slides placed on the overhead projector to refer to as he spoke. The Code is enacted for the purposes of promoting the development of the community in accordance with the comprehensive plan. The downtown Tulsa master plan identifies the Pearl District as a mixed use area, and placing the Iron Gate building in the Pearl District is inconsistent with that plan. The northwest quadrant designates the social justice northwest corner of the downtown area. Because of the existing zoning if the Iron Gate facility was placed in that area there would no Special Exception needed for most of the properties that could be purchased in that area. It is his understanding that the Downtown Coordinating Council suggested several locations in the northwest quadrant that is designated in the master plan for social and justice yet those particular properties were rejected. The 6th Street Infill Plan was adopted by the Planning Commission and approved by the City Council and the plan contemplates social services, and there are four agencies and organizations already in the Pearl District. What is significant is in reliance upon the Downtown Master Plan and the 6th Street Infill Plan, over \$100 million has been invested by individuals in the Pearl District. The City would be setting a dangerous precedent if it were to disregard its own plans, the Master Development Plan, and the Pearl District Plan by allowing the composition of the Pearl District to be dramatically changed by having the homeless roam the streets in the Pearl District area. Section 1608 in the zoning code indicates the Board of Adjustment should not grant a Special Exception if it will be injurious to the neighborhood or otherwise detrimental to the public welfare. Tom Baker, Manager of the Downtown Coordinating Council, stated "You have to recognize the impact that the service has on a nearby community. The result of that service in that area was creating a negative impact to some property owners to develop their property." If the manager of the Downtown Coordinating Council says there is a negative impact caused by having that facility in downtown then that speaks for itself. It will have the same negative impact in the Pearl District. Mr. Bartz stated gave examples of the type situations that would cause injury to the neighborhood or otherwise be detrimental to public welfare. Mr. Bartz stated that if Iron Gate is allowed to build on the subject property Mac Systems, Inc. will not build a planned facility in the Pearl District, A-Best Roofing indicated it will not go forward with purchasing an office building and will move their business from the Pearl District, Roberts and Jones Studio will not finish the development of a building for architectural business and will move, Good Day Properties, LLC will consider selling 33+ commercial properties, O'Fallon Properties will not continue with any further projects, Carlos Moreno indicated he will not move forward to purchase and develop a building located at 6th and Peoria for his creative agency, and there are businesses and agencies that currently exist in the area that will have their programs in jeopardy. Mr. Bartz stated there have been comments made about the proposed parking and he thinks a lot has come to light on this issue today. Two weeks ago a Union Pacific official told a member of his firm that the lease that was being proposed was for beautification and parking only. This official did not understand what Iron Gate was doing, but he did say if there were people

congregated in the parking lot that would be grounds to revoke the lease. The proposed lease is year to year so what happens if it does not get renewed? It also has a 30 day termination clause so what happens if Union Pacific is truly concerned about people congregating in the parking lot? What has come to light today is the fuzzy math. Is there really enough parking spaces being proposed, if there are only 33 parking spaces with apparently 15 to 18 staff people including security? Mr. Bartz trusts that the Board will do everything necessary to make sure that a thorough parking study is performed with real statistics that are consistent with prior publications before entertaining a Special Exception. It is critical for the Board and the City of Tulsa to not disregard the Downtown Tulsa Master Plan. The City can ill afford to disregard it's published Comprehensive Plan when individuals come to Tulsa and are willing to invest millions of dollars in future development.

Stuart McDaniel, 628 East 3rd Street, Tulsa, OK; stated he represents many of the members of the East Village District and their concerns. He personally would not like Tulsa to be known for having America's largest feed only soup kitchen. It is evident that this is a sensitive subject and he is not proud that his City cannot come up with a decision quicker without these problems. Other communities have addressed hunger in many ways and he believes this is not the correct method. Iron Gate needs to work to provide measurable outcomes such as United Way and many other federally funded organizations have. Iron Gate is privately funded so they can do what they need to do. Measureable outcome is the key to success, where they are tracking how many they are no longer feeding rather than how many they do feed every day. A measure of success should not be how large the numbers have grown, they should be striving to have these numbers to decrease. This is a flawed model. This has forced the neighbors, as a community, to discuss a topic everyone was previously fearful to address. Now there is a room full of compassionate people, passionate about the individuals Iron Gate serves and passionate about the community they are working hard to improve. Many of these individuals have poured their life savings into an idea, an idea that Tulsa can be a better place and that they can actually play a part in making that happen. He would respectfully request the Board reject the application, not end Iron Gate's mission but to allow the most creative group of individuals to start their work on finding the right solution to the growing problem. People need to be focused on possibly pairing Iron Gate with other compatible services that work to lessen these individuals reliance on social services as a whole. People need to think of ways to build the independence and self reliance these people so need. Tulsa is known for its giving heart and how they take care of one another. It is time Tulsans sit down and do just that. The most philanthropic city in America can do much, much better than this.

Jamie Jamieson, 754 South Norfolk Avenue, Tulsa, OK; stated this is a tough case, an interesting case, and it does pose some real challenges for the neighborhood. It poses challenges for the City. It poses challenges for dealing with the poverty in Tulsa. Earlier someone referred to the Pearl District being a "nimby" – not in my back yard – and that is far from what the Pearl District is. The Pearl's plan is a great deal more complex and as far away from a nimby. The Variances in this case have been self inflicted and Iron Gate does not even own the land yet. Just over a year ago was

changed by the Planning Commission to being autocentric and commercial. This new operation does not sound autocentric nor is it a commercial operation. The Special Exception is because the use is not permitted by right in a District because of potential adverse affects. If controlled in a particular instance it may be permitted. The Iron Gate cannot control it. The activities cannot be controlled because of the disproportionate number of people who are homeless and visiting the soup kitchen. Iron Gate cannot control it no matter how responsible they may be. The scale of the operation is fundamental to the problem that Iron Gate has. Iron Gate began very small but it has become very large. The disproportionate number of transient people among other pedestrians is going to be a problem for the businesses. Can all of these people really be wrong? The Village at Central Park used to be in the middle of a totally unredeemed blighted neighborhood with a transient problem, but it was very clear in the 6th Street Task Force plan that the neighbors gave serious thought how the social services should be integrated. They wanted to see them and they did see them as a benefit to the community because of the visitors to the neighborhood. The social services were going to help fuel the economic development and hopefully the repopulation of the neighborhood, but none of them were going to be disproportionate. Mr. Jamieson stated he was puzzled why this application was tagged as a Use Unit 5 rather than a Use Unit 2 which includes homeless centers. The Pearl District plan includes public safety, affordable housing, creating a livable walkable neighborhood for all people, and to foster local business and local retail. The Pearl District is using tax payer's investments in the realization of this plan and it is beginning to boost the city's tax base. The Pearl District is crucial to the future of Tulsa. That is not to establish a direct connection between the realization of a plan and a homeless shelter, but the Pearl District is in a very vulnerable situation. Economic revitalization has just started. These are normal people who want to do something good. It is a vulnerable time in the redevelopment of the Pearl District.

Mr. Henke stated that he does not think the Zoning Code is discriminatory toward Tulsans with mental problems or Tulsans from low or middle or higher incomes. Mr. Jamieson agreed with Mr. Henke.

Mr. Henke stated that the soup kitchen is allowed in the Pearl District by right in three of the four corners of the intersection of 3rd and Peoria. Mr. Henke asked Mr. Jamieson how he would respond to that. Mr. Jamieson stated that perhaps the residents and business owners would end up living with it and life would be a great deal tougher.

Mr. Henke stated that he realizes the Pearl District has been very unified in residential development, commercial development and everyone has done a very good job as a unified neighborhood to outline what it is the people would like to see in the Pearl District. Mr. Jamieson stated that the people in the Pearl are concerned about the injury to the neighborhood which is more than their view; it is part of the City of Tulsa's Comprehensive Plan and has been for eight or nine years. An enormous amount has been invested in the fulfillment of that plan. That is the corner stone of most of the people that have registered an objection.

Mr. Van De Wiele stated that he is the one who raised the nimby comment, and his point was that that is all the Zoning Code is. It is to determine what can go in your back yard and can't. Everyone wants gas or electricity but he does not want a power plant or refinery in his back yard. Mr. Van De Wiele stated that his point in raising that is that there have been lots and lots of comments by property owners or the media, and he does not think those comments to be valid but the people do have a legitimate concern about what does go on in their back yard. If a person lives in a residential area a person should feel comfortable and confident that the people behind them is not a power plant but is a residence.

Mr. Henke stated that his point is that the property directly across the street, any which way you go, can be used for a soup kitchen because it is zoned CH.

Rebuttal:

Mr. Malcolm Rosser came forward and stated that Mr. Swanson's and Mr. Ritchey's properties are both zoned CH so a soup kitchen and food pantry is what they are zoned for and could be allowed without a Special Exception. What is injurious to the neighborhood and to determine that you must look at the nature and character of the neighborhood. The zoning in this case is indicative of the nature of the neighborhood. He wants to make it clear that Iron Gate understands the concerns of the neighbors and are not saying they are fraudulent. Mr. Rosser stated that he thinks that if there were a social service agency in Tulsa had erected a new facility and it had caused serious injury everyone would have heard about it. The Indian Health Care Resource Center was one that had concerns about causing injury to the neighborhood, but that did not happen. That is clear and he believes that will be what will happen in this case. Iron Gate could have asked Mr. Sager to get the property rezoned CH and there would have been no need for a Special Exception or Variance to the setbacks. In regards to the parking, it is tight but it complies with the Code and it will work at the subject site. Some people may be familiar with the Thunderbird Club House in Norman; it is a facility for all mentally ill people of any type whether they are homeless, hungry or they have a home. It basically offers these people a place to go and they can have a meal. The Thunderbird Club House is located in the middle a commercial/residential area between a shopping center and an apartment complex. It has caused zero problems. It is very similar to today's situation; they had another facility that was no longer working. There were fears and there will always be fears, which is very understandable.

Comments and Questions:

Mr. Van De Wiele stated that all these folks are not wrong, but he does think there is a great deal of fear of the unknown. The Board has seen that before. It is not a viable basis for the Board to deny an application. Mr. Van De Wiele believes there is a substantial amount of legitimate concerns and he thinks a lot of that has to do with what they have seen happens. The services that Iron Gate provides are sadly a necessity. He does not believe that it is the Board's job to determine whether this is the best location or if there is another location that would be better. It is whether this location satisfies the criteria that the Board has to apply to their application. Mr. Van De Wiele stated that he has very little concern with the concept of the setbacks because the

Board grants those types of relief regularly. It has been in Swan Lake. It has been done in areas downtown where buildings were built years and years ago to the full extent of their property and they have no setbacks. It has been done in the Kendall Whittier recently. The flip side of that is what is the hardship? Mr. Van De Wiele stated he has concerns over whether the hardship is self imposed. In regards to the parking the applicant does comply with the legal minimum amount of property for parking that would be required although it is not on their lot. But when the applicant has a Special Exception and they are asking for permission to have a use that would not otherwise be allowed the Board has the leeway of requiring more parking than the Code requires. The Board has done that on occasion. Mr. Van De Wiele stated that he does not know how the architects came up with a requirement of 39,000 square feet of parking for a 14,000 square foot facility. He assumes that it was based on the number of people coming and going to the facility whether it be in their own cars, on a bus or shuttle. Mr. Van De Wiele stated he is concerned over the numbers because the numbers on the documents displayed were substantially different than the numbers the Board heard from the Iron Gate representatives. It seems there is a very high volume of people coming to the facility and the vast majority of them seem to be walking while most of the pantry guests drive. Mr. Van De Wiele stated that he does not see that there is enough parking on the site. He has to think that the railroad will terminate the lease once someone is hurt on the railroad right-of-way and there is a worse problem. The lease is almost so speculative that he is not sure the Board can grant much relief based on the lease. Typically in the past, where there is an off-site lot parking, it is either that the person owns the other lot or they have a long term lease and the Board typically links the approval to the term of the lease. Sometimes where there is an off peak use where a commercial facility is granting a Saturday/Sunday right to use the lot for a farmer's market or something along that line. He is having a very difficult time getting over the 39,000 square feet of parking required. As to the use, which is obviously the hot button for most people, on the one hand they really could erect this facility on any other corner at 3rd and Peoria or anywhere up or down 6th Street in the heart of the Pearl District. He is at a loss as to why they didn't especially when Mr. Sager, their seller, owns the property immediately north of the subject site. It is an issue for the Board to deal with. The Board has to apply the standard they have to find and that is the injurious nature or the detrimental impact on the surrounding area. Mr. Van De Wiele stated that he cannot say that it would not be injurious. He has driven through the area several times in the last month and he can absolutely wrap his brain around the fact that if he owned a property across the street from Trinity he would think there is no way he would ever be able to sell it. That is not a fear it is a reality. Mr. Van De Wiele knows that it was said that the doors would be opened to let the guests inside but they are going to need to line up at some point. He cannot support this application for those reasons.

Mr. Flanagan stated that he does not think anyone in this room would disagree with Iron Gate's mission or what they do. It is incredible and does help a lot of people. He agrees with Mr. Van De Wiele in regards of the hardship; is it self imposed or is it not? Fear of the unknown is not a viable reason to vote something down but there are serious legitimate concerns about the parking. If the vote were to be taken individually on the requests then maybe he could support it.

Mr. White stated that he agrees with Mr. Van De Wiele and Mr. Flanagan regarding the parking and the safety. There has never been any question about Iron Gate. They do a great job and it is a super service. The only issue that he is concerned with, as a member of the Board, is if this is the correct place for them to relocate to. Mr. White stated that he has been on the Board since 1995, and he has been privileged to hear the applications coming from many people in the Pearl District. He was chairman of the Board when the Indian Health Care Center applied and there was a lot of concern and it worked out well. He has seen the Pearl District people spend millions of dollars developing their property and the perceptions they have about what may happen have to be considered. Mr. White stated that he would find it unconscionable to vote for approval.

Mr. Henke stated that this has been a real challenge and he spent over 30 hours in the last two weeks in driving to the sites, time on the internet, working through letters and petitions, etc., and in looking at the Variances he believes there are valid hardships that are consistent with relief the Board has granted in the past. In regards to the use as a soup kitchen, in looking at the neighborhood there are other social services in the neighborhood and it is not out character for that neighborhood. There can be a food pantry and soup kitchen at three of the four corners at that intersection, and he has a lot of confidence in Iron Gate working to be a good neighbor and doing what they can to be a positive influence for the neighborhood. Mr. Henke does not think the Code discriminates based on a person's mental capacity or income level. At the end of the day we are all Tulsans. It is a real challenge for him to say that Iron Gate cannot have their facility at this site but you can have it less than 50 feet away. The parking is a major problem. Mr. Rosser pointed out that the Code only requires 32 parking spaces but for an organization for the intensity of this use even using the most conservative numbers, to have 35 parking spaces on a lot that is not completely under Iron Gate's control does not work. Mr. Henke stated that he would have to vote against that Special Exception.

Mr. Henke asked Mr. Swiney if the Board voted on the use Special Exception and the use is denied does the Board need to act on the other requests. Mr. Swiney stated that the Board did not, if the use Special Exception is denied that denial vote moots out all the other requests.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 2-2-1 (Van De Wiele, White "aye"; Henke, Flanagan "no"; Snyder "abstaining"; none absent) to **DENY** the request for a **Special Exception** to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901); **Special Exception** to permit required parking on a lot other than the lot containing the principal use (Section 1301.D). The Board has found that there would be injury to the neighborhood or a detriment to the public welfare; for the following property:

PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **FLANAGAN**, the Board voted 2-2-1 (Henke, Flanagan “aye”; Van De Wiele, White “no”; Snyder “abstaining”; none absent) to **APPROVE** the request for a Special Exception to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901). The Board has found that there would be injury to the neighborhood or a detriment to the public welfare; for the following property:

PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Both Motions FAILED due to lack of a majority vote.

Ms. Snyder re-entered the meeting at 4:18 P.M.

NEW APPLICATIONS

21943—Lamar Outdoor Advertising – Lorinda Elizando

Action Requested:

Verification of the spacing requirement for outdoor advertising signs of 1,200 feet from any other outdoor advertising sign on the same side of the highway; Variance of the height requirement for outdoor advertising signs from 50 feet to 60 feet (Section 1221.F.15). **LOCATION:** 14501 East Admiral Place North **(CD 6)**

Presentation:

Bill Hickman, 7777 East 58th Street, Tulsa OK; stated the second Variance request in this case regarding the height is that the sign must be moved and be relocated as a result of an ODOT condemnation case. The existing sign is moving back to the subject property. The existing bridge at 145th that goes over I-44 is being expanded which will make it larger than other existing bridges in the area as well. Mr. Hickman presented pictures on the overhead projector to show the current sign in relation to the current bridge. The request for the additional 10 feet in height is to get the sign above the bridge and the new height of the bridge.

Interested Parties:

Sam Stokely, 10111 East 45th Place, Tulsa, OK; stated he represents a land owner on the other side of the highway. He is here to make sure the spirit and intent of the Code was applied to the proposed situation, and to gather more information about the proposed relocation. Mr. Stokely stated that he too has seen the plans for the expansion of the highway, and he would like to point out that the picture on display has been taken right next to the existing bridge. The way the Code reads is if the highway is elevated higher than the sign then the applicant can get a 10 foot Special Exception. The level of the ground where the highway and the sign is located is the exact same level. In his opinion he does not see any reason for the additional 10 feet in height. Also, now that the sign is going to be relocated farther away from the highway the bridge will slope down so the additional height is not a necessary component for relocating that sign.

Rebuttal:

Mr. Hickman came forward and discussed the current bridge elevation in relation to existing sign and the future expansion by using pictures on the overhead projector. The whole point in the sign being moved and the request is because the highway is changing; it is going to be wider and the bridge will be much wider as well as going further and deeper into the actual subject property.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **ACCEPT** the applicant’s verification of spacing of outdoor advertising signs of 1,200 feet from another outdoor advertising sign on the same side of the highway, Section 1221.F.2 and based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant’s verification of spacing between outdoor advertising signs, either for a digital or conventional billboard, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign and to **APPROVE** the request for a Variance of the height requirement for outdoor advertising signs from 50 feet to 60 feet (Section 1221.F.15). Due to the fact that this sign is being moved back and the bridge to the west of the sign will be increasing in height 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:

**W150 LT BLK 1, ELECTRONIC RESEARCH & DEV CENTER, CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA**

21944—Lamar Outdoor Advertising – Lorinda Elizando

Action Requested:

Verification of the spacing requirement for outdoor advertising signs of 1,200 feet from any other outdoor advertising sign on the same side of the highway.

LOCATION: 1617 East Apache Street North (CD 1)

Presentation:

Bill Hickman, 7777 East 58th Street, Tulsa, OK; presented and displayed on the overhead projector a schematic to show that there is spacing between the proposed sign and the other existing signs on the Gilcrease Expressway.

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, Flanagan, Snyder, 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 spacing between outdoor advertising signs, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign; for the following property:

A tract of land in the East Half of the East Half of the Southwest Quarter (E/2 E/2 SW/4) of Section 19, Township 20 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows: Commencing at the Southwest corner of said E/2 E/2 SW/4; Thence North 01°13’05” West along the West line of said E/2 E/2 SW/4 for 50.00 feet to the Point of Beginning of said tract of land; Thence continuing North 01°13’05” West along said west line for 1749.34 feet to a point on the South Right-of-Way line of the Gilcrease Expressway; Thence North 88°09’29” East along said Right-of-Way for 210.00 feet; Thence North 80°02’45” East along said Right-of-Way for 454.52 feet to a point on the East line of E/2 E/2 SW/4; Thence South 01°13’33” East along the East line of said E/2 E/2 SW/4 for 1513.75 feet; Thence South 88°11’24” West for 165.00 feet to the Northeast corner of APACHE SQUARE, an addition in Tulsa County, State of Oklahoma, according to the recorded Plat No. 3393; Thence North 37°56’41” West for 476.68 feet; Thence South 01°13’33” East for 685.02 feet to the Southwest corner of said Apache Square; Thence South 88°11’24” West parallel with and 50.00 feet North of the South line of said E/2 E/2 SW/4 for 209.74 feet to the Point

of Beginning of said tract of land. CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21945—David Blackburn

Action Requested:

Variance of the required rear yard setback in the RS-3 District to permit a porch canopy (Section 403). **LOCATION:** 1732 South Madison Avenue (CD 4)

Presentation:

David Blackburn, General Contractor, 6529 East 101st Street, Suite B-1, Tulsa, OK; stated he has removed two out detached buildings that were in the back yard; one of the buildings was approximately an inch from the rear property line and about two feet from the side property line. The other building was about five feet from the rear property line. There are four properties that abuts the subject property that have seven buildings that are all over the lines. His client would like to build a patio cover that will be supported by two posts on concrete. The patio roofline will extend approximately six feet over the 20 foot rear setback.

Ms. Snyder asked Mr. Blackburn what his hardship would be for this. Mr. Blackburn stated the hardship would be that the detached garage was removed because of its condition and the owner added an attached garage to the house and with the addition there was not enough room for the patio. This is better than what was there and it is not encroaching nearly as much as the old buildings were. This patio will not block anyone's view.

Mr. Van De Wiele asked Mr. Blackburn how large the garage was. Mr. Blackburn stated that it was about 27 feet long and 14 feet tall, and it was so close that you could get your hand between the structure and the fence.

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, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the required rear yard setback in the RS-3 District to permit a porch canopy (Section 403), subject to conceptual plan 8.11. The Board has found that the applicant has replaced a garage that was on the property that encroached more into the rear yard setback than the current garage and the patio cover to be constructed. The encroachment as ultimately constructed will not be injurious to the neighborhood and by reason of these 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 117 & PRT VAC ALLEY BEG SECR LT 117 TH W140 N55 W10 S65 E150 N10
POB BLK 12, SOUTH SIDE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF
OKLAHOMA**

21946—Merge Church

Action Requested:

Special Exception to permit off-street parking on a lot other than the lot containing the principal use (Section 1301.D). **LOCATION:** 4050 S Southwest Boulevard (CD 2)

Presentation:

Grady Whitaker, Whitaker Architects, 16 West 2nd Street, Sand Springs, OK; stated he represents Merge Church in this endeavor. Merge Church has been in operation and meeting in Clinton Middle School for approximately a year. They have an opportunity to buy a building and expand their outreach ministry. The property owner is willing to sell to Merge Church but there is a parking issue. The lot will currently handle nine parking spaces. Unicorp Systems has agreed to allow Merge Church to use 40 spaces of their parking lot during off hours and this parking is about 200 feet away from the subject property. Unicorp's off hours are Merge Church's prime hours.

Mr. Van De Wiele asked Mr. Whitaker what the church would do if Unicorp changes their mind. Mr. Whitaker stated there are several other options for lots that are adjacent to the subject property for parking, but those land owners have not been approached at this time. Unicorp is the most logical place because they are on the same side of the street. The other viable alternatives would be Fastenal which has 23 spaces, Rogers Glass has 11 spaces, Webster High School Sports Center has 87 spaces, Crystal City is within shuttle distance, Clinton Middle School is also available and the church does have a shuttle bus.

Mr. White asked Mr. Whitaker how many people the food bank takes care of. Mr. Whitaker stated that the food bank is part of the outreach ministry. The food bank will be open on Sunday morning from 8:30 A.M. to 12:30 P.M. and one undetermined evening from 6:00 P.M. to 9:30 P.M. The church estimates that there would be approximately 30 families with no more than 10 staff at peak hours. There are 12 parallel parking spaces on Southwest Boulevard directly across the street that can be utilized. The businesses in the area close around 6:30 P.M.

Mr. Van De Wiele asked Mr. Whitaker if the Board were to grant this for a period of five years because of the less than firm right to use the Unicorp lot would be acceptable to the clients. Mr. Whitaker stated there is precedent of this with the former site of Asbury United Methodist Church at 60th and Sheridan in which the shopping center was used for overflow parking. In the meeting minutes of 1982 Mr. McGraw stated that they never had a lease or any kind of written or formal agreement, and did not see a need for one and there was no rebuttal or requirement from the Board at that time.

Mr. White asked Mr. Whitaker if there were any plans for modification to the building as it currently stands. Mr. Whitaker stated there are no plans for any exterior modifications, they are all interior.

Mr. Henke asked Mr. Whitaker if his clients were ok with a five year approval if the Board were to grant this request. Mr. Whitaker's clients stated that would not work for them. Mr. Henke stated that he would not be inclined to vote for approval because the Board just heard a case over parking.

Mr. Van De Wiele asked staff if the Board could approve the request so long as the applicant has a parking license. Ms. Miller stated that the latest approach to parking relief in a general way in the new Code is going to be applied to CH properties. The parking requirements for the future could be very different in a better way than what they are today.

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, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit off-street parking on a lot other than the lot containing the principal use (Section 1301.D), provided that the applicant maintain the right to use, whether by license or lease, 40 spaces in the immediate adjacent area whether by Unicorp or another land owner. 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:

LTS 9 THRU 12 LESS BEG SECR LT 9 TH N12.26 TH ON CRV RT TO PT ON WL LT 12 TH S16.8 TH ON CRV LF 144.55 POB BLK 43, RED FORK RESUB PRT B43, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Swiney left the meeting at 5:00 P.M.

Ms. Janine VanValkenburgh entered the meeting at 5:00 P.M.

21948—Butler Homes – Travis Butler

Action Requested:

Minor Special Exception to reduce the required front yard in the RS-2 District by 5 feet (Section 403). **LOCATION:** 2808 East 26th Place South **(CD 4)**

Presentation:

Travis Butler, Butler Homes, 451 South Wood, Pryor, OK; stated the 5 foot encroachment is for the open air covered front porch. The existing house will be razed and a new house will be built.

Mr. White asked Mr. Butler about the width of the porch. Mr. Butler stated that it is eight or ten feet.

Interested Parties:

Linda Smith, 2844 East 26th Street, Tulsa, OK; stated that her real issue is that this is five feet. This has happening in her neighborhood. It is a tear down. She does not have an issue with the covered open air porch but the issue is this sets a precedent for the next person. It may be five feet or it may be seven feet. Her neighbor was relieved of three feet so now they are really encroaching. Now the fact that these are becoming all encompassing and there is no lot left is another issue with her and her neighbors. She has lived in the neighborhood for 41 years. She has a new house behind her that is called the Taco Bell. From this point forward where do things progress and where does it stop? How much longer will her neighborhood exist as the neighborhood that it has been for over 50 years?

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Minor Special Exception to reduce the required front yard in the RS-2 District by 5 feet (Section 403), subject to conceptual plan 10.14. 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 5 BLK 2, CRESTWOOD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21949—Miracle Foster

Action Requested:

Verification of the spacing requirement for a family day care home of 300 feet from another family day care home on the same street (Section 402.B.5.g).

LOCATION: 1625 East 48th Place North (CD 1)

Presentation:

Miracle Foster, 1625 East 48th Place North, Tulsa, OK; stated that she would like to operate day care out of her home.

Mr. Henke stated the Board is in receipt of the applicant's survey on page 11.9.

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, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for a family day care subject to the action of the Board being void should another family day care home be established prior to this family day care home; for the following property:

LT 10 BLK 13, NORTHRIDGE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21950—Brent and Cindy Bushnell

Action Requested:

Variance to reduce the required front yard setback from 25 feet to 7 feet to permit an addition to an existing house and porch (Section 403). **LOCATION:** 1724 South Madison Avenue East (CD 4)

Presentation:

Cindy Bushnell, 1724 South Madison Avenue, Tulsa, OK; stated she would like to cover her existing front porch. She has received her Certificate of Appropriateness.

Interested Parties:

Tom Neal, 2507 East 11th Place, Tulsa, OK; stated there is an uncovered existing terrace in front of the house that has been there since 1918 when the house was built. The terrace covers almost the entirety of the width of the house with only the one

covered section from 1918. His clients would like to cover a portion of the existing terrace. The house itself is nonconforming for the 1970s Code setbacks regardless of the terrace.

Mr. Van De Wiele asked if the porch was just being covered or was it being enclosed. Ms. Bushnell stated that the porch will just be covered.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Variance to reduce the required front yard setback from 25 feet to 7 feet to permit an addition to an existing house and porch (Section 403), subject to conceptual plans 12.12, 12.13 and 12.14. The Board has found that the lot has a peculiar shape and the house is nonconforming to the setbacks as it. This request has also been approved by the Preservation Commission. 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:

S.65' LT 6 BLK 6, SOUTH SIDE ADDN, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21951–Claude Neon Federal Signs – Ed Horkey

Action Requested:

Variance to permit a digital sign within 20 feet of the driving surface of a road (Section 1221.C.2). **LOCATION:** 400 Civic Center **(CD 4)**

Ms. Snyder recused and left the room at 5:16 P.M.

Presentation:

Ed Horkey, 1225 North Lansing, Tulsa, OK; stated he represents the Tulsa City-County Library. This is a redesign of the library that has been ongoing for the last couple of years. This proposed sign is a part of the new concept of the library. There are a number of precedents downtown regarding message centers and the proximity to the streets. The uniqueness about this message center is that it will be parallel to the

street. The reason for that is that the Library is more interested in pedestrian information. The sign will be low to the street to make it at eye level.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; Snyder “abstaining”; none absent) to **APPROVE** the request for a Variance to permit a digital sign within 20 feet of the driving surface of a road (Section 1221.C.2), subject to conceptual plans 13.9 and 13.10. The Board has found that the sign will sit parallel to the roadway as shown on conceptual site plan 13.9 and 13.10 tends to mitigate issues with the driving traffic on South Denver Avenue and such will provide a hardship to the Code’s restriction. finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LTS 1 THRU 6 & 20 VAC ALLEY ADJ LTS 1 THRU 6 BLK 132, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 5:21 P.M.

21952—Crown Neon Signs – Gary Haynes

Action Requested:

Variance to allow a digital sign within 200 feet of an R District (Section 1221.C.2); Variance to allow a digital sign within 20 feet of the driving surface of a public street (Section 1221.C.2); Variance to allow construction of a sign in the City right-of-way (Section 1221.C.14). **LOCATION:** 1228 East 5th Street South **(CD 4)**

Presentation:

Milford Carter, 4 East 24th Street, Tulsa, OK; stated that on March 25th an F-2 tornado destroyed the church sign and the church has been without a sign since that time. The orientation of the sign is away from any neighborhood and the land zoned residential that is closest to the church is a vacant lot.

Mr. Van De Wiele asked Mr. Carter if the new sign would be the same height, size and location as the old sign. Mr. Carter stated the same pole will be used but the new signs will be smaller. Mr. Van De Wiele asked if the top sign was internally lit. Mr. Carter stated that both old signs were internally lit.

Mr. Carter stated that he is supposed to contact Tim White and he has been attempting to contact him for over 6 weeks, then he found out that Mr. White retired two weeks ago. Mr. Carter stated that while he was sitting in this meeting, about four hours ago, Mr. White's boss called to discuss what would need to be done to be able to obtain the signs.

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, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a digital sign within 200 feet of an R District (Section 1221.C.2); Variance to allow a digital sign within 20 feet of the driving surface of a public street (Section 1221.C.2); Variance to allow construction of a sign in the City right-of-way (Section 1221.C.14), subject to conceptual plan 14.15. The last Variance will be subject to approval of a license agreement by the City of Tulsa and submission of an approved copy to Ms. Nikita Moye at INCOG. The second Variance is a replacement of a long standing sign that was destroyed in a storm. For the digital aspect, it is to convey messages to the membership of the church and any other messages for the general public. 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 1 THRU 6 BLK 8, CENTRAL PARK PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21962—Spirit Homes – Justin Haddock

Action Requested:

Minor Special Exception to reduce the required front yard from 35 feet to 31.2 feet to permit a covered porch in the RE District (Section 403). **LOCATION:** 1708 East 43rd Street South **(CD 9)**

Presentation:

Justin Haddock, 1055 North Owasso Avenue, Tulsa, OK; stated this request is for a Minor Special Exception because of a front porch extension on an existing house remodel.

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, Flanagan, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Minor Special Exception to reduce the required front yard from 35 feet to 31.2 feet to permit a covered porch in the RE District (Section 403), subject to conceptual plans 16.11 and 16.12. 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:

PRT LT 1 BEG NWC TH E113 S105 SW83.28 W107.50 N183.05 POB BLK 8, BOLEWOOD ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

21937—Barrick Rosenbaum

Action Requested:

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

Presentation:

The applicant was not present. The Board moved this case to the end of the agenda to allow for the applicant’s arrival.

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 **CONTINUE** the request for a Variance of all Bulk and Area Requirements in the RS-1 District to permit a lot-split (Section 403, Table 3) to the Board of Adjustment meeting on September 22, 2015; for the following property:

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

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

The Board welcomed Mr. Tom Flanagan to the Board of Adjustment.

There being no further business, the meeting adjourned at 5:34 p.m.

Date approved: 9/22/15

Francis X. Henke, Jr.

Chair