

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1160  
Tuesday, April 26, 2016, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Henke, Chair Snyder Van De Wiele White, Vice Chair	Flanagan	Miller Moye Sparger	Swiney, Legal Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, April 21, 2016, at 1:52 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

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**MINUTES**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to **APPROVE** the **Minutes** of the April 12, 2016 Board of Adjustment meeting (No. 1159).

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Mr. Henke explained to the applicants and interested parties that there were only four board members present at this meeting, and if an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Henke asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding.

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**UNFINISHED BUSINESS**

**22054—Michael Bieniek**

**Action Requested:**

Special Exception to permit a 175 foot monopole tower and support equipment in the OL District (Section 15.020-C); Special Exception to reduce the required setback (110% of the tower height) from the abutting R Districts Section 40.420-E.

**LOCATION:** 5001 East 91<sup>st</sup> Street South (CD 8)

**Presentation:**

The applicant has withdrawn this request.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board action required; on the following property:

**LT 1 BLK 1, RED CROWN FEDERAL CREDIT UNION, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

**22062—Sam Stokely**

**Action Requested:**

Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 60.080-F.5); Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 feet from any other digital outdoor advertising sign facing the same traveled way (Section 60.100). **LOCATION:** 15335 East Admiral Place North (CD 6)

**The applicant has withdrawn the application and is requesting a full refund.**

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Flanagan absent) to **APPROVE** the request for a full **REFUND** of \$350.00; for the following property:

**LT 7 LESS N147.9 FOR HWY & LESS S10 THEREOF FOR ST BLK 1, FOSTER SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW APPLICATIONS**

**22059—Aaron Sattre**

**Action Requested:**

Special Exception to permit a carport in the Peoria Avenue street yard with modifications to allowable height, square footage (Section 90.090-C.1); Variance of the allowable coverage of the rear yard by detached accessory buildings in the RS-2 District (Section 90.090-C.2). **LOCATION:** 1305 East 26<sup>th</sup> Street South **(CD 4)**

**Ms. Moyer informed the Board that the Staff Report on page 3.3 in the Board’s agenda packet needs to have a correction. On page 3.3 under “Staff Comments” it states “The Board approved a Special Exception” and it should actually read “The applicant is requesting a Special Exception”.**

**Presentation:**

**Aaron Sattre**, 1305 East 26<sup>th</sup> Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Henke asked Mr. Sattre when the house was built. Mr. Sattre stated that the house was built in 1930.

Mr. Van De Wiele asked Mr. Sattre if the portion he was covering with the carport was the existing driveway. Mr. Sattre answered affirmatively and stated that it is the existing driveway.

Mr. Van De Wiele asked Mr. Sattre if the entirety of the driveway was inside the fence line. Mr. Sattre answered affirmatively.

**Interested Parties:**

**Brian Easlon**, 1268 East 26<sup>th</sup> Street, Tulsa, OK; stated he lives southwest of the subject property. Mr. Easlon stated that he is in favor of this request. He has seen the plans and has the clearest view of the subject proposed project area. He believes it will

be aesthetically pleasing to the neighborhood and will bring great value to the neighborhood and the subject property.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Flanagan absent) to **APPROVE** the request for a Special Exception to permit a carport in the Peoria Avenue street yard with modifications to allowable height, square footage (Section 90.090-C.1); Variance of the allowable coverage of the rear yard by detached accessory buildings in the RS-2 District (Section 90.090-C.2), subject to conceptual plans 3.9, 3.10 for the height, and 3.14 for the style. The Board has found the hardship to be that the house was built in 1930 and the proposed carport will accommodate today’s vehicles with protection from the elements. There are other similar applications in the neighborhood. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board determines that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**LT 17 BLK 1, TRAVIS HGTS SECOND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **22060—Roy Johnsen**

### **Action Requested:**

Variance to permit a 511.5 square foot wall sign on the east elevation of the existing building; Variance to permit a 668.25 square foot wall sign on the north elevation of the existing building in the CBD District (Section 60.080). **LOCATION:** 1215 South Boulder Avenue West **(CD 4)**

### **Presentation:**

**Roy Johnsen**, 1 West 3<sup>rd</sup> Street, Suite 1010, Tulsa, OK; stated that he is before the Board today representing Tulsa University. The applicant is requesting to exceed the permitted square footage for a display surface area on the east wall and the north wall of the existing building.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

None.

### **Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Flanagan absent) to **APPROVE** the request for a Variance to permit a 511.5 square foot wall sign on the east elevation of the existing building; Variance to permit a 668.25 square foot wall sign on the north elevation of the existing building in the CBD District (Section 60.080), subject to conceptual plan 4.9 for the dimensions for the proposed sign on the east wall, conceptual plan 4.11 for the location for the proposed sign on the east wall, conceptual plan 4.13 for the dimensions for the proposed sign on the north wall, conceptual plan 4.15 for the location for the proposed sign on the north wall. The Board determines that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**LTS 4 THRU 8 BLK 6 FRIEND GILLETTE & ALL LT 1 & PRT LTS 2 & 9 & 10 BLK 2 HORNER & 16 VAC ALLEY ADJ THERETO BEG NEC LT 4 BLK 6 FRIEND GILLETTE TH S135.5 NWLY277.23 N255.35 E146 S150 E130 POB, HORNER ADDN AMD, FRIEND & GILLETTE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**22061—Mark Thomas**

**Action Requested:**

Special Exception to permit a gym/health club (Indoor Commercial/Assembly & Entertainment > 250 person capacity) in the CS District (Section 15.020).

**LOCATION:** 9142 East 31<sup>st</sup> Street South **(CD 7)**

**Presentation:**

**Mark Thomas**, 3508 East 75<sup>th</sup> Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Thomas stated that the previous Zoning Code would have allowed this use in the CS District but the new Zoning Code adopted in January has a limitation placed on 250 occupants, and when the 250 is exceeded it requires a Special Exception. This facility will be all indoor and there is adequate parking for the facility because it will be located in an old PriceMart retail center. Half of the existing building is being used for retail and the gym will be in the other half.

Mr. White asked Mr. Thomas if the business was in anyway going to be a club, dance hall, or entertainment facility where alcoholic beverages will be served? Mr. Thomas stated that it would not.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Flanagan absent) to **APPROVE** the request for a Special Exception to permit a gym/health club (Indoor Commercial/Assembly & Entertainment > 250 person capacity) in the CS District (Section 15.020), and the proposed use will be contained in the existing structure. 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 MOST ELY NEC TH S510 W337.40 N63.32 E33.62 N218.57 W93.57 N328.11 NL LT 1 E172.35 NWC LT 2 BRIAR VILLAGE S100 E225 POB BLK 1, BRIAR VILLAGE RESUB BRIARWOOD CTR SECOND AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**22063—Brad Lewis**

**Action Requested:**

Variance of the required front yard in the RS-3 District from 25'-0" to 15'-6"; Variance of the required rear yard in the RS-3 District from 20'-0" to 10'-6" to permit construction of a new home (Section 5.030). **LOCATION:** 1856 East 16<sup>th</sup> Street South **(CD 4)**

**Presentation:**

**Brad Lewis**, 907 South Detroit, Tulsa, OK; stated that he has gone through the Preservation Commission process and they were very happy with the project and they gave their approval.

Mr. Van De Wiele asked Mr. Lewis if the plans allowed him to align the proposed house with the neighboring properties. Mr. Lewis answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to **APPROVE** the request for a Variance of the required front yard in the RS-3 District from 25'-0" to 15'-6"; Variance of the required rear yard in the RS-3 District from 20'-0" to 10'-6" to permit construction of a new home (Section 5.030), subject to conceptual plan 6.11 and 6.12. The Board has found that the neighborhood lots are very small and this new house will generally align with all the other properties in the neighborhood and that it is a historic neighborhood. This whole plan has already been reviewed by the Preservation Commission and approved. The Board determines that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**LT 5 LESS N5 THEREOF FOR SIDEWALK BLK 2, BELL-MCNEAL ADDN RESUB L14-31 TERRACE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

**Items to Consider, Discuss and/or Take Action On:**

Draft General Policies and Rules of Procedure BOA (exhibit attached).

The Board chose to table this discussion until the next Board of Adjustment meeting on May 10, 2016.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

None.

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There being no further business, the meeting adjourned at 1:32 p.m.

Date approved: 5/10/16

*Francis X. Hill, Jr.*

Chair