

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1183
Tuesday, May 9, 2017, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|--|---------------------------|---------------------------------------|-----------------------|
| Van De Wiele, Chair Flanagan, Secretary Back | Bond White, Vice Chair | Wilkerson Moye Sparger Ulmer | Blank, Legal |

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Friday, May 5, 2017, at 9:28 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele, "aye"; no "nays"; no "abstentions"; Bond, White absent) to **APPROVE** the **Minutes** of the April 11, 2017 Board of Adjustment meeting (No. 1181).

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele, "aye"; no "nays"; no "abstentions"; Bond, White absent) to **APPROVE** the **Minutes** of the April 25, 2017 Board of Adjustment meeting (No. 1182).

OTHER BUSINESS

22230—Troy Trauernicht

Action Requested:

Special Exception to allow a fence to exceed 4 feet in height within the required street setback (Section 45080-A). **LOCATION:** 3131 South 85th East Avenue (CD 5)

Presentation:

The applicant has withdrawn this application and requests a refund of \$250.00.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele, "aye"; no "nays"; no "abstentions"; Bond, White absent) to **APPROVE** the refund for \$250.00; for the following property:

LT 14 BL 5, LONGVIEW ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele explained to the applicants and interested parties that there were only three 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 all three board members to constitute a majority and if one or two board members voted no today the application would be denied. Mr. Van De Wiele 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 and several applicants raised their hands to request a continuance.

UNFINISHED BUSINESS

22227—Claude Neon Federal Signs

Action Requested:

Variance to permit seven signs (1 pole sign and 6 wall signs) in the OM District to be oriented toward South Yale Avenue; Variance to increase the permitted display

area of signage on the lot to 224 sq. ft. to allow one pole sign and 6 wall signs (Section 60.060). **LOCATION:** 7307 South Yale Avenue East (CD 8)

Presentation:

Ed Horkey, Claude Neon Federal, 1225 North Lansing, Tulsa, OK; requested a continuance to the May 23rd Board of Adjustment meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) to **CONTINUE** the request for a Variance to permit seven signs (1 pole sign and 6 wall signs) in the OM District to be oriented toward South Yale Avenue; Variance to increase the permitted display area of signage on the lot to 224 sq. ft. to allow one pole sign and 6 wall signs (Section 60.060) to the May 23, 2017 Board of Adjustment meeting; for the following property:

LT 10 LESS BEG NWC LT 10 TH E20.89 SW29.55 N20.89 POB BLK 2, WOODCREST TWO RESUB PRT B2-3 WOODCREST ESTATES, NOB HILL, City of Tulsa, Tulsa County, State of Oklahoma

22213—A-MAX Sign Company

Action Requested:

Variance to increase the permitted display surface area from 70.5 to 88.7 square feet for a freestanding sign with a dynamic display in the OL District (Section 60.060-C). **LOCATION:** 4520 South Harvard Avenue East (CD 9)

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; requested a continuance to the May 23rd Board of Adjustment meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) to **CONTINUE** the request for a Variance

to increase the permitted display surface area from 70.5 to 88.7 square feet for a freestanding sign with a dynamic display in the OL District (Section 60.060-C) to the May 23, 2017 Board of Adjustment meeting; for the following property:

N. 1/2 OF LT 2 BLK 3; S117.6 LT 1 BLK 3, VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

22215—Leah Krautter

Action Requested:

Appeal of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1. **LOCATION:** 1315 East 19th Street South **(CD 4)**

Presentation:

Lori Phillips, 1408 South Denver Avenue, Tulsa, OK; requested a continuance to the May 23rd Board of Adjustment meeting.

Interested Parties:

Thomas Baker, 1323 East 19th Street, Tulsa, OK; his property east of the subject property and he opposes the continuance. The neighbors would like to get this settled. The residents can eventually be worn down to a degree.

Mr. Van De Wiele stated that he understands the comment and he apologizes to everyone because there is not a full Board today. This has nothing to do with Mr. Baker's neighbor but one Board member is on military leave and the second Board member is in the hospital. Their absences are two totally separate issues. A continuance is not an automatic issue but since he has been on the Board he cannot remember when the Board has refused a continuance request when there are only three Board members in attendance.

Mr. Baker stated that he understands but he does not want the Board to think that if the neighbors did not object to the continuance that they did not care. Mr. Baker also asked if there was some way to have the applicant comply with the notice from the City because the operation still continues.

Mr. Van De Wiele asked City Legal if there was a stay when a citation is issued, and if it was a stay to maintain the status quo or not. Ms. Audrey Blank stated that she believes as a practical matter the Working In Neighborhoods do not continue enforcement until the matter is decided by the Board. Mr. Van De Wiele stated that he understands why Mr. Baker is asking but he believes Ms. Blank gave the correct answer. While the appeal is pending no change is required.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) to **CONTINUE** the request for an Appeal of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1 to the May 23, 2017 Board of Adjustment meeting; for the following property:

**W90 E151 LT 6 BLK 25, PARK PLACE, SWAN LAKE TERRACE RESUB PRT L6&7
B25 PARK PLACE ADD, City of Tulsa, Tulsa County, State of Oklahoma**

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NEW APPLICATIONS

22235—Pam Bickle

Action Requested:

Special Exception to allow two carports in the street setback area in the R District (Section 90.090-C.1); Variance to allow a non-all-weather off-street parking area (Section 55.090-F); Variance to allow a fence and structures within the street right-of-way (Section 90.090). **LOCATION:** 1615 South 151st Avenue East **(CD 6)**

Presentation:

Pam Bickle, 1615 South 151st East Avenue, Tulsa, OK; requested a continuance to the May 23rd Board of Adjustment meeting.

Interested Parties:

Scott Malone, 1616 South 151st East Avenue, Tulsa, OK; stated that she opposes the continuance because she has only one thing that she is opposed to what the applicant wants to do so she was hoping to take care of the one objection so the case would not have to be continued.

Mr. Van De Wiele stated the Board typically does not like to break things up into multiple meetings, so he suggested Ms. Malone and Ms. Bickle get together to see if the objection is something they could work out between now and the 23rd. If things cannot be agreed upon then Ms. Malone could provide a written statement of objection to INCOG and that objection would be in the Board's agenda packet for the 23rd. Ms. Malone asked Mr. Van De Wiele how her written statement would impact the Board's decision, especially if she did not come back to the next meeting. Mr. Van De Wiele stated that the statement would impact the case in the same manner as Ms. Malone were standing in person before the Board.

Comments and Questions:

None.

Board Action:

On **MOTION of BACK**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) to **CONTINUE** the request for a Special Exception to allow two carports in the street setback area in the R District (Section 90.090-C.1); Variance to allow a non-all-weather off-street parking area (Section 55.090-F); Variance to allow a fence and structures within the street right-of-way (Section 90.090) to the May 23, 2017 Board of Adjustment meeting; for the following property:

N/2 SE NE SW LESS W30 FOR ST SEC 10 19 14 4.77ACS, FAMILY WORSHIP CENTER EXT, City of Tulsa, Tulsa County, State of Oklahoma

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UNFINISHED BUSINESS

22225—Stanton Doyle

Action Requested:

Verification of spacing requirement of 300 feet from any public park, school or religious assembly use and the public entrance doors to not be located within 50 feet of any R-zoned lot to permit a jazz club in the CBD District (Section 40.050-A).

LOCATION: 108 North Detroit Avenue East (**CD 4**)

Ms. Back disclosed that she is a Wallace Engineering employee and this particular project as a whole is a Wallace Engineering project. This is not her project and that she is not involved with this application in anyway. This is a spacing verification and she will not be making the motion and she will not second the motion. Mr. Doyle had to continue his case the last time because she recused and there was no quorum of three. So Ms. Back announced that she believes that she can be impartial on this particular project.

Presentation:

Stanton Doyle, 3015 East 26th Street, Tulsa, OK; stated the property is located in the CBD District and the property is located on Archer between MLK and Detroit. It is a basement location on the east side of the building and research has shown there is no public park, school or religious assembly within 300 feet, and the CBD District addresses the R zoned lot issue.

Mr. Van De Wiele asked Mr. Doyle to confirm there are no R zoned lots within 50 feet of the proposed project. Mr. Doyle answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed jazz club/bar subject to the action of the Board being void should another conflicting use be established prior to this jazz club/bar; for the following property:

ALL LTS 3 & 4 & SLY46 LTS 2 & 5 & SLY 146 VAC ALLEY BLK 43, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22229—A-Max Sign Company

Action Requested:

Variance to permit a dynamic display sign to be located within 200 feet of the R District (Section 60.100-F). **LOCATION:** 5626 South Mingo Road East **(CD 7)**

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated the commercial lots along Mingo are 200 foot deep and with the setback of 53 feet from the centerline that places the sign a little bit under the 200 foot spacing requirement. Mr. Ward placed an exhibit on the overhead screen showing how the viewing angle of the LEDs would affect the surrounding properties. Impact to the residential area would be minimal.

Mr. Van De Wiele asked Mr. Ward if the sign was taller or shorter than the building. Mr. Ward stated the sign is shorter than the building. Mr. Van De Wiele asked Mr. Ward if the sign was shorter than the building to the north and the building to south as well. Mr. Ward answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) to **APPROVE** the request for a

Variance to permit a dynamic display sign to be located within 200 feet of the R District (Section 60.100-F), finding the hardship to be the depth and the setback of the lot per conceptual plan 7.10 of the agenda packet. The Board finds 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 3 BLK 1, WOODLAND VIEW PARK EAST, ANDERSEN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22236—Millenia Housing Development – Andrew Bailey

Action Requested:

Variance to reduce the required parking to 572 parking spaces for an apartment complex (Section 55.020). **LOCATION:** NW/c of South Owasso Avenue East and East 60th Street South **(CD 9)**

Presentation:

Nathan Wireman, 368 County Road 3520, Clarksville, AR; stated he is speaking on behalf of Millenia Housing Development and is with American Preservation Builders. American Preservation Builders are currently performing a large rehab on the subject property.

Mr. Van De Wiele stated that he did go back and watch the TGOV replay of the last Board of Adjustment meeting, and he asked Mr. Wireman if he was adding any units to the complex. Mr. Wireman answered no. Mr. Van De Wiele asked Mr. Wireman if they were building anything new. Mr. Wireman answered no. Mr. Van De Wiele asked Mr. Wireman if they were subdividing any of the units. Mr. Wireman answered no. Mr. Wireman stated that everything will be as it was. Mr. Van De Wiele asked Mr. Wireman

if the project was strictly updating the complex. Mr. Wireman answered affirmatively. Mr. Van De Wiele stated that he understands this request is because there is an over abundance of parking and the request was primarily due to the lender. Mr. Wireman answered affirmatively.

Mr. Van De Wiele asked Mr. Wireman how long the complex had been in existence. Mr. Wireman stated that it has been there since the mid-70s.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION of BACK**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) to **APPROVE** the request for a Variance to reduce the required parking to 572 parking spaces for an apartment complex (Section 55.020), per conceptual plan 8.8 in the agenda packet. Finding the hardship to be that the literal enforcement of the subject zoning Code provision is not necessary to achieve the provision’s intended purpose. The Board finds 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:

PRT LT 1 & PRT VAC ST BEG MOST SELY COR TH W225 N630.70 E237.96 S TO PT TH ON CRV RT TO PT TH S550.70 TH ON CRV RT 39.21 POB BLK 1; PRT LT 1 & PRT VAC ST BEG MOST SWLY COR TH ON CRV RT 39.33 N550.70 TH ON CRV RT 39.21 W TO PT N30 E700 S630.70 W650 POB BLK 1, BROADVIEW HGTS 2ND

ADDN RESUB B2-4 BROADVIEW HGTS ADDN, BROADVIEW HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22231—Judy Pankey

Action Requested:

Special Exception to permit a Public, Civic, and Institutional/Religious Assembly use in THE RS-3/OL District (Section 5.020); Variance to allow a parking area within the required street building setback (Section 40.320). **LOCATION:** 2607 & 2615 North Rockford Avenue East (**CD 1**)

Presentation:

Judy Pankey, 2607 North Rockford Avenue, Tulsa, OK; stated she is the Trustee President of St. Luke Baptist Church. The church would like to construct a building on the property that was formerly 2615 North Rockford Avenue but has now been combined with 2607 North Rockford Avenue.

Mr. Van De Wiele asked Ms. Pankey where the building would sit in relation to the church building property. Ms. Pankey stated it is directly north of the church building and they will be separated by a parking lot.

Mr. Van De Wiele asked Ms. Pankey if there would be parking in front of the educational building on Rockford Avenue. Ms. Pankey answered affirmatively and stated two of the four spaces will be handicapped parking. On the south side of the building there is also parking.

Interested Parties:

Joyce Brown, 2511 North Quaker, Tulsa, OK; stated on behalf of St. Luke Baptist Church, the Pastor, the members and the founders of the church she would like to thank the Board for the opportunity to present and humbly request the Board's favor on St. Luke Baptist Church to build a classroom with parking. The expansion is to advance God and His Holy Spirit and Kingdom of Heaven. This expansion will turn a depressed community to one of new hope and life.

Mr. Van De Wiele asked Staff about the parking for the church. Mr. Wilkerson stated the handicapped spaces do not necessarily have to be at the front door. As the applicant goes through the design process the choice could be to add handicapped spaces on the existing parking lot next door because there are other issues with the site plan, i.e., landscaping. With the approval of the use and to make it consistent with the Ordinance details can worked out in the final design.

Ms. Pankey came forward and stated the church does not need the handicapped parking to be where it is designated on the conceptual site plan because the church does have other handicapped parking spaces.

Comments and Questions:

None.

Board Action:

On **MOTION of BACK**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) to **APPROVE** the request for a Special Exception to permit a Public, Civic, and Institutional/Religious Assembly use in THE RS-3/OL District (Section 5.020) and to **DENY** the request for a Variance to allow a parking area within the required street building setback (Section 40.320), subject to conceptual plan 10.11 less the parking layout in front of the building on the west side of the building. The Board finds that the requested 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 8 BLK 4; LTS 9 & 10 BLK 4, APACHE PLACE ADDN, MARTIN ROLL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22234—Mazan Jabr

Action Requested:

Special Exception to allow for a bar/hookah lounge within 150 feet of the R District (Section 15.020-G); Verification of the 300 foot spacing requirement for a bar from public parks, schools, other bars and religious assemblies and the public entrance doors 50 feet from an R-zoned lot (Section 40.050). **LOCATION:** 7116 South Mingo Road East, Suite 107 **(CD 7)**

Presentation:

Mazan Jabr, 7116 South Mingo Road, Suite 107, Tulsa, OK; stated the other bar located in the shopping center is 305 feet away.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION of BACK**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting

use be established prior to this bar. I move to **APPROVE** the request for a Special Exception to allow for a bar/hookah lounge within 150 feet of the R District (Section 30.010). The Board finds that the requested 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 2 LESS BEG NWC TH E79.69 S12 W79.69 N12 POB BLK 1,WEMBLEY STATION, LIFESTYLES LIGHTING SHOWROOM, WOODLAND SPRINGS I PRT RSB WOODLAND SPRINGS, WOODLAND SPRINGS CENTER, City of Tulsa, Tulsa County, State of Oklahoma

22237—W Design – Weldon Bowman

Action Requested:

Variance to allow the square footage of an accessory building to exceed 40% of the principal structure to permit a 2,375 square foot accessory building (Section 45.030). **LOCATION:** 6319 & 6323 East 119th Street South **(CD 8)**

Presentation:

Weldon Bowman, W Design, 815 East 3rd Street, Suite C, Tulsa, OK; stated the request is allow the accessory building to exceed the 40% and go up to approximately 50%. The square footage for the existing structure is 4,779 square feet and the accessory building will be 2,375 square feet. The square footage does include the garage.

Mr. Van De Wiele asked Mr. Bowman if the lots were combined. Mr. Bowman answered affirmatively.

Mr. Bowman stated he was the architect on the original residence and has been the architect for all the homes in the neighborhood including all the commercial lots and the retail in the entire development. He is very familiar with the integrity and design of the neighborhood. The design of the subject house was geared more to a courtyard design that would open to the adjacent lot. When his client purchased the house his intention was to always add onto the house, but going through the initial design process it was discovered that he cannot add onto the house because of a large utility easement that runs between the two lots. Mr. Bowman stated that he has met with the City of Tulsa and the utilities to find a way to attach the proposed structure but he was told that it would be denied.

Mr. Van De Wiele asked Mr. Bowman if the utilities were actually in the easement. Mr. Bowman answered affirmatively and stated there is a very large sanitary sewer line that runs through the property that services the entire neighborhood.

Mr. Bowman stated the developers for the entire development, which are also the architectural design committee, have approved the proposed design. The reason his client exceeds the allowable 40% is because he now has to have a detached structure.

Mr. Van De Wiele asked Staff if the wall shown on the conceptual site plan is not considered a connecting factor. Mr. Wilkerson stated that the wall is considered a screening wall not a building structure.

Mr. Bowman stated the proposed structure will not have a kitchen and it will not be a rental property. The proposed structure will architecturally match the existing structure.

Mr. Van De Wiele asked Mr. Bowman if he or his client had visited with the neighbors. Mr. Bowman stated that no one has expressed any concerns over the project.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) to **APPROVE** the request for a Variance to allow the square footage of an accessory building to exceed 40% of the principal structure to permit a 2,375 square foot accessory building (Section 45.030). Finding the hardship to be the utility easement. The approval will be per conceptual plans 13.9, 13.10 and 13.11 in the agenda packet. The approval is subject to the following conditions that the separate structure will not be used for a rental separate from the primary residence and the architectural features are to be similar to the existing structure. The Board finds 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:

LOT 5 BLOCK 5; LOT 6 BLOCK 5, CRESTWOOD VILLAGE, City of Tulsa, Tulsa County, State of Oklahoma

22240—Robert Moser

Action Requested:

Variance to allow aluminum siding on the south and east elevation of the proposed retail/commercial building in the CS/RDO-3 District (Section 20.050). **LOCATION:** North of the NE/c of Riverside Parkway and South Delaware Avenue East **(CD 2)**

Presentation:

Michael Mellinger, 3000 Alta Mesa, Boulevard, Fort Worth, TX; stated he is the property owner of the subject property. Mr. Mellinger stated that he has been here before and if he had known then that today's request would have been needed he would have addressed it at that time, but he was not aware the material he was intending to use is technically classified as aluminum siding. Mr. Mellinger presented the Board with a sample of the siding he would like to use in the proposed project and also presented pictures of completed projects using the sample presented. His company is held to a standard within AT&T guidelines and he has built the same building numerous times before. From a practical standpoint the product he wants to use is about double the cost as brick and about double the cost of stucco. The product is a very good stable product and has a good warranty.

Mr. Van De Wiele asked Mr. Mellinger about the finish on the sample. Mr. Mellinger stated that product interlocks and the finish is a factory finish. Mr. Mellinger stated the presented product will be used on the front of the building and it will wrap around the corner of the building, and on the other side of the building it will be used as an accent.

Mr. Mellinger stated that during the final review he was told technically any aluminum siding is not allowed, and the proposed product is still classified as aluminum even though he thought it was steel. That is why he is before the Board requesting the Variance.

Mr. Van De Wiele asked Mr. Mellinger if the building was located in the River District Overlay. Mr. Mellinger answered affirmatively.

Mr. Wilkerson stated that when everyone was discussing the different type of siding materials and what was appropriate versus what was not appropriate along the river corridor, the discussion was more about quality than it was trying to design a specific standard look. The three products that were prohibited are thin gauge aluminum residential style siding, vinyl siding and EFIS. Everyone was fully aware when there

might be times when architectural grade building clad products might come through but they did not want to write a spec that was product specific. Mr. Wilkerson stated the presented product is fine in regards to the quality discussions that were had but it is an aluminum siding product.

Mr. Van De Wiele stated that he had no problem with the presented product and he asked Mr. Wilkerson for a possible hardship for the case presented. Mr. Mellinger stated he has used the product a dozen times and it is a phenomenal product and it is becoming more a standard in commercial buildings.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; Bond, White absent) to **APPROVE** the request for a **Variance** to allow aluminum siding on the south and east elevation of the proposed retail/commercial building in the CS/RDO-3 District (Section 20.050). Finding the hardship to be the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose. The approval is per the conceptual booklet submitted at today’s meeting, May 9, 2017. The Board finds 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:

PRT LT 2 BEG 307.60W &154.61SE NEC LT 2 TH SE68.55 SW246.24 CRV RT
202.68 E269.21 POB BLK 1, QUIKTRIP COMMERCIAL CENTER #96, City of Tulsa,
Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

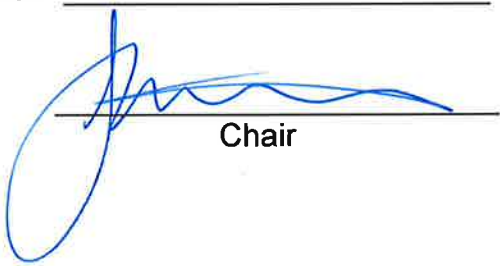
None.

BOARD MEMBER COMMENTS

The Board wishes David White a speedy recovery.

There being no further business, the meeting adjourned at 2:10 p.m.

Date approved: 5/23/17



Chair