

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1195
Tuesday, November 7, 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 Bond Ross	Back	Miller Moye Sparger Ulmer	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, November 2, 2017, at 12:28 p.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 **FLANAGAN**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Back absent) to **APPROVE** the **Minutes** of the October 10, 2017 Board of Adjustment meeting (No. 1193).

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present at this time, Ms. Back is home ill today. Any motion will still require an affirmative vote of three of the remaining four members. When there is less than a full Board the Board will entertain a request to continue agenda items to a later meeting date, at which all five members of the Board can be present. There is not a second meeting in the month of November and the next meeting will be December 12th. 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. The audience nodded their understanding and no one came forward to request a continuance.

Mr. Van De Wiele announced there is a new Board member present today, Ms. Briana Ross. Mr. David White has retired after multiple decades on the Board of Adjustment. Welcome to Ms. Briana Ross.

UNFINISHED BUSINESS

22332—Ryan Strode

Action Requested:

Variance to allow more than a 25% coverage in the rear setback; Variance to allow a detached accessory building to exceed one story, exceed 18 feet in height and 10 feet at the top of the top plate; Variance to increase the permitted size of a detached accessory building to 2,070 square feet (Section 45.030). **LOCATION:** 214 East Woodward Boulevard South (**CD 4**)

Presentation:

Ryan Strode, 4329 East 56th Place, Tulsa, OK; stated that since the last meeting the drawings have been revised again. The ridge height has been reduced to a total height of 22 feet, the building has been revised from a four-car garage to a three-car garage, the building width has been reduced to 45'-2", and the structure has been moved 4'-6" farther to the east with a proposed concrete pad on the east side of the building near the property line to allow for the fourth parking space his client requires. The total square footage of the building has been reduced to 1,885 square feet which is 60 square feet above the allowable but down from 2,070 square feet.

Interested Parties:

Brad McGill, 222 Woodward Boulevard, Tulsa, OK; stated he is the neighbor to the east of the subject property. This is the third time the Board has heard arguments concerning the Variances requested. The neighbors continue to have problems with the Variances, especially the size of the structure. The neighbors attempted to get together with the Barnes' to talk about the project, but Mr. Barnes may tell the Board the neighbors would not meet with them. This is not true. On November 5th he reached out to Leslie Barnes to see if they could meet that Friday or Monday, and she said they could meet Friday but not Monday. Unfortunately, the neighbor's attorney could not meet that Friday and it was suggested through e-mail that they meet Tuesday, but there was no response to the e-mail. On November 1st Mr. Barnes contacted the neighbor's attorney and stated he was waiting on his architect's revised plans. The next afternoon the revised plans were received and are being presented today. Disappointingly the revised plans only reduced the structure 6% which is not a significant difference, so the neighbors had no choice but to continue their opposition which is why we are here today. The neighbors suggested to Mr. Barnes that the structure be reduced by eight

feet to bring the structure into compliance and e-mailed a picture of a garage that they might want to consider noting there were several other pictures of garages that they may find helpful. Mr. Strode stated that he has reduced the size of the garage, which is true, but it is still above the 1,825 square feet which is allowed so it is still out of compliance. The architect stated the proposed four-car garage has been reduced to a three-car garage which is true, but the three-car garage is almost as big as the four-car garage because he has expanded the size of the car bays. The original four-car garage was 36'-10" wide, the revised three-car garage is 34'-0" for a reduction in width of less than three feet. Mr. Barnes has stated that the wider three-car garage is needed to provide adequate door openings to accommodate the tight turn area for entry and exit of the garage. Mr. McGill stated that by reducing the east end of the garage another five feet will improve the entry and exit of the garage, and bring the garage into compliance. Mr. McGill presented an exhibit to substantiate his point. An additional Variance the neighbors have always had a problem with is the 16-foot top plate at the rear of the structure, which has not been reduced. The 16 feet is 60% greater than the 10-foot height the Code allows. Mr. McGill stated he wants to be a good neighbor and he wants the Barnes to have a nice garage, but the original plan was too far out of compliance. After two revisions the footprint has only been reduced 6% and is still out of compliance. Therefore, based on the plan before the Board he would respectively ask the Board to not approve the Variances.

Larry Brumbaugh, 204 Woodward Boulevard, Tulsa, OK; stated he lives immediately west to the subject property. Mr. Brumbaugh stated the concerns he has is the overall size of the structure which is about 220% larger than what exists today. Mr. Brumbaugh stated that he also has concerns about water runoff, soil runoff, and the drainage runoff by the new structure. The new structure is 70% larger in roof area than what exists today on the subject property. The current garage is approximately 20'-0" x 20'-0" with a workshop of approximately 10'-0" x 20'-0" which is about 600 square feet. In addition, Mr. Barnes new plan wants the neighbors to consider him extending the concrete pad all the way to the west property line where currently one does not exist all that way. Mr. Brumbaugh stated that he is speaking on behalf of the Lowery's and himself. Mr. Lowery is a commercial contractor and he is a mechanical engineer by education and profession, previously working for the Army Corp of Engineers in the hydraulic section so he understands and has a good grasp of water flow and how to mitigate it. Mr. Brumbaugh stated that Mr. Barnes plan does not effectively address water runoff management and has not included any specific provisions for inground drainage, catch basins or physical diverters to collect and route the water that will be seen as an increase. The addition will cause 70% more water to go downhill. Mr. Barnes sent an e-mail to Mr. Schuller that stated he planned on diverting the water to the south toward Mr. Lowery's property by sloping the concrete pad in that direction. Mr. Barnes confirms in his e-mail that the water flows from his yard toward and in between the two garage areas to the west of his property. Mr. Brumbaugh had pictures placed on the overhead projector to explain the water runoff situation that will happen stating the water runoff will be detrimental to his and Mr. Lowery's property. Mr. Brumbaugh stated that he already experiences runoff and soil coming from Mr. Barnes property to inside his back gate, which is about nine feet away. Mr. Barnes tried to categorize at the last Board

meeting that this area was associated with an excavation that the City was performing. The City was doing the excavation along the property line which is at least 17 feet away from his back gate. Mr. Brumbaugh placed photos on the overhead projector depicting his retaining wall that exists on the east side of his house and the relationship with Mr. Barnes sprinkler system. Mr. Brumbaugh acknowledged that the Board may not address water drainage and mitigation patterns, however, he believes it is pertinent to this Board and vital to the neighboring property owners. Mr. Brumbaugh stated that if this plan is approved and constructed as shown the resulting increased water runoff will be injurious to his and Mr. Lowery's property. Mr. Brumbaugh stated that he and the neighbors remain opposed to the proposed plan.

Stephen Schuller, 1100 OneOk Plaza, 100 West 5th Street, Tulsa, OK; stated that what has not been shown are any of the requisite criteria for the grant of the requested Variances. Mr. Schuller stated that the physical surroundings of this property, the shape of this property, the topographical conditions do not result in an unnecessary hardship or practical difficulty. The conditions that lead to the requested Variances are not unique to the subject property but are applicable generally to all properties in the area in that zoning classification. The Barnes have argued in previous meetings that they need more space, more living area beyond the house they already have, and they have a desire for a four-car garage which is now a three-car garage with extra parking. Just because there are other houses in Maple Ridge that have garage apartments upstairs or just because there are some, but not all, other houses in Maple Ridge that have three-car garages does not mean a hardship related to the physical characteristics of the subject property. The subject property exceeds the minimum lot area of the neighborhood by more than 40%. It is wider than the minimum lot width by a full one third. There is no unusual steep slope or topographical feature on the subject lot. The literal enforcement of the Zoning Code provisions, in this instance, are indeed necessary to achieve their intended purposes to provide the increased separation of structures from lot to lot and the increased open space in the lots provided by RS-2 zoning. Limiting the applicants to covering a full 25% of their rear yard is more than sufficient for their purposes on a lot as large as the subject property. The setbacks mandated by the Zoning Code already permit a three or four car garage. The Variances requested are not the minimum Variances that will afford relief. The applicants do not need Variances to build a one-story garage with attic storage or even a garage with an upstairs apartment plus storage that complies with the Zoning Code's height and building square foot limitations. The proposed Variances will alter the essential character of the neighborhood. They will permanently impair the use of the adjacent properties. The 45-foot garage will basically cover a good half of the back property, so the proposed Variances do impair the spirit, purposes, and intent of the Zoning Code. Mr. Schuller stated that his clients request that all the Variances be denied or if they are granted, if the Board finds the hardship as required, there should be substantial conditions imposed to protect the neighbor's properties.

Rebuttal:

Carl Barnes, 214 Woodward Boulevard, Tulsa, OK; stated that there were e-mails sent back and forth but a meeting time could never be agreed upon. Mr. Barnes stated the

neighbor's requirements reduced the proposed garage and living quarters which would be significantly smaller than what he had initially proposed. Mr. Barnes stated that he has cut another three feet off the width of the structure, most of which is in the 25-foot setback, so now he is even closer to the 25%. As to the Variance of height, he has lessened the roof line on the front part of the structure thus bringing down the top ridge of the new structure. Mr. Barnes stated the entire structure has been moved over 4'-6" thus moving away from the western portion of the property line so there is such a towering over influence. The moving of the structure was made to accommodate the Brumbaughs, so he feels he has compromised. As to privacy, the plan does not provide for a window on the west side because the neighbors were concerned about their privacy and he believes the privacy issue is an imagined objection. As to the water issue, he believes this is also an imagined objection because it is 45 feet from the weeping drain on the north side to the area where the sprinkler is located. Mr. Barnes stated that he compromised lowering the height of the structure cutting off about 85 square feet in the inside, he has cut off three feet in the width trying to eliminate some of the height appearance from the neighbors, and he has moved the structure away from the property line as a compromise. Mr. Barnes stated the reason a person has a hardship is because you are not able to build a structure that is within the Code the way the property is, and believes there is a hardship because of the way the lot has been used since 1927 which is not self-imposed. Mr. Barnes stated he is probably within 1% of the ratio of the structure to the house to be in compliance with the Code and not need a Variance. Mr. Barnes stated there is a plan to expand the house on the east side and then he would be 2% under the requirement of the Code if that project had been done first. Mr. Barnes thinks he has compromised significantly and the request is reasonable.

Mr. Bond asked Mr. Barnes what the height of the proposed structure is. Mr. Barnes stated that it is 22 feet and the existing structure is 18 feet which is only a four-foot difference.

Ms. Ross asked Mr. Barnes if the proposed parking pad would cover an easement. Mr. Barnes stated it would be on a construction easement, and he understands from Mr. Strode that a person can place a parking surface on that easement, but it would be subject to removal for any repairs.

Comments and Questions:

Mr. Bond thinks the applicant has made some concessions, but he does take issue with the hardship. In the packet there are five or six homes that have been approved unanimously in this neighborhood. The fact that the house was built decades before the first Zoning Code in Tulsa was implemented makes that unique. This neighborhood was not built to look uniform in fashion such as neighborhoods were built in the 1950s, 1960s, 1970s and 1980s. Because of that he believes that is a hardship and does not think that four feet is going to be that great. This is, more often than not, what is seen in this neighborhood and it is the character of that neighborhood. Mr. Bond thinks that a lot of the problems are exacerbated by the two home owners that are being heard from, and those houses are even very different from this neighborhood.

Mr. Flanagan stated that he has gotten the feeling that the neighbors were going to object to whatever it was. Mr. Flanagan stated that he does not have a problem with this request.

Ms. Ross stated that she does not have a problem with the height as much as she does with the size. She is having a hard time seeing why it is necessary to have that large of a structure. A three-bay garage with a workshop is essentially a four-car garage.

Mr. Bond stated that of the other garages there is one or two things. Enormous garages that were originally built in the neighborhood were built to have teams of horses in, and there are garages that are unusable because they were built for Model T's. There are multiple three-car garages in the neighborhood and this proposal is less than 1% in size. He does not see that the granting of this request would be a departure of what the Board has done in the past.

Mr. Van De Wiele stated that he is frankly surprised that as close as they have gotten this to being to a situation that a Variance is not needed that they didn't try to get under that amount. Likewise, if there is a plan to add onto the house that would have raised the threshold such as the applicant would not have a need for the Variances, he does not understand why they were not ordered in a different way. Mr. Van De Wiele does not think any of the Variances independently of one another has much of an issuance. Mr. Van De Wiele stated the Board has found hardships in these older neighborhoods where garages are needing to be replaced. Mr. Van De Wiele stated that his biggest concern is that when you start stacking the Variances on top of one another you end up with a fairly large structure. The top plate issue in the back is imposing the height more on the neighbors than it is on the subject property; in effect putting the centerline of the building closer to the rear.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) to **APPROVE** the request for a Variance to allow more than a 25% coverage in the rear setback; Variance to allow a detached accessory building to exceed one story to allow two stories, exceed 18 feet in height to allow 22 feet and exceed 10 feet at the top of the top plate to allow 13'-1"; Variance to increase the permitted size of a detached accessory building to 1,885 square feet (Section 45.030), subject to the conceptual plan submitted in today's hearing. The Board has found the hardship to be that the house was built prior to the Zoning Code in the City of Tulsa. The approval is subject to the following conditions: the rear (south) window is to be opaque. 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:

E 50 LT 1 W 50 LT 2 BLK 4, SUNSET PARK AMD, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22349 – Izael Quezada

Action Requested:

Variance of the minimum lot width for a detached house in an RS-3 District to allow a lot split (Section 5.030). **LOCATION:** 2109 West Easton Street North (**CD 4**)

Presentation:

The applicant was not present. Mr. Van De Wiele moves this case to the end of the agenda to allow time for the arrival of the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time; for the following property:

BEG 30N SECR OF W21.18 A LT 2 N ON EL 140 W120 S140 E120 POB SEC 3 19 12, IRVING PLACE, City of Tulsa, Tulsa County, State of Oklahoma

22350—KKT Architects

Action Requested:

Variance of the building setback along South Utica Avenue in the IM & OL Districts from 10 feet to 0 feet (Section 15.030, Table 15-3). **LOCATION:** 815 South Utica Avenue East (**CD 4**)

Presentation:

Nicole Watts, KKT Architects, 2200 South Utica Place, Tulsa, OK; stated last month the Board approved the use of this center in the CH District on the corner of 11th and Utica. For whatever reason everyone missed the fact that there four zoning classifications on this property. Two of them on the north side have a building setback. The design has always been with the building in the front and parking in the back. The Variance will be for the OL portion and part of the IM portion.

Ms. Miller stated this is consistent with the small area plan for this area to build up to the street.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) to **APPROVE** the request for a Variance of the building setback along South Utica Avenue in the IM & OL Districts from 10 feet to 0 feet (Section 15.030, Table 15-3), subject to conceptual plan 4.13 in the agenda packet. The Board finds the hardship to be the multiple zoning on similar properties. 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 1 BLK 1; LTS 1 THRU 4 & VAC UTICA PL ADJ ON E LESS BEG SWC LT 1 TH N200 E40 S160.92 SE8.49 S13.96 SE17.04 E76.80 NE7.07 S12 W140 POB FOR ST BLK 2, FARMER'S SUB L16 B3 CLOVER RIDGE ADDN, TULSA RECREATION CENTER FOR THE PHYSICALLY LIMITED, FERRELL ADDN L15 B3 CLOVER RIDGE ADDN, CLOVER RIDGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22353—Joseph Hull

Action Requested:

Spacing Verification for a liquor store in CBD (Section 40.300) from plasma centers, day labor hiring, bail bond offices, other liquor stores, and pawn shops.

LOCATION: Northeast corner of South Elgin Avenue East and East 11th Street South (**CD 4**)

Presentation:

The applicant was not present.

Mr. Van De Wiele stated the Board has a map and an index of uses depicted on pages 5.9 and 5.10, the Board will act upon this request.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing to permit expansion of the existing liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store as shown on pages 5.9 and 5.10; for the following property:

PRT LT 1 BEG 236.02W SECR THEREOF TH W184.40 NWLY CRV RT 204.73 NW124.97 E300.19 NE153.95 S233.28 W46.78 S42.89 POB BLK 1, HOME DEPOT

NORTH TULSA, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22354—Thad LeClair

Action Requested:

Special Exception to build a carport in the street setback of a R District (Section 70.120). **LOCATION:** 3210 South Cincinnati Avenue East (**CD 9**)

Presentation:

James LeClair, 24 Burnham Lane, Plains, Montana; stated the house was built in 1939 and the existing driveway is 18 feet long and five feet from the property line to the east. He would like to place the carport on the north and west side of the house. The property borders Crow Creek and there is a bridge abutment so there is no parking on the street. When the building was built the former owners had a shed and a parking space in the rear of the house, but it is in the flood plain. Mr. LeClair stated there are several carport structures in the neighborhood.

Mr. Van De Wiele asked Mr. LeClair if he was placing the carport on the left or right side of the picture on page 6.8. Mr. LeClair stated that the carport will be placed on the left side of that print because he has already been approved for a circular driveway, and the old driveway will be removed.

Mr. Van De Wiele asked Mr. LeClair if the picture on page 6.10 was indicative of the type and of the materials that are going to be used. Mr. LeClair answered affirmatively.

Mr. Flanagan asked Mr. LeClair to explain the orientation of the carport as shown on page 6.19, because it appears the carport is in the middle of the yard. Mr. LeClair stated the carport will be placed as close to the house as possible, probably within six feet of the house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) to **APPROVE** the request for a Special Exception to build a carport in the street setback of a R District (Section 70.120), subject to conceptual plan shown on pages 6.9 noting that the carport will be placed closer to the house. The carport will be of similar look and materials of the cedar garage shown on page 6.10. 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:

S.106 OF LT 8,3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele stated that agenda item #7 has been withdrawn so the Board will not be taking any action on this item.

22356—Bridgette Staub

Action Requested:

Appeal a denial from the Historic Preservation Commission to replace six windows (Section 70.070-L), **LOCATION:** 1710 South Trenton Avenue East (**CD 4**)

Mr. Van De Wiele announced that typically in these appeal cases the Board hears from the administrative official first, so the Board can hear why the request was denied then the applicant will be allowed to come forward to make their presentation.

Presentation:

Roy Malcolm Porter, Historic Preservation Officer, City of Tulsa and staff for the Tulsa Preservation Commission, 175 East 2nd Street, Suite 570, Tulsa, OK; stated as Section A.4.5 of the Unified Design Guideline states, whenever the replacement of a deteriorating window is necessary the replacement should match the historic windows with regard to the sash, size, shape, pattern, muntins, location, decoration and tint. The Commission is especially attentive to every detail, particularly with residence located at 1710 South Trenton Avenue as it was identified as a contributing resource to the Swan Lake historic district during preparation of the nomination for the national register of historic places. Mr. Porter referred to correspondence that was directed to the applicant and requested by the applicant, and prepared at the request of the Tulsa Preservation Commission. The correspondence outlined the rationale of the failure of the windows presented as replacements to match in every regard of the prescription in the guidelines. The Tulsa Preservation Commission was especially concerned that the profile of the muntins failed to match those on five of the existing windows, and that the window presented for a replacement on the first story, which is the picture window, which is flanked by two strips of windows. The window presented for replacement did not match whatsoever and had a different configuration of panes, and it failed to address the guidelines. Mr. Porter stated that the Preservation Commission strives to accommodate owners so, whatever its ambivalence about vinyl windows would have been prepared to accommodate this request had the muntins precisely matched those as required, and had the window on the first story matched the existing window.

Mr. Van De Wiele asked Mr. Porter if the windows have been replaced. Mr. Porter answered no. Mr. Van De Wiele asked Mr. Porter what the request stated for replacement windows. Mr. Porter stated that request for replacement is vinyl windows. Mr. Van De Wiele asked Mr. Porter if the objection was the materials or the look of the replacement windows. Mr. Porter stated that it is actually the match and stated that Mr. Craddock can comment more fully about the approach of the selection of material. Mr. Porter stated that the Commission was informed that the applicant had already purchased the windows, so the Tulsa Preservation Commission was prepared to accommodate the owner provided that certain conditions, particularly the more precise match of the elements be met, and the windows selected for the first story did not match and were an entirely different configuration.

Mr. Van De Wiele stated that it appears, looking at page 8.6, that the existing windows on the upper floor appear to be six over six windows, and what the Board just saw was a six over six windows. Mr. Van De Wiele asked Mr. Porter to educate the Board on the differences. Mr. Porter stated the configuration matches. The pattern matches but there is an absence of detail which is necessary for a full match which is required by unified design guidelines. Mr. Van De Wiele asked Mr. Porter what detail is in the existing windows that is not in the replacement. Mr. Porter stated that it is the profile of the muntins. The muntins are the elements that separate the panes of glass. There is a requirement that the profile match as closely as possible, and that is in the guidelines.

Mr. Bond asked Mr. Porter it is to match to what? Mr. Porter stated that it is to match the profile of the muntins. It is not simply that the pattern matches but that the profile of the muntin itself matches.

Mr. Bond asked Mr. Porter if it was the Commission's profile or if it was the profile of the home's existing profile. Mr. Porter stated that it is the profile of the existing home. Mr. Bond asked Mr. Porter to describe the muntin profile depicted on page 8.20. Mr. Porter stated that muntin has is less pronounced and has less contour. Mr. Bond asked Mr. Porter if he would say that is a historic window. Mr. Porter stated that it is certainly old enough to be historic. Mr. Bond asked Mr. Porter to define historic. Mr. Porter stated that historic would be usually any age of 50 years or older.

Ms. Blank stated that if the Board would look at page 8.22 it depicts looking at the window from the outside and page 8.20 is looking from the inside outward.

Mr. Porter stated the issues of matching the exterior muntins.

Mr. Van De Wiele stated that on page 8.10 it states, "the replacement should match the historic windows in regard to sash, size, shape, pattern of muntin", so is the Commission equating pattern and profile to be one in the same. Mr. Porter stated that it is implicit that it is not just the pattern or not just matching a configuration.

Mr. Van De Wiele asked Mr. Porter if the pattern was the six over six. Mr. Porter answered affirmatively, but implicit is that the person is going to match the profile as

well. That is practiced in preservation. A person would not match just the configuration, you would strive to match the profile as well.

Mr. Van De Wiele asked Mr. Porter if the language on pages 8.4 and 8.5 pattern or is it profile. Mr. Porter stated the guideline is stated and indicates pattern, but coupled with the guideline and implied by best practices is that the profile would be matched as well. A person would not simply match pattern without matching profile.

Mr. Bond asked Mr. Porter if the picture on 8.26 was the inside or the outside of the window. Mr. Porter stated that it appears to be the outside. Mr. Bond asked Mr. Porter to describe what the contour and profile of the muntin depicted is. Mr. Porter stated the horizontal element of the window is a muntin and the profile is a raised profile with an inclined slope that creates a ridge.

Ms. Ross asked Mr. Porter if the Commission was aware of any existing windows that do match the profile under discussion? Ms. Ross stated that she knows it is not the Commission's job to find them for the applicants, but are there windows available to the applicant for purchase that would match the profile. Mr. Porter stated that as the Commission was informed, Window World of Tulsa would have been prepared to provide muntins which could be affixed to the exterior but there would have been an additional fee.

Mr. Bond asked Mr. Porter if he believed the existing windows are original to the house, including the picture window. Mr. Porter stated that it is possible. Mr. Bond asked Mr. Porter if the goal was to return the house back to its original condition or return the house to an intermediate condition during a remodel in the 1970s. Mr. Porter stated that the existing windows are available, so the present objective is to match the existing windows. If a person wants to restore the residence to a former appearance a person could certainly pursue that direction but there would have to be documentation, i.e., a photograph. The restoration could not be based on conjecture. Mr. Bond stated that what he sees is that the Commission wants to return it to the last renovation, not necessarily the original house. Mr. Bond asked if doesn't the Commission have an idea, in this historic neighborhood, when the house was built and the era in which they want the house to conform to? Mr. Porter stated the Commission has the evidence of the existing windows, that was the applicant's objective and the Commission was ready to accept the replacement that would match the existing windows.

Mr. Van De Wiele asked Mr. Porter if the issues are truly just the profile of the muntins. Mr. Porter stated that it is on those windows proposed for replacement on the first story, but they did not match because they are a completely different configuration.

Mr. Van De Wiele asked Mr. Porter if there is an image of the large picture window replacement? Mr. Porter stated the applicant presented a specification with an illustration of that window during the review. The illustration as presented had a centrally fixed pane flanked with two strips with ten panes in the two strips rather than a single strip with five panes.

Bridgette Staub, 1710 South Trenton, Tulsa, OK; has illustrations placed on the overhead projector showing what she would like to replace the existing picture window with. Ms. Staub stated the difference is the amount of divisions or muntins on the sides. The proposed window is still in keeping with the same look, it is just a couple more divisions and she prefers that look. Ms. Staub stated that her existing windows are unsafe, they do not lock, some do not open, they have cracks, and the previous owner had blue painters tape along all the edges of almost every single window to keep out bugs. The muntins that are under discussion is the same six over six windows colonial style. Ms. Staub stated the Commission wants her to have an exterior muntin that can be felt, and that cost is \$200.00 per window.

Mr. Bond asked Ms. Staub if the exterior raised muntin can be seen from the street. Ms. Staub answered no, absolutely not; that is her biggest issue with this. Ms. Staub stated that the house across the street from her has the exact same windows that she is trying to get approved. Ms. Staub stated that she walked around the neighborhood and has several other pictures. Ms. Staub stated that she went around the neighborhood taking a booklet showing the existing windows, she explained the issue to them, and she has a petition of 23 names agreeing with her. Everyone wants curb appeal. Everyone wants their house to look better, and that is all she is trying to do. A neighbor told her that her windows, as they are, do not contribute to the historical nature of the neighborhood. Ms. Staub stated that her windows have aluminum storm windows over them and the glazing is cracked and falling off. Ms. Staub stated that she does not want to take away from the historical nature at all, but she cannot afford the windows the Commission wants her to purchase and she thinks it is unreasonable to say she has to pay \$200.00 per window for a vinyl exterior muntin that no one can touch or see.

Mr. Bond asked Ms. Staub what year her house was built. Ms. Staub stated that according to Zillow it was built in 1930. Mr. Bond asked Ms. Staub if she thought the picture window is an original 1930s picture window or if it is more of a 1950s picture window. Ms. Staub stated that she did not know.

Ms. Staub stated that when she was visiting with all the neighbors they told her that they have had problems with Historic Preservation Commission, and they are at a loss of what to do in these situations; a lot of the neighbors told her they just gave up. One neighbor told her it took two years to receive approval for a new window on the side of her house. Ms. Staub stated that she wants to make her house look better and she had no idea she needed approval from the Commission.

Mr. Bond asked Ms. Staub if the Commission provided her with pictures of the windows they wanted her to install. Ms. Staub answered no.

Interested Parties:

Mike Craddock, 8458 South College, Tulsa, OK; stated he is the 2017 Chair of the Preservation Commission and he is a commercial real estate broker. Mr. Craddock stated that he was present when this request was presented to the Commission and he

hopes to correct some mistakes made today. When people purchase a house there is a disclosure, and what the Commission has done historically in dealing with a disclosure is that on an annual basis a postcard is sent out to every property owner that lives in a historic preservation district. The last time the postcard was mailed was in June 2017. The Commission has a website, the disclosure is in the abstract, and this year it has been added to the tax records, so it is there for people to see. These people live in a district that the property owners have said they want to preserve their district at a level that is different from other properties. So, when a person buys and moves into a historic preservation district they know there are different rules and regulations that must be followed, not for one but for the entire district. The Commission wants people to understand what is going on and what the Commission does is fair. The Commission does want to approve and pass the projects that come forth based on the guidelines. Mr. Craddock stated that in this case specifically the Commission tried to come up with a balance. Mr. Craddock believes the manufacturer and the salesperson may be in violation because there was not a repair permit purchased to perform the project. If a repair permit has been issued the Commission would have been notified at the very beginning of the project, and if the process had been followed no one may be here today. The Commission now has to deal with cleaning up an issue that they don't want to deal with, but it is being dealt with judiciously and fairly. Mr. Craddock stated that he is not educated in preservation and he is not educated in design elements, but over the years in dealing with this he has created and developed that a little. A person wants to have a very similar design criterion for the entire neighborhood, so everybody knows what the rules are. The reason the Commission denied this is because we could not come to a compromise with the property owner.

Mr. Van De Wiele asked Mr. Craddock if he knew if the neighbor across the street had a very similar window on their house. Mr. Craddock stated that he cannot answer who has what, when or where. Mr. Van De Wiele asked Mr. Craddock if that scenario was presented at the meeting and it would have been taken into consideration. Mr. Craddock stated that he does not think that was presented at the meeting, but he cannot remember. Mr. Van De Wiele asked if it would have been persuasive if it had been presented to the Commission. Mr. Craddock answered maybe but probably not, because there are rules.

Mr. Bond stated that on page 8.31 it states, "retain and preserve the original historic windows including glazing, trim, muntins and defining details"; the Commission's expert could not tell the Board if the windows are original or not. Mr. Craddock stated that the Commission tries to figure out when the property was built because things do change. Mr. Bond asked Mr. Craddock if he made an administrative determination of the style of the original windows at the Commission's hearing. Mr. Craddock stated that he could not answer that question because he does not know. Mr. Bond asked Mr. Craddock if it was determined that the style of windows was determined to be original. Mr. Craddock stated that he did not remember. The expert stated that he could not tell whether the windows were original or not. Mr. Craddock stated the Commission tries to be fair in a judicious element, and attempt to come up with a compromise so the projects can be

passed. The goal is not to deny, and he thinks the Commission has a good track record in approvals.

Chip Atkins, 1638 East 17th Place, Tulsa, OK; stated he is a property owner of ten houses in Swan Lake; houses that are contributing and houses that are non-contributing. Mr. Atkins stated that he has replaced aluminum windows, vinyl windows, repaired wood windows and muntins are a vital material for a window. A person can tell the difference from a vinyl window with a flat muntin pattern between the glass versus an exposed muntin. The Commission has to look at the house as a whole. The Commission does not nitpick a window, a door or anything. The Commission looks at the age of the house and you assume that everything on that house is the same age of the house when it was done as a contributing house. The subject house is a contributing house. So, the Commission assumes that all the windows are 1930, because there was a professional that looked at the house and did a survey. The Commission had to hire a qualified professional to tell them what is contributing and what is not contributing. The professional can look at the windows tell whether they were non-contributing windows at the time. If they were non-contributing windows the house would not have been a contributing house.

Mr. Bond asked Mr. Atkins if every house in this overlay is a contributing house. Mr. Atkins answered no. Mr. Atkins stated that his own house is a non-contributing house because he added a garage even though the original structure has been untouched. Mr. Atkins stated that Stillwater Bank is a non-contributing structure within the overlay.

Mr. Van De Wiele asked Mr. Atkins if there was anything in the HPC guidelines that lets a homeowner know if their home was or was not a contributing property? If so, if the property is a contributing property is the property held to a higher standard under the HPC guidelines. Mr. Atkins stated that he would not say a higher standard but there are different regulations that contribute what a home owner does if it is a contributing property. Mr. Van De Wiele asked the regulations are specific to windows. Mr. Atkins answered affirmatively.

Mr. Atkins stated there is also a brand-new house being constructed down the street that has a green preservation sign in front of it stating it has been approved by the Preservation Commission. Mr. Atkins stated there have been several preservation signs on the subject street that have been approved. Mr. Atkins stated that Ordinance 7.070F, Standards and Review Criteria, states, "to the degree to which the proposed work is consistent with the guidelines", the subject house does not meet that.

Mr. Van De Wiele stated that he did not know what Mr. Atkins was quoting from. Ms. Blanks stated that Mr. Atkins is reading from the historic preservation section of the Code, and they are the standards that the HP follows when they are making a decision on an application. Ms. Blank stated that the Ordinance says that when the Board is considering an appeal the Board follows the rules and standards for the appeal of administrative decision which are not these. Mr. Atkins stated that he understands that, but this is what the Commission had to look at.

Mr. Atkins stated that the Commission has to look at the historic resources of the whole house, not just the windows. Mr. Bond asked Mr. Atkins if he was saying the Commission made a determination that all the windows, particularly the picture window, are original to the house. Mr. Atkins stated the Commission looked at the whole house and made the determination that those windows were at the time. Mr. Bond asked Mr. Atkins when the determination was made. Mr. Atkins stated when the area became an HP overlay is when it was determined. Mr. Atkins stated that if you take the muntins off the subject house windows it will be a flat plane; muntins give a shadow to the windows.

Mr. Van De Wiele asked Mr. Atkins if the windows were covered with storm windows. Mr. Atkins answered affirmatively. Mr. Van De Wiele asked if that gave the same effect. Mr. Atkins answered no.

Mr. Van De Wiele stated that in looking at the denial letter from the Commission on page 8.10 he sees nothing on profile of muntins, he sees pattern. He thinks this is a question of whether the words match, which is underlined, does that mean exact which he doesn't think it does because further in the paragraph it states, "match as closely as possible". Mr. Atkins stated that is to match the muntins and the windows as closely as possible. Mr. Van De Wiele stated that in reviewing the guidelines he reads, "the replacement should match the historic window with regard to sash, size, shape, pattern of muntins, location, configuration, and tint". Mr. Van De Wiele stated that he heard earlier was that in the word pattern is implicit the word profile, and right now he is disagreeing with that. There is nothing in the language that says, "profile of muntin".

Mr. Atkins stated he has lived in the neighborhood for over 30 years and the residents have invested in the houses, millions of dollars. The neighbors look at these houses as part of them and as an investment. When somebody starts tweaking with the neighbor's investments the residents start getting apprehensive about modern windows. Even a modern window in the house will change the appearance of the house. It may not be realized as a whole but little things like the change of a door changes the appearance of a house. Preservation is not just the feel of the neighborhood it is preserving what you are living in. That is what the Commission is trying to do, preserve what people are living in.

Ms. Ross asked Mr. Atkins if he knew how many homes are located in the neighborhood. Mr. Atkins stated there are 325 houses and maybe 35 apartment buildings which includes the duplexes.

Ms. Ross stated that Mr. Craddock had stated that the process had not been followed, so she asked Mr. Craddock if the process had been followed what the Commission would have done. Mr. Craddock came forward and stated that when a required permit is filed, and he understands this project required that type of permit, the Permit Department would have seen that the property is located in a historic preservation district and it would have been flagged. An e-mail or phone or some type of notification would have immediately been sent to Mr. Porter or staff notifying them of the permit.

The property owner would have then been told the next step to take in the process. Mr. Craddock stated that in his opinion the Commission did not need to be here today, but we are, and the Commission tried to make the best of what they had. The denial was because there was no compromise and the Commission hoped that the window company would provide the muntins, and they should have provided them because they (the window company) was at fault by not following the permit process.

Rebuttal:

Bridgette Staub came forward and stated that what her neighbors seem to be okay with is that she should be able to replace her windows, and those are the people that are looking at the windows every single day. Ms. Staub stated during her second meeting at the Commission they were very abrupt and done with the case leaving her with no options.

Comments and Questions:

Mr. Bond stated that he has passion about this issue. The Board has seen this before, last year. His comments then are the same thing as they are now, the process in which they reach this decision he believes is arbitrary and capricious. The evidence heard today is that other people in the neighborhood have vinyl windows or have non-conforming windows with muntins that cannot be seen. The heart of the issue is that the Commission does not know what they are regulating. What they are regulating is a pattern, that the Chair pointed out. It is the pattern that is above and below not the curvature and the shape of the individual particular muntins on the interior and exterior. Mr. Bond stated that he will take quasi-judicial notice of is the window on the front of the house is likely not original because he believes if it was the expert from HP would have told the Board that it was and that it needs to be duplicated exactly. The goal of the Ordinance is to bring the house back to its original character and design of the totality of the neighborhood. That is not the case. What the Commission is doing is trying to force the applicant to go back to the original replacement window. This puts a chilling affect on people's ability to invest in their homes and to invest in midtown. The applicant is trying to make her windows safe and secure and he does not think it violates any provision. The enforcement of such is arbitrary and capricious.

Mr. Van De Wiele stated that he does not know what the process would be for the Commission to change their regulations or standards but as he reads the decision is that the windows requested by the applicant do match as closely as possible to the sash, size, shape, pattern of muntin, location, configuration and tint. If the Preservation Commission wants to expand that to include the word profile of muntin and interior or exterior placement of the muntin, if that is said in the letter then he would tell the appellant sorry, but you lose but what he is looking is a standard of pattern. Would the exterior muntins maybe look better that is subjective. Mr. Van De Wiele stated he does not read the word match to mean exact and he thinks that isn't even supported in the Commission's letter. Mr. Van De Wiele stated that he would tend to grant the appeal and allow the windows requested.

Mr. Flanagan agreed. Mr. Flanagan stated that the Commission could not verify that windows are original so if the windows cannot be verified as original determining what is original is subjective. Mr. Flanagan stated he would be in favor in granting the appeal.

Ms. Ross stated that she is having trouble with the fact the permit process was not followed, because she thinks the other windows in the neighborhood are probably under the same situation where the permit process was not followed. She thinks it was not the HPC's fault that the process was not followed and not necessarily the property owner's fault either. The window company certainly knew and if they are out marketing to people in the HPC district and replacing windows without going through the permit process then they are going around the rules and regulations of HPC. That puts HPC in a difficult position. Ms. Ross agrees that ignorance is not an excuse when living in a historic preservation district because there are plenty of ways of knowing that you live in such a district. Ms. Ross stated that she thinks the windows chosen do look similar in appearance, and from the street probably wouldn't be a big difference. Ultimately, Ms. Ross stated that she agrees with Mr. Van De Wiele on the language and that it should be revised to include exterior or interior placement of the muntins.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Back absent) to **GRANT** the Appeal overturning the denial of the Historic Preservation Commission; for the following property:

S 1/2 LT 2 & ALL LT 3 BLK 20, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Miller left the meeting at 3:42 P.M.

22357—Royce Ellington

Action Requested:

Variance to allow a detached accessory structure to exceed 927 square feet (40% of the floor area of the principal residential structure) (Section 45.035); Variance to allow a non-all-weather parking surface material (Section 55.090-F); Special Exception to allow a fence greater than 4 feet in height in the required street setback (Section 70.120). **LOCATION:** 9200 East 13th Street South (**CD 5**)

Ms. Miller re-entered the meeting at 3:44 P.M.

Presentation:

Royce Ellington, 9200 East 13th Street, Tulsa, OK; stated he started this process with permitting because he is adding onto his house. To get this 1,400-square foot addition started he needs to have a place to store all the items in his house in preparation for the construction. Mr. Ellington stated that his lot is 95,000 square feet, or 2 ¼ acres, and he would like to have a 30 x 40 metal pole barn/garage building in the back corner of the lot, the southwest corner. The building will have two car stalls with an area to place other items in the garage. The structure itself will be on a 40 x 50 concrete pad with a long driveway. The existing driveway is gravel and about 45% of the neighborhood is gravel. Mr. Ellington stated that he has a very flat lot and the gravel will allow for drainage better rather than runoff. Mr. Ellington stated his house is on the corner of 93rd East Avenue and 13th Street so he would like to fence his entire lot. He would like to have a five-foot chain link fence, and almost all the neighbors have five-foot fences, around the entire property. Mr. Ellington stated that a five-foot fence would be more conforming to the neighborhood.

Interested Parties:

Gary Tomblinson, 8961 East 14th Street, Tulsa, OK; stated the Mr. Ellington has answered some of his questions during his presentation, but the problem is the location of the building on the southwest corner of subject property which is the northeast of his lot. The neighborhood is a very low-lying area and he has water that stands in his yard and when there is a lot of rain the field next to him looks like a pond. Many times, he must wait a few weeks to mow his grass because of the water. Mr. Tomblinson stated that he was under the impression that any new driveway had to be concrete or asphalt, and with the size of this building there would be 2,000 square feet of water coming onto his property. Water is his main concern.

Ms. Ross asked Mr. Tomblinson if his driveway was gravel. Mr. Tomblinson answered affirmatively.

Mr. Van De Wiele stated that whenever a project is permitted to be built water detention, water runoff and those types of issues are addressed, reviewed and dealt with during the permitting process. This Board does not have the purview to take those things into consideration.

Mike Cox, 9868 East 13th Street, Tulsa, OK; stated he has lived next door to the subject property for 34 years and he is good friends with the Ellingtons. Mr. Cox asked who takes full responsibility of the properties on each side of the proposed fence.

Mr. Van De Wiele stated that if the applicant is erecting a fence on his property the fence needs to be on his property. Anything the Board does today does not give Mr. Ellington the right to erect a fence on Mr. Cox's property. Each person still has the obligation to maintain what is on their side of the property line regardless of where the fence is located.

Rebuttal:

Royce Ellington came forward stated that he has delayed erecting a fence for five years because of the friendship he has with the Coxes. Mr. Ellington stated that the Cox's have been such good neighbors that they mow all the way to his driveway which he loves, so he plans to move the fence in about 20 feet on the front of the house, so the Coxes have more front yard.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) to **APPROVE** the request for a Variance to allow a detached accessory structure to exceed 927 square feet to allow 1,200 square feet (Section 45.035); Variance to allow a non-all-weather parking surface material (Section 55.090-F); Special Exception to allow a fence greater than 4 feet in height in the required street setback (Section 70.120), subject to conceptual plan on page 9.10 in the agenda packet. The Board finds the hardship to be the add on to the existing structure has not occurred and the overall size of the lot. The approval is subject to the following conditions: the fence is to be chain link fencing and will not exceed five feet. 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. In approving the Variance, 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:

BEG 1346.7S & 960E NWC NE TH S305.43 E335 N305.43 W335 POB LESS S25 SEC 12 19 13, City of Tulsa, Tulsa County, State of Oklahoma

22358—Kerry Verner

Action Requested:

Spacing Verification for a liquor store in the CS District (Section 40.300) from plasma centers, day labor hiring, bail bond offices, other liquor stores, and pawn shops. **LOCATION:** 4521 North Martin Luther King Boulevard East (**CD 1**)

Presentation:

Kelvin Ross, 2035 East 54th Street North, Tulsa, OK; stated he represents Kerry Verner. Mr. Ross stated that he measured 300 feet in all directions and did not locate any of the conflicting businesses.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back 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 liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

BEG 50E & 515.49S NWC NW TH NELY 173.2 N52.29 W170 S85 TO BEG SEC 13 20 12, SUBURBAN ACRES FOURTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

OTHER BUSINESS

REFUND:

22351—Michael Keester

Appeal of administrative decision relevant to the inclusion or exclusion of streets and rights-of-way from the calculation required under Section 70.030-G of the City of Tulsa Zoning Code and the validity of protest petitions. **LOCATION:** 5154 East Skelly Drive (**CD 5**)

The application was withdrawn by staff and requests a full refund.

Mr. Van De Wiele recused at 3:58 P.M.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) to **APPROVE** the request for a Refund in the amount of \$375.00; for the following property:

PRT BLK 1 BEG 5SE NEC BLK 1 TH SE156.64 SW9.6 SWLY CRV LF 128.45 S36.55 SW159.77 NW241 NE APR 121.73 SE5 NE184.87 POB, ADMIRAL BENBOW ADDN RESUB, SINCLAIR RESEARCH LABORATORY ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 4:02 P.M.

* * * * *

22349—Izrael Quezada

Action Requested:

Variance of the minimum lot width for a detached house in an RS-3 District to allow a lot split (Section 5.030). **LOCATION:** 2109 West Easton Street North (**CD 4**)

Presentation:

The applicant was not present.

Interested Parties:

Comments and Questions:

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) to **CONTINUE** the request for a Variance of the minimum lot width for a detached house in an RS-3 District to allow a lot split (Section 5.030) to the Board of Adjustment meeting on December 12, 2017; for the following property:

BEG 30N SECR OF W21.18 A LT 2 N ON EL 140 W120 S140 E120 POB SEC 3 19 12, IRVING PLACE, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

Mr. Van De Wiele stated that with Mr. White's retiring from the Board leaves the Vice Chairman position open.

ELECTION OF OFFICERS:

CURRENT BOARD:

CHAIR – Stuart Van De Wiele
VICE CHAIR – **Open**
SECRETARY – Tom Flanagan
MEMBER – Carolyn Back
MEMBER – Austin Bond
MEMBER – Briana Ross

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) to **APPOINT** Tom Flanagan as Vice Chair and remove him as Secretary.

Mr. Van De Wiele stated that he has spoken with Ms. Back about serving as Secretary and she did agree.

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) to **APPOINT** Carolyn Back as Secretary.

NEW BUSINESS

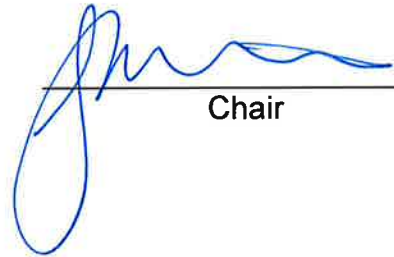
None.

BOARD MEMBER COMMENTS

Mr. Van De Wiele welcomed Ms. Briana Ross to her first Board of Adjustment meeting.

There being no further business, the meeting adjourned at 4:07 p.m.

Date approved: 12/12/17



Chair