

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1203
Tuesday, April 10, 2018, 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, Vice Chair Back, Secretary Bond Ross | | Miller Ulmer Sparger R. Jones | Blank, Legal |

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on April 5, 2018, at 1:56 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. Ulmer read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the **Minutes** of the March 27, 2018 Board of Adjustment meeting (No. 1202).

Mr. Bond entered the meeting at 1:05 P. M.

UNFINISHED BUSINESS

22403—Anita Saiymeh

Action Requested:

Variance to install a drive-thru sign within 50 feet of the R District to the north (Section 60.030-B). **LOCATION:** NW/c of East 15th Street South & South Columbia Avenue East **(CD 4)**

Presentation:

The applicant has requested a continuance to April 24, 2018; working with the City for a revised Letter of Deficiency.

Interested Parties:

Chad Hartig, 2634 East 14th Place, Tulsa, OK; stated that he has no problem with a continuance, but it is hard to take off work to keep coming to the Board of Adjustment meetings. Mr. Hartig left pictures with staff for the case file.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance to install a drive-thru sign within 50 feet of the R District to the north (Section 60.030-B) to the April 24, 2018 Board of Adjustment meeting; for the following property:

LTS 23 & 24 BLK 7, CITY VIEW HILL ADDN, FAIR ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22397—Donny Beeler

Action Requested:

Variance to reduce the minimum lot area and lot area per unit; Variance to reduce the minimum street frontage to 0 feet in an AG District; Variance to reduce the required lot width to permit a lot split (Section 25.020). **LOCATION:** 8217, 8223 and 8231 South Maybelle Avenue West **(CD 2)**

Presentation:

The applicant has requested a continuance to April 24, 2018 while working with the City on infrastructure issues.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance to reduce the minimum lot area and lot area per unit; Variance to reduce the minimum street frontage to 0 feet in an AG District; Variance to reduce the required lot width to permit a lot split (Section 25.020) to the April 24, 2018 Board of Adjustment meeting; for the following property:

COMM SWC S/2 N2/3 N/2 NE TH E846.50 POB TH E712.78 N227.12 W1559.28 TO WL NE TH S13.50 E846.50 S213.56 POB SEC 14 18 12 3.98ACS; COMM SWC S/2 N2/3 N/2 NE TH E180 POB TH E666.50 N213.56 W846.50 TO WL NE TH S13.50 E180 S200 POB SEC 14 18 12 3.32ACS; BEG 227N SWC S/2 N2/3 N/2 NE TH E1559.28 N215.57 TO NL S/2 N2/3 N/2 NE TH W912.58 S202.07 W646.70 TO WL NE TH S13.50 POB LESS E456.29 THEREOF SEC 14 18 12 LIFECHURCH.TV JENKS ADDITION 2.258AC, City of Tulsa, Tulsa County, State of Oklahoma

22411—David McGhee

Action Requested:

Variance of the minimum parking requirements to permit expansion of an existing Funeral Home/Crematory (Section 55.020). **LOCATION:** 2103, 2104, 2105 East 3rd Street South **(CD 4)**

Presentation:

The applicant has requested a continuance to April 24, 2018; working with the City for a revised Letter of Deficiency.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance of the minimum parking requirements to permit expansion of an existing Funeral Home/Crematory (Section 55.020) to the April 24, 2018 Board of Adjustment meeting; for the following property:

LTS 7 & 8 BLK 6; LOT-9-BLK-6; LOT-6-BLK-6, WAKEFIELD, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22425—Christian Ortiz

Action Requested:

Variance to permit an additional wall sign in an OM District to be located on the east building wall without any street frontage (Section 60.060-B). **LOCATION:** 2835 East Skelly Drive South **(CD 9)**

Presentation:

The applicant has requested a continuance to April 24, 2018 due to incorrect legal description.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance to permit an additional wall sign in an OM District to be located on the east building wall without any street frontage (Section 60.060-B) to the April 24, 2018 Board of Adjustment meeting; for the following property:

E370.45 LESS E20 LT 1 BLK 1, WEIR ADDN RESUB PRT L13-18 B9 VILLA GROVE ADDN, WEIR FOURTH ADDN RESUB PRT WEIR & WEIR THIRD ADDNS, VILLA GROVE SUB, City of Tulsa, Tulsa County, State of Oklahoma

22408—Carlos Velasco

Action Requested:

Special Exception to allow a fence to exceed 4 feet in height in the front street setback (Section 45.080-A). **LOCATION:** 1511 North Main Street East, 11 East Pine Street North **(CD 1)**

Mr. Van De Wiele announced that there has been a request for a continuance from a neighbor and City Councilor.

Presentation:

Carlos Velasco, 3742 East Virgin Place, Tulsa, OK; came forward.

Mr. Van De Wiele asked Mr. Velasco if he had been made aware of the request for continuance from the neighbor that came through Councilor Hall-Harper. Mr. Velasco stated that he did not understand the question.

Ms. Miller stated the request for continuance came to INCOG staff within the last hour. Councilor Hall-Harper, Councilor for District 1, let staff know of the request for a continuance by one of her constituents because the constituent is having surgery this afternoon. The constituent is the President of the neighborhood association and Ms. Miller stated that she wanted to speak with the neighbor, so she would know what the concerns are. Ms. Miller stated that she did call the neighbor who lives at 1301 North Cheyenne Avenue and the neighbor's concerns are that the fence is on a main street and that street is an entry into the neighborhood. She thinks a fence will be an eyesore on the neighborhood at that prominent location. There are not other fences that look like this in the neighborhood, and she does not want to encourage other people to do that. She is also concerned about the ongoing crime and is afraid this fence will give people a place to hide, therefore, the neighborhood is opposed to this proposed fence.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to allow a fence to exceed 4 feet in height in the front street setback (Section 45.080-A) to the April 24, 2018 Board of Adjustment meeting; for the following property:

LT 15 BLK 1; LT 14 BLK 1; LT 13 LESS S20 THEREOF BLK 1, ENGLEWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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UNFINISHED BUSINESS

22394—Carolyn Ingram

Action Requested:

Special Exception to allow a residential/group living/transitional living center in the RS-3 District (Section 5.020); Spacing Verification for a transitional living center use (Section 40.130). **LOCATION:** 272 East 54th Street North **(CD 1)**

Presentation:

The applicant was not present.

Mr. Van De Wiele asked Ms. Ulmer if she had heard anything from Ms. Ingram. Ms. Ulmer stated that she has not heard from the applicant.

Interested Parties:

Jane Malone, President of Chamberlain Area Neighbors, 4735 North Detroit Avenue, Tulsa, OK; stated that she took off work to attend today's meeting and she has a doctor's appointment later this afternoon that she must go to. Ms. Malone asked that the applicant not be approved for this request.

Mr. Van De Wiele asked Ms. Blank if there was anything procedurally wrong with hearing from the interested parties and then tabling the request until later in the meeting to allow the applicant time to arrive. Mr. Van De Wiele stated he is more sympathetic to the interested parties in attendance today than he is with the applicant not being in attendance, especially since it is her application and she is supposed to be here. Ms. Blank stated the applicant would not have an opportunity to respond to what the interested parties may have to say. The usual procedure is to table the item and let the meeting continue then come back to the request.

Mr. Van De Wiele stated the typical protocol in this situation would be to move the request further in the agenda, and if the applicant were to walk through the door in the next five minutes we could place the case in the next position on the agenda to be heard. The worst case scenario is the case is at the end of the agenda. Mr. Van De Wiele stated this case was continued at the Board's request.

Ms. Malone stated at that meeting the Board asked the applicant to reach out to the neighbors and discuss the request, and that has not occurred. Mr. Van De Wiele asked Ms. Malone if she would rather share her thoughts with the Board or share them with the neighbors and let them convey those thoughts if the applicant shows up. Ms. Malone stated the neighbors are still opposed for the same reasons. Ms. Malone stated this is not one of the things the neighbors want to see in the neighborhood.

Mr. Van De Wiele asked the other two interested parties if they would be able to stay until the end of the meeting. One lady stated she has no problem staying and the other stated she has a meeting she needs to attend at 2:00 P.M.

Mr. Van De Wiele stated that he will make the executive decision to hear from any of the interested parties that want to speak in opposition to the request, and if the applicant shows up the Board will convey a summary of the opposition to the applicant.

Ms. Malone stated that she wants the neighborhood placed on the record as not approving this Special Exception. The reasons are still the same as stated at the previous meeting. Ms. Malone stated that during the monthly meeting this matter was discussed and everyone there said no to this request. Ms. Malone stated the neighborhood has not heard from the applicant as suggested by the Board. Ms. Malone stated the neighborhood is not opposed to development in the area, but they are opposed to development that will downtrend the area. The transitional living center will have a negative impact destroying years of working to uplift the community, and bringing wealth, prosperity, higher income residents, upscale commercial and retail including restaurants to the area to spur continued growth patterns further north, east and westward to the Osage County boundary line. The transitional living center would disrupt the future of the neighborhood and the idea should be rejected.

Terri Gateward, 711 East Virgin Street, Tulsa, OK; stated she does not live in the Chamberlain area but does live in North Tulsa. In her area, the Lacey Park area, certain housing development has been proposed and it has not been accepted because it did not align with the neighborhood goals as is with this subject project. Ms. Gateward stated that she believes that it is very important that this Board, and all other Boards, hear from the community regarding their thoughts about certain non-tax driven entities coming into the community. North Tulsa is a disadvantaged area because it does not have the commerce that is needed to develop the area. When transitional living centers are put in a community the neighbors are not comfortable and it should not have to be next door or down the street. Ms. Gateward stated that Ms. Ingram should have been here today if she is passionate about it, and to ask anyone to wait until the end of a meeting is inconsiderate of Ms. Ingram. Ms. Gateward stated she is a representative and the Chair for housing and home ownership for the North Tulsa Economic Development Initiative. Ms. Gateward stated she is not saying that it is not a needed facility, but she is saying that it is not needed to be in this neighborhood.

Mr. Van De Wiele stated that the Board will table this case until the end of the agenda to allow Ms. Ingram a chance to show up.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

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NEW APPLICATIONS

22412—Christian Ortiz

Action Requested:

Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL District (Table 60-3). **LOCATION:** 5230 South Mingo Road East (CD 7)

Presentation:

Christian Ortiz, Encinos 3D Custom Products, 9810 East 58th Street, Tulsa, OK; stated the sign being requested is a total of 32 square feet. There is 220 linear feet of frontage along South Mingo Road, but there is a pre-existing billboard sign that has been there for quite some time. That sign is not owned or leased by the current property owner, and the sign was in place prior to current owner purchasing the property and developing it. The existing sign consumes the whole sign budget of 440 square feet, thus the Variance request so the property owner can have a sign for his business for identification purposes. The requested sign will be 65 feet away from the existing billboard.

Mr. Van De Wiele asked Mr. Ortiz if the kidney center owned the property. Mr. Ortiz stated they do own the property now, but they did not prior to the billboard being erected. Mr. Van De Wiele asked Mr. Ortiz who owned the land where the billboard sign is located. Mr. Ortiz stated the lease is owned by the previous owner.

Mr. Van De Wiele stated this issue has come before the Board in the past, so he wants to understand this situation. Mr. Van De Wiele asked Mr. Ortiz if the piece of the property that is shown on page 7.8 is owned by the company that is building the building and operating the kidney center. Mr. Ortiz stated that is his understanding. Mr. Van De Wiele asked if they owned the piece of ground on which the billboard sits. Mr. Ortiz stated that is his understanding, but the lease to the billboard is owned by the previous owner of the property. Mr. Van De Wiele stated he has a concern about how a billboard was placed on an arterial street outside the sign corridor, and an issue with how this isn't a self-imposed hardship.

Ms. Miller stated she has spoke with Mr. Bob Kolibas in the permit office, and he clarified that even though it is legal non-conforming, it still needs to count in the sign budget. The applicant does have the correct request today, it is just the situation.

Mr. Van De Wiele stated he looked at the County Assessor's website and the County Clerk's website, the lease of the sign is referenced as a "permitted encumbrance on a deed" to the last owner. He has an issue with this from a self-imposed standpoint.

Mr. Bond stated that he would like to know more about this billboard and the property.

Mr. Van De Wiele stated there was this same issue with a sign on Highway 169, where there was a new owner not owning the sign but, yet it was in his back yard, and the Board denied that request.

Mr. Van De Wiele stated the reality is that this entity is wanting more signs for a piece of property that is allotted. That is not a hardship, it is just the reality. Mr. Ortiz stated the current owner was not aware that there is a sign budget that would affect him.

Mr. Van De Wiele suggested that this case be continued to have someone, either the current land owner or the former land owner or both, give the Board an explanation as to how they have gotten into this situation with the sign already on the property and what the hardship is for wanting another sign.

Mr. Bond stated that the Board is asking whose fault is it that the sign exists now, and what is the reason that when the property was sold to the current owner why did the sign not go with the piece of property.

Mr. Ortiz stated that he believes it is Lamar that owns the billboard. Mr. Ortiz asked if the Board is asking him to contact the current owner and the previous owner to see how it exactly transgressed.

Mr. Van De Wiele asked Mr. Ortiz if he was hired by the kidney center. Mr. Ortiz stated his company was hired by the sign company that was hired by the kidney center to manufacturer a sign, and his company is only installing that sign.

Interested Parties:

James Adair, 7508 East 76th Street, Tulsa, OK; stated he has been in the sign business in Tulsa for 50 years, and he used to own Claude Neon Signs and he is an employee there. Mr. Adair stated he was also on the sign advisory board for about 20 years. The current sign code was changed a couple of years ago, and the major change in the billboard industry was in 1985. Up until that time the outdoor industry was not regulated much, and billboards were being erected within 500 feet of each other and erected on arterial streets. In 1985 it was changed so that billboards could only be placed in freeway corridors and at a 1,200-foot spacing. It was also added, that if a billboard is on a lot that there cannot be on premises sign even if there was a commercial building on the lot. The sign advisory board was attempting to create a hardship to make the billboards come down, but that plan did not work out well. The outdoor industry has long term leases, 25 and 50-year leases. Once there is a lease on a property nothing can happen, whether a business is changed or not, whether there is a lot combination or lot split, or even if someone purchases a property. Typically, over the years, when someone purchases a lot they do not realize that they cannot have regular signage on the lot because they are not told. All the new owner sees are other buildings in the area have a sign, so they too want a sign. Over the years it has been enforced or not enforced, but recently it has been enforced.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; absent) to **CONTINUE** the request for a Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL District (Table 60-3) to the April 24, 2018 Board of Adjustment meeting; for the following property:

Lot 1 Block 1,51ST & MINGO COMMERCIAL CENTER, 5200 MINGO COMMERCIAL RESUB PRT RES A, 5300 COMMERCE PARK, City of Tulsa, Tulsa County, State of Oklahoma

22418—J. D. Harp

Action Requested:

Special Exception to allow the driveway width to exceed 20 feet on the lot and in the right-of-way in an RS-4 District (Section 55.090-F.3). **LOCATION:** 18608 East 43rd Street South (**CD 6**)

Presentation:

J. D. Harp, 11885 South Yale Avenue, Tulsa, OK; stated he was before the Board about a year ago regarding many lots in the same subdivision, and inadvertently the subject property was left off that former request. Until he submitted for a building permit he was not aware that the subject property was not covered under the approved Special Exception.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; absent) to **APPROVE** the request for a Special Exception to allow the driveway width to exceed 20 feet to allow 30 feet on the lot and in the right-of-way in the RS-4 District (Section 55.090-F.3), subject to conceptual plan 8.12. 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 6 BLK 8, CYPRESS CREEK, City of Tulsa, Tulsa County, State of Oklahoma

22419—Claude Neon Federal Signs

Action Requested:

Variance to permit a projecting sign to exceed the maximum permitted height of 25 feet to be installed 30.6 feet above grade with a 40-foot setback from South Cincinnati Avenue East (Section 60.080-D). **LOCATION:** 810 South Cincinnati Avenue East **(CD 4)**

Presentation:

Todd Adair, 5162 South 33rd West Avenue, Tulsa, OK; stated the sign exceeds the size by five feet because of the size of the sign and it being located on the northeast corner of the building.

Mr. Van De Wiele asked Mr. Adair to state his hardship. Mr. Adair stated the sign is to be located on the corner of the building, and part of the wall does not allow the sign to be anchored into the building materials because it would not be structurally sound. The sign needs to be anchored into the concrete portion of the building wall which is at the top.

Interested Parties:

Bob Pielsticker, 1435 South Norfolk Avenue, Tulsa, OK; stated he represents the owner of the subject building. The 810 building has a unique story behind it and it was purchased by First Presbyterian Church. Instead of razing the building it was decided to renovate the building with many hours of hard work. The building is 100% leased and will generate about \$1 million income to support local Tulsa missions. Currently there is no 810 signage on the building, and that was adapted from the address of 810 South Cincinnati. Synergy originally had a blade sign designed for their use and since they already had signage on the building the committee decided to install a blade sign on the corner that would be visible from 8th Street and from Cincinnati. The sign will not have any neon and it will be nothing fancy; it is just to promote the building.

Comments and Questions:

Ms. Back stated the sign is perfectly scaled for the building and she likes it. The hardship would be that the building is built up to the property line.

Mr. Bond agreed and stated the Board has done this before. The peculiarity of the building involved, and the structural materials is hardship.

Board Action:

On **MOTION of BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **APPROVE** the request for a Variance to permit a projecting sign to exceed the maximum permitted height of 25 feet to be installed 30.6 feet above grade with a 40-foot setback from South Cincinnati Avenue East (Section 60.080-D), subject to conceptual plans 9.18 and 9.19 of the

agenda packet. The Board finds the hardship to the structural materials of the building will not allow the sign to be mounted at a lower height. 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 182, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22422—CDM Dock, LLC – Jeanie Kvach

Action Requested:

Verification of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot (Section 40.050-A). **LOCATION:** 321 South Frankfort Avenue East **(CD 4)**

Presentation:

Jeanie Kvach, 4302 South 137th West Avenue, Sand Springs, OK; stated she is an architect and owns the subject property. She has a tenant who would like to put in a brew pub as well as a future church in the basement. The brew pub is currently under permit but there has been no drawing check submitted for the church.

Mr. Van De Wiele asked staff about the church being in the basement. Ms. Miller stated that it is her understanding, the church does not have to come before the Board for spacing because they are the second one in.

Mr. Van De Wiele asked Ms. Kvach if the church was in the basement already. Ms. Kvach stated that it is not.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; 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; for the following property:

LOTS 5-6-&-7 BLK 114, TULSA-ORIGINAL TOWN City of Tulsa, Tulsa County, State of Oklahoma

22423—Aaron Hunt

Action Requested:

Variance of the required parking spaces for a Commercial/Commercial Services/ Building Service Use (Section 55.020). **LOCATION:** 5623 South 107th Avenue East (CD 7)

Presentation:

Aaron Hunt, 7764 South 72nd East Avenue, Tulsa, OK; stated the required number of parking spaces is not necessary for his business and would create unnecessary hardship on him due to the compensatory flood water storage easement area located on the eastern border of the subject property. The subject property is 75 feet wide and 100 feet long.

Mr. Van De Wiele asked Mr. Hunt how parking spaces are allowed on his design for the subject property. Mr. Hunt stated that currently there are five parking spaces. Mr. Hunt stated that he does not bring clients to his business site, and it is very rare that the teams are at the same site at the same time.

Mr. Van De Wiele asked Mr. Hunt where his employees of the facility were going to park. Mr. Hunt stated they will use the five parking spaces. Mr. Van De Wiele asked Mr. Hunt if he had only five employees. Mr. Hunt stated he has ten full time employees, but the purpose of the warehouse is for storage of his equipment.

Mr. Van De Wiele asked Mr. Hunt what type of business he has. Mr. Hunt stated his business is landscaping services. Mr. Van De Wiele if the ten employees drove to the subject property to report for work in the morning. Mr. Hunt stated that typically the employees drive straight to the job site.

Interested Parties:

Phyllis Kelley, 11504 East 163rd Street North, Collinsville, OK; stated the land was given back to her parents by the City of Tulsa with the designation that the entire swath of land to the east of the building cannot be asphalted or anything done with it. Ms. Kelley stated that swath of land is graded so the grass will not grow, and nothing permanent can be left on that swath of land. That portion of the property can be driven on because a vehicle will not sink. The property used to have a trucking company on it. The property was purchased by the City of Tulsa and sold back to her parents with the easement. There are multiple landscaping businesses in the area and this would not be out of the ordinary.

Mr. Van De Wiele asked Ms. Kelley if she had any plans of parking on the property designated as the easement. Ms. Kelley stated that she had no plans of parking on that portion of the property but would use it for a turn around area only. Mr. Van De Wiele asked Ms. Kelley if she planned on driving across that portion of the property. Ms. Kelley answered affirmatively.

Mr. Van De Wiele stated that the Variance that was approved in Case #BOA-19260 expired in 2005 allowing the former owner to use gravel. Under the new plan parking, turning around or driving on asphalt or concrete is perfectly fine. Driving, turning around, parking on anything other than concrete or asphalt is a problem. Any portion that is not paved or asphalted for driving, turning around or parking another Variance will be required.

Comments and Questions:

Ms. Blank stated that the term "building services" has a lot of uses listed under it in the Code, which can include, janitorial, landscape maintenance, carpet cleaning, chimney sweeps, extermination, plumbing, electrical, HVAC, roofing, window cleaning, and similar services. She suggested to the Board to limit the motion to landscape use if they approve.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce the required parking spaces from 26 spaces to 5 spaces to allow for a Commercial/Commercial Services/Building Service Use (Section 55.020), subject to conceptual plan 11.9 in the agenda packet. The Board has found the hardship to be that on the eastern half of the property a compensatory floodwater storage easement that is not allowed to be paved over with an all-weather surface or used for parking. This approval is limited to landscaping use only on this particular parcel. 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 2 LESS BEG NEC TH S161.50 W386.92 N161.48 E385.22 POB FOR DETENTION BASIN BLK 1, GOLDEN VALLEY, City of Tulsa, Tulsa County, State of Oklahoma

22424—Peter Parker

Action Requested:

Special Exception to allow for a Commercial vehicle sales & rental use and a Personal vehicle sales & rental use in a CS District (Section 15.020). **LOCATION:** 804 South Sheridan Road East **(CD 5)**

Presentation:

Peter Parker, 2549 East 23rd Street, Tulsa, OK; stated the current use is indoor storage of vehicles. His client is a licensed dealer in Oklahoma City and they store a lot of vehicles here. They want to be able to obtain a license letter for the subject location for future use. Mr. Parker stated there will be no vehicles sold out of that site. The site will be by appointment only and they sell on-line only. There will be no rental from the site. Mr. Parker stated there would only be sales on the subject property in the event that someone purchases a vehicle and stores it there for future shipment. The vehicles that will be at the site are primarily military Humvees. The subject property is surrounded by car lots, and Mr. Parker presented photographs of the properties next door that are car lots. Mr. Parker stated he must have a Use Unit 17 for the Used Car Commission to grant a license for the subject property.

Mr. Van De Wiele asked Mr. Parker if there would be anything stored outside. Mr. Parker stated there will be nothing stored outside; the site will have locked gates.

Ms. Miller stated the reason the applicant is here today is because the use is vehicle sales and falls under certain use categories in the Code. The broader category is in rental and that is a Special Exception in a CS District. That is why he is before the Board today. If the Special Exception is granted, then the applicant will have a letter

saying that his request has been approved and given permission to operate on the subject property.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow for a Commercial vehicle sales & rental use and a Personal vehicle sales & rental use in a CS District (Section 15.020), subject to conceptual plan 12.23 of the agenda packet. There is to be no outdoor display of merchandise. No auto rental use. 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 100 OF N 200 OF E 180 LESS E 15 BLK 59, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

22426—Pete Yankovich

Action Requested:

Special Exception to permit a carport in the street setback area and to exceed 20 feet in width (Section 90.090-C.1). **LOCATION:** 1607 East 58th Street South (**CD 9**)

Presentation:

Pete Yankovich, 1607 East 58th Street, Tulsa, OK; stated he requested the exception to the width of the carport to allow the posts to be flush with the outside dimensions of the garage doors.

Mr. Van De Wiele asked Mr. Yankovich if he had heard from any of his neighbors. Mr. Yankovich stated that he has, but none of them have any problems with the proposal. Mr. Van De Wiele asked Mr. Yankovich if he had spoken with the neighbor to the north. Mr. Yankovich stated that he did not.

Ms. Back asked Mr. Yankovich if there were other carports in the neighborhood because she did not see any. Mr. Yankovich stated that there; one is on 56th Place. Mr. Yankovich stated that the carports in the neighborhood are the prefab structures, and his carport will be custom built and attached to the house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a carport in the street setback area and to exceed 20 feet in width (Section 90.090-C.1), subject to conceptual plan 14.7, 14.8 and 14.9. The materials of the carport are to be similar to the existing architecture and design of the house. 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 13 BLK 10, CORONA HGTS ADDN B8-12 & RESUB PRT L8 B1 OF B1-2-3, City of Tulsa, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

22394—Carolyn Ingram

Action Requested:

Special Exception to allow a residential/group living/transitional living center in the RS-3 District (Section 5.020); Spacing Verification for a transitional living center use (Section 40.130). **LOCATION:** 272 East 54th Street North (**CD 1**)

Presentation:

The applicant was still not present.

Mr. Van De Wiele asked staff if there had been any contact with Ms. Ingram since the last meeting. Ms. Ulmer stated that she has not heard from Ms. Ingram.

Mr. Van De Wiele stated that given the lack of attendance today, lack of additional information he is inclined to hear the case. The Board has heard from the applicant and heard from the interested parties and will give the remaining interested party an opportunity to speak.

Ms. Ross asked if the applicant were to show up at a future meeting because she had her dates wrong, what happens to this application? Mr. Van De Wiele stated the applicant will have the opportunity to file another application. A person can file an

application every day if they want. If the Board votes one way or the other today, there could be a request for a reconsideration.

Ms. Miller stated the item would be placed on the next agenda for a vote of reconsideration, and then the actual hearing of the case would be at the following meeting.

Mr. Van De Wiele asked the remaining interested party to come forward.

Interested Parties:

Joyce Brown, 2511 North Quaker, Tulsa, OK; stated she has been to the area and personally looked at the subject property. While transitional living is designed for a person to become a productive citizen in society the area where Ms. Ingram is requesting to have the transitional living center does not meet the expectations of person to become a productive member in society. More so, it seems that a person would regress from becoming a productive person in society. Ms. Brown stated that what she sees is a blighted area, deteriorated housing, and a house that is boarded up. Ms. Brown stated that she opposes, as the other neighbors did, this request for a community that wants to progress to another level with higher taxes. This is not the situation that help.

Mr. Van De Wiele thanked Ms. Brown for attending today, because not everyone takes the opportunity to exercise their right to speak up and be heard. The Board appreciates her attendance today.

Comments and Questions:

Mr. Van De Wiele stated that he had serious concerns about this application when it was first heard. There were issues and questions raised as to the operations of the center; in one instance it was to be Ms. Ingram and her family then the Board heard about professionals with licensed backgrounds. There were a lot of unanswered questions that he was hoping to have answered at today's meeting. There is a need for these type centers but as the interested parties stated, the "not in my back yard" sentiment is a reality. He does not see how this could be a betterment for the neighborhood and he has concerns.

Mr. Flanagan agreed with Mr. Van De Wiele.

Ms. Back stated that she too has concerns. She had concerns about Ms. Ingram not appearing to know the entire process of what it took to get this all the necessary channels, including all the licensing necessary. She too was hoping to hear more about where Ms. Ingram was in that process. Ms. Back stated that transitional living centers are needed, and she has two in her neighborhood and people do not know they are there. With Ms. Ingram not being here today and being able to give her the information that she needs she is inclined to deny the application.

Mr. Bond stated there is a need for places like this, but we also need strong communities. Communities are needed that are doing everything they can come back. He is sensitive to the neighborhood and community's concerns. What he heard today is that the transitional living center would be injurious to the neighborhood. Mr. Bond stated that he looks for neighbors that are supporting a request, and he is very sensitive to neighbors and community leaders like has been heard today who don't offer support. Mr. Bond stated that he is not inclined to support the request.

Ms. Ross stated she is not inclined to support the request, because like the other Board members she wanted to hear some more answers to the questions that were raised. Ms. Ross stated that with Ms. Ingram not being in attendance today she feels a lot better about denying the request.

Mr. Van De Wiele informed staff that if they hear from Ms. Ingram, and there are extenuating circumstances that the Board is not aware of he would like to know. There will be a heavy burden on Ms. Ingram to bring a good application and a heavy amount of compelling information.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **DENY** the request for a Special Exception to allow a residential/group living/transitional living center in the RS-3 District (Section 5.020). The Board finds that the requested Special Exception will not be in harmony with the spirit and intent of the Code and will be injurious to the neighborhood and otherwise detrimental to the public welfare.

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) the Spacing Verification is **NOT ACCEPTED** for a transitional living center use (Section 40.130); for the following property:

LT 5 BLK 42, VALLEY VIEW ACRES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

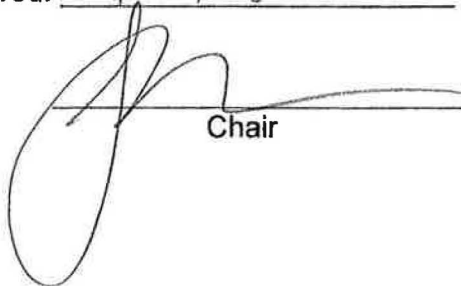
None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 2:45 p.m.

Date approved: 4/24/18


Chair