

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1149
Tuesday, October 13, 2015, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Henke, Chair Flanagan Van De Wiele White, Vice Chair	Snyder	Miller Moye Foster Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, October 8, 2015, at 12:35 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, VanDeWiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the **Minutes** of the September 22, 2015 Board of Adjustment meeting (No. 1148).

Mr. Henke explained to the applicants and interested parties that there were only four board members present at this meeting, and if an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Henke also explained that Mr. Van De Wiele would be recusing on agenda Item #6 today leaving only three Board members to consider and vote on the case. Mr. Henke asked the applicants and the interested parties if they understood and asked the applicants or

interested parties what they would like to do. There was one request for a continuance, Case #BOA-21966.

UNFINISHED BUSINESS

21937—Barrick Rosenbaum

Action Requested:

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

Presentation:

The applicant has requested a continuance to October 27, 2015.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **CONTINUE** the request for a Variance of all Bulk and Area Requirements in the RS-1 District to permit a lot-split (Section 403, Table 3) to the Board of Adjustment meeting on October 27, 2015; for the following property:

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

NEW APPLICATIONS

21966—APAC

Action Requested:

Special Exception to permit a quarry in the IM and AG Districts (Section 301 & Section 901). **LOCATION:** South of the SW/c and SE/c of East 36th Street North & North 129th East Avenue (**CD 3**)

Presentation:

William Huckaby, APAC Central, 8910 North 134th East Avenue, Owasso, OK; stated that he would request a continuance as there is not a full Board present.

Interested Parties:

Kamran Momeni, 9177 South Yale, Suite 300, Tulsa, OK; stated that he represents United Warehouse and he does not object to a continuance.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Henke, Flanagan, White "aye"; no "nays"; Van De Wiele "abstaining"; Snyder absent) to **CONTINUE** the request for a **Special Exception** to permit a quarry in the IM and AG Districts (Section 301 & Section 901) to the Board of Adjustment meeting on October 27, 2015; for the following property:

PRT N/2 SEC BEG 988.86E SWC SW NW TH N1319.83 E1648.86 TO PT ON EL NW S660.64 E2637.58 TO NEC S/2 S/2 NE S661.79 W4285.09 POB SEC 20 20 14 90.006ACS; PRT LT 1 BEG NWC LT 1 TH E5173.94 S823.63 W3856.50 W1317.35 N920.35 POB BLK 1; W/2 NE SW & NW SW LESS BEG NWC N/2 N/2 SW TH E1991.67 S17 NW189.65 W1324.54 S446 W477.63 N456 POB SEC 21 20 14 54.637ACS; BEG SWC NW TH N311 E302 N349.06 E687.09 S659.91 W988.86 POB LESS W50 THEREOF FOR RD SEC 20 20 14 12.202ACS; BEG NWC N/2 N/2 SW TH E1991.67 S17 NW189.65 W1324.54 S446 W477.63 N456 POB SEC 21 20 14 5.363ACS; LT-9-BLK-2; LT-10-BLK-2; LTS 11 & 12 BLK 2; LTS 6 7 & 8 BLK 2; LT-5 BLK-2; N.490.95' OF LT 4 BLK 2 LESS N.5' & LESS E.25' TO PUBLIC; S.150' OF LT 4 BLK 2 LESS E.25 TO PUBLIC; LT 3 BLK 2; LT 2 LESS W140.78 S150 THEREOF BLK 2; W140.78 S150 LT 2 BLK 2; LT-1-BLK-2; LTS 1 & 2 BLK 1; LT-3-BLK-1; LT-4-BLK-1; LT-5-BLK-1; LT-6-BLK-1; LT-7-BLK-1; LT-8-BLK-1; LT-9-BLK-1; LT-10-BLK-1; LT-11-BLK-1; LT 12 LESS E250 & LESS W25 & S5 THEREOF BLK 1; W125 E250 LT 12 LESS S5 THEREOF BLK 1; E125 LT 12 LESS S5 THEREOF BLK 1, APACHE ADDN, AIRPARK DISTRIBUTION CENTER, GOFIT, RACEWAY ADDN, LANGLEY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

21957—Sam Stokely

Action Requested:

Variance from the required spacing for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 feet from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **LOCATION:** 2976 North Florence Avenue East (CD 1)

Presentation:

Andrew Shank, 2727 East 21st Street, Suite 200, Tulsa, OK; stated this is a dual request, a Spacing Verification for a digital outdoor advertising sign which the proposed sign complies with as a matter of right. This is similar to a case from two years ago that is in Tulsa Hills and there was a lawful non-conforming sign near the Quik Trip. Under the Tulsa Zoning Code there can be a billboard in limited zoning districts and within those districts there is a very limited space called a freeway sign corridor; that is within 400 feet of the highway, which in this case is the Gilcrease Expressway. There are no other signs within 400 feet of the Gilcrease Expressway that will conflict with this sign. The sign at issue in this case is located on North Harvard and it looks like it is an older sign and is approximately 1,300 feet away from the proposed sign. Because the existing sign is located outside the freeway sign corridor Mr. Shank thinks there is ambiguity in the code and that is part of the hardship. Another part of the hardship is the topography; the Gilcrease Expressway is elevated and there is a heavy green belt that effectively screens the existing sign on North Harvard from view of the Gilcrease Expressway. The existing sign on North Harvard is oriented north and south, and the proposed sign will be oriented east and west of the Gilcrease Expressway.

Interested Parties:

Lorinda Elizando, Lamar Outdoor Advertising, 7777 East 38th Street, Tulsa, OK; stated that Lamar is the company with the billboard that is in question on North Harvard, and Lamar is not opposed to the requested Variance.

Comments and Questions:

None.

Board Action:

On **MOTION of WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing between digital outdoor advertising sign subject to the action of the Board being void should another outdoor digital advertising sign be constructed prior to this sign. To **APPROVE** the request for a Variance from the required spacing for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), and is because the sign that is in conflict is a legal non-conforming sign that faces north and south whereas the proposed sign will face east

and west. The existing sign is on a surface street that is not related to the expressway and is heavily shielded from view of the expressway by virtue of the green belt. This approval is subject to per plan 3.9. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

N75 LT 4 & ALL LT 5 BLK 3, SANTA FE INDUSTRIAL DISTRICT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

21963—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to allow a 60 square foot wall sign in the RS-3 District (Section 402.B.4).

LOCATION: 1120 East 34th Street South (CD 9)

Presentation:

Doug Dodd, 3215 East 57th Street, Tulsa, OK; stated that he represents Southminster Presbyterian Church and that is on the Board of Elders and Chairman of the Church's Administration property. This church has been a part of Brookside before the area was truly Brookside, since 1945 and has been in the same location all of those years. The address of 34th Street was the original street address of the church when it was first founded in 1945. In the 1980s the church acquired more property to the east to keep the parking lot and at the time the pastor at the time requested the post office to change the street address to 3500 South Peoria Avenue. Mr. Dodd had an aerial placed on the overhead projector to show the orientation of the church sanctuary on the church property. East of the sanctuary is the remains of two-story educational building that had been demolished as part of the expansion in 2006. Although the church is part of Brookside it is not on Peoria, so visibility for any sign the church has had over the years has been a challenge. The proposed sign would be illuminated but it is not lit. There is lighting behind it so that at night it can be seen, and there is no neon on the sign. The lettering will be a traditional Times New Roman with a denominational logo to the side. The hardship is the location of the church in the neighborhood which creates a hardship in the ability to post any kind of sign. The church is the farthest east of any structure within the neighborhood before getting to Peoria. No residential units will be able to see the sign because they are farther west on 34th Street. To the east and to the south of the subject wall there is a parking lot, and to the north of the wall is a parking lot that

serves several properties, including Senior Tequilas and other businesses in Brookside, but are not owned by the church and have no connection to the church. The residential portion of Brookside starts west of the church. The proposed sign will be the only signage on that side of the church, and the existing sign on Cottrell Hall will be removed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a **Variance** to allow a 60 square foot wall sign in the RS-3 District (Section 402.B.4), subject to conceptual plan 4.15 and 4.16. Finding that the location of the wall in question where the sign will be mounted is the only visible aspect to be seen from Peoria Avenue and the sign is also totally not visible from the residential area to the west. The existing wall sign as shown on 4.12 is to be removed, which is south of the proposed sign. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LOT 1 BLOCK 1, SOUTHMINSTER PRESBYTERIAN CHURCH OF TULSA REPLAT
PRT BURGESS AC & PRT PEORIA GARDENS, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

21964—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to allow a digital sign within 200 feet of an R District (Section 1221.C.2).

LOCATION: 801 East 91st Street South (CD 2)

Presentation:

Bruce Anderson, 9520 East 55th Place, Tulsa, OK; stated he represents Tulsa Technology. Mr. Anderson stated this is a sign that meets Tulsa City Code and will be directly across the street from Jenks. There is about 100 foot separation from the proposed sign site to the residential area to the south. The sign is one that is being used on all Tulsa Technology campuses and the school is in the process of getting all the signs standardized. It is currently being utilized in Broken Arrow, Owasso, and

Sand Springs. The electronics give the school the ability to show the public what Tulsa Technology can do and tell the public what they are really all about. Mr. Anderson stated that he spoke with the City of Jenks and understands that Mr. Robert Bell wrote a letter of concern. He met with Mr. Bell last week and he has a new letter stating that he does not object to the sign because the school will turn the sign off at 10:00 P.M. and turn it on at 7:00 A.M. The sign will face east and west so the lit portion of the sign does not face directly toward the south where the residential area is located. Sign #2 in the plan will be located on the west end of the property and does not have an electronic message center.

Interested Parties:

Thomas H. Butler, 816 West K Street, Jenks, OK; stated this lot is about 300 feet east/southeast of the proposed signage. His concerns are that the sign will be too close, too bright, too high and a casino style bright LED sign would always be changing and never going off. He thinks there should be a more stylish up-lighting package that could be used instead of a large sign such as proposed. He strongly promotes technical education and thinks it is wonderful but no sign will ever convey that people in the community can work with their heads and their hands better than personal interaction. He feels this is an attempt at recruiting without actually physically recruiting. The impact on the neighborhood is not known and the people in the neighborhood have lived there for a long period of time. He bought specifically in that area to build a retirement home and his has placed the plans on hold until he finds out the decision on this application. He must already contend with the fact that the subject campus is a non-smoking campus because his driveway looks very much like an ashtray along with other trash. He feels this sign along with the other nuisances will put an undue burden on him and the neighborhood. The consequence of a sign this bright that is constantly changing pattern is unknown. He is in opposition to this proposal.

Kenneth White, Tulsa Airport Authority, 7777 East Apache Street, Tulsa, OK; stated he the Project Manager for both airports. The airport is not opposed to the new signage but they want to be on record that they are very concerned. Nobody knows what the sign will do to future flight operations especially during the fog or at night. The airport would like to have a recourse that if the sign did prove to be a hazard, six to eight months from now, to be able to tone the sign down or to eliminate the hazard.

Rebuttal:

Mr. Anderson came forward and stated that he understands totally what the interested parties are saying. The sign can be automatically dimmed to 50% at night. His company has found that signs are easier to read if the sign is at half its brightness. During the day the sign would only be at 80% or 85% of the total brightness possible. Through the software for the sign the brightness could even be lowered a little more if needed. The only animation or movement on the sign would be pictures of the students actually performing a specific task. A static message would not help the school in marketing but the sign could be limited to a certain hold time for a picture.

Comments and Questions:

Mr. Van De Wiele stated that he thinks the 10:00 P.M. hour is too late especially during the winter months when it is dark earlier. The fact that the sign faces east and west helps but he thinks this will light up the entire section of 91st at least between the hours of dark and 10:00 P.M. The fact that the airport is expressing a concern tends to concern him. Mr. Van De Wiele believes this is self-imposed.

Mr. Swiney asked Mr. Kenneth White about his concern of the pilots landing and taking off and if the FAA had jurisdiction over these type issues. Mr. Kenneth White stated that he did not think so.

Mr. Henke stated that he thinks this proposed sign will be detrimental to the neighborhood, whether it is the airport or the neighbors across the street.

Mr. White stated that he used to fly out of Riverside Airport and there are no other lights that present a distraction, and a sign with LED lighting could be a distraction. Mr. Henke thinks there is going to be light pollution in the area and it would be naïve to think that having a large digital sign across the street isn't going to be noticeable. It will be noticeable and it will affect those properties.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **DENY** the request for a **Variance** to allow a digital sign within 200 feet of an R District (Section 1221.C.2), finding the hardship to be self imposed and that the Variance would pose a detriment to the neighborhood and a potential safety concern with the airport; for the following property:

PRT SE BEG 175N & 965.79W SECR SE TH W553.86 NE860.24 SE618.09 SW426.34 TO POB SEC 13 18 12 7.950ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21967—James Smiley

Action Requested:

Special Exception to permit a bakery (Use Unit 25) in the CH District (Section 701, Table 1); Special Exception to permit parking on a lot other than the lot containing the principal use (Section 1225.D). **LOCATION:** 1232 East 2nd Street South (**CD 4**)

Presentation:

James B. Smiley, Architect, 6006 East 57th Place, Tulsa, OK; stated he represents Antonio Perez. The building is Type 1-B construction of reinforced concrete and masonry. The top floor of the building has been occupied for several years as a media center for Hispanic radio and television. The bottom floor has been vacant for several

years and the Perez's would like to have a tortilla factory on the first floor of the subject building. There will be no drop in trade because it is not a mercantile type business. The use will be strictly for the manufacturing of bakery goods and shipping them to the distributors. The building will remain as is on the outside other than to add parking on the west side to accommodate the factory employees, which should be less than ten people at any one time. There will be trucks arriving to pick up finished product for delivery and for unloading raw products for the manufacturing process.

Mr. Van De Wiele asked if the lot where the parking lot is going to be is owned by the same people that will have the tortilla factory. Mr. Smiley answered affirmatively and stated the lot is in the application process of combining lots 1 thru 12.

Interested Parties:

Michael Sager, 320 East 1st Street, Tulsa, OK; stated he is here to encourage the Board to approve the Special Exceptions requested. He owns various properties to the south across the alley and across 3rd Street. In an effort to move this entire forward he thinks this Special Exception is going to be requested over and over. Therefore, he encourages the Board to approve today's request.

Comments and Questions:

Mr. Van De Wiele asked staff if this request should wait for the lot combination. Ms. Miller stated that the Letter of Deficiency that the Building Permit Office issued had the lot combination as a solution, but this was the solution that was chosen. The applicant could have combined all the lots or he could come before the Board for this action.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Special Exception to permit a bakery (Use Unit 25) in the CH District (Section 701, Table 1); Special Exception to permit parking on a lot other than the lot containing the principal use (Section 1301.D), subject to "as built" with the parking to be on the lot which is immediately adjacent to the west. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

W4.5 LT 2 ALL LTS 3 4 5 6 7 8 BLK 17, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21968—Lamar Outdoor Advertising – Lorinda Elizando

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 feet from any other digital outdoor advertising sign facing the same

traveled way (Section 1221.G.10). **LOCATION:** 5555 South 129th East Avenue (CD 6)

Presentation:

Lorinda Elizando, Lamar Outdoor Advertising, 7777 East 38th Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Henke stated the Board was in receipt of the applicant's survey on page 8.6.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant's verification of spacing between outdoor advertising signs, for either a digital or conventional billboard, subject to the action of the Board being void should another digital and/or standard outdoor advertising sign be constructed prior to this sign; for the following property:

LT 1 BLK 1, FORD MOTOR CO TULSA GLASS PLANT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21969—Lamar Outdoor Advertising – Lorinda Elizando

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 feet from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **LOCATION:** 10342 East 58th Street South (CD 7)

Presentation:

Lorinda Elizando, Lamar Outdoor Advertising, 7777 East 38th Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Henke stated the Board was in receipt of the applicant's survey on page 9.14.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant’s verification of spacing between outdoor advertising signs, for either a digital or conventional billboard, subject to the action of the Board being void should another digital and/or standard outdoor advertising sign be constructed prior to this sign; for the following property:

LT 3 LESS BEG SWC TH N577.85 TH ON CRV LF 142.20 SE113.04 S472.11 SE49.30 S66.78 W229 POB & LESS BEG NEC TH S371.29 W197.69 N168.63 NW169.26 TH ON CRV LF 82.36 E299.60 POB BLK 18, TULSA SOUTHEAST IND DIST B12A-18 RESUB PRT TULSA SE IND&EXT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21970—Jeremy Perkins

Action Requested:

Variance to permit an underground detached accessory building in the required front yard (Section 402.B.1.b); Variance to reduce the required front yard from 30 feet to 0 feet to permit an addition to the existing garage in the RS-2 District (Section 403.A, Table 3). **LOCATION:** 109 East 26th Street South **(CD 4)**

Presentation:

Jeremy Perkins, Perkins Architects, 2200 South Utica Place, #216, Tulsa, OK; stated he represents the homeowner. This is an existing non-conforming garage in the front yard of the applicant’s house which is underground. The garage is deteriorating and the home owner would like to be able to use the existing slab and front wall for a three car garage in the same area.

Mr. Van De Wiele asked Mr. Perkins what he means by deteriorating. Mr. Perkins stated that the garage is a concrete roof with a yard over the top of it, and it is leaking and starting to fail structurally.

Mr. Perkins stated the existing garage is not used for a car currently but is being used as storage, but not much storage because of the leaks. The home owner would like to have a three car garage in the same area, but instead of using what is now the wall for the stairway to the front yard moving it to the west to use a walkway that is on the west. Then make the existing garage deep enough to be able to use it for a three car garage.

Mr. Van De Wiele had a photo placed on the overhead projector and asked Mr. Perkins to elaborate on the proposed garage. Mr. Perkins stated that the wall to the east of the stair would remain but revamped structurally if needed, because that wall is the start of

the garage and it would end at the existing west stair that currently goes up to the house. The west stairway would remain intact and have a gate erected for security. The proposed garage would be substantially deeper than it is currently. The proposed garage would be 25 feet deep and would all be underground. In appearance the look would be similar. Mr. Perkins stated that the hardship is that this is a RS-2 lot and the minimum lot width for RS-2 is 75 feet, and the existing lot is 63 feet wide. There are topography issues and it is not possible to erect a garage on either side of the house back 30 feet based on what exists now. There is an existing garage that the home owner cannot use because of deterioration and it is not large enough to fit a modern vehicle currently.

Mr. Van De Wiele asked Mr. Perkins how many of the houses in the immediate area have this concept. Mr. Perkins stated there is one directly to the east that has possibly a two car garage. Mr. White stated there are houses on the other side of the running trail that has come before the Board.

Interested Parties:

Janice Nicklas, 122 East 25th Street, Tulsa, OK; stated she lives in the next block in the Riverside District from the subject property. She is opposed to the request. This project is located in the Riverside District which is listed on the National Register of Historic Neighborhoods and it was listed ten years ago in March 2005. It took four years of work and a partnership with the City, the Oklahoma Preservation Commission, and volunteers from the neighborhood to get this accomplished as well as thousands of dollars spent by the City and private funds raised by the neighborhood. During the past ten years the residents have been working hard to preserve the stability and character of the historic Riverside District. She believes this request is not a hardship for the owner who was aware of the zoning when the property was purchased. According to the Code this project will not be compatible with the neighborhood and will be injurious to surrounding areas, setting a precedent. The residents also believe there are other issues that have not been addressed as well as possible flooding problems consequently from the construction and the land use for the downhill neighbors. There would also be possible parking problems as the neighborhood is very close to the new Gathering Place.

Mr. Van De Wiele asked Ms. Nicklas if cars would be taken off the street by the addition of the garage space. Ms. Nicklas stated that she didn't think so. The home owner is proposing a three car garage that will have entrance for the owners and no one will be able to park there. People on the street may have a lot a competition for parking from their friends and family as they try to live with the new park conditions. She thinks this sets a terrible precedent for people doing this, and the residents are trying very hard to keep the quality and character of the neighborhood. It is one of Tulsa's very few historic neighborhoods that are on the national register.

Mr. Van De Wiele stated the home owner is really trying to replace what exists currently, and he may have an issue with three car spaces, but the house right next door has the basically identical situation, he is failing to see the dilemma. Ms. Nicklas stated the

proposal is to bring the garage out closer to the street. Mr. Van De Wiele stated that is not correct but the proposal is to go deeper into the hillside toward the house because the front wall is already at the property line therefore not coming closer to the street. Ms. Nicklas stated that the residents do not think the proposal is in keeping in character with the street and it would set a precedent for others to do the same.

Barbro Cox, 10 East 26th Street, Tulsa, OK; stated she has lived in the neighborhood for 35 years, and she was one of the people that worked very hard to get the national register nomination. She does not see a hardship in this case. The home owner moved in in 2010 and bought the house with a one car garage that is on a hill, and the neighborhood should not be required to drive by the house and see a three car garage on the street. If the home owner places pavement on top of the proposed garage there will be water runoff to the street. She cannot see how this proposal will improve the neighborhood at all and she is against the project.

Jane Halliwell, 2235 South Rockford, Tulsa, OK; stated if the existing middle stairway is removed the house will look much different and will look awkward. There is a real charm to the house and the middle stairway is part of the charm and a part of the design of the house. She does not understand the concept of installing three garage doors with a stairway on the west side because of where the front porch is located. Ms. Halliwell believes it is the Board's mission to preserve the properties that are in existence in neighborhoods. The subject house is a gorgeous house and she hopes the Board will preserve the beauty of this house. Ms. Halliwell stated that she can see repairing the garage but a third garage door will take parking spaces off the street because no one can park in front of a driveway. She hopes the beauty of the neighborhood is preserved.

Mr. Van De Wiele asked Ms. Moye to place a photo on the overhead projector showing the two car garage immediately next door, and asked Ms. Halliwell for her thoughts on the garage door. Mr. Van De Wiele stated that the Board has approved old World War II garages for expansion because they are too small all over Tulsa. Ms. Halliwell stated that she objects to three doors and the elimination of the beautiful existing stairwell.

Mr. Henke asked Ms. Halliwell if she thought the two car garage was out of character for the neighborhood. Ms. Halliwell stated that she did not think they are out of character.

David Shirley, 109 East 26th Street, Tulsa, OK; stated he owns the house in question. He bought the house because of the charm. He has no desire to take away any of the charm. He believes the stucco wall that is the face of the house right now can be lifted with a beautifully done garage. He loves the neighborhood and everything about the house except for the yard. The center staircase in the front yard is a hazard for his two year old child. He cannot let his child go out into the front yard without, either erecting a fence around the stairwell or not letting him in the front yard at all. The whole stairwell is a hazard and has crumbled, and that was the reason for the requested three car garage because it is going to need to be moved in some way. He has two very large cars and the third area would be for storage. He wants to enhance the beauty not take

it away. In now way is he trying to make the house look like one of the newly built houses around Tulsa. He will continue to do things to keep up the beauty of the area.

Mr. Van De Wiele asked Mr. Shirley what was currently above the garage. Mr. Shirley stated that it is yard and it will continue to be a yard, there will not be a concrete pad. He wants to have a continuous front yard that his child can play in, and the back yard is chopped up with more tiers than the front yard. There is no flat area for children to play on his property.

Rebuttal:

Mr. Perkins came forward and stated that with the new design all the water runoff will be contained or directed to the street. There will be no runoff towards the neighbors which would be a better situation that what is there now. He plans to have some lawn near the entrance to the west so there would be less concrete. Mr. Perkins stated the homeowner did not receive a deficiency on anything regarding preservation.

Comments and Questions:

Mr. Henke stated that he does not have a problem with this request in concept but he does think a three car garage is out of character. He could support a two car garage.

Mr. Van De Wiele agreed with Mr. Henke. He stated that when he first saw the plan he thought there was too much of an industrial storage unit look. He does not have any problem with a two car garage.

Mr. White left the meeting at 2:27 P.M.

Mr. Perkins asked the Board if they would be opposed to the size of the garage if there were only two garage doors because there is a need for storage. Mr. Henke and Mr. Van De Wiele stated that they would not have an objection if the two doors were the approximate seven foot garage doors.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-1 (Henke, Flanagan, Van De Wiele "aye"; no "nays"; White "abstaining"; Snyder absent) to **CONTINUE** the request for a Variance to permit an underground detached accessory building in the required front yard (Section 402.B.1.b); Variance to reduce the required front yard from 30 feet to 0 feet to permit an addition to the existing garage in the RS-2 District (Section 403.A, Table 3) to the Board of Adjustment meeting on October 27, 2015 to allow the applicant to bring back a more detailed and revised plan showing two garage doors; for the following property:

E 12.67' LT 7 ALL LT 8, BLK 11, RIVERSIDE DRIVE ADDN THIRD AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White re-entered the meeting at 2:29 P.M.

21971—Mark Nelson

Action Requested:

Variance of the required rear yard setback in the RS-2 District from 25'-0" to 12'-0" (Section 403, Table 3). **LOCATION:** 2610 East 44th Street South **(CD 9)**

Presentation:

Mark Nelson, Architect, 1927 South Boston, #207, Tulsa, OK; stated this is an existing ranch house built in 1955. When it was built it was built very close to the south property line and per the Zoning Code it must be called the rear yard. The owners would like to add a master suite to the rear of the existing house. The addition would not put the house any closer to the property line than the house already is. The driveway is on the east side of the property and the garage door faces the east where the master suite is proposed to be built. So existing driveway will be removed and placed on the west side facing Birmingham making the garage doors facing the street.

Mr. Van De Wiele asked Mr. Nelson if there has been feedback from the neighbors. Mr. Nelson stated that he personally have not spoken to them but his client did and no one said anything negative about it.

Mr. Henke left the meeting at 2:31 P.M.

Interested Parties:

Melisse Minton, 2610 East 44th Street, Tulsa, OK; stated she is the home owner and stated that she has spoken with all the neighbors that are around her. She left a letter and drawings on the neighbor's porch to the south and never heard anything.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-1 (Flanagan, Van De Wiele, White "aye"; no "nays"; Henke "abstaining"; Snyder absent) to **APPROVE** the request for a Variance of the required rear yard setback in the RS-2 District from 25'-0" to 12'-0" (Section 403, Table 3), subject to conceptual plan 11.10. The Board has found that the addition to be constructed will encroach no further into the rear yard setback any more than the existing residence on the south end. The Board has found that this house sits on a corner lot and is rather unique in the layout and that the encroachment will not be detrimental. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal

enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 4 BLK 3, SMITHVIEW ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 2:35 P.M.

21972—Brett Logan

Action Requested:

Variance of the setback from an arterial street, South Lewis Avenue, from 35 feet to 0 feet to permit a detached accessory building (Section 403, Table 3).

LOCATION: 2410 East 32nd Street South (CD 9)

Presentation:

Brett Logan, 2650 South Utica Avenue, Tulsa, OK; stated this is a residential project with a general remodel of the exterior façade is cosmetic. His clients are elderly and a critical issue for them is security. They live right on Lewis Avenue and have had issues with break ins in the past. The existing garage is a two-car garage but there is no room to keep the trash receptacles inside the garage. The existing fence has a gate near the garage and the couple pay the extra fees to have the trash service open the gate to retrieve the trash receptacles. His clients would like to be able to secure the trash receptacles in a locked area creating a barrier between their back yard and the trash receptacles. His clients like the idea of having an enclosed space for protection from the weather so the idea evolved into a small shed so that was incorporated into the entire remodel of the house. The entire end of the house is well into the 35 foot setback so no matter where the proposed shed is placed it will not be into compliance. The existing concrete slab is used as a third car parking space and the client wants to preserve that concrete drive access to that slab. Placing the trash receptacle shed there on the property makes the most sense and places it up against the existing fence line. The proposal is to tear down one of the existing masonry columns, build the trash receptacle enclosure so that its west façade is in alignment with the masonry columns, restore the fence, and make something that is discreet from Lewis Avenue.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a **Variance** of the setback from an arterial street, South Lewis Avenue, from 35 feet to 0 feet to permit a detached accessory building (Section 403, Table 3), subject to conceptual plans 12.10 and 12.11. Finding there will be no further encroachment into the right-of-way of Lewis Avenue than already exists with the pillars and fence. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 12, BLK 1, FOREST ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

Review and Approval of the 2016 Board of Adjustment meeting calendar.

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the 2016 Board of Adjustment meeting calendar striking the November 22nd and December 27th meeting dates.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

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

Date approved: 10/27/15

Frank X. Harris, Jr.
Chair