

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1151
Tuesday, November 10, 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 Snyder Van De Wiele White, Vice Chair		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, November 5, 2015, at 3:20 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 5-0-0 (Henke, Flanagan, Snyder, VanDeWiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the October 27, 2015 Board of Adjustment meeting (No. 1150).

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The applicant has withdrawn this case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

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

NEW APPLICATIONS

21981—Leah Krautter

Action Requested:

Variance to exceed 18 feet in height and 10 feet at the top of the top plate for a detached accessory building (Section 210.B.5). **LOCATION:** 1315 East 19th Street South **(CD 4)**

Ms. Snyder recused herself at 1:06 P.M.

Presentation:

The applicant has requested a continuance to the December 8, 2015 Board of Adjustment meeting because the notice sent out requested a Variance to exceed 18 feet in height and 10 feet at the top of the top plate, however, it was incorrectly noticed because the notice should have been a request to allow a detached accessory building to be two-stories.

Interested Parties:

There were several interested parties present and no objected to the continuance.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; Snyder “abstaining”; none absent) to **CONTINUE** the request for a Variance to exceed 18 feet in height and 10 feet at the top of the top plate for a detached accessory building (Section 210.B.5) to the Board of Adjustment meeting on December 8, 2015; for the following property:

W90 E151 LT 6 BLK 25,PARK PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21982—Peyton Haralson

Action Requested:

Variance to permit two (2) projecting signs along South Boulder Avenue on the subject lot; Variance to allow two (2) projecting signs to be less than 30 feet apart (Section 1221.C). **LOCATION:** 423 South Boulder Avenue West **(CD 4)**

Presentation:

The applicant has requested a continuance to the December 8, 2015 Board of Adjustment meeting. The Variance to permit two projecting signs is now a request for three projecting signs so the case needs to be re-noticed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; Snyder “abstaining”; none absent) to **CONTINUE** the request for a Variance to permit two (2) projecting signs along South Boulder Avenue on the subject lot; Variance to allow two (2) projecting signs to be less than 30 feet apart (Section 1221.C) to the Board of Adjustment meeting on December 8, 2015; for the following property:

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135,TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21983—Peyton Haralson

Action Requested:

Variance to allow a digital wall sign within 20 feet of the driving surface of a street;
Variance to allow an Electronic Message Center wall sign within 50 feet of a signalized intersection (Section 1221.C.2). LOCATION: NW/c of South Boston Avenue and East 1st Street South (CD 4)

Presentation:

Peyton Haralson, Tulsa Parking Authority, 175 East 2nd Street, Tulsa, OK; stated this request is for a parking garage located on 1st Street.

Mr. Henke asked Mr. Haralson what the sign was going to display. Mr. Haralson stated the digital sign will display the garage status and will not be flashing any advertisements or anything of that nature.

Mr. Van De Wiele asked Mr. Haralson what his hardship would be for the sign. Mr. Haralson stated that as he understands the ordinance it is that the garage is within so many feet of a signalized intersection and/or the driving surface and there is limited frontage to the street.

Mr. Swiney stated that this location is extraordinary insofar as there is a high volume of traffic going by at a fairly high speed for a street. The structure itself is built right up to the property line so as a service to the traveling public who might be looking for a parking space or looking for an economical place to park a sign would be very useful to the public. It is a function of the amount of traffic going down the street and the difficulty of being able to see a parking opportunity before a person is already past that point.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the request for a Variance to allow a digital wall sign within 20 feet of the driving surface of a street; Variance to allow an Electronic Message Center wall sign within 50 feet of a signalized intersection (Section 1221.C.2), subject to conceptual plan 5.13 and 5.14. The Board has found that the signs in question are essential to notifying the motoring public as to the status and location of potential parking places in the subject structure. The messages contained on the signs will be strictly relevant to the actual parking condition and availability at the subject structure. This approval is to comply with Section 1221.C.2 except there will be no time limitation for the hours of operation. 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:

BLK 72 & VAC ALLEY LESS BEG NWC LT 9 TH E300 S5.75 W300 N5.75 POB; PRT NW & PRT LTS 1 THRU 4 & PRT LT 9 BEG 5.75S NWC LT 9 TH E300 N185.75 W300 S185.75 POB BLK 72, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21984—Peyton Haralson

Action Requested:

Variance to allow a digital projecting message board within 20 feet of the driving surface of a street (Section 1221.C.2). **LOCATION:** 100 East 2nd Street South (CD 4)

Presentation:

Peyton Haralson, Tulsa Parking Authority, 175 East 2nd Street, Tulsa, OK; stated this request is similar to the previous request.

Mr. Van De Wiele asked if this request is for one or two signs because on page 6.8 there are two signs depicted. Mr. Haralson stated that the request is for one sign at this point in time.

Mr. Henke asked Mr. Haralson to confirm the request is for just as it was advertised. Mr. Haralson answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; Snyder “abstaining”; none absent) to **APPROVE** the request for a Variance to allow a digital projecting message board within 20 feet of the driving surface of a street (Section 1221.C.2), subject to conceptual plan 6.8 for the most westerly location only and for one location only. The Board has found that the sign will be advertising the availability and location of parking for events in the subject parking structure. This approval is to comply with Section 1221.C.2 except there will be no time limitation for the hours of operation. 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 variances 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:

PRT BLKS 105 & 106 & VAC BOSTON AVE BETWEEN BLKS & VAC ALLEY BLK 105 BEG NEC LT 7 BLK 105 TH NELY374 SELY300 SWLY374 NWLY300 POB BLK 105, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21985—Peyton Haralson

Action Requested:

Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the north parking garage entrance/exit (Section 1221.C.2); Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the south parking garage entrance/exit (Section 1221.C.2). **LOCATION:** 100 West 1st Street South **(CD 4)**

Presentation:

Peyton Haralson, Tulsa Parking Authority, 175 East 2nd Street, Tulsa, OK; stated this request is fairly similar to the previous request, but this structure does have two different entrances on two different streets. The 2nd Street side of the structure is an exit only with the entrance side is on 1st Street.

Mr. Van De Wiele asked Mr. Haralson if the existing projecting sign was going to be removed. Mr. Haralson stated that the existing sign is staying as it is the international parking symbol.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the request for a Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the north parking garage entrance/exit (Section 1221.C.2); Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the south parking garage entrance/exit (Section 1221.C.2), subject to conceptual plan 7.9 and 7.10. These signs will be used for strictly providing information to the motoring public as

to the availability and location of the parking within the subject structure. This approval is to comply with Section 1221.C.2 except there will be no time limitation for the hours of operation. 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 variances 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:

PRT LTS 1 THRU 8 & VAC ALLEY ADJ THERETO BLK 91 BEG NWC BLK 91 TH NE242 SE230 NE58 SE70 SW300 NW300 POB, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21986—Peyton Haralson

Action Requested:

Variance to allow a digital ground sign within 20 feet of the driving surface of a street (Section 1221.C.2). **LOCATION:** 522 West 3rd Street South **(CD 4)**

Presentation:

Peyton Haralson, Tulsa Parking Authority, 175 East 2nd Street, Tulsa, OK; stated this request is similar to the previous request.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION of WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; Snyder “abstaining”; none absent) to **APPROVE** the request for a Variance to allow a digital ground sign within 20 feet of the driving surface of a street (Section 1221.C.2), subject to conceptual plan 8.11 and 8.12. The Board has found that the information on the sign will be limited to the available parking and the location thereof within the structure. This approval is to comply with Section 1221.C.2 except there will be no time limitation for the hours of operation. 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 variances 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:

ALL BLKS 125 & 126 & ALL 20 VAC ALLEY ADJ LTS 1 THRU 6 BLKS 125 & 126 & 80 VAC GUTHRIE ST ADJ BLKS 125 & 126 & N40 VAC ST BEG SECR LT 3 BLK 125 TH SE40 SW680 NW40 NE680 POB BLKS 125 & 126, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 1:30 P.M.

21987—Eller & Detrich – Lou Reynolds

Action Requested:

Variance of the required off-street parking for a medical office in the OL District from 31 spaces to 26 spaces (Section 1211.D). **LOCATION:** 2622 East 21st Street South (CD 4)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Dr. Steve Wiseman and he is purchasing the west three buildings at the Park 21 Office Center. The building has no access into the neighborhood and shares an access with the office building on the east side. This office building has 8,879 square feet with 26 existing parking spaces. To comply with the current code there would be 30 spaces required and to convert 2,160 square feet to medical there would be 31 spaces required. This project has a shared parking agreement so everyone can share parking on the property. Mr. Reynolds stated that the hardship is that the Zoning Code treats all office uses as they are all alike, and medical uses are not the same. This is a single doctor practice and he will not have any impact on the parking in the Center.

Mr. Swiney asked Mr. Reynolds about the mutual parking agreement. Mr. Reynolds stated that it is a recorded parking agreement and it the recorded number has been referred to in the packet.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the required off-street parking for a medical office in the OL District from 31 spaces to 26 spaces (Section 1211.D), subject to conceptual plan 9.8. The Board has found that the office building in question has a shared parking configuration and a shared parking agreement with two adjacent properties and office

buildings, and the total parking servicing all three buildings is sufficient for the services provided in the facilities. 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. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT LT 28 BEG 35.25S NWC LT 28 TH S270 E182.5 N33.75 W5 N125 W35 S21.25 W37.50 N44.75 W52.50 N4 W5 N61.25 E27.50 N22.50 W75 POB, HARTER'S SECOND SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

20318-B—All Star Builders – David Ellis

Action Requested:

Modification of a previously approved Special Exception (BOA-20318-A) to increase the allowed amount of displayed vehicles from 85 to 145. **LOCATION:** 602 South Sheridan Road East (CD 5)

Presentation:

David Ellis, All Star Builders, 6901 South Redbud Avenue, Broken Arrow, OK; stated that his client would like to modify the previous request from 85 car to 145 cars on the subject lot. The parking lot has been asphalted on one side of the property but his client is waiting to see if he receives approval before asphaltting the other side. His client is attempting to purchase the property across the street to ease the burden of customer parking and should be closing on that deal this Friday.

Mr. Van De Wiele stated that the Board previously granted a modification to 85 cars on the subject property and in looking at the photos in the Board's agenda packet Mr. Van De Wiele stated that he has counted more than 156 cars on the subject lot. Mr. Van De Wiele asked Mr. Ellis why he or his client went from 85 cars to 160 cars.

Mike Asfour, 602 South Sheridan Road, Tulsa, OK; stated that he had a misunderstanding about the number of cars.

Mr. Van De Wiele asked Mr. Asfour is he did not think there was a limitation. Mr. Asfour stated that he did not think so.

Mr. Van De Wiele asked what the typical turnover of cars is in the lot; how many are being bought and how many are being sold. Mr. Asfour stated that it depends on the month. In late November or December it is very slow. The tax season is the busiest time. Mr. Asfour stated there are four or five months a year that cars do not sell.

Mr. Van De Wiele asked Mr. Asfour how many cars are sold in a busy month. Mr. Asfour stated that last February he sold over 100 cars.

Mr. Ellis came forward and stated that his client is in the process of getting the subject property back into compliance. His client has moved a lot of vehicles since the picture in the packet was taken. Mr. Ellis reiterated that his client is attempting to purchase the property across the street.

Mr. Van De Wiele asked Mr. Ellis if it was property across 5th Street. Mr. Ellis stated that it is property that is across Sheridan Road. Mr. Van De Wiele asked Mr. Ellis if the customers would need to walk across Sheridan to get to the subject property. Mr. Ellis answered affirmatively.

Interested Parties:

Paul McGinnis, 6321 East 5th Place, Tulsa, OK; stated he lives four houses west of the subject property. The picture in the packet is dated March 2014 and can Google Map the property right now and count 200 cars on the property, and Mr. McGinnis submitted a picture to this fact. The applicant did not care about the Variance for 85 cars and have already exceeded the amount currently being requested, and there is a problem with the customers getting to the lot. Currently the customers park in the parking lot that is north of the subject property. There is a problem with people sprinting back and forth across the street between parked cars. Up to a week ago the applicant would pull cars out that were blocking his entry of the subject property and line them up on the street making the street one lane. Mr. McGinnis stated that if someone is driving on 5th Place and someone is turning off Sheridan he may have to stop because of the oncoming traffic leaving the car coming off Sheridan still partially on Sheridan. Mr. McGinnis stated that he has had to drive over the curb to avoid getting hit by another car. Mr. McGinnis stated this is a residential neighborhood and there are too many cars for the area. The neighborhood does not want any more businesses trying to establish themselves in the area because of bad experiences with the ones that are there. Mr. McGinnis stated that the customers of the car lot test drive the cars in the neighborhood and they think that first block is a dragstrip. Mr. McGinnis stated that that applicant needs to decrease the number of cars on the lot so their customers have parking. Mr. McGinnis stated that his neighbors are not going to come to a meeting to express an opinion because they are elderly.

Comments and Questions:

Mr. White stated there have been issues with car lots in the past and asked staff if there was anything in the Code about a density limitation. Ms. Miller stated that there was not. Mr. White stated this has been an issue for many years and the only control is for this Board to stipulate an amount, but there have been other car lots that have been established that did not bother to come before the Board to set an amount. Ms. Miller stated there are car lots that are allowed by right and do not come before the Board.

Rebuttal:

Mr. Asfour came forward and stated that he did not know about the limitation on the number of cars. The reason he is buying the property across the street to park cars on that future property. Mr. Asfour stated that he has never had any complaints from anyone. He wants to conduct a good business so he can raise his children.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **DENY** the request for a Modification of a previously approved Special Exception (BOA-20318-A) to increase the allowed amount of displayed vehicles on the lot from 85 to 145; for the following property:

E195 TR 31, GLENHAVEN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21988—Andrew Nash

Action Requested:

Variance of the required front yard from 35 feet to 29 feet to permit a garage addition (Section 403). **LOCATION:** 4728 South Atlanta Place (CD 9)

Mr. White recused himself at 1:52 P.M.

Presentation:

Andrew Nash, 4728 South Atlanta Place, Tulsa, OK; stated that the subject property is an odd shaped lot, an angled corner lot. When he purchased the house it is a rear entry using the driveway and would like to make it a front entry garage. While the work is being done he would like to extend it out a little for extra storage and a workshop area. Mr. Nash presented a drawing showing the house in relation to the angled corner of the lot.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Henke, Flanagan, Snyder, Van De Wiele "aye"; no "nays"; White "abstaining"; none absent) to **APPROVE** the request for a Variance of the required front yard from 35 feet to 29 feet to permit a garage addition (Section 403), subject to the conceptual plan submitted today, November 10,

2015, to allow for the approximate 18'-0" x 29'-0" garage expansion or extension. The Board has found that the property is a corner lot on a cul-de-sac and the odd shape of the property on the property line of the cul-de-sac constitutes the hardship. 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 13 BK 1, REGENCY MANOR ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White re-entered the meeting at 1:57 P.M.

21989—Tyler Outdoor Advertising – Dax Neal

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:** NW/c of Highway 75 and West 41st Street South (CD 2)

Presentation:

Daxton Neal, 1416 East 19th Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Interested Parties:

Toske Willits, 1620 West 41st Street, Tulsa, OK; stated he lives across the street from the proposed sign and he does not want the sign. Mr. Willits stated that he was approached by a sign company about having a sign placed in his front yard and he told them then that he did not want lights blinking all night so the sign was placed across the street.

Mr. Henke stated that the application before the Board today is merely for a verification of spacing, so the Board is not making a decision as to whether or not a sign can be there or if it is compatible with the property across the street. This is merely whether or not it is a certain distance away from any other signs.

Mr. Willits stated that when the property was first purchased it was short to place a sign on, and now the law is changed it has went from one side to the other side. Mr. Willits

stated that since Tulsa Hills has been built, from 41st to 61st, there are at least 20 signs in that area. Mr. Henke asked Mr. Willits if he was aware of any signs within 1,200 feet of the proposed sign. Mr. Willits stated he can currently see four signs from his property. Mr. Henke asked Mr. Willits if he was disputing the surveyor's certificate for the proposed sign. Mr. Willits asked how many signs were needed for Tulsa.

Mr. Henke stated that he did not think this was the proper venue for Mr. Willits to take issue with the Code as it is written. This Board is verifying spacing.

Todd Zelinsky, 4101 South Union Avenue, Tulsa, OK; stated he received a late notice on this and he understands Mr. Willits argument. Mr. Zelinsky stated that he also understands there is nothing the neighbors can do about this, but he wants the Board to know it is not right. Mr. Zelinsky stated that there is no need for more signs in the area.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none 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 13 LESS BEG SECR THEREOF TH NW112.25 TO NL E22.38 TO NEC LT 13 S110 TO POB FOR HWY & LT 14 LESS S10 W150 THEREOF & E180 LT 15 LESS S25 THEREOF FOR ST BLK 6, INTERURBAN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21990—Tanner Consulting, LLC – Ricky Jones

Action Requested:

Verification of the spacing requirement for a liquor store of 300 feet from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **LOCATION:** 2036 East 81st Street (CD 2)

Presentation:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, OK; stated that he represents the building owner where the Bedlam Bottle Company Wine and Spirits will be moving in to. They exist in the building across the street to the east from South Yorktown and they want to relocate in to the subject building. If the Board is inclined to approve this request this is not a new location but is a relocation.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) based upon the facts in this matter as they presently exist to **ACCEPT** the applicants request for a **Spacing Verification** for a liquor store provided the operation of the existing liquor store, Bedlam Bottle Company Wine and Spirits, be relocated to the proposed location indicated on the submitted site plan 13.11. Subject to the action of the Board being void should another liquor store or conflicting use be established prior to the establishment of this liquor store; for the following property:

PRT L 1 BEG 29.85S NEC TH S124.56 TH ON CRV RT 46.57 W191.61 N200 E170.16 TH ON CRV RT 46.97 POB BLK 1, RIVERBEND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21991—Fred Najm

Action Requested:

Verification of the spacing requirement for a liquor store of 300 feet from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **LOCATION:** 5820-B South Peoria Avenue South **(CD 9)**

Presentation:

Fred Najm, 5820-B South Peoria Avenue, Tulsa, OK; stated he has owned the business for the last four years and has the party store next door. Now he is going to convert the party store to a liquor store.

Mr. Henke stated the Board is in receipt of the applicant's survey on page 14.12 and 14.13.

Mr. Henke asked Mr. Najm about the survey on page 14.13; what is located in Item #9 on the survey. Mr. Najm stated that it is a closed flower shop which has been vacant for a year.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) based upon the facts in this matter as they presently exist to **ACCEPT** the applicants request for a Spacing Verification for a 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. This spacing varification is based on the moving of the present liquor store to the proposed location; for the following property:

LTS 5 6 7 & 8 BLK 1, BROADVIEW HGTS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21992—David Singleton

Action Requested:

Special Exception to permit a mobile home in the RM-2 District (Section 401, Table 1); Special Exception to extend the one-year time limit on a mobile home from 1 year to permanent (Section 404.E.1); Variance of the all-weather surface requirement for a driveway to allow gravel (Section 1303.D). **LOCATION:** 932 South 63rd West Avenue **(CD 1)**

Presentation:

David Singleton, 1705 South Memorial Drive, Tulsa, OK; stated that he and his wife would like to put in a manufactured home on the subject lot to live in permanently.

Interested Parties:

Dallas J. Baker, III, 6160 West 9th Street, Tulsa, OK; stated he opposes another trailer being brought in to the neighborhood because they devalue property. Most trailers in the area have been abandoned or start the project then run out of money. He is afraid that if one more trailer is brought in it will allow a flood gate to be opened for more to come in to the neighborhood. Mr. Baker stated that the area is also a flood zone so the trailer will need to be tied down with sewer, water and gas utilities run to it.

Doug Gorman, 4428 West Kent Circle, Broken Arrow, OK; stated that Mr. & Mrs. Singleton are purchasing a late model manufactured home. It has vinyl siding with a shingled roof and it will enhance the area, it will not devalue properties.

Mr. Henke asked Mr. Gorman what the age of the manufactured home is. Mr. Gorman stated that it is a 2010.

Ms. Miller stated that the property is about an acre in size and the Singletons were just approved for a lot combination which could be a factor.

Rebuttal:

Mr. Singleton came forward and stated that he will abide by the rules of the Code. Mr. Singleton stated that people may be concerned about their property but they should take a ride around the area because there are properties there that are nasty and he can see it from his property. He does not think there should be a problem with a manufactured home being moved in since he plans to keep the property up and make things better. The reason he bought the property is that he wants the area to look better and wants a place.

Mr. Henke asked Mr. Singleton to tell the Board what his hardship is for the driveway request. Mr. Singleton stated that he wants his property to look like a country home and he thinks a gravel driveway will help achieve that and there are many gravel driveways in the neighborhood.

Ms. Miller stated that the neighborhood is in a flood plain and a gravel drive is a permeable surface, so that would be more friendly to the environment.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a mobile or manufactured home in the RM-2 District (Section 401, Table 1); Special Exception to extend the one-year time limit on a mobile or manufactured home from 1 year to 10 years, November 2025 (Section 404.E.1); Variance of the all-weather surface requirement for a driveway to allow a gravel drive (Section 1303.D), subject to conceptual plan 15.13 showing the general location of the manufactured home and the drive. The approval is subject to the understanding that the manufactured home is a 2010 model home. Finding for the Special Exceptions that there are other mobile or manufactured homes in the area and the granting of the Special Exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board has found the property lying in a flood plain the gravel drive may assist with permeability to alleviate some water flow issues on the property. 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 1-6 BLK 1 TRIMBLE SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21993—Roy Johnsen

Action Requested:

Special Exception to allow a University Use (Use Unit 5) in the RM-2 District (Section 401); Variance of the site size from 1 acre to 21,600 square feet (Section 1205.B.3). LOCATION: NW/c of East 4th Place & South College Avenue **(CD 4)**

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he represents Tulsa University. The subject area is three lots and to the north is Tulsa University children's school. The three lots are owned by the University Methodist Church and have an agreement with Tulsa University that was established in 1998 that Tulsa University maintains the area. The area will be used as an outdoor classroom.

Interested Parties:

Harvey Humes, 1225 East 20th Street, Tulsa, OK; stated he is the Chair of the Trustees for the church. The church has already agreed that this request will work for the church but he does have a couple of questions for clarification. Mr. Humes deferred to Mr. Strokey.

Paul Strokey, 2639 East 8th Street, Tulsa, OK; stated he is a member of University Church for over 60 years. He is the one that was party to allowing Tulsa University to use the subject property and the contract that was negotiated. The church does not have a problem with this being used as an educational area, but he wants to know why the entire three lots is being used for the request instead of the one lot with the structure.

Mr. Van De Wiele asked staff about the exhibit 16.1 showing the subject area as one property. Ms. Miller stated that she thought that also. Ms. Moye stated that the map shows it as combined lots. Ms. Miller stated this is for the use not the structure.

Mr. Van De Wiele asked staff if there was something in the Code that states the University use has to be on at least an acre. Ms. Moye answered affirmatively. Ms. Moye stated that the Code requires that any use devoted to a university or college be at least one acre and because the property where Tulsa University wants to have the outdoor class room totals 21,600 square feet it requires a Variance to reduce the one acre requirement to the current square footage.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow a University Use (Use Unit 5) in the RM-2

District (Section 401); Variance of the site size from 1 acre to 21,600 square feet (Section 1205.B.3), subject to conceptual plan 16.12 for the type of use on the subject property. The Board has found that the use will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board has found that the adjoining or nearby property that is used as university property is substantially in excess of one acre providing a Variance for the site size requested today and 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:

LTS 29 THRU 31 BLK 1, COLLEGE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21994—Roy Johnsen

Action Requested:

Variance of the required rear yard setback in the RS-1 District from 25 feet to 5 feet (Section 403, Table 3). **LOCATION:** 3002 South Utica Avenue East **(CD 4)**

Mr. Henke recused and left the meeting at 2:39 P.M.

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated this request is for an expansion of a closet which will be one story in size. There will be no lighting or windows because it will be part of the internal portion of the house. Mr. Johnsen stated that his client spoke with the neighbors that adjoin the subject property and all were in favor of the proposed expansion though the neighbor to the west would like to have a ten foot setback instead of the requested five feet which his client agreed to. There is an existing tree that everyone has agreed that they do not want to lose if possible.

Interested Parties:

Pat Fox, Fox Architects, 1588 Swan Drive, Tulsa, OK; stated the hedgerow is on the subject property and will be maintained. The foundation of the proposed addition is approximately ten feet away from the existing older tree so there will be every effort made not to damage the root system.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; Henke "abstaining"; none absent) to **APPROVE** the request for a **Variance** of the required rear yard setback in the RS-1 District from 25 feet to 10 feet (Section 403, Table 3), subject to the conceptual site plan submitted today, November 10, 2015. This approval is subject to the further condition that the hedgerow will be planted and maintained along the west property line of the subject property, making further note that the existing tree shown on the site plan will be undisturbed during the construction of the proposed closet addition. The Board has found that the addition on the subject property to be in keeping with the neighborhood and the Code will allow for a similarly sized facility as a detached accessory structure and the addition to be constructed will be a minimal intrusion. The approval is further conditioned that the addition be one story. 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 1 BLK 5, AVALON PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 2:49 P.M.

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 2:50 p.m.

Date approved: 12/8/15

Francis X. Henke
Chair