

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1069
Tuesday, April 24, 2012, 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 Stead Tidwell, Secretary White, Vice Chair	Van De Wiele	Alberty Back Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, April 19, 2012, at 9:11 a.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. Back read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the **Minutes** of the April 10, 2012 Board of Adjustment meeting (No. 1068).

UNFINISHED BUSINESS

21413—Roy Johnsen

Action Requested:

Variance of building setback from an arterial street from 35 feet to 10 feet (Section 403 Table 3); Variance of the single-story limitation for multi-family dwellings within 50 feet of an RS district (Section 403.A.1); Variance of height limitation from 35 feet

to 40 feet (Section 403 Table 3). **LOCATION:** 1935 South Cheyenne Avenue (CD 4)

Mr. Henke explained to the applicants that there were only four board members present at this meeting, and if an applicant 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 at least three board members to constitute a majority and if one board member voted no today the application would be denied. Mr. Henke asked the applicants if they understood and asked the applicants what they would like to do. The applicants stated that they would like to proceed with the hearing today.

Presentation:

Roy Johnsen, Williams Tower One, One West 3rd Street, Suite 1010, Tulsa, OK; stated that his client would prefer to have his case continued to the next meeting.

Mr. Henke asked the interested parties to come forward to express their concerns about the continuation request on this case.

Interested Parties:

Lori Cain, 1929 South Cheyenne Avenue, Tulsa, OK; stated there have been a number of people who have taken off work to be here today, and it would be difficult for them to take off work a second time.

John Nicks, 1325 South Guthrie, Tulsa, OK; stated he also has the same concern as Ms. Cain. People have coordinated amongst themselves to be here, to have this case heard and he thinks there is sufficient quorum to hear the case. The request to have this case continued should be denied based upon the inconvenience to the protestants.

Mr. Henke stated that Mr. Van De Wiele had a pressing matter come up at the office that was very short notice. Mr. Van De Wiele has intended to be in attendance today but business matters took precedent.

Mike Steinmetz, 1927 South Cheyenne, Tulsa, OK; stated that he believes there only needs to be a quorum present to make a decision on this case. The hardship that everyone would encounter to come back to another meeting on another day is the reason to hear this case today. The party asking for the variances are here and ready to state their case.

Demetrius Bereolos, 1929 South Cheyenne, Tulsa, OK; stated that he would be opposed to a continuance because he believes both sides have had an excellent opportunity to state the issues and distribute information. Both sides are as ready to

present their case as they are ever going to be. Therefore, he would speak against the motion for continuance.

Maryhelen Haggi, 1621 South Carson, Tulsa, OK; stated she is opposed to the motion for continuance.

Ralph Faulkenberry, 1923 South Cheyenne, Tulsa, OK; suggested the Board have a show-of-hands rather than parade everyone to the front to express their opposition.

Mr. Henke stated that the Board is seeing that everyone is in attendance to hear this case, and the Board understands the opposition to the continuation. At this point the Board went to discussion.

Ms. Stead made a suggestion to the Chair that the opponents be heard today; especially the people who want to speak today because they think they will not be able to come for another meeting. The protestants will be recorded, their views will be transcribed into the minutes, and the Board will consider everything just as if the protestant were in attendance at the next meeting. The Board does want to hear what everyone has to say, whether it is today or in two weeks. This Board cannot deny, with good reason, the applicant requesting for a continuance citing the reason of not all Board members are present.

Mr. Henke stated the Board has the discretion to address the case today because it is on the agenda. He has been on the Board of Adjustment for seven years, and typically the applicant is awarded a one-time request for continuance. With that said, Mr. Henke agreed with Ms. Stead that the Board wants to hear all the protestants comments. There have been numerous received also that have been read. Whether Board votes on this matter today, certainly all testimony will be taken into consideration before a decision is rendered.

Mr. Swiney stated that it has been past practice to extend the continuance courtesy to an applicant who desires a continuance. However, the Board does have the power to deny the continuance.

Mr. Henke asked the Board if they would like to act on the case today, or hear the testimonies today with a continuance in mind. Mr. White stated that he thought the Board had to grant the continuance but hear the testimony of those present today. Mr. Tidwell stated the Board takes their position of responsibility very seriously, and concurred that the interested parties should be heard today. Mr. Henke stated that all comments made today will be reflected in the minutes of this meeting.

Mr. Henke stated that after hearing the Board comments, it is the intent to continue this case to the next meeting on May 8, 2012. With the case announced the Board will hear the protestants comments today.

Renee Faulkenberry, 1923 South Cheyenne Avenue, Tulsa, OK; stated she lives three houses away from the subject property. There have been 41 letters have been written and received requesting the variances to be denied but only 11 of those letters were submitted by last Thursday for inclusion in the Board's agenda packet. The remaining letters were turned in before the hearing. The neighborhood welcomes infill development but only development that is reasonable in size and scope, and is appropriate for its location. The neighborhood does look forward to a project replacing the weed infested trash laden lot that has stood vacant for a decade, since the developer has acquired the lot. The neighborhood unanimously rejects this plan for development as it has been proposed. It is respectfully asked of the Board to deny the requested variances and strictly enforce the terms of the zoning code with respect to the property. In order for the Board to grant the variances the Board would be required to find that the enforcement of the code would impose an unnecessary hardship on the developer that is not self-imposed. The neighborhood will show the Board there are no exceptional situations, conditions, or circumstances that are peculiar to this property that would impose any hardship preventing the developer from building something else within the zoning code. The owner has many other profitable options available within the zoning code. Denying the variances would not impose any hardship, other than to decrease the number of rental units that could be squeezed into one space. The granting of these variances would impair the purpose of the zoning code under Section 101.A. By failing to promote safety; by failing to lessen danger and congestion of public travel; failing to prevent over-crowding of land; failing to avoid undue concentration of population; failing to conserve the values of the neighborhood homes; and failing to encourage the most appropriate use of the land. Granting of these variances will also impair the purpose of the zoning code under Section 400.A, by failing to avoid over-crowding by requiring minimum yards and open spaces and by failing to limit the bulk of structures. It will impair the purpose of the code under Section 400.F by failing to require a suitable environment for the development of a multifamily dwelling. The residents of the neighborhood will also be able to show the Board how the granting of these variances will impair the purpose, spirit, and intent of Tulsa's comprehensive plan under the land use chapter, by not only failing to insure the investment is well integrated into the existing neighborhood, but also by failing to encourage development that is appropriate to the context of location in form, rhythm, scale, and proportion. The plan also promised that historically significant neighborhoods, like this one, would have improvements that will allow school age children to walk to-and-from school as they did for much of Tulsa's history. By allowing this proposed development it will have the opposite effect, because it will actually impede the elementary children's walk to and from Lee Elementary School who use 21st Street. This development, if built as planned, will indeed cause substantial detriment to the neighborhood and those passing through it. It will cause detriment to the already difficult parking problems and traffic congestion. The project will be a detriment to the joggers, bicyclists, and pedestrians who use the 21st and Cheyenne area as a cut-through from River Parks to downtown Tulsa. It will cause a detriment to the residents property values and the ability to market the homes for sale. This neighborhood has reached a point of saturation and the residents ask for the Board to please deny the requested variances.

Mr. Henke stated that Councilor Ewing had stepped out and has returned, and that Councilor Lakin has also come in. Mr. Henke explained that the Board is going to hear any interested parties and plan to continue this case to the next Board of Adjustment meeting on May 8, 2012.

John Nicks, 1325 South Guthrie, Tulsa, OK; stated if there is a practice of granting a continuance based upon a request, it is an unfortunate practice.

Ms. Stead told Mr. Nicks that the Board does not feel an obligation to anyone. The Board is not paid and do not have any political connections. The cases are heard and dealt with on a "per case" basis.

Mr. Nicks said if the Board feels compelled to follow that practice because it has become a practice, he suggests the Board stop it. It allows the developer and his attorney to engage in an element of gamesmanship that should not be present in these proceedings.

Ms. Stead stated a continuance is granted when the Board is short members.

Mr. Nicks stated the reason there are quorum rules is because it is anticipated there will be situations when a member cannot be present. The greater obligation should be to observe the inconvenience and preparation that people have gone to.

Mr. Henke stated there is a quorum call at 8:30 a.m. on Monday morning, which was yesterday. Before every meeting there is a quorum call. The one member who is not here had intended on being at this meeting, and up until one hour ago it was thought there would be all five members in attendance at today's meeting. Mr. Van De Wiele had a pressing matter occur at the office, and things do arise, so unbeknownst to anyone in this meeting those were the circumstances that arose. Everyone can rest assured, if the staff had known yesterday that Mr. Van De Wiele would not be in attendance today, people would have been notified that there would be one board member absent and the applicant would have had the opportunity to request a continuance at that point in time.

Mr. Nicks stated that his point is there is a quorum and the Board has a legal right to proceed, and that is what he believes the Board should do. That is why there are quorum rules. Mr. Nicks continued on with his opposition to the variance request in this case.

Mr. Nicks stated that he lives several blocks away from the subject property, but the entire River View community is diversified economically, racially, demographically, and architecturally. There are a wide variety of high intensity apartments in the area, and a number of structures that do not add much to the neighborhood; which are similar to the proposed project. They are buildings that have been permitted to be built on single lots where they are more or less shoved into a lot. They constitute a detriment to the quality of the neighborhood, not only because they add to the on-street parking. They are

unsightly and they look inappropriate for the neighborhood. Anytime there is an event in the area, such as the Tulsa Run or Heart Walk, people invariably come into the area and park inappropriately. That is too much congestion for the neighborhood that already has too much congestion. This request should not even be considered for a variance because it is inappropriate to allow a developer to build a building of ten units with 15 parking spaces. If something needs to be built on the property it needs to be built consistent with the surrounding historic architecture, the current planning constraints and the current zoning regulations.

Demetrius Bereolos, 1929 South Cheyenne, Tulsa, OK; stated this development is being pushed to the far extreme of the property lines. There seems to be a concern over the uniqueness of the particular property in this particular zoning. The problem is the RS-2 zoning on the land that is located on each side of the bridge. Surrounding that land are six possible properties that can be developed or have been developed, all of which have been able to honor some type of setback. The apartment that is directly across the street from 1935 South Cheyenne was built in the 1920s and has probably been grandfathered into a setback. The large parcel of property to the south of the proposed project is the Harwelden Mansion lawn, and there are three properties other than 1935 South Cheyenne that have been developed that have made an attempt to honor some type of setback. He hopes the Board will look very closely at size and scope of the project before rendering a decision on this project.

Elise Kilpatrick, 1904 South Cheyenne Avenue, Tulsa, OK: stated that she lives on the corner of 19th and Cheyenne, and has lived there for the past 11 years. There have been several changes in the area since the last variance request was approved in 2005, and one of the changes was Veterans Park. Mr. Bob Hendrick, from Veterans Park, stated that the number of small events has decreased the number of larger events has increased, so there is an event of some sort at Veterans Park every weekend when there is not inclement weather. For example, the MS Walk had over 1,200 participants. The city closed Riverside Drive, so virtually all traffic was funneled into 19th Street, and it split off down Cheyenne going north or south. She stood on the sidewalk and watched cars that had chosen the southern route turn left onto the one-way 21st Street to go to Boulder Avenue. Once the car reached Boulder they encountered the race so she does not know what happened after that. The Blue Rose customers have outgrown the parking lot so they now overflow into the neighborhood. Stickball Park and the Eternal Flame sculpture in Council Oak Park both draw tourists, and now there are giant tourist buses driving into the neighborhood. The Dresser Mansion, a most conscientious neighbor, has over 100 events annually. While they have designated parking, and they have been very good about keeping customers on their lot, those people still drive through the neighborhood in order to reach the mansion. The July 4th event is the mother of all traffic jams, and that event keeps growing larger each year. If something were to happen during an event emergency vehicles could not get into the neighborhood, and they would literally have to walk to St. John's for any medical attention. The area is a vibrant place full of children and they play outside or ride their bicycles. This area could not handle much more traffic because the current traffic is overwhelming.

Ralph Faulkenberry, 1923 South Cheyenne Avenue, Tulsa, OK; stated there is an arterial street issue for the area. The map provided by INCOG shows there are 11,400 cars daily going through the 21st and Boulder intersection. A significant number of those cars go down 21st Street to Riverside Drive. That is a one-way street so any apartments with garages, that would be southward facing 21st Street would be backing out into a single lane one-way street. There is a safety issue when cars are backing out or blocking a sidewalk; the pedestrians will find it necessary to walk into the street to get around the obstruction. The applicant is asking for a ten-foot setback from the street and the average length of a vehicle is a little over 18 feet. With a ten foot setback, any visitor parking in the driveway would mean there would be about eight feet of vehicle blocking the sidewalk. He would like to have the request for variance denied. He believes the proposed project would be a detriment to the public welfare.

Hannah Middlebrook, 1802 South Cheyenne, Tulsa, OK; stated she lives right at the intersection of 18th Street and Cheyenne Avenue. She has grown up in the neighborhood and lives in the house that her great-grandfather built. The neighborhood and the traffic in the neighborhood have changed through the years. Not only is there a heavy flow of traffic through the neighborhood from Riverside Drive but there is pass-through traffic, i.e., people leaving the downtown area. The people who drive through the neighborhood drive at high speeds. There is one speed limit sign, only one. It is posted as 25 but people far exceed that limit. The intersection of 18th Street and Cheyenne Avenue is at the crest of a hill. When people are speeding up 18th Street they crest the hill, completely blind to the intersection, and anything could happen and does happen. A major concern of the neighborhood is the children who live there. There are 16 children between the ages of 2 years and 13 years old living between 18th Street and 21st Street, ten of which are 10 years old and under. Twenty-first Street is a one-way, single lane arterial street, and that is where the proposed project wants to have five more garages with potentially five more cars sticking out into the street where children would have to step into the street in order to get home from or to go to school. More traffic is unsafe and does not make sense to cause more detriment for the neighborhood. Ms. Middlebrook would respectfully request a denial for the variances.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **CONTINUE** the request for a **Variance** of building setback from an arterial street from 35 feet to 10 feet (Section 403 Table 3); **Variance** of the single-story limitation for multifamily dwellings within 50 feet of an RS district (Section 403.A.1); **Variance** of height limitation from 35 feet to 40 feet (Section 403 Table 3) to the meeting of May 8, 2012; for the following property:

S17.5 LT 20 & ALL LT 21 & N10 LT 22 BLK 6, BUENA VISTA PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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NEW BUSINESS

21415—Barbara Longwith

Action Requested:

Special Exception to allow existing duplex in RS-3 zone (Section 401, Table 1).

LOCATION: 10103 East 22nd Street (CD 5)

Presentation:

Barbara Longwith, 10103 East 22nd Street, Tulsa, OK; stated she owns the property at 10103 East 22nd Street South. The building was built in 1964 as a duplex and she desires to have the duplex be compliant with the zoning code. This request has been brought about by a neighborhood inspector who was chastising her renter for working on his vehicle by asking if he was operating a repair shop out of his home. The tenant informed the inspector that he was not operating a business but was working on his girlfriend's vehicle. Because the building is a duplex there are some additional vehicles parked there, but they are the vehicles of the tenants on both sides of the duplex.

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, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Special Exception to allow existing duplex in RS-3 zone (Section 401, Table 1). Finding that 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, finding that this particular property was built in 1964 before the current zoning code was enacted; for the following property:

LT 35 BLK 5, CHARYL LYNN ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

19530-A—A-MAX Sign Company

Action Requested:

Modification to a previously approved plan (BOA-19530) to permit an update for a wall sign. **LOCATION:** 8801 South 101st East Avenue (CD 7)

Ms. Back informed the Board that the only signs that are part of the previously approved plan, BOA-19530, are the channel letter signs that read Hillcrest Hospital now proposed to read as Hillcrest South as depicted on B.1 on page 4.6 in the Board's agenda packet. B.2 on page 4.6 and the sign on page 4.7 did not and do not require Board action that is also in the Board's agenda packet.

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated this request is for a decrease in square footage for a sign. The previously approved sign for Southcrest Hospital was approved per plan, and that is what prompts this appearance today. It is to change the sign to Hillcrest South and decrease the square footage of the sign. The old Southcrest Hospital sign will be removed and install the new Hillcrest South, which decreases the square footage by 107 square feet.

Ms. Back stated that what has been previously approved, and per the PUD, was up to and not to exceed 439.1 square feet. The applicant would like to continue to have the 439.1 square feet to work with in the future but as of right now only 331.25 square feet will be utilized.

Ms. Stead asked Mr. Ward if the little signs on the hospital wings were going to be changed also. Mr. Ward stated that will be changed and are going up in the next couple days. A variance was not needed for permit for the little signs on the end walls.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a **Modification** to a previously approved plan (BOA-19530) to permit an update for a wall sign. In accordance with drawing number 042412-02, received today, this Board is modifying the previous plan to allow signage for Southcrest Hospital, which is now Hillcrest South Hospital, up to 439.1 square feet. This is made in accordance with the conceptual material presented. The Board has found that the requested modification is compatible with the original approval by this Board. The Board makes the stipulation that small changes in type style, lettering, wording, etc. may be made without reappearing before the Board of Adjustment as long as the sign does not exceed 439.1 square feet on the building; for the following property:

PRT LT 1 BEG SWC THEREOF TH N503.02 CRV LF 149.67 CRV RT 38.77 CRV LF 114.67 N740.15 E315 S403.91 E38.84 SE303.30 E32.51 SE73.99 NE141 SE294.63

SE74.94 CRV RT 63.08 SW630.16 CRV RT 237.02 W306.19 POB BLK 1,
SOUTHCREST MEDICAL CAMPUS, CITY OF TULSA, TULSA COUNTY, STATE OF
OKLAHOMA

21417—James Thornbury

Action Requested:

Special Exception to allow a gunsmith business (Use Unit 14) in an RS-1 zone (Section 402.B.6.b). **LOCATION:** 5706 East 97th Place (CD 8)

Presentation:

James Thornbury, 5706 East 97th Place, Tulsa, OK; stated he has a building on his property that was erected in 2006, and that is where he would like to operate his gunsmith business. He has been a certified gunsmith for several years and just recently retired as a machinist. He has received his certification from the American Gunsmithing Institute. There be no signage or advertising. Customers will be by appointment only so there will not be much traffic, but most of the work will be personally picked up and delivered. The machine tools are in the building and they can hardly be heard on the outside of the building. The loudest piece of equipment is the air compressor, and it is probably less noise than a lawnmower.

Interested Parties:

Paulita Chang, 9715 South Hudson Avenue, Tulsa, OK; stated she and her husband are opposed to this request. If this request is granted it will open the door for additional businesses to be in the neighborhood. They bought their property with the understanding that it is in a residential area not in a business zone. The presence of a gunsmith business may attract criminals to the neighborhood, and once they are in the area they may be enticed to enter other homes in the vicinity for their thievery. Ms. Chang stated that she is also concerned about chemical odors being emitted into the air from the cleaning fluids, because they live only two houses away from the Thornbury residence. They have lived in their home for 34 years and hope to continue living in this quiet neighborhood. She requests that the application be denied by the Board.

Cynthia Woodson, 9811 South Granite Avenue, Tulsa, OK; stated she has been a resident of Sun Meadow for 16 years, and she is the President of the Homeowner's Association. Initially she had the same concerns as Mr. and Mrs. Chang, but she and another Board member went to the Thornbury facility to see what the request was actually for. She felt satisfied in her findings, as long as Mr. Thornbury meets the criteria, there is not a lot of traffic, and the guns are not being discharged at his home site she did not see any reason to fight this request. The only concern she does have is if the request is granted today, will the special exception go with the house if the Thornbury's decided to sell their home.

Ms. Stead stated that a special exception is granted in perpetuity unless it is limited by the Board. The Board does have the ability to limit the special exception to a number of years but they cannot limit to a current homeowner.

Mr. White stated that the requirements for obtaining a gunsmithing license are so rigorous that if Mr. Thornbury were to sell his home the next homeowner would have to meet the same regulations Mr. Thornbury has met to obtain his license.

Gordon Chang, 9715 South Hudson Avenue, Tulsa, OK; stated his concern is a business being established in a residential area. A residential area is not for a business. There are established business areas and established residential areas, why should they be allowed to mix them together.

Rebuttal:

Mr. Thornbury stated that the chemicals he uses in his business are water or oil-based so if anything were emitted it would be very localized to the point of discharge. There would be no large amounts of gunsmithing product stored. At the most, there may be a gallon at a time on the shelf. This business is not any more dangerous than repairing a clock or a lawnmower.

Mr. Tidwell asked Mr. Thornbury if he would be selling firearms. Mr. Thornbury stated that he would not be selling guns, only the parts needed to make the repairs, and the parts would become part of the firearm he is working on.

Mr. Swiney asked Mr. Thornbury if he would be test firing the gun on his property. Mr. Thornbury stated that to test a gun he be required to take the gun to a firing range.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a **Special Exception** to allow a gunsmith business (Use Unit 14) in an RS-1 zone (Section 402.B.6.b). The applicant has agreed with the Home Occupation, Section 404.B.1-9. The applicant has also received his license, he is well aware of the federal, state, and local regulations, i.e., the transportation of firearms and/or ammunition, The transportation of firearms and/or ammunition must be according to Section 1289.13A, Oklahoma Firearms Act of 1971 as amended. This is also covered in the federal regulations. The Board has found that the applicant has diligently sought his license and agreed to all the terms and conditions. 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; all for the following property:

LT 16 BLK 3, SUN MEADOW II, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

13858-A—Tracey Smith

Action Requested:

Modification to the conditions for a day care center, for the hours of operation from 7:00 a.m. to 6:00 p.m. to 6:00 a.m. to 12:00 a.m. **LOCATION:** 1423 South Garnett Road (CD 6)

Presentation:

Tracey Smith, 1423 South Garnett Road, Tulsa, OK; stated she wants to extend her hours of operation to accommodate parents who work late nights.

Interested Parties:

Gerald Dixon, 1443 South 112th East Avenue, Tulsa, OK; stated his concerns are the after dark hours. There is a heavy concentration of traffic in that area because Garnett is a major arterial street, and if there is a detour from Highway 169 that traffic also uses Garnett Road. He is concerned about the daycare facility being able to contain the traffic that will be coming or leaving around the midnight hour, and children being unloaded or loaded from vehicles in the dark.

Rebuttal:

Ms. Smith stated the facility is licensed for 30 children and she is not expecting that many to be at the daycare at midnight. She estimates there would be eight or nine children at the daycare late at night.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Modification to the conditions for a day care center, for the hours of operation from 7:00 a.m. to 6:00 p.m. to 6:00 a.m. to 12:00 a.m. midnight. Finding this is compatible with and non-injurious to the surrounding residential area, and meets the previously granted special exception to the zoning requirements per code; for the following property:

S 100 LT 6 BLK 8, ELM HURST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21419—James Wagner

Action Requested:

Variance to permit an additional dwelling unit per lot of record (Section 207). **LOCATION:** 1317 South Frisco Avenue (CD 4)

Mr. Tidwell left the meeting at 2:33 p.m.

Presentation:

James Wagner, 1317 South Frisco Avenue, Tulsa, OK; stated he is seeking a variance for an existing garage apartment unit that is part of the property of a single-family dwelling. He would like to make this garage apartment into a second dwelling. Currently there is a sink and toilet and he is seeking to add a shower and bar sink. These uses are common in the neighborhood. Mr. Wagner spoke with his neighbors and they say it is consistent throughout the neighborhood and in character with the neighborhood. There is an existing long driveway and there is additional space at the bottom of the driveway for an extra vehicle.

Interested Parties:

Kenneth Paul Uttinger, 1324 South Elwood, Tulsa, OK; stated that he has sent a letter of support, but he wanted to be available for any questions from the Board.

Mr. Tidwell returned to the meeting at 2:36 p.m.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) based on the facts in this matter as they presently exist to **APPROVE** the request for a Variance to permit an additional dwelling unit per lot of record (Section 207). This will be per conceptual plan on page 7.9. Finding that the house was built in the 1930s and there is aerial photography from 1966 showing the one-story garage apartment already in existence. The improvements to be made are all interior, there is to be no expansion of the size or the footprint of the structure itself. 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 8 BLK 8, CHILDERS HGTS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

16791-A—A-MAX Sign Company

Action Requested:

Modification to a previously approved plan (BOA-16791) to permit an update for a wall sign. **LOCATION:** 1145 South Utica Avenue **(CD 4)**

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated this is an old Hillcrest logo on a physician's office and it is to be replaced with the new logo on the southface of the Physician's Building. The square footage for the new sign will be decreased from what was previously approved by the Board of Adjustment. The applicant would like to keep the 400 square foot allowance on the possibility of additional wording being added to the logo on the building.

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, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) based on the facts in this matter as they presently exist to **APPROVE** the request for a Modification to a previously approved plan (BOA-16791) to permit an update for a wall sign, with the stipulation that this is in essence a removal of the per plan identifier on the original motion and the signage area of 400 square feet maximum will still stand. Finding that the facility is compatible with and non-injurious to the surrounding area, and meets the previously granted variances in bulk-and-area requirements and meets its own requirements per code; for the following property:

S28.875 LT 10&ALL LTS 11THRU 13 & W25 VAC ST BEG 10N SECR LT 13 TH N154.10 E25 S154.10 W25 POB&PRT VAC 12TH ST BEG 60E SWC LT 13 TH S16.44 THON CRV LF 5.62 TH ON CRV LF 47.42 TH ON CRV RT TO PT ON SL LT 13 TH W POB LESS W60 S28.875LT10& LESS W60 LTS 11 T, PERRYMAN HGTS 2ND ADDN, RIDGEDALE TERRACE 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 2:44 p.m.

Date approved: 5/8/12

Frank X. Mc...
Chair