

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1106  
Tuesday, November 26, 2013, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Henke, Chair Van De Wiele White, Vice Chair	Snyder Tidwell, Secretary	Miller Back Sparger Walker	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, November 21, 2013, at 10:00 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.

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

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Mr. Henke explained to the applicants that there were only three 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 all three board members to constitute a majority and if one or two board members voted no today the application would be denied. Mr. Henke asked if there were any applicants present that would like to continue their case to the next meeting.

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**MINUTES**

Mr. Henke stated the November 12, 2013 Minutes could not be approved today, and will be carried forward to the Board of Adjustment meeting held on December 10, 2013.

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**UNFINISHED BUSINESS**

**21653—Nathan Cross**

**Action Requested:**

Variance of off-street parking requirements of 56 total spaces for all three retail spaces to 11 total spaces to accommodate a restaurant concept in the 3,450 square foot space formerly occupied by Ciao Restaurant (Section 1212.d and Section 1214.d). **LOCATION:** 3302 – 3310 South Peoria Avenue East (CD 9)

**Presentation:**

The applicant requested a continuance to December 10, 2013.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder, Tidwell absent) to **CONTINUE** the request for a Variance of off-street parking requirements of 56 total spaces for all three retail spaces to 11 total spaces to accommodate a restaurant concept in the 3,450 square foot space formerly occupied by Ciao Restaurant (Section 1212.d and Section 1214.d) to the Board of Adjustment meeting on December 10, 2013; for the following property:

**W115 LT 1 & PRT VAC ST BEG NWC LT 1 TH N20 E TO PT SW TO PT W115 POB BLK 5, BROOKSIDE ADDN AMD, CROW CREEK OFFICE PARK RSB L2-4&9&PTL5-8&18B5 BROOKSIDE, PEBBLES ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW BUSINESS**

**21656—Neosource, Inc.**

**Action Requested:**

Variance of the required setback from an R district from 75 feet to 7 feet in an IL District (Section 903, Table 2). **LOCATION:** 9422 East 55<sup>th</sup> Place South (CD 7)

**Presentation:**

The applicant has requested a continuance to December 10, 2013.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder, Tidwell absent) to **CONTINUE** the request for a **Variance** of the required setback from an R district from 75 feet to 7 feet in an IL District (Section 903, Table 2) to the Board of Adjustment meeting on December 10, 2013; for the following property:

**LT 25 BLK 1, WOODLAND VIEW PARK EAST, 5300 COMMERCE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**UNFINISHED BUSINESS**

**21648—David J. Brown**

**Action Requested:**

**Variance** to allow an accessory structure to cover more than 25% of the required rear yard (600 square feet) (Section 210.B.5.a); **Variance** of the maximum floor area permitted for detached accessory buildings in the RS-2 district from 500 square feet to 1,200 square feet (Section 402.B.1.d). **LOCATION:** 551 South 89<sup>th</sup> Avenue East (CD 3)

**Presentation:**

**David Brown**, 551 South 89<sup>th</sup> East Avenue, Tulsa, OK; stated he would like to have a larger structure to store his personal items. He has three cars, a truck that he drives every day, a couple of air compressors, a riding lawn mower, and wood working tools that he inherited from his father. His current garage is a two-car garage and the floor has many cracks, and he would like to resurface the floor.

Mr. White asked Mr. Brown if he planned on storing his fifth-wheel RV in the proposed garage. Mr. Brown stated that the garage will be full.

Mr. Henke asked Mr. Brown if there was something unusual about the lot to justify the Variances. Mr. White stated the lot is slightly larger than a normal lot in a RS-2 zoning and there are numerous detached accessory buildings located in the area.

Mr. Van De Wiele asked Mr. Brown if he had plans to extend the driveway all the way to the proposed garage. Mr. Brown answered affirmatively.

Mr. White told Mr. Brown that his hardship cannot be a financial hardship nor a self-imposed hardship.

Ms. Back stated there are several detached accessory buildings in the neighborhood. Part of the code does say the Variance to be granted will not cause substantial detriment to the public good or impair the purpose, spirit or intent of the code, and the literal enforcement terms of the code will result in unnecessary hardship. One might argue the necessary hardship would be other people in the neighborhood have detached accessory structures. That might be an argument if Mr. Brown chose to make that argument.

Mr. Henke stated he cannot speak to the other structures because it appears they did not receive approval.

Mr. Brown stated the house directly across the street from his property has a 1,200 square foot detached accessory building, and there is another one immediately next door to that property. Mr. White stated those lots are approximately 50% larger than Mr. Brown's lot.

Ms. Back placed a picture on the overhead projector to show that on South 89<sup>th</sup> East Avenue there is a boulevard median in the middle of the street that prevents any on-street parking. This street layout could be considered a hardship.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder, Tidwell absent) to **APPROVE** the request for a **Variance** to allow an accessory structure to cover more than 25% of the required rear yard (600 square feet) (Section 210.B.5.a); **Variance** of the maximum floor area permitted for detached accessory buildings in the RS-2 district from 500 square feet to 1,200 square feet (Section 402.B.1.d), subject to conceptual plan 2.8. Finding the hardship to be the lot is above average size for the RS-2 zoning. There are numerous properties in the subject block that have detached accessory buildings, though none as large as 1,200 square feet it would appear the lots across the street do have detached accessory buildings apparently 1,200 square feet. The additional parking and storage area is being required because there is no on-street parking because 89<sup>th</sup> East Avenue is a boulevard with a grassy median dividing the north and south bound lanes. The

street is not a curb and gutter layout. This approval is with the condition that the paved driveway be extended to the proposed garage. 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 10 BLK 17, CLARLAND ACRES B17-19 & PRT B21-22, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**NEW BUSINESS**

**21654—Joshua Walker**

**Action Requested:**

Variance of the previously approved (BOA-19983) required off-street parking count for an additional 6 parking spaces to allow for a restaurant use (Use Unit 12) in the CH District (Section 1212.D). **LOCATION:** 1325 East 15<sup>th</sup> Street South – Tenant Space: 1441 South Quaker Avenue East **(CD 4)**

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated he represents the applicant. This project involves the Colonial Building on 15<sup>th</sup> Street that was built in 1927, and it has been before the Board on numerous occasions. The building covers almost two blocks and behind the building the applicant owns three blocks that is used for parking. There is another lot that is leased from the Methodist Church for parking. Mr. & Mrs. Shelby Navarro live on the east half of the block. Several discussions have been held with them regarding this project. There are some issues between the applicant's property and the Navarro's property that need to be addressed. The applicant has agreed to address the issues to make the proposal better for everyone. The southwest corner of the building use to house a real estate office and a restaurant, and that space is now leased to a bakery and coffee shop. The gist of this is the change in usage. There was some restaurant use and some office use, now the space will be going to all restaurant use. This will trigger an addition to the old Variance of 90 parking spaces from 66 parking spaces, and now there will be 96 parking spaces needed. In the discussion with Mr. Navarro, the space on the south side of his property is not screened but there is a chainlink fence in place. The applicant has agreed to install a six foot screening fence on that property line, even though it is not on the applicant's property the Navarro's receive the unintended affects of what happens on the subject property. On the west side of the alley there will be a screening fence installed either on the east

side of the alley or on the west side of the alley leaving the decision of the fence location to Mr. Navarro. There is a space that will not have the lease renewed, and that lease will end February 2014. Discussions have taken place with Mr. Navarro regarding the alley being a smoke hole with other activities taking place, so the new lease for any new tenant will stipulate the alley is to be a no smoking area with no loitering allowed.

Mr. Van De Wiele asked Mr. Reynolds if the parking lease with the church was still in place. Mr. Reynolds stated the parking lease with the church is still in existence and is a 70 year lease with about 60 years remaining on the lease.

**Interested Parties:**

**Shelby Navarro**, 1434 South Quincy, Tulsa, OK; stated he has lived in the area for a couple of years and really like it. The neighborhood is walkable and there are restaurants and places to go in the area. He likes the way the neighborhood is going and he works in the Pearl District. There have been good meetings with the applicant and have discussed the issues. He supports today's request and thinks there are good neighbors coming in.

Mr. White asked Mr. Navarro if all the conditions Mr. Reynolds had discussed were satisfactory. Mr. Navarro answered affirmatively.

Mr. Van De Wiele asked Mr. Navarro if he had a preference to placement of the screening along the alley. Mr. Navarro stated that he did not have a preference as of yet.

**Rebuttal:**

Mr. Reynolds returned to the podium.

Mr. Henke asked Mr. Reynolds if there was music in the alley. Mr. Reynolds stated there is music in the alley and in the past it was too loud at times. The noise levels will be addressed in the new lease.

Mr. Van De Wiele asked Mr. Reynolds if by "addressing the noise level" does that translate to "prohibiting". Mr. Reynolds stated that music would not be prohibited but the sound levels would be controlled.

There will be a screening fence installed on the south side of Mr. Navarro's property. There will be a screening fence installed on either the east side or the west side of the alley, and this location is to be selected by Mr. Navarro. There will be no smoking allowed in the alley and that should reduce the loitering and noise level that is generated in that area. The landlord will address sound issues in the lease agreement with the new tenant.

Mr. Van De Wiele asked Mr. Navarro if the conditions just mentioned by Mr. Reynolds were agreeable to him. Mr. Navarro stood and stated that he is in agreement. The noise level has been one of the bigger issues and he thinks that if a time limit were

placed on the tenant might help enforce the noise issues. Mr. Reynolds stated that a time limit would be acceptable.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder, Tidwell absent) to **APPROVE** the request for a **Variance** of the previously approved (BOA-19983) required off-street parking count for an additional 6 parking spaces to allow for a restaurant use (Use Unit 12) in the CH District (Section 1212.D). The Board has found that the existing parking on the lot in question along with the spaces provided by the lease of the adjoining property is sufficient for the current use or the use to be undertaken with the change of the use element to the bakery and coffee shop taking a portion of the property. This approval will be subject to the conditions that the applicant provide a screening fence along the southside of the lot addressed as 1434 South Quincy Avenue and along the alleyway to the west of 1434 South Quincy Avenue on either the east or west side of the alley as determined by the property owner, Mr. Shelby Navarro at 1434 South Quincy Avenue. This approval is also subject to the further condition that the alleyway to the east of the applicant’s lot, that in future leases, the alley be prohibited from being a smoking or loitering area, and that the applicant likewise in future leases will control the sound limit of amplified music such that any such music will cease at the hours of 11:00 p.m. Sunday through Thursday, and at midnight Friday and Saturday. 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:

**LTS 13-15 & PRT VAC ALLEY ADJ ON E BEG SECR LT 13 TH N107.49 E1.86  
S107.49 W1.26 POB BLK 7, BELLVIEW ADDN, CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA**

**20966-A—Wallace Engineering – Jim Beach**

**Action Requested:**

Modification of a previously approved site plan (BOA-20966) to permit the addition of three (3) safe rooms. **LOCATION:** 1003 North 129<sup>th</sup> Avenue East (CD 3)

**Presentation:**

**Jim Beach**, Wallace Engineering, 200 East Brady, Tulsa, OK; stated that he has given Ms. Back new plans that are different than the ones in the Board’s agenda packet. He

is before the Board today representing Church on the Move, and there have been a number of cases before the Board regarding this campus. The campus and church continue to grow and each new building or new facility requires re-approval of the initial site plan that was approved when the church was established. The church would like to install safe rooms at this time. Originally there were going to be three safe rooms and the plan presented today show there will be two safe rooms. The plan changed as of yesterday and there is a possibility that the plan will change slightly in the future. If the Board is inclined to approve the applicant's request he would request the Board approve it as a conceptual plan to allow flexibility, and leave the request at three safe rooms.

Mr. Van De Wiele asked Mr. Beach, if in the possible relocation of the safe rooms, would the relocation be to one of the general areas that are marked out on the plans submitted today? Mr. Beach answered affirmatively. The safe rooms are oriented to face the existing building so people can leave the building and immediately enter the safe room.

Mr. White asked Mr. Beach about the entry to the safe rooms. Mr. Beach stated the safe rooms will be free standing and people will be leaving the building before entering the safe room.

Mr. Swiney asked Mr. Beach how many people each safe room would hold. Mr. Beach stated that he did not have that information available. Mr. Swiney stated that the church holds a multitude of people and if the safe rooms are used for their safety the safe room would need to hold an awfully lot of people for the church to safely evacuate the building. Mr. Beach stated the safe rooms are intended for the school, they are not intended for the evacuation of the church. The safe rooms are positioned near the school buildings.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder, Tidwell absent) to **APPROVE** the request for a **Modification** of a previously approved site plan (BOA-20966) to permit the addition of three (3) safe rooms. This approval is subject to conceptual plans submitted today, November 26, 2013. While the plans only show two safe rooms for construction there may be a third future safe room constructed. Finding the proposed modification is consistent with the intent of the original approval. 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:



**LT 1 BLK 1, LT 2 BLK 1, CHURCH ON THE MOVE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

**Staff to discuss Section 1221.C.2 pertaining to Electronic Message Centers (EMC) in residential zoning districts.**

Some, or All, Use Conditions\* Customarily Imposed by the Board of Adjustment in Approvals of Digital and Electronic Message Center (EMC) Signs in R Zoned Districts

1. No such Digital or EMC sign shall be operated between the hours of \_\_\_\_\_ P.M. to \_\_\_\_\_ A.M. There will be no blinking, twinkling, flashing, rolling, or animation. Scrolling will be only from right to left.
2. No such sign shall be located within fifty (50) feet of the driving surface of a signalized intersection. The fifty (50) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the signalized intersection.
3. No such sign shall be located within twenty (20) feet of the driving surface of a street. The twenty (20) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb, or edge of the traveled roadway marked or understood as such.
4. No such sign shall exceed an illumination of seventy (70) foot candles measured at a two (2) foot distance.
5. No such sign shall display an illuminative brightness exceeding five hundred (500) NITs at any time between one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise or six thousand five hundred (6,500) NITs between one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.
6. No such sign shall display an illuminative brightness of such intensity or brilliance that it impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.
7. No such sign shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light.
8. No such sign shall be permitted to operate unless it is equipped with:

- (a) a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and
- (b) a mechanism able to automatically adjust the display's illuminative brightness according to natural ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed.

\*Includes conditions patterned after the provisions of paragraphs a, b, d, e, f, g, and h of Section 1221 C.2. of the Tulsa Zoning Code.

Ms. Back asked Mr. Henke if he would like for her to read the agenda item for the record. Mr. Henke stated that all the Board members had read the contents and it would not be necessary. This item had been postponed from the previous Board of Adjustment meeting, and asked the interested parties from the City if they would like to continue with the discussion of this item or postpone the discussion since there are only three Board members present today.

Mr. White asked how critical this discussion is to the City.

Ms. Miller asked if there was any indication that all five Board members were going to present at the next Board of Adjustment meeting. It is important that all Board members be present and part of the discussion.

**Ed Horkey**, 1225 North Lansing, Tulsa, OK; asked if this item is postponed will it be possible to place comments on record prior to the next meeting. He does not know if Mr. Bob Kolibas, with the City of Tulsa, has any items that he would like to point out in regards to this issue. There are a couple of technical that he (Mr. Horkey) would like to bring forth, and if there is an opportunity to present that currently it may take care of future questions. Mr. Henke stated that questions or letters may be presented to the Board via e-mail to INCOG, those e-mails can be made part of the record, and be available for everyone to read. Mr. Horkey agreed to the suggestion.

Ms. Back asked if this meant that the Board would be receiving the information and/or questions in their agenda packets. Mr. Henke stated that in regards to this item, if there is an e-mail or letters relating to this item those can be forwarded to the Board through e-mail and then be placed in the agenda packet.

Ms. Back just wanted to reiterate that this discussion is just for Section 1221.C.2 pertaining to electronic message centers and digital signs in the residential zoning districts, and how the code does not have parameters set forth for that. And how, in the past, the Board made motions to include the conditions set forth in 1221.C.2 and the reasoning behind this is being portrayed. In the future these are conditions the Board might be inclined to help give information to applicants on the conditions the Board might be inclined to impose. That is all this is about.

Mr. Van De Wiele asked if that meant this is not contemplating to go into the code in way. Ms. Back stated this is not a recommended code change. There are not any conditions referencing these types of signs in the residential district. This is an attempt to make things easier in the submittal process, and make it easier for the Board to make a motion.

Ms. Miller stated that it might be beneficial for the sign companies to have any discussions with staff prior to the next Board of Adjustment meeting on December 10, 2013.

Mr. White reiterated that any information the Board can receive for study prior to the December 10<sup>th</sup> meeting is better for everyone involved in this item. It is beneficial for all parties.

Mr. Henke stated that once the quorum call is completed, a call will be made to Mr. Ed Horkey of Claude Neon Federal, and Mr. Bob Kolibas and Mr. Paul Enix both with the City of Tulsa.

Mr. Henke stated this agenda item will be heard on December 10, 2013.

### **21605—San Juan Gaytan**

Special Exception to allow New and Used Auto Sales and Tire Sales (Use Unit 17) in the CS District (Section 701, Table 1); Variance of the requirement that no merchandise may be displayed outside within 300 feet of an R district (Section 1217.C.2); Variance of the building setback from the centerline of North Lewis Avenue East from 85 feet to 43 feet for a used car and tire sales use in an existing building (Section 703, Table 2). **LOCATION:** 1417 North Lewis Avenue East (**CD 3**)

**The applicant appeared before the Board August 27, 2013 and his request was approved with conditions. The applicant was requested to reappear before the Board, as part of the conditions, after three months for an update and to present evidence to the Board that all imposed conditions have been met.**

Mr. Henke asked Mr. Swiney that since the Board approved this relief with the requirement that certain things take place, if those suggestions were not implemented what is the Board members recourse in this matter? Mr. Swiney stated that as he understood the approval at that time was a Variance with a termination date, and that the applicant was to come back and show evidence that he had complied with the conditions placed on the request. If he had complied with those conditions the Board would have the power to extend that Variance for a term or indefinitely.

**Presentation:**

**San Juan Gaytan**, 1417 North Lewis Avenue, Tulsa, OK; he presented pictures to the Board showing improvements that he had made to the subject property. Mr. Gaytan stated that he would like for Mr. Ed Martinez to speak for him.

**Interested Parties:**

**Ed Martinez**, Chairman of the Board, Hispanic Chamber of Commerce, 3125 South Yale Avenue, Suite A, Tulsa, OK; stated that the photos show the effort Mr. Gaytan has made to comply with the guidance the Board gave him, and he is in hopes that the Variance will be continued. There have been adjustments made in the operating procedures to make sure vehicles are not parked and product is not displayed on the sidewalks. Vehicles are parked now on asphalt or concrete.

Mr. White asked if the lot to the south was Mr. Gaytan's lot. Mr. Matinez answered affirmatively. Mr. White stated there are portions of that lot that are still dirt and there are vehicles for sale on that lot. Mr. Gaytan stated that he is preparing to install a concrete surface on that lot, but currently it is gravel.

Mr. Henke stated that his concern is that the Board had placed conditions for implementation, and there are several conditions that have not been implemented. In terms of him supporting the extension is going to be difficult.

Mr. Van De Wiele asked Ms. Back to display page 8.2 from the Board's agenda packet on the overhead screen. Mr. Van De Wiele stated this picture is a good summary of what the conditions were and are working toward today. He thought Mr. Gaytan had made a good effort at cleaning up the subject property, and is moving toward the goals. Though one of the conditions was in regards to the used tires, and from the picture there are still used tires on the north side of the building and in front of the overhead door on the south side. Mr. Van De Wiele stated that it seems Mr. Gaytan is moving toward compliance but is not quite finished. Mr. Gaytan stated he is tire a shop and wants potential customers to be able to see his tires.

Mr. Henke asked if the interested party that attended the last meeting and spoke had received notice for this meeting. She had complained about a variety of things in regards to the subject property, and he did not see a letter or any correspondence from her in the agenda packet from her stating that she was satisfied with the progress. Ms. Miller stated there was no official notice to her about today's meeting, but she was present at the last meeting when the continuance was announced.

Ms. Back stated that she had placed a picture on the overhead screen that showed the subject property before today's hearing and what the property looks like for this hearing.

Mr. Van De Wiele asked Mr. Gaytan about the tires that are shown in the picture. Mr. Gaytan stated those tires were placed in the shop overnight and brought each morning for display. Mr. Van De Wiele stated there is an open tire rack on the side of the garage. Mr. Gaytan stated that he has seen several tire shops that have many tires placed around their buildings. Mr. Henke stated that in his opinion that has no bearing on this case. Mr. Van De Wiele stated that he thinks Mr. Gaytan has made some good improvements on the subject property, but the used tires are still the issue. Part of the conditions is that used tires are not to be visible from the street and were to be behind the building stacked and under cover. That condition is partly to address the sight issue but also to address the mosquito issue or health issue.

Mr. Henke asked the Board if they would like to continue this for another couple of months to allow Mr. Gaytan time to take care of the gravel area and install the concrete or asphalt. Mr. White and Mr. Van De Wiele both stated they could support that.

Mr. Henke asked staff to give notice to any interested party who spoke at the previous meeting regarding this case, so they may attend the next meeting giving them an opportunity to make any comments.

Mr. White stated that he would like to see Mr. Gaytan also address the issue of the tires in the back of the building.

Mr. Van De Wiele asked Ms. Back to revisit the site shortly before the next meeting so there will be current photos presented to the Board. Ms. Back stated she would take more pictures of the subject property.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder, Tidwell absent) to **CONTINUE** discussion of the **Special Exception** to allow New and Used Auto Sales and Tire Sales (Use Unit 17) in the CS District (Section 701, Table 1); **Variance** of the requirement that no merchandise may be displayed outside within 300 feet of an R district (Section 1217.C.2); **Variance** of the building setback from the centerline of North Lewis Avenue East from 85 feet to 43 feet for a used car and tire sales use in an existing building (Section 703, Table 2) and have the applicant, Mr. San Juan Gaytan, **REAPPEAR** before the Board at the meeting on March 11, 2014 with evidence of the improvements made to the subject property. This time span will give the applicant time to comply with the conditions stated on page 8.2 in the Board's agenda packet; for the following property:

LT 14 BLK 2, LTS 15 16 & 17 BLK 2, BELLEVUE HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:05 p.m.

Date approved: \_\_\_\_\_

11/14/14



Chair