

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1107
Tuesday, December 10, 2013, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Snyder Tidwell, Secretary Van De Wiele White, Vice Chair	Henke, Chair	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, December 5, 2013, at 10:36 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair White 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 3-0-1 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; Van De Wiele "abstaining"; Henke absent) to **APPROVE** the **Minutes** of the November 12, 2013 Board of Adjustment meeting (No. 1105).

Mr. White explained that the Minutes for the Board of Adjustment meeting held on November 26, 2013 could not be voted on today because two of the members present today were not present at that meeting. The November 26, 2013 Minutes will be carried for to the Board of Adjustment meeting on January 14, 2014.

UNFINISHED BUSINESS

21621—Joe Admire

Special Exception to allow a variety of low impact uses within (Use Unit 11 and Use Unit 15) in a commercial structure located in an RM-1 zoned District (Section 401, Table 1). **LOCATION:** 2923 West 40th Street **(CD 2)**

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The applicant has withdrawn this case.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:

LTS 16 & 17 & S10 VAC ALY ADJ ON N BLK 38, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21653—Nathan Cross

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 has requested a continuance to the January 14, 2014 Board of Adjustment meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke 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 January 14, 2014 Board of Adjustment meeting; 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, PEEBLES ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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 55th Place South **(CD 7)**

Presentation:

The applicant has requested a continuance to January 14, 2014.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke 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 January 14, 2014; 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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NEW BUSINESS

21667— Kinslow Keith and Todd – Nicole Watts

Variance for off-premise sign in the RM-2 District to permit a project identification and Electronic Message Center billboard sign (Section 1221.F.1); Variance from sign orientation being primarily visible from the freeway (Section 1221.F.7); Variance to allow two signs per street frontage of a lot and increase the maximum display surface area from 147.2 square feet to 213 square feet (Section 402.B.4.a.b).
LOCATION: 7515 South Riverside Drive West (CD 2)

Presentation:

Staff is requesting a continuance to the January 14, 2014 Board of Adjustment meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of TIDWELL, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **CONTINUE** the request for a Variance for off-premise sign in the RM-2 District to permit a project identification and Electronic Message Center billboard sign (Section 1221.F.1); Variance from sign orientation being primarily visible from the freeway (Section 1221.F.7); Variance to allow two signs per street frontage of a lot and increase the maximum display surface area from 147.2 square feet to 213 square feet (Section 402.B.4.a.b) to the Board of Adjustment meeting on January 14, 2014; for the following property:

A PART OF LOTS ONE (1), TWO (2), AND THREE (3), BLOCK THREE (3), RIVER GROVE SUBDIVISION, A DULY RECORDED SUBDIVISION LOCATED IN SECTION 7, TOWNSHIP 18 NORTH, RANGE 13 EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 3, RIVER GROVE, AS THE POINT OF BEGINNING; THENCE SOUTH 88°36'50" WEST A DISTANCE OF 72.89 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY FOR THE RIVERSIDE PARK-WAY; THENCE NORTH 37°46'15" WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 545.06 FEET TO A POINT OF CURVATURE; THENCE ALONG A 44,939.56 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 37°46'15" WEST, A CENTRAL ANGLE OF 0°12'46" FOR AN ARC DISTANCE OF 166.89 FEET TO A POINT ON THE WEST LINE OF LOT 3, BLOCK 3; THENCE NORTH 1°25'42" WEST ALONG SAID WEST LINE A DISTANCE OF 35.88 FEET TO A POINT; THENCE NORTH 88°17'18" EAST ALONG THE NORTH BOUNDARY OF BLOCK 3, RIVER GROVE AND THE SOUTH RIGHT OF WAY OF EAST 75TH PLACE SOUTH A DISTANCE OF 495.00 FEET TO A POINT; THENCE SOUTH 1°25'42" EAST ALONG THE WESTERLY BOUNDARY OF BLOCK 8, KENSINGTON II

AMENDED, A DISTANCE OF 611.60 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 181,038.27 SQUARE FEET OR 4.1561 ACRES, MORE OR LESS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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 stated that Mr. Ed Horkey with Claude Neon Federal Signs has requested this item be continued to a future agenda when there is a full Board in attendance.

No motion is required on this item.

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UNFINISHED BUSINESS

21641—Eller & Detrich – Lou Reynolds

Variance to reduce the setback for a two-story building from 50 feet to 47 feet (Section 403.A.1); Variance to reduce the required front yard setback from 35 feet to 12 feet (Section 403.A, Table 3); Variance to reduce the front yard setback from 70 feet to 47 feet in the RM-2 District (Section 403.A, Table 3). **LOCATION:** 1935 South Cheyenne Avenue West **(CD 4)**

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated this is a very interesting case because the request is not a big request but the case has turned into a very big matter. His client has requested a variance of three feet from a 50 foot setback from single family zoning where single family use does not exist and will never exist. The request is for a setback from an arterial street because of a mapping error in the Major Street and Highway Plan. That plan calls 21st Street an arterial street, and that plan calls for a 70 foot setback. This setback would not be needed if 21st Street were not shown as an arterial street. Mr. Reynolds had Ms. Back display maps on the overhead screen and he explained relation of the property to the street and surrounding properties. One of the surrounding properties is RS-2 and it is owned by the City of Tulsa; it is either Riverside Drive or the 21st Street bridge and this is a phantom residential district that his client needs to ask relief from. The zoning code requires a setback from the residential family zoning of 50 feet for two-story multi-family building. Mr. Reynolds stated that his client is only asking for relief from the southside of the subject property.

Mr. Reynolds stated that in 1984 21st Street was a four-lane street that traveled in both directions, and that is how the public reached Riverside Drive. In 1985 the 21st Street bridge was rebuilt and the street was reduced to two lanes one-way in a west bound direction to have access to Riverside Drive. Before the new bridge was built there were four houses on the City owned property and they were taken as part of the bridge widening project. Those houses are not coming back. Due to the requirement of a 75 foot building setback from an arterial street, the setback for any construction on the subject property is 70 feet. By law, the building envelope for the subject property would be 22 feet wide by 109 feet deep today, and that is only because 21st Street is classified as an arterial street. Mr. Viplav Putta, an INCOG Traffic Planner, stated in a letter that he has discussed this situation with the City of Tulsa Traffic Engineering, and he concurs with their conclusions that 21st Street should be reclassified to a collector street from an arterial street. Mr. Reynolds presented a letter from Mr. Jon Eshelman, with Traffic Engineering Consultants, that agreed with Mr. Putta and the City of Tulsa. The letter from Mr. Eshelman also pointed out the daily anticipated quantity of trips by the subject property proposed residents, the traffic signals help control the flow of the traffic to buffer the ingress and egress, etc. The nearest single family residential property is over 1,200 feet away from the southeast corner of the subject property. The nearest property to the south of the subject property is 369 feet but that house is in an OL zone and in a PUD. At this point in the presentation Mr. Reynolds had Ms. Back display a conceptual site plan on the overhead screen. On this site plan Mr. Reynolds pointed out that there were some four-door sedans drawn on the site plan to show how they would be parked on the property and not be invading the sidewalk.

Mr. Van De Wiele asked Mr. Reynolds to address the sewerline easement and/or the sewerline.

Mr. Reynolds stated that he and his client have met with the engineers at Tanner Consulting and they were informed that the easement can be relocated to the middle of Cheyenne, and it will still function as it is doing today. Mr. Reynolds stated that his client also understands that the relocation would be at his expense.

Mr. Van De Wiele asked staff if they agreed with the collector street theory. Ms. Back stated that staff had performed the research and contacted City of Tulsa staff and conversed with INCOG's Transportation staff, and INCOG's Land Development staff wrote the facts into the Board's case report and it is up to the Board to determine whether to believe what was researched and written.

Mr. Van De Wiele stated that he is actually asking if it were in fact a collector street and what the distances would be, as presented by Mr. Reynolds. Ms. Back stated that she misunderstood Mr. Van De Wiele's first question. Ms. Back stated that she is in agreement with Mr. Reynolds presentation.

Ms. Snyder asked if it is known whether the street can be officially changed from an arterial street to a collector street. Ms. Miller stated that she has been working with the Viplav Putta. With INCOG, and Paul Zachary, with the City of Tulsa, regarding several

streets that need to have their status changed. When the process is complete everything will be taken to the Planning Commission, and this street is one of the streets that will be continued.

Interested Parties:

Hannah Middlebrook, 1802 South Cheyenne, Tulsa, OK; stated the neighborhood does not oppose development, but they do oppose this development. The residents of this neighborhood are young, and within the two block space of Cheyenne there are 20 children, which 16 are under the age of 12. The children play in the park, play on the sidewalks, walk to the school bus stops or walk to school. There are also children from the apartments that opposite the subject property, and the condos near 17th and Cheyenne. There are pedestrians that walk to and from the Riverside area. Their guests of the Blue Rose, the Dresser Mansion, Council Oak Park, Stickball Park and other venues near the neighborhood. This neighborhood is at capacity for traffic and cannot another building that will produce another 57 trips daily in the area. She is very concerned about the safety of the children and pedestrians in the neighborhood.

Mr. Van De Wiele asked Ms. Middlebrook where her family and guests parked. Ms. Middlebrook stated that her home has a driveway and they use it, but her guests do park on the street. Mr. Van De Wiele stated there is a lot of correspondence that has been presented to the Board states concerns over the volume of cars on the street and the volume of cars parking across driveways. He would guess 90% of that is her family, the neighbors, and guests. Ms. Middlebrook disagreed. On weekends and in the evenings the neighborhood is overrun with people from Riverside Drive, the Dresser Mansion and the Blue Rose. There are days, especially on warmer days, people will park on the grass or in the parks. If there is a car parked in a driveway but across the sidewalk it is more likely to be a resident or a guest. But that is not the primary concern. The primary concern is the sheer volume of parked cars and cars traveling in both directions on a street that does not even have room for vehicles to be traveling in both directions.

Mr. Van De Wiele asked Ms. Middlebrook if the fact that the applicant is providing more than twice the required parking alleviates her concerns. Ms. Middlebrook stated no, because her concern is how many units there are on the property.

Mr. Van De Wiele asked Ms. Middlebrook how many units would be satisfactory to her, because this proposed project has shrunk in size from the original request. Ms. Middlebrook stated that most of the neighborhood would be in agreement that one or two units could be supported on the subject property.

Mike Steinmetz, 2416 South St. Louis, Tulsa, OK; stated he owns the property two doors north of the subject property. He has lived in the neighborhood in the past. The lot for decades had a two-story single family home on it. There is not room for ten or eight units to be built on the lot. All the maneuvering by the developer and his counsel is simple to get this approved so he can cram eight units onto the subject property. He does not see twelve garages with seven driveways being feasible either. There will be

three driveways on 21st Street, two driveways on Cheyenne and two driveways in the alley. The alley is one-way going north and south, and the proposed residents will not go up to 18th Street and then all the way down. They will slip in the back way and drive into the subject property illegally. If the one-way alley is enforced he contends the proposed residents will find parking somewhere along the street. In front of the proposed complex there is a fire hydrant so there is no parking allowed, and in the first block of Cheyenne there is parking only permitted on the east side of the street. This is a very limited parking area. No matter how this is viewed it is a proposed eight unit project on a one unit lot. This will cause safety and parking issues. He urges the Board sends a resounding message that the lot is not for an eight unit complex.

Ms. Snyder stated that there are other apartment complexes within the neighborhood, so she asked Mr. Steinmetz if he thought the parking issues the neighborhood was having is already in existence. And did he think the proposed development would provide enough parking that the proposed residents would not pose that much of a parking problem. Mr. Steinmetz stated that he thinks this will have a major impact to parking and to the traffic. He has seen people park on the street in front of or near the subject property and go into the apartment complex to the west, whether they are visitors or residents.

Mr. Van De Wiele asked Mr. Steinmetz if rented his property out. Mr. Steinmetz answered affirmatively. Mr. Van De Wiele asked if his property had garage parking for the tenants, and how many cars are parked at his tenants' property. Mr. Steinmetz stated that the house has a driveway that can hold two cars wide and one car on the incline of the driveway for a total of three cars. The house was built in 1923 so the driveway was built for Model T's and it will not accommodate a SUV.

Renee Faulkenberry, 1923 South Cheyenne Avenue, Tulsa, OK; stated she lives three houses away from the subject property. Our neighborhood welcomes infill development but only development that is reasonable in size and scope, and appropriate for its location in the historic neighborhood. The neighborhood does look forward to seeing something replace the weedy that has stood vacant for a decade, the neighborhood unanimously rejects this plan for development as it has been proposed. Enforcement of the code would not impose a hardship on the developer. His only hardship is a self imposed insistence on building a project that does not fit the neighborhood. The owner has many other profitable options. He has rejected the notion of building a single family home, a duplex, a triplex or even a quadplex. These are all perfectly reasonable and profitable options. The only explanation he has given to the neighborhood for his rejection of these ideas is in saying, "that is not what I do". Denying the variance request would not impose a hardship other than to decrease the number of rental units that he is attempting to squeeze into this small space. The garages of this proposed project are what concerns Ms. Faulkenberry the most. Allowing this development with twelve garages will result in substantial detriment to the public good of the neighborhood for two main reasons. First, the way they look. Second, their location; it is dangerous. The Beuna Vista historic district, which consists primarily of single family historic homes, was placed on the register of historic places in 2007. Within a two block

section of Cheyenne, going north, there are 22 properties. Only two of those properties have front garages. If a person is to continue going north on Cheyenne another three blocks to 15th Street there are 28 properties and none of those properties have front garages. This matters, because when the neighborhood was being considered for inclusion on the national register the two house with the front garages were deemed to be noncontributing to the historic significance of the neighborhood. This developer proposed nine front facing garages on one lot. This would amount to 450% increase in front facing garages in the neighborhood, and the proposed project is at the gateway of the neighborhood. It would be preferable if the developer would propose the garages to be on the inside of the development, or in the rear of the development. The neighborhood does not want something built that will further deter from the historic character of Beuna Vista, and result in substantial detriment to the historic neighborhood. The proposed location of the garages is dangerous to traffic and pedestrians. The developer's design has twelve places where cars will be backing out into the alley or into traffic, and nine of those garages will have cars backing out over sidewalks. The neighborhood is bicycle and pedetrian heavy. The developer would like to have 21st Street become a collector road so the setback requirement will be smaller. By definition a collector road is designed to provide access to residential properties, but currently there are no residential properties accessed by 21st Street. The applicant's own traffic review expert did not call 21st Street a collector road, he called it an access ramp to northbound Riverside Drive. Traffic signs in the area does support the access ramp statement. How does it make sense to have cars backing out onto an access ramp? Because of the obstructions and the incline of the road it makes it very dangerous to back out onto this street. There is no valid argument that could justify installing six units with garages on this busy access ramp. To do so would be reckless, careless, dangerous and would definitely cause a substantial detriment to the public good of the neighborhood.

Lori Cain, 1929 South Cheyenne, Tulsa, OK; stated she lives immediately to the north of the subject property. The automobiles that are driving on 21st Street and going through the intersection at Boulder are driving at least 35 miles per hour; that is the posted speed limit. In the area of the proposed project there is actually traffic coming form three different directions. At this point Ms. Cain used a laser pointer to show the three different traffic directions on a map placed on the overhead projector. The proposed development is an epitomy of an undesireable and unsafe infill project in a historic neighborhood. She wonders why this developer is so rentless to build a project that is unwanted. The neighborhood gathered in 2012 to express their concerns and attempted to compromise with Mr. Schmidt as to what was thought to be appropriate for the historic neighborhood, the traffic concerns, and the parking problems. How many times are the neighbors expected to gather to meet, to attend meetings, and to prepare materials. Mr. Schmidt has owned this property since 2004 and there is no real site plan for the project. The neighborhood received a proposed site plan at 7:00 p.m. last night. Ms. Cain thinks that after nine years there would be specific plans. Now the neighborhood is told the sewer line will be moved, but where will it be moved to. If it is going to be moved closer to her property she believes it will jeopardize the integrity of her retaining wall. When does the right of a developer to make an imaginary profit on

an investment ever trump the right of a homeowner to preserve and protect his homestead? Her husband's parent bought the house she and her husband live in in 1954, and her husband has lived there all his life. While the neighborhood is zoned multi-family the neighborhood is all single family residences. The neighborhood has worked very hard to obtain the historic designation. The neighborhood has worked very hard to preserve the homes in the spirit of the year in which the homes were built. The neighborhood wants something that is appropriate for the neighborhood.

Mr. Van De Wiele asked Ms. Cain at what level of compromise would she say she is satisfied with the compromise reached with the builder, and would be happy to see a project proceed. Ms. Cain stated that when the neighbors met with Mr. Schmidt in 2012 he was asked if he would consider a single family, a duplex, a triplex or a quadplex for the property. He told the neighbors that he would not consider anything less than ten units because that is not what he does. Now he has come back with eight units and twelve garages. She does not think that is indicative of a compromise. Mr. Van De Wiele asked where is the compromise point for her. Ms. Cain stated that the compromise for her would be a quadplex or less.

Demetrius Boreolos, 1929 South Cheyenne, Tulsa, OK; stated he hopes that he can spend another 59 years in the neighborhood without the proposed development sitting on the corner. He is opposed to the approval of the variances, because the new application has not changed significantly from the rejected application. When the applicant exuberantly explains how he is going to provide parking, at least five of the units are going to find it necessary to park under a cantilever. How tall are the cantilevers? More importantly will a truck be able to be parked under the cantilever? Mr. Boreolos believes, realistically, many of the under-the-cantilever spaces are going to disappear. There is a very large apartment complex to the west of the neighborhood and they labor under the concept that they have sufficient parking for all their tenants. Invariably most of the parking that occurs on the east side of South Cheyenne, which is the only parking that is allowed for about a two block area, comes from the residents of the existing apartments. So there is not only the steady stream of the people living across the street but there is also the added strain of people who visit the river or the events held. The parking and traffic is a serious existing problem and now there is the possibility of bringing in a development that will make the situation worse. There are twelve existing multi-story, multi-family apartments and condominiums in the area in a twelve block area. They are of various sizes and various economic means. If it is to be believed that the Tulsa Zoning Code wants to have a balanced development, especially in the near downtown area, then the neighborhood has reached a point where one more multi-family multi-story development will be a tipping in an area where the residents are hoping to develop and retain its residential character. The Comprehensive Plans refers to the neighborhood as a downtown neighborhood, and mentions those neighborhoods are primarily pedestrian oriented. The number of garages on the southside of the property, West 21st Street, are going to cut up the sidewalk and that is an area where many people walk to and from the River Park. Currently the sidewalk is a large flat sidewalk perfectly capable in handling pedestrian traffic without any injuries. If this development is allowed there will be driveways using curb cuts, and it is not known

whether they will meet the standards. But these driveways could cause a problem in an area that is primarily to be pedestrian oriented. The traffic count does not speak to the problem of public safety, the problem of backing up in an area where a person cannot see where the people are coming from. This development would be creating a public hazard or a public safety problem, regardless of how many trips the proposed development is proposed to make daily. The compromise for him, personally, would be a multi-story single family dwelling. The reason he thinks that this is the best compromise is it is simply putting the property to the land use that was there for more than 60 years. Mr. Boreolos feels Mr. Reynolds is being disingenious by saying the closest single family dwelling is 366 feet away, when in reality the closest single family dwelling is 20 feet away because it is his own house. The neighbors value the quality of the residential life and they will staunchly defend the residential nature of the neighborhood.

Mr. Tidwell asked Mr. Boreolos how long the existing apartments that across the street from his house have been in existence. Mr. Boreolos stated that he can testify to the fact that they have been in existence for at least 59 years in various states of design.

Jane Halliwell, 1618 South Cheyenne, Tulsa, OK; stated that what surprised her about Mr. Reynolds presentation, is that he attempted to minimize a number of problems. He spoke to the fact that it is only required because that is what the map says, or if it weren't an arterial street, and even spoke to having an extra six inches on the west side. That is minimizing what she thinks is very important. The purpose of the Board of Adjustment Section 110.1 is to lessen the danger and congestion of public transportation and travel, preventing overcrowding of land, conserving the value of building, and encouraging the most appropriate use of land. This area is a gorgeous part of Tulsa. The houses are historic, gorgeous and it is a river view. It is Beuna Vista which means beautiful view. She does not think this proposed development fits the neighborhood at all. It is important for Tulsa to continue preserving its beauty.

Ralph Faulkenberry, 1923 South Cheyenne Avenue, Tulsa, OK; stated he bought his house about twelve years ago, and bought in the area because he likes the older houses. He has done everything he could when remodeling the house to keep the old character of the house, even preserving the claw foot tub. The neighborhood has been moving toward maintaining the historical integrity of the neighborhood by starting with the recognition of the historical district. He can assure the Board that everyone who has a house that qualified for the historical designation proudly bought a plaque and installed it on their house because you can see each one as you walk down the street. This development is not moving closer to that goal of representing the historic nature. As a group of home owners the residents are looking toward taking the next step to obtain the historic overlay for the neighborhood. That is the direction the residents of this neighborhood want it to move toward. This development will take the neighborhood a step in the other direction away from the historic factor. Safety is another concern. If a person is sitting at the intersection of 21st and Boulder, looking toward Riverside Drive the street drops off approximately 25 feet. The most westerly driveway on the southward facing side of the proposed building a person could not see a car sitting in

the middle of the street from the intersection of 21st and Boulder. Regardless of what the street is called, an arterial street or a collector street, its function is always going to be that of an exit ramp. Drivers treat that street as an exit ramp and the residents are lucky if the drivers are only driving 35 miles per hour. The garages facing south in the proposed development will mean a fatal accident or some other type disaster.

Mr. Van De Wiele asked staff if in the plan review are any of the concerns the residents cited today reviewed? Does Traffic Engineering review this type of project? Ms. Miller stated in the plan review process she did not think Traffic Engineering reviews plans. Ms. Back stated that when the building permit process goes through Traffic Engineering does review the curb cuts and traffic reports are submitted, and it can be required. Ms. Back stated that when the Board approves a site plan that is why a plan is most often approved as conceptual because it is realized that the plan may change.

Rebuttal:

Mr. Reynolds came forward and stated that all the protestants are all to the north of the proposed project. The south of the project has no protestants and that where the variance requests originate. That is important. It has been heard that this project is too large, that there is traffic issue, and that there are parking issues. In 2005 this Board approved a Variance, an identical Variance that is being requested today. The applicant did not realize it was a "use it or loose it" approval, and the economy went bad and he missed it. The Board approved a Variance allowing a ten foot setback along West 21st Street, and today the request is for 12 feet. The Board has approved a Variance allowing two feet for a multi-family structure within the same distance. In 2012 the issue became that the project was too much. How is it determined that a project is too much? That is when people look to the Zoning Code for guidance, and that is the objective measure. This is not a question of my opinion or your opinion. The bulk and area requirements are used for the residential districts, and this Board is particularly sensitive to those requirements. The other issue is parking, and that is why there is a parking Variance. Uniquely in this case, there is double the required parking. This lot exceeds the lot width requirement of the bulk and area standards. The lot exceeds the land area per dwelling unit requirement. The structure height is 31 feet which is under the 35 foot standard. The project exceeds the livability space per dwelling unit. These are all things this has granted Variances from. The front yard is at issue. There are two choices. There is non-arterial and arterial. If a project abuts an arterial street a 75 foot setback is required for anything. If a project abuts a non-arterial street a 45 foot setback is required. The proposed project meets the 45 feet but the applicant has requested 47 feet. The project complies with the side yard setback which the Board often grants Variances to. The project complies with the rear yard setback. Uniquely there are eight other conditions to the residential bulk and area requirements, and the one that affects this project is that a single-story limitation shall apply to multi-family dwellings which are within 50 feet of the RE or RS District. That is why the focus is on the south side of this project. The density is the same or less than most of the apartment projects in this area. On Cheyenne, about ten lots away, there is a eight unit multi-family project that is on the same side of the street, and that multi-family project is on a smaller lot than the subject property. There is traffic in the area because it is a

downtown neighborhood. Mr. Jon Eshelman stated that the street has less traffic than most residential streets in Tulsa, and has said that the traffic light provides breaks in the traffic pattern because it stops traffic at 21st Street and Boulder. That intersection is what gives this project protected windows that can be used for the proposed residents of the proposed project. There has been a lot said about parking, and the proposed parking is attempting to solve the parking problem for the project, and any problem that it might cause. This will be the only project in the neighborhood with twice as many parking spaces, and they will function very well.

Mr. Van De Wiele asked Mr. Reynolds how many units had been planned in the 2005 project. Mr. Reynolds stated that the total was not mentioned. It was mentioned in the minutes as a development envelope and that the plans had not been created as of yet.

Comments and Questions:

Mr. Van De Wiele stated this is a difficult case, not only because of the volume of the neighborhood that exists. But looking at it, as the Board is required, all the relief is from the south. The Board has letters from the City stating that the street will be reclassified, and is in the process of being reclassified to a collector street. He thinks the residentially zoned property to the south is all concrete and grass that is owned by the City of Tulsa. That represents a unique circumstance. The density is not worse than any other properties in the area. Mr. Van De Wiele he is inclined toward approval.

Mr. Tidwell stated this is a tough decision but in 2005 a case on the subject property was approved. He thinks that many of the neighbors have lived in the area longer than 2005. The neighborhood is not a new neighborhood and is not in transition. People know what is in the area and what is going on their neighborhood. Mr. Tidwell stated that he is inclined to give approval to the subject project.

Ms. Snyder stated that she was not on the Board in 2005, but she does see where, in 2012, the Board denied the Variance request. It does seem that it is minimal what the applicant is requesting. If the road were reclassified it would be very minimal in what the applicant would be requesting. What this gets down to whether this would be substantially detrimental to the public good. When she sees this many people that live in the neighborhood on a daily basis opposing a request, she will have to vote no.

Mr. White stated that in 2005 there were no specifications and it was approved carte blanche. He was not on the Board at that time, but in 2012 there were plans submitted and the project was denied. Mr. White commended Mr. Reynolds and the residents in the excellent presentations. Even the relief is requested from the south, Mr. White thinks the Board must look at a broader perspective than just the south side. There is actually a plan or layout, and he is having difficulty with the element of public safety. The building is well designed and a good concept but it is a bad location. The 21st Street side is too open to vehicular or pedestrian problems. The relief that is requested is not bad, it is the design or the layout of the project. This request is for a Variance and in the verbiage it says "will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the code or the Comprehensive Plan". He thinks the

public good would be put at risk. He cannot approve this request on the premise that this is a conceptual site plan.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 2-2-0 (Tidwell, Van De Wiele “aye”; Snyder, White “nays”; no “abstentions”; Henke absent) to **APPROVE**** the request for a Variance to reduce the setback for a two-story building from 50 feet to 47 feet (Section 403.A.1); Variance to reduce the required front yard setback from 35 feet to 12 feet (Section 403.A, Table 3); Variance to reduce the front yard setback from 70 feet to 47 feet in the RM-2 District (Section 403.A, Table 3). Finding that the relief requested is primarily based to the south of the subject property, based upon a RS-2 zoned area that is fully encompassed by traffic, other streets, and other areas owned by the City of Tulsa that is not used as residential single family property. And the classification of the street to the immediate south of the property, classified as an arterial, the Board finds that the City is in the process of reclassifying the street as a collector street. This approval is subject to the plan on 4.26 and the building elevation exhibit dated December 9, 2013. 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:

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

****This Approval FAILED due to a lack of three confirming votes.**

* * * * *

NEW BUSINESS

21657—Lamar Outdoor Advertising

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 spacing requirements for a digital outdoor advertising sign 1,200 feet from another digital outdoor advertising sign on the same side of the highway or across the highway facing the same traveled way (Section 1221.G.9 and G.10). **LOCATION:** 11811 East 51st Street South (**CD 7**)

Presentation:

Lorinda Elizondo, Lamar Outdoor Advertising, 7777 East 38th Street, Tulsa, OK; stated she is submitting an application for a digital outdoor advertising sign, and she will gladly answer any questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke 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 a digital or conventional billboard, subject to the action of the Board being void should another outdoor advertising sign be constructed within the spacing requirements prior to this sign; for the following property:

BEG 1348.68 E SWC SW TH N1311.85 SE657.80 S1042.27 W600 POB LESS BEG 690.06W SECR SW TH W600 N24.75 E APR 501.80 N APR75 E98.29 S99.75 POB & LESS BEG 690.06 W & 1042.27N SECR SW TH S APR 37.78 CRV LF APR665.84 N APR 17.91 CRV RT657.80 POB FOR HWY SEC 29 19 14 (15.398 ACRES) IN THE CITY OF TULSA, TULSA COUNTY, SATE OF OKLAHOMA, ACCORDING TO RECORDED PLAT THEREOF, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21658—Pedro Garcia

Action Requested:

Special Exception to permit a carport in the required front yard (Section 210.B.10.g); Variance to allow the structure to cover an area of 18'-0" x 26'-0" (Section 210.B.10.a). **LOCATION:** 1023 North Quaker Avenue East **(CD 1)**

Presentation:

Pedro Garcia and Jessica Garcia, 1023 North Quaker Avenue, Tulsa, OK; Ms. Garcia stated she will be speaking on behalf of Pedro Garcia.

Mr. White asked Ms. Garcia who built the carport. Ms. Garcia stated it was her father.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Henke absent) to **APPROVE** the request for a **Special Exception** to permit a carport in the required front yard (Section 210.B.10.g); **Variance** to allow the structure to cover an area of 18'-0” x 26'-0” (Section 210.B.10.a) and is approved as built. 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. 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 11 BLK 4, CAPITOL HILL SECOND ADDN SUB L1-2 B4, CAPITOL HILL SECOND ADDN CORR, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21659—Terrill Jones

Action Requested:

Special Exception to permit a carport in the required front yard (Section 210.B.10.g); **Variance** to allow the structure to cover an area of 20'-0” x 22'-0” (Section 210.B.10.a). **LOCATION:** 2340 West 44th Street South **(CD 2)**

Presentation:

The applicant was not present.

The Board chose to hear the interested party in this case.

Interested Parties:

Claudine Bates, 2333 West 44th Street, Tulsa, OK; stated this carport is already up and it went up in one afternoon. The carport is not attached to the house, and is just sitting in the driveway. The carport does not fit into the neighborhood. The carport has painting on the front of it. The man that had it installed does not live in the house. He bought the house about two years ago and moved in, but he has not lived there for about a year. The owner's son lives in the house sometimes.

Mr. Van De Wiele asked Ms. Back if the carport located at 2224 West 43rd Street was permitted. Ms. Back stated that carport appears to be outside of the immediate area where the relevant case history was researched, so it is not mapped.

Comments and Questions:

Mr. Van De Wiele asked Ms. Back if the applicant had contacted her. Ms. Back stated that the applicant had not been in contact with her. The protestants had let her know prior to the start of the meeting that the applicant was not here, and were concerned about whether the case would be heard today.

Mr. White stated the case should be continued. The neighbors can submit their concerns through the mail service or through an e-mail to staff, and Ms. Bates' comments will become a part of the record so she does not need to return if she does not want to attend the next meeting.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **CONTINUE** the request for a **Special Exception** to permit a carport in the required front yard (Section 210.B.10.g); **Variance** to allow the structure to cover an area of 20'-0" x 22'-0" (Section 210.B.10.a) to the next Board of Adjustment meeting on January 14, 2014; for the following property:

LT 12 BK 3, SHERWOOD FOREST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21660-Claude Neon Federal Signs

Action Requested:

Variance to allow a 4.37 square foot wall sign and a 27.62 square foot wall sign on the north wall elevation; **Variance** to allow a 32 square foot wall sign on the east wall elevation in a RM-2 District (Section 402.B.4.b). **LOCATION:** 1306 South Denver Avenue West (CD 4)

Presentation:

Ed Horkey, Claude Neon Federal Signs, 1225 North Lansing, Tulsa, OK; stated that in April 2013 Wallace Engineering appeared before the Board of Adjustment and requested office use of the property. The property is made up two parcels. The parcel to the north is zoned OM, and the actual building is zoned RS-2. The request was granted to allow the building to be used as an office. What was overlooked at that time was signage. Subsequently there has been a Special Exception request applied for the wall signage on the office building. Originally there was ground signage considered for the property, but due to the ODOT, City of Tulsa, and utility setbacks a ground sign was not recommended for this project. The alternative was wall signage to identify the building. Instead of a bulletin board style sign it is requested for 32 square feet of wall signage on both the north and east sides of the building. The one sign will be for the "Pala Dora" sign which identifies the building and carries over the name of the Pala Dora Apartments that the building is known for.

Interested Parties:

Kenneth Paul Uttinger, 1324 South Elwood Avenue, Tulsa, OK; stated lives at this address and objects to this request. He does not think the applicant has shown a hardship in this case. The site plan presented does not show the footprint of the building, the setbacks are not shown, the centerline of the street is not shown, and the easements are not shown. Big business signs are not typical in the district or in the neighborhood. When he moved into the neighborhood in the 1980s there was quite a few residences and over the years they have been converted, but there is still quite a few residences in the corridor. Slowly the residential character is being eroded in the neighborhood. He thinks an approval today would set a bad precedent. He has observed the neighborhood and he does not see wall signs. What is typical are the small directory type signs or small bulletin board ground signs. He did not see any large wall signs in the area. He is opposed to this request also, because this is not what Mr. Jim Beach presented at the neighborhood meeting in March. He is not opposed to the Pala Dora sign because it is akin to a nameplate on a building. He considers the 64 square feet requested he considers the sign to be a billboard, or an attention getter for the public.

Mr. Van De Wiele asked Mr. Uttinger how close he was to the subject building. Mr. Uttinger stated he was within the 300 foot notification radius. He was surprised to receive the notification in the mail because he thought the issue had been handled at the April meeting. He does not think a hardship has developed in the last eight months. At the April meeting the hardship was a retaining wall that was difficult to be graded and hindered the parking. After the approval the retaining wall was demolished and the site was regraded to the extent that the higher lot was raised to a higher level.

Rebuttal:

Mr. Horkey came forward and stated that the hardship is that typically there ground signage allowed in an OL zoning, and the ground sign is the main identification. But because of the ODOT right-of-ways and the City of Tulsa right-of-ways we are not allowed to install an office type sign identifying tenants within the space that is allowed at the property. The reason is because it would encroach on the parking area thus eliminating parking spaces. The signage requested would be on the north and east sides of the building and those walls do not face the residential area, they face commercial office applications. Currently without the signage the tenants do not have the ability to identify themselves on the property.

Mr. Van De Wiele asked Mr. Horkey how the signs would be lit. Mr. Horkey stated the signs are non-illuminated and are aluminum dimensional silver letters that are placed on the building.

Mr. Tidwell asked if these non-illuminated letters for both sides of the building. Mr. Horkey answered affirmatively. The current plan is to place the address numbers and the Palladora name on the building, and the 32 square feet is being requested for future use.

Mr. White asked if there were plans to illuminate the letters in the future. Mr. Horkey stated that he has not been made aware of any such plans by the owners. Their desire was not to illuminate the sign at night because the business is an 8:00 to 5:00 business.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a **Variance** to allow a 4.37 square foot wall sign and a 27.62 square foot wall sign on the north wall elevation; **Variance** to allow a 32 square foot wall sign on the east wall elevation in a RM-2 District (Section 402.B.4.b), subject to the conditions that the signage be in the basic style and general location as shown on the exhibit provided today, December 10, 2013. The signage is to be non-illuminated dimensional letters. The Board has found that the Oklahoma Department of Transportation and the City of Tulsa Traffic Department have limited the property owner's ability to locate ground signs as would be customary for a property of this nature, such that those restrictions would meet a hardship in this matter. 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 2 LESS BEG NECR LT 2 TH W10.40 SELY50.06 E7.80 N50 POB BLK 3, T T T
ADDN AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

21661-City of Tulsa – Jack Bubenik

Action Requested:

Modification to a previously approved site plan (BOA-09075) to replace existing identification sign for Veteran's Park. **LOCATION:** 1875 South Boulder Avenue West (CD 4)

Presentation:

Lucy Dolman, City of Tulsa Parks Department, 175 East 2nd Street, Tulsa, OK; stated the Parks Department is requesting the approval of a modification to a previously approved identification sign. The modification includes the installation of a new monument based on the current sign standard. The Parks Department has installed 23 of these new signs and it is expected to have another 40 signs installed throughout the city in the future.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a **Modification** to a previously approved site plan (BOA-09075) to replace existing identification sign for Veteran's Park, to be located generally as shown on page 11.12. The approval is to include future modifications and improvements commensurate with park amenities, with no further Board of Adjustment approval required, finding the proposed improvements to be compatible with the neighborhood; for the following property:

That part of Block One of Boulder Park Addition to the City of Tulsa, Oklahoma, bounded as follows, -to-wit: Beginning at the Northwest corner of said Block 1, thence East along the Northerly line of said Block 1 to the point of intersection with the West line of Boulder Ave., thence South along the West line of said Boulder Ave. to the point of intersection of the West line of Boulder Ave., with the Southerly line of said Block One; thence in a Westerly direction along the Southern line of said Block One to the Southwesterly corner of said Block One, thence North along the West line of said Block One to the point of beginning all of said Block One of Boulder Park Addition to the City of Tulsa, lying West of the West line of Boulder Ave. extending through said Block One; Described with reference to the official Plat of the said Boulder Park Addition of the City of Tulsa, Oklahoma, on file in the office of the County Clerk of Tulsa County, Oklahoma. (Book 1746, Page 502-503); And Lots 1, 2, 3, and Lots 43, 44, and the North 30 feet of Lot 42, all in Block 6, in Buena Park Addition to the city of Tulsa, Oklahoma, according to the recorded Plat thereof; And All of Block Numbered Two (2) of Boulder Park Addition to the City of Tulsa , Oklahoma, according to the original official Plat thereof on file in the office of the County Clerk (ex-officio Register of Deeds) of Tulsa County, Oklahoma, together with all and singular VETERANS PARK IM,~ S. BOULDER DR. 08/04/93 1 the appurtenances there unto belonging or in anywise appertaining (Book 305, Page 380), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tidwell left meeting at 3:27 P.M.

21662—Philip Doyle

Action Requested:

Variance of the required side yard from 15 feet to 10 feet on the east side of lot in an RE District (Section 403). **LOCATION:** 2677 East 38th Street South **(CD 9)**

Presentation:

Philip Doyle, 2616 East 14th Street, Tulsa, OK; stated Variance requested will affect just the east side of the property. The area where the addition will be built abuts a creek and that is part of the reason for the request. The angle of the lot follows the creeks bed.

Mr. Tidwell re-entered the meeting at 3:30 P.M.

Mr. Doyle stated that he has met with the adjacent neighbor to the east and the neighbor does not have any problems with the proposed plan. The existing structure is a one-story structure and the addition will maintain the one-story structure, and the roof line will remain the same. The owner wants to maintain the integrity of the creek.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a Variance of the required side yard from 15 feet to 10 feet on the east side of lot in an RE District (Section 403), subject to conceptual site plan on page 12.18 showing the areas of imposed encroachment. The Board has found that this uniquely shaped lot which is bordered by a creek on the east side poses a 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:

PRT LT 11 BEG SWC TH E165 N171.69 NW30.83 NLY100 NE19 NWLY68.3 NL W101.10 NWC S370 POB BLK 2, OAKVIEW ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21663—Showcase Properties

Action Requested:

Variance to enlarge a building with a nonconforming use (Section 1402.A); Variance to allow a reduction in setback from centerline from 50 feet to 45 feet on West 14th Place and from 50 feet to 44 feet on South Elwood Avenue (Section 1405.A and Section 703, Table 2); Variance to increase the permitted floor area ratio from 50% to 52% (2,349 square feet) (Section 703, Table 2). **LOCATION:** 1431 South Elwood Avenue West / 318 West 14th Place (CD 4)

Presentation:

Jim Brackett, 330 North Boulder Avenue, Tulsa, OK; stated he has owned the property for approximately 39 years. In 1999, after finding knob and tube wiring in the duplex, he gutted the duplex and started all over. The duplex has been totally remodeled. The backside of the duplex is a very traditional layout. The apartment dwellers want all the amenities provided to them, and they also want protection for their vehicles. So he is requesting permission to build a couple of garages for the property.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a Variance to enlarge a building with a nonconforming use (Section 1402.A); Variance to allow a reduction in setback from centerline from 50 feet to 45 feet on West 14th Place and from 50 feet to 44 feet on South Elwood Avenue (Section 1405.A and Section 703, Table 2); Variance to increase the permitted floor area ratio from 50% to 52% (2,349 square feet) (Section 703, Table 2), subject to conceptual plans on pages 13.17, 13.18, 13.19, 13.20, 13.21 and 13.22. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, which the Board references the age of the neighborhood and the lot's shape and the fact that the duplexes never had garages, therefore, 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:

N5 OF W82 LT 9 & W82 LT 10 BLK-3, CAMPBELL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21664—Jesus Barraza

Action Requested:

Special Exception to permit a bar (Use Unit 12a) on a lot within 150 feet of R zoning (Section 701); Verification of the Spacing Requirement of 300 feet from any public park, school, or church or any other 12a use (Section 1212a.C.3.b & Section 1212a.C.3.c); Variance of the required parking from 88 spaces to 69 spaces (Section 1212a.D). **LOCATION:** 1601 South Memorial Drive East – Tenant Space: 1619 South Memorial Drive **(CD 5)**

Presentation:

Jesus Barraza, 227 South 181st East Avenue, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. White asked if this request is for an existing bar. Mr. Barraza answered affirmatively.

Mr. Van De Wiele asked how long the bar had been in the shopping center. Ms. Suzanne Wills came forward to offer help with the Board's questions.

Interested Parties:

Suzanne Wills, 3531 South Yorktown, Tulsa, OK; stated she has owned the building since 1998, and it was an existing building at that time. The parking for the building has not changed since 1998.

Mr. Van De Wiele asked Ms. Back why this case is before the Board today. Ms. Back stated that it is her understanding the applicant needs a Certificate of Occupancy to align with the expanded area of the building, and their current Certificate of Occupancy does not align with that expansion.

Ms. Wills stated that parking has never been a problem. She stated that are plans to replace the existing fence in the rear with a new screening fence between the bar and the apartments to the east.

Mr. Tidwell asked Mr. Barraza what his hours of operation are to be. Mr. Barraza stated the hours will be from 4:00 P.M. to 2:00 A.M. on weekends.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a **Special Exception** to permit a bar (Use Unit 12a) on a lot within 150 feet of R zoning (Section 701); to **ACCEPT** the **Verification** of the Spacing Requirement of 300 feet from any public park, school, or church or any other 12a use (Section 1212a.C.3.b & Section 1212a.C.3.c); to **APPROVE** the Variance of the required parking from 88 spaces to 69 spaces (Section 1212a.D). Based upon the facts in this matter as they presently exist to **ACCEPT** the applicants **Verification** of spacing for the proposed expansion of an adult entertainment establishment, subject to the action of the Board being void should another adult entertainment establishment or other conflicting use be established prior to this adult entertainment establishment. This approval is subject to the further condition that the screening fence between this subject use and the neighboring property to the east will be maintained. 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. The Board has found that the shopping center and this particular use in question, the hours of operation, and the walk-up nature of several of the businesses would accommodate a lesser quantity of parking spaces such that the required spaces would be a hardship 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 2 3 & 4 BLK 1, RILL ADDN RESUB L3 B4 O'CONNOR PARK, CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA**

* * * * *

NEW BUSINESS

None.

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BOARD MEMBER COMMENTS

The Board extended a Thank You to Ms. Back for the Christmas treats she gave to the Board.

Ms. Miller stated that this will be Ms. Laura Walker's last meeting. She is moving back to Texas, and she will be missed.

There being no further business, the meeting adjourned at 3:56 p.m.

Date approved: 11/14/14

Frank X. Miller, Jr.
Chair