

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1131
Tuesday, January 13, 2015, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

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

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, January 8, 2015, at 2:45 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Henke, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; Tidwell absent) to **APPROVE** the **Minutes** of the December 9, 2014 Board of Adjustment meeting (No. 1130).

Mr. Henke explained to the applicants that there were only four board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Henke asked the applicants if they understood and asked the applicants what they would like to do. The applicants nodded their heads in understanding and no one requested a continuance.

NEW BUSINESS

21816—James Rusher

Action Requested:

Special Exception to allow an administrative office, Use Unit 11, as a home occupation in the RS-3 District (Section 402.6.b). **LOCATION:** 5343 East 44th Street (CD 5)

Presentation:

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

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **CONTINUE** the request for a Special Exception to allow an administrative office, Use Unit 11, as a home occupation in the RS-3 District (Section 402.6.b) to the Board of Adjustment meeting on January 27, 2015; for the following property:

LT 11 LESS W.5 & W 5 LT 12 BLK 4, MAX CAMPBELL FIFTH ADDN B3-6, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

21803—Stava Building Corporation – Mike Dwyer

Action Requested:

Special Exception to remove the screening requirement (Section 212.C) from the abutting R District (Section 1226.C.2). **LOCATION:** 3702 South Elwood Avenue (CD 2)

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he is representing the Stava Building Corporation. There are adjoining residential properties on the north and south sides, and the code requires a screening fence. In this instance there are circumstances that deem a screening fence not necessary. The property is zoned OM and the building that was built is a very nice building meant for industrial. The company will be fabricating pumps for the oil industry, and it will all be done indoors. The house to the north is approximately 300 feet away and is unoccupied. There is a house located to the west of the subject property and it is zoned IM. The area the subject property is located in is planned for industrial use in the future, and that is significant. In 1999 the Board approved the removal of the screening fence for the tract located to the south of the subject property. There are a series of circumstances where there is no benefit to having limitations.

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 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Special Exception** to remove the screening requirement (Section 212.C) from the abutting R District (Section 1226.C.2). This approval is subject to the condition that there is no outside work activities at the location other than loading and unloading of materials, and there is no outside storage of materials. 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:

**LTS 32 & 33 LESS BEG NEC LT 33 TH S315 W300 N10 E245.05 CRV LF 39.22
N280.05 E30 POB FOR RD BLK 2, GARDEN CITY, CITY OF TULSA, TULSA
COUNTY, STATE OF OKLAHOMA**

NEW BUSINESS

21811—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to allow more than one sign per street frontage in the OL District (Section 602.B.4.b); Variance of the maximum display surface area in the OL District from 32

square feet to 77.25 square feet (Section 602.B.4.c). **LOCATION:** 4408 South Harvard Avenue (CD 9)

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated this request is for Utica Park Clinic. This location is in the process of performing a renovation for the clinic. The first choice for signage is the typical monument sign but due to setbacks and easements that was not possible. There is an existing small monument sign that is approximately 24 square feet in size. The plans are to reface that existing monument sign, install a sign on the east elevation which is facing Harvard and that will use up the allowable signage for the subject lot. Because the existing monument sign is small it was determined to be necessary to add an additional sign on the north side of the building, and this triggers the Variance request.

Mr. Van De Wiele asked if there was a diagram for the existing monument sign. Ms. Moyer stated there is no diagram available. Mr. Ward stated that he did not bring a diagram to the meeting. Mr. Ward stated the existing monument sign is a 24 square foot sign on the front of the property, and the client wants to reface that sign and use it for the clinic.

Mr. White asked Mr. Ward if the existing monument sign was 24 square feet. Mr. Ward answered affirmatively. Mr. White pointed out that on page 3.16 the existing monument sign is depicted as 20 square feet. Mr. White asked Mr. Ward if the size of the existing monument sign was going to be increased. Mr. Ward stated that it would not be increased.

Mr. Van De Wiele asked Mr. Ward to state his hardship for the request. Mr. Ward stated the hardship would be that there is not good visibility for the subject property. There is a small 20 square foot sign that is set back from the street. Mr. Van De Wiele asked why the client could not remove the monument sign. Mr. Ward stated the client would not be able to obtain a permit for a new monument sign due to utility easements. Mr. Van De Wiele asked why the client did not think they could be visible with just wall signs. Mr. Ward stated the client probably could but it was their choice to reface the existing monument sign.

Mr. Van De Wiele asked if the client did not have the monument sign would it still be necessary to have the maximum increased square footage. Mr. Ward stated the client could probably get by with a 32 square foot on the north side of the building. When computing the footage for the sign on the east, his company is allowed to rectangle around each of the words to get the square footage down. When Ms. Worthington made the application to the Board she did not rectangle around the words which made it a 52 square foot sign. Actually, if each word had a rectangle around it the sign could probably be brought down to approximately 40 square feet. If the Board is inclined to approve an additional 32 square foot sign on the north side of the building an identical sign could be made for the east side.

Mr. Van De Wiele asked if that was being presented on page 3.18. Mr. Henke stated that it is and Mr. Ward is saying that the northern wall sign is the one that is triggering the request because he wants to keep the existing monument sign.

Ms. Moyer stated that when the applicant submitted their application the Variance request is for the east facing sign not the north facing sign. The increase for the permitted display area would be for only the sign facing the east.

Mr. Van De Wiele asked Ms. Moyer how much square footage does the applicant have currently allowed on the north facing sign. Ms. Moyer stated she spoke with Mr. Bob Kolibas with the City and the applicant has 36 square feet permitted on the north facing wall. It was written in the Letter of Deficiency that the applicant is only permitted 32 square feet. Mr. Van De Wiele asked which sign the monument sign was being counted against. Ms. Moyer stated the existing monument sign is being counted against the east facing sign. Ms. Moyer stated that when she did the calculations for the staff report the total square footage of the signage on the east face is 55.49 square feet which includes the existing 24 square foot monument sign. Ms. Moyer stated that the applicant would be okay with the wall sign at 31.49 square feet if they chose to remove the monument sign. The existing monument sign is what pushes them over the permitted square footage.

Mr. Ward asked for a continuance to allow him to confer with the client.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **CONTINUE** the request for a **Variance** to allow more than one sign per street frontage in the OL District (Section 602.B.4.b); **Variance** of the maximum display surface area in the OL District from 32 square feet to 77.25 square feet (Section 602.B.4.c) to the Board of Adjustment meeting on January 27, 2015; for the following property:

E.180 OF LT 1 BLK 2, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21812—Matt King

Action Requested:

Variance to reduce the required side yard setback from 10 feet to 0 feet; **Variance** to reduce the setback from the centerline of 15th Street from 70 feet to 40 feet;

Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1). **LOCATION:** 1445 South Carson Avenue **(CD 4)**

Presentation:

Matt King, King Architectural Solutions, 1513 East 15th Street, Tulsa, OK; stated that in light of several recent conversations with members of the neighborhood association he would ask for a continuance to allow him time to make a presentation to the neighborhood association.

Interested Parties:

There were several interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **CONTINUE** the request for a Variance to reduce the required side yard setback from 10 feet to 0 feet; Variance to reduce the setback from the centerline of 15th Street from 70 feet to 40 feet; Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1) to the Board of Adjustment meeting on February 24, 2015; for the following property:

LT 36 BLK 2, CARLTON PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke left the meeting at 1:25 P.M.

21813—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to increase the square footage from 47 square feet to 66.9 square feet to allow for a ground sign (Section 602.B.4). **LOCATION:** 4520 South Harvard Avenue **(CD 9)**

Mr. Henke re-entered the meeting at 1:28 P.M.

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated there is an existing 47 square foot monument sign on the subject site, and since his initial site visit there has been an arched addition to the top increasing the sign to approximately 67 square feet. The

client now wants to revamp the entire structure and place their ad on the top. The client wants to bring the sign into compliance, and to do that a Variance is needed.

Mr. Van De Wiele asked Mr. Ward how long he thought the arched top had been on the existing monument sign. Mr. Ward he would guess that it is less than five years.

Mr. White asked Mr. Ward if the sign would remain in the same location. Mr. Ward stated that actually the sign will be moved farther south approximately 75 feet on the property for better visibility. The sign will not be moved any farther east or no closer to Harvard.

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 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to increase the square footage from 47 square feet to 66.9 square feet to allow for a ground sign (Section 602.B.4). The Board has found that the sign to be constructed is basically a reconstruction and replacement of an existing non-conforming sign. The new sign will be the same size and dimension of the existing sign. The sign to be constructed will be placed no closer to Harvard than the current existing signage. This approval is subject to conceptual plan 5.15 for the location and 5.16 for the style and size. 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:

N. 1/2 OF LT 2 BLK 3, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21814—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance of the square footage of display surface area per lineal foot of street frontage from 32 square feet to 124.6 square feet to permit a ground sign (Section 602.B.4). **LOCATION:** 2121 South Columbia Avenue **(CD 4)**

Presentation:

Greg Simmons, Twenty-first Properties, 2121 South Columbia, Suite 650, Tulsa, OK; stated Twenty-first Properties is the owner of the subject site. Today's request is to replace an existing sign that is on the property. The new sign will be the same height and width, and stay in the same location as the existing sign. The only difference is there will be a tenant panel added so tenants names can be added and displayed, and the width will be brought all the way down. The lack of tenant identification creates the hardship for the tenants in the building. Mr. Simmons believes that the new sign will not have any impact on the neighboring businesses and/or the neighborhood which is south of the subject property.

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 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** of the square footage of display surface area per lineal foot of street frontage from 32 square feet to 124.6 square feet to permit a ground sign (Section 602.B.4). This approval will be subject to conceptual plan on 6.18 for the size and 6.17 for the location. The new sign will be in the same location as the existing sign, and will be no taller and no wider than the existing sign. The Board has found that the size of the building warrants the information that needed to be conveyed as to who the occupants of the building are. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 1 BLK 1, VOIGHT ADDN AMD RESUB L1-4 B1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21815—David Merrill

Action Requested:

Special Exception to allow an Enclosed Commercial Recreation facility, Use Unit 19, in an IL District (Section 901, Table1). **LOCATION:** 11915 East 51st Street, Bays 39-43 (**CD 7**)

Presentation:

David Merrill, 1437 South Boulder, Tulsa, OK; stated he represents the Space Center in Helmerich and Payne Properties. The request is for a training facility for boys ages six through eleven that show promising skills in baseball. The subject is primarily in an industrial area and is a large warehouse distribution center. He believes there would be no negative impact to the area. The training would be after school starting about 3:00 P.M. until approximately 8:00 P.M. The entrance to the facility is on the west side so there should be no problems. Improvements to the space will be expanded men's and women's restrooms that will be fully ADA compliant. The structure of the training facility is such that they represent different ball teams, and those teams will be gathering to train in a team setting.

Mr. White asked Mr. Merrill about the parking. Mr. Merrill stated that the property has already received a parking variance. It is anticipated there will be approximately 30 participants at one time. The property is represented by the architect firm of Kinslow, Keith and Todd and they have performed a study showing approximately 90 parking spaces available.

Mr. White asked Mr. Merrill how many staff will present during training sessions. Mr. Merrill stated that he is not sure, but the lease is for two partners. If he had to guess he would say there will be approximately ten staff members present during training.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Special Exception** to allow an Enclosed Commercial Recreation facility, Use Unit 19, in an IL District (Section 901, Table1). 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:

BLK 2 LESS BEG SWC TH N12.5 E101.71 S12.5 W101.71 POB FOR ST, SPACE CENTER EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21817—Barber & Bartz, P. C. – Kelsey T. Pierce

Action Requested:

Variance to allow three signs on one street frontage in the OL District (Section 602.B.4.b); Variance of the permitted display surface area in the OL District from 150

square feet to 282.04 square feet (Section 602.B.4.c). **LOCATION:** 4815 South Sheridan Road **(CD 5)**

Presentation:

Kelsey Pierce, 525 South Main Street, Suite 800, Tulsa, OK; stated he represents Beta Enterprises, Inc. The property size is approximately nine acres and contains three large buildings. Building A is 24,000 square feet, Building B is 36,000 square feet and Building C is 24,000 square feet. His client is the owner and landlord, and has received several requests from tenants for signage on the street frontage to identify the tenants on the property. There are approximately eight tenants among the three buildings and range from law offices to accounting offices to medical offices to financial planning service offices. The client would like to have three signs in order to identify each of the tenants in each building. Two of the signs, for Buildings A and C, would have a square footage of approximately 53.25 square feet each. The existing sign in front of Building B would be replaced but in the same location with a total square footage of 175 square feet. One of the issues is that the only street frontage the property has is South Sheridan Road so there is no other way to advertise the tenants.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to allow three signs on one street frontage in the OL District (Section 602.B.4.b); **Variance** of the permitted display surface area in the OL District from 150 square feet to 282.04 square feet (Section 602.B.4.c). Finding the hardship to be that there is only one sign covering the nine acre tract with three buildings. By splitting the signage requirement into three signs, one for each of the respective buildings, there will be better identification of the building occupants. This approval is subject to conceptual plan 9.15 for the location on South Sheridan Road, not South Memorial Drive as depicted on the print; and conceptual plans 9.16, 9.17 and 9.18. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 1 BLK 1, F D M CENTER, PARK PLAZA SIXTH, PLAZA OFFICE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder recused herself and left the meeting at 1:49 P.M.

21818—Sylvia & Tom Brown

Action Requested:

Variance to permit a two story detached accessory building in the rear yard; Variance of the height limitation from 28 feet to 25 feet; Variance to reduce the required setback from the centerline of East 17th Street from 45 feet to 35 feet to permit a detached accessory building in the rear yard (Section 210.B.5.a-b); Variance to reduce the required garage setback from the street from 20 feet to 4.5 feet (Section 403.A.5). **LOCATION:** 1702 South Rockford Avenue (CD 4)

Presentation:

Tom Brown, 1702 South Rockford Avenue, Tulsa, OK; stated the existing garage is in dire need of repair and is falling over. He would like to replace the existing garage and raise the new garage up to be able get a modern car into the garage. The existing garage doors are so low that he must duck down to enter into the garage.

Mr. Van De Wiele asked Mr. Brown about the square footage of the old versus the new garage. Mr. Brown stated the new garage will be basically the same footprint, but he would like to increase the width a little so he and a passenger can get out of the car inside the garage. The height will be a little higher to accommodate today's model car. The reason he does not want to set the garage back is because the lot width is 50 feet instead of the standard 60 feet.

Interested Parties:

Charles Anderson, 1706 South Rockford Avenue, Tulsa, OK; stated he lives south of the subject property. He wanted to let the Board know that he is in favor of the proposed garage and the new design does not cause any problem.

Chip Atkins, 1638 East 17th Place, Tulsa, OK; stated past president of his neighborhood association and subcommittee member of Tulsa Preservation Committee. He has had telephone calls concerning the garage and all the phone calls have given support to the proposed garage. Mr. Brown has performed a great restoration on the house itself and this project is normal for the neighborhood. He wants to let the Board know he is in support of the project.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-1 (Henke, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; Tidwell absent) to **APPROVE** the request for a Variance to permit a two story detached accessory building in the rear yard; Variance of

the height limitation from 25 feet to 28 feet; Variance to reduce the required setback from the centerline of East 17th Street from 45 feet to 35 feet to permit a detached accessory building in the rear yard (Section 210.B.5.a-b); Variance to reduce the required garage setback from the property line from 20 feet to 4.5 feet (Section 403.A.5). The Board has found the existing garage to be in a condition along with it's foundation that it requires replacement. The replacement garage to be constructed will be basically the same size, height, location but with some expansion to accommodate today's modern cars. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 1 BLK 22 & 10' VAC. ALLEY, ORCUTT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 1:58 P.M.

21819—Gary Haynes

Action Requested:

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

LOCATION: 1220 South Memorial Drive (CD 5)

Presentation:

Gary Haynes, Crown Neon Sign, 5676 South 107th East Avenue, Tulsa, OK; stated today's request is for a digital message board for Breedlove Automotive. The sign will be within approximately 200 feet of an apartment complex but there are trees between them and the business.

Interested Parties:

Steve Breedlove, 1220 South Memorial Drive, Tulsa, OK; stated he is the owner of the business. The signage will be decreased with the third sign on the existing sign being removed, the second sign will be smaller by inches, and the top panel will be replaced. He has been at the subject location for nine years and people tell him all the time that they were no aware of his business. He does not do TV or newspaper advertising because he cannot afford it but his business stays quite busy by word of mouth, and he would like to be able to let his neighborhood know that he is there.

Mr. White asked if the overall height of the sign would remain the same. Mr. Breedlove answered affirmatively.

Mr. Van De Wiele stated that his only concern for the sign is that it will be too bright for the residents of the apartment complex. He realizes there is no one here from the apartment complex but he thinks the only notice would have been received by the owner of the complex. His concern are the units that are on the northeast end of the complex. Mr. Breedlove stated that he intends to turn the sign off at 10:00 P.M. and back on at 6:00 A.M., because to have the light on all night long is of no value.

Comments and Questions:

Mr. Henke asked Mr. Swiney if the Board could limit the hours of operation on a Variance request. Mr. Swiney answered affirmatively.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to allow a digital sign within 200 feet of an R District (Section 1221.C.2.c). This will be a modification of an existing sign structure as shown on page 11.8. Thereby the lowest sign of the three will be removed, and the top two signs will be the portion to be modified. The dimensions are shown on page 11.8. The sign will be no taller than the existing sign and will be in the same location. The hours of operation for the sign will be from 6:00 A.M. to 10:00 P.M., seven days a week. The middle sign as shown on page 11.8 will be the only digital portion of the sign. The Board has found that with the sign's location with the hours of operation designated will present a problem to the apartment complex to the south. The existing ten foot screening panels are a mitigating factor for the illumination for the abutting apartment complex. 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:

N150 E270.35 LT 1 BLK 1, TORN TERRACE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21820—Odessa Burrell

Action Requested:

Verification of the spacing requirement for a family day care home of 300 feet from another family day care home on the same street (Section 402.B.5.g). **LOCATION:** 10619 East 27th Street South **(CD 6)**

Presentation:

Odessa Burrell, 10619 East 27th Street, Tulsa, OK; stated she would like to open a family day care home with five children occupancy.

Mr. Henke stated the Board is in receipt of the applicant's survey.

Mr. Van De Wiele asked Ms. Burrell if she was aware of any other day care facilities being within the 300 foot radius from the subject property. Ms. Burrell stated that she was not aware of any.

Mr. Henke informed the audience that this case is for a verification of spacing. This Board does not have the jurisdiction to tell Ms. Burrell she is not allowed to have her family day care home at the subject location provided there are no other family day care homes within a 300 foot radius of the subject property, and Ms. Burrell would be allowed by right.

Interested Parties:

Deanna Fegley, 8516 East 77th Street, Tulsa, OK; stated she understands what Mr. Henke stated about the day care home.

Mr. Henke asked Ms. Fegley if she would be informing the Board of another family day care home in the area. Ms. Fegley stated there is one across the street at the school, the before and after school program.

Ms. Fegley stated this day care home would create a hardship for her daughter who lives at 10613 East 27th Street which is just west of the subject property. There are already signs in front of every residence restricting parking because of the school.

Mr. Henke stated that the Board cannot deal with any traffic issues. Ms. Fegley stated she understood that, however there is a hardship for her daughter. Mr. Henke stated this is not a Variance request. There is no need for a hardship or any need for talk of a hardship.

Mr. Van De Wiele stated that Ms. Burrell has a right under the zoning code. Ms. Fegley stated that Ms. Burrell does not own the property. Mr. Henke stated Ms. Burrell does not need to own the property.

Ms. Fegley stated there is a low chainlink fence separating her daughter's property from the subject property, and her daughter has a trampoline and dog that will cause another hardship. Ms. Fegley stated that her daughter also works at night and must sleep in the day, and when the children go outside to play it will be near her bedroom.

Mr. Henke asked Ms. Fegley if she knew of any family day care homes within 300 feet of the subject property. Ms. Fegley stated that she did not know because she did not check. Mr. Henke stated that is what this hearing is for.

Mr. White asked Ms. Fegley about the school day care. Ms. Fegley stated the school has before and after hours. Mr. Henke stated that he did not think that qualifies as a

family day care home. Ms. Fegley stated that Columbus Public School may not qualify as a family day care home but it is directly across the street from the subject property.

Mr. Henke asked Mr. Swiney if he had looked at page 12.9 in Board's agenda packet, the Oklahoma child care locator. Mr. Swiney answered affirmatively. Mr. Swiney stated that he has also looked at the definition for family day care home in the zoning code. It provides a dwelling used to house and provide supervision and care for seven children, etc. Mr. Swiney stated that he agreed with Mr. Henke, that even though the school has a day care it is not a family day care home according to the definition.

Mr. Henke asked Ms. Fegley if she was aware of anything else other than the Columbus school. Ms. Fegley stated that she is not aware of anything else, but she could check. Ms. Fegley stated that she did not check beforehand because she has been out of town.

Mr. Van De Wiele stated that the Board's motion on this type of case generally is subject to being void if another family day care home was established prior to this inside the 300 foot radius of the subject property.

Ms. Fegley asked the Board what kind of recourse she has if this day care home does become a hardship. Mr. White stated that it would depend on the nature of the hardship. Ms. Fegley stated the hardship would be that her daughter must sleep in the daytime because she works as a nurse at night. Mr. Van De Wiele stated that Ms. Fegley or her daughter would need to call a land use attorney. Mr. Van De Wiele stated this is no different than if his next door neighbor worked in the night, and Mr. Van De Wiele's children were playing the backyard. Mr. Van De Wiele stated that the point is this is not the pervue of this Board.

Ms. Fegley asked Mr. Van De Wiele if Ms. Burrell was limited to only three children plus her own two children. Mr. Van De Wiele stated that is a DHS question. The Board is here today to verify the spacing.

Mr. White stated that there is a limit of seven children maximum, so it could be five plus Ms. Burrell's two children.

Ms. Fegley asked the Board if there was a possibility for her to be given more time to check the 300 foot radius requirements. Mr. White stated the Board has the record from DHS, which is everyone that is registered with DHS. Anyone else operating there would be illegal. Mr. Van De Wiele stated that Ms. Burrell has provided everything to the Board that she needs to provide with her survey.

Mr. Henke stated the Board is prepared to act on Ms. Burrell's request today.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed family day care home subject to the action of the Board being void should another family day care home be established prior to this family day care home; for the following property:

LOT 8 BLK 2, VALLEY GLEN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21821—Jessica Burress

Action Requested:

Variance of the all weather material requirement for parking (Section 1303.D).

LOCATION: 2452 East 56th Street North (CD 1)

Mr. White recused himself at 2:18 P.M.

Presentation:

Jessica Burress, 2452 East 56th Street North, Tulsa, OK; stated the driveway in question has been in existence since the 1960s, because the house was her grandfather's property that he originally purchased. The only she has done is extend the driveway a short way to the new construction site.

Mr. Henke asked Ms. Burress what type of construction was being done. Ms. Burress stated it is residential for herself.

Mr. Van De Wiele asked if gravel driveways were allowed to be maintained through the years in order to have a gravel driveway, because he knows gravel driveways do not last forever. Mr. Swiney stated that the provision for allowing a gravel driveway to continue is if it is already in place and in use, but the new construction triggers this. Ms. Burress stated that she did not think there were any paved or hard surface driveways in the neighborhood.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 3-0-1 (Henke, Snyder, Van De Wiele "aye"; no "nays"; White "abstaining"; Tidwell absent) to **APPROVE** the request for a Variance of the all weather material requirement for parking (Section 1303.D), subject to conceptual plan 13.7. The Board finds that the applicant is using the exiting gravel driveway that has been in existence since the 1960s, and is not constructing a new driveway. 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:

BEG 660E NWC NW TH S1089 E209 N1089 W209 POB LESS N50 THEREOF FOR RD SEC 8 20 13 4.996ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White re-entered the meeting at 2:24 P.M.

21822—One Property – Chase Robertson

Action Requested:

Variance of the allowed square footage for an accessory building in the RS-3 District from 500 square feet to 2,838 square feet (Section 402.B.1.d); Variance to allow an accessory building height greater than 10 feet to the top of the top plate (Section 210.B.5.a). **LOCATION:** 1728 West 81st Street South **(CD 2)**

Mr. Henke recused himself and left the meeting at 2:24 P.M.

Presentation:

Chase Robertson, 4140 South Jamestown Avenue, Tulsa, OK; stated the proposed building complies with the existing buildings in the area. There are out buildings of substantial size in the area, and this proposed building is not any larger than ones that are existing. The building will be placed at the far back side of the property. The RS-3 zoning is more restrictive than the property itself allows. Mr. Robertson does not believe the proposed building will be a hinderance to the area. The height of 12 feet is to allow a certain size door for the building to allow a large telescope the property owner has to easily go in and out of the building.

Mr. White asked Mr. Robertson if the roof of the building is going to open. Mr. Robertson stated that it would not.

Mr. Van De Wiele asked why the building needed to be approximately 3,000 square feet. Mr. Robertson stated it is the size building the property owner has chosen. In addition to storage of the telescope he would like to have a work shop for his hobby.

Mr. Van De Wiele asked Mr. Robertson what the width of the lot is. Mr. Robertson stated the lot width is 90.27 feet. Mr. Van De Wiele stated the owner has a 90 foot lot that he wants to erect a 60 foot building on. Mr. Robertson confirmed that statement. Mr. Robertson stated the proposed building will be centered on the lot to allow 15 feet all the way around it.

Mr. Van De Wiele asked Mr. Robertson about an existing shed on the subject property. Mr. Robertson stated the little shed will be removed because it is deteriorated. The other building on the property is actually an underground storm shelter that has a gazebo on top of it.

Interested Parties:

David Turney, 1733 West 82nd Street, Tulsa, OK; stated he lives behind the subject property and he has lived there for 44 years. Mr. Turney asked about existing pecan trees in the fence line, because if the property owner starts trimming those trees he is worried about the trees being blown onto his property in a storm.

Mr. Van De Wiele stated that when looking at the site plan it looks like several of the trees will need to be removed. Mr. Turney stated that one of the pecan trees is in the middle of the fence line and if it is removed, will the property owner be willing to rebuild the fence. Mr. Turney stated he does not have a problem with the proposed building but is concerned about the trees.

Mr. White asked Mr. Turney what type of fence is existing now on the property line. Mr. Turney stated the existing fence is hog wire type fencing. If the proposed building disrupts the existing fence he would like for the property owner to erect a fence that is a little taller for privacy, and he would be willing to work with the property owner on a privacy fence. Mr. Turney stated that he does not want to look out his window and see the proposed building all the time. Mr. White stated the proposed building is going to be 12 feet tall and 60 feet wide, so a privacy fence is not going to hide very much. Mr. Turney stated that the view he has currently out his kitchen window is a nice view and he would be concerned about losing that view.

Rebuttal:

Mr. Robertson stated that he would have no problem in working with Mr. Turney on erecting a privacy fence, and the property owner might prefer a privacy fence. As for the trimming of the trees, he only intends on trimming the trees necessary to allow the height of the building. If a tree must be taken out, it can be worked out between the two parties but he does not see that to be an issue.

Mr. Van De Wiele stated that his biggest concern is the size of the proposed building, 3,000 square feet.

Comments and Questions:

Mr. White stated that the Board has approved many buildings of that size in the subject area.

Mr. Van De Wiele stated that he still has a problem with a building of that size for the lot size. Mr. Van De Wiele asked staff what is adding to the 438 square feet on the survey. Ms. Moyer stated that according to the Letter of Deficiency there are current lot has an existing total square footage for accessory buildings of 438 square feet. The 2,838 square feet is calculated because of the 2,400 square foot proposed building. Mr. Van De Wiele asked Ms. Moyer if the 438 square feet was being calculated just because of the shed. Ms. Moyer stated there is a shed behind the concrete parking. This seems awfully close to having a business not a hobby.

Mr. Swiney asked if the applicant would offer to erect a smaller building. Mr. Robertson stated that would need to be discussed with the property owner. Mr. Robertson stated that he is not sure how the square footage was calculated for the Letter of Deficiency, but there is an old building that used to be the pump house for a well that will be removed, and the other shed is to be removed but the owner does not want to take out the storm shelter.

Ms. Moyer stated that the storm shelter is not counted in the square footage calculations by the City.

Mr. Van De Wiele stated that it has been made easier to consider the request when the two sheds are removed from the facotrs, but he still has a hard time coming up with a hardship that can justify that large of a building on the lot.

Mr. Robertson stated that the property owner is involved in a larger development down the road, if the Board is concerned about use. He will be moving and is looking for an accessible storage for personal belongings while he is in transition.

Mr. White asked Mr. Robertson if the building was going to be used for commercial uses. Mr. Robertson stated that it would not.

Ms. Snyder asked if there would be a driveway to the proposed building. Mr. Robertson stated there would not.

Ms. Snyder asked Mr. Robertson if the property owner was going to take down the building when he moves. Mr. Robertson stated the land owner does not live on the subject property, he lives in the Stonebrook Addition. Mr. Robertson stated the land owner would like to have this building because Stonebrook does not allow anything like this in the housing addition.

Mr. Van De Wiele asked if anyone lived on the subject property. Mr. Robertson stated no one presently lives on the subject property, but it is intended as a rental property in the future.

Mr. Van De Wiele stated that statement gives him pause, and does not think he can support this request because of the large size of the building. He would suggest a continuance for further discussion with the property owner about the building size. His other concern is that typically a person lives on the property with their belongings, and the fact that the owner is using this as an off-site hobby storage area feels like this is different.

Ms. Miller agreed with Mr. Van De Wiele in the fact that this request feels different but stated there is nothing in the zoning code that would treat this as different.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-1 (Snyder, Van De Wiele, White "aye"; no "nays"; Henke "abstaining"; Tidwell absent) to **CONTINUE** the request for a **Variance** of the allowed square footage for an accessory building in the RS-3 District from 500 square feet to 2,838 square feet (Section 402.B.1.d); **Variance** to allow an accessory building height greater than 10 feet to the top of the top plate (Section 210.B.5.a) to the Board of Adjustment meeting on January 27, 2015; for the following property:

PRT LT 2 BEG 20S NEC TH W90.31 S281.66 E90.27 N281.66 POB, ROSS HOMESITE SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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

21823—Gregory Helms

Action Requested:

Variance to reduce the rear yard setback from 25 feet to 15 feet to permit a new single family residence (Section 403, Table 3). **LOCATION:** 4540 East 85th Street (CD 8)

Presentation:

Gregory Helms, 424 East Main Street, Jenks, OK; stated the lot is steep so there is about a 20 foot difference from the street to the southwest corner of the lot. The lot on the uphill side has a shorter property line than on the downhill side. The relief requested is for east side not the whole lot. The house was adjusted to the north to get away from the property line to help make up for the imprinting on the setback in the rear.

Interested Parties:

Britany Luth, 4548 East 85th Street, Tulsa, OK; stated she lives two doors to the east of the subject property. The street for the neighborhood slopes downward and angles away, and the view from the side of her property is a straight view of the city. If the setback is moved back it will greatly infringe on any view she has of the city, because her view is directly down the back property line. She had her cellphone placed on the overhead projector to display photos of her view of the city.

Mr. Van De Wiele asked Ms. Luth if she realized her property had almost the exact same Variance as being requested today. Ms. Luth stated she purchased the property 2 ½ years ago. Mr. Van De Wiele stated the standard for what is being approved is based on the character of the surrounding properties. Ms. Luth stated that even though her property was granted a Variance it had no impact on any other property behind her because they would not have had the same view she has based on the slope of the hill. Mr. Van De Wiele asked Ms. Luth if her property was higher or lower than the subject property. Ms. Luth stated it is a little higher and slopes downward toward the subject lot. Mr. Van De Wiele stated that would make things better than worse and Ms. Luth agreed. Ms. Luth stated that she would like to keep as much of the view as possible because it is so pretty. She would also does not want to have any negative impact on the property in the future, either value or marketability wise. She wants to preserve as much view as she can, and she understood there would be a house built on the subject lot when she purchased her house.

Mr. White stated there is no law protecting a person's view. Mr. Van De Wiele stated there is nothing prohibiting a neighbor from planting a dozen trees in their backyard thus blocking her view. Ms. Luth agreed.

Mr. Van De Wiele stated that views are not guaranteed. Ms. Luth asked if it would be possible to have a continuance so the neighbors could also attend to present their thoughts about today's request. Mr. White stated while the issue would appear to be the view, views cannot be an issue because there is no guarantee of a view.

Mr. Henke stated the applicant does have a valid hardship for his Variance request, the irregular shape of the lot and the terrain.

Ms. Luth stated that if it was her, and she understands what they are doing, she would try to make sure the neighbors are happy to the best of her ability if she were building a house. She realizes views are not guaranteed but neither are Variances, so she thinks it should be considered to meet the existing requirements of the setback so as to not further hinder any other properties.

Rebuttal:

Mr. Helms stated that the majority of the subject house is only one story, and the retaining wall is approximately eight feet in height plus the height of a fence.

Mr. Van De Wiele asked Mr. Helms if the portion of the house that is in the Variance area is one story. Mr. Helms answered affirmatively. Mr. Helms stated there is a small part of the house that will be in the Variance area.

Mr. Van De Wiele asked Mr. Helms about the height difference, using page 15.7 as a reference, of the retaining wall plus the six foot fence on top of it. Mr. Helms stated the fence was not on top of the retaining wall the last time he visited the subject property, but the retaining wall based on the survey is approximately six feet tall. Mr. Van De Wiele asked Mr. Helms how tall the one story portion of the house is going to be. Mr. Helms stated that it would be approximately ten feet because it has an eight foot ceiling height.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to reduce the rear yard setback from 25 feet to 15 feet to permit a new single family residence (Section 403, Table 3), subject to conceptual plans 15.9 and 15.10. The Board has found the lot in question is of irregular shape and topography, and any impact on the neighboring properties is partially mitigated by the slope in the property, the change in elevation toward the property to the east, and the fact that the majority of the subject dwelling in the Variance area will be a single story structure. 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 7 BLK 2, BROOKWOOD II, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21824-Gregory Helms

Action Requested:

Variance to reduce the parking setback from 50 feet to 35 feet in an R District to permit school parking facilities (Section 1302.B, Table 1). **LOCATION:** 2525 South 101st East Avenue (CD 5)

Presentation:

Gregory Helms, 424 East Main Street, Jenks, OK; stated subject property is going to be reopened by the Tulsa Public Schools as an elementary school and a middle school.

Currently the school faces 101st East Avenue, and that entrance will be kept using it for the middle school. The elementary school will be added on the east side of the subject property, and there will be a separate entrance for the elementary school created. The parking will face 103rd Street and not place it any closer to the residences, but will allow for 13 more parking spaces.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to reduce the parking setback from 50 feet to 35 feet in an R District to permit school parking facilities (Section 1302.B, Table 1), subject to conceptual plan 16.10. The Board has found that the request is appropriate in as far as the curve of 103rd East Avenue, it is such that it cuts into what would be the parking area of the south end of the proposed new parking lot. In order to preserve the trees on the north end of the property it is necessitated not to have the lot there. 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 SE NW & E/2 SW BEG SWC SE NW TH N50.31 E30 SE132.28 SE352.41 SE230.93 SE109.93 SLY27.15 SWLY CRV RT 313.73 SW145.11 NW192.90 NW229.03 W260 TO PT W BDRY E/2 SW TH N514.74 POB LESS W30 & LESS ELY30 FOR STS SEC 18 19 14 7.862ACS, LONGVIEW LAKE ESTATES B17-22, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21825—James Boswell

Action Requested:

Variance to allow two identification signs (one monument sign and one wall sign) along East 14th Street in the RM-2 District (Section 402.B.4); **Variance** of the allowed display surface area in the RM-2 District from 32 square feet to 59.24 square feet (Section 402.B.4). **LOCATION:** 1400 South Trenton Avenue (**CD 4**)

Presentation:

James Boswell, 1400 South Trenton Avenue, Tulsa, OK; stated he is the owner and architect for Fire Station #8. At this time Mr. Boswell presented some exhibits to the Board for their review. Today's Variance request is for the Station 8 signage because the monument sign has already been approved for a sign permit. The proposed sign will be facing the Broken Arrow Expressway and not the residences.

Mr. Van De Wiele asked if there will signage on Trenton as well. Mr. Boswell stated that there is a little concrete wall in front of the garage overhead door which has been permitted and it will be his sign for Boswell Architects. The Station 8 branding is for his partner.

Mr. Van De Wiele asked Mr. Boswell for his hardship. Mr. Boswell stated the size of the lot has been a hardship for the other Variances that have been approved. Ms. Snyder stated that it is on the highway.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to allow two identification signs (one monument sign and one wall sign) along East 14th Street in the RM-2 District (Section 402.B.4); **Variance** of the allowed display surface area in the RM-2 District from 32 square feet to 59.24 square feet (Section 402.B.4), subject to the exhibits submitted today, January 13, 2015. The monument sign that has been approved is shown on page 17.16. The Board has found that due to the location of the building on the lot and the fact that it is along the highway the company needs a sign of this size to be visible from the highway. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LTS 21 & 22 & N1 LT 23 & W10 VAC TRENTON ON E BLK 12, FOREST PARK
ADDN RE-AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

21826—Darshan Patel & Weldon Bowman

Action Requested:

Verification of the spacing requirement for a liquor store from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **LOCATION:** 4329 South Peoria Avenue **(CD 9)**

Presentation:

Weldon Bowman, 1513 East 15th Street, Suite A, Tulsa, OK; no presentation was made but the applicant was available for questions.

Mr. Henke stated the Board is in receipt of the applicant's survey on exhibit 18.8.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed liquor store subject to the action of the Board being void should another liquor or another conflicting use be established prior to the establishment of this liquor store; for the following property:

LT 3 BLK 2, 4300 BROOKTOWNE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21827—Mark Capron

Action Requested:

Verification of the spacing requirement for a liquor store from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **LOCATION:** NE/c of East 81st Street and South Mingo Road **(CD 7)**

Presentation:

Mark Capron, Sisemore & Weisz, 6111 East 32nd Place, Tulsa, OK; no presentation was made but the applicant was available for questions.

Mr. Henke stated the Board has received the applicant's survey on exhibit 19.8.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed liquor store subject to the action of the Board being void should another liquor or another conflicting use be established prior to the establishment of this liquor store; for the following property:

LOT 3 BLOCK 1, MEADOWBROOK CHASE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:23 p.m.

Date approved: _____

1/27/15



Chair