

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1137  
Tuesday, April 14, 2015, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

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

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, April 9, 2015, at 9:32 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

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**MINUTES**

On **MOTION** of **TIDWELL**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the March 24, 2015 Board of Adjustment meeting (No. 1136).

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**UNFINISHED BUSINESS**

**21868—Joel Bein**

**Action Requested:**

Special Exception to permit a food truck court (Use Unit 2) in the CH District (Section 710, Table 1); Variance of the allowable days for open air activities from

179 days to year round (Section 1202.C.1); Variance of the requirement that all motorized vehicles be parked on an all-weather surface (Section 222). **LOCATION:** 418 South Peoria Avenue (CD 4)

**Presentation:**

Staff is requesting a continuance to April 28, 2015 for additional relief needed in the case.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **CONTINUE** the request for a Special Exception to permit a food truck court (Use Unit 2) in the CH District (Section 710, Table 1); Variance of the allowable days for open air activities from 179 days to year round (Section 1202.C.1); Variance of the requirement that all motorized vehicles be parked on an all-weather surface (Section 222) to the April 28, 2015 Board of Adjustment meeting; for the following property:

**LT 1, 2, 3, 4 BLK 1, CENTRAL PARK PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21851—Barron & McClary General Contractors, Inc. – Bert Pohl**

**Action Requested:**

Variance of the required rear yard setback in the RS-3 District from 25 feet to 4.3 feet to permit an existing garage (Section 403, Table 3); Variance of the required garage setback from 20 feet to 16.2 feet (Section 403.A.5); Minor Variance of the required side yard setback in the RS-3 District from 5 feet to 2.9 feet to permit an existing pool house and carport on the north side of the property (Section 403, Table 3). **LOCATION:** 1568 South Yorktown Place (CD 4)

**Mr. White abstained at 1:06 P.M.**

**Presentation:**

**Kurt Barron**, 1424 South Harvard, Tulsa, OK; stated he is the general contractor for the project.

Mr. Henke acknowledged the receipt of the applicant's survey.

Mr. Van De Wiele asked Mr. Barron to tell the Board what the project is in general. Mr. Barron stated the existing residence is being connected to the existing pool house. The survey indicated there was 2.9 feet from the property line to the existing pool house structure.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, Van De Wiele “aye”; no “nays”; White “abstaining”; none absent) to **APPROVE** the request for a Variance of the required rear yard setback in the RS-3 District from 25 feet to 4.3 feet to permit an existing garage (Section 403, Table 3); Variance of the required garage setback from 20 feet to 16.2 feet (Section 403.A.5); Minor Variance of the required side yard setback in the RS-3 District from 5 feet to 2.9 feet to permit an existing pool house and carport on the north side of the property (Section 403, Table 3), subject to the site plan on page 2.11 as to the existing pool house and garage as constructed, as shown on the exhibit. The approval today will not permit any further encroachment into the areas for the expansion of those structures. 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 and minor 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, SEVEN ACRES PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. White re-entered the meeting at 1:09 P.M.**

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**NEW BUSINESS**

**21869—Larry Pinney, Jr.**

**Action Requested:**

Appeal of an Administrative Official that a violation of Section 210.B has taken place.

**LOCATION:** 6010/6012 South Marion Avenue (CD 9)

**Presentation:**

**Larry Pinney**, 6012 South Marion Avenue, Tulsa, OK; no formal presentation was made by the applicant but he was available for any questions from the Board.

Mr. Henke stated that he understands the City Code Enforcement Officials cited the applicant for items that were in the front yard and on the porch.

Mr. Henke asked Mr. Pinney if he had cleaned up items. Mr. Pinney stated that he had not exactly cleaned up the items, and he had pictures of his front porch on the overhead projector. Mr. Pinney stated he had taken the pictures and they are of his porch as of two days ago.

Mr. Van De Wiele asked Mr. Pinney to state what the Board was looking at in the pictures. Mr. Pinney stated there is a popcorn machine and cardboard boxes on his porch.

Mr. Tidwell asked Mr. Pinney if that is why he was cited. Mr. Pinney answered affirmatively.

**Interested Parties:**

**Falan Versaw**, Inspector, City of Tulsa, 175 East 2<sup>nd</sup> Street, 4<sup>th</sup> Floor, Tulsa, OK; Mr. Versaw had pictures placed on the overhead projector showing the conditions of the yard, driveway and front porch for which the citation was issued to Mr. Pinney. Another set of photos showed that Mr. Pinney had cleaned all the items from the front yard, driveway and porch as of March 31<sup>st</sup>. The only items left on the porch were two chairs, a table and a popcorn machine on the front porch, which is what the property looked like when the nuisance case was closed. But since then a zoning case was opened for outside storage, because there was no longer trash and debris but there were items being stored outside.

Mr. Henke asked Mr. Versaw if Mr. Pinney was still in violation of the outside storage. Mr. Versaw stated that Mr. Pinney is no longer in violation. Mr. Versaw stated that his supervisor had him close the case when the photo of the subject property showed only two chairs, a table and a popcorn machine.

Mr. Van De Wiele asked Mr. Versaw about the picture showing some more boxes on the subject front porch. Mr. Versaw stated that Mr. Pinney has probably started storing items outside again.

Mr. Van De Wiele asked Mr. Versaw if that was a violation. Mr. Versaw stated that it is for outside storage if it is kept for a certain amount of time. Mr. Versaw stated that since notices have already been issued to Mr. Pinney if another notice is given Mr. Pinney will be given 72 hours to get the situation resolved.

Mr. Van De Wiele asked Mr. Versaw if, based on his last inspection, the violations were taken care of. Mr. Versaw stated that Mr. Pinney was in compliance. Mr. Van De Wiele asked Mr. Versaw if the issue comes up again if it will be a new matter. Mr. Versaw answered affirmatively.

**Rebuttal:**

Mr. Pinney came forward and had the pictures that he took two days ago placed on the overhead projector, showing some boxes, two chairs, a table and popcorn machine on the subject front porch. Mr. Pinney stated he is before the Board to appeal a zoning violation from Working In Neighborhoods, complaint number 107572 stating that all household items stored outside are to be removed and all boxes and warehousing must be removed or stored inside. The imposed action by law enforcement violates individual rights, both enumerated and un-enumerated in the Constitution of the United States, as well as the State of Oklahoma Constitution. Mr. Pinney stated he is within his rights to have the items on his front porch at any time.

Mr. Tidwell asked Mr. Pinney if he intended to leave the popcorn machine and the four boxes shown in the photo on the porch. Mr. Pinney answered affirmatively. Mr. Tidwell asked Mr. Pinney if he was concerned about the rain ruining the boxes. Mr. Pinney stated they are on the porch and will be okay. Mr. Tidwell asked Mr. Pinney if he was concerned about someone stealing the popcorn machine. Mr. Pinney stated it is quiet neighborhood and he does not think that will happen.

Mr. Tidwell asked Mr. Pinney if had complied with what the City asked before the items that are presently shown on the porch. Mr. Pinney nodded.

Mr. Van De Wiele stated that it sounds like there was a violation to which the home owner appealed, and the City Inspectors reviewed the conditions and were satisfied it was abated and the matter was closed. Mr. Van De Wiele asked Mr. Versaw if the statement was correct. Mr. Versaw answered affirmatively.

Mr. Pinney stated this notice requires the removal of all household items stored outside on the residential zoned lot. Mr. Pinney stated that he has not done so. All boxes or outside warehousing must be removed from the property or stored inside the structure. Mr. Pinney stated that he has not done so, therefore, he says he is not compliant but if the City wants to close the case and quit bothering him that is okay. Mr. Van De Wiele stated that this is certainly a unique situation.

Mr. Swiney asked Mr. Pinney if he disputes the validity of this law. Mr. Pinney answered affirmatively. Mr. Swiney asked Mr. Pinney if he does not deny that these items were cluttering the property. Mr. Pinney answered no. Mr. Swiney asked Mr.

Pinney if the law was valid Mr. Pinney would not deny that he violated them. Mr. Pinney stated the law is not valid. Mr. Swiney stated that he understands Mr. Pinney's claim that it is not valid, but if it were valid he would not deny that he violated that law. Mr. Pinney stated that the law may be valid in certain cases but this is discussing his front porch.

Mr. Van De Wiele asked how that was different than the yard. Mr. Pinney stated that the difference between a yard and a driveway is that the front porch is considered curtilage.

Mr. Swiney stated that Mr. Pinney's use of the word curtilage is a legal term and perhaps Mr. Pinney could explain what he means by the terminology curtilage. Mr. Pinney stated that the porch is part of the dwelling. Mr. Pinney stated that for privacy purposes the porch is considered a part of the home. Mr. Swiney stated that even the home can be subject to nuisance complaints to zoning laws, to fire laws, to building codes, etc. Mr. Pinney agreed. Mr. Pinney stated that the items on the porch are ordinary items that anyone can have. They are legal. It is not drugs. It is not junk. There is no problem.

Mr. Van De Wiele stated that it is where the items are being stored that is the issue. A person can have a vehicle on the driveway but the vehicle cannot be on the grass of the home. Mr. Pinney stated this is not talking about the grass in the front yard. Mr. Van De Wiele stated that he understands that, but it goes to the point that is being made that it is something you are entitled to own but the City is telling you where and where you cannot store it. Mr. Pinney agreed. Mr. Pinney stated that he places whatever he wants on his front porch and that is all there is to it.

#### **Comments and Questions:**

Ms. Snyder asked if the Board was considering the original complaint in this case. Mr. Henke stated that is correct; Mr. Pinney has appealed the original citation for his violation. Mr. Pinney stated this is the second appeal. Mr. Tidwell questioned the statement "second appeal". Mr. Pinney stated he appeared before the City Council for the first complaint, the one with the trash on the trailer and all the other stuff. Mr. Henke asked Mr. Pinney if this was his first appeal before the Board of Adjustment. Mr. Pinney answered affirmatively.

Mr. Tidwell stated that this is a little confusing to him. He understands the situation but it appears that Mr. Pinney does not want to take the items off the porch.

Ms. Snyder stated that in the first set of pictures there were items all over the yard and even in the driveway, but then according to the Inspector Mr. Pinney cleaned it up and the City closed the case.

Mr. Henke stated that it does not change the fact that there was a violation. Mr. Henke stated the Code Official was not in error by citing Mr. Pinney.

Mr. Van De Wiele asked Mr. Swiney if the Board is determining whether there is a violation now in this appeal, or whether there was a violation at the time the Zoning Official issued his notice of violation. Mr. Swiney stated that is the confusing part. It appears, to him, by what Mr. Pinney has said that he would like the Board of Adjustment to rule that the Inspector was wrong then when the violation occurred. But it clear there is not a violation now because the case was closed.

Mr. Henke stated the notice states "has taken place" which is past tense. That does not say "is taking place". Mr. Henke stated that as a quasi judicial board we are here to hear evidence that the code official erred in some manner in his duties in inspecting the property reaching the conclusion that a violation has taken place. Mr. Henke stated that in hearing Mr. Pinney, he admits that what was on the porch was on the porch and what was on the driveway was on the driveway. Mr. Pinney is taking issue with the code itself, saying that he does not believe that is constitutional.

Mr. Van De Wiele asked if the Board is looking at whether or not this is an accurate violation at the time. Mr. Swiney stated that it seems to him that Mr. Pinney is asking the Board to determine that the Inspector was wrong at that time. Mr. Van De Wiele stated that he has heard from the home owner and the Inspector that there was clutter in the driveway, the yard, and on the porch. The notice of violation was issued and the home owner complied with the order of the City to the City's satisfaction, and the City has closed its case. If a new violation has occurred that is a new violation.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, White, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to Uphold the determination of the City Administrative Official in that the property on the date of the initial inspection was accurate as presented today and that the homeowner has abated the situation to the Inspector's satisfaction such that the matter has been closed with the Inspector and Deny the Appeal; for the following property:

**LT 6, TRI-KEE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21870—Johnny Reed**

**Action Requested:**

Special Exception to increase the height of a fence in the required front yard to 6 feet (Section 210.B.3). **LOCATION:** 1707 North Atlanta Court (CD 3)

**Presentation:**

**Johnny Reed**, 1711 North Atlanta Court, Tulsa, OK; stated he owns the lot located at 1707 North Atlanta Court. He built the fence approximately ten years ago. The rightful property line is to build a chain link fence or any other type of fence 20 feet from the center of the street to the property line, and he placed his fence an extra ten feet back. There is a corner house located at 1701, and he placed his fence in that manner so it

would not block the eye sight of the intersection. He would like to keep the fence as it is.

Mr. Henke asked Mr. Taylor if he owned the properties located at 1707 and 1711 North Atlanta Court. Mr. Taylor answered affirmatively. Mr. Henke asked Mr. Taylor if the lots were combined. Mr. Taylor stated they were not but has contemplated a lot combination.

**Interested Parties:**

**Amanda Brooks**, 404 South 15<sup>th</sup> Street, Collinsville, OK; stated she owns the property located at 1707 North Atlanta Place and the notice states "Court", and she is not sure if there has been an error or not. Mr. Henke stated her property is located on the next street over toward the west. Ms. Brooks stated that the notice states the fence will be in front of the house and asked if that meant it is coming across the street.

Mr. Henke asked Ms. Brooks if she had seen the fence. Ms. Brooks stated that she has not.

Mr. Henke asked Ms. Brooks if she had been to her property located on Atlanta Place in the last ten years. Ms. Brooks stated that she has not, but had tried to locate it through the Assessor's Office and they could not locate it. Mr. Henke asked Ms. Brooks if she had been to the property that she owns. Ms. Brooks stated that she has not. Mr. Henke stated the fence that is in question has been in existence for at least ten years. Ms. Brooks stated that she has not owned the property for ten years; she obtained her property through an auction about two years ago.

Mr. Van De Wiele asked Ms. Brooks if she thinks she owns the property on Atlanta Court or the property on Atlanta Place. Ms. Brooks stated that she owns Atlanta Place. Ms. Brooks stated that she is attempting to find out if this case has anything to do with her property at all, and how it affects her. Mr. Van De Wiele stated that Ms. Brooks' property on Atlanta Place is one of the first two or three lots to the west. Mr. Henke stated Ms. Brooks would have received the notice because her property falls within 300 feet of Mr. Taylor's property, but her property is actually the next street to the west.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Snyder, Tidwell, Van De Wiele, White "aye"; Henke "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to increase the height of a fence in the required front yard to 6 feet (Section 210.B.3). Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:



**LT 552 BK 42, TULSA HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21871—Tulsa Public Schools**

**Action Requested:**

Variance of the requirement that illumination of a sign in an R District be lit by constant light to permit a digital sign (Section 402.B.4). **LOCATION:** 2224 West 41<sup>st</sup> Street (CD 2)

**Presentation:**

**Jerry Compton**, 5531 North Mingo, Tulsa, OK; stated he is representing Tulsa Public Schools. The proposed sign will be inside the fence facing 41<sup>st</sup> Street at the halfway point, east and west, of the parking lot and will be oriented to face east and west, and will be set back about five feet from the parking lot curb. The sign will be the same as the signs placed at Tulsa Central, Tulsa Hale, Tulsa McLain, etc. The sign will be on a single pole.

Mr. Van De Wiele asked why there is no Variance request because this is adjacent to a residential area. Ms. Moye stated the school could actually place a sign on the property but it is the fact that the sign will be digital. Mr. Van De Wiele asked if there was no spacing issue to be addressed. Mr. Henke asked if it is because the school is zoned RS-3. Ms. Moye stated the applicant is permitted to have one sign that does not exceed 32 square feet, so basically any non-residential use is permitted one sign. However, there is a requirement that the sign is to be lit by constant light and because the applicant is requesting a digital sign it triggers a Variance request.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. White stated that he would like to have seen a site plan included in this request.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Variance of the requirement that illumination of a sign in an R District be lit by constant light to permit a digital sign (Section 402.B.4). The location for the proposed sign will be referring to 6.6, 6.7, 6.8 and 6.9 and will be on the north side of the parking lot, north of the curb but it will be south of the decorative fence along 41<sup>st</sup> Street. The sign will have an east and west face as shown on 6.10. The conditions for the sign are as stated on 6.4 in the agenda packet. The hours of operation of the sign will be from 7:00 A.M. to 9:00 P.M. 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:

**B2&LTS4THRU13B3&LTS1THRU11B4&LTS1THRU4B9&PRTVAC41STPL&PRTVA  
C23RDAVE&PRTVAC42NDST&42NDPL&ALLALLEYINB4BEGNECBK2THW300S14  
0W195S500W7.5S40E7.5S134E250SE15E35NWALCLTOPTOFCRVTHONCRVRTTO  
PTSEALCL42NDSTTOPTTHEONCL42NDST160N672.5POB, CITY OF TULSA,  
TULSA COUNTY, STATE OF OKLAHOMA**

**21872—Terry Maytum**

**Action Requested:**

Special Exception to allow a College/School (Use Unit 5) in an IL District (Section 901, Table 1). **LOCATION:** 112 Beechcraft Drive (CD 2)

**Mr. Van De Wiele abstained at 1:45 P.M.**

**Presentation:**

**Terry Maytum**, 112 Beechcraft Drive, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Henke asked Mr. Maytum if TCC was wanting to have a flight school. Mr. Maytum answered affirmatively.

Mr. Maytum stated TCC has been operating at Jones-Riverside Airport for approximately 15 years out of the Tulsa Tech facility. The school has purchased the property and want it to be their aviation school.

Mr. White asked Mr. Maytum if there would be any changes to the external portion of the building as it exists now. Mr. Maytum stated there will be a new entry with the TCC logo.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, White "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the request for a Special

Exception to allow a College/School (Use Unit 5) in an IL District (Section 901, Table 1), subject to conceptual plan 7.8. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**PRT SW SW DESC AS LT 21 BLK 7 RIVERSIDE AIRPORT SEC 13 18 12 2.792ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Van De Wiele re-entered the meeting at 1:50 P.M.**

**21873—Jen Quilitsch**

**Action Requested:**

Variance of the required rear yard setback in the RS-1 District from 25'-0" feet to 19'-6" (Section 403, Table 3). **LOCATION:** 3443 South Florence Place **(CD 9)**

**Presentation:**

**Jen Quilitsch**, 1215 South Knoxville Avenue, Tulsa, OK; stated he represents the owners of the residence. On the south side of the property is a city storm sewer drain and easement. The area also has a sloped surface which is approximately six feet creating a catch basin for the drain. He has made the design to match the residences in the area. The owners would like to have a single story structure instead of a two-story structure. To accommodate all the needs and requirements of the home owners, such as a growing family and the possibility of accommodating an elderly parent, this design seems to be a good solution.

Mr. Van De Wiele asked if the only portion of the addition to be constructed that will encroach into the setback line is the yellow portion the plan that is north of the pool. Mr. Quilitsch answered affirmatively.

Mr. Tidwell asked if the addition behind the house was a new structure. Mr. Quilitsch stated it is a new structure that will be constructed on piers and will possibly be used for accommodating an elderly parent.

**Interested Parties:**

**Dave Dolcater**, 3435 South Florence Place, Tulsa, OK; stated he lives immediately to the north of the subject property. The neighborhood is a beautiful neighborhood with nice homes and wonderful yards, like living in a park. He has lived there for 35 years. Through those 35 years the ownership of the subject property has changed hands seven times. The fourth home owner installed the pool and a six foot stockade fence all the way around the back yard. The pool had no consequences for his back yard but the stockade fence did. Immediately he noticed the stockade fence cut down on the breeze out of the south during the heat of the summer. In addition to that it shaded out the Bermuda grass on his property. Rain water from the neighbor's property came down

across his property and cutting a ditch through his property. He had to plant monkey grass in that area to control the erosion. So he does have hands on experience with actions of a neighboring property that influences his property. His concern with the expansion is the large portion that runs parallel to his property across the back of the property. The height of that particular addition is about 15 feet or two and a half times as high as the stockade fence is. He is concerned about having minimal air circulation in his back yard in the summer months when it is most needed. As far as the visual impact, it will mean less open space, looking at more walls and more roof thus the result will be less park like and more like a compound. Mr. Dolcater stated he does not want to lodge a protest against this request, but he wanted to point out that actions taken by one person can in fact have consequences for the neighbor, and in some cases detrimental consequences.

**Rebuttal:**

Mr. Jen Quilitzsch came forward and stated the roof pitch for the addition will have a shed roof and it will shed water toward the north side. The water drainage will be very similar to what exists now and there will probably be less.

**Comments and Questions:**

Mr. White stated that he can appreciate the neighbor's objections, but the roof could be as high as 35 feet instead of 15 feet, and still not be in violation. The fence can be as high as eight feet and not be in violation. In Oklahoma there is no guarantee of light and air in the building codes. In view of the drainage situation there have been a lot of work performed in that area and there are some fairly large drainage areas that are helpful.

Mr. Van De Wiele stated that there is only an approximate five foot area in the back, and it certainly could be significantly higher.

Ms. Snyder agreed with Mr. White and Mr. Van De Wiele, and due to the easements on the opposite side the home owner cannot build there.

**Board Action:**

On **MOTION** of **SNYDER**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** of the required rear yard setback in the RS-1 District from 25'-0" feet to 19'-6" (Section 403, Table 3), subject to conceptual plan 8.7. The addition will only encroach five and a half feet and it is in the back yard. The south side of the property has a City storm sewer drain and storm sewer easement. 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:

ALL LT 7 & PRT LT 8 BEG NWC TH NE152.26 SELY 17 SWLY45.13 W148.28 NLY50  
POB BLK 9, RANCH ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF  
OKLAHOMA

**16901-A—Wallace Engineering – Jim Beach**

**Action Requested:**

Modification to a previously approved site plan (BOA 16901-A); Variance to reduce the off-street parking requirement from 314 spaces to 210 spaces to permit Phase 2 of the development (Section 1205.C). **LOCATION:** 1717 South 75<sup>th</sup> East Avenue (CD 5)

**Presentation:**

**Jim Beach**, Wallace Engineering, 200 East Brady Street, Tulsa, OK; stated that Phase I of this project was approved by the Board approximately a year ago, and at that time the Variance was granted to allow 210 parking spaces. At that time the total net school floor area that was going to result from the demolition and new construction was 64,366 square feet. That Variance was approved by the Board for Phase I only and it is now time for Phase II. There will be a combination of demolition and new construction for Phase II which will result in less square footage for the school to 59,212 square feet. The net parking for the school goes down by four spaces so the request is to re-establish the original 210 parking spaces.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA 16901-A); Variance to reduce the off-street parking requirement from 314 spaces to 210 spaces to permit Phase 2 of the development (Section 1205.C), Subject to conceptual site plan 9.13. The Board has found that the Phase 2 of the development will result in a net decrease of the square footage of the facility and this action is to continue the established parking requirement in the Board’s modified matter from 2013 at 210 spaces. 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 5, MOELLER HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Tidwell left the meeting at 2:07 P.M.**

**21583-B—Wallace Engineering – Jim Beach**

**Action Requested:**

Modification to a previously approved site plan (BOA 21853) to permit a 18'-0" x 80'-0" storage building. **LOCATION:** 3905 South Hudson Avenue **(CD 5)**

**Mr. Tidwell re-entered the meeting at 2:07 P.M.**

**Presentation:**

**Jim Beach**, Wallace Engineering, 200 East Brady Street, Tulsa, OK; stated this request is for Bishop Kelly High School. This application was before the Board recently and this is another phase project. At that time there was something that was going to occur advertently left out of the previous request. On page 10.20 there is an existing slab on the ground shown, which is south of the ball field. The school would like to install a 18'-0" x 80'-0" storage building on that slab. This request is a modification to a previously approved site plan to permit the building.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA 21853) to permit a 18'-0" x 80'-0" storage building, subject to per plan 10.20 which shows the site of the building. The Board has found that the conditions are necessary and reasonable, and insure the proposed modifications are compatible with and non-injurious to the surrounding areas and meet the previously granted Board relief meeting the zoning requirements per code; for the following property:

BEG 674.75N & 85E SWC SW SE TH E360 S200 E340 S125 E352.24 SE99.17 TO  
NWLY R/W SKELLY DR TH NELY ALG R/W TO PT ON EL SW SE N TO PT 463N SL  
SEC NW50.98 N1502 NW106.01 W447.54 S200 W700 S1215.25 POB SEC 22 19 13  
41.17ACS, HARMON FOUNDATION SCIENCE CENTER THE RSB L1B1 MID-AM  
OFFICE PK AM, MID-AMERICA OFFICE PARK AMD RSB L1-2-3 B1, CITY OF  
TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:12 p.m.

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

4/28/15



Chair