

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1140
Tuesday, May 26, 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 Tidwell, Secretary Van De Wiele White, Vice Chair		Miller Moye Foster Sparger	Swiney, Legal Edmiston, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, May 22, 2015, at 4:15 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

There were no Minutes to be approved.

OTHER BUSINESS

REQUEST FOR REFUND:

21907—Sumina Goel

Variance to reduce the required rear yard setback from 25 feet to 10 feet (Section 403.A.). **LOCATION:** 11308 South College Avenue **(CD 8)**

The application was withdrawn by the applicant.

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 Request for Refund in the amount of \$418.00; for the following property:

LT 2 BLK 1, WATERSTONE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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UNFINISHED BUSINESS

21881—Roy Johnsen

Action Requested:

Special Exception to permit a University use (Use Unit 5) as a part of the Tulsa University campus on the subject lot (Section 401); Variance to reduce the required parking setback to 30 feet from the centerline of South Harvard Avenue (Section 1302.B, Table 1). **LOCATION:** SE/c of South Harvard Avenue & East 4th Street (**CD 4**)

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated that what prompts this relief request is there is a need for additional parking for the University because the number of students and faculty is increasing. The parking area will be on the east side of Harvard with 78 parking spaces proposed. There will be trees planted for the landscaping. There will be a concrete fence on the east side of the parking area to protect the neighbors abutting the parking area. There will be a wrought iron fence around the rest of the parking area. The ingress and egress for the parking area will be on the east side to allow the student or faculty traffic to utilize the traffic signal at the intersection of 4th and Harvard. Approximately 40 people were contacted in the surrounding area and no one objected to the proposed parking area. This parking area is a Use Unit 5 that is part of the University.

MS. Snyder asked Mr. Johnsen what type of lighting will there be for the parking area. Mr. Johnsen stated there will be two kinds. Along the property line there will be street lamps that match the ones across the street and there will also be the regular parking lights that shine down and away from the neighborhood.

Interested Parties:

David Heinz, 3344 East 4th Street, Tulsa, OK; stated he lives several lots down from the subject property. He has two concerns. One of them is the taking away the greenbelt that was proposed several years ago by the University of Tulsa attorney Charles

Norton. That greenbelt area has now turned into a parking lot. There will be traffic issues because the intersection is a horrible intersection. Mr. Heinz also believes there will be drainage problems because of the removal of the greenbelt. The University has already razed one two-story house and they are in the process of removing a second which is a two-story duplex. All the water comes down hill and it has been quite a force now because it does knock over his trash container. The capacity of the storm sewers as they exist is just enough to handle the drainage as the neighborhood exists today, and with even one ingress/egress area he believes the water will overload the drainage system.

Mr. Henke stated that the Board does not handle drainage issues, but the City will look at that situation.

Mr. Heinz asked the Board about the traffic flow. Mr. Henke stated that falls under the City Traffic Engineers. Mr. Henke stated the Board can take the traffic into consideration for a Special Exception.

Mr. Heinz stated that this was to be a greenbelt area and the parking was to be from 11th Street northward. This is the least favorite area for a parking lot because the student housing is a block away. The proposed brick wall is nice but it looks like it will be right at the sidewalk so a person cannot see the traffic because of the parking on both sides of the street in the area. Mr. Heinz stated that 4th Street is four lanes and on a hill. Mr. Van De Wiele stated that as he looks at the plans it seems that the concrete wall ends at the sidewalk. Mr. Henke stated that it looks like about 15 feet back from the curb. Mr. Heinz stated that during rush hours the traffic is horrible and it looks like there is only two or three car lengths from the ingress/egress of the parking lot to the traffic light. Mr. Heinz stated that the University could install this parking lot by 8th Street where there is construction already happening instead of this residential area.

Rebuttal:

Roy Johnsen came forward and stated the setback from Harvard is 30 feet from the centerline, and there is 20 feet from the curb to the fencing. Students and faculty will be encouraged not to park on the street once the parking area is open for use.

Comments and Questions:

Mr. Van De Wiele stated that he can sympathize with the neighbor because he would rather see greenbelts than parking lots, but this is something that is needed because the University is growing. Everything TU has done has always been tastefully done, and the traffic and drainage issues will have to be addressed in the permitting process.

Mr. Henke stated that the University is a good neighbor and the screening from the neighborhood is as nice as anyone can imagine. Based on the setbacks it is not in the sight triangle.

Mr. Tidwell stated that when you look at how the University builds their projects there is not going to be a better job done anywhere else. Mr. Tidwell stated he drove to the

subject site and looked at it and he does not believe there is going to any problems with the traffic coming or going from the lot.

Mr. White stated the fact that there are four lane streets will make it easier for people making turns.

Ms. Snyder stated that she likes that the parking lot is at a traffic light and there is a crosswalk for pedestrians. She also likes the concrete wall that should help the neighbors.

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 requests for a **Special Exception** to permit a University Use (Use Unit 5) as a part of the Tulsa University campus on the subject lot (Section 401); **Variance** to reduce the required parking setback to 30 feet from the centerline of South Harvard Avenue (Section 1302.B, Table 1), subject to conceptual site plan 12.9 and the color document denoting the parking lot and the solid fencing along the east property line, and the wrought iron fencing along the other three property lines. Additional parking is needed by the University and with the location at 4th Street and Harvard Avenue is desirous due to the traffic signal and the availability of the crossing facilities at the intersection. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board has found that the setback of the parking lot allows for the solid fence along the east property line and will mitigate the light issues into the adjoining neighborhood, and by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 11, 12, 13, 14, 15, 16, AND W/2 17 BLK 3, UNIVERSITY HGTS ADDN LESS AND EXCEPT A TRACT DESCRIBED AS BEG NW/4 LT 11 BLK 3 THENCE E 12.2' THENCE SW 16.51' TO THE W LINE OF LT 11 THENCE N 11.13' TO POB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21889—Tanner Consulting, LLC

Action Requested:

Special Exception to permit Use Unit 15 (other trades & services), Use Unit 16 (mini-storage) and Use Unit 17 (automotive & allied activities) in a CS District (Section 701). **LOCATION:** 10880 East 11th Street **(CD 5)**

Presentation:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, OK; stated there are interested parties present but they are in agreement with the proposed project. At the last meeting there were interested parties present and the Board asked that he visit with them, and he did. There were two meetings with representatives of the condo association and the number and types of excluded uses were agreed upon. At this time he has voluntarily excluded Use Unit 17 uses, but at some time in the future if a use does come up that is specific enough he can reapply. In addition to that, he went through the uses with the representatives and he has listed all of the Use Unit 15 uses to be excluded, and those were mutually agreed upon by the property owner and the condo associations. He has also excluded a couple of uses that would not be appropriate even though they would be allowed by right in the CS zoned district. Any Use Unit 12A, an adult entertainment establishment, is voluntarily being excluded under this property owner. Another use the condo association was concerned about was a liquor store, so it will also be voluntarily excluded. Mr. Jones presented an exhibit to the Board. There are no Variances involved in this request so he believes he has done a good job in working out any issues with the property owners. The proposed uses are consistent with the surrounding area and are pared down enough to give the City a comfort level for enforcement. He would request the Board approve the uses as amended by the letter from Tanner Consulting.

Mr. Van De Wiele asked Mr. Jones if he was asking for all of Use Unit 15 and Use Unit 16 except for the uses listed in the letter. Mr. Jones stated that Use Unit 16 is mini-storage so it is one use. What the applicant is primarily looking for is general contracting type uses, i.e., an electrician, an irrigation specialist, a plumber, etc. He has excluded uses that would be objectionable to the neighborhood. He did not want to have to keep coming before the Board every time somebody a little different wanted to go into the center, i.e., a carpenter.

Mr. Van De Wiele asked Staff if this relief request is something they are comfortable with. Ms. Miller answered no. Ms. Miller stated that a Special Exception is supposed to be looking at a specific use, even it is a handful of specific uses in determining that it is okay given the circumstances in the area; this is such a broad range of uses still. Mr. Jones stated that all the uses in a Use Unit 15 cannot be listed, because it would be impossible. Ms. Miller stated that is part of the problem as well. Mr. Jones stated that in the case report there is a Special Exception approval for a blanket Use Unit 17 use. It has been done in the past, but maybe it is not done today. He does not know when the practice changed, but there is a Board approval in the case report for a Use Unit 17 uses. That would mean any and every use that is permitted in a Use Unit 17. The Board was not specific then, but he believes it would be too difficult every time there was a specific user in a commercial office park of this size. Mr. Jones stated that he understands the City's concern about issuing a blank check to do whatever is wanted in a Use Unit 15. He does not see it that way because he believes he has pared down the list enough to exclude the uses.

Mr. White stated the Board has, on previous occasion, approved Special Exceptions for Use Units where there were exclusions for this very reason. Basically the developer did not have a high enough level of specificity to be able to say what was going to be on the property. Mr. White asked Mr. Jones if the condo group was in agreement with all he has presented today. Mr. Jones answered affirmatively and stated that the applicant has excluded uses that are permitted by right, i.e., adult entertainment.

Mr. Jones stated that the property immediately to the west of the subject property has buildings doing the exact same thing the applicant wants to do, except more. There are automobile sales, there are boat sales and repair, there is a plumbing shop, there is an electrician's office, and these uses are the exact same uses that the applicant wants to do on the subject property. The applicant did not want to eliminate the Use Unit 17 because, for example, Mr. Jones was willing to limit the automobile sales to all inside sales like a classic car facility. Mr. Jones stated that he would be the first to agree that an outside car lot is not appropriate but an inside Use Unit 17, automobile sales, would be appropriate. Mr. Jones stated that when he was doing his research he discovered that in case BOA-14951 approved Use Unit 17 automobile uses in a CS zoned district; it is not specific, it is any Use Unit 17 use. In the past the Board has approved this type of relief. Mr. Jones stated this project is a 4.7 acre new development that does not lend itself to retail because of the depth though retail is planned for the front portion with Use Unit 15 and Use Unit 16 uses in the rear.

Ms. Miller stated that is why this feels like a rezoning, because there is a whole batch of uses that cannot be done by right in the existing zoning district that the applicant wants the ability to do.

Mr. Jones stated that his client investigated the PUD process, but again, he is going to be faced with the same thing. If he asks for Use Unit 15 uses in a PUD the Planning Commission would he need to exclude uses in the Use Unit 15 use. He thought the Board of Adjustment was a better avenue.

Interested Parties:

There were interested parties present.

Comments and Questions:

Ms. Miller stated that this deal feels very open. It is true the applicant is excluding uses that would not be allowed, but there are still other things that are not specifically listed. This feels more like a rezoning than a Special Exception.

Mr. Swiney concurred with Ms. Miller. Traditionally the Board has examined a particular activity to see if it is compatible with the Code and compatible with the neighborhood. To have a hundred different uses and say any of these is acceptable certainly deviates from the way the Board has operated in the past. A blanket approval of a Use Unit 17 and Use Unit 17 activity is all very closely related to each other because they are all automotive. Use Unit 15 is all over the place because there is quite a difference between data processing and a lumber yard, and for the Board to approve a Use Unit in

this blanket fashion he thinks it would be a departure and could present some problems in the future. Mr. Swiney stated that he is not aware of any legal provision that forbids the Board to grant a blanket Special Exception, but it does not seem to be in keeping with the definition of Special Exception. The definition is very particular or very specific rather than general.

Mr. Van De Wiele asked Staff if there was anything in the current draft of the Zoning Code that would short cut this process. Ms. Miller answered no and stated that is why the process is in place so that each of these uses can be evaluated at the time of their proposal. Mr. Van De Wiele stated that he also agrees with Mr. Swiney.

Ms. Tori Snyder stated that she thinks the applicant should be commended for meeting with the neighbors and agreeing to limit the uses of the lot, because it is over 4 acres and does have a limited street frontage and the applicant could have left uses in that could be done by right.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-2-0 (Henke, Tidwell, White “aye”; Snyder, Van De Wiele “nay”; no “abstentions”; none absent) to **APPROVE** the request for a **Special Exception** to permit Use Unit 15 (other trades & services), Use Unit 16 (mini-storage) in a CS District (Section 701). This approval is with the condition that all the Use Units referred both in 15, 16, 12 and 14 are referenced in the letter from Tanner Consulting dated May 26, 2015. This approval is per conceptual site plan 3.8. 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:

E/2 LT 1 & N20 VAC ST ADJ ON S LESS N40 FOR ST THEREOF, MINGO VALLEY ACREAGE, OAKBROOK VILLAGE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

21893—Brandon Harris

Action Requested:

Special Exception to permit automotive and allied activities (Use Unit 17) in the CS District (Section 701, Table 1); **Variance** to permit outside storage and display of merchandise for sale within 300 feet of an adjoining R District (Section 12.17.C.2).

LOCATION: 2805 East Admiral Place **(CD 3)**

Mr. Tidwell recused himself at 1:55 P.M.

Presentation:

Brandon Harris, 2805 East Admiral Place, Tulsa, OK; stated that he had a previous approval for the Special Exception but his time limitation had run out so he is now reapplying for the same Special Exception.

Mr. White asked Mr. Harris if there had been any changes. Mr. Harris stated that he had built a new 2,500 square foot building, removed some of the buildings, and has future plans for more improvements. This is the exact same business that it was in 1987.

Mr. Van De Wiele asked Mr. Harris if he stored tires outside. Mr. Harris answered affirmatively. Mr. Van De Wiele stated that the Board has been requiring that tires be stored under a roof or cover because of the mosquito issue, and asked Mr. Harris if that would be a problem for him. Mr. Harris stated that it would not.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-1 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; Tidwell "abstaining"; none absent) to **APPROVE** the requests for a **Special Exception** to permit automotive and allied activities (Use Unit 17) in the CS District (Section 701, Table 1); **Variance** to permit outside storage and display of merchandise for sale within 300 feet of an adjoining R District (Section 12.17.C.2). The Board has found that the Special Exception was previously approved with a five year time limit which will now be removed. Any tires must be stored inside or under cover if stored outside. The previous conditions stated in the previous approval will apply to this approval and they are as follows: resale of auto and truck only with a maximum of five at any one time stored outside; no storage of parts or inoperable vehicles or batteries on the lot; existing lighting to remain and any additional lighting to be per the Kennebunkport formula; driving and parking surfaces are to be paved; the applicant is to maintain the sidewalk on Admiral Place. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or

impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 1 BLK 1, SPEEDWAY HGTS SECOND ADDN RESUB L6-9 B4 SPEEDWAY HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tidwell re-entered the meeting at 2:05 P.M.

21894—Leonard Pierson

Action Requested:

Variance to reduce the required front yard setback from 25 feet to 12 feet to permit an addition to the existing house (Section 403). **LOCATION:** 1927 North Lewis Place (CD 3)

Presentation:

Leonard Pierson, 1927 North Lewis, Tulsa, OK; stated the house was built in 1940 and met the setback requirements at that time. A front porch was added to the house and now he needs to request a Variance for the setback.

Mr. Henke asked Mr. Pierson if he was enclosing the porch. Mr. Lewis stated that he was not.

Mr. White stated that Mr. Pierson lives in a very interesting subdivision because it was platted in 1908, and his hardship would be the fact that the streets in the subdivision are only 40 feet wide with the lots being only 100 feet deep.

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 Variance to reduce the required front yard setback from 25 feet to 12 feet to permit an addition to the existing house (Section 403), subject to "As Built" as shown on plan 5.7 and per picture shown on 5.5. The Board has found that the size of the lots and the streets in this subdivision are less than the standard size, and there are numerous structures built closer than the minimum setback. The house was originally built in 1940 which is well before the Zoning Code was established. 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 335 BK 27-1, TULSA HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21895—Carl and Leslie Barnes

Action Requested:

Variance of the minimum lot width from 75 feet to 50 feet (Tract 1); Variance of the minimum lot area from 9,000 square feet to 7,250 square feet (Tract 1); Variance of the minimum Lot width from 75 feet to 62.5 feet (Tract 2) to permit a Lot-Split (Section 403, Table 3). **LOCATION:** 26 East 25th Street **(CD 4)**

Mr. White recused at 2:11 P.M.

Presentation:

Carl Barnes, 214 Woodward Boulevard, Tulsa, OK; stated the ultimate intent is to do a lot-split on the property. There are two tracts and the east tract currently has a single family residence on it with a 50 foot frontage, and the west tract is presently not developed with 62'-6" feet of frontage. Where the property line currently is goes down the middle of the driveway and into an entry door of a garage apartment. What is intended is to request a Variance for the two non-conforming tracts to bring them into compliance. Neither tract has a 75 foot frontage currently. Mr. Barnes would like to have 12'-6" from the vacant lot added to the residential lot so the property line for the residential lot is going down the middle of the driveway.

Mr. Van De Wiele asked Mr. Barnes about the structures shown on page 6.7 on the western lot. Mr. Barnes stated the structures shown on the plat was a portable storage building which has been moved to the rear of the garage, and the other is a building that was erected with a large fireplace and presently does not have any side walls; the width of the fireplace is the complete width of the north and south width of the structure.

Interested Parties:

Roger Goodhead, 12 East 25th Street, Tulsa, OK; stated he and his wife have lived there since 1975, and her parents purchased the house in 1957. Mr. Goodhead presented some letters from concerned neighbors. His concern is that the 50 foot width that is being requested. There are no other properties on 25th Street that are 50 foot. The original plat had some 50 foot lots but there are only two or three that exist today, and they are 26th Street. He feels that there will be a demand for the neighborhood

properties after the completion of the Gathering Place, and he is concerned about a precedent that may be set thus giving the neighbors the opportunity to request that their 100 foot lots be split into 50 foot lots. The neighbors are trying to protect the historical value of the homes that exist and are concerned what this may do to the neighborhood and the entire Riverside District and Maple Ridge. There has been a constant problem with the property because the current owner leases out the property to various tenants; they lease the home and the garage apartment above and the garage apartment below. That makes three tenants on the property that is located in an RS-2 zone. There is a constant problem with people parking on the street and in the vacant lot that Mr. Barnes wants to split. There are twelve houses on the street and eight of them are owned by private ownership that live there.

Mr. Van De Wiele stated that he is struggling with the hardship since the owner would be ending up with exactly what he started with. Mr. Goodhead stated that the concern is, if the split is allowed and a developer comes in and builds a house on the lot. Mr. Goodhead believes anyone would be restricted by the five foot setbacks on each side of the property allowing only a 40 foot house on the property. That small house would not fit in with the rest of the neighborhood. Mr. Van De Wiele stated there are a lot of 50 foot lots in the neighborhood. Mr. Goodhead stated that there are approximately three lots on the 26th Street on the north side that are 50 foot.

Adam Dolinsky, 20 East 25th Street, Tulsa, OK; stated he lives next door to Mr. Barnes property. Mr. Dolinsky presented a petition that was signed by residents living on the street and a map showing the boundaries of the developed properties on 25th Street. There is a 50 foot lot that exists on the street and it was that way in 1924 when the neighborhood was platted which grandfathered the lot in 1970. The establishment of any new tracks from this point forward should be considered under the existing Zoning Code. The applicant has already said that he would develop the lot for a house approximately the same size as the current houses in the neighborhood, and if you take any house on the street and try to fit it in the 50 foot lot and it will not happen. If it does it will probably be down to centimeters against the five foot setback, and then add a driveway on a 50 foot setback, it definitely will not be in line with the rest of the street.

David Graves, 17 East 25th Street, Tulsa, OK; stated he lives diagonally across from the subject property. Mr. Graves stated that he concurs with what has already been said, but he has a concern that if the Board allows another house to be erected on the thin property it will change the value of the rest of the properties on the street. The neighborhood already has four to five cars on Tract 1 of the subject property, and two of the cars are generally on the street. If another house is added, which won't have an area for a garage, there will be more cars on the street which affects the ability of children to play.

Mr. Van De Wiele asked Staff if the garage apartment that has been referred to creates a problem that the neighbors can have answered. Ms. Miller stated that she did not know what the status of the accessory unit is, as far as if it is grandfathered in. Typically it is one dwelling unit per lot. Mr. Van De Wiele stated that it is the fact that

the garage is a two unit dwelling. Ms. Miller stated that it is in a single family zoned district.

Janice Nicklas, 122 East 25th Street, Tulsa, OK; stated she lives a block from the subject property. She is opposed to the request. On May 1, 2005 the Riverside District and the subject property was listed on the National Register of Historic Neighborhoods. This was done in a four year working partnership with the City of Tulsa and the neighborhood, both assuming costs for the study as well as the presentation to the Oklahoma Preservation Commission. This is quite an honor and there have not been many neighborhoods listed on the national register since 2005. The people that live in the area are working hard to preserve an area that was built in 1920. It carries so much of the City's important history and the resident's investment in the properties. This is where Tulsa began and the residents are working hard to keep a strong neighborhood near the downtown area.

Barbara Cox, 10 East 26th Street, Tulsa, OK; stated she agrees with everything that everyone has said today. Ms. Cox stated that Riverside Drive is not going to be closed for 2 ½ years and as of right now she does not see any reason for a lot split.

Rebuttal:

Carl Barnes came forward and stated he has received some calls about people parking on the vacant lot, and it has been addressed.

Mr. Henke asked Mr. Barnes if he owned both of the subject lots. Mr. Barnes stated that his wife is actually the owner. Mr. Henke asked Mr. Barnes if they lived there. Mr. Barnes stated that they did not, they live on Woodward Boulevard.

Mr. Barnes stated that he also shares the concerns of preserving the nature of the neighborhood. Right now there is a vacant lot that is not intended to be developed as a rental property as has been stated, exactly the opposite. There are a number of 50 foot lots in the neighborhood on the same block but on the street behind the subject property. It is important to note that there is one third of the houses in this neighborhood on this street are rentals. A large house on the corner was recently sold that has three living areas, so it is not like it is a preserved single family street.

Mr. Henke asked Mr. Barnes if he had three different tenants. Mr. Barnes stated there is a tenant for the residence, a single bedroom residence on the first floor of the garage apartment, and a single bedroom residence on the second floor of the garage apartment.

Mr. Van De Wiele asked Mr. Barnes when that situation first arose. Mr. Barnes stated he was not aware if the previous owner rented it out or not but units on the top floor was always set up because he purchased the property there was a tenant in the second floor unit. The first floor apartment was more of an efficiency which was in very poor condition and had not been inhabitable for some period of time. Mr. Van De Wiele asked Mr. Barnes when his wife purchased the property. Mr. Barnes stated that it was

more than five years ago but less than ten years ago. So it is not a new use from when he purchased the property because there was a tenant at that time.

Mr. Barnes stated that if the lot was developed as some infill he thinks it would lessen the percentage of the rentals on the block. The property is basically not saleable unless it is sold as one unit so he needs the Variance to obtain a lot split. Mr. Barnes stated that he does have some concern about setting a precedent for the lot-split, but in the immediate vicinity there are a number of 50 foot lots with houses.

Mr. Van De Wiele asked Mr. Barnes to give the Board his hardship for the Variance request. Mr. Barnes stated that he has a property line that goes through the middle of the garage entrance door. Mr. Henke stated that property was like that when it was purchased by Mr. Barnes.

Mr. Goodhead came forward and asked Mr. Barnes why the 50 feet and 60 feet split, because if the hardship is the line running into the garage door can't line just be moved over a matter of a few feet? He does not understand what the necessity is to create a 50 foot lot.

Mr. Van De Wiele asked Staff if the setbacks were five feet and five feet or is it ten feet and five feet? Ms. Miller stated the side yard setbacks are ten and five. Mr. Van Wiele explained that way the lot is split it would make the east yard the five foot setback and the west side would be the ten foot setback. Mr. Goodhead stated that if the lot line is being stated as the hardship and the hardship existed at the time of the purchase wouldn't that be caveat emptor? Mr. Van De Wiele stated that he does not know if it is when Mr. Barnes purchased the property it would probably be more of a question of when the construction of the garage apartment happened, when the lot line was in place as opposed to the condition of the property when purchased by Mr. Barnes. Mr. Van De Wiele stated a financial hardship is not something the Board can consider, but if this has been this way since the Zoning Code was established. Ms. Miller stated that she is not aware of when this all happened.

Mr. Barnes came forward and stated that the lady, Lou Parks, owned the property in the 1960s and she used the garage apartment for a single renter, and the garage apartment existed before she purchased the house because it was there when his wife's parents bought in the house in 1957.

Comments and Questions:

Mr. Van De Wiele stated that if all the applicant was doing was creating two 50 foot lots he would have more of a problem with the request, but there is a 50 foot lot and a 62'-6" lot which is what the applicant is requesting. From that stand point nothing is being changed. He is not positive but he thinks the applicant could probably handle this differently, because there houses in Brookside that have shared driveways. There may be ways around this situation other than a lot split. The fact that the apartment was built before the Zoning Code he assumes the lot line was there before the Zoning Code and

that makes for hardships. Mr. Van De Wiele believes there is a problem with the multi-family situations in the neighborhood and on the lot that may not be permissible.

Mr. Henke stated that in looking at the application it seems like a very practical request, but it seems to him that this is self imposed because of the purchase of the two lots, because Mr. Barnes was comfortable with it at the time of purchase.

Mr. Barnes stated that when he purchased the house it was not from the deceased widow, it was purchased from Dexter Moss who purchased the house through an estate sale. Mr. Barnes does not want to raze the main residence on the subject property.

Mr. Tidwell stated that this situation happened next to him. There was a house on two lots that was razed, the lots were never tied together, and the new owner built a two-story monstrosity barn. Now the owner cannot sell it and it has been that way for four years so he not in support of this request because he knows what the neighbors could face.

Ms. Snyder can understand what Mr. Van De Wiele is saying because the lots are going to end in the same way. But she can also understand that if Mr. Barnes is pushed he would need to raze the existing house, or at least the garage, to be able to sell the vacant lot. Ms. Snyder believes Mr. Barnes purchased the property as it existed and exists today, and it would be changing the neighborhood even it would look the same it would be different. Ms. Snyder stated she will not be able to support the request.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 3-1-1 (Henke, Snyder, Tidwell "aye"; Van De Wiele "nay"; White "abstaining"; none absent) to **DENY** the requests for a Variance of the minimum lot width from 75 feet to 50 feet (Tract 1); Variance of the minimum lot area from 9,000 square feet to 7,250 square feet (Tract 1); Variance of the minimum Lot width from 75 feet to 62.5 feet (Tract 2) to permit a Lot-Split (Section 403, Table 3) finding no hardship; for the following property:

**W25 OF LT 2 & E25 OF LT 3; W 25 LT 3 & E 37 1/2 LT 4 BLK 12, RIVERSIDE DRIVE
ADDN THIRD AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. White re-entered the meeting at 2:51 P.M.

21896—Gable Gotwals – Stephen Schuller

Action Requested:

Modification of a previous condition (imposed by BOA-19948) restricting outside storage to permit outside storage of materials on the subject tract. **LOCATION:**
5305 East Admiral Place (CD 3)

Presentation:

Stephen Schuller, 100 West 5th Street, Suite 1100, Tulsa, OK; stated he appeared before the Board in 2004 for the Special Exception for the light industrial use. The McElroy family purchased the subject property for their manufacturing operation. Now the company needs extra space outside to store materials as they arrive for manufacturing operations. There are two outside storage areas proposed along with the request to expand the shipping and receiving area. The manufacturing facility is in a commercially and industrially zoned area and the neighborhood is a well developed industrial area. The outside storage will be covered structures as shown on the conceptual drawing.

Mr. Van De Wiele asked Mr. Schuller what kind of materials would be stored under the proposed lean-to structures. Mr. Schuller stated that he guesses it would be metals and pipes with maybe some wooden items, because McElroy manufactures pipeline equipment.

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** of a previous condition (imposed by BOA-19948) restricting outside storage to permit outside storage of materials on the subject tract but only under the areas shown on page 7.11 of the Board's agenda packet as the lean-to structure on the north side of the property, the expanded shipping and receiving dock on the north side of the property, and the lean-to structure on the east side of the property. The Board has found that this modification to be compatible with and non-injurious to the surrounding area and the previously granted Special Exception and the zoning requirements per Code; for the following property:

BEG 16.5S & 20E NWC GOV LT 3 TH E643.66 TO EL W/2 GOV LT 3 TH S605.95 TO PT 40N SL LT 3 TH W530.34 N197 W113.5 N409.63 POB SEC 3 19 13 8.446ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21897—Bernal Properties, LLC – Antonio Bernal

Action Requested:

Special Exception to allow an event center (Use Unit 5) in the IM District (Section 901, Table 1). **LOCATION:** 1403 South 70th East Avenue **(CD 5)**

Mr. White recused at 2:58 P.M.

Presentation:

Antonio Bernal, 1403 South 70th East Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Van De Wiele asked Mr. Bernal what his proposed hours of operation would be. Mr. Bernal stated that he would be open on Friday and Saturday with an occasional Sunday from 4:00 P.M. to 1:00 A.M. but mostly on Saturdays.

Interested Parties:

Franklin Brown, 1831 East 17th Street, Tulsa, OK; stated he owns the property south of the subject property and he opposes the request. Mr. Brown stated that he had spoke with Mr. Bernal and his concerns are, after there were 100 to 150 people planned, is the parking. There is limited parking because the lot on the subject property could hold maybe 12 cars and the street is a narrow street. The company that is in his building work all the time and they have large trucks coming and going which could conflict with the proposed hours of operation. He is concerned about the proposed venue bringing down his property values because it is his only source of income. Mr. Brown thinks the request is too broad of a request. There is no business in the area that is close to the type of venue proposed.

Mr. Van De Wiele asked Staff if there was a parking requirement. Ms. Moyer stated there is a calculation of use that, in terms of the parking requirement, the applicant would need to meet. However, the applicant did not supply Staff with any information related to the current parking on the site.

Ms. Miller stated that in the Letter of Deficiency from the City Permit Office there is no mention of parking, but absolutely the applicant will need to meet parking requirements.

Ms. Moyer stated that the Zoning Code states that for a Community Center there is one space per 500 square feet of floor area; the Code does not specifically state "event center" but she translates community center and event center to mean the same thing.

Mr. Brown stated that Mr. Bernal is a nice gentleman and in his conversations with him Mr. Bernal admitted that he does not yet own the building, that he is planning on purchasing the building if he can receive the Special Exception. So he is free to move to another location but Mr. Brown stated that he is stuck in the one location because he does own his building. Mr. Brown stated that Mr. Bernal is not invested in the neighborhood like he and the owners are.

Mr. Van De Wiele asked Mr. Brown if the subject building parking was paved all the way to back. Mr. Brown stated that it is not.

Mr. Brown stated that he thinks Mr. Bernal could have the event center in a more appropriate location because there is nothing even remotely close to an event center in the area.

Rebuttal:

Antonio Bernal came forward and stated that he thinks the parking lot will not be a problem because he plans to purchase the land on the northeast corner toward the parking lot.

Kevin Anderson, 2510 East 25th Street, Tulsa, OK; stated he represents the owner of the property that is northeast of the subject property, and it extends along all the other properties along the railroad line right-of-way. His client is willing to sell a substantial piece of property to Mr. Bernal from the north point west.

Mr. Henke asked Mr. Bernal if he was in negotiations with Mr. Anderson to purchase the property that was discussed. Mr. Bernal answered affirmatively but if he does not receive approval for the Special Exception he will not purchase either property.

Mr. Henke asked Mr. Bernal how many parking spaces he thinks he could have on the lot if he does purchase it from Mr. Anderson's client. Mr. Bernal stated the lot is approximately 10,000 square feet.

Mr. Henke stated that based on the comments he is hearing from the Board members they would like to see or know that there is a contingent contract on the second piece of property that would handle the overflow parking for the proposed community center.

Ms. Miller stated that right now the application is being matched up with community center parking in the zoning code, so she would like to have the Permit Office to review this case again and have the Letter of Deficiency rewritten incorporating the extra piece of property into the overall parking requirements.

Mr. Henke left the meeting at 3:06 P.M.

Mr. Van De Wiele stated that he would like to have the case continued so Mr. Bernal could meet with the INCOG staff and discuss the parking requirements, and have a site plan brought to the next meeting that shows where the parking spaces would be.

Mr. Henke re-entered the meeting at 3:09 P.M.

Mr. Brown came forward and stated that the land behind the buildings drops off approximately 50 feet, so to have parking in the rear the grade level would need to be brought up 50 to 75 feet.

Mr. Van De Wiele asked Mr. Brown if the property to the north dropped off that drastically. Mr. Brown stated the whole railroad track is substantially lower and evens out farther west. The building rooftop to the east is substantially lower than his building because he can stand on his property and look down on the rooftop of the building to the east.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele "aye"; no "nays"; White "abstaining"; none absent) to **CONTINUE** the requests for a **Special Exception** to allow an event center (Use Unit 5) in the IM District (Section 901, Table 1) to the Board of Adjustment meeting on June 9, 2015; for the following property:

LT 5 BLK 10 & PRT VAC RR R/W BEG SEC LT 5 TH N38.68 NLY CRV LF 172 TO NEC LT 5 TH NE75 ALG PROJECTION NL LT 5 TO WL LT 3 BLK 9 TH SLY CRV RT 217.97 S38.52 TO PT 510.29N SWC LT 3 BLK 9 TH W75 POB, SHERIDAN INDUSTRIAL DISTRICT B4-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White re-entered the meeting at 3:20 P.M.

21898—Alex Martinez

Action Requested:

Variance of the required spacing of 300 feet between Adult Entertainment Establishments (Use Unit 12a) to allow two bars in the same commercial building (Section 1212a.C.3.c); **Verification** of the spacing requirement for a bar (Section 1212a.C.3). **LOCATION:** 9445 East 31st Street – **TENANT SPACE: 9453 East 31st Street (CD 5)**

Presentation:

Alex Martinez, 10788 East 41st Street, Tulsa, OK and **Jessie Garza**, 805 South 51st West Avenue, Tulsa, OK; stated he has spoke with the landlord and the neighboring bar are in agreement that his bar would not cause any problems for the center. Mr. Martinez stated there are only three houses within the 300 foot radius and the bar is separated on the east side by a ditch, and there are two roads on the sides of the center. Mr. Martinez stated there were e-mails complaining about the music from the other bar so he spoke to the landlord, and it was agreed that the other bar would close the outdoor patio he had made to respect the neighbors. Mr. Martinez stated that he is

willing to give his telephone number to any of the neighbors, and Mr. Martinez said the landlord has agreed to do the same.

Interested Parties:

Charles Hughes, 2923 South 98th East Avenue, Tulsa, OK; stated he lives in the neighborhood of Longview Estates which borders the shopping center. His concern is the noise pollution, the traffic flow and the access to the parking lot. Going east on 31st Street there is only one ingress/egress to the center's parking lot, and going north on Mingo there is no ingress/egress but traffic does come into the neighborhood to make a u-turn to get into the shopping center. The parking lot is very limited and there is already one bar in the center, and the bars will be within ten feet of each other. There are four bars in the area within a quarter mile stretch. There have been several complaints from the neighbors regarding the noise pollution and the police have been called.

Rebuttal:

Alex Martinez came forward and stated that regarding the stop sign and the mailbox complaint had nothing to do with his bar. Mr. Martinez stated he is willing to work with the neighbors.

Mr. Henke stated that it sounds as if the bar in the center has been a problem. Mr. Martinez admitted that it has been a problem, and he spoke with the actual owner of the property and the owner banned the other bar from having a patio area.

Mr. Martinez stated that he had opened his bar because he had no knowledge of INCOG. He went to the County and had his beer license issued, and while he was there he asked Sally Howe Smith if he needed anything else to be legal and was told no. Mr. Martinez presented a letter to the bar. Mr. Martinez stated that as soon as he learned about going to INCOG he shut his bar down even though he had been open for a year prior to the other bar opening. Mr. Martinez stated that he has had his beer license and sales tax permit since 2013. He has received no complaints about his bar.

Mr. Swiney informed Mr. Martinez that the letter he submitted will become a part of the record and he will not get it back. Mr. Martinez stated he was okay with that because he has another copy.

Mr. Van De Wiele asked Mr. Martinez if his bar was open first. Mr. Martinez answered affirmatively. Mr. Van De Wiele asked Mr. Martinez when the Ambassador Bar opened. Mr. Martinez stated that he thought it has been open six to eight months.

Mr. Van De Wiele asked Mr. Martinez if he knew if the other bar received a spacing verification. Mr. Martinez stated that when the other bar owner came before the Board and was asked if he knew of another bar he told the Board no.

Mr. Van De Wiele stated that if Mr. Martinez's bar was existing then the Ambassador Bar spacing verification should be void because of the language the Board uses for spacing verification approvals.

Mr. Martinez asked the Board if they knew how the other bar received their beer license if there is a law about 300 feet apart.

Ms. Snyder asked Mr. Martinez if he had to produce his lease to be issued his beer license. Mr. Martinez answered affirmatively. Mr. Martinez stated he also had to produce his sales tax permit.

Ms. Snyder asked Mr. Martinez if his bar was open in July 2014. Mr. Martinez answered affirmatively. Mr. Martinez stated that he shut down the bar recently because he found about the INCOG process.

Mr. Van De Wiele stated that the other bar owner stated at the time of his appearance before the Board for his spacing verification that he was aware of a billiard hall. Mr. Martinez stated the billiard hall has been closed since 1997 and not his.

Mr. Tidwell left the meeting at 3:20 P.M.

Mr. Van De Wiele stated that there seems to be a bust in the other bar owner's spacing verification. Mr. Henke stated the Board needed to see his survey and it said that Mr. Martinez's bar was not existing and operating, and now the evidence is there to support what Mr. Martinez is saying. Mr. Van De Wiele stated that the language the Board uses does say it is subject to be void should another adult entertainment establishment be established prior to Mr. Martinez. Mr. White stated that then the Board put the qualification that Mr. Martinez did not at that time have relief to have the bar. Mr. Van De Wiele stated that at that point Mr. Martinez would not have needed it, because he would not have needed the relief before the other bar owner. Mr. Henke stated that Mr. Martinez was the first bar within 300 feet of a residential area. Ms. Moyer stated that Mr. Martinez would have needed a spacing verification to allow his bar to be permitted by the Zoning Code. Mr. Van De Wiele agreed, but even a nonpermitted bar should have prevented the bar owner's spacing verification.

Mr. Martinez stated that he was so confident that he would be allowed in the center and now he is confused. When he considered opening a second bar he hired a friend and the friend is the person that informed him he needed to go to INCOG so he closed his bar down so he could become legal.

Mr. Tidwell re-entered the meeting at 3:23 P.M.

Ms. Miller stated that she thinks the other bar spacing verification was before Ms. Moyer started working for INCOG, but she thinks there should be staff taken photos of the center for the other bar's spacing verification in the subject shopping center. Ms. Miller asked Mr. Martinez if his sign was up in July 2014. Mr. Martinez answered affirmatively.

Mr. Van De Wiele asked Mr. Martinez what business was to the right of the Ambassador bar. Mr. Martinez stated that it is a bakery.

Mr. Henke stated that he would like to continue the case to receive some more information, and have the Ambassador Bar spacing verification case file pulled so more studies can be made into the situation. Mr. Martinez if the Board would like for him to bring any other paperwork as evidence to his opening date, or anything else. Mr. Van De Wiele stated that anything that can be brought to the Board to show when his bar was started along with a letter from the landlord stating who was in the center first would be helpful.

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 requests for a **Variance** of the required spacing of 300 feet between Adult Entertainment Establishments (Use Unit 12a) to allow two bars in the same commercial building (Section 1212a.C.3.c); **Verification** of the spacing requirement for a bar (Section 1212a.C.3) to the Board of Adjustment meeting on June 9, 2015; for the following property:

LT 1 BLK 1, 3100 CENTER, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White asked Mr. Swiney for an interpretation of the fine legal points of this situation for the next meeting.

Mr. Swiney left the meeting at 3:44 P.M. and Mr. Bob Edmiston entered the meeting at the same time.

21899—Jared Jones

Action Requested:

Special Exception to allow a mini-storage (Use Unit 16) in the OL District (Section 601); **Special Exception** to modify the requirement of access and frontage onto an arterial street (Section 604.G.8); **Variance** to reduce the required building setback

from 50 feet to 0 feet from the abutting I-44 right-of-way (Section 604.G.2 and Section 703, Table 2); Variance to permit exterior metal walls on a structure (Section 604.G.3) to permit expansion of existing mini-storage facilities. **LOCATION:** 1602 West 51st Street (CD 2)

Presentation:

Jared Jones, 4946 South Madison Avenue, Tulsa, OK; stated that he subject property was purchased in May 2012 and the property was built in the 1970s. The western portion of the property is zoned commercial shopping and the eastern portion is zoned office light. In the corner of the eastern and northern part of the property is a cell phone tower. When he purchased the property the cell phone tower portion was sold by the prior owner so while it is on his property he does not get to utilize it. The access to the subject property is actually through the middle of the property which is a vacated street, Tacoma Street. The property has frontage on 51st Street. He spoke to Councilor Cue and she suggested he look at the ODOT eight year plans to make sure that there were no future takings that would be occurring. As far as he could tell there will not be any takings that will impact the subject property or any building that will be taken or partially taken. Mr. Jones proposes for Location 1, paving the area and installing storage containers to expand the property and make it look better. The storage containers will be painted the same color as the remaining property to have a uniform look.

Mr. Henke asked Mr. Jones if he saw the letter from Ms. Kay Price. Mr. Jones answered affirmatively. Mr. Henke asked Mr. Jones if he had visited with her. Mr. Jones stated that he had conversed with her last week regarding what was proposed.

Mr. Jones stated that since he purchased the property three years ago there have been substantial improvements made on the property. Mr. Jones stated that he has continually made improvements on the property and plans to continue to do so. He wants this property to be something for the people of Tulsa to be proud of. Mr. Jones stated that he is in the third year of his five year plan for the property.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

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 requests for a Special Exception to allow a mini-storage (Use Unit 16) in the OL District (Section 601); Special Exception to modify the requirement of access and frontage onto an arterial street (Section 604.G.8); Variance to reduce the required building setback from 50 feet to 0 feet from the abutting I-44 right-of-way (Section 604.G.2 and Section 703, Table 2); Variance to permit exterior metal walls on a structure (Section 604.G.3) to permit expansion of existing mini-storage facilities, subject to conceptual plans 10.16,

10.17 and 10.18. The approval also requires that any additional structures be painted to blend in with all the current structures on the property as of May 26, 2015. 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. 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 LT 4 BEG NWC LT 4 TH E180 S151.17 W180 N151.17 POB; PRT LTS 2 & 3 BEG 68.02W NEC LT 2 TH SW274.94 W108 N150.9 E311.9 POB, CAMERON CLINE ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21900—David Skinner

Action Requested:

Variance of the 30 foot minimum separation for projecting signs (Section 1221.C.9);

Variance of the 25 feet height requirement for signs (Section 1221.E.1) in the CBD District. **LOCATION:** 810 South Cincinnati Avenue **(CD 4)**

Mr. Henke recused and left the meeting at 3:56 P.M.

Presentation:

David Skinner, 8517 South 47th West Avenue, Tulsa, OK; stated he works for Cyntergy AEC which is an architectural firm and are involved in the remodel and rehab of an existing office building called the 810 Building at 8th and Cincinnati. This request is for four projecting signs that are fabric signs. Two are on the north elevation and two on the east elevation. The signs are framing the entrances on both the north and east elevations. The horizontal spacing of signs is approximately 17'-4" and that is dictated by the architectural elements of the building. The existing pilasters on the building govern placement and the firm would like to call attention to the existing entrances. His firm is going to occupy the second and third floors of the building and presently the signs are centered between the second and third floors. Also there are canopies over each entrance and the firm is attempting to provide an adequate distance above the existing canopies as well.

Mr. Van De Wiele asked if there was an issue with the number of signs. Mr. Skinner stated there were no issues stated. Mr. Van De Wiele stated there is also a sign at the top of the building. Mr. Skinner stated that sign has already been approved and is considered a wall sign. The signs he is discussing with regards to the request are

projecting signs. Mr. Van De Wiele asked if the applicant is allowed this total number of signs.

Ms. Miller stated that she is not that familiar with CBD sign regulations; they may be more permissive than what the Board is use to seeing.

Mr. Van De Wiele asked Mr. Skinner if he had said the signs were fabric. Mr. Skinner stated they are fabric signs that have a metal attachment at the top and the bottom.

Ms. Snyder asked if all three signs were fabric. Mr. Skinner stated they were not. The sign at the top of the building is a painted sign but the signs being discussed are the two projecting signs that are fabric.

Mr. Van De Wiele asked Mr. Skinner why the signs couldn't be placed elsewhere. Mr. Skinner stated that aesthetically speaking it would not be in keeping with the architectural elements of the building. He is attempting to frame the entrances on both the north and the east elevations. The pilasters run the full height of the building.

Interested Parties:

Jim Turner, 1719 South Rockford Avenue, Tulsa, OK; stated he represents the owner of the 810 building, 810, LLC and he is also with Cyntergy. The building was purchased with the intent of returning it from a derelict building to service. It is an entity of First Presbyterian Church and all the profits of the building are going to mission work in downtown Tulsa. Everything that has been done to the building is an attempt to make it more marketable. The signs that were chosen are to draw attention to an area of Tulsa that does not have a lot of commercial office space located within it. The north façade could be spaced differently he thinks, but the east façade could not be changed so to have it be the same on both sides was the intent for the signs. The Thompson Building has a number of banners that are similar to this with several on the Boston side and several on the 5th Street side. The Mayo office building also has a number of banners on its façade. The Atlas Life Building also has banners along with the large Atlas Life sign.

Mr. Van De Wiele asked Mr. Turner if all four signs would advertise the same business. Mr. Turner stated the banners will have 810, the address of the building and Tulsa.

Ms. Miller informed Mr. Turner that he may want to follow up with Mr. Bob Kolibas in the Building Permit Office because the Code does stipulate "one per CG, CH and CBD; one per 100 feet of major street frontage or fraction thereof".

Ms. Moyer stated that the Code does stipulate "except for wall signs or promotional business signs a number of business signs and outdoor advertising signs per lot of record shall be as follows". The Code does not include wall signs.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-1 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; Henke "abstaining"; none absent) to **APPROVE** the requests for a Variance of the 30 foot minimum separation for projecting signs (Section 1221.C.9); Variance of the 25 feet height requirement for signs (Section 1221.E.1) in the CBD District, subject to conceptual plans 11.11, 11.12 and 11.13. The Board has found that due to the architectural elements of the building, the existing pilaster, dictates where the signs need to be placed and to allow clearance above the canopies on the building. The hardship is the architectural elements, the existing pilasters and the canopies dictating the height requirements of the signs. 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 182, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 4:08 P.M.

21901—Jeanette Mattingly

Action Requested:

Special Exception to permit a manufactured home in the RS-3 District (Section 401); Special Exception to extend the one year time limit on a manufactured home the R District to permit it permanently (Section 404.E.1). **LOCATION:** 5051 North Columbia Place (CD 1)

Presentation:

Jeanette Mattingly, 616 South Boston, Tulsa, OK; stated she represents Juan Morales and the manufactured home is theirs. There are some manufactured homes in the area so it be compatible and will not change the character of the neighborhood.

Mr. White asked Ms. Mattingly how old the manufactured home is. Ms. Mattingly stated that it is a 2002 model.

Mr. White asked Ms. Mattingly if there were any flooding problems in the area. Ms. Mattingly stated the property is located within a 500 year flood zone.

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 requests for a **Special Exception** to permit a manufactured home in the RS-3 District (Section 401); **Special Exception** to extend the one year time limit on a manufactured home the R District to permit it for 30 years, May 2045 (Section 404.E.1), subject to conceptual plan 12.10. 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:

**E/2 NE NW NE SW LESS N16.5 & W15 THEREOF FOR RD SEC 8 20 13 1.08ACS,
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 4:12 p.m.

Date approved: _____

6/9/15

Francis X. Henke, Jr.

Chair