

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1141
Tuesday, June 9, 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 White, Vice Chair	Van De Wiele	Miller Moye Foster Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, June 4, 2015, at 10:36 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.

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

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the **Minutes** of the May 12, 2015 Board of Adjustment meeting (No. 1139).

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the **Minutes** of the May 26, 2015 Board of Adjustment meeting (No. 1140).

UNFINISHED BUSINESS

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)**

Presentation:

The application was withdrawn by the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No action required by the Board; 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**

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; Mr. Martinez stated that he has his landlord in the audience today and all his exhibits are presented in the Board's agenda packet.

Mr. Henke asked Mr. Swiney if he had any comments he would like to make regarding this case.

Mark Swiney stated that he has reviewed the record with the Staff and the applicant's neighbor, Mr. Gibson Owilli and Ms. Sara Barnett, appeared before this Board on July 22, 2014 with a proposed spacing verification stating their bar, the Ambassador Bar, would be 300 feet away from any other adult entertainment establishment. Specifically, Mr. Owilli and Ms. Barnett stated that there was a billiard hall in the same complex that did not serve beer, but they did not mention that there was another bar in the complex, that is Callo Ocho which is Mr. Martinez's bar. It is clear to the legal staff that Mr. Owilli and Ms. Barnett knew that there was another bar in the complex, and Mr. Swiney referred to pages 4.18 and 4.23 in the Board's agenda packet. Page 4.18 is a non-compete agreement between Mr. Owilli, Ms. Barnett and Mr. Martinez clearly stating there are two clubs in this complex. Therefore, the spacing verification approved by this Board for Mr. Owilli and Ms. Barnett on July 22, 2014 in case BOA-21747 was based on false information given to the Board. Mr. Swiney stated that the standard condition given by the Board in a spacing verification is language that says, "the action of the Board is going to be void should another above mentioned use be established prior to the adult entertainment establishment". Mr. Martinez's bar was in operation at the time and therefore the 2014 spacing verification in Board of Adjustment case 21747 issued to Mr. Owilli and Ms. Barnett was void according to its own terms. Also, Mr. Martinez has stated that he was not informed of the need for a 300 foot spacing verification when he was at City Hall obtaining his permits and approvals.

Mr. Henke asked Mr. Martinez if there was anything he would like to say at this time. Mr. Martinez stated that he has read that if the Board is to approve a Variance they must find by extraordinary or exceptional conditions, he feel this is as extraordinary as it can possibly get.

Interested Parties:

Sara Barnett, One Plaza South, PMB 121, Tahlequah, OK; stated that in regards to Mr. Swiney's comments about false information given to the Board regarding the bar that was in operation, she and Mr. Owilli moved into their space after signing an agreement in April 2014, and they were told that there was a bar. The landlord stated that there would need to be an agreement between Mr. Martinez and her and Mr. Owilli agreeing that they would not go after each other's clientele. The clientele they wanted to serve did not match the Hispanic population that Mr. Martinez was targeting. However, when she and Mr. Owilli started the process on their paperwork and go through the steps that are required to operate a bar within the City/County of Tulsa there were several trips made to City Hall Permit Office. She spoke to Rachel in the permit office and Rachel told them on repeated occasions that there was not a bar licensed to operate in the

subject area. In the first draft of plans submitted by Mr. Owilli and herself it was pointed out to Rachel that there was a bar, and Rachel said there is not a bar but there is a billiard hall because that is what the license says they are licensed to operate as. That is why the information was presented as such to the Board. Through the several months of obtaining their license and certification of zoning, there was a lot of money spent and lots of time spent making trips to City Hall. Every time there was question they came to talk to Rachel, they even went to the County building. She assumed these same services were available to any individual who wanted to operate a bar within the City and County of Tulsa. Ms. Barnett stated that she and Mr. Owilli had never done this before so they kept asking questions until they got answers. It was not intentional, as Mr. Swiney said, false information presented to the Board to receive the zoning requirement because it was simply what they were told to do. Ms. Barnett stated that she is not present today to argue against Mr. Martinez's case, she is only here to establish and defend her and Mr. Owilli's right as the Ambassador Lounge to operate within the shopping center.

Mr. Henke asked Ms. Barnett if she and Mr. Owilli realized that Calle Ocho was there and operating. Ms. Barnett stated that the business was open. Ms. Barnett stated that she does not speak or read Spanish so when she was told that it was a billiard hall that what she assumed it was operating as.

Mr. Henke asked Ms. Barnett if she knew they served alcohol there. Ms. Barnett stated that she has never been in the location because it is not her business to investigate what everybody is doing and make sure they are in compliance with what they are licensed to do.

Rebuttal:

Alex Martinez came forward and stated that everybody knew it was a bar. When Mr. Owilli and Ms. Barnett moved in the landlord told them there was a bar in the complex and that they would need to speak with him. Mr. Martinez stated that Rachel, from the City knew she was in the complex, and he presented a cover page of a fax with a date on it from Rachel with the City for the Board to review.

Mr. Tidwell asked Mr. Martinez if he knew the official start date of his operation. Mr. Martinez stated that it was October 2013.

Mr. Swiney stated that the fax cover page that Mr. Martinez offered is just a cover sheet, it does not have any content to it but it does have a date of March 28, 2014 which is consistent with Mr. Martinez operating his club from the end of 2013.

Mr. Henke stated that Ms. Barnett stated that it was not her business to check whether Calle Ocho was serving alcoholic beverages when she came to this Board for a spacing verification, but when a person comes before the Board for a spacing verification the applicant must present a survey of businesses that surround the proposed adult entertainment establishment. So it is in fact Ms. Barnett's business.

Sarah Barnett came forward and stated that what she meant was that she and Mr. Owilli were told that Mr. Martinez was not zoned as a bar, and she was told not to say he was a bar because that is not what he was zoned as. Mr. Henke stated that she knew he was selling alcoholic beverages. Ms. Barnett stated that her question is, how her zoning can be revoked if his bar was not previously zoned. In order for her to get her permits she had to submit a Certificate of Occupancy that had to be posted within her business.

Mr. Henke stated that his confusion is that Ms. Barnett and Mr. Owilli were relying on information from other people. Mr. Henke asked Ms. Barnett if she knew that Calle Ocho was selling alcoholic beverages in their location. Ms. Barnett stated that she has never been in their establishment. Ms. Barnett stated that every tenant within the complex was notified when she was before the Board a year ago for the spacing verification.

Mark Swiney stated that the Board has heard Ms. Barnett's statements and he thinks the distinction that Ms. Barnett is making is that a lawfully operated bar as opposed to a bar that is operating. She has stated that she was not aware that Calle Ocho was selling beer, so the Board would have to evaluate whether they are going to accept that statement. Mr. Swiney stated that, from his own point of view, it would seem difficult to operate a business in the complex and not be aware of what is going on at the other businesses. Mr. Swiney stated that the statement that Ms. Barnett and Mr. Owilli signed seems to indicate that they knew there was club because the document refers to Calle Ocho as a club. Mr. Swiney stated that he interprets that to mean a club that is selling alcoholic beverages, but a person could take it to mean something else so it is up to the Board as to whether they are going to accept it.

Ms. Snyder asked Mr. Swiney if seemed reasonable that someone from the City would say "don't put that down as a bar"? Mr. Swiney stated that Ms. Barnett stated that the staff told her there was no other bar licensed to operate in that area so without going to visit the site and investigate, he supposes City staff was correct in saying that because there was no evidence of a bar operating because they are looking at the list of licenses. Without actually investigating the situation and going to the site they would not know.

Mr. Martinez came forward and stated that his landlord will testify to the fact that alcohol was being served in his establishment. Mr. Martinez questioned how the City, County or the State could issue a beer permit to another bar that is going to be within the 300 foot radius since it is illegal to do so.

Mr. Swiney stated that the permit Mr. Martinez is referring to came from the State of Oklahoma and Tulsa County, not from the City of Tulsa. Those government bodies do not always communicate with one another.

Mr. White asked Mr. Swiney to elaborate on the suggested motions that are in the Board's agenda packet. Mr. Swiney stated that if the Board is inclined to grant the

requested Variance, some of the details should be set forth and that is what is in the packet. Mr. Swiney stated that he is not indicating which way the Board should vote but if the Board was inclined to grant the Variance the language would be useful.

Comments and Questions:

Ms. Snyder stated that with all the letters from the neighbors she would not be able to vote in favor of two bars in the complex.

Mr. Henke stated that if he had the information that he has today for the previous spacing verification request he would not have voted in favor of the approval. In light of that Mr. Henke is willing to accept Mr. Martinez's spacing verification with the understanding that he must also have the Variance approved because he is within 300 feet of another establishment.

Mr. White stated that he does not like having the two bars this close together. The only thing that would lead him to consider it is the fact that there is an agreement between the two parties, but the increased activity based on the neighbor's letters will be detrimental.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 3-1-0 (Henke, Tidwell, White "aye"; Snyder "nay"; no "abstentions"; Van De Wiele absent) that based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant's verification of the spacing requirement between the adult entertainment establishment from churches, parks, schools and the R District subject to the action of the Board being void should another above mentioned use or District be established prior to the adult entertainment establishment. The Board moves to **APPROVE** the request for a Variance of the required spacing of 300 feet between Adult Entertainment Establishment (Use Unit 12a) to allow the applicant's bar to operate within 300 feet of another bar in the same commercial complex (Section 1212a.C.3.c) as described on page 4.16. The Board finds that the spacing verification accepted earlier for a bar on July 22, 2014 in case #BOA-21747 was based on false information given to the Board of Adjustment and the July 22, 2014 spacing verification was void by its own terms. The Board finds that the applicant stated that he was not informed of the need of a 300 foot spacing verification when he applied for the permit and approvals that he needed to help in his business. 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. This Variance approval will have a time limit that shall expire upon either when Mr. Martinez's lease expires or when the other bar, Mr. Owilli's and Ms. Barnett's bar, cease operation. 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, 3100 CENTER, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

21902—Richard Morgan

Action Requested:

Special Exception to permit indoor sand blasting (Use Unit 26) in an IL District (Section 901). **LOCATION:** 17717 East Admiral Place **(CD 6)**

Presentation:

Richard Morgan, 7798 East 24th Street, Tulsa, OK; stated he represents Aberdeen Dynamics. The process is actually media blasting and not sand blasting, and it will be done inside a blast booth located inside the building. The media blast is a steel shot that removes scale and rust on objects before it goes into the paint booth. The blast is totally self contained and has its own filtration system that collects all the dust so that nothing is emitted inside the building or outside. There is a paint booth immediately adjacent to the blast booth so it has to be a clean operation. The blast media is recirculated inside the building, and the scale and rust that is removed is collected in a dust collector.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the requests for a Special Exception to permit indoor sand blasting (Use Unit 26) in an IL District (Section 901), subject to conceptual plan on pages 5.08, 5.19 and 5.20. 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, HALL BROTHERS SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21903—Ramesh Vemula

Action Requested:

Modification to a previously approved Special Exception (BOA-21473) to extend the permitted time limit to allow a church (Use Unit 5) in the IL District permanently.

LOCATION: 9718 and 9748 East 55th Place – **Tenant Space:** 9724 East 55th Place (CD 7)

Presentation:

Ramesh Vemula, 9724 East 55th Place, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Swiney asked Mr. Vemula if the time limit was the same as his lease of the property. Mr. Vemula stated that his lease will expire in 2019.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Modification to a previously approved Special Exception (BOA-21473) to extend the permitted time limit to allow a church (Use Unit 5) in the IL District for a period that will expire December 31, 2020. This approval will be for the tenant space currently occupied by the church. Finding the request is compatible and non-injurious to the surrounding area and meets the previously granted Special Exception and meets the zoning requirements per code; for the following property:

LT 13 BLK 9; LT 14 BLK 9, TULSA SOUTHEAST IND DIST B9-12 RESUB BLK C & PRT BLK A&B, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21904—Victor Algarin

Action Requested:

Special Exception to permit auto sales and repair (Use Unit 17) in the CS District (Section 701, Table 1). **LOCATION:** 3112 South Mingo Road (CD 7)

Presentation:

Victor Algarin, 1819 South 119th East Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. White asked Mr. Algarin if there had been any changes. Mr. Algarin stated there were not. Mr. White asked Mr. Algarin if he had any plans for adding onto the building in the future. Mr. Algarin answered no.

Mr. White asked Mr. Algarin if he owned the property. Mr. Algarin stated that he is only a tenant and does not own the property. Mr. White asked Mr. Algarin how long his lease was for. Mr. Algarin stated his lease is for five years which will end in December 2019.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the requests for a **Special Exception** to permit auto sales and repair (Use Unit 17) in the CS District (Section 701, Table 1), and this approval will be "as built". The previous conditions will apply from the previous approval with the exception of the hours of operation, which will be 9:00 A.M. to 6:00 P.M., Monday through Saturday. The previous conditions that are to be applied are as follows: prohibit promotional business signs as defined by the zoning code; work on all vehicles must be inside the structure; no outside repairs allowed; no outside storage of materials; limit total number of inoperable vehicles queuing for repair on the site to 20; no auto body work on the property; and no junk vehicles stored on the property. This approval will have a time limit of October 1, 2019 which is the length of time the current lease runs. 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:

N 250 E 250 NE LESS N 50 & E 50 SEC 24-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21905—Gregory Helms

Action Requested:

Special Exception to permit off-street parking to be located on a lot other than the lot containing the use (Section 1301.D). **LOCATION:** 1709 South Boston Avenue (**CD 4**)

Presentation:

Greg Helms, 424 East Main Street, Jenks, OK; stated this is the third case that has been brought to the Board that are similar, two adjacent lots that have the same condition. The lot that is proposed for the off-street parking is owned by the same property owners that have the Boston property, so he would like to continue what was done at the other two sites. There are 13 parking spaces required and there are seven available on the property owner's lot and an additional six spaces are available on the adjacent lot.

Mr. White asked Mr. Helms to assure the Board that he is not selling the same animal three times and that they are separate parking areas. Mr. Helms pointed out the different areas on a map that had been placed on the overhead projector screen.

Ms. Snyder asked Mr. Helms if the owner was going to build a new building. Mr. Helms answered affirmatively.

Mr. White asked Mr. Helms if the people would actually park on this proposed lot when they are going to their place of business, because people do not like to walk. Mr. Helms stated that he did not know that personally but informed the Board the owner is present if they would like to hear from him.

Ms. Snyder asked Mr. Swiney if a tie agreement were necessary in this action. Mr. Swiney stated that he does not believe a tie agreement would be necessary, but the Board might make the joint ownership a condition of the Special Exception but the code does not require that the lots be contiguous.

Interested Parties:

There were interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Special Exception to permit off-street parking to be located on a lot other than the lot containing the use (Section 1301.D), subject to conceptual plans 8.13 and 8.14. This approval is subject to the condition that the subject lot and the off-site parking lot property are both owned by the same owner. 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 3 BLK 3, TOWNLEY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21906—Nicole Watts

Action Requested:

Special Exception to permit an outdoor stage (Use Unit 20) in the CH District (Section 701, Table 1); Variance to reduce parking requirement from 25 spaces to 9 spaces (Sections 1220, 1215, 1214, 1212, and 1211). **LOCATION:** 1621 East 11th Street **(CD 4)**

Presentation:

Nicole Watts, Kinslow, Keith & Todd, 2200 South Utica Place, Suite 100, Tulsa, OK; stated this a revitalizing project of an existing building on 11th Street. On the lot currently there are nine parking spaces counted and there are another six parking spaces in the front that back onto 11th Street, per zoning code those cannot be counted but they can be used and will be available. The applicant would like to also have a small stage in the rear for outdoor music.

Mr. White asked Ms. Watts to elaborate about the stage and the noise levels predicted. Ms. Watts stated the stage is small and is designed for a small acoustical group. There will be no loud music and is for an atmosphere. Mr. White asked if there would be amplified sound. Ms. Watts stated that it would be a small amplified sound.

Mr. Tidwell asked Ms. Watts what the hours would be for the performers to be on the stage. Ms. Watts deferred to Mr. Kevin Smith.

Interested Parties:

Kevin Smith, 4219 East 5th Place, Tulsa, OK; stated the stage hours will be 8:00 P.M. to 10:00 P.M. and occasionally until 11:00 P.M. on Friday and Saturday nights. The music will be amplified by a small amplifier that is designed for an acoustic duo.

Mr. White asked Mr. Smith if there would be flood lights for the stage. Mr. Smith stated there would not be any flood lights, but there will be one small light so people can see.

Mr. Tidwell asked Mr. Smith if there would be a gate or a fence. Mr. Smith stated there will be a privacy fence on three sides.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the requests for a Special Exception to permit an outdoor stage (Use Unit 20) in the CH District (Section 701, Table 1); Variance to reduce parking requirement from 25 spaces to 9 spaces (Sections 1220, 1215, 1214, 1212, and 1211), subject to conceptual plan 9.19. For the outdoor stage the conditions will be a small amplifier and one light only and no flood lights or stage lights. The stage hours will be 8:00 P.M. until 11:00 P.M., Friday and Saturday.

For the parking there is existing parking and new parking on the lot but some existing parking on 11th Street cannot be counted toward the total requirement but the operation should be sufficient in itself. 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:

LT 11-14 LESS S 2.5 LT 14 FOR ST BLK 10, PARK DALE AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21908—Sunny Patel

Action Requested:

Special Exception to permit a hotel (Use Unit 19) in the IL District (Section 901, Table 1). **LOCATION:** E of the NE/c of East Easton Street & North Sheridan Road (CD 3)

Presentation:

Justin Bhakta, 8502 East 27th Street, Tulsa, OK; stated he represents Sunny Patel. The proposed hotel will be right next to a QT and I-244, and it will be similar to a Days Inn franchise. The hotel will be three or four stories tall.

Mr. Swiney asked Mr. Bhakta what the plans were for the east side of his property. Mr. Bhakta stated there are no current plans but it could be parking.

Ms. Snyder asked if there is a screening fence required on the east side because of the residential area. Ms. Moyer stated that per zoning code there would be a screening fence required between the IL District and the RL zone.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the request for a Special Exception to permit a hotel (Use Unit 19) in the IL District (Section 901, Table 1),

subject to conceptual plan 10.11. 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:

E296.66 LTS 10 THRU 14, POLSTON SECOND SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21909—George Anding

Action Requested:

Variance to enlarge the interior of a non-conforming use (Section 1402.A); Variance to increase the interior floor area ratio permitted in BOA-21663 from 52% to 58% (Section 703, Table 2) without increasing the footprint of the building by utilizing interior attic space. **LOCATION:** 318 West 14th Place (CD 4)

Mr. Tidwell recused at 2:03 P.M.

Presentation:

Jim Brackett, 330 North Boulder Avenue, Tulsa, OK; stated he is the owner of the subject property. No formal presentation was made but the owner was available for any questions from the Board.

Mr. Henke stated that the hardship presented seemed like a self-imposed hardship, and he asked Mr. Brackett for an explanation. Mr. Brackett stated the hardship is simple, it is a remnant of a lot that is on a corner. He purchased the property in 1979 and in 1999 the existing duplex was remodeled. Mr. Brackett stated that he was before the Board in October 2014 and was approved for a Variance. The existing duplex is 1,000 square foot unit and an architect suggested switching the roof around to allow for a master suite. By doing this there could be an eating area downstairs and still have two bedrooms. The building department gave him permission to present the drawing that the Board has in their packet. The subject property is in a CS zone and several lots in the area have been split into two separate lots.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 3-0-1 (Henke, Snyder, White “aye”; no “nays”; Tidwell “abstaining”; Van De Wiele absent) to **APPROVE** the requests for a Variance to enlarge the interior of a non-conforming use (Section 1402.A); Variance to

increase the interior floor area ratio permitted in BOA-21663 from 52% to 58% (Section 703, Table 2) without increasing the footprint of the building by utilizing interior attic space, subject to conceptual plan 11.11 and 11.12. The Board has found that the hardship is that this is a remnant of a lot and it came before the Board under case #BOA-21663 for changes, and the client is attempting to obtain more livable space which they found they can do without increasing the footprint of the structure. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

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

Mr. Tidwell re-entered the meeting 2:09 P.M.

21910—Nelson Orr

Action Requested:

Variance of the required rear yard from 20 feet to 11 feet (Section 403, Table 3).

LOCATION: 8607 East 77th Place (CD 7)

Presentation:

Nelson Orr, 2929 East 73rd Place, Tulsa, OK; stated this Variance is to build an additional garage onto the existing structure. The required rear yard is narrow and does not leave room to add on additional garage space.

Mr. White asked Mr. Orr if the addition would extend any farther west than the existing garage. Mr. Orr stated that it would not because it extends only to the north.

Ms. Snyder asked Mr. Orr what the hardship would be. Mr. Orr stated the rear yard is so narrow that there is no other place on the property that a garage could be constructed, and it is a small lot.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the requests for a **Variance** of the required rear yard from 20 feet to 11 feet (Section 403, Table 3), subject to the unnumbered conceptual plan that was submitted today. The approval has the condition that the garage is not to extend any farther west than the existing garage. The 11 foot side yard on the north will be clear of the platted ten foot easement. The Board has found that the subject lot is small in size, being only 90 feet by 112.5 feet, and there is no additional room on any other part of the lot to place the garage addition. 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 17 BLK 2, WOODLAND MEADOWS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

ELECTION OF OFFICERS:

Seats currently held are: Frazier Henke – Chair
David White – Vice Chair
Mike Tidwell – Secretary
Tori Snyder
Stuart Van De Wiele

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the reappointment of the existing officers for another term. They are as follows:

Mr. Frazier Henke – Chairman
Mr. David White – Vice Chair
Mr. Mike Tidwell – Secretary

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

MS. Snyder congratulated the Board members on their elected positions on the Board.

There being no further business, the meeting adjourned at 2:15 p.m.

Date approved: 6/23/15

Frank X. ...
Chair