

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1142
Tuesday, June 23, 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

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, June 18, 2015, at 8:42 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, White "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the **Minutes** of the June 9, 2015 Board of Adjustment meeting (No. 1141).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

21913—Peter Kroner

Action Requested:

Variance to exceed the permitted height of 10 feet at the top of the top plate for a detached garage; Variance to exceed one-story in height; Variance to exceed 500 square feet in building floor area (Section 210.B.5.a-b) to permit remodel of an existing detached accessory building. **LOCATION:** 1215 East 20th Street South (CD 4)

Presentation:

The applicant has requested a continuance to July 14, 2015.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **CONTINUE** the request for a Variance to exceed the permitted height of 10 feet at the top of the top plate for a detached garage; Variance to exceed one-story in height; Variance to exceed 500 square feet in building floor area (Section 210.B.5.a-b) to permit remodel of an existing detached accessory building to the Board of Adjustment meeting on July 14, 2015; for the following property:

LT 6 BLK 3, MAPLE HGTS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21914—Khoury Engineering , Inc. – Malek Khoury

Action Requested:

Variance of the required parking from 75 spaces to 58 spaces (Sections 1211.D, 1212.D, and 1214.D). **LOCATION:** W of the SW/c of East 21st Street South & South Harvard Avenue East (CD 4)

Presentation:

The applicant has requested a continuance to July 14, 2015.

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"; absent) to **CONTINUE** the request for a **Variance** of the required parking from 75 spaces to 58 spaces (Sections 1211.D, 1212.D, and 1214.D) to the July 14, 2015 Board of Adjustment meeting; for the following property:

LOTS 1, 2, AND 3, BLOCK 3, BONNIE BRAE AND PART OF LOT 4, BLOCK 3, BONNIE BRAE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A TRACT OF LAND THAT IS PART OF THE NORTHWEST CORNER OF SAID LOT 4; THENCE NORTH 88°43'31" EAST ALONG THE NORTHERLY LINE OF SAID LOT 4 FOR 9.06 FEET; THENCE SOUTH 01°26'27" EAST FOR 94.76 FEET; THENCE SOUTH 88°37'05" WEST FOR 9.16 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 4; THENCE NORTH 01°22'55" WEST ALONG SAID WESTERLY LINE FOR 94.78 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21886—Pamela Wright

Action Requested:

Special Exception to allow a 6 foot fence in the required front yard (Section 210.B.3). **LOCATION:** 3332 East Latimer Place North **(CD 3)**

Presentation:

The applicant was not present.

Interested Parties:

Evona Garner, 3525 East Latimer Place, Tulsa, OK; stated she lives about a block away from the subject property. Ms. Garner stated the property is large and the owner has a fence that has razor wire on top of it. About six months ago they installed the six foot tall fence around the front of the house and it now looks like a prison. She doesn't mind the fence too much but she does not want to see anything solid in front of the house that would block the view. Ms. Garner stated that she will accept the fence but she not pleased with it.

Mr. Henke stated that if the applicant comes in the Board will take Ms. Garner's comments into consideration. The Board chose to move this case to the end of the agenda.

Comments and Questions:

None.

Board Action:

The Board chose to move this case to the end of the agenda. No Board action required at this time.

21911—Jeff Robinson

Action Requested:

Verification of the spacing requirement for a liquor store of 300 feet from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **LOCATION:** 3202 South Memorial Drive East, Suite 6 (CD 5)

Presentation:

Jeff Robinson, 1319 East 18th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. Henke acknowledged the receipt of Mr. Robinson's survey which is exhibit 3.11 in the Board's agenda packet.

Interested Parties:

There were 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) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant's verification of the spacing requirement for the proposed liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

PRT LT 3 BEG 408.75N SECR TH W222 N286.5 E196.75 SE35.38 S261.37 POB, INTERCHANGE CTR, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21912—Jeff Bonebrake

Action Requested:

Variance of the allowed square footage for accessory buildings in the RS-1 District from 1,667 square feet (40% of the principal structure) to 2,338 square feet (Section 402.B.1.d); Variance to allow two unconnected parking surfaces in the RS-1 District (Section 1301.C). **LOCATION:** 4736 South Columbia Place East (CD 9)

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

The Board chose to move this case to the end of the agenda. No Board action required at this time.

19943-B—Clint Rodgers

Action Requested:

Modification to a previously approved site plan to permit the addition of 12 new classrooms and a parking lot. **LOCATION:** 13804 East 46th Place South (CD 6)

Presentation:

Clint Rodgers, 1350 South Boulder Avenue, Suite 600, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. Henke stated the Board has reviewed the plans that were submitted and asked the Board if there were any questions. There were no questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Modification to a previously approved site plan to permit the addition of 12 new

classrooms and a parking lot, subject to conceptual plan 7.14. Finding that the modification is reasonable and necessary, and the proposed modifications are compatible with and non-injurious to the surrounding area and meets the previously granted Board relief and meets the zoning requirements per Code; for the following property:

LT 1 BLK 1, UNION ELEMENTARY #12 ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

20748-A—Renee Linkner

Action Requested:

Modification to a previously approved site plan for a landscaping business in the CS District. **LOCATION:** 2930 West Skelly Drive South **(CD 2)**

Presentation:

Renee Linkner and Josh Eberth, P. O. Box 63, Jenks, OK; Ms. Linkner stated she is the office manager for Lawnovations and Mr. Eberth is the owner.

Mr. White asked if Lawnovations is the same landscaping company that is east of the subject property. Mr. Eberth answered that it was not.

Mr. Swiney asked if the use requested will be the same use that the land has been used for. Mr. Eberth stated that his company has not been using the land but they are trying to purchase it.

Mr. Henke asked Mr. Eberth if he was expanding his landscaping business. Mr. Eberth answered affirmatively.

Ms. Linkner stated that in 2008 the land was approved for landscape business use.

Mr. Van De Wiele asked Ms. Linkner if the subject site was where the company was operating from currently. Ms. Linkner stated that there is no one on the land currently, it is a vacant property.

Mr. Swiney asked if Mr. Eberth and Ms. Linkner were issued the Special Exception in 2008. Ms. Linkner stated the Special Exception was issued to Flat Iron Investments and the Special Exception expired. However the City gave her paperwork stating the Special Exception would be allowed to roll over and continue. Mr. Swiney asked Ms. Linkner if it was a City staff member that told her this or was it a Board of Adjustment member. Ms. Linkner stated that she submitted that paperwork to INCOG when she made the application. Mr. Swiney stated that it sounds as if a Letter of Deficiency was issued which instructs Ms. Linkner to come before the Board for the modification of a previously approved site plan rather than receive a new Special Exception. Ms. Moyer

placed the Letter of Deficiency on the overhead projector and concurred with Mr. Swiney.

Mr. Swiney stated that if it is agreeable with City staff in the permitting department then it is agreeable with him as well. Mr. Henke stated that if for some reason there is a problem then Ms. Linkner may have to come back before the Board to receive a new Special Exception for the use.

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”; absent) to **APPROVE** the request for a **Modification** to a previously approved conceptual site plan on page 8.12 of the Board’s agenda packet for a landscaping business in the CS District. Finding that the modifications are compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements per Code; for the following property:

**LT 1 LESS W508.72 BLK 1 & E61.19 S29 W260 NE NW NW SEC 34 19 12 .041ACS,
HYDE ADDN AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Swiney informed the Board that landscaping is an accepted and included Use in that Use Unit.

Ms. Miller entered the meeting at 1:15 P.M.

20275-A—Britt Embry

Action Requested:

Modification to a previously approved site plan for Tulsa Technology Center, Lemley Campus. **LOCATION:** 3720 South Memorial Drive East **(CD 5)**

Presentation:

Britt Embry, Craft on Tull Associates Architects, 220 East 8th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. Henke stated the Board received a very in depth design in their agenda packet, and he asked if there were any questions from the Board.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a **Modification** to a previously approved site plan for Tulsa Technology Center, Lemley Campus with the modifications as shown as the conceptual site plan 9.15 in the Board’s packet. Finding that the modifications are compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or the zoning requirements per Code; for the following property:

LT 1 BLK 1, TULSA TECHNOLOGY CENTER LEMLEY CAMPUS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21915—Kenneth Vives, AIA

Action Presented:

Minor Special Exception to reduce the required front yard from 25 feet to 20 feet in an RS-3 District (Section 403). **LOCATION:** 1612 South Trenton Avenue East (CD 4)

Presentation:

Kenneth Vives, 5550 South Lewis Avenue, Suite 101, Tulsa, OK; no presentation was made but the applicant was available for questions.

Mr. Henke asked if the subject property was by Swan Lake. Mr. Vives answered affirmatively.

Mr. Henke stated the Board is in receipt of a letter from the Preservation Commission regarding the property.

Mr. Henke asked if the project was a tear down and reconstruction. Mr. Vives answered affirmatively. The Variance is requested so the new house can be built in line with all the other houses.

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 Minor Special Exception to reduce the required front yard from 25 feet to 20 feet in an RS-3 District (Section 403), subject to conceptual plans 10.9 and 10.10 for the front setback. Finding that the home properties in the area, including the current house on the subject site, are built to the requested 20 foot setback which will be keeping in character with the neighborhood. Finding the Minor 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 13, ORCUTT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21886—Pamela Wright

Action Requested:

Special Exception to allow a 6 foot fence in the required front yard (Section 210.B.3). **LOCATION:** 3332 East Latimer Place North (CD 3)

Presentation:

Pamela Wright, 3332 East Latimer Place, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. Henke informed Ms. Wright that there had been an interested party that spoke earlier and they had some concerns with the fence, though she said she would accept the fence as it is built.

Ms. Wright stated that she had a signed petition from her surrounding neighbors showing support of the fence as it is, and she presented it to the Board for the record.

Mr. Van De Wiele asked Ms. Wright why she erected a six foot fence instead of the standard four foot that would be allowed. Ms. Wright stated she has two children and she was not aware there was a maximum of four feet for a fence, because throughout her neighborhood there are many six foot tall fences. Ms. Wright stated that she does not live in the safest neighborhood and wanted it for security. The Police knocked down the fence chasing somebody through the neighborhood.

Mr. Van De Wiele stated that the interested party did not want to see a solid wood fence erected in the front, and asked Ms. Wright if she had any problem leaving the fence as a chain link fence. Ms. Wright stated she did not.

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 **Special Exception** to allow a 6 foot fence in the required front yard (Section 210.B.3). This approval for the fence will be as it currently exists. 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 6 LESS S 25 FOR ST OZARK GARDEN FARMS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21912—Jeff Bonebrake

Action Requested:

Variance of the allowed square footage for accessory buildings in the RS-1 District from 1,667 square feet (40% of the principal structure) to 2,338 square feet (Section 402.B.1.d); Variance to allow two unconnected parking surfaces in the RS-1 District (Section 1301.C). **LOCATION:** 4736 South Columbia Place East (CD 9)

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele asked that the applicant or staff bring additional information to the next meeting to clarify whether the house and garage are connected or are not connected because for him that is critical, because he is unclear about it right now. Ms. Moyer stated that staff stated the area in question may be a breezeway.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **CONTINUE** the request for a **Variance** of the allowed square footage for accessory buildings in the RS-1 District from 1,667 square feet (40% of the principal structure) to 2,338 square feet (Section 402.B.1.d); Variance to allow two unconnected parking surfaces in the RS-1 District

(Section 1301.C) to the July 14, 2015 Board of Adjustment meeting; for the following property:

S.150' LOT 6 BLK 4, VILLA GROVE SUB, 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 1:32 p.m.

Date approved: 7/14/15

Francis X. Hill, Jr.

Chair