

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1176  
Tuesday, January 24, 2017, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Van De Wiele, Chair Flanagan, Secretary Back Bond	White, Vice Chair	Miller Moye Sparger Ulmer	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, January 19, 2017, at 9:38 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

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**MINUTES**  
None.

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**NEW APPLICATIONS**

**22192—Dennis Tuthill**

**Action Requested:**

Variance to increase the total combined floor area of detached accessory buildings from 750 square feet to 784 square feet (Section 45.030-A). **LOCATION:** 8306 East 14<sup>th</sup> Street South **(CD 5)**

**Presentation:**

Staff requests a continuance to February 14, 2017 due to an error on the agenda.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **CONTINUE** the request for a **Variance** to increase the total combined floor area of detached accessory buildings from 750 square feet to 784 square feet (Section 45.030-A) to the February 14, 2017 Board of Adjustment meeting; for the following property:

**LT 6 BLK 9 LESS S25 FOR RD, FOREST ACRES, City of Tulsa, Tulsa County, State of Oklahoma**

**22196—Shane Hood**

**Action Requested:**

**Verification** of the 300 foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot (Section 40.050). **LOCATION:** 326 East 1<sup>st</sup> Street South **(CD 4)**

**Presentation:**

Staff requests a continuance to February 14, 2017 to allow for a correction to the legal description and a re-notice mailing.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **CONTINUE** the request for a **Verification** of the 300 foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot (Section 40.050) to the February 14, 2017 Board of Adjustment meeting; for the following property:

**W25 E75 LT 1 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma**

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present at this meeting, and if an applicant or an interested party 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. Van De Wiele asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

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### **UNFINISHED BUSINESS**

#### **22186—Ralph Smith**

##### **Action Requested:**

Variance of the required open space on the lot from 2,878 square feet (approved by BOA-16467) to 2,253 square feet in the RS-3 District (Section 5.030).

**LOCATION:** 1708 South Newport Avenue East (CD 4)

##### **Presentation:**

**Ralph Smith**, 2844 East 26<sup>th</sup> Street, Tulsa, OK; stated that in 1993 the Board of Adjustment case was approved allowing 2,878 square feet of livable space on the subject lot, and he asks that be reduced to 2,253 square feet. The reduction will allow for the construction of a carport for protection of the home owner's cars. There is not enough room to park two cars in front of the house and the home owner's truck will not fit on the side of the house. The concrete exists for the carport and has since 1993. This request will consist of adding four posts and a roof. The existing garage is only three feet deep and is basically a lawnmower garage.

Mr. Van De Wiele asked Mr. Smith if the carport would remain open on all sides. Mr. Smith answered affirmatively.

Mr. Van De Wiele asked if the carport attached to or close to the existing garage. Mr. Smith stated that it is close.

Mr. Van De Wiele asked Mr. Smith if the carport roof would match the existing house roof. Mr. Smith answered affirmatively.

Mr. Bond asked Mr. Smith if the carport would match the architecture of the house. Mr. Smith answered affirmatively and stated that the trim work and the overhang of the house would be matched, and it will also match the garage. Mr. Smith stated that he has taken the plans to the Preservation Commission and they liked what they saw. The carport will be in the backyard and will be kept simple.

Mr. Van De Wiele asked Mr. Smith if any of the neighbors had expressed any concerns about the project. Mr. Smith stated that none of the neighbors have expressed any concerns.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; White absent) to **APPROVE** the request for a **Variance** of the required open space on the lot from 2,878 square feet (approved by BOA-16467) to 2,253 square feet in the RS-3 District (Section 5.030), subject to conceptual plans 1.8 and 1.9. The Board finds the hardship to be the narrow lot and the small garage in the rear not sized large enough for the current sized vehicles of today. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**LT 2 BLK 20, MORNINGSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

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**NEW APPLICATIONS**

**22190—Tom Neal**

**Action Requested:**

Variance of the required street setback from East 101<sup>st</sup> Street from 35 feet to 20 feet; Variance of the required street setback from South Joplin Avenue from 15 feet to 5 feet (Section 5.030); Variance of the allowable height of detached accessory buildings from 10 feet to 11 feet to the top of the top plate (Section 90.90.C.a.1). **LOCATION:** 5910 East 100<sup>th</sup> Place South **(CD 8)**

**Presentation:**

**Tom Neal**, Associate Member of the American Institute of Architects, 2507 East 11<sup>th</sup> Place, Tulsa, OK; stated he represents the home owner Michael Manuel. Mr. Manuel is a hobbyist car collector and has a number of vehicles in various states of restoration on his property. He is seeking to have a home work shop in which to hide these vehicles while continuing the restoration. Mr. Neal stated that Mr. Manuel is a victim of the new Zoning Code because under the old Zoning Code he would have had different rules. Mr. Manuel's property is surrounded on three sides by streets and with the new Zoning Code street yards are substantially larger. For all practical purposes under the new Zoning Code the subject lot will not allow for an accessory building without the requested Variances. There have been conversations with the homeowner's association and there are covenants that are no longer being consistently enforced. There are existing metal buildings in the neighborhood, one of which is two doors away.

Mr. Van De Wiele stated that whether or not a person can or cannot have a metal building the neighborhood covenants is not under the purview of this Board, not for the Board's enforcement or for the Board's ability to give a pass on that. Covenants are not considered by this Board and whether it is a stone building, metal building, or a brick building that is not what the Board is here for.

Mr. Van De Wiele stated that Board has received some e-mails from neighbors and it seems like the objections are the commercial feel of the proposed building. Mr. Van De Wiele asked Mr. Neal why his client needed that large of a building, whose cars is he restoring and what does he do with them when he is finished. Mr. Neal stated that his client is a hobbyist collector and they are all his cars. Mr. Neal stated that he knows of four vehicles under restoration besides the family vehicles used for driving. The vehicles are on the driveway which faces Joplin so everyone driving into the neighborhood gets a good view of the cars in various states of restoration.

Mr. Van De Wiele asked Mr. Neal if his client is currently restoring the vehicles in the driveway. Mr. Neal answered affirmatively. Mr. Neal stated that Mr. Manuel's garage is completely consumed with tools and a workshop. Mr. Neal stated that the proposed building size is intended to get the vehicles out of sight and still allow him room to work.

Mr. Van De Wiele asked Mr. Neal what the client does with the cars after he has completed restoration. Mr. Neal stated his client is a collector and he parks it in the

driveway or in a building to protect it, and would only sell a vehicle in order to make room for a more rare or different model car.

Mr. Van De Wiele asked Mr. Neal to state a hardship for the reduction of both the setbacks as well as the top plate Variance. Mr. Neal stated the top plate is because of the equipment that will be used to restore the cars, i.e., take the engines out and back in to the cars. Under the old Zoning Code the client could have actually met the required standards but with the change from side yards to street yards caused the west yard to be entirely unbuildable, and there is an existing pool in the rear yard.

Mr. Van De Wiele asked Mr. Neal how wide the proposed building is. Mr. Neal stated 22 feet is proposed or 1,056 square feet. Mr. Van De Wiele stated that a building could be placed on the subject property if it were half as wide and about two-thirds as long. Mr. Neal stated that he was not following what Mr. Van De Wiele was saying. Mr. Van De Wiele stated that he is not proposing anything but is pointing out that it was said the area was totally unbuildable and the point is that it is unbuildable if as large a building as proposed is placed on the property, but a 15 x 35 building could be so why not pursue that option. Mr. Neal stated that unless he is mistaken the entire 35 feet on the west side is not allowed to be built on without a Variance. Mr. Van De Wiele stated that if you go from 15 feet to 5 feet and on 101<sup>st</sup> from 35 feet to 20 feet it could work. Mr. Neal stated that according to INCOG staff, and he reviewed it with Nathan, there is not a provision for a side yard it is a street yard now and that is 35 feet.

Mr. Van De Wiele asked staff why there is a request for a Variance for 15 feet down to 5 feet. Ms. Moyer stated that under the current Zoning Code the side street setback on a non-arterial street can be reduced to 15 feet. Mr. Van De Wiele asked Ms. Moyer if there was a 15 foot requirement or a 35 foot requirement. Ms. Moyer stated there is a 15 foot requirement. Mr. Neal stated this is news to him because when the application was reviewed in the INCOG office he understood it to be 35 feet.

Mr. Van De Wiele stated that if the west line of the building was moved east 10 feet and the south line of the building north 15 feet, keeping all the other lines the same, there would be a much smaller building but it would comply with the setback. Mr. Neal stated that would place the proposed almost on the existing house; there would be about two feet. Mr. Van De Wiele stated that within the current setbacks it appears, based on the submitted drawing, something smaller than a 22 x 48 building and not move any closer to the house. The building might be a 15 x 35 building, but in order to give the relief requested the Board has to have a hardship that is not self imposed. Mr. Neal stated that he understands that, but based on the new Zoning Code and based on the conversation with INCOG staff the rules he is hearing today are not the rules that he based the request on. Mr. Neal apologized for the confusion but it is a new Zoning Code so some of the details are still being worked through.

Mr. Van De Wiele asked Mr. Neal for the hardship, that is not self imposed, to have this much building on the subject lot. Mr. Neal stated that with the error on his part and the misunderstanding when the application was submitted, perhaps some lack of clarity

from staff at least face to face, he would request a continuance to further consider this application and find a proposal that is a better fit.

**Interested Parties:**

**David Casey**, 10030 South Lakewood Avenue, Tulsa, OK; stated he has lived there for about one year. When he received the notice for the Variance request he was concerned about it and spoke with one of the officers of the neighborhood association. That person stated they were not really aware of this request. Mr. Casey stated that he looked at the Tulsa Zoning Code which was dated July 11, 2016 so he believes that is plenty of time for review of codes. Mr. Casey quoted from several sections in the Zoning Code in regards to today's request; Section 45.100-C, Section 45.100-F, Section 45.100-F.10, and Section 45.100-H. Mr. Casey stated that it has been his experience with people that work with or on cars it is almost impossible for them to keep parts or other things completely enclosed in a building and soon outside storage becomes a habit. Mr. Casey stated that the Sun Meadow neighborhood is very large, it is well over 300 houses and extends from Yale Avenue to Sheridan Road and from the Creek Turnpike to 101<sup>st</sup> Street. The neighborhood has large lots and houses that are 40 years old. It is a large development that has a lot of character. Joplin Avenue is one of three entrances off 101<sup>st</sup> and this 1,000+ square foot proposed building will be the first thing they see when entering the neighborhood. No matter what the construction materials are and the exterior appearance of the building is it is still a very large building. It does not fit the character of the neighborhood. To request such setbacks as requested today what will happen to the building should the City of Tulsa decide to expand 101<sup>st</sup> Street.

**Rebuttal:**

**Tom Neal** came forward.

Mr. Van De Wiele encouraged Mr. Neal to meet with the INCOG planning staff again to determine exactly where the outmost setback boundaries are located and how much building can be fit within that. In the event that he needs to come back to request any of the Variances there will need to be some identification of a hardship that is not self-imposed and not financial. While there have been times the Code itself can present a hardship, not being able to build all the way to the property line because of the interference from the Zoning Code is not likely a hardship. Also, consider how the building will be accessed from a vehicle stand point and there needs to be an all-weather surface for all parking. Mr. Neal stated there is existing concrete in place. Mr. Van De Wiele stated consideration needs to be given to the exterior appearance and get with the home owner's association.

Mr. Flanagan stated that he would like to see a computer animated design so there could be a visualization of the proposed building. Mr. Neal stated that was a great idea but no drawings have been done to this point for financial reasons.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; White absent) to **CONTINUE** the request for a **Variance** of the required street setback from East 101<sup>st</sup> Street from 35 feet to 20 feet; **Variance** of the required street setback from South Joplin Avenue from 15 feet to 5 feet (Section 5.030); **Variance** of the allowable height of detached accessory buildings from 10 feet to 11 feet to the top of the top plate (Section 90.90.C.a.1) to the February 14, 2017 Board of Adjustment meeting; for the following property:

**LT 20 BLK 3, SUN MEADOW, City of Tulsa, Tulsa County, State of Oklahoma**

**22191—Mark Nelson**

**Action Requested:**

**Variance** of the rear setback from 20'-0" to 7'-11" to permit a garage addition attached by a breezeway (Section 5.030-A). **LOCATION:** 1630 South Columbia Place East (CD 4)

**Presentation:**

**Mark Nelson**, Architect, 1927 South Boston, #207, Tulsa, OK; stated that originally the owner wanted a detached garage behind the existing duplex. However, the subject property is in the City of Tulsa regulatory flood plain and due to the regulations, which are vague in regards to detached garages, the City said they could give their approval if the proposed garage was attached to the duplex. He is proposing to attach the new garage to the existing duplex via a breezeway.

Mr. Van De Wiele asked Mr. Nelson if the existing garage was attached to the duplex. Mr. Nelson answered affirmatively and stated the proposed new garage will be attached to the existing garage.

Mr. Flanagan asked Mr. Nelson if the breezeway would be garage to garage. Mr. Nelson answered affirmatively and the new garage will be used as additional storage.

Mr. Van De Wiele asked Mr. Nelson to state the hardship for the request. Mr. Nelson stated if the property were not in a flood plain the garage would be allowed as a detached structure.

Mr. Bond asked Mr. Nelson when the house was built. Mr. Nelson stated that it was built in the late 1920s.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.



**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; White absent) to **APPROVE** the request for a **Variance** of the rear setback from 20'-0" to 7'-11" to permit a garage addition attached by a breezeway (Section 5.030-A), subject to conceptual plan 3.7. The Board finds the hardship to be the property is located within the City regulatory flood plain area, therefore, a detached garage would not have worked for the applicant; they need to attach the garage and that goes to the building setback and not the accessory structure setback. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**LT 8 BLK 2, GLENDALE ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22193—Crown Neon Signs – Gary Haynes**

**Action Requested:**

Special Exception to allow a dynamic display in the RS-3 District (Section 60.050.2.c). **LOCATION:** 6730 South Sheridan Road East **(CD 5)**

**Presentation:**

**Gary Haynes**, Crown Neon Signs, 5676 South 107<sup>th</sup> East Avenue, Tulsa, OK; stated the dynamic display portion of the sign will be installed underneath the existing the current sign.

Mr. Van De Wiele asked Mr. Haynes if the top part of the sign is going to remain the same. Mr. Haynes answered affirmatively.

Mr. Van De Wiele asked Mr. Haynes what type of sign is there now. Mr. Haynes stated that it is a metal sign with stickers on it.

**Interested Parties:**

**Kelley Driscoll**, Pastor, Bethany Christian Church, 6730 South Sheridan Road, Tulsa, OK; stated the sign is for the church to be able to communicate with the community more effectively, in particular with the parents of the pre-school children.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele “aye”; “nay”; no “abstentions”; White absent) to **APPROVE** the request for a **Special Exception** to allow a dynamic display in the RS-3 District (Section 60.050.2.c), subject to conceptual plans 5.12 and 5.13. The sign will be subject to the Zoning Code sign conditions. The Board finds that the requested 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:

**BEG 518S & 50W NEC SE TH S393.44 W385.82 CRV LF27.10 NW103.52 CRV RT135.85 N168.27 E515.01 TO POB SEC 3 18 13 4.405ACS, SHERIDAN MEDICAL PARK, City of Tulsa, Tulsa County, State of Oklahoma**

**22194—Jackie Price**

**Action Requested:**

Variance from the required parking area dimensional standards in Section 55.090-D to permit an under-ground parking garage, per conceptual plan. **LOCATION:** SW/c of South Main Street West and West 6<sup>th</sup> Street South **(CD 4)**

**Presentation:**

**Larry Vorba**, Cyntergy, 810 South Cincinnati, #200, Tulsa, OK; stated he represents Ms. Jackie Price and Kanbar Properties; his firm are the architects and the engineers for the project. Kanbar Properties has renovated the old Transok Building located at 6<sup>th</sup> and Main to apartments. There are 42 occupants in the tower while maintaining main spaces one and two as office spaces. The intent is to provide secure on site for the tenants in the Transok space. Some of the tenants are medical students, nursing staff and single ladies who prefer secure parking. Kanbar Properties own all three properties and are in the process of getting a lot combination approved. The project is to bring parking into the basements of the three buildings.

Mr. Van De Wiele asked Mr. Vorba if there was one common basement in the buildings. Mr. Vorba stated it will be; there are holes being cut through the demising walls to make that happen.

Mr. Vorba stated that the hardship for this case is the existing building structures. There has been a one-way direction provided into the garage to minimize cross traffic. There are narrower drive lanes than required by Code but the constriction is due to the existing walls, support columns and elevator shafts.

Mr. Van De Wiele asked Mr. Vorba about the stacked parking shown on the site plan. Mr. Vorba stated there are some two bedroom units that the stacked parking will be dedicated for the tenants. Mr. Van De Wiele asked Mr. Vorba if this meant that the neighbor would not be stacking his car on another person's. Mr. Vorba answered affirmatively.

Mr. Bond stated that he thinks this is a plan that will increase access to downtown and will not increase the vast wasteland of parking lots that blanket the downtown area. He thinks this is a great idea and commended Mr. Vorba in his investment in downtown Tulsa.

Mr. Van De Wiele asked staff if there was anything the Board should do in regards to the stacked parking. Ms. Blank stated the Board has the ability to make conditions. Ms. Miller stated this considered tandem parking and this can only be used to satisfy parking requirements for household living uses when spaces are assigned to the same dwelling unit.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a **Variance** from the required parking area dimensional standards in Section 55.090-D to permit an under-ground parking garage, per conceptual plans 6.9, 6.10 and 6.11. The Board has found the hardship to be the existing buildings are on three separate lots and there will be openings within the demising walls or through the demising walls making it difficult to apply the parking area geometrics. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**N80 OF LT 1 BLK 162; S20 LT 1 N40 LT 2 BLK 162; S60 LT 2 & N25 OF LT 3 BLK 162, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma**

**22195—Jack G. Arnold**

**Action Requested:**

Variance of the required street setback from South Birmingham Place from 35 feet to 23 feet to permit a pool (Section 90.090-C). **LOCATION:** 2450 East 28<sup>th</sup> Street South (CD 4)

**Presentation:**

**Jack Arnold**, Architect, 7310 South Yale, Tulsa, OK; stated he represents Jennifer and Mark Radcliffe. The request is for a pool and all the surrounding neighbors support the request. There is an existing seven or eight foot tall stone wall that separates the view of the pool from the street. On the west side of the lot is an existing garage and driveway.

Mr. Flanagan asked Mr. Arnold to state the hardship for this case. Mr. Arnold stated the hardship is the existing house that was built in the 1920s and the pool was placed in the only it could be without being in the front yard.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. Bond thanked Mr. Arnold for his due diligence because everytime he comes before the Board he always has contacted all the neighbors.

**Board Action:**

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele “aye”; no “nays”; no “abstentions”; White absent) to **APPROVE** the request for a **Variance** of the required street setback from South Birmingham Place from 35 feet to 23 feet to permit a pool (Section 90.090-C), subject to conceptual plan 7.10. The Board has found the hardship to be the placement of the house on the large lot. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**PRT LT 2 BEG 61E NWC TH S252.20 SE280.3 NW116.35 TH ON CRV RT 104.4 NW248.7 POB LESS STREET BEG NEC TH NW283.17 S TO PT SE248.7 N9.42 POB BLK 3, WOODY-CREST SUB, City of Tulsa, Tulsa County, State of Oklahoma**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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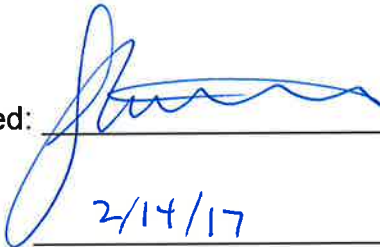
**BOARD MEMBER COMMENTS**

Mr. Van De Wiele thanked Ms. Moye for the sample motions provided to the Board in the agenda packet to use as a guideline for the motions.

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There being no further business, the meeting adjourned at 2:07 p.m.

Date approved:



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2/14/17

Chair