

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1178
Tuesday, February 28, 2017, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Van De Wiele, Chair Back Bond	White, Vice Chair Flanagan, Secretary	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, February 23, 2017, at 9:54 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.

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

MINUTES

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Bond, Van De Wiele "aye"; no "nays"; no "abstentions"; Flanagan, White absent) to **APPROVE** the **Minutes** of the February 14, 2017 Board of Adjustment meeting (No. 1177).

Mr. Van De Wiele explained to the applicants and interested parties that there were only three 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 all three board members to constitute a majority and if any board member 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.

UNFINISHED BUSINESS

22201—Eric Enyart

Action Requested:

Special Exception to permit alternative compliance parking ratios to allow an Assembly and Entertainment Indoor/Outdoor facility (sports and performance center) (Section 55.050-K). LOCATION: East of the NE/c West 81st Street South & South Elwood Avenue West (CD 2)

Presentation:

Ricky Jones, Tanner Consulting, 5323 South Lewis, Tulsa, OK; no formal presentation was made by the applicant but he was available for any questions.

Mr. Van De Wiele stated this agenda item needed to be heard again due to a problem with the notification to the public. Today there are no interested parties present.

Mr. Van De Wiele asked Mr. Jones if there was anything that he would like to add that would be different from the last meeting. Mr. Jones stated there is nothing new and asked the Board to approve the alternative parking plan per the site plan submitted on page 2.15 in the Board's agenda packet.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Bond, Van De Wiele "aye"; no "nays"; no "abstentions"; Flanagan, White absent) to **APPROVE** the request for a Special Exception to permit alternative compliance parking ratios to allow an Assembly and Entertainment Indoor/Outdoor facility (sports and performance center) (Section 55.050-K), subject to conceptual plan 2.15 of the agenda packet. The Board determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply to the proposed project. The Board determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area. 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:

W/2 SE SW SEC 12 18 12; NE SW LYING SW RR ROW SEC 12 18 12 39.85AC,
JENKS NORTHWEST ELEMENTARY, City of Tulsa, Tulsa County, State of
Oklahoma

NEW APPLICATIONS

22199—Genaro Ornelas

Action Requested:

Special Exception to allow an expansion of an existing non-conforming structure in the CS/CH District (Section 80.030-D). **LOCATION:** 6128 West Charles Page Boulevard (CD 1)

Presentation:

Genaro Ornelas, 6128 West Charles Page Boulevard, Tulsa, OK; stated the request is to add two bedrooms on the front of the house.

Mr. Van De Wiele asked Mr. Ornelas if any of his neighbors had voiced opposition to the addition to him. Mr. Ornelas stated that there no one has contacted him.

Mr. Van De Wiele asked Mr. Ornelas if the addition would be any closer to Charles Page Boulevard than his neighbor's house to the west. Mr. Ornelas stated that it would not because it is only a 35 foot addition.

Ms. Back asked Mr. Ornelas if there would be any windows or a door in the addition on the side that faces Charles Page Boulevard. Mr. Ornelas stated there would be windows.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Bond, Van De Wiele "aye"; no "nays"; no "abstentions"; Flanagan, White absent) to **APPROVE** the request for a Special Exception to allow an expansion of an existing non-conforming structure in the CS/CH District (Section 80.030-D), per conceptual plan 3.8 of the agenda packet. The approval is subject to the condition that the side of the house closest to Charles Page Boulevard will have a window and be similar as it looked previously. 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:

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

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22200—Thelisa Fuselier

Action Requested:

Spacing Verification to allow a family child care home in the RS-3 District (Section 45.070-A). **LOCATION:** 2742 North Boulder Avenue (CD 1)

Presentation:

Thelisa Fuselier, 2742 North Boulder Avenue, Tulsa, OK; no formal presentation was made by the applicant but she was available for any questions from the Board.

Mr. Van De Wiele stated that Board is in receipt of the applicant's survey on page 4.8 in the agenda packet.

Mr. Van De Wiele asked Ms. Fuselier if she was aware of any other child care facilities in the area. Ms. Fuselier stated that she was not aware of any other child care facilities in her area.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 3-0-0 (Back, Bond, Van De Wiele "aye"; no "nays"; no "abstentions"; Flanagan, White absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing shown on the attached exhibit, indicating that there are no existing Family Child Care Homes operating within the required spacing radius of the subject lot pursuant to the verification on page 4.8 in the Board's agenda packet; for the following property:

LT 2 BLK 4, HIGHLAND HILLS AMD, City of Tulsa, Tulsa County, State of Oklahoma

22205—David Mainprize

Action Requested:

Special Exception to allow Indoor Commercial/Assembly and Entertainment (small, less than 250 persons) in the IM district to permit a gym/health club. (Section 15.020) **LOCATION:** 1635 East 6th Street South (CD 4)

Presentation:

David Mainprize, 1721 West Easton Street, Tulsa, OK; stated he and his family own an obstable course and they would like to build an obstable course and training facility.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Bond, Van De Wiele “aye”; no “nays”; no “abstentions”; Flanagan, White absent) to **APPROVE** the request for a Special Exception to allow Indoor Commercial/Assembly and Entertainment (small, less than 250 persons) in the IM district to permit a gym/health club (Section 15.020), per the conceptual plan on page 5.12 of the agenda packet. 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:

E45 OF LT 16 BLK 3; W43 OF LT 17 BLK 3; E7 LT 17 ALL LT 18 BLK 3, GLASS FACTORY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22207—TCG Development, LLC – Rachel Marquis

Action Requested:

Special Exception to permit a fence and/or wall height greater than 4 feet within the required street setback (Section 45.080-A). **LOCATION:** 18001 East 51st Street South (CD 6)

Presentation:

Rachel Marquis, TCG Development, 801 Cherry Street, Suite #2400, Fort Worth, TX; stated TCG Development is building a senior living community on the subject property and they would like to erect an iron and brick wall fence on the front of the property.

Mr. Van De Wiele asked what the remainder of the fence would be constructed of if the portion facing 51st Street is wrought iron and brick. Ms. Marquis stated the remainder of the fence will be cedar picket.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 3-0-0 (Back, Bond, Van De Wiele “aye”; no “nays”; no “abstentions”; Flanagan, White absent) to **APPROVE** the request for a **Special Exception** to permit a fence and/or wall height greater than 4 feet within the required street setback (Section 45.080-A of Section 15.020), per the conceptual plans on page 6.7 and 6.8 of the agenda packet. 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:

LOT 1 BLOCK 1, TCG TULSA CAMPUS, City of Tulsa, Tulsa County, State of Oklahoma

22208—American Solera, LLC – Chase Healey

Action Requested:

Special Exception to permit Low-Impact Manufacturing and Industry in the CH district to permit a microbrewery (Section 15.020). **LOCATION:** 108 East 18th Street South (CD 4)

Presentation:

Chase Healey, 3733 South Wheeling Avenue, Tulsa, OK; stated he would like to take an existing catering kitchen and turn it into a pilot facility for a brewery. Currently he is operating a facility on the west side of Tulsa and he would like to move to be more in the heart of Tulsa and would like to be more engaged in the community.

Interested Parties:

Patrick Fox, 624 South Boston, Suite #700, Tulsa, OK; stated he is here today to speak in favor of the request. He is the President of the neighborhood association and the South Boston Business Owner’s Association. He is also the landlord’s representative of the project. Mr. Fox just wanted to say that everyone is looking forward to having the microbrewery in the neighborhood.

Grayson Barnes, 1648 South Boston, Suite #100, Tulsa, OK; stated he is here today to speak in favor of the request because he would prefer to walk down the street to get a beer and not need to cross the river.

Rebuttal:

Chase Healey came forward.

Mr. Van De Wiele asked Mr. Healey what kind of smells or discharge would there be from the microbrewery. Mr. Healey stated the brewery operates on an electric system so there will be no combustion like the coffee roasters. The only thing that would be emitted about every two weeks would be steam from the boiling of the beer. The project is more low impact than a barbeque joint or restaurant that is in the area.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Bond, Van De Wiele “aye”; no “nays”; no “abstentions”; Flanagan, White absent) to **APPROVE** the request for a **Special Exception** to permit Low-Impact Manufacturing and Industry in the CH district to permit a microbrewery (Section 15.020), per the conceptual plan shown on page 7.13 of the agenda packet. 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:

W46 LT 2 & E30 LT 3 BLK 3, SIEG ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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OTHER BUSINESS

Report on the 2016 Administrative Adjustment Applications.

Ms. Miller stated this is a report on the administrative approvals that Ms. Moyer has reviewed in the 2016 year.

Ms. Moyer stated the Code requires there be an annual report for the Board of Adjustment board members. If the members ever had any questions or comments, or if any additional information were to be requested, the site plans, records and all information for the administrative adjustments made are kept for any board member’s review.

Mr. Van De Wiele asked if these administrative adjustments were only for minor adjustments. Ms. Moyer answered affirmatively. All the adjustments were for construction or reconstruction of existing residences pertaining to the setbacks.

Ms. Miller stated that the abutting neighbors are notified and Ms. Moyer allows some time before issuing an approval, because if there were concerns from the neighbors the request would be brought before the Board of Adjustment.

NEW BUSINESS

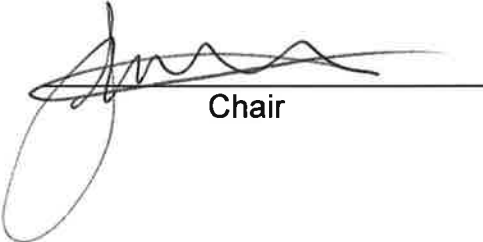
None.

BOARD MEMBER COMMENTS

Mr. Van De Wiele requested that David White remain in everyone's thoughts and prayers during his health issue.

There being no further business, the meeting adjourned at 1:28 p.m.

Date approved: 3/14/17


Chair