

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1182
Tuesday, April 25, 2017, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
White, Vice Chair Back Bond	Van De Wiele, 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 Friday, April 21, 2017, at 8:35 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair White 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
None.

UNFINISHED BUSINESS
None.

Mr. White 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 one or two board members voted no today the application would be denied. Mr. White

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 several applicants raised their hands to request a continuance.

NEW APPLICATIONS

22232—Tulsa Rowing Club – River Parks Authority

Action Requested:

Variance from the 40% transparency requirement of building facade facing the river and 20% transparency requirement of building facade facing parking or common area; Variance from the requirement that one building entrance have a direct connection to the river trail in the façade facing the river; Variance to permit vinyl and/or aluminum siding as a building material; and a Variance to permit a blank wall with no architectural detailing to exceed 35 ft. in height and/or width. (Section 20.050) LOCATION: 715 West 21st Street South (CD 2)

Presentation:

Claudia Brierre, 3131 South Utica Avenue, Tulsa, OK; stated she is the Secretary of the Board of Directors of the Tulsa Rowing Club and the rowing club would like to request a continuance to the May 23, 2017 Board of Adjustment meeting.

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, White “aye”; no “nays”; no “abstentions”; Flanagan, Van De Wiele absent) to **CONTINUE** the request for a Variance from the 40% transparency requirement of building facade facing the river and 20% transparency requirement of building facade facing parking or common area; Variance from the requirement that one building entrance have a direct connection to the river trail in the façade facing the river; Variance to permit vinyl and/or aluminum siding as a building material; and a Variance to permit a blank wall with no architectural detailing to exceed 35 ft. in height and/or width. (Section 20.050) to the May 23, 2017 Board of Adjustment meeting; for the following property:

LOCATED IN THE SOUTHERN HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) OF SECTION 11, T-19-N, R-12-E, TULSA COUNTY, OKLAHOMA. BEGINNING AT THE INTERSECTING POINT OF THE WEST LINE OF GOVERNMENT LOT 11 AND THE NORTHERN EDGE OF AN EXISTING RIVERPARKS PARKING LOT (APPROXIMATELY 130 FEET NORTH OF THE SOUTHWEST CORNER OF

GOVERNMENT LOT 11); THENCE DUE EAST A DISTANCE OF 74.29 FEET TO THE POINT OF BEGINNING; THENCE N34°58'09"W A DISTANCE OF 195.00 FEET; THENCE N55°01'51"E A DISTANCE OF 200.00 FEET; THENCE S34°58'09"E A DISTANCE OF 284.27 FEET; THENCE S52°35'52"W A DISTANCE OF 112.28 FEET; THENCE N46°44'46"W A DISTANCE OF 39.00 FEET; THENCE DUE WEST A DISTANCE OF 97.46 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 52,108.4 SQ FT OR 1.2 ACRES MORE OR LESS, City of Tulsa, Tulsa County, State of Oklahoma

22215—Leah Krautter

Action Requested:

Appeal of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1. **LOCATION:** 1315 East 19th Street South (CD 4)

Presentation:

Lori Phillips, 1408 South Denver Avenue, Tulsa, OK; stated she represents Mrs. Krautter and she would like request a continuance to the May 9, 2017 Board of Adjustment meeting.

Interested Parties:

Thomas L. Baker, 1323 East 19th Street, Tulsa, OK; stated this is the second month for this hearing and he would like to see this resolved. The applicant continues to operate contrary to the findings of the Administrative Official and all interested parties would like to have this resolved.

Ms. Miller stated this is the first hearing and she knows it is a little confusing. The application to appeal the decision of the Administrative Official was submitted a while ago but staff was waiting on further information from the applicant before the notice to the neighborhood was sent. Ms. Miller stated that she is aware the neighbors have been on an unofficial notice for awhile and she has communicated with the City a few times because they were expecting this case to come for hearing before this. The case has been out there but this is the first time the case has been actually been on an agenda.

Rebuttal:

Lori Phillips came forward and stated that Ms. Krautter received an e-mail yesterday from INCOG which stated that there would not be a full board today. As a result of that Ms. Krautter notified her witnesses that there probably not be a hearing today therefore her witnesses are not present, and for purposes of due process Ms. Phillips believes she is entitled to have a continuance because she was put on notice there would not be a full board.

Mr. Bond stated the e-mail stipulated that there would not be a full board not that the case would not be heard today.

Ms. Phillips stated that Mrs. Krautter was also given the date of May 9th; that the case would more than likely be continued to May 9th.

Ms. Miller stated that it is the ultimate decision of the Board to grant the continuance. When staff speaks to the applicant they are told that it is an option to request that but it is not a guarantee that it will be given. Ms. Phillips stated that she understands that but she wanted to make sure the Board was aware that Mrs. Krautter did receive notice there would not be a full Board today, and the preference is to present before the full Board.

Thomas L. Baker came forward and stated he understands the dilemma the Board is in and some of the procedural issues that need to be addressed. The interested parties have information that they will send to the Board before the next meeting.

John Carlson, 1343 East 18th Street, Tulsa, OK; stated it was Ms. Krautter's determination to postpone the hearing, not the interested parties. The people came to today's hearing to do their due diligence and address the matter. If there is not a Board to carry the motion he guesses that the case will have to be passed.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Bond, White "aye"; no "nays"; no "abstentions"; Flanagan, Van De Wiele absent) to **CONTINUE** the request for an **Appeal** of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1 to the May 9, 2017 Board of Adjustment meeting; for the following property:

**W90 E151 LT 6 BLK 25, PARK PLACE, SWAN LAKE TERRACE RESUB PRT L6&7
B25 PARK PLACE ADD, City of Tulsa, Tulsa County, State of Oklahoma**

22225—Stanton Doyle

Action Requested:

Verification of spacing requirement of 300 feet from any public park, school or religious assembly use and the public entrance doors to not be located within 50 feet of any R-zoned lot to permit a jazz club/bar in the CBD District (Section 40.050-A). **LOCATION:** 108 North Detroit Avenue East (213 E ARCHER ST N) (CD 4)

Ms. Back announced at 1:17 P.M. that she needs to recuse on this case which means there will not be a quorum for this case.

Presentation:

Stanton Doyle, 7030 South Yale Avenue, Tulsa, OK; stated he would like to request a continuance to the May 9, 2017 Board of Adjustment meeting.

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, White “aye”; no “nays”; no “abstentions”; Flanagan, Van De Wiele absent) to **CONTINUE** the request for a Verification of spacing requirement of 300 feet from any public park, school or religious assembly use and the public entrance doors to not be located within 50 feet of any R-zoned lot to permit a jazz club/bar in the CBD District (Section 40.050-A) to the May 9, 2017 Board of Adjustment meeting; for the following property:

ALL LTS 3 & 4 & SLY46 LTS 2 & 5 & SLY 146 VAC ALLEY BLK 43,TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22229—A-Max Sign Company

Action Requested:

Variance to permit a dynamic display sign to be located within 200 feet of the R District (Section 60.100-F). **LOCATION:** 5626 South Mingo Road East. (CD 7)

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated he would like to request a continuance to the May 9, 2017 Board of Adjustment hearing.

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, White “aye”; no “nays”; no “abstentions”; Flanagan, Van De Wiele absent) to **CONTINUE** the request for a Variance to permit a dynamic display sign to be located within 200 feet of the R District

(Section 60.100-F) to the May 9, 2017 Board of Adjustment meeting; for the following property:

LT 3 BLK 1, WOODLAND VIEW PARK EAST, ANDERSEN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22227—Claude Neon Federal Signs

Action Requested:

Variance to permit seven signs (1 pole sign and 6 wall signs) in the OM District to be oriented toward South Yale Avenue; Variance to increase the permitted display area of signage on the lot to 224 sq. ft. to allow one pole sign and 6 wall signs (Section 60.060). **LOCATION: 7307 South Yale Avenue East (CD 8)**

Presentation:

Ed Horkey, Claude Neon Federal Signs, 1225 North Lansing, Tulsa, OK; stated that he would like to request a continuance to the May 9, 2017 Board of Adjustment hearing. Mr. Horkey stated there is a protestant that he was made aware of last week and he has since corresponded with his assistant a number of times. Mr. Horkey stated he received a telephone call at 11:30 this morning to request a meeting tomorrow, therefore he would like to continue the case to the 9th because he believes he will be able to resolve any questions in regards to the case.

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, White “aye”; no “nays”; no “abstentions”; Flanagan, Van De Wiele absent) to **CONTINUE** the request for a Variance to permit seven signs (1 pole sign and 6 wall signs) in the OM District to be oriented toward South Yale Avenue; Variance to increase the permitted display area of signage on the lot to 224 sq. ft. to allow one pole sign and 6 wall signs (Section 60.060) to the May 9, 2017 Board of Adjustment hearing; for the following property:

LT 10 LESS BEG NWC LT 10 TH E20.89 SW29.55 N20.89 POB BLK 2, WOODCREST TWO RESUB PRT B2-3 WOODCREST ESTATES, NOB HILL, City of Tulsa, Tulsa County, State of Oklahoma

22226—Stephen Schuller

Action Requested:

Special Exception to permit an existing to permit an existing detached house in a CH district. LOCATION: 1508 South Gary Avenue East (CD 4)

Presentation:

Stephen Schuller, 1100 OneOk Plaza, 100 West 5th Street, Tulsa, OK; stated this is a house that was built approximately 80 years ago or more and used as a single family residence continuously since then. The zoning district's boundaries were drawn in 1970 and the line ran along the south side of the subject property without changing the use of the house. His client purchased the house and remodeled it and offered it for sale. Under current mortgage financing regulations and standard criteria the property needs to be rezoned to residential because the large financiers in New York would not accept the Special Exception for the cookie cutter approach they take in analyzing the mortgage applications. There is a rezoning case pending for that purpose for rezoning just the subject property to single family residential. However, his client has procured a buyer that does not require mortgage financing and is satisfied with the approval of a Special Exception. He is before the Board to request an approval of the Special Exception which under the Zoning Code is permitted to recognize the single family residential use that has been ongoing for more than 80 years on the subject property. The surrounding single family residential neighborhood throughout the area, which is a very popular neighborhood, so it make perfect sense to recognize the single family residential use on the subject property. It is in the spirit and harmony of the Zoning Code and it is not injurious to the surrounding neighborhood. Mr. Schuller stated that he has spoken with the attorney that represents the commercial property immediately to the north on the corner of 15th and Gary, and he and his client have no objections to the rezoning of the subject property or for the approval of the Special Exception on the subject property. Several of the surrounding neighbors are in favor of the continuance of using the subject property as a residential single family property.

Interested Parties:

Ron Ross, 1512 South Gary Avenue, Tulsa, OK; stated he lives adjacent to the subject property, and the subject property is a residential property that they want to zone residential and it has been that way for over 80 years. The people in the neighborhood can see no reason for the Board not approve the Special Exception.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 3-0-0 (Back, Bond, White "aye"; no "nays"; no "abstentions"; Flanagan, Van De Wiele absent) to **APPROVE** the request for a Special Exception to permit an existing to permit an existing detached house in a CH district. 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 2 BLK 3, EXPOSITION HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22228—Phil Boushon

Action Requested:

Special Exception to allow the driveway width to exceed 30 feet in width on the lot and exceed 20 feet in width in the Right-Of-Way (Section 55.090-F3). **LOCATION:** 10512 South Urbana Avenue East **(CD 8)**

Presentation:

Phillip Boushon, 16421 Dustin Lane, Edmond, OK; stated he is the contractor for the family and he has applied for a building permit for an attached three-car garage on the subject property. During the process he was made aware that the City of Tulsa has adopted a statute in January 2016 that created the Special Exception issue, the change in the width of driveways. It is the plan that the driveway approach, which is currently approximately 17 feet wide, would be made 20 feet wide. He does not believe the drive will be 30 feet or more at the curb cut, but once it is past the curb it would approach the whole width of the additional garage. The rest of the permit is acceptable to the City of Tulsa and this is the only glitch.

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, White “aye”; no “nays”; no “abstentions”; Flanagan, Van De Wiele absent) to **APPROVE** the request for a Special Exception to allow the driveway width to exceed 30 feet in width on the lot and exceed 20 feet in width in the Right-Of-Way (Section 55.090-F3), subject to conceptual plan 5.8A. 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 6 BLK 1, KNOLLWOOD ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

22236—Millenia Housing Development, LLC – Andrew Bailey, EVP

Action Requested:

Variance to reduce the required parking to 572 parking spaces for an apartment complex (Section 55.020). **LOCATION:** NW/c of South Owasso Avenue East and East 60th Street South (CD 9)

Presentation:

Nathan Wireman, 368 County Road 3520, Clarksville, AR; stated he works for American Preservation Builders Millenia Company and represents Millenia and the owner of the subject property. The company is doing a substantial rehabilitation project at Savannah Landing. The formal Variance is needed to show that they only need the 572 spaces. The current Code requires 609 parking spaces for the amount of units that there are in Savannah Landing. This is not something that the City of Tulsa is requesting but it is something the lenders are requesting which makes this unique. The reason for not adding the additional 40 spaces is the utilization of the current camera security system. The extra spaces would require adding to the system and the extra 40 spaces would change the line of sight for the security system because the parking spaces would be added in between buildings which would take up green space and community space. The current parking spaces are only utilized about 30% right now and to add approximately another 40 spaces does not make sense for the type of property Savannah Landing is, which is a mixed use property of affordable housing.

Mr. Bond asked Mr. Wireman if this was part and parcel to a larger and more comprehensive increased security plan for the tenants. Mr. Wireman answered affirmatively.

Ms. Back asked staff if the rehab of the subject property had added any new buildings or anything and if it is to bring the property up to Code. Ms. Moyer stated that it is for bringing the parking spaces up to Code. Ms. Back stated that she does not have a problem with this request.

Mr. Bond stated that he has no problem with the request but he would like to revisit this in a year to make sure the complex is still meeting the 30% they are utilizing today and to discuss the security plans.

Ms. Miller stated that she did not know what they are going to know in a year that they don't know today and who would monitor it. Mr. Bond that he would like to see the request come back at the end of the year to make sure that they are still utilizing only 30% of the parking as stated today. Mr. Wireman stated there are only 150 cars on the lot today and there are 572 parking spaces for the complex. Mr. Wireman stated he respects what Mr. Bond is asking about the year but that is not what is going to get him what the project needs because of the permanence of it.

Ms. Back stated that she is familiar with the site and it is her understanding that a lot of the tenants don't own automobiles and she asked Mr. Wireman if that was correct. Mr.

Wireman answered affirmatively. Ms. Back stated that she understands a lot of the tenants use public transportation and asked Mr. Wireman if the target demographic was not changing for the complex. Mr. Wireman answered affirmatively and stated that it has been that way for many years. Ms. Back stated that she would not be inclined to impose a year time limitation on this particular property because of the history because most of the tenants do not have automobiles.

Mr. Bond stated that with relevance aside there have been issues from the tenants wanting security increased and things like that. There have been promises made by Mr. Wireman's client to increase the security in the facility and this is an overall comprehensive security plan, and he would like to have the Board revisit that in a year.

Ms. Back asked Mr. Bond if he was talking about the parking, because the complex is parking only 30% of the site. Mr. Bond stated that as Mr. Wireman testified earlier, Mr. Wireman is talking about reducing the parking to get a better line of sight for the security cameras. Mr. Wireman stated the security cameras are in place already as part of the rehab project, and they were installed in the last four months. Now there is a monitored security system and the only thing lacking is the community building cameras and that is because the community building is being remodeled presently.

Ms. Back stated that the applicant is not reducing parking but are being asked to bring the parking up to Code. They have never had a parking issue and they are increasing the security and meeting the needs of the tenants. Ms. Back stated that she is having a hard time and wants to understand what Mr. Bond is asking.

Mr. Bond asked Mr. Wireman if this was the only construction project on the site and security plan planned for the next year. Mr. Wireman answered affirmatively. Mr. Wireman stated the entry has undergone a lot of redesign and the gates will be put back into place and being redesigned for their placement but that work has not been done yet. Lighting has been added and will be added but the Variance has stopped the lighting installation because it will all change if the parking lot has to be expanded.

Mr. Bond stated that since there are going to be future construction projects for security gates he would like to make sure that within the year the Board can re-evaluate the parking to make sure it will still be in conformity.

Ms. Back stated that what is before the Board is parking, the request does not have anything to do with security. Mr. Bond agreed but the applicant is talking about future construction projects. Mr. Wireman stated that it is already contracted to Millenia; it is a \$14 million dollar renovation. Ms. Back asked if it was a renovation and not new buildings. Mr. Wireman answered affirmatively and he is asking to continue the parking as it is today.

Ms. Back strongly recommended to Mr. Wireman to request a continuance because two of the three Board members are in disagreement today.

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, White “aye”; no “nays”; no “abstentions”; Flanagan, Van De Wiele absent) to **CONTINUE** the request for a **Variance** to reduce the required parking to 572 parking spaces for an apartment complex (Section 55.020) to the May 9, 2017 Board of Adjustment meeting; for the following property:

PRT LT 1 & PRT VAC ST BEG MOST SELY COR TH W225 N630.70 E237.96 S TO PT TH ON CRV RT TO PT TH S550.70 TH ON CRV RT 39.21 POB BLK 1; PRT LT 1 & PRT VAC ST BEG MOST SWLY COR TH ON CRV RT 39.33 N550.70 TH ON CRV RT 39.21 W TO PT N30 E700 S630.70 W650 POB BLK 1, BROADVIEW HGTS 2ND ADDN RESUB B2-4 BROADVIEW HGTS ADDN, BROADVIEW HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

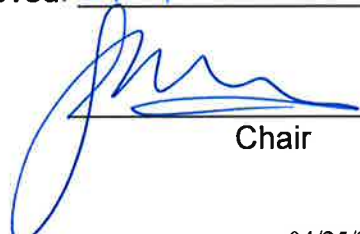
None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 1:45 p.m.

Date approved: 5/9/17



Chair