

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1204
Tuesday, April 24, 2018, 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 Flanagan, Vice Chair Back, Secretary Bond	Ross	Wilkerson Foster Sparger R. Jones	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on April 19, 2018, at 9:36 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.

Mr. Foster read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the **Minutes** of the April 10, 2018 Board of Adjustment meeting (No. 1203).

UNFINISHED BUSINESS

22403—Anita Saiymeh

Action Requested:

Variance to install a drive-thru sign within 50 feet of the R District to the north (Section 60.030-B). **LOCATION:** NW/c of East 15th Street South & South Columbia Avenue East **(CD 4)**

Presentation:

The application has been withdrawn.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

LTS 23 & 24 BLK 7, CITY VIEW HILL ADDN, FAIR ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22411—David McGhee

Action Requested:

Variance of the minimum parking requirements to permit expansion of an existing Funeral Home/Crematory (Section 55.020). **LOCATION:** 2103, 2104, 2105 East 3rd Street South (CD 4)

Presentation:

The application has been withdrawn.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

LTS 7 & 8 BLK 6; LOT-9-BLK-6; LOT-6-BLK-6, WAKEFIELD, City of Tulsa, Tulsa County, State of Oklahoma

22397—Donny Beeler

Action Requested:

Variance to reduce the minimum lot area and lot area per unit; Variance to reduce the minimum street frontage to 0 feet in an AG District; Variance to reduce the

required lot width to permit a lot split (Section 25.020). **LOCATION:** 8217, 8223 and 8231 South Maybelle Avenue West (CD 2)

Presentation:

The applicant has requested a continuance to May 8, 2018 while working with the City on infrastructure issues.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Variance** to reduce the minimum lot area and lot area per unit; **Variance** to reduce the minimum street frontage to 0 feet in an AG District; **Variance** to reduce the required lot width to permit a lot split (Section 25.020) to the May 8, 2018 Board of Adjustment meeting; for the following property:

COMM SWC S/2 N2/3 N/2 NE TH E846.50 POB TH E712.78 N227.12 W1559.28 TO WL NE TH S13.50 E846.50 S213.56 POB SEC 14 18 12 3.98ACS; COMM SWC S/2 N2/3 N/2 NE TH E180 POB TH E666.50 N213.56 W846.50 TO WL NE TH S13.50 E180 S200 POB SEC 14 18 12 3.32ACS; BEG 227N SWC S/2 N2/3 N/2 NE TH E1559.28 N215.57 TO NL S/2 N2/3 N/2 NE TH W912.58 S202.07 W646.70 TO WL NE TH S13.50 POB LESS E456.29 THEREOF SEC 14 18 12 LIFECHURCH.TV JENKS ADDITION 2.258AC, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22432—Brian Henley

Action Requested:

Special Exception to permit a religious assembly in the RS-3 District (Section 5.020); **Variance** of the required 25-foot setback from an adjacent R District for Special Exception uses (Section 5.030). **LOCATION:** NW/c of East 1st Street South & South Atlanta Avenue East (CD 4)

Presentation:

Staff requests a continuance to May 8, 2018; the applicant needs additional relief.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **CONTINUE** the request for a **Special Exception** to permit a religious assembly in the RS-3 District (Section 5.020); **Variance** of the required 25-foot setback from an adjacent R District for Special Exception uses (Section 5.030) to the May 8, 2018 Board of Adjustment meeting; for the following property:

LT 23 BLK 5; LT 24 BLK 5; LT 22 BLK 5, EAST HIGHLAND ADDN RES B1, 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 today. Any motion will require an affirmative vote of three of the remaining four members. When there is less than a full Board the Board will entertain a request to continue agenda items to a later meeting date, at which all five members of the Board may be present. 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. The audience nodded their understanding and no one came forward to request a continuance.

* * * * *

UNFINISHED BUSINESS

22413—Eller & Detrich – Andrew Shank

Action Requested:

Verification of the spacing requirement for a digital display outdoor advertising sign (Section 60.100-K). **LOCATION:** 10029 East 45th Place South **(CD 7)**

Presentation:

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated she represents the applicant Lamar. This case was continued from March 27th hearing because there was an encroachment agreement with the City was being processed which delayed the removal of the two signs that were on the original exhibit. Those signs have now been removed and per the new exhibit there are no more signs on the same side of the freeway.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing between digital outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign or conflicting use be constructed prior to this sign and subject to the revised site plan submitted and dated April 23, 2018 on page 2.6; for the following property:

PRT TR IN SE NW ADJ LT 1 & PRT LT 1 BEG 200N SWC LT 1 TH N APR 142.37 E18 N160 W18 N142.33 SE217.90 SE90.74 S303.33 W275.03 POB BLK 1 SEC 30 19 14 .33ACRES, IDEAL BRICK INDUSTRIAL TRACTS, City of Tulsa, Tulsa County, State of Oklahoma

22408—Carlos Velasco

Action Requested:

Special Exception to allow a fence to exceed 4 feet in height in the front street setback (Section 45.080-A). **LOCATION:** 1507 North Main Street East (CD 1)

Presentation:

Carlos Velasco, 1577 North Main Street, Tulsa, OK; stated the request is to allow a six-foot fence. The front fence is 5'-10" made of wrought iron with brick pillars. The six-foot privacy wooden fence is on the Pine Street side of the house, and it will help keep the traffic noise away from the house.

Mr. Van De Wiele asked Mr. Velasco if the fence shown on page 6.6 is "as constructed". Mr. Velasco answered affirmatively. Mr. Van De Wiele asked Mr. Velasco when the fence was built. Mr. Velasco stated that the fence was built about eight months ago.

Interested Parties:

B. J. Beverly, P. O. Box 481035, Tulsa, OK; stated she is the President of the neighborhood association. She spoke with Mr. Velasco yesterday evening and she thinks he has done well with the house. Ms. Beverly thinks Mr. Velasco can be beneficial to the neighborhood. Ms. Beverly stated that Mr. Velasco knew what type of neighborhood he was moving into and he told her that he wanted the fence to keep his dog in the yard and to cut the noise down for his mother because she has trouble sleeping. Ms. Beverly stated there is not a lot of noise on Pine Street because most of

the people come off the freeway and drive west, so she does not understand the need for a six-foot fence. Ms. Beverly believes the fence will compromise the neighborhood, and she wants the fence to meet City Code. Ms. Beverly stated that if the Board approves this fence then everyone else in the neighborhood will want such a fence creating an ongoing issue with fences. The neighborhood is an old neighborhood and it is a great neighborhood.

Mr. Van De Wiele asked Ms. Beverly if there was any part of the fence that was more objectionable or less objectionable to her. Ms. Beverly stated she thinks the fence would look better if it were kept within the guidelines of the City and she is definitely against the six-foot fence along Pine Street.

Rebuttal:

Carlos Velasco came forward.

Mr. Van De Wiele asked Mr. Velasco if he wants to replace the brick and iron fence that is seen in the photo or if he wants approval to keep the fence. Mr. Velasco stated he wants approval to keep it.

Mr. Velasco stated there are several houses in the neighborhood that have six-foot fences, and he offered pictures.

Comments and Questions:

Ms. Back stated there is a lot of transparency in the fence in the front because the applicant did not erect a solid wall. She would have preferred the applicant come to the Board to ask for permission instead of forgiveness. Ms. Back stated the applicant is entitled to have a six-foot fence along Pine Street, past his front yard setback to the south so that does not bother her. The height in the front fence is actually in the columns not in the actual pickets of the fence and there is transparency.

Mr. Bond agreed with Ms. Back. Mr. Bond stated that a person can see through the fence, it is not an eight-foot privacy fence that cannot be seen through, and it is more tasteful than a cyclone fence. Following the City Code to the letter is not particularized evidence of something being injurious to the neighborhood.

Ms. Blank stated that the subject property is unusual in the fact that it has three different zoning districts. In the staff report it informs the Board that the required street setback in RS-3 is 25 feet, in OL it is 10 feet, and in CH there is no street setback requirements. The Pine Street side of the subject property is CH therefore the six-foot fence is a permitted fence.

Mr. Flanagan stated that he does not think this is injurious to the neighborhood, so he will support the request.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a **Special Exception** to allow a fence to exceed 4 feet in height in the front yard setback (Section 45.080-A), subject to "as constructed" and as shown on page 6.6 and 6.7 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:

LT 15 BLK 1; LT 14 BLK 1; LT 13 LESS S20 THEREOF BLK 1, ENGLEWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22412—Christian Ortiz

Action Requested:

Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL District (Table 60-3). **LOCATION:** 5230 South Mingo Road East **(CD 7)**

Presentation:

The applicant was not present. This item was moved to the end of the agenda by the Chair.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

22425—Christian Ortiz

Action Requested:

Variance to permit an additional wall sign in an OM District to be located on the East building wall without any street frontage (Section 60.060-B). **LOCATION:** 2845 East Skelly Drive South **(CD 9)**

Presentation:

The applicant was not present. This item was moved to the end of the agenda by the Chair.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

NEW APPLICATIONS

22427—Joseph Hull

Action Requested:

Variance to reduce the street setback from 35 feet to 15 feet along South Lewis Avenue (Section 5.030-A). **LOCATION:** 2403 East 20th Street South **(CD 4)**

Presentation:

Aaron Sprik, 4527 East 91st Street, Tulsa, OK; stated he is with Biltmore Homes and he would like to have an adjustment to the side street setback along Lewis Avenue. The lot is 56 feet wide with 35-foot setback on the west side and a 5-foot setback on the east side, that would only allow a 16-foot wide house. He would like to have 15 feet along South Lewis, so a reasonable sized house can be built on the property. The house to the north is approximately five feet off the property line on the west side. Even if a house were to be built up to 15 feet of the building line the new house would still be at least ten feet back farther than the historical existing house in the area.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a Variance to reduce the street setback from 35 feet to 15 feet along South Lewis Avenue (Section 5.030-A). The Board finds the hardship to be the narrowness of the lot and would not allow a house to be built. 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 6 BLK 1, BARNARD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22428—Keith Morgan

Action Requested:

Special Exception to allow a fence to be greater than 4 feet within the street setback (Section 45.080-A). **LOCATION:** 4504 East 111th Street South (CD 8)

Presentation:

Keith Morgan, 20815 East 103rd Street North, Claremore, OK; stated when the owner purchased the entire parcel there was an existing fence, which is wrought iron, and he sub-divided the property. The owner was required to donate five feet for the new setback regulations in 2016. The existing fence is on the only parcel that the owner kept, so he was told he had to move the fence out of the setback.

Mr. Van De Wiele asked Mr. Morgan what the old fence is made of and how tall is it. Mr. Morgan stated that the fence is approximately seven-foot-tall and made of wrought iron; and it is still standing now.

Mr. Van De Wiele asked Mr. Morgan if all he wanted to do was move the fence. Mr. Morgan answered affirmatively and stated that he would like to add brick columns replacing the existing steel columns.

Interested Parties:

Steve King, 11024 South Urbana, Tulsa, OK; stated he lives across the street from the subject property, and he came today because he did not understand the full scope of what the applicant wanted to do. Mr. King stated that based on what he has heard today he does not have any objections.

Glen Pochocki, 4805 East 111th Street, Tulsa, OK; stated he is the home owner's association president for Lexington which is south of the subject property. He came today to receive clarification on the request also. Mr. Pochocki stated that he does not have any objections to what the applicant is doing with the clarifications today.

Comments and Questions:

Mr. Van De Wiele stated that he lives about a mile north of the subject property, and he has driven down that section of 111th Street and he does not think he has even noticed the fence being there. He does like that the fence is wrought iron because there are houses east of 111th and Yale that have tall wooden privacy fences, and he is in support of this request.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a Special Exception to allow a fence to be greater than 4 feet within the street setback (Section 45.080-A), subject to conceptual plans 10.7 and 10.8 of the agenda packet. The approval is subject to the following conditions: the fence is to be a wrought iron fence with brick or stone material columns. 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:

W350.39 W/2 N/2 N/2 NE NE THEREOF SEC 33 18 13 2.41ACS, TWELVE OAKS, LEXINGTON, City of Tulsa, Tulsa County, State of Oklahoma

22429—Dai Khaung

Action Requested:

Special Exception to allow a fence to be greater than 4 feet within the street setback (Section 45.080-A). **LOCATION:** 4701 South Union Avenue West (CD 2)

Presentation:

Lyle Cooper, 10019 East 39th Place, Tulsa, OK; stated he represents Mr. Dai Khaung due to a language barrier. There are about 30 young children at the facility and the fence is to keep the children out of the street. The wrought iron fence was erected and when he found out that he needed a Special Exception the fence was taken down.

Mr. Van De Wiele asked Mr. Cooper if the fence would be on both the Union side and the 47th Street side of the subject property. Mr. Cooper answered affirmatively.

Interested Parties:

Jim Schoff, 1519 West 47th, Tulsa, OK; stated the fence is too tall. Union Avenue is being redone so that there will be a sidewalk, a bike path and single land traffic with a left turn lane; the street is a busy street. Mr. Schoff stated that he just heard of this request last night and he was the only one that could attend today's meeting. Where the fence was placed the first time is too far out into the sight line to be able to see traffic. If the fence were set back farther, it might be better.

Rebuttal:

Lyle Cooper came forward.

Mr. Van De Wiele asked Mr. Cooper where he would be erecting the fence, keeping in mind the improvements being made to Union. Mr. Cooper stated that he did not know there was a ten-foot Oklahoma Natural Gas easement, so it will be closer to end of the white lines in the parking lot. Mr. Cooper stated that if it is necessary he would have a 45-degree angle made so people could see better.

Ms. Back informed Mr. Cooper that the fence can be erected in the easement as long as he understands that the fence may have to be removed or repaired if Oklahoma Natural Gas needs to utilize that easement. Mr. Cooper stated that he understood that.

Mr. Wilkerson asked Mr. Cooper if he would be using both driveways or using the driveway that is closest to Union. Mr. Cooper stated that the only driveways that will be used are the two from 47th Street.

Mr. Wilkerson asked Mr. Cooper if a portion of the parking was going to be removed as a part of the street improvement. Mr. Cooper stated that he did not think so. Mr. Wilkerson stated that the driveway is in the street right-of-way on Union, so he would not be surprised if a portion of that were to be removed.

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"; "abstaining"; Ross absent) to **APPROVE** the request for a **Special Exception** to allow a fence to be greater than 4 feet in height within the street setback (Section 45.080-A), subject to conceptual plans 11.13 and 11.14 for the type and size of the fence. The fence is to be no closer to Union on the west boundary than as shown on survey on page 11.10 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:

W 125' LTS 16 & 17 LESS W10 LT 16 BLK 3, SUBURBAN HIGHLANDS, City of Tulsa, Tulsa County, State of Oklahoma

22430—Ali Farooqui

Action Requested:

Verification of the 300-foot spacing requirement for a bar from public parks, schools, other bars and religious assemblies, and the public entrance doors 50 feet from an R-zoned lot (Section 40.050); Variance of the 300-foot spacing requirement between bars to permit more than one bar in the same commercial center (Section 40.050-A.3). **LOCATION:** 8234 East 71st Street South (CD 7)

Presentation:

Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents the applicant who would like to have a hookah lounge. The hookah lounge is on one side of the 71 Center while the bar is other side of the 71 Center. The PUD is about 50 acres and it wraps around the intersection and has about 400,000 feet of improvements in it. The 71 Center is about 50,000 square foot center and the subject premises is 1,320 feet, or about 2 ½% of the whole center. Under the definition of bar is hookah lounge, but the hookah lounge does not serve alcoholic beverages. This is an oddity of the Code and that is what make it particularly interesting. In the large commercial area there are not any other bars. Parking will not be issue because the lounge will be open in the evening and into the night while not much else will be open. There is an alley that houses dumpsters between the proposed lounge and the existing bar. Mr. Reynolds stated the hardship for this Variance is based on the design and layout of the buildings compromising the 71 Center. The use of hookah lounge, 1,320 feet, that does not serve alcoholic beverages of any kind the literal enforcement of the Code is unnecessary to achieve the objectives of its intended purpose, and these conditions are unique to the center with the way it is structured and located. It will not cause substantial detriment to the public good or be injurious to the Comprehensive Plan.

Mr. Van De Wiele asked Mr. Reynolds if his client would be agreeable to not serve alcoholic beverages if the Board were to approve this request. Mr. Reynolds answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele asked Ms. Blank if the Board were to deny or accept the spacing, because on page 12.9 the spacing clearly and accurately shows a hookah bar within 165 feet of a bar. The Board could logically say they accept verification of spacing because there is 165 feet shown or is the Board to deny the verification of spacing because it is not more than 300 feet. Ms. Blank stated the Code states in the Board's action on the spacing and separation distance verification, "the Board of Adjustment must consider the evidence and testimony provided and make a determination of whether the use, structure or development feature complies with the applicable spacing

and separation distance requirements". Mr. Van De Wiele asked Ms. Blank that if the Board accepts the verification they are saying they find it to be 300 feet or more. Ms. Blank answered affirmatively.

Mr. Van De Wiele asked Ms. Blank if the Board were to deny the spacing verification and approve the Variance does it give the applicant what he needs. Mr. Foster stated that it is going to be necessary to accept the verification of spacing from all the other uses with the exception of bars, then the Variance is what relieves the bar separation requirements.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-1 (Back, Bond, Van De Wiele "aye"; no "nays"; Flanagan "abstaining"; Ross absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's Verification of spacing requirement except for the bar subject to the action of the Board being void should another bar or other conflicting use be established prior to the establishment of the proposed bar. The Board may consider any condition it deems necessary and reasonably related to the requested Variance to ensure the proposed use and the future development of the subject property is compatible. I move to **APPROVE** the request for a Variance of the 300-foot spacing requirement between bars to permit more than one bar in the same commercial center (Section 40.050-A.3). The Board finds the hardship to be that the literal enforcement of the subject Zoning Code provision is not necessary to achieve the provisions intended purpose spacing a tobacco bar from an adult beverage bar; the definition of the Code does not make that classification for the Board of Adjustment. The physical setting and surrounding layout of the specific mall area is difficult to space these uses from each other. This approval is subject to conceptual plan 12.9 of the agenda packet. The approval is subject to the following conditions: the hookah bar is not to serve alcoholic adult beverages. 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:

N430 LT 3 BLK 1, SKYVIEW ACRES, EL PASEO RESUB L2-3 B1 SKYVIEW ACRES, TESORO ADDN RESUB N556 L4 B1 EL PASEO ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22433—Francisco Ruiz

Action Requested:

Special Exception to allow a 20'-0" x 20'-0" carport located in the 25-foot street setback in an RS-3 District (Section 90.090-C.1). **LOCATION:** 11424 East 38th Street South (CD 6)

Presentation:

Cindy Ruiz, 11424 East 38th Street, Tulsa, OK; stated she is representing her father, Francisco Ruiz. The request is to allow them to install a carport.

Mr. Van De Wiele asked Ms. Ruiz if there were other carports in the neighborhood. Ms. Ruiz answered affirmatively and stated that there were not on the same street as the subject property.

Ms. Back asked Ms. Ruiz to describe what the proposed carport will look like. Ms. Ruiz stated that carport will be a metal carport.

Mr. Flanagan asked Ms. Ruiz how many feet there would be between the end of the carport and the sidewalk. Ms. Ruiz stated that it will be about 15 feet.

Mr. Van De Wiele asked Ms. Ruiz if she or her father had heard from any of the neighbors. Ms. Ruiz stated that she has not.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION of BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **APPROVE** the request for a Special Exception to allow a 20'-0" x 20'-0" carport located in the 25-foot street setback in an RS-3 District (Section 90.090-C.1), subject to conceptual plan 14.7 of the agenda packet. The approval is for a ten-year time limit, April 2028. 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 14 BLK 13, 4100 EAST, GARNETT PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

22412—Christian Ortiz

Action Requested:

Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL District (Table 60-3). **LOCATION:** 5230 South Mingo Road East (CD 7)

Presentation:

The applicant was still not present.

Mr. Foster stated that Mr. Ortiz has contacted the office and he has had a family emergency. He is open to continuing this case to a time in which he can attend, but he also indicated that if the Board chose to hear them today and discuss he would not oppose that.

Mr. Van De Wiele stated the Board had requested information as to how this situation came about, and hearing this case is not something he feels comfortable in doing today. He would recommend this case be continued to May 8th.

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"; Ross absent) to **CONTINUE** the request for a Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL District (Table 60-3) to the May 8, 2018 Board of Adjustment meeting; for the following property:

Lot 1 Block 1, 51ST & MINGO COMMERCIAL CENTER, 5200 MINGO COMMERCIAL RESUB PRT RES A, 5300 COMMERCE PARK, City of Tulsa, Tulsa County, State of Oklahoma

22425—Christian Ortiz

Action Requested:

Variance to permit an additional wall sign in an OM District to be located on the East building wall without any street frontage (Section 60.060-B). **LOCATION:**
2845 East Skelly Drive South (CD 9)

Presentation:

The applicant was still not present.

Mr. Foster stated that Mr. Ortiz has contacted the office and he has had a family emergency. He is open to continuing this case to a time in which he can attend, but he also indicated that if the Board chose to hear them today and discuss he would not oppose that.

Mr. Van De Wiele stated this case had to be re-noticed due to an incorrect legal description, so this case has not been heard previously. Mr. Van De Wiele asked the Board for their thoughts on hearing or continuing this case today.

Mr. Bond and Ms. Back stated the applicant has not provided a hardship for his request so they are not comfortable in hearing the case today.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **CONTINUE** the request for a Variance to permit an additional wall sign in an OM District to be located on the East building wall without any street frontage (Section 60.060-B) to the May 8, 2018 Board of Adjustment meeting; for the following property:

E370.45 LESS E20 LT 1 BLK 1, WEIR ADDN RESUB PRT L13-18 B9 VILLA GROVE ADDN, WEIR FOURTH ADDN RESUB PRT WEIR & WEIR THIRD ADDNS, 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 2:30 p.m.

Date approved: _____

5/8/18



Chair