

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 908
Tuesday, April 12, 2005, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Chair
Stead
Stephens

**MEMBERS
ABSENT**

Henke
Paddock

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, April 7, 2005, at 3:11 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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

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

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20011

Action Requested:

Special Exception to allow a tire recapping (U.U. 26) in an IL-zoned district, 98 N. 129th Av. E.

Presentation:

Mr. Cuthbertson informed the Board the applicant decided to withdraw after his request for a zoning change was denied.

Board Action:

No Board action was required.

BEG SECR GOV LT 1 TH W362 N362 E362 S362 POB LESSBEG SECR LT 1
TH W362 N50 E276 NE36.88 TO PT 58W & 74N SECR L1 TH N288 E58 S362
POB FOR ST SEC 5 1914 2.169ACS, City of Tulsa, Tulsa County, State of
Oklahoma

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Case No. 20014

Action Requested:

Special exception to allow off-street parking lot in an RM-2 zoned district for additional parking for adjoining apartment complex (Section 401), 1139 S. Xanthus Pl. E.

Presentation:

Mr. Cuthbertson informed the Board the case needs to be continued due to inadequate notice of the property.

Board Action:

On **Motion of Stead**, the Board voted 3-0-0 (Dunham, Stephens, Stead "aye"; no "nays"; no "abstentions"; Paddock, Henke no "absences") to **CONTINUE** Case No. 20014 to the meeting on April 26, 2005.

LT 12 BLK 2, BELL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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UNFINISHED BUSINESS

Case No. 19983

Action Requested:

A Variance of required parking spaces from 90 to 66 spaces; a Special Exception to allow required parking on a lot other than the one containing the principal use; and a Variance of the off-street parking setback from the centerline of an abutting street from 50' to 30' to permit retail/office uses and associated parking, 1325 E 15 ST S, 1437 S QUAKER AV E

Presentation:

Joshua Walker, 1325 East 31st Street South, stated the requests for relief are necessary to complete the redevelopment of the Colonial Building, which was built in 1927. The Board granted the initial request for a special exception of off-street parking. A trustee of the St. Paul Methodist Church was present, as they are co-developing the parking facility. Duane Wilkerson, with Sisemore and Weisz, was also present for any technical questions. The original use of the building was a hotel, Colonial Inn. There were 32 rooms on the second floor. The proposed use is mixed with Class A office spaces on the second floor and retail and antique stores on the first floor. They expect it to enhance the economic viability of the area and provide relief to the parking needs. Mr. Walker stated that the variance is necessary in that if the code was literally enforced it would result in an unnecessary hardship. There would be little or no overlap of parking needs in the shared parking spaces between the Colonial Building and the church. The offices

would cater to businesses with few employees and not require much of the parking.

Comments and Questions:

Ms. Stead asked if this was common ownership, the applicant owning the other two lots. Mr. Walker replied that the applicant owns part and the church owns part and they are developing it together. Mr. Dunham asked if they could agree to a tie agreement, and offered him time to respond after the interested party. Ms. Stead asked if the existing garage would be moved off the property. Mr. Walker replied the house and garage would be moved. Mr. Stephens asked for a hardship. Mr. Walker stated that when the property was developed that consideration of parking was not a concern.

Interested Parties:

Eric Gomez, 2716 East 13th Street, stated he represented St. Paul Methodist Church. They have discussed the parking with Mr. Walker and they are in support of the application.

Board Action:

On **Motion of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Variance** of required parking spaces from 90 to 66 spaces; and a **Variance** of the off-street parking setback from the centerline of an abutting street from 50' to 30' to permit retail/office uses and associated parking, finding that a hardship was created by the age of the buildings and non-consideration of parking; and that the circumstances are peculiar to this land; and also, to **APPROVE** a **Special Exception** to allow required parking on a lot other than the one containing the principal use, finding it 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, with the following conditions: that a letter of agreement between the church and Colonial Building for shared parking be submitted on Lots 17 and 18; and a tie agreement of Lots 13 through 16, on the following described property:

LTS 13-15 & PRT VAC ALLEY ADJ ON E BEG SECR LT 13TH N107.49 E1.86 S107.49 W1.26 POB BLK 7, LT 16 BLK 7, LTS 17 18 BLK 7, BELLVIEW ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20001

Action Requested:

Special Exception to allow required off-street parking on a lot other than the lot containing the principal use (Section 1301.D), 1643 S. Boulder Av.

Presentation:

Kurt Bollenbach, 10325 Greenbrier Place, Suite A, Oklahoma City, Oklahoma, submitted an applicant exhibit (Exhibit A-1). He stated the plan has been changed

since the last time it was heard by the Board. He explained that previously they only asked for 5700 sq. ft. of the building for a restaurant, but they changed the request to include the entire square feet of the building. The building is about 11,880 square feet, the upper half being 5,940 sq. ft. which would be used for a Use 12, eating establishment, and the lower floor for a Use 16, mini-storage. These are uses by right according to the zoning code. The code would require 60 parking spaces for the eating establishment and two spaces for the mini-storage. The total parking spaces provided would be 78, exceeding the number of spaces required.

Interested Parties:

William B. Jones, 15 East 5th Street, Suite 3800, stated he represented the Mapco Plaza hi-rise office building. He has discussed the application with the applicant. He was of the opinion there would need to be a tie agreement.

Applicant's Rebuttal:

Mr. Bollenbach pointed out they obtained a letter of contract from CV Properties giving sole and exclusive use of the properties for the use of their building.

Board Action:

On **Motion of Stephens**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Special Exception** to allow required off-street parking on a lot other than the lot containing the principal use, finding it 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, with condition that Lots 10, 11, and 12 are tied to this building's use, with a restaurant on the top floor and mini-storage on the ground floor, and they remain exclusive to that building, on the following described property:

LT 8 BLK 2, LT 9 BLK 2, LT 10 BLK 2, LT 11 BLK 2, LT 12 BLK 2, HARBOUR ADDN City of Tulsa, Tulsa County, State of Oklahoma

MINUTES

On **MOTION of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **CONTINUE** the Minutes of March 8, 2005 (No. 906) to the meeting on April 26, 2005.

On **MOTION of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **CONTINUE** the Minutes of March 22, 2005 (No. 907) to the meeting on April 26, 2005.

Case No. 20005

Action Requested:

Special Exception to permit a manufactured home in a RS-3 district (Section 401) and a Special Exception to extend the one year time limit to five years (Section 404.E.1), 101 N 49 AV W.

Presentation:

Merrill Smith, 7735 South 80th East Avenue, stated he bought Lots 82 and 83 of Block G. The existing house has been torn down and he plans to rebuild on the existing pad. He also proposed to move a mobile home on Lot 83. He submitted photographs and plans (Exhibits B-1 and B-2). He stated there is ample parking for both properties. Mr. Smith added that he would enter Lot 83 from Archer through Lot 82.

Comments and Questions:

Mr. Stephens asked if the manufactured home would be new. Mr. Smith replied it would be used.

Interested Parties:

Larry Workman, 16 North 48th East Avenue, stated his house is a Jim Walter's home. He objected to a mobile home.

Jesse Prigen, 4807 West Archer, stated he lives in the duplex to the east of the subject property. He was not in support. Mr. Dunham noted the bad condition of the previous house, and asked he did not think a temporary manufactured home would be better than what was there.

Shirley Prigen, 4807 West Archer, expressed concern that low-income renters would move into a manufactured home.

Mike Bender, 19 North 49th West Avenue, stated he and his wife own the house south of the subject property. He informed the Board of some of the history of the property and questioned the ownership.

Applicant's Rebuttal:

Mr. Smith responded to the Board that the property is still owned by Jimmie Kelly, and he has a contract and has paid most of the purchase price.

Comments and Questions:

Ms. Stead asked if there have been any City charges for mowing since he purchased the property. Mr. Smith replied there have not and he has paid the previous owner's taxes. Mr. Dunham asked if five years is the minimum it would take him to accomplish his plans. Mr. Stephens asked if he would be living there. Mr. Smith responded that he would not but one of his employees would be renting.

Mr. Stephens would be for a shorter term than five years. Ms. Stead was not for moving a used mobile home to rent, where most neighbors own their home. Mr. Dunham considered three years to be the maximum and that the proposal would be better than what was there previously.

Board Action:

A **Motion** by **Stead** to **DENY** a **Special Exception** to permit a manufactured home in a RS-3 district; and a **Special Exception** to extend the one year time limit to five years, finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, failed for lack of a second.

A **Motion** by **Stephens** to **APPROVE** a **Special Exception** to permit a manufactured home in a RS-3 district; and a **Special Exception** to extend the one year time limit to three years, failed for lack of a second.

On **Motion** of **Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **CONTINUE** Case No. 20005 to the meeting on April 26, 2005.

LT 82 BLK G, LT 83 BLK G, VERN HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20007

Action Requested:

Variance of the required 10 ft. setback from the side yard in an RM zoned district to 1 ft. 7 in.; and a Variance of the required 20 ft setback from the rear yard to 5 ft for an accessory building (40 ft. x 25 ft. garage and family game room), 134 N. Delaware Pl. E.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, for the applicant, Bill Beatty, owner of the Southside Plumbing Company. Mr. Beatty lives in the south unit of the existing duplex. He proposed to build a detached accessory building in the rear yard. The existing one-car garage with laundry area will be torn down due to deterioration. The new structure would be 25' x 40'. Mr. Norman asked for the side yard setback requested to be changed from 1 ft. 7 in. to 3 ft. The structure would be used for a garage, laundry room and family room. The duplex is slightly more than 1200 sq. ft. Mr. Norman listed the neighborhood mixed use development in an RM-1 district, a duplex in the RM-1 that complies in size but not comply with the setback requirements. He added that the literal enforcement of the code would impose an unnecessary hardship on the owner of the property. He

noted the suggestion to rotate the new structure and it would not require any relief but it would block all of the windows and back door on the west side of the duplex.

Interested Parties:

Maria Barnes, 2252 East 7th Street, stated she is the President of the Kendall-Whittier Neighborhood Association. She was in agreement with the three-foot side yard. As long as the new structure is used for the purposes as presented they are in support of the application and no commercial use. The applicant has discussed it with the neighbors.

Board Action:

On **Motion of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Variance** of the required 10 ft. setback from the side yard in an RM zoned district to 3 ft.; and a **Variance** of the required 20 ft setback from the rear yard to 5 ft. for an accessory building (40 ft. x 25 ft. garage and family game room), that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LOT 8, T D EVANS, GENE SHAW'S SUB B11 T D EVANS ADDN, DR C O HOOD'S SUB, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20016

Action Requested:

Variance of the maximum coverage of an unenclosed off-street parking area in the required front yard in an RS-3 zoned district to permit 30 foot wide driveways for 3-car garages. 1303.D, SW/c of 77th St. and S. Elwood Ave.

Presentation:

Randy Branstetter, 4313 East 101st Place, stated he is the Manager of Stonebrook Development Group, LLC. They have about 141 acres at 77th and Elwood. Stonebrook Park is the first phase with eighty lots. There is a 35-acre greenbelt park for recreation. It was rezoned to RS-3, which allows 60 ft.-wide lots. In this first phase 82% of the lots are 70 ft. wide. They plan for three-car garages. He stated the hardship would be that the market conditions have changed since this portion of the code was adopted. He pointed out that even in smaller houses buyers are wanting three-car garages and smaller yards. Some developments are making 26' to 30' wide driveways.

Comments and Questions:

Ms. Stead asked about houses on Elwood and accesses. Mr. Branstetter replied there would be no houses on Elwood and two accesses into the subdivision from Elwood. He added that they will be constructing a full masonry wall of brick with stone columns along 1200 ft. of Elwood.

Interested Parties:

Dustin Wright, 111 South Greenwood, with Tulsa Zoning Plans Review, stated that the driveways are figured by the width of the lot, according to the zoning code. On the 60' wide lot a 20.4' driveway would be allowed. The applicant is asking for a driveway as wide as the garage doors.

Mr. Wright indicated that this will probably be a recurring request. He suggested a re-evaluation of this provision of the code.

Board Action:

On **Motion** of **Stephens**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Variance** of the maximum coverage of an unenclosed off-street parking area in the required front yard in an RS-3 zoned district to permit 30 foot wide driveways for 3-car garages with a hardship, finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, the literal enforcement of the terms of the Code would result in unnecessary hardship; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, and applies to the whole subdivision, on the following described property:

Stonebrooke Park Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20018

Action Requested:

Variance of the single-story limitation for multifamily dwellings within 50 feet of an RS district to allow a two story multifamily dwelling in an RM-2 district; and a Variance of the 10 ft side yard setback on the south side of Lot 21, 1935 S. Cheyenne Av. W.

Presentation:

Ken Schmidt, 4554 South Harvard, stated this property is composed of three lots, Lots 20, 21 and 22. The applicant intends to build something consistent with RM-2, probably a two-story, multi-family dwelling.

Interested Parties:

Paula Stienmetz, 1927 South Cheyenne, expressed concern that parking is prohibited on alley to the west. There is no parking on the south where 21st leads onto Riverside. Parking is prohibited on Cheyenne also.

Ralph Faulkenberry, 1923 South Cheyenne Avenue, stated there is already a parking problem with visitors and guests. He expressed concern that a new structure would take away from the historical character of the neighborhood. He suggested multi-family two-story structures would affect the parking and property values.

Applicant’s Rebuttal:

Mr. Schmidt recognized that a lot has yet to be accomplished.

Comments and Questions:

Mr. Dunham noted it is a unique situation. Ms. Stead pointed out there are other two-story dwellings in the neighborhood.

Board Action:

On **Motion of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Variance** of the single-story limitation for multifamily dwellings within 50 feet of an RS district to allow a two story multifamily dwelling in an RM-2 district; and a **Variance** of the 10 ft side yard setback on the south side of Lot 21, finding there are extraordinary and exceptional conditions, which are peculiar to the land; and the literal enforcement of the terms of the Code would result in unnecessary hardship; and that the conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and that the proposed side yard would be consistent with those found in the surrounding district, on the following described property:

S17.5 LT 20 & ALL LT 21 & N10 LT 22 BLK 6, BUENA VISTA PARK, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20019

Action Requested:

Special Exception to meet parking requirements on a lot other than the lot containing the principal use, 5618 S. Mingo Rd. E.

Presentation:

Joe Kelly, 201 West 5th Street, with Wallace Engineering, represented the applicant, a tax service. They own Lots 1 and 2, with small offices that look residential. They proposed to tear down the structure on the south lot and rebuild to house all of their operations in one building.

Comments and Questions:

Mr. Dunham asked if they are building a new structure on one lot and keeping the existing structure on the other lot, will they meet the parking requirements for both. Mr. Kelly replied that they will meet the parking requirements.

Interested Parties:

Julie Parrett, 25904 South 125th East Avenue, Coweta, Oklahoma, stated they own a house that abuts the subject property, at 5611 South 95th. She expressed concern for an unattended parking lot after hours and abutting residential property. They also had concern regarding lighting and screening. Photographs were provided (Exhibit D-1).

Comments and Questions:

The Board members assured Ms. Parrett that the applicant will have to meet the zoning code requirements for lighting and screening. Mr. Ackermann added that the applicant will be required to install a six-foot solid wood fence.

Applicant's Rebuttal:

Mr. Kelly responded that lighting, screening and landscaping will be provided in compliance with the zoning code.

Board Action:

On **Motion of Stephens**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Special Exception** to meet parking requirements on a lot other than the lot containing the principal use, finding it 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, with condition for a tie agreement between the two lots, on the following described property:

LT 2 BLK 1, ANDERSEN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20021

Action Requested:

Variance of setback requirement for a projecting sign from 40 ft. to 34 ft. 7 in. to accommodate the installation of two projecting signs in the CBD district.

Presentation:

Sean Flaherty, 111 South Greenwood, with the Tulsa Parking Authority, stated they entered into an agreement with PSI Investments to put a Domino's in their facility. He submitted photographs (Exhibit E-1) of similar signs in the downtown area. They proposed to put up two projecting signs, which are relatively small, for visibility from the north and south and east and west. One of the reasons they

could not put up a surface sign is because of the aluminum slats, which are removable.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Variance** of setback requirement for a projecting sign from 40 ft. to 34 ft. 7 in. to accommodate the installation of two projecting signs in the CBD district, according to the plan submitted, finding that because of extraordinary and exceptional zero lot line conditions the literal enforcement of the terms of the code would result in unnecessary hardship; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20022

Action Requested:

Special exception to allow Use Unit 17 - Automotive and Allied Activities - Automobile Sales in a CS zoned district; and a Variance of the required 300 ft distance from an R zoned district for outside display of merchandise for sale, 1431 N HARVARD AV E.

Presentation:

Hector Guitierrez, 2108 East Oklahoma Street, proposed to open a used car lot, which was previously a tire shop. He leased the property for one year. He planned to clean up and improve the property, including the building.

Comments and Questions:

Mr. Dunham encouraged the applicant to read the staff recommendation for conditions to approval.

Interested Parties:

Roger Coffman, 1443 North Harvard, stated he is the Associate Pastor at Sanctuary of Praise next door. He and his church were concerned about outside storage.

Richard Ganders, 1825 South Columbia, stated his property has been in his family since 1925.

Comments and Questions:

Mr. Dunham asked what allied activities he wanted to include. Mr. Gutierrez stated he would have sales only.

Board Action:

On **Motion** of **Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Special Exception** to allow Use Unit 17 - Automotive Sales in a CS zoned district; and a **Variance** of the required 300 ft distance from an R zoned district for outside display of merchandise for sale, subject to the following conditions: one driveway only on Harvard; no entrance from Indianapolis; remove barbed wire on north and south; no salvage; screening to church, and east screening remain in place; no inoperable vehicles on lot; no outside storage or sales of parts or materials; no painting, no maintenance or repairs on site; no fence to exceed 3' height along the arterial, finding that the enforcement of the code terms would result in an unnecessary hardship, and that exceptional conditions and circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

S115.3 N471.2 W190 W/2 NW NW LESS W50 N100 S115.3THEREOF & LESS W40 S15.3 THEREOF FOR RD SEC 33 2013 .374ACS, HARRIS HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20024

Action Requested:

Variance of the allowable number of signs allowed per street frontage from one to two; a Variance to allow changeable copy lighted sign rather than by constant light, 455 S. Lewis Av. E.

Presentation:

Lou Reynolds, 2727 East 21st Street, Suite 200, represented People's State Bank. He submitted a sign plan and photographs (Exhibit F-1 and F-2). They proposed to remove the existing ground sign and replace with a slightly smaller sign. They also proposed to replace the wall sign. The changeable copy sign would not have flashing lights or anything distracting and would comply with the zoning code light measurement requirements. Mr. Reynolds stated that the bank property is unusual in that they have 300' of frontage on South Lewis and along the east side of Lewis it is the only property not zoned CH. He added that the bank was a pioneer in the re-development of the Kendall-Whittier Neighborhood and for years was the nicest property around besides the university. He informed the Board that the bank is doing some remodeling to make a new access from the

Board Room to the outside. This will provide a meeting place for the community when the bank is closed. The changeable message sign would provide a way to inform the community of new bank services available and upcoming community meetings. He pointed out the greenbelt that has been made on Lewis and the new homes. Cedars and pine trees have been planted in the greenbelt, which will make a substantial buffer. The bank president talked with some of the neighbors and found support for this application.

Comments and Questions:

Mr. Stephens asked for the hardship. Mr. Reynolds replied that the bank is the only piece of land zoned OM along the east side of Lewis. All of the commercial zoning allows these signs by right.

Interested Parties:

Maria Barnes, 2252 East 7th Street, President of the Kendall-Whittier Neighborhood Association, stated the neighborhood is in support. She expressed concern only that the sign not be placed too close to the street so as to hinder visibility for traffic.

Board Action:

On **Motion of Stephens**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Variance** of the allowable number of signs allowed per street frontage from one to two; a **Variance** to allow changeable copy lighted sign rather than by constant light, with conditions: for scrolling or constant copy only, with no flashing or blinking lights; and light intensity not to exceed 70 ft. candlepower in two feet, finding the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 1 BLK 1, COLLEGE VIEW ADDN AMD, PEOPLES STATE BANK ADDN
RESUB L14 & L33-50 B3 COLLEGE VIEW, City of Tulsa, Tulsa County, State of
Oklahoma

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OTHER BUSINESS

Case No. 20017

Action Requested:

Request for refund.

Presentation:

Mr. Cuthbertson informed the Board that the applicant made application in response to a Neighborhood Inspections Notice of Violation. They later came into agreement with inspections and determined the relief is not needed. The staff recommended a full refund.

Board Action:

On **Motion of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a full refund of \$522.00 per staff recommendation.

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Case No. 20013

Action Requested:

Request for Reconsideration of BOA Case 20013 for a Variance of the required 70 ft setback from the centerline of S. Peoria Avenue to 40 ft. (Section 403); and a Variance of the allowable height for a fence in the required front yard from 4 ft to 8 ft for a stucco screening wall (Section 210.B.3) approved by the BOA on March 22, 2005, 1308 E 27 PL S.

Presentation:

Greg Jennings, 2260 South Troost, stated that he was confused about the meeting date for this case and missed the hearing. He apologized to the Board, and indicated that he had a large volume of information. He stated that the real issue is the wall and that it is in the front yard. Five other cases were mentioned where a special exception was granted but there is a substantial difference in this case and the others. He mentioned one wall that is similar, the Lorton property, but it has several distinguishing differences, namely the topography. He pointed out the steep elevations on the Lorton property. Mr. Jennings stated that the subject property in this case does not have the topography issue and it is on the corner of a major intersection. It is the main street to access Philbrook Museum. He described the presence of such a wall as a tremendous safety issue. He added that if other properties along 27th Place are allowed to build eight-foot walls it would appear to be a back alley leading to the museum. He pointed out the differences in wrought iron fences to solid stucco walls. He offered a compromise to Mr. Winn for a fence instead of a wall. Mr. Winn let him know he needed time to discuss this with the property owner to consider the compromise. Mr. Jennings provided an analysis report of the Board Actions (Exhibit G-1). Mr. Jennings asked for a couple of weeks for the Board to reconsider it again.

Richard Winn, the applicant, was agreeable to a continuance.

Board Action:

On **Motion** of **Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **CONTINUE** Case No. 20013 for a decision on whether to Reconsider, to the meeting on April 26, 2005.

BEG AT A PT 1771N & 18.5E OF SWC OF SEC 18 TH N194 E121.5 S194
W121.5 POB SEC 18 19 13, City of Tulsa, Tulsa County, State of Oklahoma

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There being no further business, the meeting was adjourned at 4:00 p.m.

Date approved: _____

Chair