

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 956  
Tuesday, May 8, 2007, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Henke, Chair  
Stead, Vice Chair  
Stephens  
Tidwell, Secretary

**MEMBERS  
ABSENT**

White

**STAFF  
PRESENT**

Alberty  
Butler  
Cuthbertson

**OTHERS  
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Friday, May 4, 2007, at 10:32 p.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 20489**

**Action Requested:**

Special Exception to permit a manufactured home (Use Unit 9) in an RS-3 district (Section 401); and a Special Exception to permit the manufactured home permanently (Section 404.E.1), located: 3704 South Maybelle Avenue.

**Presentation:**

Mr. Cuthbertson stated the address given for this property in the application and from the assessor's office was in error. Staff distributed new notices for the May 22, 2008 hearing with a corrected location.

**Board Action:**

On **Motion** of **Stephens**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **CONTINUE** Case No. 20489 to the meeting on May 22, 2007, on the following described property:

LT 31- 33, BLK 7, GARDEN CITY, City of Tulsa, Tulsa County, State of Oklahoma

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### MINUTES

On **MOTION** of **Tidwell**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** the Minutes of April 10, 2007 (No. 953).

Mr. Henke stated the Board would take action on the March 27, 2007 minutes at the next hearing. Board members wanted more time to review this set of minutes.

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### NEW APPLICATIONS

#### Case No. 20490

##### Action Requested:

Verification of a spacing requirement for an outdoor advertising sign of 1,200 feet from any other outdoor advertising sign (Section 1221.F.2), located: 3131 North Lewis Avenue East.

##### Presentation:

**Donald Jernigan**, 8628 South Willow Springs, Court, Broken Arrow, Oklahoma, stated he is the owner of Gemini Outdoor Advertising. He stated the billboard meets the spacing requirements and there are no other billboards for one mile on the new addition to the Gilcrease Expressway. A plan was provided (Exhibit D-1).

##### Interested Parties:

There were no interested parties who wished to speak.

##### Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a Verification of a spacing requirement for an outdoor advertising sign of 1,200 feet from any other outdoor advertising sign (Section 1221.F.2), as submitted by the applicant, on the following described property:

BEG 158.62N & 50E SWC SW NW TH S71.37 NELY298.43 TH W287.9 POB  
SEC 20 20 13, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20491**

**Action Requested:**

Special Exception to reduce parking requirements 10% for a mixed use commercial center (Section 1305), located: 6808 South Memorial Drive.

**Presentation:**

**William Mee**, 3304 Coalgate Avenue, Dallas, Texas, stated he is a managing partner of the Woodland Hills Shopping Center. They are renovating the center and need the variance of parking requirements for flexibility with new tenants.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Stead**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a Special Exception to reduce parking requirements 10% for a mixed use commercial center, finding 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:

LT 1 BLK 1 & PRT LT 1 BEG SECR TH W250.03 N234.56E250.03 S234.93  
POB BLK 2, LT 4 BLK 2, VILLAGE AT WOODLAND HILLS, THE, City of Tulsa,  
Tulsa County, State of Oklahoma

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**Case No. 20492**

**Action Requested:**

Variance of the maximum square footage for detached accessory buildings permitted in the RS-3 district from 750 sq. ft. to 4,752 sq ft (Section 402.B.1.d), located: 145 South 145<sup>th</sup> Avenue East.

**Presentation:**

The applicant was not present. Mr. Henke stated the Board would hear the case if the applicant arrived.

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**Case No. 20493**

**Action Requested:**

Special Exception to permit a drive thru bank facility in an OL district (Section 601); Special Exception to permit a Floor Area Ratio of .31 in the OL district (Section 603); and a Variance of parking area setback from the centerline of an abutting street (Section 1302.B), located: 2104 East 15<sup>th</sup> Street South.

**Presentation:**

**Walter Tempinski**, 3319 South Yorktown Avenue, stated he represented the St. John Tulsa Federal Credit Union. They proposed to add a facility on the subject property with one drive-through parking lane and one ATM lane. They would use the two-story office building for the credit union. They plan to demolish the two-car garage. He reviewed the site plan showing plans for landscaping, parking and curb changes. He showed the traffic flow from Yorktown to 15<sup>th</sup> Street. They proposed to build a canopy over the drive-through lane and ATM lane. There would be a handicap accessible ramp from the small building to the two-story structure and one on the west side of the two-story structure.

**Comments and Questions:**

Ms. Stead asked the distance from the centerline of the street to the parking. Mr. Tempinski stated it is currently 34 ft. and they plan to extend it out to the edge of the existing parking. Mr. Tidwell asked the distance of the curb cut from 15<sup>th</sup> Street on Yorktown. Mr. Tempinski replied it is almost 24 ft. back, but currently it is closer. They will have 12 parking spaces. He also offered an alternative to the ingress/egress on Yorktown, by curving the curb cut to discourage left hand turns onto Yorktown.

**Interested Parties:**

**Chip Atkins**, 1638 East 17<sup>th</sup> Place, stated he purchased a property at 2212 East 18<sup>th</sup> Street. He asked why they are not building a credit union on Utica across from Swan Lake at their previous location. He indicated the neighborhood would have increased traffic that would deteriorate the neighborhood.

**Mark Redsinski**, 1552 South Yorktown Avenue, stated he is President of the Yorktown Neighborhood Association. He submitted several documents in a packet (Exhibit B-1). He commented that the association took part in the mid-town redux study in order to be a part of the process. He expressed disappointment that the developer did not seek out the neighborhood ahead of time. He noted a shortage of frontage for the subject property. He commented that he did not see a hardship for the variance. His packet included a traffic accident report and a traffic count in the area. He asked the Board to deny the application.

**Michael Newman**, 1528 South Yorktown, stated that three years ago the city traffic department promised to improve the traffic situation. He added that now Yorktown is used for funeral processions, fire trucks, the mail truck from the post office and other through traffic more like a major street. He commented there is more on-street parking. On two occasions, a motorist sideswiped a guest's car.

**Cara Waken**, 1524 South Yorktown, informed the Board that the Crossroads Counseling Center has visitors' hours on Thursdays and the street fills with parked cars. She was concerned for her property value. She suggested a more appropriate use, like college student housing.

Mr. Cuthbertson commented that a bank is allowed on this property by right, as it is zoned OL. The drive-through is the only thing that triggered the application.

**Mike Nash**, 1552 South Gillette, stated similar concerns for traffic.

**Mildred Murphy**, 1536 South Yorktown Avenue; **Carla Murphy**, 1531 South Yorktown; **Herb Newman**, 1521 South Yorktown; and **Pam Newman**, 1521 South Yorktown; stated similar concerns for parking and traffic.

City Councilor, **Maria Barnes**, District 4, considered the subject property too small for the use. She noted the streets are residential. She stated the Redux Study will be sent to the City Council soon, as well as the Lewis Study. She suggested dentist and law offices as more appropriate.

**Misty Potter**, CEO of the credit union, responded that this is a small credit union, serving St. John employees. They used to have a facility with a drive-through. She stated that one cannot compare the small credit union to Arvest Bank in size. The majority of the members have direct deposit. The main use for the drive-through is for withdrawals. The lobby traffic does not increase on their busiest days. There is a connection of the lobby to the hospital by an underground corridor, which also alleviates some traffic. Ms. Stead asked for the number of employees, to which she replied there are seven. Mr. Stephens asked for the number of members. Ms. Potter stated there are approximately 4,500 members, employees and some of their family members. Most of the members use the credit union for savings only and do not need to go to the facility.

**Mr. Henke out at 1:53 p.m.**

**Applicant's Rebuttal:**

Mr. Tempinski stated the traffic is not really an issue. He pointed out they could have the credit union there without the drive-through. The property has been vacant and was not maintained for a while. They would improve it and keep it more in the character to the residential property around it.

**Mr. Henke returned at approximately 1:56 p.m.**

Ms. Stead asked for the hardship. Mr. Tempinski replied the building was non-conforming and the lot width is a hardship.

Mr. Cuthbertson commented that any re-design of the parking area is going to confront the setback issue, because it is a 70 ft. wide lot.

Mr. Tempinski stated that basically all they are doing is removing the garage and improving the landscaping of the parking lot.

The Board discussed the traffic concerns of the neighborhood. They understood that the credit union could operate there by right. Mr. Ackermann reminded the Board that the zoning code requires one parking space for every 300 sq. ft. of floor area in the bank.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **DENY** a Special Exception to permit a drive thru bank facility in an OL district (Section 601); Special Exception to permit a Floor Area Ratio of .31 in the OL district (Section 603); and a Variance of parking area setback from the centerline of an abutting street (Section 1302.B), finding it is not compatible with the neighborhood; finding it would exacerbate the existing excessive traffic; and that it would be injurious to the neighborhood and the public welfare, on the following described property:

W. 70 N. 170 OF LT 6 BLK 1, MAYWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20492**

**Action Requested:**

Variance of the maximum square footage for detached accessory buildings permitted in the RS-3 district from 750 sq. ft. to 4,752 sq. ft. located: 145 South 145<sup>th</sup> Avenue East.

**Presentation:**

**Matthew Edwards**, 145 South 145<sup>th</sup> East Avenue, stated he has two acres and he proposed to place an accessory building at the rear of the property. He talked with his neighbor to the north. A plan was provided (Exhibit A-1) to the Board.

**Comments and Questions:**

Ms. Stead asked why he needed an additional 2,400 sq. ft. Mr. Edwards stated he is a general contractor and he has trailers, two pick up trucks, a car that he wants to protect. He added that he would like to do some woodworking there also. He stated he uses a small accessory building for his office and a theatre room. Ms. Stead informed Mr. Edwards that if the Board approves the application, they would include: no commercial use on the property; no living quarters in the accessory building; and asphalt or concrete to all parking and driving surfaces to the accessory building.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a Variance of the

maximum square footage for detached accessory buildings permitted in the RS-3 district from 750 sq. ft. to 4,752 sq. ft., subject to: this being a one-story building; there will be no commercial activity associated with this building; no living quarters in the building; and driving surfaces to the building would be concrete or asphalt; per plan, as designated on page 5.6 of the agenda packet; finding the extraordinary size of the lot is peculiar to this land; finding the literal enforcement of the terms of the code would result in an unnecessary hardship; and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; and finding the variance 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:

BEG 466.7S & 24.75ENWC GOV LT 5 TH S187.28 E441.95 N187.28 W441.95  
POB SEC 3 19 1

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**Case No. 20412-A**

**Action Requested:**

Modification of the conditions of a previous approval to allow shared parking on an alternative parcel, located: 4821 East 11<sup>th</sup> Street South.

**Presentation:**

**Walter Tempinski**, stated this property was brought before the Board previously and approved for a gym and smoothie bar. The stipulation to the approval was to obtain a written agreement with the neighboring business to share parking. That business owner changed his mind and now they are before the Board again.

**Comments and Questions:**

Ms. Stead asked if they have changed the footprint of the facility. Mr. Tempinski replied that it is the same as the last time. She also noted the Board has a letter from Tally's and the Radar Group regarding their agreement to share parking. He stated they do not believe they will need any additional parking. The smoothie bar is still a drive-through as before.

**Interested Parties:**

**Kent VanFossen**, 5529 East 87<sup>th</sup> Street, stated he is a member of the Will Rogers United Methodist Church, which owns the property leased by Tally's, and the parking lot proposed for alternate parking. He stated the church was unaware of the applicant's interest in using their parking space. Tally's is only one of seven of their tenants. He added they would object to their use of 30 spaces but would be agreeable to three or four. Mr. Stephens asked if there was any limitation currently on parking. Mr. VanFossen replied that it is open parking with signage for tenants only.

Mr. Alberty suggested the Board could be a little more specific regarding the parking. He acknowledged that the code requirements are excessive for this use. He suggested that the property owner should sign the parking agreement.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a Modification of the conditions of a previous approval to allow shared parking on an alternative parcel, subject to: the applicant securing a letter of agreement from the Will Rogers Methodist Church, to be provided to INCOG, allowing seven parking spaces on their lot immediately west of Tally's Restaurant, on the following described property:

PRT SE SE BEG 35N & 50W SECR SEC 4 TH W150 N115 E150 S115 POB  
SEC 4 19 13 .4AC, City of Tulsa, Tulsa County, State of Oklahoma

**Case No. 20494**

**Action Requested:**

Variance of the rear yard requirement from 25 ft. to 7.4 ft. (Section 403); and a Variance of the side yard requirement abutting a public street from 20 ft. to 9 ft. (Section 403), located: 2150 South Cincinnati Avenue East.

**Presentation:**

**James Tilly**, 2150 South Cincinnati, proposed to demolish the existing garage and to replace it with an attached garage to occupy the footprint of the old structure. The existing garage is deteriorating. He plans to replace the one-story structure with two stories. The second story would be a master bedroom attached to the house. There would be a patio/garden on the roof. The new structure would be a greater distance from the setback lines to the rear and side yard. The River Parks jogging trail abuts the rear of his lot. The only access to the garage is from the Woodward Drive right-of-way that he shares with a neighbor. The owners of the properties to the south and north are in support.

**Comments and Questions:**

Ms. Stead asked if they planned to build a kitchen or use the space in the second story for commerce, to which he replied they would not. Mr. Tidwell asked for the height of the new structure. Mr. Tilly replied that the pergola will have a flat roof and the total height would be 34 ft.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a Variance of the rear yard requirement from 25 ft. to 7.4 ft. (Section 403); and a Variance of the side yard requirement abutting a public street from 20 ft. to 9 ft., finding the existing



structure has deteriorated and needs to be replaced for safety and other reasons; finding 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 extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances 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, subject to there being no kitchen and no commerce in the addition, on the following described property:

PRT LT 7 BEG SECR LT 7 TH N73 W139 S77.86 E138.6 POB LESS BEG 73N  
SECR LT 7 TH W139.83 S4.09 E138.83 POB BLK 1 , SUNSET PARK AMD,  
City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20502**

**Action Requested:**

Variance of the maximum permitted height of a promotional sign in the CBD (Section 1221.E.1), located: 310 East 1<sup>st</sup> Street South.

**Presentation:**

**Tom Green**, 1435 East 50<sup>th</sup> Street, stated this is a temporary use, and they hoped to continue it once a year. The sign would be up from May 15<sup>th</sup> to August 15<sup>th</sup>. The sign will be a type of vinyl material.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a Variance of the maximum permitted height of a promotional sign in the CBD, finding this is temporary in nature, to be erected on or about May 15<sup>th</sup> and removed on or about August 15<sup>th</sup>, finding these are exceptional conditions and do not apply to other property in the same use district; and finding the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan,

Mr. Cuthbertson mentioned to the Board that as this motion was worded it would only be good for one time rather than temporary as far as the amount of time per year. Mr. Green informed the Board this is the sixth annual event. They trust they will continue to hold the event in the coming years.

On **Motion** of **Tidwell**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **Reconsider** the Motion.

On **Amended Motion** of **Stead**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a Variance of the maximum permitted height of a promotional sign in the CBD, finding this is temporary in nature, to be erected for a period of three months only during the years 2007, 2008 and 2009, finding these are exceptional conditions and do not apply to other property in the same use district; and finding the variance 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:

E90 LT 6 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

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**NEW BUSINESS**

"Under the Open Meeting Act, this agenda item is authorized only for matters not know about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda."

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, stated that the Board denied a request for a special exception and variances related to a carport in Case No. 20479. The applicant's have engaged an architect to redesign the carport to be more conducive with the house and neighborhood (Exhibit C-1). They asked for reconsideration of the application. He pointed out that he located a carport that is very similar in the neighborhood. They were willing to discuss it with the neighborhood and seek their approval.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **Reconsider** Case No. 20479 regarding a carport at 3152 South Cincinnati, at the meeting on May 22, 2007.

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There being no further business, the meeting adjourned at 3:02 p.m.

Date approved: 6/12/07

  
Chair