

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 974
Tuesday, February 26, 2008, 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
White

MEMBERS

ABSENT

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 Monday, February 25, 2008, at 8:04 a.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Henke called the meeting to order at 1:01 p.m.

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

MINUTES

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of January 22, 2007 (No. 972).

UNFINISHED BUSINESS

Case No. 20261-A

Action Requested:

Modification of a previously approved site plan, located: 3232 East 31st Street.

Presentation:

Mr. Cuthbertson informed the Board that the permit office sent the applicant back for more relief through the Board of Adjustment after previous Board approval.

Staff discovered after notices went out that no more Board action was necessary. Staff recommended a refund of \$100.00.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **Refund** \$100.00 in Case No. 20261-A, on the following described property:

LT 1 BK 3, RANCH ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20635

Action Requested:

Variance of the parking requirement to permit office uses in existing structures in the CS district (Section 1211.D), located: Northwest and Southwest corners of East 7th Street and South Lewis Avenue.

Mr. White abstained from Case No. 20635.

Mr. Henke recognized Maria Barnes, as she had requested a continuance of this case. She stated she is President of the neighborhood association. She added that they had requested the applicant meet with the neighborhood but he had not. She stated that the neighborhood does not know any details about the application and therefore they could not support it.

Presentation:

Phillip Doyle, 2616 East 14th Street, responded that the applicant was not trying to sneak anything past the neighborhood. He stated that they love the neighborhood. They are interested in good architecture, landscaping and quality design. They proposed to improve the character and quality of the neighborhood. He understood this is for a parking variance, not a decision on aesthetics or encroachment. The plans are to bring the building up to code. The applicant wanted to move forward and they would like to meet with the neighborhood. They thought this variance was independent of the proposed plans.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-1 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; no "absences") to **CONTINUE** Case No. 20635 to the meeting on March 11, 2008, on the following described property:

LOT 30 & 29 BLK 5, LOT 1 & 2 BLK 6, HILLCREST ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20621

Action Requested:

Special Exception to permit a heliport in the CBD district (Section 701), located: 401 North Boston Avenue.

Presentation:

Stephen Schuller, 100 West 5th Street, Tulsa, Oklahoma 74103, represented Griffin Communications. They proposed to construct a heliport for the KOTV helicopter at their new studio facilities. It is on the north end of the Brady District, 200 ft. from the edge of Interstate Highway 244. He pointed out property to the south that his client has an option to purchase. The property to the east they are in the process of purchasing. He noted that David Sharp owns the property to the west and is enthusiastically in support of this application. His client has met with many other owners and operators of businesses in the Brady District, Brady Village Owners' Association. Mr. Schuller stated the proposed development of the Griffin Communications Media Center and accessory heliport are wholly consistent with the Brady Village infill development guidelines. The special exception would not be injurious to the neighborhood. This will encourage further development and improvement of the Brady District. The heliport is not detrimental to the public welfare. The parking and heliport areas will be fenced with gates. There will be no flights over the expressway, according to FAA regulations.

Comments and Questions:

Ms. Stead questioned Mr. Schuller regarding hard surface between the helicopter pad and the hanger. He replied there will be a driveway that is not depicted on the rendering or the site plan (Exhibit A-1). He was open to a condition to approval regarding this driveway. Mr. Schuller stated he was authorized to say they will not be doing Christmas light tours with this helicopter. It will be used for news business only. Mr. Stephens stated that unless the FAA regulations have changed they have to maintain at least 300 ft. above ground, enough room to auto-rotate down in case of engine failure, unless they are landing or taking-off.

Interested Parties:

Jim Norton, 321 South Boston, Suite 101, Tulsa, Oklahoma 74103, President of Downtown Tulsa Unlimited, stated they are in support of the application. They appreciate what they will be doing in the downtown area.

Councilor Marie Barnes stated she was in support of the application.

Board discussion ensued. In discussion of limiting the number of helicopters, Mr. Schuller entered the discussion. He pointed out the site plan shows a single 50 x 50 ft. helipad and a single 20 x 50 ft. hanger. He requested they be limited to no more than two helicopters on site at any time, per the site plan for the subject property. Mr. Alberty pointed out that if this application is approved per plan, the applicant would have to come before the Board again if they wanted to expand it.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a heliport in the CBD district (Section 701), per site plan, as shown on page 4.8 of the agenda packet, insofar as concrete or asphalt parking, permanent helipad, permanent hanger; heliport according to the site plan not to exceed two helicopters; no other commercial landings authorized; finding this 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:

Lot 2, AND the following described portion of Lot 3, to-wit: Beginning at a point in the East boundary of Lot 3 that is 29.33 feet Southerly of the Northeast corner of Lot 3, thence Southerly along the East boundary of Lot 3 a distance of 16.37 feet to the Southeast corner of Lot 3; thence Westerly along the South boundary of Lot 3 a distance of 140 feet to the Southwest corner of Lot 3; thence Northerly along the West boundary of Lot 3 a distance of 52.9 feet to a point; thence Easterly a distance of 144.74 feet to the Point of Beginning; All in Block 6, ORIGINAL TOWN, now City of Tulsa, Tulsa County, State of Oklahoma, according to the Official Plat thereof

NEW APPLICATIONS

Case No. 19570-A

Action Requested:

Minor Special Exception to amend a previously approved site plan; to enclose and slightly enlarge an existing corridor, located: 3188 East 22nd Street.

Presentation:

Steve Olsen, 324 East 3rd Street, Tulsa, Oklahoma, 74120, with Olsen-Coffey Architects, represented the Church of the Madalene. They proposed to enclose the existing covered walkway, and construct a vestibule at the entry.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Minor Special Exception to amend a previously approved site plan; to enclose and slightly enlarge an existing corridor, as illustrated on page 5.6 site plan in the agenda packet, 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, BONNIE BRAE, LT 1 BLK 1, WIL-REY TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20637

Action Requested:

Variance of the landscape requirement for a 5 ft. landscape area between a parking lot and adjoining residential district (Section 1002.A.3); a Variance of the setback requirement for a parking area from the centerline of an adjoining street from 50 ft. to 30 ft. (Section 1302.B); and a Variance of the setback for a ground sign from the centerline of an abutting street to permit a ground sign in the Right-of-Way (Section 1221.C.5), located: Southwest corner of 15th and South Trenton Avenue.

Mr. White abstained from Case No. 20637.

Presentation:

Keith Robertson, 5567 South Lewis Avenue, Suite 700, Tulsa, Oklahoma, 74015, stated he is the architect, representing the owner Ramor, LLC and Bailey-Foristell, property owner, and Robertson Architects of Omaha, Nebraska.

Mr. Henke asked for any interested parties that would ask a continuance of this case to speak to the Board.

Interested Parties:

Deann Paisley, 1530 South Trenton, stated she sent an email asking for a continuance of this case. She informed the Board that the neighbors were not aware of this application and she was not aware of the extent of the application.

Stacey Bayles, 1532 South Troost, President of the Swan Lake Neighborhood Association Executive Committee, stated she spoke with three of the four members, who asked that she request a continuance to March 11, 2008. The reason is to speak with the neighbors that are most closely affected. The three variances have consequences that need to be addressed. They understood that it is a courtesy of the City to contact neighborhood associations.

Mr. Cuthbertson informed the Board that a mapping glitch recently bumped Swan Lake Neighborhood Association south and they were not picked up on the computer. It was just brought to staff's attention and is being corrected.

Chip Atkins, 1638 East 17th Place, represented Dr. John Raphine, owner of 1531 South Trenton. They also asked for the continuation.

Mark Mobbs, 1521 East 21st Street, supported Ms. Bayles on the request for continuance.

Maria Barnes, stated in support of the neighborhood, she supported the request for continuance.

Mr. Robertson responded to the Board that the applicant felt they had followed requirements to send out proper notice in a timely fashion. They received a letter from Steven Clark, trustee of the property at 1516 South Trenton Avenue, which stated he had seen the plan and supported the plan, as submitted with the 8 ft. privacy fence and five-foot green space easement to include evergreens that would eventually grow to a size that would help buffer the view from his upstairs property. He added that it would help with the current parking situation surrounding the immediate area. Mr. Robertson stated they would like the case to be heard at this meeting.

Comments and Questions:

The Board members decided to hear the case at this time.

Presentation:

Mr. Robertson pointed out the subject property is located in the CH and OL zoning, not in the historic preservation district. He commented that the proposed restaurant requires 2,294 sq. ft. The existing business adjacent to it is 1,208 sq. ft. The required parking requires one stall per 100 sq. ft., which would require 23 parking spaces. The neighboring business would need one stall for every 225 sq. ft., requiring six parking spaces. The total required parking would be 29 spaces. There are 14 parking spaces, therefore they are asking for the 15 additional spaces with the previously approved lot combination. They requested an addition 20 ft. setback for the additional required parking. The plans were provided (Exhibits C-3) and are shown in the agenda.

Comments and Questions:

Ms. Stead asked if the applicant would be willing to construct an eight-foot fence, as requested by the neighbor. Mr. Robertson replied he would re-address that with the applicant and it would probably not be a problem, but it would require more relief if necessary. She asked for the hardship for the landscape. He responded that this parking design and landscaping area is necessary to maximize parking. Ms. Stead asked Mr. Robertson to address why they need a ground sign. Mr. Robertson responded this is a requirement of the owner to match their prototypes. The portable sign would allow them to move it when the City needed to do anything in the right-of-way, and then to replace it. Ms. Stead considered two wall signs and one ground sign to be sign clutter.

Interested Parties:

DeeAnne Paisley, 1530 South Trenton, Tulsa, Oklahoma, referred to Steve Clark's letter (Exhibit C-1). She urged the Board to include a five-foot landscape area. She did not agree that this would be an improvement to the neighborhood. She mentioned the traffic in the alley, especially on Friday and Saturday nights. She opposed the alley being used for an exit of the restaurant. She urged the Board to adhere to the landscape requirement.

Stacey Bayles, 1532 South Troost, stated she was speaking as an individual. She opposed the variance of the landscape requirement for a five-foot landscaped area between parking lot and the residential district and the third ground sign

Herb Beattie, 3474 South Zunis Avenue, stated he did not hear any hardships other than economic or self-imposed.

Sara Kobos, 3709 East 43rd Street, Tulsa, Oklahoma, 74135, stated she was in favor of the restaurant. She opposed the ground sign, showing photographs of other ground signs and business wall signs (Exhibit C-1). She noted the speed limit is only 25 m.p.h. and indicated the ground sign was not necessary.

Chip Atkins, 1638 East 17th Place, expressed disappointment in the builder had not met with the neighborhood association. He stated concerns regarding lack of hardship, public safety, among others. He urged the Board to vote no.

Mark Mobbs, 1521 East 21st Street, Tulsa, Oklahoma 74114, was in agreement with the other interested parties.

Steve Clark, 9833 Cadbury Ridge, Owasso, Oklahoma, 74055, stated he is the trustee for the property to the south of the subject property. He added that he and his family wanted assurance there would be an eight-foot privacy fence and trees to help buffer the noise from the parking lot.

Applicant's Rebuttal:

Mr. Robertson described the modification of landscaping that gives space for the slotted parking spaces.

Board Action:

On **Motion of Stead**, the Board voted 3-1-1 (Stephens, Stead, Tidwell "aye"; Henke "nay"; White "abstained"; no "absences") to **APPROVE** a Variance of the landscape requirement for a 5 ft. landscape area between a parking lot and adjoining residential district (Section 1002.A.3), subject to site plans on pages 6.8 through 6.13, noting specifically the landscaping shown in the "slotted" parking lot; sidewalks on the north and east sides shall be maintained in good condition or rebuilt as necessary; all parking and driving surfaces shall be asphalt or concrete; cedar-board fence on the south side of the building between the nearest neighborhood house shall be eight feet high; finding the necessity for this variance is exhibited by the fact that these areas were platted in the early twenties and thirties, and that buildings were built to the property line; finding the literal enforcement of the terms of the existing 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; 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.

On **Motion of Stead**, the Board voted 3-1-1 (Stephens, Stead, Tidwell "aye"; Henke "nay"; White "abstained"; no "absences") to **APPROVE** a Variance of the setback requirement for a parking area from the centerline of an adjoining street from 50 ft. to 30 ft. (Section 1302.B), finding that the structures being built up to property lines prevent good parking areas; finding the destruction of the house on the south, and incorporating it as a parking area is enhancing the area; the finding the literal enforcement of the terms of the current code to the historic development pattern in the 1920's – 1930's 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; 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.

On **Motion of Stead**, the Board voted 4-0-1 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; no "absences") to **DENY** a Variance of the setback for a ground sign from the centerline of an abutting street to permit a ground sign in the Right-of-Way (Section 1221.C.5); finding according to the site plans, there will be wall signs on east and north of the building; finding this is a very visible corner and the Board feels a third sign would be extra clutter, regarding the following described property:

LT 3, BLK 4; E 50 LTS 1 & 2, BLK 4; E 45 of W 90 of LTS 1 & 2, BLK 4, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20638

Action Requested:

Variance of the requirement that illumination of a sign in an R district shall be by constant light (Section 402.B.4.a) to permit an LED message board, located: 10222 South Yale Avenue.

Presentation:

Ben Ferem, 205 East B Street, Jenks, Oklahoma, 74037, stated he is an Executive Administrator in charge of construction for Jenks Public Schools. They proposed to put up the sign for rapid communication to the students and parents. He explained to the Board that the school system has an antiquated phone system for some of the high school sites, but it takes about six hours to get information out. The site plan is (Exhibit D-1).

Comments and Questions:

Ms. Stead informed the applicant of her objections to the flashing, scrolling and blinking LED signs. Mr. Henke asked how often they planned to change the copy on the sign. He indicated that some scrolling may be necessary. He assured the Board they intend to be good neighbors and were open to the Board's conditions.

Interested Parties:

J. B. Barrett, 4905 East 103rd Street, Tulsa, Oklahoma 74137, objected to the LED sign as bright and obtrusive. He pointed out where his home is located.

Al Marrara, 19715 East 6th Street, Tulsa, Oklahoma, explained the orientation of the sign and that it would be single-sided. It would be more to the north and east.

Applicant's Rebuttal:

Mr. Ferem stated this sign is not going to shine in the direction of any residences.

Ms. Stead stated she did not want to increase the square footage of surface area. Mr. Cuthbertson explained the bulletin board square footage and identification sign square footage. He added that under normal circumstances they could have one identification sign and one bulletin board, both limited in size. The sign proposed will use allotments for both 101st and Yale so that one sign takes the place of two potential signs on this frontage. The existing monument sign at the corner was assigned to 101st Street.

Mr. Henke recognized Mr. Marrara, who explained the message portion is about 2' x 8 ½ '. He pointed out the school has many out of state and international visitors that don't know the location of the schools.

Mr. Cuthbertson provided the Board additional information that the bulletin board allotment on South Yale is limited to 32 sq. ft. The identification sign is based on frontage. He added that with the long length of frontage the sign could potentially have 150 sq. ft. surface area.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the requirement that illumination of a sign in an R district shall be by constant light (Section 402.B.4.a) to permit an LED message board, with conditions limiting the brightness to 500 candelas per square meter (NITS) at any focal point on roadway or any vehicular approach to any roadway at any time between 6:00 p.m. and 7:00 a.m.; no flashing, blinking, or rolling from bottom to top or top to bottom messages; orientation of the new one, lighted side shall be as shown on page 7.7 of the agenda packet, which is 166 ft. from South Yale and 260 ft. from East 101st Street, oriented to the intersection of 101st Street and South Yale; the height of the existing sign shall be as corrected on page 7.6 of the agenda packet and shall be no more than 20 ft. in height, finding in granting this variance the Board has found the safety issues, enabling the school to provide safety information, school events information, is an exceptional circumstance; finding the literal enforcement of the terms of the code providing constant light 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; the variance to be granted with the new orientation 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, JENKS SOUTHEAST CAMPUS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20639

Action Requested:

Variance of the maximum permitted display surface area for a school bulletin board in an R district from 32 sq. ft. to 53.9 sq. ft. (Section 402.B.4.a); and a Variance of the requirement that illumination of a sign in an R district shall be by constant light (Section 402.B.4.a) to permit an LED message board, located: 3019 East 101st Street South.

Presentation:

Ben Ferem, 205 East B Street, Jenks, Oklahoma, 74037, stated they proposed the sign for rapid communication to the students and parents. He added that it would not blink, wink, or roll, and would only be used in a scrolling format and meet the brightness limitation of 500 NITS. The site plan is (Exhibit E-1).

Comments and Questions:

Ms. Stead noted a lot of ground clutter. She noted a large sign near PUD 306 and four small ground signs along 101st Street. Mr. Ferem replied that the smaller monument signs are only 2 ½ to 3 ft. tall, and 1 to 1 ½ ft. wide are informational signs for bus parking, entrance to cafeteria, and parent drop-off locations. This sign is to replace the existing sign. He added this is a two-sided sign.

Interested Parties:

Patrick Arch, 3005 East 101st Place, stated the existing sign shines in his bedroom window. He would not oppose a lighted sign that does not shine into the neighborhood.

The Board members and the applicant discussed items including height and the distance from centerline of the street.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum permitted display surface area for a school bulletin board in an R district from 32 sq. ft. to 53.9 sq. ft. (Section 402.B.4.a); and a Variance of the requirement that illumination of a sign in an R district shall be by constant light (Section 402.B.4.a) to permit an LED message board, with conditions limiting the brightness of 500 candelas per square meter (NITS) at any focal point on any roadway or any vehicular approach to any roadway at any time between 6:00 p.m. until 7:00 a.m.; the LED portion of the board will not contain flashing, blinking or

rolling from top to bottom or bottom to top; per plan as shown on pages 8.6 and 8.7 of the agenda packet with the exception, that the new sign will be placed a minimum of 85 ft. from the center line of East 101st Street South instead of 65 ft. as shown on page 8.7; that it shall be a double-sided sign oriented to the east and west; the Board considers safety and information issues in granting this variance; 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; 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, on the following described property:

LT 1 BLK 1, JENKS GRADE CENTER, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20640

Action Requested:

Variance of the maximum permitted display surface area for a school bulletin board in an AG district from 32 sq. ft. to 53.9 sq. ft. (Section 302.B.2.a); and a Variance of the requirement that illumination of a sign in an AG district shall be by constant light (Section 302.B.2.a) to permit an LED message board, located: 3933 East 91st Street.

Presentation:

Ben Ferem, 205 East B Street, Jenks, Oklahoma, 74037, stated they proposed the sign for rapid communication to the students and parents. The proposed sign is double-sided, but they would be willing to make it with one lighted side. He pointed out the location of the sign. He offered to discuss it with the nearest residential neighbors. He stated they were willing to adjust the height of the fence or other adjustments the Board deemed necessary.

Comments and Questions:

Ms. Stead suggested a continuance for revision of the application.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20640 to the meeting on March 11, 2008, on the following described property:

S/2 SE SW LESS W660 THEREOF & LESS S50 THEREOF FOR RD SEC 16 18 13 9.24ACS; W528 E1056 N/2 S/2 SW SEC 16 18 13 8ACS; E528 N/2 S/2 SW SEC 16 18 13 8AC, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20641

Action Requested:

Variance of the maximum permitted display surface area for a school bulletin board in an AG district from 32 sq. ft. to 53.9 sq. ft. (Section 302.B.2.a); and a Variance of the requirement that illumination of a sign in an AG district shall be by constant light (Section 302.B.2.a) to permit an LED message board, located: 8925 South Harvard Avenue.

Presentation:

Ben Ferem, stated they proposed the sign at this location for rapid communication to the parents and students of this school. He offered to place the two-sided sign on Harvard at the entrance of the upper area. It would replace the existing sign. He also offered an alternative to place the sign near the entrance of the bus oval, suggesting it would be a better location. He pointed out there are no residences near that location. He stated he could bring better information to the next meeting. He suggested they could leave the existing sign in place and put the new one near the bus oval.

Interested Parties:

Kim Champagne, 3164 East 88th, stated her home is northwest of the existing sign. She and her husband objected to any more obtrusive light into their home.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20641 to the meeting of March 11, 2008, on the following described property:

W792 N/2 S/2 SW LESS W50 THEREOF SEC 16 18 13; E660 W1320 S/2 S/2 SW LESS S50 THEREOF SEC 16 18 13; E/2 E/2 SW SW SW LESS S50 THEREOF FOR RD SEC 16 18 13; W/2 E/2 SW SW SW LESS S50 THEREOF SEC 16 18 13; N132 W/2 SW SW SW LESS W50 SEC 16 18 13; S528 W/2 SW SW SW LESS W50 & S50 SEC 16 18 13, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20643

Action Requested:

Variance of the required rear yard from 20 ft. to 10 ft. (Section 403), located: 656 North Cheyenne Avenue.

Presentation:

William Wilkins, 615 North Cheyenne Avenue, stated the non-conforming lot is about one-half the size of an average lot in Brady Heights. The site plan is (Exhibit F-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the required rear yard from 20 ft. to 10 ft. (Section 403), per plan as shown on page 11.6 of the agenda packet; finding the lot is significantly shallow with only 76.5 ft. of depth, oriented on a corner, which allows the applicant to choose the front and side yards; finding the exceptional conditions, in which 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; 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:

E.1/2-LOT-1-BLK-5, NORTH TULSA, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20645

Action Requested:

Variance of the building height requirement in an RS-1 district from 35 ft. to 47 ft. - 3/4 in. (Section 403) to permit a new residence, located: South of the Southwest corner of 71st Street and South College Avenue.

Presentation:

Ted Sack, 111 South Elgin, represented Bill and Marsha Barnes, owners of the property, and Doug Walker, builder and architect. They propose to build a multi-story home with over 14,000 square feet. They requested the variance of the height to keep the harmony and the scale of the project. He stated there would be a twelve-foot difference in elevation in the base of the home. The property is a 1.5 to 1.6 acre lot.

Comments and Questions:

Mr. White asked about the neighbors' opinions. Mr. Sack replied that the owners have talked to the neighbors and no one has come forward in opposition.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the building height requirement in an RS-1 district from 35 ft. to 47 ft. - 3/4 in. (Section 403) to permit a new residence, per plan as shown on pages 12.8, 12.9, 12.10, finding the height is justified, finding the excessive size of the lot,

approximately 69,644 sq. ft. is five times the minimum required by the zoning code; and the 14,176 sq. ft. residence is architecturally more compatible with the neighborhood at a higher height; finding the literal enforcement of the terms of the code of 35 ft. 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:

LT 2, Blk 1, ROCKWOOD HILLS ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

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There being no further business, the meeting adjourned at 3:47 p.m.

Date approved: 3/25/08


Chair