

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 983
Tuesday, July 8, 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**

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, July 3, 2008, at 10:52 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 1:00 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. 20697

Action Requested:

Special Exception to permit offices, studios, and support services (Use Unit 11) in an RM-2 district (Section 401), located: 585 West Fairview Street.

Presentation:

This case was withdrawn by the applicant.

Board Action:

No action was needed.

NEW APPLICATIONS

Case No. 20714

Action Requested:

Variance of the required rear yard from 20 ft. to 12 ft. (Section 403), located: 10764 East 30th Street South.

Presentation:

Keith Shoemaker, 6567 West Cameron Street, Tulsa, Oklahoma, 74127, stated he is the builder and contractor for Marilyn Goodman, the owner of the subject property. They proposed to do a remodeling job on her home (Exhibit A-1).

Marilyn Goodman, 10764 East 30th Street, Tulsa, Oklahoma, 74129, stated she is the homeowner. She pointed out the shape of the lot. She added that it is the only lot in the area shaped this way.

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 12 ft. (Section 403), per plan as shown on page 2.6, finding the odd shaped corner lot, as well as the 111th Avenue entrance creates a hardship; also finding the existing house is set back more than the code requires for the north of the street, which wraps around the lot, for an 8 ft. x 19 ft. add-on; finding these are 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 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 3 BLK 4, VALLEY GLEN THIRD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20715

Action Requested:

Special Exception to permit a mobile home in an RS-3 District (Section 401); Special Exception to extend the time limitation from one year to permanent (Section 404.E), located: 155 South 35th Avenue West.

Presentation:

John Yateman, 10 South 65th West Avenue, Tulsa, Oklahoma, 74127, stated he is currently the owner. He proposed to place a mobile home on the property for a permanent residence, not a rental unit. The lot is empty and he is trying to improve it (Exhibit B-1). He submitted a petition of support (Exhibit B-2).

Monty Weimer, 101 West 54th Place, Sand Springs, Oklahoma, 74063, responded to questions from the Board, stating the mobile home is a 1998 model and it is paid off.

Comments and Questions:

Mr. Yateman responded to the Board that one couple were opposed and one employer and employee.

Interested Parties:

Rick McLain, 156 South 34th West Avenue, stated his support. He thought it would help to have someone occupy the property to perhaps stop the trash and drug paraphernalia found on the property.

J. D. Smith, 106 South 43rd West Avenue, stated he is the President of the Charles Page Neighborhood Association. They are opposed to this application. They are trying to improve the neighborhood and have received a lot of support from community businesses. They do not feel that a mobile home would be kept up.

Ms. Stead noted that seven owners of property on 35th Street signed in support of this application.

Harlan Harrington, 1014 Ridge Drive, Sand Springs, Oklahoma, 74063, was opposed to the application.

Applicant's Rebuttal:

Mr. Yateman responded that they are in the process of improving the lot and would like to sell it to Mr. Weimer. He assured the Board the parking, utilities and everything would be done according to the zoning code.

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 mobile home in an RS-3 District (Section 401); Special Exception to extend the time limitation from one year to five years from today's date, July 8, 2008 (Section 404.E), with conditions, it is the Board's understanding the mobile home will be no older than a 1998 model; for two required parking spaces, with drive and parking paved with asphalt or concrete; tie-downs, skirting, , per plan as shown on page 3.6 of the agenda packet; with 14 ft. long drive, which may vary some, as long as there are two parking spaces; finding the special

exceptions 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 19 BLK D, JOE SUB, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20716

Action Requested:

Special Exception to permit community and educational services to include an accessory retail food outlet (Use Unit 5) in the RM-1 district (Section 401) and a Variance of the minimum building setback of 25 ft. from an abutting R zoned property (Section 404.F.4), located: 2232 South Nogales Avenue.

Presentation:

Clark Milspaw, 3031 South Troost, Tulsa, Oklahoma, 74114, stated the two buildings on the subject property are for a non-profit 501C.3 community center (Exhibits C-1 and C-2). One building is approximately 4,000 sq. ft., which will be used for educational purposes. There will be a teaching kitchen to teach mothers how to cook. The services will include an accessory foot outlet with produce and without signage. It will be open two to three days per week. They plan to teach nutrition, health, finances to parents. The second building has about 3,000 sq. ft. and will house a 24/7 prayer room open to the public. There will be rooms to house six male missionaries to work in the neighborhood. The project includes improvements of the buildings to comply with the zoning code. They will be working closely with Eugene Fields School, Salvation Army and two churches in the neighborhood.

Comments and Questions:

Ms. Stead noted only fourteen parking spaces and asked if that is adequate for these facilities. Mr. Cuthbertson stated that they determined it was adequate.

Interested Parties:

There were no interested parties who wished to speak.

There was discussion as to the sale of produce; food bank or retail outlet; community garden; not-for-profit outlet distribution of food; and related items.

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 community and educational services to include an accessory retail food outlet (Use Unit 5) in the RM-1 district (Section 401) and a Variance of the minimum building setback of 25 ft. from an abutting R zoned property (Section 404.F.4); subject to the applicant's narrative, on page 4.6 dated May 22, 2008 and

per plan as shown on page 4.9 of the agenda packet, including specifically that no signage advertising food services will be posted; and citing specifically that the food outlet shall consist only of not-for-profit goods; finding there are 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 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 in granting 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:

S5 LT 12 & ALL LT 13 & 14 & E10 VAC ALLEY ADJ WL BLK 38, LTS 15 16 17 & 18 & E10 VAC ALLEY ADJ WL BLK 38, WEST TULSA ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20717

Action Requested:

Variance of the side yard requirement from 5 ft. to 6 in. (Section 403) to permit a structural addition, located: 13511 East 36th Street South.

Presentation:

John Howland, 525 South Main, Suite 700, Tulsa, Oklahoma, 74103, represented Mr. Munoz, the applicant. This property is unique in that the rear yard has a large easement for PSO. It is a long, narrow lot that is 165 ft. deep. The required front yard does not allow enough space for a drive to park a boat on the back of the property.

Comments and Questions:

Ms. Stead questioned the applicant about a permit for the carport.

Norberto Munoz, 13511 East 36th Street South, Tulsa, Oklahoma, 74134, stated he built the carport and received notice that he had to pave the parking space. Mr. Howland informed the Board that Mr. Munoz understands if the City had to work on the anything in that easement, that he would have to remove the pad at his own expense.

Mr. Cuthbertson interjected that the space between the drive and the pad would need to be paved.

Mr. Howland submitted exhibits (Exhibit A-6, A-7) to the Board.

Interested Parties:

Ken Raffensperger, 13519 East 38th Street, Tulsa, Oklahoma, 74134, stated they have lived there 17 years. He read a list of multiple oppositions and provided a petition of opposition (Exhibit A-5). He is opposed to obstruction of a fence, decreasing the green space between the two homes, and water run-off from the house onto neighbor's property. He mentioned there are storage facilities for boats. He added that the applicant is a good neighbor and takes good care of his property.

Dennis Troyer, City Councilor, District 6, 12811 East 13th Place, Tulsa, Oklahoma, 74128, stated that he would like to see the building permit for this pad. He remembered that about one and one-half years ago Neighborhood Inspections was called to this property. The applicant was attempting to build a gravel drive all the way around the home, connecting to the PSO easement in the back, including breaking out the curb to 36th Street. Mr. White responded to Mr. Troyer that the Zoning Clearance permit stipulates a parking pad and nothing else.

Applicant's Rebuttal:

Mr. Howland responded that there is not a fence to obstruct; there is easy access for fire and rescue on the west side of the property. He pointed out that there is no sloping of the roof and guttering is in place to prevent water run-off to the neighboring property. He stated that storage of a boat and recreation vehicle is a recognized accessory use as seen in the photographs shown.

Board Action:

On **Motion of Stephens**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** Case No. 20717, finding a lack of hardship, on the following described property:

LT 2 BLK 1, PARK PLAZA EAST IV, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20718

Action Requested:

Special Exception to permit an alternative design for a communications tower in the CBD to permit a lattice television broadcast tower instead of a monopole tower (Section 1204.C.3.b.2), located: 405 North Cincinnati Avenue.

Presentation:

Stephen Schuller, 1100 ONEOK Plaza, 100 West 5th Street, Tulsa, Oklahoma, 74103, proposed to build a self-supporting lattice television broadcast tower at the KOTV studio. This would be more supportive of the required antennas. The subject property is in a CBD district. The signal is transmitted by an underground cable from the studio to the tower, where it is beamed to the main transmission tower. The initial tower must be near the studio and a 300 ft. height is required to

transmit over hills, trees or other obstructions to the main tower in Oneta, Oklahoma. The monopole design at 300 ft. loses some stability and could interrupt the signal. The proposed tower has much greater stability at that height. It would be available for collocation. The color of the tower would be dictated by FAA regulations, possibly alternating red and white sections, like the existing KOTV tower. It will comply with the zoning code as to lighting, screening, setbacks, landscaping, and security fencing. There are no residential structures or district boundaries or existing towers in the immediate vicinity of this tower. The existing tower would be removed once this tower is in service. The exact location of the tower on the subject property will be decided as approved by the FAA. He stated the tower and heliport will go in about the same time. The site plan was submitted with the application (Exhibit D-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, 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 an alternative design for a communications tower in the CBD to permit a lattice television broadcast tower instead of a monopole tower (Section 1204.C.3.b.2), with conditions that this be a self-supporting lattice tower; per plan as shown on page 6.6 of the agenda packet, noting the location may change slightly for the final installation, 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:

Part of Lots 6 and 7, Block 21, ORIGINAL TOWN of Tulsa, and part of Lot 8, Block 19, NORTH TULSA ADDITION to Tulsa, Tulsa County, Oklahoma, described as follows: Beginning at the Southwest corner of said Lot 8, said point also being the Northwest corner of said Lot 7; thence North 82°31'53" East for 146.48 feet (said distance calculates 146.28 feet) to a point on the Easterly line of said Lot 8, said point also being 19.68 feet Northwesterly of the Southeast corner of said Lot 8; thence South 24°24'24" East along said Easterly line and along the Easterly line of said Lots 7 and 6 for 93.40 feet to a point that is 62.88 feet Northerly of the Southeast corner of said Lot 6; thence South 83°35'21" West for 0.00 feet to a point of curve; thence Southwesterly on a curve to the left with a radius of 1,960.08 feet and a central angle of 04°15'12" for 145.51 feet to a point on the Westerly line of said Lot 7, said point being 2.66 feet Northwesterly of the Southwest corner of said Lot 7; thence North 24°24'24" West along said Westerly line for 96.24 feet to the Point of Beginning of said tract of land,

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Case No. 20719**Action Requested:**

Special Exception to permit light manufacturing and industrial use (Use Unit 25) in the CH district (Section 701), located: 1218 West Archer Street North.

Presentation:

Mike and Alicia Nelson, 209 East 19th Street, Tulsa, Oklahoma, 74119, stated he has a current business at 6240 East 15th Street that he leases. He does printing equipment service repair on site of their location. The narrative and site plan are identified as (Exhibits E-1 and E-2).

Mr. Stephens out at 2:48 p.m.

At this location he proposes metal manufacturing of cut round rod and welded pipe. This is used for temporary signs such as auction or for-sale signs. It is zoned CH, so purchase of building is contingent on the approval of a special exception to permit light manufacturing (Use Unit 25). All the materials he uses are contained inside.

Interested Parties:

David Denham, 606 North Osage Drive, Tulsa, Oklahoma, stated his wife owns property at 1301, 1606, 1615 West Archer.

Mr. Stephens returned at 2:50 p.m.

He stated that any unoccupied property in the area gets vandalized. He expressed opposition, questioning welding in an enclosed building and concern for traffic through the neighborhood, especially semi-trucks. He wanted to know the hours of operation.

Applicant's Rebuttal:

Mr. Nelson stated he produces small components for signs, with some mig-welding. He works one shift, doing the work himself. He also runs a couple of ban saws to cut the product to size. He usually works 8:00 a.m. to 5:00 p.m. but sometimes until 6:00 p.m. He explained that he does about a month and a half of work and then it is over for about two months. In the meantime he does his service work, and sometimes he brings items in to work on them. Occasionally, materials come on a semi-truck. He stated it is not a problem to ensure deliveries come in a short bed truck. A load comes in once every two to three months. He does not have any waste product.

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 **APPROVE** a Special Exception to permit light manufacturing and industrial use (Use Unit 25) in the CH district (Section 701), specifically subject to the applicant's narrative on page 7.6 of

the agenda and limited to the uses listed therein, further described as no outside storage of materials, tools, equipment or finished product; all work shall be inside the structures behind closed doors; normal hours of operation will be 8:00 a.m. to 6:00 p.m.; and to further describe the manufacturing process permitted: it shall involve welding, light machine lathe work, cutting, and fabrication of signs from small rods; 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:

LTS 14 15 & 16 BLK 17, OWEN ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20720

Action Requested:

Request for refund, located: South of the Southwest corner of East 11th Street and South 193rd East Avenue.

Presentation:

Mr. Cuthbertson stated public notices were created but not distributed before the applicant withdrew. Staff recommended a refund of \$400.00.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Refund** of \$400.00, on the following described property:

S990 W/2 SW NE & A TRACT BEG SECR SE NE TH N593.27 SW148.53
SW88.57 SW63.06 SW161.24 SW46.16 SW877.58 S405.06 E1322.31 POB
SEC 12 19 14 43.599ACS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20721

Action Requested:

Special Exception to permit principal use parking (Use Unit 10) in the RM-2 district (Section 401); Special Exception to permit required parking on a lot other than the one containing the principal use (Section 1301.D); Special Exception to modify the screening requirement of a parking area from abutting R districts (Section 212.C); Variance of the maximum .50 Floor Area Ratio permitted for an office use in the CS and RM-2 district (Section 404.G & 603 & 703); Variance of the setback for a parking area from the centerline of an abutting street from 50 ft. to 46 ft. (Section 1302.B); and a Variance of the building setback from an abutting R district (Section 404.G & 603); to accommodate a permitted office use in an existing building in the CS and RM-2 district, located: Northeast corner of Charles Page Boulevard and South Olympia Avenue.

The applicant withdrew the request for a Variance of the maximum .50 Floor Area Ratio permitted for an office use in the CS and RM-2 district (Section 404.G & 603 & 703).

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma, 74103, represented the Buford family. They propose to remodel and use the facility for general business offices for the Buford family. The property is zoned CS and RM-2. He stated they talked with owners of neighboring properties and provided them a letter of the proposed requests (Exhibit F-3) and obtained signatures of support. The applicant constructed a screening fence on the north. The revised site plan (Exhibits F-1, F-2) was submitted. The alley access to parking is permitted by the zoning code. The applicant proposed to modify screening in the best interest of the neighborhood.

Comments and Questions:

Mr. Cuthbertson stated the only place screening is required is where lot lines are in common with a residential district.

Interested Parties:

Martin Feuerstein, 2212 West Canton Place, Broken Arrow, Oklahoma, 74012, stated he owns the home on Lot 1. He reminded the Board that the homes were built in the 1940's and 1950's, and are usually not up to code. He added they are close to the streets. He noted the alley has pot holes and suggested it be resurfaced with speed bumps. He stated he is familiar with the applicant and has no problem with this application. He was informed that the condition of the alley is not in the Board's purview.

Mr. Cuthbertson suggested he contact the Mayor's Action Center, Public Works, and the City Councilor to make his requests for the alley.

Debbie Sandison, 1611 South Carson, Tulsa, Oklahoma, 74119, stated she was not clear on how this application will impact their property with the driveway and alley and the freeway. They have not been contacted by the applicant. They are in the process of renovating their home. She stated the screening fence that was constructed is higher than eight feet, cutting off sunlight to their house. Ms. Stead and Mr. White clarified the application requests to her, as to where the parking would be, and other details. She stated that a portion of a tool shed was removed from her property without their permission.

Applicant's Rebuttal:

Mr. Johnsen responded that according to Mr. Buford, the applicant did not remove any part of a shed. They built the fence and it is eight feet tall.

Board discussion ensued.

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 principal use parking (Use Unit 10) in the RM-2 district (Section 401); Special Exception to permit required parking on a lot other than the one containing the principal use (Section 1301.D); Special Exception to modify the screening requirement of a parking area from abutting R districts (Section 212.C); Variance of the setback for a parking area from the centerline of an abutting street from 50 ft. to 46 ft. (Section 1302.B); and a Variance of the building setback from an abutting R district (Section 404.G & 603); to accommodate a permitted office use in an existing building in the CS and RM-2 district, finding that most of these variances would not be necessary if a lot combination could have been executed, which under the present circumstances cannot; finding these hardships are 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 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; these approvals are subject to maintenance of sidewalks along Charles Page Boulevard and Olympia Avenue; a tie agreement of all six parcels under common ownership, which are Lots 8 through 13, Block 2, Crosby Heights Addition to the City of Tulsa; these approvals are intended to provide the use of general business offices and other specific uses as shown in Use Unit 11, as specified under Use Unit 11; that the Board also voted to **APPROVE** all three special exceptions, finding they 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, per plan as shown on page 9.7 of the agenda with possible modifications to Lots 11 and 12, on the following described property:

NE/c of CHARLES PAGE BLVD and S OLYMPIA AV

Case No. 20722

Action Requested:

Variance of the all-weather material surface requirement for a parking area (Section 1303.D), located: 13515 East Admiral Place.

Mr. Cuthbertson noted that the applicant identified his property address in error as, 13711 East Admiral Place. The property legal description and County Assessor's address of 13515 is correct. The notices contained the correct location and legal description.

Presentation:

Brad Nelligan, 13515 East Admiral Place, Tulsa, Oklahoma, requested an extended time period to comply with the zoning code, specifically two years. He has improved the property and just needs a little more time to pave the property.

Interested Parties:

Dennis Troyer, City Councilor, District 6, stated they have focused on improving this area for a neat and clean appearance. He was in support of this application, as it is obvious he is making the improvements.

Applicant's Rebuttal:

Mr. Nelligan did not have a rebuttal.

Comments and Questions:

Ms. Stead was in favor of this application. She reminded the applicant the surface should be asphalt or concrete.

Board Action:

On **Motion** of **Stead**, the Board voted 4-1-0 (White, Henke, Stead, Tidwell "aye"; Stephens "nay"; no "abstentions"; no "absences") to **APPROVE** a Variance of the all-weather material surface requirement for a parking area (Section 1303.D), subject to the fact that asphalt or concrete will be installed not longer than two years from today's date, July 8, 2008, in other words, the variance is temporary in nature for a period of two years; finding the short-term would not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

BEG 65N SECR LT 3 TH N55 TO SL HWY R/W TH WLY 400.66 NW293.95
SWLY CRV LF 96.31 SE144 E728 POB & BEG SWC GOV LT 2 TH N120 TO S
R/W LN HWYS 44 & 244 TH E55 S120 W55 POB LESS S40 FOR RD SEC 4 19
14 2.038ACS, , City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20723

Action Requested:

Variance of the front yard requirement from 30 ft. to 22 ft. (Section 403) to permit a garage extension to the existing dwelling, located 2260 East 34th Street South.

Presentation:

Randall Suffolk, 2260 East 34th Street, Tulsa, Oklahoma, 74105, proposed to modernize the kitchen designed in 1950. They believe the literal enforcement of the code would present a hardship. He described what you can see from the front door of the home is that the entirety of the back of the home is glass windows overlooking a beautiful back yard. He stated the option to remodel per the plan (Exhibit G-1) would require 20 ft. to the rear versus five feet to the front yard. An addition to the rear yard would dramatically undermine that view. He called the

Board members attention to at least 20 mature Blackjack Oaks, plus additional trees. A denial of this request would necessitate the removal of approximately seven trees on the west of the home and an additional large, mature oak directly behind the building itself. If granted the variance will not negatively impact the perception of a common setback, given the current and substantial landscape errors between their home and two contiguous neighbors. This property is unique with a hill elevation and a curved road, which would minimize any negative impact of the extension. This would only use the existing driveway not landscaping or other structural elements that are unique to the home. He provided signatures of neighbors on their block in support of the application (Exhibit G-2).

Comments and Questions:

Mr. Tidwell asked if the house to the east is occupied. Mr. Suffolk replied that it will be in the next three months, as it is being remodeled. He added that they plan to make the extension with a pitched roof and landscaping that will not appear to be an addition to the original plan.

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 front yard requirement from 30 ft. to 22 ft. (Section 403) to permit a garage extension to the existing dwelling, per plan as shown on page 11.6 of the agenda; finding the variance is necessary, the house being built in 1955 on uneven topography with a street curvature; 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 2 BLK 8, OAKNOLL EXT, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20724

Action Requested:

Special Exception to permit a memory care/assisted living center (Use Unit 8) in an OM District (Section 601), located: 7210 South Yale Avenue East.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, represented the contract purchaser of the subject property. He proposed to open a memory care assisted living facility, mainly for people with Alzheimers. He stated there is an assisted living

center to the south, office use to the north, and a large detention facility to the west. The site plan is Exhibit H-1.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, 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 memory care/assisted living center (Use Unit 8) in an OM District (Section 601), per plan submitted as shown on page 12.6 of the agenda; sidewalks to be installed and maintained, 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:

S250 N917.78 E410 NE NE LESS E60 THEREOF SEC 9 1813 2.01ACS,
EXECUTIVE CENTER AMD RESUB L1 B1 EXECUTIVE CTR, HEATHERIDGE
SOUTH, SILVER OAKS B1-5, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20733

Action Requested:

Special Exception to permit an existing duplex dwelling (Use Unit 7) (dwelling with an attached garage apartment) in the OL district (Section 601), located: 1335 North Sheridan Road.

Mr. Tidwell out at 4:23 p.m.

Presentation:

Jeff Richardson, 450 West 7th Street, Tulsa, Oklahoma, 74119, the property was ready to sell and close. The lender asked for assurance that the house could be rebuilt in case of destruction by fire or other causes in the OL district. The site plan is Exhibit I-1.

Board Action:

On **Motion** of **White**, 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 an existing duplex dwelling (Use Unit 7) (dwelling with an attached garage apartment) in the OL district (Section 601), per plan as shown on page 13.6 of the agenda, 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 7 BLK 7, SAINT PETER AND PAUL SUB, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20737

Action Requested:

Variance of the front yard requirement from 25 ft. (Section 403) to permit a newly constructed home in the RS-3 district, located: 451 South Indianapolis Avenue.

Presentation:

Eric Gomez, stated he is the current owner of the subject property. He stated he has been a co-owner for several years. This property was intended for an infill project. The houses are staggered from Indianapolis Avenue. There are a variety of styles of homes in this neighborhood. They submitted the site plan to the City of Tulsa and received a building permit. They built the house according to the plan, which was completed in January 2008. At closing it was discovered that it was seven feet over the building line. The error was overlooked through the whole process. He submitted (Exhibit J-1) real estate information and photographs to illustrate similar properties in the neighborhood (Exhibit J-2). He informed the Board that they put in retaining walls on the north and French drains to minimize impact on other properties.

Interested Parties:

Susan Brosky, 4364 South 440, Pryor, Oklahoma, 74361, stated she was in support of a house on the subject property, just not such a large one. She added that she purchased property on the south side of the subject property. She indicated that another builder informed the applicant and the builder that the construction was placed too close to the street.

Benita Boone, 447 South Indianapolis, Tulsa, Oklahoma, 74103, stated she made calls asking that someone inspect the project for code compliance and drainage. She was disappointed that the errors still occurred.

Applicant's Rebuttal:

Mr. Gomez responded that they discussed their concerns with the building inspectors, particularly regarding the drainage run-off. He stated it was a multiple of errors, and the front setback was never brought to his attention. They discovered this at the closing.

Board Action:

On **Motion of Stead**, the Board voted 4-1-0 (White, Henke, Stead, Tidwell "aye"; Stephens "nay"; no "abstentions"; no "absences") to **APPROVE** a Variance of the front yard requirement from 25 ft. (Section 403) to permit a newly constructed home in the RS-3 district, the Board notes the lot contains only 6,432 sq. ft. and is 47 ft. wide; and the Board further notes errors of construction and inspection of the

building involved creates a hardship; 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 a further 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:

N 47 LT 9 BLK 1, CHULA VISTA FIRST ADDN, City of Tulsa, Tulsa County,
State of Oklahoma

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There being no further business, the meeting adjourned at 4:56 p.m.

Date approved: 8/12/08

Frank X. [Signature]
Chair