

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 993
Tuesday, January 13, 2009, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

**MEMBERS
PRESENT**

Henke, Chair
Stead, Vice Chair
Stephens
Tidwell, Secretary
White

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, January 8, 2009, at 4:15 p.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. Chair Henke stated the entire Board would miss Kurt Ackermann, legal counsel, who was killed in late December in a car accident. He noted that Charles Norman, an attorney who had appeared in front of the Board numerous times, had passed away and would also be missed.

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 November 25, 2008 (No. 991).

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20823

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & 1221.G.9), located: Northeast corner of Gilcrease Expressway and North Cincinnati Avenue.

Presentation:

Mr. Cuthbertson informed the Board the applicant requested a continuation of Case No. 20823 to the meeting on January 27, 2009.

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 **CONTINUE** Case No. 20823 to the meeting on January 27, 2009 to give the applicant time to provide correct documentation, on the following described property:

S/2 N/2 SW NW LESS BEG 658.90N SWC NW TH N235.46 E125 SE39.01
E141.64 S127.5 SE270.13 W600.44 POB & LESS BEG NWC S/2 N/2 SW NW
TH E1320 S330 TH NWLY TO POB SEC 24 20 12

Case No. 20815

Action Requested:

Special Exception to permit fixture assembly and manufacturing (Use Unit 25) in a CH district (Section 701); and a Variance of the parking requirement (Section 1225.D) or a Special Exception to permit required parking on a lot other than the one containing the principal use (Section 1301.D), located: West of the Northwest corner of East 11th Street and South Hudson Avenue.

Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma, 74103. For identification purposes, Tract 1 refers to the northwest tract and Tract 2 refers to the southeast tract. An application has been filed for Tract 1 to permit store fixture manufacturing. A variance has been requested regarding off-street parking being located off site. The initial zoning was done in 1957 and then the new code was adopted in 1973 and the property was zoned CH. There was no parking requirement until 1984 for the CH district.

Travis Ogle, 2900 East Apache, Tulsa, Oklahoma. He is production director at Penloyd, LLC, owner of the property listed in this case. There is a spray booth that Penloyd would like to move from the Apache site to the 11th Street facility. The booths were installed new in 1994. The booths are totally self-contained. Ms.

Stead asked if there was any out flow. Mr. Ogle said there is out-flow but the fan and the turret that pulls the air are contained inside of the building on top of the booth. He asked for time to install a screening fence. He expressed concerns on how it would look if the company spent money on building a fence when they had just laid off 250 people. The company hopes to re-hire these former employees and would request a time limit to be in connection with the implementation of the new paint booth.

Comments and Questions:

Ms. Stead asked for clarification on the area that will be screened. Mr. Johnsen said a wood fence would butt up against the chain link fence which is there for security. This is along the boundary of 9th Street. Ms. Stead asked about the hours of operation. Mr. Johnsen said there is one shift which is currently working 6 am to 4:30 pm. He said that when the company is really busy, a second shift may run but this does not happen very often. Ms. Stead asked if there are any other buildings that are a part of the larger industrial tract. She also asked if collectively, there would be ample parking. Mr. Johnsen said there is space perpendicular in Tract 1 for 12 vehicles. He said there would be 28 total spaces. Ms. Stead asked if the neighbors had been given a 24/7 contact number. Mr. Johnsen said a number would be provided. Ms. Stead asked about doors for the paint booth.

Interested Parties:

Don Farris, 5515 East 9th Street, Tulsa, Oklahoma, 74112. His parents bought the home in 1946 and Mr. Farris purchased the home after his father passed away. His major concerns are the painting, exhaust fumes and potential noise. He is not concerned with parking issues. Mr. Farris has concerns with environmental issues and who to contact if there are problems. He asked if there is a time limit on when the fence will be built on the North quarter.

Mark Baldwin, 5505 East 9th Street, Tulsa, Oklahoma, 74112. Mr. Baldwin wants Penloyd to succeed and the company is good for the neighborhood. He has concerns with regard to the fumes that are produced during manufacturing. He suggested lighting along 9th Street and fencing the parking area.

Laura Baldwin, 5505 East 9th Street, Tulsa, Oklahoma, 74112. Mrs. Baldwin is concerned about the garage doors being open for nine months of the year and not just the summer. She is also concerned about the noise.

Dennis Whitaker, 911 South Erie, Tulsa, Oklahoma, 74112. Mr. Whitaker disclosed he works for the City of Tulsa but is attending the meeting as a private citizen and is using vacation time. He thanked Mr. Ogle for the tours of the facilities in question and the facility on Apache. He called DEQ and Tulsa County Health Department to have a better understanding of particulates that are regulated by DEQ.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-1 (Stephens, Henke, Stead, Tidwell "aye", no "nays", White "abstained"; no "absences") to **APPROVE** a Special Exception to permit fixture assembly and manufacturing (Use Unit 25) in a CH district (Section 701); and a Special Exception to permit required parking on a lot other than the one containing the principal use (Section 1301.D) subject to the following conditions as handed to the Board today by the applicant and with additional conditions imposed by the Board:

1. The use of Tract 1 shall be limited to warehousing and Store Fixture Manufacturing;
2. Manufacturing and assembly shall be conducted solely within the existing building located within Tract 1 and there shall be no outside storage, parts or pieces;
3. Painting/finishing facilities shall be limited to one (1) booth not exceeding 15 ft. x 20 ft. in dimension and located within the Southeast corner of the building and just North of the Southernmost loading dock located within Tract 1;
4. Painting emissions shall be in compliance with the Oklahoma Department of Environmental Quality regulations; odors shall not be discernible outside the property lines of Penloyd; and noise emission from the paint booth filtration system shall not be discernible outside the property lines of Penloyd. The doors in the painting booth shall be closed when painting necessary items;
5. Not less than sixteen (16) parking spaces for Tract 1 use shall be provided within Tract 2;
6. A screening fence of not less than 6 ft in height shall be installed and maintained along the western portion of 9th Street along Penloyd's property.
7. The east portion along their property shall be maintained in good order including the intervening railroad right-of-way and this shall be constructed by January 1, 2010;
8. The applicant shall present to INCOG a tie agreement tying Tracts 1 and 2.
9. The applicant shall furnish the homeowners and homeowners' association a 24/7 phone number at which complaints may be lodged;
10. Semi-truck access to Tract 1 shall be from 11th Street only.

Finding that in granting the Special Exceptions, these will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood, on the following described property:

LT 1 BLK 70, GLENHAVEN; LT 1 less and except N 25 and W 5 thereof & N200 LT 12 BLK 1, SANFORD ADD. a resub of Blk 26 and vacated E. 10th St. of Blks 1 and 2, White City Add., City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

NEW APPLICATIONS

Case No. 20842

Action Requested:

Minor Special Exception to amend a previously approved plan to permit a canopy and walkway cover to an existing police station, located: 7515 South Riverside Drive.

Presentation:

Deputy Chief Dennis Larson, Commander, Operations Bureau for Tulsa Police Department. Deputy Chief Larson stated visual impairment strips will be added at each end of the building to allow for individuals to be dropped off out of sight of the general public and criminals. He informed the Board a canopy will be built to protect individuals from bad weather as they are being moved from police vehicles into the building. He said he did not think the canopy would be visible from Riverside Drive.

Comments and Questions:

Ms. Stead asked how high the fence would be. Deputy Chief Larson said it would be the same height as the existing fence which is 8 ft. It is a black coated vinyl fence and not a galvanized steel chain link fence.

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** the Minor Special Exception to amend a previously approved plan to permit a canopy and walkway cover to an existing police station, per plan on page 15.6; and finding that in granting the Special Exception, 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, on the following described property:

PRT LTS 1 THRU 3 BEG SECR LT 1 TH W72.89 NW545.06TH ON CRV LF
166.89 N35.88 E495 S611.60 POB BLK 3, RIVER GROVE SUB, City of Tulsa,
Tulsa County, State of Oklahoma

* * * * *

Case No. 20827

Action Requested:

Variance of the minimum required lot width from 60 ft. to 50 ft.; and a Variance of the minimum lot area from 6,900 sq. ft. to 6,750 sq. ft. to permit a duplex in an RM-2 district (Section 403), located: 1418 and 1420 South Quincy.

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma. This property was platted around 1910 before the adoption of the 1970 code. He is requesting a variance to reduce the lot width and a variance to reduce the minimum lot area. There was a duplex on this lot before it was torn down. By right, more than two dwellings can be built on this property so literal enforcement of the code would result in an unnecessary hardship. There has been more intense development to the north and to the south.

Comments and Questions:

Ms. Stead asked if relief was needed on developments north or south of property. Mr. Reynolds answered that no relief was needed for those developments north or south.

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 minimum required lot width from 60 ft. to 50 ft. and a Variance of the minimum lot area from 6,900 sq. ft. to 6,750 sq ft. to permit a duplex in an RM-2 district (Section 403), finding that this lot was platted before 1910 and before the existing zoning code. The code allows multi-family dwellings on RM-2 but does not specify duplexes have the same right as stated in the applicant's Exhibit A. The Board finds 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 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 5 BLK 7, BELLVIEW ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20828

Action Requested:

Variance of the spacing requirement for an outdoor advertising sign from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: 10810 East 45th Street.

Presentation:

Sam Stokely, 10111 East 45th Place, Tulsa, Oklahoma. Mr. Stokely stated he is asking for a minor variance due to an overhead utility easement with power lines.

Normally, he observes a 10 ft. setback from the State right-of-way when sign construction is done. In this case, the utility easement has made the build zone 51 ft. away from the State right of way. This is creating a hardship relating to the utility easement and the curving linear shape of the lot. This is an unusual feature relating to this property. Extra distance from the State right-of-way has pushed the sign location further into the smaller pie-shaped piece of the lot.

Comments and Questions:

Mr. Stephens asked if the sign had already been built. Mr. Stokely stated the pole was in the ground. Ms. Stead noted the Board had previously approved a certificate showing this sign would be built 1,200 ft. from the nearest signs and that it appeared the pole had been built in the wrong place. Ms. Stead noted that ODOT permission never supersede the City's requirements. Mr. Boulden asked about the Corporation Commission's regulations.

Interested Parties:

Mike Joyce, 1717 South Boulder, Suite 200, Tulsa, Oklahoma. Mr. Joyce stated that a literal enforcement of the code will not result in an unnecessary hardship toward the applicant. There are other available locations on the site as properly noted that may require relocation of the sign and/or an amendment to the existing lease. On or about June 19, 2008, Mr. Stokely and Big Time Billboards took out a copy of the application filed for an open application for ODOT permit application 6184 for the site in question. On the application, there is specific note that the sign will be 15 ft. off the right-of-way which is not where the current sign pole is located. On or about September 18, 2008, ODOT approved application 6184 at the location specified in the Stokely application. ODOT issued permit for the exact precise site noted with a red circle on the application which is not where the pole currently exists. Mr. Joyce suggested Mr. Stokely obtain and provide a survey.

Applicant's Rebuttal:

Sam Stokely asked for a Continuance until February 10, 2009 to refute these claims with documents. Mr. Stokely advised that the Stop Work Order was received six days after the pole was built.

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** the case until February 10, 2009, on the following described property:

PRT LTS 2 & 3 BEG 284.94NW SECR LT 2 TH NE365.88 NWLY35 NE 110 NW 71.76 TH CRV RT 78.54 NE132.06 NW92SW21.10 TH CRV LF 189.56 W10 TH CRV RT 177.93 NW 135.27 SW250.67 SE853.79 POB BLK 2, TOWNE CENTRE II, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20829

Action Requested:

Variance of the side yard requirement in an RS-2 district from 5 ft. to 3.8 ft. (Section 403) to permit residential reconstruction and expansion, located: 2107 East 23rd Street.

Presentation:

Zhuline Phillips, 25127 Stonebridge Parkway, Claremore, Oklahoma, 74019. Before starting this remodel, Ms. Phillips had obtained all the necessary permits and had those plans reviewed by the Board. She stated the plans have not been altered and they have strictly adhered to them. Per the request of the Planning Review Board's request, the lower portion of the addition was moved in to meet the requirement of the 5 ft. setback.

Comments and Questions:

Ms. Stead commented that the applicant had done everything that had been asked even when other requirements were requested. She confirmed with Ms. Phillips that the mechanical units on the east side would be screened.

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, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the variance of the side yard requirement in an RS-2 district from 5 ft. to 3.8 ft. (Section 403) to permit residential reconstruction and expansion. The findings for the hardship are that the owner has submitted numerous plans meeting the distances required that they were approved by the City of Tulsa and later questioned, submitted again, later questioned and the Board finds the unnecessary length of construction caused by these events are an unnecessary hardship to the applicant in this case and that the Board accepts the building as constructed in accordance with the site plan on page 6.25. In granting this hardship, the Board finds 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 further unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district and 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. The owner shall screen the mechanical units on the east side of the following described property:

E1/2 LT 12 & ALL LT 13 BLK 7, BRENTWOOD HGTS, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Case No. 20830

Action Requested:

Verification of the spacing requirement for a liquor store from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3), located: 10846 South Memorial Drive.

Presentation:

Christy Fugate, 10846 South Memorial, Unit 113, Tulsa, Oklahoma presented a map indicating the spacing requirement from the proposed liquor store and provided a list of other uses within 300 ft.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** the applicant's verification of spacing between a liquor store and blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops and another liquor store subject to the action of the Board being void should another above reference conflicting use be constructed prior to this store, on the following described property:

LT 2 BLK 1, WAL-MART SUPERCENTER #1597-03, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20831

Action Requested:

Variance of the required setback of a non-residential parking area from an abutting street in an R district from 50 ft. to 35 ft. (Section 1302.B), located: 6150 South Yorktown Avenue.

Presentation:

Nicole Watts, 10830 East 45th Street, Tulsa, Oklahoma. There is an existing building and a bus drive along the front had been originally designed. Buses have never been used. A requirement for all students at this facility is for parents to bring them into the building. This has caused a traffic problem because Yorktown is a two lane road with no shoulders. The parents will park along Yorktown instead of in the parking lot to the South of the building. Ms. Watts is asking that along with the building addition that parking spaces be put in front of the building to allow parents to park there and out of the street.

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, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a variance of the required setback of a non-residential parking area from an abutting street in an R district from 50 ft. to 35 ft. (Section 1302.B) per plan on page 8.8 noting there will be no new curb cuts and finding that it will fit with existing buildings on this large lot and the limited use of leased property which is along a minor street and the limited area that is leased and situated the new parking lot closer to the street than the Code allows. The Board found 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 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:

BEG NEC W/2 NW NW NE TH S1319.85 E509.63 N1319.43 W508.47 POB, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20832

Action Requested:

Special Exception to permit a carport in the required front yard (Section 210.B.10); and Variance of the setback requirement for a carport from the side property line (Section 210.B.10.b), located: 134 East 33rd Place.

Presentation:

Rosalea Mayfield, 134 East 33rd Place, Tulsa, Oklahoma presented the request. She has lived in this Brookside neighborhood since March 1965. She has made improvements gradually. In May 2008, a double driveway was installed and a carport was constructed in late August 2008. The contractor who did the concrete work obtained a permit but the carpenter who built the carport did not obtain a permit unbeknownst to her. Ms. Mayfield's elderly, disabled mother and her daughter live with her and they are both in wheelchairs. Having this double driveway and carport has helped tremendously when she gets them in and out of the car.

Comments and Questions:

Mr. Stephens said he had a problem with the carport but did not have a problem with the driveway. Mr. White said he was impressed with the neighbors' support.

Interested Parties:

There were no interested parties who wished to speak.

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 Special Exception to permit a carport in the required front yard (Section 210.B.10.b.); and Variance of the setback requirement for a carport from the side property line (Section 210.B.10.b), which has been built according to site plan on page 9.6 finding that the narrow lots dated before 1970 did not anticipate today's use. The plan shows 18 ft. wide with a 2 ft. side on the West which is the reason for the variance. Finding that in granting the variance, the lot size is the extraordinary exception or condition. The Board found 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 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. In granting a Special Exception, this will be in harmony with the spirit and intent of the Code and evidenced by the numerous signatures brought forth from the neighborhood assume that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

LT 13A BLK 1, BURGESS ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20833

Action Requested:

Variance of the minimum lot width and lot area requirements in the RS-2 district (Section 403) to permit a lot split, located 2145 East 22nd Place.

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma. Beth Outback and Robert Price have spoken with most of the neighbors regarding the proposed home construction. The vacation of Zunis Street in 1930 created an unusually oversized lot. The concept illustration shows that the house will be greater or equal to 3,000 sq. ft. and will be 70% masonry or brick, stone or stucco. There will be no garage on the front.

Comments and Questions:

Ms. Stead asked about stonework listed on page 10.8. Mr. Reynolds confirmed that the stonework will be similar to the existing house.

Interested Parties:

Joey White, 2205 East 22nd Place, Tulsa, Oklahoma. His house is to the East of the property that is to be split. He said the previous owner who is now deceased

had opposed any property split on this street and did not want his lot to be split. There are water drainage issues.

Susan White, 2205 East 22nd Place, Tulsa, Oklahoma. She is a real estate agent and has seen several instances where property splits in older neighborhoods have decreased property values. She noted that other lots in the area are large and she does not want another house built that close to her house.

Gina Merrill, 2204 East 22nd Place, Tulsa, Oklahoma. She has concerns over lot lines being vacated. The value of her previous home was decreased due to a lot split next door. Mr. Stephens asked if a new home in the neighborhood would be an improvement. Ms. Merrill stated that it is not always the case.

Applicant's Rebuttal:

Mr. Reynolds stated there are smaller lots in the neighborhood.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a variance of the minimum lot width and lot area requirements in the RS-2 district (Section 403) to permit a lot split substantially similar to the conceptual plan on page 10.7 with the requirement that the flat roofed sunroom on the East side of the existing structure be removed and the new construction be compatible with the ambience of the existing structure and contain no less than 70% stone, brick or masonry with no stucco on the first floor; there shall be no garage doors on the front. Finding that at the time these lots were platted which would have been before 1930, the two lots would have been in accordance with the then-existing subdivision and code regulations. The vacation of South Zonis Avenue leaves a potential 65 ft. wide lot width and an 8,450 sq ft. lot on which to build. These are extraordinary or exceptional conditions peculiar to this land. The literal enforcement of the present Code would result in an 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 22, LESS AND EXCEPT W 49.88 FT., BLK 4, BRENTWOOD HEIGHTS, AND THAT PART OF VACATED ZONIS AVENUE MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT; BEG NE CORNER OF LT 22, BLK 4, SAID BRENTWOOD HEIGHTS; TH S 130 FT. TO A POINT ON THE E PRODUCTION OF THE S LINE OF SAID LOT 22, SAID POINT BEING 47.16 FT. E OF THE SE CORNER OF SAID LT 22; TH W ALONG SAID E PRODUCTION A DIS OF 47.16 FT. TO THE SE CORNER OF SAID LT 22 TO THE POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20834

Action Requested:

Variance of the rear yard requirement in the RS-2 district (Section 403) to permit a garage addition, located: 2504 East 25th Place.

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma. The house was built in the early 1950s and has a one car garage. The lot is a rather shallow RS-2 lot. The owners intend to tear down the garage and put in a breezeway. They plan to install a new two car garage.

Comments and Questions:

Ms. Stead asked Mr. Reynolds to confirm where the garage would be built. She asked what the building was at the back of the house that could be seen from the street. Mr. Reynolds noted that it is actually part of the house. The addition had been built in the 1970s.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **White**, the Board voted 3-0-2 (White, Stead, Stephens "aye"; no "nays"; Henke, Tidwell "abstained"; no "absences") to **APPROVE** a variance of the rear yard requirement in the RS-2 district (Section 403) to permit a garage addition finding that the lot is exceptionally shallow depth and at 122.5 ft. does not permit the normal application of a garage. In order to get a full two car garage in there, it needs the additional depth for that to be located toward the rear of the lot. Any additional driveway will be concrete or asphalt. This is per the plan on page 11.8 and profile view submitted today. The Board finds 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 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 6 BLK 2, EASTWOOD ADDN RESUB L3 J P HARTER'S SUB, City of Tulsa,
Tulsa County, State of Oklahoma

Case No. 20835

Action Requested:

Variance of the maximum display surface area permitted in an OH district (Section 602.B.4.c); and a Variance of the setback requirement for a sign visible from an R

district (Section 602.B.4.d) to permit a wall sign, located: 1120 South Utica Avenue.

Presentation:

James Adair, 7508 East 77th Street, Tulsa, Oklahoma, 74133 introduced the proposed wall sign for the new addition to Hillcrest Medical Center.

Comments and Questions:

Mr. Boulden informed the Board that he recommended this be continued to the next meeting due to the incorrect address being listed as the location on the notices. It could bring into jeopardy any decision that might be made.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** the case until January 27, 2009, on the following described property:

Blocks 2 and 3, Re-Amended Plat of Forest Park Addition and Block 2, McNulty Addition, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Case No. 20836

Action Requested:

Special Exception to permit a principal use parking lot (Use Unit 10) in an RM-2 district (Section 401); a Variance of the setback requirement for a parking area from the centerline of an abutting street from 50 ft. to 35 ft. (Section 1302.B); and a Variance of the screening requirement of a parking area from an R district (Section 1303.E);, located Southeast corner East 12th Street and South Trenton Avenue.

Presentation:

Darrell French, 111 South Elgin, Tulsa, Oklahoma. Hillcrest Medical Center is requesting a parking lot on the southeast corner of 12th and Trenton. They recognized a significant need for close-in parking for the emergency room. This tract of land was identified to provide off-street parking use with one possible exception for off-street parking use and two variances.

Comments and Questions:

Ms. Stead noted that staff has recommended that there be a screening or landscaping element to diffuse headlights on three sides of the parking area. Mr. Cuthbertson said that the recommendation was only for landscaping on the north side of the parking lot between the public street and the stalls that face the public street to shield headlights. Ms. Stead said she has concerns about putting barriers around parking lots when it is not the norm. The 5 ft. landscaping is required as well as the maintaining of the sidewalks.

Applicant's Rebuttal:

Mr. French said a typical layout was submitted and this was conceived quickly to make application and without any construction plans until final consideration by the Board had taken place. He asked that this not be considered a detailed plan. He stated that Hillcrest has not asked for any relief regarding landscaping. He said this is an odd dimensioned parking lot. The parking lot will be designed within the standards of the Board regarding setbacks and in compliance with the District's zoning requirements.

Interested Parties:

Ron Raynolds, 1620 East 12th Street, Tulsa, Oklahoma. Mr. Raynolds said he had spoken with Mr. French before the meeting. He was told Hillcrest is presently using the property as a parking lot but it is not surfaced and does not have any landscaping. This is a reasonable use. Mr. French told Mr. Raynolds that the plan is a conceptual idea and Hillcrest Medical Center is not bound by it. His principle concern is that the current sidewalks not be disturbed.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a principal use parking lot (Use Unit 10) in an RM-2 district (Section 401); approve a variance of the setback requirement for a parking area from the centerline of an abutting street from 50 ft. to 35 ft. (Section 1302.B); and approve a variance of the screening requirement of a parking area from an R district (Section 1303.E). This approval is in accordance with the conceptual plan on page 13.10. There is an additional requirement that sidewalks along property boundaries are to be maintained for a smooth walking surface. All driving surfaces are to be asphalt or concrete. The parking plan is conceptual and may be changed to the best utilization of the space available. This area being part of the District 4 Comprehensive Plan for the Metropolitan Tulsa Area allows where the physical facts warrant, a waiver of the right of way designation on a major street and highway plan a minimum of 40 ft. right of way and 10 ft. utility easement, etc. The Boards feels this permanent development of a parking lot is in compliance with the District 4 Plan and the literal enforcement of the terms of the Code would result in unnecessary hardship; that the conditions in the District 4 Plan do not apply generally to other property in the same use district and 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. 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 AND LTS 13 & 14 & VAC E10 TRENTON ON W BLK 7, FOREST PARK
ADDN RE-AMD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20837

Action Requested:

Variance of the parking requirement for an existing commercial shopping center (Section 1211 – 14 and 1219); located Southeast corner of East 31st Street and South Harvard Avenue.

Presentation:

William LaFortune, 1100 Mid-Continent Tower, Tulsa, Oklahoma, 74103. Mr. LaFortune stated his client is requesting a variance for off-street parking requirements listed in 1211.D, 1212.D, 1213.D, 1214.D and 1219.D. at the Ranch Acres Shopping Center. They are asking for a 14% reduction of the parking required to accommodate the desired mix of commercial uses.

Comments and Questions:

Mr. Stephens asked if two lots were separately owned and will they go away. Mr. LaFortune said in the 1930s, the two out parcels were owned by the Sitkas. In 1953, the out parcels were leased by Jacobson-Aitkin which has been succeeded by Ranch Acres Associates. The most current amendment to the lease says in 2012, the parties will sit down and discuss the option of selling the out parcels.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-1 (White, Stead, Tidwell, Stephens "aye"; no "nays"; Henke "abstained"; no "absences") to **APPROVE** a variance of the parking requirement for an existing commercial shopping center (Section 1211 -14 and Section 1219) finding that the actual usage of the parking lot is significantly below the actual capacity. The relief requested is from the required 467 down to 402. The Board finds 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 extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same 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:

W60 N125 LT 4 LT 4 EXCEPT THE W 60 FT. OF THE N 125 FT. AND THE W 100 FT. OF THE S 170 FT. AND ALL OF LTS 5 AND 6, W100 S170 LT 4, ALBERT PIKE 2ND SUB, ALBERT PIKE 2ND SUB, City of Tulsa, Tulsa County, State of Oklahoma

Discuss and consider action related to Amended Board Policies

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stead, Tidwell, Stephens "aye"; no "nays"; Henke "abstention"; no "absences") to **CONTINUE** this discussion until January 27, 2009.

There being no further business, the meeting adjourned at 4:51 p.m.

Date approved: 3/10/09

Frank N. Henke
Chair

