

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 1003**  
Tuesday, June 9, 2009, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Chamber  
175 East 2<sup>nd</sup> Street

**MEMBERS  
PRESENT**

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

**MEMBERS  
ABSENT**

**STAFF  
PRESENT**

Alberty  
Cuthbertson  
Butler

**OTHERS  
PRESENT**

Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, June 4, 2009, at 12:48 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

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**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 May 26, 2009 (No. 1002)

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 20915**

**Action Requested:**

Special Exception to permit a 196 ft. communications tower (Use Unit 4) in the RS-2 district (Section 401); and a Special Exception to reduce the setback to 16 ft. for a communications tower from an adjoining lot line of a residentially zoned lot to the

west (Manion Park) (Section 1204.C.3.g.1); to permit a communications tower on the west side of Nimitz Middle School, located: 3111 East 56<sup>th</sup> Street.

**Presentation:**

Mr. Cuthbertson informed the Board that the applicant made an untimely request to continue this application to June 23, 2009 and the neighborhood association to the south is in support of the request. This would allow the applicant time to apply for an alternative site.

**Interested Parties:**

**Reuben Davis**, 2913 East 56<sup>th</sup> Place, Tulsa, Oklahoma 74105, spoke for the South Creekside Homeowners' Association, in support. He stated the new proposed site appears agreeable to the association.

**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. 20915 to the meeting on June 23, 2009, on the following described property:

Beginning at the SW corner of the SE/4 of the NE/4 of Section 32, Township 19 North, Range 13 East, Tulsa County, Oklahoma, thence North 726 feet, thence East 600 feet, thence South 726 feet, thence West 600 feet to the point of beginning, City of Tulsa, Tulsa County, State of Oklahoma

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**UNFINISHED BUSINESS**

**Case No. 20914**

**Action Requested:**

Special Exception to permit a mini-storage facility (Use Unit 16) in the CS district (Section 701) a Special Exception to remove the screening requirement along Darlington Ave. (Section 212.C); and a Variance of the requirement that a mini-storage development site shall have frontage on and access to an arterial street (Section 1216.C.3), located: 5303 East Admiral Boulevard.

**Mr. White abstained from Case No. 20914, out at approximately 1:05 p.m.**

**Presentation:**

**Richard Phillips**, 17900 North Urbana, Skiatook, Oklahoma, proposed to build a mini-storage facility on the subject property.

**Comments and Questions:**

Ms. Stead asked if they planned to demolish all four houses on the end block. Mr. Phillips replied that they do. In answer to more questions Mr. Phillips responded that all storage items would be inside, and there would be no automobiles or motor

homes stored there. Landscaping and lighting would comply with code, and the affect of lighting on the I-244 and surrounding traffic would be considered. He was aware he would need to re-plat or seek a lot combination on all of the lots. They have not selected a screening fence and gate yet. The only gate will be on Darlington. The parking spaces outside the gates are for visitors that don't have a code. They plan to pave the driving and parking surfaces with concrete or asphalt. They have not designed a sign yet, but he would like for it to be visible to west bound traffic on I-244, and it will comply with the code. He indicated the plan submitted (Exhibit A-1) is not the final plan.

**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 a mini-storage facility (Use Unit 16) in the CS district (Section 701) a Special Exception to remove the screening requirement along Darlington Ave. (Section 212.C); and a Variance of the requirement that a mini-storage development site shall have frontage on and access to an arterial street (Section 1216.C.3), finding the unique location of the lots involved is ideal for this development, and access along Darlington Avenue will not be injurious to the neighborhood; all storage items will be inside the facilities; landscaping and lighting per code; any lighting shall be directed down and away from surrounding properties and or expressways; the applicant shall re-plat or execute a lot combination; all driving and parking surfaces will be concrete or asphalt; entrance shall be only through the gate as shown on page 2.7 of the agenda packet; and approved per the conceptual plan on page 2.7 of the agenda packet, which may have small changes; in granting the variance, finding 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; these 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 exceptions, the Board has found 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, on the following described property:

LOT 7 Thru LOT 9, BLK 32, WHITE CITY ADDN, City of Tulsa, Tulsa County,  
State of Oklahoma

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**Mr. White returned at approximately 1:15 p.m.**

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## **NEW APPLICATIONS**

### **Case No. 20917**

#### **Action Requested:**

Special Exception to permit a carport in the required front yard in an RS-1 district (Section 210.B.10.g), located: 3742 South 82<sup>nd</sup> East Avenue.

#### **Presentation:**

Linnie and Jerry Howell, 3742 South 82<sup>nd</sup> East Avenue, sought a contractor to pave a driveway and build a carport. Ms. Howell stated they asked the contractor if they needed to get any permits and were informed they did not need to. The carport was constructed. They were cited for non-compliance. There are other carports on this street.

#### **Comments and Questions:**

Ms. Stead noted this carport is in the front yard. Ms. Howell submitted photographs (Exhibits B-1) of the other carports. It was noted that the other carports immediately surrounding the subject property were not in front yards.

#### **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 **DENY** a Special Exception to permit a carport in the required front yard in an RS-1 district (Section 210.B.10.g), finding the special exception would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

LT 5 BLK 2, LAZY CIRCLE ACRES, City of Tulsa, Tulsa County, State of Oklahoma

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### **Case No. 20919**

#### **Action Requested:**

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the R district (Section 402.B.4); to permit an existing sign, located: 2800 South Yale Avenue.

#### **Presentation:**

Richard Wagner, stated he is a member of the church and introduced two other gentleman with him to help answer any questions, Mr. Don Thompson and Dr. Mark Dryer. They proposed to update their sign to inform the neighborhood of services and activities (Exhibit C-1). He informed the Board that the church tried

from the beginning to do things correctly and comply with the zoning code. At the final inspection they found the sign was not in compliance with the application for permit. He stated it has no scrolling message except for the word 'Welcome'.

**Interested Parties:**

There were no parties who wished to speak.

**Comments and Questions:**

Ms. Stead commented that the sign does not bother traffic at the intersection on 31<sup>st</sup> Street. She noted it is on an arterial street. Mr. Stephens noted the Yale corridor is in transition.

**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 shall be by constant light to permit an LED element on a sign for a church in the R district (Section 402.B.4); to permit an existing sign, with conditions: there shall be no flashing, twinkling, animation or other lights detrimental to traffic along Yale Avenue, any scrolling is to be from left to right horizontally only, other conditions in Section 1221.C.2 shall apply, except for 1221.C.2.c; approval as built, per page 5.7 of the agenda packet; finding this church is on an arterial street and owns most of the property north with visibility to the sign; finding this area is in transition, that only one block south is CH where the sign would be allowed by right; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the 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 50W & 175S NEC SE SE TH W246.1 S253.2 E246.1 N253.2 POB SEC 16  
19 13, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20920**

**Action Requested:**

Variance of the spacing requirement for a (Use Unit 12a - Adult Entertainment Establishment) bar of 300 ft. from another (Use Unit 12a - Adult Entertainment Establishment) bar (Section 1212a.C.3); a Verification of the spacing requirement for a (Use Unit 12a - Adult Entertainment Establishment) bar of 300 ft. from a church, school, park or 50 ft. from an R district (Section 1212a.C.3); and a Variance of the parking requirement for a commercial building in the CH district

(Section 1211 - 14); all to permit a bar in an existing commercial space on the subject property, located: 1604 East 15<sup>th</sup> Street.

**Presentation:**

**Christopher and Joann Armstrong**, 1627 South Gary Avenue, came to present their application. Mr. Armstrong stated they are the owners of Arnies, a small Irish pub in downtown Tulsa. They proposed to open another pub with 1,080 sq. ft. on 15<sup>th</sup> Street. He added there would be no live music, no smoking, and no kitchen or food. Mrs. Armstrong stated they understand the spacing requirements in the zoning code. She pointed out there are only two other establishments for 21 years of age and older on Cherry Street. One has a 640 occupancy limit located about a mile from the subject property and one only has an occupancy of 20 and is located within 300 ft. There are other prospective locations outside of the 300 ft. radius of another adult entertainment establishment, but then they would need to request a variance of the spacing from a church, school or park. She stated this pub would be small and not intrusive to the neighborhood. Mr. Armstrong planned for extra lighting, as the neighbors expressed concern that the area was too dark. They shared the desire to be a part of this neighborhood.

**Comments and Questions:**

Mr. Stephens asked for the hardship. Mr. Armstrong replied that the hardship was the landlord has not been able to lease it. He responded to a question about their occupancy, stating it would be about 65. They waited to obtain permits until they could get Board of Adjustment approval. He stated they have 47 parking spaces. He added that an uncovered patio is not included under the fire code purview.

**Mr. Stephens out at approximately 1:56 p.m.**

**Interested Parties:**

**DeeAnn Paisley**, 1530 South Trenton, Tulsa, Oklahoma, 74120, stated she lives a block from the subject property. She pointed out that the code requirements for spacing and parking were made to prevent crowding an area with this type of establishment. She stated this bar would be the seventh establishment serving alcohol within a two block area. She was concerned about more traffic on the alley behind her home and on Trenton for the parking lot.

**Mr. Stephens returned about 1:58 p.m.**

Ms. Paisley stated that on any given Friday and Saturday night every parking space is full on Trenton and 16<sup>th</sup> Streets. She also mentioned complaints of noise and lighting.

**Mary McMahan**, 1509 East 19<sup>th</sup>, Tulsa, Oklahoma 74120, stated the applicants came to the Swan Lake Neighborhood Association and spoke to everyone. They answered many questions and in general the neighbors did not have any issues or

objections. She was impressed that they were open and communicating with all parties involved.

**Robert Howland**, 1520 South Trenton, Tulsa, Oklahoma, 74120, stated he found a lot of trash in the alley behind him. He mentioned there is a lot of noise from a new parking lot; and added that the lighting affects the neighborhood. He indicated the change in elevation on 15<sup>th</sup> Street from Utica plus more pedestrian and vehicle traffic could be a hazard. He considered the 300 ft. spacing to be reasonable.

**Jared Bruce**, 1628 South Gary Avenue, Tulsa, Oklahoma, 74120, stated he is the owner of the subject property. He previously owned a business on the property and then began leasing it. He recognized the change in uses. He respected the applicant's and their business ethics. He submitted a photograph (Exhibit H-1).

**Michael Price**, 1528 South Owasso, Tulsa, Oklahoma, 74120, expressed support for the application. He lives in a nearby neighborhood. He liked a quieter, non-smoking atmosphere; and the proximity to the neighborhood for pedestrian traffic.

**Steven Goldman**, 1620 South Trenton, stated he has lived there for ten years. He added that he has not encountered the issues mentioned by the previous interested parties. He supported the application and the applicants.

**Mike Wizell**, 810 East 3<sup>rd</sup> Street, Apt. C, Tulsa, Oklahoma, 74120, expressed support of the applicants and the application.

**Jason Chapman**, 1524 South Trenton, Tulsa, Oklahoma, 74120, was concerned with parking, noise and public drunkenness. He was opposed to the application.

**Applicant's Rebuttal:**

Mrs. Armstrong stressed the small occupancy level and different style of the proposed pub. They intended to keep the area clean. She stated that people have parties on their porches that cause noise. Mr. Armstrong commented that they live in a neighborhood that deals with traffic and parking near the University of Tulsa. They understand additional pedestrian traffic and parking. Mrs. Armstrong mentioned they spoke with neighbors and neighborhood associations. They did not receive negative responses.

In response to Board questions regarding parking, Mr. Cuthbertson responded that the bar use requires fifteen parking spaces. He added that this is a legal non-conformity issue. The previous use was an antique store, which requires four spaces, so the City exempts the four spaces and draws a baseline, which determines the requirement of eleven parking spaces. The Board also noted the 100 ft. variance, and the possibility of different owners in the future that might not conduct business the same way.

Mrs. Armstrong asked to speak again. She repeated the smaller occupancy limit; and the difference in the atmosphere of the neighborhood and style of businesses from that on Brookside. Their intention was to run this business for a long time.

**Board Action:**

On **Motion** of **Stead**, the Board voted 3-2-0 (White, Henke, Stead "aye"; Stephens, Tidwell "nay"; no "abstentions"; no "absences") to **DENY** a Variance of the spacing requirement for a (Use Unit 12a - Adult Entertainment Establishment) bar of 300 ft. from another (Use Unit 12a - Adult Entertainment Establishment) bar (Section 1212a.C.3); a Verification of the spacing requirement for a (Use Unit 12a - Adult Entertainment Establishment) bar of 300 ft. from a church, school, park or 50 ft. from an R district (Section 1212a.C.3); and a Variance of the parking requirement for a commercial building in the CH district (Section 1211 - 14); all to permit a bar in an existing commercial space on the subject property; finding it is not 300 ft. from another adult entertainment establishment; and finding a lack of hardship, on the following described property:

W 100 LT 16 BLK 3, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20921**

**Action Requested:**

Variance of the maximum permitted display surface area for a wall sign in the OM district from 32 sq. ft. to 135 sq. ft. of display surface area (Section 602.B.4.c), located: 7040 South Yale Avenue.

**Presentation:**

**Richard Craig**, 1889 West 105<sup>th</sup> East Avenue, provided a plan and photographs (Exhibits D-1 and D-2) to the Board. He described the business on the subject property as occupying the entire of three-story building with 15,000 sq. ft. amidst much taller buildings. Other businesses that only occupy a small portion of the larger buildings have signs to identify their location. This business needs the proposed sign, which would be visible to eastbound traffic on 71<sup>st</sup> Street.

**Mr. Tidwell out at approximately 2:38 p.m.**

**Comments and Questions:**

Mr. Stephens asked if the current owner of the building is opening this business. Mr. Craig replied that the owner is not. Ms. Stead noted that the address was misleading as to the location and access. Mr. Stephens asked for the hardship, to which Mr. Craig replied that the zoning code limits the size of the sign causing a hardship.

**Mr. Tidwell returned at 2:41 p.m.**

**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 maximum permitted display surface area for a wall sign in the OM district from 32 sq. ft. to 135 sq. ft. of display surface area (Section 602.B.4.c, finding this building among the surrounding larger buildings and the unique tapering of the lot makes it difficult to not only locate it but to be seen; finding that the 32 sq. ft. of display surface area provided by default of the code would barely cover much more than the logo intended; per the exhibit on page 7.6 of the agenda packet, 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:

PRT LT 1 BEG 280.60W SECR LT 1 TH W112.94 N52.76 TH ON CRV LF 8.59  
N13.04 NW107.77 N52 NE37.40 E108.79 S72.41 W18.02 S89.86 E18.05  
S26.04 W4.58 S53.01 POB BLK 1 .66AC , COPPER OAKS, City of Tulsa, Tulsa  
County, State of Oklahoma

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**Case No. 20923**

**Action Requested:**

Variance of the side yard requirement in an RS-2 district (Section 403) to permit the replacement of an existing one-story garage with a two-story garage and the addition of a porte-cochere over the existing driveway, located: 2660 East 26<sup>th</sup> Street.

**Presentation:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Tulsa, Oklahoma, 74103, represented Christopher and Kerrie Browne, who own the subject property. He pointed out that though it is zoned RS-2, it is substantially larger than an RS-2 lot, with 19,000+ sq. ft. They discovered that the actual location of the garage is not within the required rear yard. The normal requirements for a one-story only and limitations of square footage are not applicable. They have proposed an extensive remodeling project (Exhibit E-1) to replace the garage in the same footprint but larger, a new porte-cochere, and a kitchen remodel. He submitted elevations and photographs (Exhibits E-2 and E-3) for the Board to review. The garage is 133 ft. from 26<sup>th</sup> Street; and the porte-cochere over the driveway would be about 60 ft. from the

street. The structures would match the architecture of the home. He noted the staff found history of other properties with similar additions in the neighborhood. This is to improve the livability of these older homes.

**Interested Parties:**

There were no interested parties who wished to speak.

**Comments and Questions:**

Ms. Stead asked if there was any opposition from the neighbors. She acknowledge a letter to the Board in support of the application. Mr. Johnsen responded that the applicants contacted the surrounding neighbors by letter and did not receive any 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 side yard requirement in an RS-2 district (Section 403) to permit the replacement of an existing one-story garage with a two-story garage and the addition of a porte-cochere over the existing driveway; the materials of the porte-cochere will be architecturally compatible with the dwelling and garage, subject to elevations submitted today and per the site plan as shown on page 8.7 of the agenda packet; finding this lot, which contains 19,000+ sq. ft. at least, is legal non-conforming, was platted before the zoning code, tapers slightly to the rear, and the variance might not be necessary were the lot perpendicular to 26<sup>th</sup> Street or coordinated with the dwelling; finding the hardship for re-building is the in-ground pool; in granting the variance the Board finds 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:

ALL LT 2 E.4LT 3 BK 4, PERAGEN ADDN RESUB B4, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20924**

**Action Requested:**

Special Exception to permit required off-street parking on a lot other than the one containing the principal use (Section 1301.D); to permit parking on excess ODOT right-of-way, located: Southeast corner of 33<sup>rd</sup> West Avenue and Interstate 44.

**Presentation:**

**Jim Beach**, 200 East Brady Street, Tulsa, Oklahoma, represented Wallace Engineering. They proposed that a portion of the required parking be located on the ODOT right-of-way. It is 35 ft. north to south by the width of the property east to west. That strip was the subject of a re-zoning application from RS-2 to CS. They received a plat waiver also. A lease agreement is in the process and near completion with ODOT for the parking. He referred to an email from Randle White with ODOT (Exhibit F-1), which he stated indicates approval of the lease agreement soon. They asked for approval subject to the plan, but not subject to completion of the lease. He stated that if they cannot obtain a certificate of occupancy until after the lease is completed, it could mean a delay of several months and they are ready to finish this project and begin operations.

**Comments and Questions:**

Mr. Boulden stated he was not comfortable with that request. He questioned how they could obtain a certificate of occupancy without the parking in place. Mr. Beach stated that ODOT is getting the property appraised to determine the price for the lease. Mr. Stephens suggested a continuance

**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 **CONTINUE** Case No. 20924 to the meeting on June 23, 2009, on the following described property:

Lot 1, Block 1, PEOPLES BANK CARBONDALE, AND a tract of land described as follows BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 33<sup>RD</sup> WEST AVENUE WHICH IS THE NORTHWEST CORNER OF LOT 1, BLOCK 1, PEOPLES BANK CARBONDALE, ACCORDING TO THE RECORDED PLAT THEREOF, RECORDED IN TULSA COUNTY AS PLAT NUMBER 6227; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1, BLOCK 1 TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1; THENCE NORTH 00° 00' 20" EAST FOR A DISTANCE OF 35.00 FEET; THENCE WESTERLY PARALLEL TO THE NORTH LINE OF SAID LOT 1, BLOCK 1 TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 33<sup>RD</sup> WEST AVENUE; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20927**

**Action Requested:**

Special Exception to permit a single family dwelling (Use Unit 6) in the CBD (Section 701), located: 804 East 3<sup>rd</sup> Street.

**Presentation:**

**Micah Alexander**, 1773 East 31<sup>st</sup> Street, Tulsa, Oklahoma, stated he is the property owner. He proposed to build a four-story, single-family dwelling on the subject property (Exhibit G-1). He pointed out the surrounding properties that he owns. He plans to market it for sale. It was approved by the permit office pending one foundation correction.

**Interested Parties:**

**Janet Padler-Davy**, 808 East 3<sup>rd</sup> Street, Tulsa, Oklahoma, stated she and her husband own the building next door on the east. Their building was constructed in 1916. They are in support of development and just wanted to know how close it is to their lot line.

**Applicant's Rebuttal:**

Mr. Alexander declined to make a rebuttal.

**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 single family dwelling (Use Unit 6) in the CBD (Section 701), 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, per plan as shown on page 10.6 of the agenda packet, on the following described property:

PRT LT 12 BEG 7NE SWC LT 12 TH E59 N39 SWLY TO POB BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20928**

**Action Requested:**

Special Exception to permit a duplex dwelling (Use Unit 7) in the CBD (Section 701); in the existing building, located: 814 East 3<sup>rd</sup> Street.

**Presentation:**

**Micah Alexander**, 1773 East 31<sup>st</sup> Street, stated this is an existing building with a small footprint of approximately 1,800 sq. ft. He planned to split it in half for two, two-story duplexes, to lease initially and sell in the future.

**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 duplex dwelling (Use Unit 7) in the CBD (Section 701); in the existing building, 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:

W.40 OF LT 1 BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Election of Officers**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to retain Frazier Henke as Chair.

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to retain Clayda Stead as Vice Chair.

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to retain Michael Tidwell as Secretary.

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There being no further business, the meeting adjourned at 3:24 p.m.

Date approved: 6-23-09

Clayda M. Stead  
Chair