

**CITY BOARD OF ADJUSTMENT**  
**AMENDED MINUTES** of Meeting No. 1027  
Tuesday, June 22, 2010, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Henke, Chair Stead, Vice Chair Tidwell, Secretary White	Van De Wiele	Alberty Cuthbertson Sparger	Edmiston, Legal Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Tuesday, June 21, 2010, at 10:19 a.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 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to **APPROVE** the **Minutes** of June 8, 2010 (No. 1026).

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Mr. Henke asked if there were any Requests for Continuance. Mr. Cuthbertson responded that there was one Request for Continuance.

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**UNFINISHED BUSINESS**

**Case No. 21086-Kim Wathen**

**Action Requested:**

Variance of the maximum permitted floor area for detached accessory buildings in the RS-2 district (Section 402.B.1.d); and Variance of the 30 ft. of frontage

required on a public street to permit a lot to be used for residential purposes (Section 206); to permit an existing dwelling and detached building(s).

**Presentation:**

Applicant was not present at the beginning of the meeting. Applicant did come in later and requested a continuance to July 13, 2010 due to a plan modification. Mr. Cuthbertson told the applicant to submit the plans to the Permit Office because the plan modification may affect their request before the Board of Adjustments.

**Comments and Questions:**

None.

**Interested Parties**

No interested parties present.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a Variance to the July 13, 2010 hearing for Case No. 21086.

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**NEW APPLICATIONS**

**Case No. 21093-Glen Fisher**

**Action Requested:**

Variance of the maximum permitted size for a detached accessory building in the RS-3 district from 500 sq. ft. to 1,056.2 sq. ft. (Section 402.B.1.d); a Variance of the setback requirement for a detached accessory building located in the required rear yard from 3 ft. to 1 ft. (Section 210.B.5.b); and a Variance of the maximum permitted height for a detached accessory building located in the required rear yard from 1 story, 18 ft. total, and 10 ft. at the top plate to 2 stories, 25 ft. total height, and 18 ft. at the top plate (Section 210.B.5.a); all to permit a detached accessory garage/ pool house. **Location:** 1334 East 34th Street So.

**Presentation:**

**Glen Fisher**, 1334 East 34<sup>th</sup> Street, Tulsa, OK; wants to build a building to create a noise buffer and wall to separate his house from the commercial properties the property is next to.

**Comments and Questions:**

Ms. Stead confirmed with the applicant the height of the building would be no more than 18 feet at the top plate; the answer was yes.

Ms. Stead asked about the deck facing east in the drawing and Mr. Fisher stipulated the deck was strictly for aesthetics because it will only be 3 feet wide.

**Interested Parties:**

No interested parties were present.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions") to **APPROVE** a Variance of the maximum permitted size for a detached accessory building in the RS-3 district from 500 sq. ft. to 1,056.2 sq. ft. (Section 402.B.1.d); a Variance of the setback requirement for a detached accessory building located in the required rear yard from 3 ft. to 1 ft. (Section 210.B.5.b); and a Variance of the maximum permitted height for a detached accessory building located in the required rear yard from 1 story, 18 ft. total, and 10 ft. at the top plate to 2 stories, 25 ft. total height, and 18 ft. at the top plate (Section 210.B.5.a); all to permit a detached accessory garage/ pool house with the requirements of no commercial activity, no living quarters or rental, now or in the future, in the addition. The property was platted before 1970 when the code came into existence; the property is a 50 ft. wide lot and it is bound on the west by commercial parking which contributes noise and other factors, the addition would enhance the property to have the addition as a buffer. The 1,056.2 sq. ft. includes both floors of the addition. All driving and parking surfaces are to be asphalt or concrete, and per Exhibit 5.9; 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:

**W 1/2 OF LT 7 BLK 2, OLIVERS ADDN**

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**Case No. 21095-Lou Reynolds**

**Action Requested:**

Special Exception to permit church use (Use Unit 5) in the AG district (Section 301). **Location:** E. of the NE/c of E. 11<sup>th</sup> St. and S. 145<sup>th</sup> E. Ave.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; represents All Tribes Community Church and wants to build a church; access is directly onto East 11<sup>th</sup> Street and a plat has been submitted which has gone to the planning commission.

**Comments and Questions:**

Mr. White recused himself from this case.

Ms. Stead confirmed the setbacks are 35 ft. as required by code.

Mr. Reynolds told the board the parking spaces comply with the code.

**Interested Parties:**

No interested parties were present.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 3-0-1 (Henke, Stead, Tidwell "aye"; no "nays"; White "abstained") to **APPROVE** a Special Exception to permit church use (Use Unit 5) in the AG district (Section 301); subject to the conceptual plan 6.5. Lighting is to be shielded from abutting properties; all driving and parking surfaces are to be concrete or asphalt; a plat is required. 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/2 SE SW LESS W60 THEREOF SEC 3 19 14**

\* \* \* \* \*

**Case No. 21096-Tulsa Public Schools**

**Action Requested:**

Variance of the 25 ft. setback requirement from an abutting R district (Section 404.F.4); and a Modification of a previously approved site plan; both to permit additions to the north side of the existing elementary school. **Location:** 2601 E. 5th Place So.

**Presentation:**

**Dan Butchee**, 6520 East 24<sup>th</sup> Street, Tulsa, OK; represents Tulsa Public Schools for the proposed classroom additions to the Kendall Whittier Elementary School located at 2601 East 5<sup>th</sup> Place, Tulsa, OK. Last March the citizens of Tulsa passed a bond issue to allow multiple improvements to the schools in Tulsa and Kendall Whittier is one of those schools. The variance of the setback requirement is needed to allow the 2,460 sq. ft. classroom addition to serve approximately 40 children in each addition.

**Comments and Questions:**

None.

**Interested Parties:**

No interested parties were present.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the 25 ft. setback requirement from an abutting R district (Section 404.F.4); and a Modification of a previously approved site plan; both to permit additions to the north side of the existing elementary school. The uniquely shaped school building layout is abutting the R district to the north; this R district is utilized exclusively by a City Park and the three additions will encroach into the 25 ft. setbacks required. The board makes this recommendation per plan pg. 7.5 and 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:

**ALL LTS 1-8 & 17-24 BLK 3 ALL LTS 20-24 & PRT LTS 1- 5 & 17-24 BLK 4  
HIGHLANDS 2<sup>ND</sup> & ALL LTS 21-24, 57, 58 & PRT LTS 25-32, 1, 54, 55, & 56 BLK 4 &  
ALL LTS 6,7,8, & 23-34 & 47-58 BLK 5 COLLEGE VIEW AMD & VAC STS &  
ALLEYS THERE OF BEG SECR LT 17 BLK 3 HIGHLAND2ND TH W855.8 N300 E75  
N130 NE109.94 SWC LT32 BLK 4 COLLEGE VIEW NE 275.21 E50 SE267.91  
SE218.60 S350 POB**

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**Case No. 21097-Nestor Antonio Casillas**

**Action Requested:**

Special Exception to permit a Community/Event Center (Use Unit 5) in an IL district (Section 901). **Location:** 825 N. SHERIDAN RD.

**Presentation:**

**Paul Wilkening**, 320 South Boston Avenue, Tulsa, OK; represents Mr. Nestor Antonio Casillas who wants to re-establish a Community/Event Center on North Sheridan. Mr. Casillas also requests the special exception be granted permanently without a time limitation because the center would be under a new operator.

**Comments and Questions:**

Ms. Stead stated in the past the board has twice made the requirement that the south boundary be screened with an 8 ft. fence and it has been ignored, the fencing will not be ignored any longer. Mr. Wilkening stated he has told his client about the fencing.

Mr. Henke stated it would be necessary to stipulate a time limitation because Mr. Casillas is a new operator and there are pre-existing problems with this property.

**Interested Parties:**

No interested parties were present.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no

"nays"; no "abstentions") to **APPROVE** the Special Exception to permit a Community/Event Center (Use Unit 5) in an IL district (Section 901); with the following conditions: security at all events; trash pick up at all events; a closing time of 12:00 midnight for all weekday events, and a 2:00 A.M for Friday and Saturday events; approved for a two year time period only; and there be an acceptable decimble noise level for noise per city ordinances. A 6 ft. wooden fence be built on the east side; a 6 ft. chain link fence be constructed from the northeast corner of the existing fence on the south side of the subject property (southwest of the subject building's façade) for the purpose of preventing attendees at the community/event center walking onto the properties directly to the south; 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 3 & 4 LESS W 5' TO CITY, POLSTON SECOND SUB**

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**Case No. 21098-Roy Johnsen**

**Action Requested:**

Special Exception to permit office use (Use Unit 11) in an RM-2 district (Section 403); a Special Exception to modify the screening requirement of an office use from an abutting R district (Section 212.C); a Variance of the setbacks from abutting public streets (Section 603); and a Variance of the parking requirement for an office use from 13 spaces to 8 spaces (Section 1211.D); all to permit an expansion of an existing office use in the RM-2 district. **Location:** 107 S. Phoenix Ave.

**Presentation:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Tulsa, OK; represents Dan Buford, Quapaw Investments, Inc. This property is the old Fire Station #9 and Mr. Buford purchased the property in the 80's and this board approved this property for office use at that time. In 2007 the board approved an application for a small parking lot and office space, but that did not occur. The special exception to permit office use on this entire tract is a reaffirmation of the office use. The special exception to modify the screening requirement is due to the mixed use in this area, and the fencing could create a possible security hazard. From a consensus of the neighborhood, fencing will be a place for graffiti or a place for someone to hide, therefore, we are asking the screening to be modified as unnecessary or not be constructed. The variance on the setbacks are for the Phoenix and 1<sup>st</sup> Street frontage. The existing right-of-way is 60 feet and the major street plan would call for 50 feet; the code establishes setbacks from the centerline; there is a 30 feet right-of-way and 20 feet more would bring the setback to 50 feet. We are asking for 8 feet making the setback 42 feet. On the 1<sup>st</sup> Street side topography limits construction. The proposal for the 1<sup>st</sup> Street side is a medical records storage building. The variance on the parking requirement is to alleviate a car from backing into the street to maneuver.

**Interested Parties:**

No interested parties present.

**Comments and Questions:**

Ms. Stead asked about the south side screening fence on Lot 6, and Mr. Johnsen stated the fence exists on Lot 6 only because the adjoining property requested a screening fence be installed.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to **APPROVE** a Special Exception to permit office use (Use Unit 11) in an RM-2 district (Section 403); a Special Exception to modify the screening requirement of an office use from an abutting R district (Section 212.C); a Variance of the setbacks from abutting public streets (Section 603); and a Variance of the parking requirement for an office use from 13 spaces to 8 spaces (Section 1211.D); all to permit an expansion of an existing office use in the RM-2 district. The board finds this property to be platted as a RM-2 district contains almost 33,000 sq. ft. The existing buildings are closer to the street than today's code provides. The board makes the condition the approval is limited to the 5,053 gross sq. ft. building be used as a parking garage only and the 1,710 gross sq. ft. records storage building shall be used for records storage only. If the use changes the applicant shall return to the board. All driving and parking surfaces shall be concrete or asphalt; sidewalks along South Phoenix Avenue and West 1<sup>st</sup> Street shall be constructed or if existing shall be maintained in good walking condition; and if they are damaged during construction the sidewalks shall be reconstructed, all this per plan 9.8. All lighting and landscaping shall be per City of Tulsa code. In granting the variances the board finds 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 the special exceptions the board finds 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 6 – 10, BLK 32, OWEN ADDN AMD**

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**Case No. 21100-Blake Burks**

**Action Requested:**

Variance of the parking requirement for a commercial building from 55 parking spaces to 36 parking spaces (Section 1200); to permit construction of a new commercial building. **Location:** NE/c of E. 81st St. and S. Sheridan Rd.

**Presentation:**

**Blake Burks**, 8326 South 71<sup>st</sup> East Avenue, Tulsa, OK; represents Mr. Siamak Ahmady, the owner of the property. Mr. Ahmady is currently building an 8,000 sq. ft. shopping center and it is still under construction with no parking installed to date. There have been 36 parking spaces planned on site with one loading zone. Mr. Ahmady wants to lease 2/3 of the square footage of the shopping center to himself, and then install a restaurant in the remaining 1/3, which averages to be 3,250 sq. ft., in the shopping center. The parking requirement for restaurant use of 1 to 100 appears to be overly restrictive because it does not take into account the use of the shopping center.

**Interested Parties:**

**Bob Parker**, 3114 East 81<sup>st</sup> Street, Tulsa, OK; he is the Vice President for GDR Properties and GDR Properties owns the surrounding center. GDR Properties has 26,000+ sq. ft. of building area with 208 parking spaces and the firm requires 206 parking spaces. There are not 30 parking spaces to give and the firm considered a mutual parking agreement but it was felt it would be detrimental to the existing tenants and the value of our property.

After Mr. Parker's statement Mr. Burks' rebuttal was an aerial photograph showing the parking lots were typically a third to half full with no overflow. Mr. Burks stated he understands and respects Mr. Parker's statement regarding no extra parking spaces but he does not foresee a situation requiring an overflow onto GDR Properties parking lot.

**Comments and Questions:**

The board inquired if the plans had changed and inquired when the restaurant had been planned. Mr. Burks stated the first option had been a studio school but the parking requirement would be 22 parking spaces and Mr. Ahmady's business would also require 22 parking spaces bringing the parking count to 44 total spaces required, and there are only 36 spaces available. The property is land locked and a restaurant was the second option.

The board asked what type of restaurant would be in the shopping center. Mr. Burks stated the restaurant would have a peak demand after 6:00 P.M. and Mr. Ahmady would be leaving his business by 6:00 P.M. thus opening up the 36 parking spaces.

The board asked Mr. Parker if there were any operating restaurants in the area, and he stated there is a TCBY Yogurt and Bruner's Meat Market. The yogurt shop is a "come and go" business and Bruner's has no "sit down" business.

The board stated the applicant's property is currently a raw piece of land and it is incumbent on the owner to have a plan and provide adequate parking. The hardship is self imposed.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to **DENY** a Variance of the parking requirement for a



commercial building from 55 parking spaces to 36 parking spaces (Section 1200); to permit construction of a new commercial building finding that the hardship is self imposed; on the following described property:

**PRT LT 1 BEG 225E & 50N SWC SEC TH W145.02 CRV RT47.11 N145.02 E175 S175 POB LESS BEG 50N & 225.02E SWC SEC TH W145.02 CRV RT 47.11 SE36.89 E151.08 S8 POB FOR ST BLK 1, SQUARE ONE**

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**Case 21101-L. Richard Howard**

**Action Requested:** Variance of the frontage requirement in the IM district (Section 903) from 200 ft. to 40.56 ft. to permit a lot split. **Location:** 5757 E. 15th St.

**Presentation:**

**Richard Howard**, 508 East Main Street, Jenks, OK; no presentation was made; Mr. Howard made himself available for questions.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Henke recused himself from this case.

Ms. Stead asked if this was the identical lot split that the board had previously approved and Mr. Howard stated that it was, but the sale had not taken place and prior approval has lapsed.

Ms. Stead asked if the existing dilapidated fence was going to be replaced and Mr. Howard stated the intention is to have a new fence.

Ms. Stead asked what type of business was going to locate onto the property and Mr. Howard thought it was to be a dispatch office for a limousine service.

**Board Action:**

On **MOTION** of **TIDWELL**, the Board voted 3-0-1 (Stead, Tidwell, White "aye"; no "nays"; Henke "abstain") to **APPROVE** the Variance of the frontage requirement in the IM district (Section 903) from 200 ft. to 40.56 ft. to permit a lot split. The following conditions are to apply: all driving and parking spaces are to be concrete or asphalt surfaces; the applicant is to comply with all codes pertaining to lighting and landscaping; the applicant is to maintain the existing sidewalk or repair the existing sidewalk if it is damaged by the applicant; 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:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4 OF THE NE/4) OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 13 EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 40.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4 OF THE NE/4); THENCE DUE NORTH FOR 235.46 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD SPUR TRACK; THENCE NORTH 40°57'10" EAST FOR 0.00 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD SPUR TRACK AND ON A CURVE TO THE LEFT WITH A RADIUS OF 653.81 FEET FOR 518.87 FEET; THENCE NORTH 86°54'24" EAST FOR 46.64 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD 100.00 FOOT WIDE HOWARD BRANCH LINE RIGHT-OF-WAY, NOW DISCONTINUED, THENCE SOUTH 17°14'00" EAST ALONG SAID RIGHT-OF-WAY FOR 605.99 FEET; THENCE SOUTH 72°46'00" WEST FOR 144.46 FEET; THENCE NORTH 64°59'32" WEST FOR 38.63 FEET; THENCE SOUTH 82°21'14" WEST FOR 62.89 FEET; THENCE SOUTH 46° 01'57" WEST FOR 150.37 FEET; THENCE DUE WEST FOR 40.56 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. AND A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4 OF THE NE/4) OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 13 EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U. S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: COMMENCING AT A POINT 40.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4 OF THE NE/4) THENCE DUE EAST FOR 246.50 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE NORTH 00° 13' 26" WEST FOR 96.43 FEET; THENCE NORTH 72° 46' 00" EAST FOR 144.46 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD 100 FOOT WIDE HOWARD BRANCH LINE RIGHT-OF-WAY, NOW DISCONTINUED, THENCE SOUTH 17° 14' 00" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 145.77 FEET; THENCE DUE WEST A DISTANCE OF 180.78 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

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## **Case No. 21102-Tulsa Engineering and Planning**

### **Action Requested:**

Variance of the maximum amount of required front yard permitted to be covered with an all-weather surface parking area in the RS-3 district from 34% to permit 28 ft. wide driveways in front of three (3) bay garages (Section 1303.D). **Location:** 1/4 mile south of the SW/c of E. 41st St. and S. 177th E. Av.

### **Presentation:**

**Jerry Ledford, Jr.**, Tulsa Engineering and Planning, 6737 South 85<sup>th</sup> East Avenue, Tulsa, OK; represents Simmons Homes who is working with the developer for the subdivision platted as Oxford Court; platted in March 2008 with 177 lots. The lots range from 60 feet to 80 feet mixed throughout the subdivision. We are requesting to allow three-car garages in the subdivision when the new home buyer makes the requests. In review the RE and RS-1, 2, and 3 codes are based on the 1950's when garages were either one car or two car garages. In today's new home market the trend is three car garages which the code does not allow for the progressive market trend.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Henke stated the Board of Adjustment grants variances on a case to case basis but not blanket variances for subdivisions.

Mr. Ledford stated that the code is not up to date where the trends are with housing and the only way to get around that is to either have a blanket from the board if the subdivision meets all the RS-3 requirements or go to a PUD to request the one driveway variance.

Mr. Henke stated due to the rectangular shape, plus the size, of the lots it is a self-imposed hardship when requesting a variance for a lot, because there is nothing unusual or peculiar as it relates to a particular lot which you created in the subdivision.

Mr. Alberty suggested, if the board would consider it on a case by case basis, is to continue this application and allow Mr. Ledford to come back to identify a few of the lots that he feels are reasonable.

Mr. Boulden stated when a blanket notice is issued it is certainly hard to focus on a particular lot; therefore, notice should be given on each individual lot that is under consideration.

Ms. Stead asked Mr. Boulden if the board could approve the odd shaped lots in a certain cul-de-sac as one application, or does it need to be per lot. Mr. Boulden stated if each lot had been posted and properly noticed, so the board would know which lot was

going to be acted upon. At this point in time the question is "has there been sufficient notice for each lot the board is going to consider."

Mr. Alberty acknowledges the code needs to be considered for an amendment but the code originally came into effect from over paving front yards, and that was a time when three car garages were not being considered.

Mr. Boulden stated the council legislated what the requirements are and a blanket variance basically undoes the legislative act of council. Blanket variances of this nature are abhorrent to the legislative function.

Mr. Ledford stated that if the board had to make a decision today Lot 8, Block 8 is the lot where the home owner had requested a three car garage. Mr. Boulden stated there is nothing peculiar or unusual about that lot.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Henke, Tidwell, White "aye"; Stead "nay"; no "abstentions") to **CONTINUE** the hearing to July 13, 2010 for the request of a **Variance** of the maximum amount of required front yard permitted to be covered with an all-weather surface parking area in the RS-3 district from 34% to permit 28 ft. wide driveways in front of three (3) bay garages (Section 1303.D); on the following described property:

**BLKS 1 – 8, OXFORD COURT**

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**Case No. 21103-James Boswell**

**Action Requested:**

Minor **Special Exception** to reduce the required front yard in the RS-3 district by 5 ft. (Section 403); and a **Variance** of the maximum coverage of the RS-3 district's required rear yard by a detached accessory building from 30% to 35% (Section 210.B.5). **Location:** 2007 E. 14th Place

**Presentation:**

**James Boswell**, 1305 East 15<sup>th</sup> Street, Suite 201, Tulsa, OK; photographs and handouts were presented to the board of the existing house in relation to its position of the other houses in the neighborhood. The code allows to extend out as far as the houses on each side on average. The hardship is that the lot is a nonconforming lot in width and area.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Minor Special Exception to reduce the required front yard in the RS-3 district by 5 ft. (Section 403); and a Variance of the maximum coverage of the RS-3 district's required rear yard by a detached accessory building from 30% to 35% (Section 210.B.5). Finding for the special exception the other houses on that street have setbacks that are similar with porches that extend a similar amount as to the proposed porch. Finding for the variance the hardship is the lot is undersize for the zoning Code RS-3 and the garage will need to be set back in the rear yard farther due to the shallowness and narrowness of the lot; all per conceptual plan 14.7. For 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; and for the variance 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:

**LT 10 BLK 1, TERRACE DRIVE ADDN SUB PRT B5**

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**Case No. 21105-DeShazo Tang & Associates**

**Action Requested:**

Special Exception to permit a salvage yard (Use Unit 28) in an IM district (Section 901). **Location:** 1130 N. Lewis Ave.

**Presentation:**

**Nicole Watts**, DeShazo Tang & Associates, 10830 East 45<sup>th</sup> Street, Tulsa, OK; this is an existing auto recycling center that has been in existence for approximately 14 years, and the City of Tulsa notified the center that there hasn't been a special exception filed. The center does conform to the surrounding uses of the area. There will be an 8 ft. screening fence installed on the northern boundary.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Ms. Stead stated there is an existing chain link fence on the north side; Ms. Watts stated the existing fence is owned by the University of Tulsa.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a salvage yard (Use Unit 28) in an IM district (Section 901) subject to the code requirements specifically for the screening wall or fence along the lot lines or lines in common with the district to be screened subject to the letter dated May 5, 2010 from DeShazo Tang & Associates, Inc. The fence shall be 8 ft. in height with customarily used fencing material or other substantial materials that will visually separate the land uses and required to be screened from the general public traveling on the streets. Fencing will be uniform in height except as to changes in the topography; consistency of design and if painted shall be earth tone in color; will be constructed with the braces and supports on the interior and will comply with the code. All per plan 15.8; 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.

\*\*\*\*\*.

**Case No. 20954-Wallace Engineering**

**Action Requested:**

Amendment to a previously approved site plan to permit building and parking additions to an existing public school. **Location:** SW/c of E. 62<sup>nd</sup> St. and S. 105<sup>th</sup> E. Ave.

**Presentation:**

**Jim Beach**, Wallace Engineering, 200 East Brady Street, Tulsa, OK; requesting an approval of an amendment to a previously approved site plan 16.6. The three small additions will be located on the north side of the property, and the parking lot that has the circular drive on the north side is also part of the addition, in fact, replaces the parking lot on the northeast corner of the property.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Amendment to a previously approved site plan to permit building and parking additions to an existing public school. The applicant has demonstrated to the board that the proposed modified plan is consistent with the board's original approval of an exception and variance.

\*\*\*\*\*.

**OTHER BUSINESS:**

**Election of Officers:**

**Mr. Frank (Frazier) Henke, IV** was nominated to be Chairman for the 2010-2011 City of Tulsa Board of Adjustment.

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") Frank (Frazier) Henke, IV to continue to serve as Chairman for the City of Tulsa Board of Adjustment.

**Mr. David White** was nominated to be Vice Chair for the 2010-2011 City of Tulsa Board of Adjustment.

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") David White to serve as Vice Chairman for the City of Tulsa Board of Adjustment.

**Mr. Michael Tidwell** was nominated to be Secretary for the 2010-2011 City of Tulsa Board of Adjustment.

On **MOTION** of **HENKE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") Michael Tidwell to serve as Secretary for the City of Tulsa Board of Adjustment.

\* \* \* \* \*

**NEW BUSINESS:**

None.


**BOARD MEMBER COMMENTS:**

None.

There being no further business, the meeting adjourned at 3:25 p.m.

Date approved: \_\_\_\_\_

7/13/10

  
Chair