

**BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 1056  
Tuesday, September 27, 2011, 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 Tidwell, Secretary Van De Wiele White, Vice Chair		Alberty Sansone Sparger Back	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, September 22, 2011, at 10:15 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. Sansone 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 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the **Minutes** of the September 13, 2011 Board of Adjustment meeting (No. 1055).

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**NEW BUSINESS**

**21327—Nicole Watts**

**Action Requested:**

Variance of the parking requirements for a school (UU1) in an RM-2 District (Section 1201); a Variance of building setback from an R District for a special exception use from 25' to 12' (Section 404.F.4). **Location:** 1920 South Cincinnati

**Presentation:**

No presentation was made; applicant has requested a continuance.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a Variance of the parking requirements for a school (UU1) in an RM-2 District (Section 1201); a Variance of building setback from an R District for a special exception use from 25' to 12' (Section 404.F.4) to the meeting on October 11, 2011; for the following property:

**ALL OF BLK 16 17, SOUTH SIDE ADDN, SECOND SOUTH SIDE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**UNFINISHED BUSINESS**

**21324—Sharon A. Walsh**

**Action Requested:**

Special Exception to allow manufactured/modular homes (UU 9) in an AG District for classroom purposes (Section 301). **Location:** 5150 East 101<sup>st</sup> Street South

Staff asked for a continuation of this case, which had been previously heard on September 13, 2011, and is not listed on today's agenda. The case, as it appeared on the last meeting of September 13, 2011 had been advertised for this meeting on September 27, 2011. Staff was trying to accommodate the applicant and the staff confused the actual advertising date. Actual advertising, both signs and the notices were sent out for today's date. However, it was placed on the agenda by error on the September 13<sup>th</sup> meeting. Mr. Alberty stated he discussed this with Mr. Swiney and under New Business the Board could call this case since it was advertised for this date, and the suggestion would be to continue the case to the meeting on October 11, 2011. At that meeting the Board could technically address the case.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a Special

Exception to allow manufactured/modular homes (UU 9) in an AG District for classroom purposes (Section 301) to the meeting on October 11, 2011; for the following property:

**Lot 1, Block 1 Life Christian Center, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

### **Request for Interpretation**

The Office of Development Services has made a **Request for Interpretation** regarding crematories as an accessory use. Specifically, can a crematory be considered an accessory use, customarily incidental and subordinate to a funeral home (Use Unit 11)?

Mr. Swiney stated the Board passed this request for two weeks to give him an opportunity to research the law. Mr. Swiney has found that funeral homes and crematories are regulated by state statutes. During the research he contacted the Funeral Board and the Director of the Oklahoma Funeral Board, Mr. Riley, has come to address the Board of Adjustment today, which should be helpful to the Board in determining its deliberation.

### **Presentation:**

There was no presentation made.

### **Interested Parties:**

**Mark Riley**, Director of the Oklahoma Funeral Board, 4545 North Lincoln, Suite 175, Oklahoma City, OK; stated it is his understanding that the City is considering changing some of the ordinances to allow for funeral homes, if passed today, to not go through an initial process to have crematories placed on their facility. The Oklahoma Funeral Board does not take a position on this as the duties of regulation thereof will relatively be unchanged. It is only perceived to the Oklahoma Funeral Board that this will only streamline the process of those who wish to enter into the crematory business in addition to their funeral homes. In the State of Oklahoma there are 422 funeral homes and there are 38 active crematory licenses, and some of those crematory licenses cover more than one cremation unit within a facility. The Oklahoma Funeral Board licenses one per facility and they can have as many retorts as necessary. Of the 38 crematories, three are not on the grounds of an existing funeral service establishment; two are located in an industrial area and one is located in a cemetery which is short distance from a funeral home but also owned by that funeral home. Mr. Riley stated that he performed research with the Department of Environmental Quality regarding the placement of the crematory within a neighborhood. Mr. Riley also had discussions with a local crematory manufacturer regarding the emissions of a crematory. In regards to the emissions, there is no tremendous amount of emission or greenhouse gas that is expelled from a cremation stack with no carbon monoxide emissions whatsoever. Generally, the only reason a crematory will expel visible smoke into the air is a result of operator error. Emerging technology is in place to either allow the operator to mitigate

that and some of the units detects smoke in the lower portion of the stack it will sound an alarm causing the main flame burner to be retarded and choke the intake to limit the heat. It is a rare circumstance that an operator will be dealing with a case that will allow for the expulsion of the smoke. The Department of Environmental Quality is not concerned except for when the smoke being expelled has opacity of greater than 20% over a six minute average.

Ms. Stead asked Mr. Riley if the Funeral Board handled animal crematories and he stated that they did not. Ms. Stead stated that what the Board is looking at is an interpretation of the City Code and the code has little specific information or criteria for funeral homes. Therefore, this Board needs assurance from Mr. Riley if this interpretation is passed today, it may no longer be necessary to come to the Board of Adjustment to establish a human crematory. Mr. Riley stated that what he is advising the Board of today is becoming the industry standards, and older crematoria are still in use and in the market place as well so not every crematory being placed could be guaranteed would be of the modern technology standards.

Mr. White asked Mr. Riley if there was something that could be included in the Board's motion today to have the crematory as an accessory use; where the Board could cite a state or a national standard dictating that certain criteria must be met before they are approved by a state agency. Mr. Riley stated that the criteria required by the Oklahoma Funeral Board are that the crematoria be able to reduce the human remains to 10% of their weight by use of heat and flame. Mr. White asked Mr. Riley if there was an organization or DEQ have any language that can be cited by the Board of Adjustment. Mr. Riley stated that he had the rule from the Department of Environment Quality that addresses the opacity of the discharge. The rule is from the Office of Administrative Code, Chapter 252:100-25.

Mr. Van De Wiele asked Mr. Riley if the standards would apply whether a brand new unit is purchased or a used unit is purchased. Mr. Riley confirmed that statement.

Mr. Tidwell asked Mr. Riley if the Board of Adjustment ruling today would affect the three free standing crematories in the state. Mr. Riley stated that one of the free standing crematoria are located within the city limits of Tulsa.

Mr. Swiney stated that this Board would not being doing away with free standing crematories by allowing this accessory use to a funeral home, if that is the Board's intention.

Mr. Riley stated that it is the position of the Funeral Board that crematories are not allowed to operate without direct legal conjunction with a licensed funeral establishment as well; both must have a Funeral Director in charge.

Mr. Alberty asked Mr. Riley if he was aware of any building code or mechanical provisions that would be required to met prior to the issuance of a building permit for a crematory. Mr. Riley stated that he did not research that, but he knows that the Funeral

Board has had to wait while various entities had to obtain code standards. Mr. Alberty stated there are other codes in addition to the state and federal codes that the building code would need to comply with, i.e., the fire code.

Mr. White asked Mr. Riley if any other city or town in Oklahoma dealt with the issue that is before the Board of Adjustment today. Mr. Riley stated that he did not think another city or community had dealt with the issue formally but he was familiar with various smaller communities that have no restriction requirements. The Funeral Board does require all the new licensed crematories and funeral homes to prove that they have the necessary zoning and occupancy for the establishment to take place. There are a number of smaller main street type communities that have no requirements to meet in that regard.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Request for Interpretation from the Office of Development Services stipulating that human crematories be adopted as an accessory use to a collocated primary funeral home; that they are in compliance with the state statute requirements, particularly Title 59 and the Office of Administrative Code Chapter 252:100-25.

**21314—Stephen Schuller**

**Action Requested:**

Special Exception to permit Inpatient Hospice, Senior Living, Respite Care, Alzheimer's Assistance, and/or Skilled Nursing Facility (Use Unit 2) in an RS-3 district (Section 401); Minor Special Exception to reduce the required front yard in an RS-3 district from 35' to 30' (section 403.A.7); Special Exception to increase the height of a decorative wall in the required front yard from 4 feet (section 210.B.3); Minor Variance from the minimum building setback of 25 feet from an R district for a special exception use to 20 feet (section 404.F.4). **Location:** 7600 East 31<sup>st</sup> Street South

**Presentation:**

**Stephen Schuller**, 1100 OneOk Plaza, 100 West 5<sup>th</sup> Street, Tulsa, OK; stated the subject property is two parcels and is cut roughly in half by a substantial city drainage channel. The northern parcel consists of approximately two acres and the southern parcel consists of approximately two and two-thirds acres. A further complication of this parcel is right down the middle of the land is an underground city storm sewer easement with a 48" city storm sewer in it. Mr. Schuller's client proposes to construct and operate a Christian based in-patient hospice facility on the subject property. The facility will be a very small operation consisting of twelve patient rooms. The architectural design is a

one-story building with access to private outdoor courtyards enclosed by a decorative stucco wall approximately eight feet in height on the outside of the building. Outdoor activities would be limited to the courtyard outside the patient's room or to the small patio that is proposed at the rear of the property. Due to the exceptional shallowness of the property on the 31<sup>st</sup> Street side and the meandering boundary line of city property to the south to be able to site the property properly it is necessary to move it forward forcing a small portion of the building and the decorative wall to encroach into the required front yard. There is a 31<sup>st</sup> Street right-of-way and the client will need to dedicate an additional 15 feet of right-of-way on the north side of the property, which is almost the entire 31<sup>st</sup> Street frontage, to conform to the Major Street Highway Plan, making the position of the building on the property as shown on the proposed site plan the only place it can be placed. The zoning code limits the height of fences and walls in front yards to four feet but the proposed decorative wall is designed and proposed at eight feet to allow privacy to the patient of the hospice rooms and only slightly encroaches into the front yard; this can be allowed by the Board by granting a Special Exception. Mr. Schuller and his client have had a pre-development meeting with the City of Tulsa regarding the project because the client wanted to have the City's input before the project started. The reason for the configuration of the parking and driveways is due to the pre-development meeting. The City wanted to have a circular flow in the driveway serving the property, and the western drive will be an entrance only direction to allow for the safe exit of patients from vehicles under the porte-cochere and the eastern drive will be an exit only direction. This traffic design was advocated and encouraged by the City of Tulsa to promote a convenient flow of traffic and the maneuverability of fire trucks through the property. The existing gravel driveway that was used by a Christmas tree lot will be removed. The site plan provides 16 parking spaces, and if the proposed project were to be classified as a nursing home only four parking spaces would be required therefore the 16 parking spaces proposed are more than adequate to meet the requirements of staff, patient visitors, vendors, etc. Mr. Schuller stated there are no improvements proposed for the southern parcel and that is intentional. Should a companion facility or expansion be proposed in the future for the southern parcel the client would need to come back before the Board of Adjustment for site plan approval.

**Interested Parties:**

**Richard Hall**, 7527 East 28<sup>th</sup> Street, Tulsa, OK; stated he is concerned about access to the property. There are only three access points within one mile and of the access points is directly across the street from the proposed project. Mr. Hall stated that the proposed hospice use is the best use of the land and much better than another use that is evident along expressway corridors in other parts of the city. Mr. Hall, again, expressed his concern about access to the property, or the lack thereof along 31<sup>st</sup> Street, because there are only three access points along 31<sup>st</sup> Street in the mile between Memorial and Sheridan. It is difficult to leave the neighborhood, especially in the morning because the main access point is usually blocked by traffic that is stopped to drop children off at a daycare center located there. Mr. Hall thinks this is the best use of the property and looks forward to a future site plan for the southern parcel. He looks forward to the cleanup of the whole property because it will greatly improve the

property. Mr. Hall appreciates the owner, the engineer, and the attorney speaking with the homeowners group on September 13<sup>th</sup>, and he looks forward to the proposed development.

**Terry Wilson**, 7728 East 30<sup>th</sup> Street, Tulsa, OK; stated he lives about two blocks north of the proposed construction and is concerned about the access across from 77<sup>th</sup> East Avenue. Left turns out of the neighborhood at 77<sup>th</sup> East Avenue is 71% of the traffic, and if a person is making a left turn off 31<sup>st</sup> Street onto 77<sup>th</sup> Street they are stuck during peak traffic times because of the daycare center congestion. What is not being addressed today is a site plan for the southern parcel, or Tract B. If the facility were to expand or construct another facility that is homogeneous to the facility proposed for the northern parcel. Mr. Henke stopped Mr. Wilson to remind him that there was no proposal for construction on Tract B and if that should happen in the future that proposal or applicant would need to come before the Board of Adjustment for relief. Mr. Van De Wiele confirmed Mr. Henke's statement. Mr. Wilson stated that according to Item #56 under PLANiTulsa, under the heading of PLANiTulsa consent agenda, March 2010, given the limited access constraints on the subject property the designation as area of change with this plan category as a neighborhood center is likely an oversight. The PLANiTULSA team recommends that many of the areas of stability and change the maps to designate the property as an area of stability. The outcome of that suggestion is that the area is now shown as Lot B in the current case remained an area of change but is designated as new residential rather than a neighborhood center. So Tract B would be residential and not allow for the business expanding from the front portion of the property. Mr. Wilson stated that he also has a problem with the definition of a neighborhood center, and some of the definitions deal with it as for retail, dining, and services. This proposal is a service to the public. Mr. Van De Wiele stopped Mr. Wilson and reminded him that the Board is not approving a neighborhood center today on Tract B. Ms. Stead and Mr. Henke both stated that Tract B is not even being addressed today by the Board. Mr. Henke stated that the code as written allows certain development and prohibits other types of development. If the nursing home or hospice were to expand to Tract B they would need to receive relief from the Board of Adjustment. Today Tract B is not being discussed and there is no proposed development. The Board is just focusing on the applicant's request, which is Tract A. Mr. Wilson stated that he was speaking of Tract A as it relates to a new neighborhood center. Mr. Van De Wiele stated that the applicant is not proposing a neighborhood center but is proposing a one-story twelve-bed hospice. Mr. Wilson stated he understood but that a neighborhood center under PLANiTULSA in a stable area had to have some uniqueness such as external connectivity and should be designed to meet the standards, internal and external, and shall be paired with existing new neighborhood or town center. There is a new neighborhood according to PLANiTULSA that would be out on Tract B, which would be limited to residential.

Mr. Alberty stated there are two issues presented. There is an issue of what the applicant is requesting today, and there is an issue of what the Comprehensive Plan designates properties for. Mr. Wilson is entirely correct and there is no confusion, the north tract was recognized under the Comprehensive Plan as a neighborhood center;

however the applicant is not pursuing that opportunity to develop a neighborhood center. The applicant is pursuing an opportunity to develop the use as a hospice or nursing home type facility. Mr. Alberty stated Tract B had originally been shown neighborhood center on the entire area and that was one of the things that Mr. Wilson and the staff caught due to the fact that Tract B only had access to a lower intensity residential area, so it was changed on the Comprehensive Plan to be a new neighborhood because there is nothing currently on the property. It had, also, to be designated as an area for the change. The development, according to the plan, would be residential not neighborhood center. Mr. Wilson stated that he understands that and has no issue with Tract B, but the document he is reading from states that all ingress and egress will be from 31<sup>st</sup> Street which includes Tract B.

Ms. Stead stated that she did not understand the confusion because the Board is not dealing with Tract B. Mr. Wilson stated that the applicant is proposing to build across the entire frontage on Tract A, which creates a landlock of ingress/egress to Tract B. Mr. Van De Wiele stated that the landlock situation would be the applicant's problem to deal with in the future, if at all, within the perimeters of the code. Mr. Van De Wiele also stated there is another right-of-way point on South 76<sup>th</sup>. Mr. Wilson stated he was totally aware of that, that it is between 3123 and 3139 South 76<sup>th</sup> East Avenue and that is the point he is trying to protect from this proposal. If the zoning is changed, i.e., OM zoning it has to go two blocks deep into the residential area to access the property. Mr. Van De Wiele stated that situation would likely prohibit it from receiving that zoning change.

Mr. Wilson stated that the aerial photo shows I-44 runs east and west but through this particular area it is on a northeast/southwest quadrant but to the west of I-44 the area has always been residential. There is a vast amount in the old landmark properties to the east of I-44 and Memorial that has always worked in zoning cases, businesses went to the Memorial side and residential went to the other side. That is one of the basic plans under the District 5 Comprehensive Plan using I-44 as the buffer.

Mr. Van De Wiele asked Mr. Wilson to confirm that he was opposed to the proposed nursing home. Mr. Wilson stated that he had recommendations and they are the Board denies or delays this due to the lack of building specs on Tract B, or defers this to TMAPC and request a PUD. Mr. Van De Wiele stated that the point the Board is trying to convey is that there is no "it" going in on Tract B at this point, and if there is such a development in the future that is not compliant with the current zoning, the applicant would need to come back before the Board of Adjustment.

**Rebuttal:**

Stephen Schuller came forward and stated there is no development currently planned for Tract B. There was discussion of the access being opposite 77<sup>th</sup> East Avenue on the north side of 31<sup>st</sup> Street, and this Special Exception for Use Unit 2 will trigger the platting requirement. That is one of the reasons for the pre-development meeting with the City. It was to find out what the City wanted and what their expectations are that will come up during the platting process before TMAPC. The City was adamant about the



placement of the driveway directly opposite the street. They do not like off-setting driveways or off-setting streets because it becomes too confusing for a driver to watch everything that is going on around him. If the street and driveway are opposite one another, the driver can look forward and look both ways to determine where other drivers are going, while off-setting driveways and streets become precarious and too dangerous. That is another reason the driveway is a one-way through the property. This proposal will go before TMAPC and through the platting process, which addresses any issues.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a **Special Exception** to permit Inpatient Hospice, Senior Living, Respite Care, Alzheimer's Assistance, and/or Skilled Nursing Facility (Use Unit 2) in an RS-3 district (Section 401); **APPROVE** a **Minor Special Exception** to reduce the required front yard in an RS-3 district from 35' to 30' (Section 403.A.7); **APPROVE** a **Special Exception** to increase the height of a decorative wall in the required front yard from 4 feet (Section 210.B.3); and **APPROVE** a **Minor Variance** from the minimum building setback of 25 feet from an R district for a Special Exception use to 20 feet (Section 404.F.4). This triangular shaped lot presents many problems, and added to that is a large drainage ditch and city facilities underlying a portion of this property. The Board feels these are unusual circumstances. The Minor Special Exceptions under code are clearly defined and the lighting and landscape will be according to code. The Board makes note that a sidewalk is provided to the extent of the property all along 31<sup>st</sup> Street. This will be per plan on page 3.8, however, after platting minor changes may be made in access. As for the height of the fence/wall proposed it shall be a maximum of eight feet. The Board has found for the above stated reasons any hardship requirement has been met. In granting the Special Exceptions 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. The Board has found that the extraordinary or exceptional conditions or circumstances, which are peculiar to the land and other hazards 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; for the following property:

**A Tract of Land in Two Parcels in the Northeast Quarter (NE/4) of Section Twenty-three (23), Township Nineteen (19) North, Range Thirteen (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 the Northwest corner of said NE/4; thence North 90°00'00" East along the North line of said NE/4 for 761.92 feet; thence South 00°08'01" East for**

35 feet; thence North 90°00'00" East along the South right of way line of East 31<sup>st</sup> Street for 129.99 feet to the Point of Beginning; thence South 00°00'00" East for 14.99 feet; thence South 60°25'48" East for 139.37 feet; thence South 69°48'42" East for 173.05 feet; thence South 49°06'43" East for 109.18 feet; thence South 85°55'14" East for 84.01 feet to a point on the I-44 right of way; thence North 48°34'30" East along said I-44 right of way for 297.92 feet; thence North 41°25'30" West for 11.76 feet; thence North 90°00'00" West for 97 feet; thence North 00°00'00" East for 15 feet to a point on the South right of way line of said 31<sup>st</sup> Street; thence North 90°00'00" West along said right of way line for 568.58 feet to the Point of Beginning, and Commencing at the Northwest corner of said NE/4; thence North 90°00'00" East along the North line of said NE/4 for 761.92 feet; thence South 00°08'01" East partly along the East line of Block 1, "Magnolia Terrace," an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, for 285.85 feet to the Point of Beginning; thence continuing South 00°08'01" East along the East line of said Block 1 for 543.47 feet to a point on the North right of way line of I-44; thence North 48°55'30" East along said right of way for 169.38 feet; thence North 37°36'54" East along said right of way for 254.95 feet; thence North 48°34'30" East along said right of way line for 139.46 feet; thence North 49°12'33" West for 98.54 feet; thence North 73°18'40" West for 180.51 feet; thence North 81°17'44" West for 143.21 feet to the Point of Beginning, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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#### NEW BUSINESS

#### 21318—Ed Horkey

##### Action Requested:

Variance of the required distance from a residential property for an electronic message center (section 1221, C-2c). Location: 4529 South Peoria Avenue East

Mr. Henke recused himself and left the meeting at 2:20 p.m.

##### Presentation:

Ed Horkey, Claude Neon Federal Signs, 1225 North Lansing, Tulsa, OK; stated he represents Rocket Lube and Wash. The client wants to have an electronic message center placed under an existing ground sign. The property is located between 41<sup>st</sup> and 51<sup>st</sup> on Peoria and it is the only property in that stretch of street that has residentially zoned property next to it, which is the Swiss Riveria Condominiums. It is proposed to remove the existing changeable marquee and replace it with an LED electronic

message center. The owner of the property has conceded that if his request is approved the sign will be turned off at midnight until 6:00 A.M. The residential property next to Rocket Lube has a lot of landscaping around the property so electronic message center would affect the south end of the building.

Mr. Tidwell asked Mr. Horkey what hour Rocket Lube closed, and Mr. Horkey stated typically they close at 6:00 P.M. but during the summer they have extended hours closing at 8:00 P.M.

Mr. Van De Wiele asked staff if the sign was within the square footage permitted because the picture of the existing sign presented to the Board in their packet looks like a lot of sign. Mr. Horkey answered Mr. Van De Wiele's question by informing the Board the sign is permitted through the City of Tulsa.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a Variance of the required distance from a residential property for an electronic message center (Section 1221, C-2c). The Board has found that essentially all property to the south and most properties to the north covering approximately four blocks are zoned commercial. The one exception is RM-2 just to the north of the tract in question. The Board makes this subject to the illustration on page 4.6 covering the 4 x 8 marquee space and there is to be no flashing, no immediate scrolling, no rolling, and no moving animation on the marquee. The owner will turn off the digital signage between the hours of 10:00 P.M. to 6:00 A.M. The Board has found that the commercial zoning for most of the area, the size of the tract 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; for the following property:

**W 10' LT 18 ALL LTS 19 20 BLK 4, WILDER ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Henke returned to the meeting at 2:31 p.m.**

## **21320—Bonnie & Khaled Rahhal**

### **Action Requested:**

Variance of the parking requirement to permit an adult entertainment establishment in an existing building in the CH district from 38 to 0 (Section 1212a.D); a Special Exception to permit an adult entertainment establishment within 150 ft. of an R district; a Variance of the spacing requirement for an Adult Entertainment Establishment from another Adult Entertainment Establishment (Section 1212a.C.3). **Location:** 1334 East 6<sup>th</sup> Street South **(CD 4)**

### **Presentation:**

**Bonnie Rahhal**, 4363 East 72<sup>nd</sup> Street, Tulsa, OK; stated this particular venue has been in operation since the late 1980s and she and her husband own several pieces of property located in the area, which is now known as the Pearl District. Mr. Rahhal had come before the Board two years ago and received an approval for the requests before the Board today, and now the time limit has expired. The spacing requirement for another adult entertainment establishment is an art gallery/wine bar, which is a new addition to the neighborhood. There is no parking in the subject property lot line because it is landlocked, but Ms. Rahhal stated she has other property near which can provide parking for the subject. Her establishment is open only when there is a scheduled event so there is not a lot of traffic.

**Mr. Tidwell left the meeting at 2:33 P.M.**

Mr. Van De Wiele asked staff what the status of the Pearl District Form Based Code is. Mr. Alberty stated that currently it has not been written for the extended area and at the time this request was originally approved there had been anticipation that it would be completed. The first phase of the Pearl District Form Based Code has not been approved and it may several months before it is approved and that will be for just the pilot area and will not affect this property.

**Mr. Tidwell re-entered the meeting at 2:34 P.M.**

Ms. Rahhal stated that the proposed Form Based Code that has just recently been addressed ends just east of Peoria on 6<sup>th</sup> Street and does not include the subject property, but she and her husband are hoping that it will be extended to include the subject property.

Mr. Van De Wiele asked Mr. Alberty if the codes were in place how the code would address the relief being sought today, because this looks similar to what the Board has seen before. Mr. Alberty stated there would not be a parking requirement, the use would not be an issue and separation from another adult entertainment would not be required.

**Mr. Khaled Rahhal** came forward and stated that he would like to reiterate that this is not a new business. It has been in existence for 26 years and is about the arts. It is not a hardcore bar establishment. Mr. Rahhal stated that he owns two pieces of property that are asphalted and fenced that he opens for parking when there is a scheduled event. Mr. Rahhal stated that this has been his dream of 40 years and loves the area. He was before the Board two years ago with the same request but his time limit has expired, and does not understand why he needed to pay \$1,200.00 for this application.

Ms. Stead stated that the Board consistently states when an applicant returns before the Board because of a time limitation they will do so by paying a reduced fee. Mr. Henke gave affirmation to Ms. Stead's statement but in this case it is a separate application and a different applicant.

Mr. Alberty stated that if the application is for the extension of a time limit, typically that is a \$200.00 fee. In explanation for the fee charges, it is because this application is from a different applicant even though the ownership is the same, and when the staff took the application and calculated the fees, they did not realize it was for the same previous application. Ms. Stead stated that she realized this was not the Board's problem but the Board should quit making statements that the applicant will come back before the Board at a reduced fee. Mr. Alberty stated that the statement regarding reduced fees is absolutely true but in the taking of the application it was not understood, but by the Board's request there could be a refund issued by bringing the request to the Board at the October 11<sup>th</sup> meeting for their approval.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a Variance of the parking requirement to permit an adult entertainment establishment in an existing building in the CH district from 38 to 0 (Section 1212a.D); **APPROVE** a Special Exception to permit an adult entertainment establishment within 150 ft. of an R district; **APPROVE** a Variance of the spacing requirement for an Adult Entertainment Establishment from another Adult Entertainment Establishment (Section 1212a.C.3). Finding that the hardship is the Pearl District and is attempting to finalize the Form Based Code for the area, in which case the code as currently applicable will not apply.

Finding basically there is nothing but on-street parking available other than that possibly owned by the applicant. The lot is land locked from public accessible parking and it would be an unnecessary hardship to require the parking spaces as dictated by the present code. These extraordinary or exceptional conditions or circumstances, 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. Finding that 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; for the following property:

**W22.6 E60 N15 LT 6 & W20 E60 S15 N30 LT 6 & W42.6 E80 N40 LT 7 & W22.6 E60 S10 LT 7 & W42.6 E80 LT 8 BLK 10, FACTORY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

### **21145-A—Lou Reynolds**

#### **Action Requested:**

Amendment to a condition of a previous approval to eliminate the time limitation for a Special Exception permitting Automobile Sales & Service (Use Unit 17) in a CS District. Location: 8101 East Skelly Drive South

#### **Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated they are asking for an extension to the previous special exception request. When previously before the Board, the client had a one-year lease and the special exception was approved for the length of the lease. Now the client is in the process of executing a five-year lease and would like to have the special exception extended. The client has done a very good job of operating the property in the past year and none of the activity has been injurious to the neighborhood.

Mr. Van De Wiele asked Mr. Reynolds if the Board were to approve the extension, if five years would enough time for the client. Mr. Reynolds asked the Board for a time extension of five years and two months, thus allowing the client to complete the necessary paperwork for extending the lease.

#### **Interested Parties:**

**Kyle Brierly**, 8125 East Skelly Drive, Tulsa, OK; stated he owns the only two properties that abuts the car lot. Mr. Brierly stated the car lot has been a good neighbor but he has a concern with the extension of the special exception, which is that they are leasing not land owners. He does not want to see a special exception approved and if the leaser fails then he has concerns with new tenants being less than desirable neighbors. Mr. Brierly asked if the Board could insert a stipulation that if the current tenants business fails or the lease has expired, a new tenant would need to come before the Board.

Mr. Van De Wiele asked staff if the Board could issue such a stipulation, i.e., subject to providing evidence of a lot-tie agreement can the Board request evidence of the execution of the lease or the lease extension has been executed. Mr. Swiney stated that he did not see any legal objection to requesting that the special exception be co-extensive with the lease.

Mr. Brierly told the Board that he is looking for recourse that he would have access to instead of a blank extension because if the economy tanks or their business goes bankrupt he would not have to worry about a non-compatible tenant moves into the building.

**Rebuttal:**

Mr. Reynolds came forward stated that he has a draft of the lease that is being negotiated and he fully expects the lease to go through. Mr. Reynolds offered to write INCOG a letter stating that the lease has been completed and is in force.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for an **Amendment** to a condition of a previous approval to eliminate the time limitation for a Special Exception permitting Automobile Sales & Service (Use Unit 17) in a CS District for a period of five years and two months from today's date; subject to the previous conditions of the original case; subject to confirmation from the applicant that there has been an extension of the lease on the subject property; for the following property:

**BEG 33E & 203.09S NWC SW SW TH E175 S63.54 TO NL R/W I-44 TH SW181.57 NW23.4 N80 WLY18 N93 POB LESS BEG NWC THEREOF TH E27.03 S166.80 SE21.21 TO NL HWY TH SW10 NW23.40 N80 W18 N93 POB FOR ST SEC 13 19 13 .444AC, TRI CENTER, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21321—Jeff Jaynes**

**Action Requested:**

**Minor Special Exception** to amend a previously approved site plan for a church use in the IM district to permit building addition. **Location:** 2900 West Charles Page Boulevard South

**Presentation:**

**Jeff Jaynes**, Executive Director of Restore Hope Ministries, 2960 Charles Page Boulevard, Tulsa, OK; stated the blizzard in February collapsed the roof of the

warehouse building on the south end of the property. The warehouse is being rebuilt and will be expanded slightly to the south.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a Minor Special Exception to amend a previously approved site plan for a church use in the IM district to permit building addition, this will be per conceptual plan 7.6; 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; for the following property:

**COMM INSEC WL SW & MEANDER COR GOV LT 5 TH N592.6 TO CL HWY 64 NE ALG CL 1285.46 TH S25.198 TO S R/W HWY POB TH NE ALG R/W 223.60 S216.01 TO N R/W SSRR TH SW ALG R/W 223.80 N217.07 POB LESS SLY191.07 WLY 46 & NLY25 WLY21 SEC 3 19 12 .882AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21322—Jeff Smith**

**Action Requested:**

Approval to permit a sign in the public right of way (Section 1221.C.14). **Location:** 2039 North Peoria Avenue East

**Presentation:**

**Jeff Smith**, 601 South Lewis Avenue, Tulsa, OK; stated this is request for a sign for Booker T. Washington High School and the sign is located within the city right-of-way that has been dedicated for the Linear Park along Peoria. There had been a question concerning part of the sign that was to be on the west side of the trail, and the plans have been modified so the separate column will no longer be included and the legal description has been adjusted to account for that change. The legal description that is before the Board is the new legal description because the old drawing was never submitted. The sign location has been submitted to the City Traffic Engineering and this is the location they prefer for the sign.

**Interested Parties:**

There were no interested parties present.



**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for Approval to permit a sign in the public right of way (Section 1221.C.14) subject to per plans submitted today, September 27, 2011 and will be a non-illuminated sign with any lighting to comply with the code. In granting this approval the Board finds that the approval 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; for the following property:

**PART (OF FORMER) LOT 2, BLOCK 1, LIBERTY 2<sup>ND</sup> ADDITION AND NOW PEORIA AVENUE ROW. PART OF THE NE/4 OF THE SE/4 OF SECTION 25 T-20-N, R-12-E, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21323—Charles Reynolds**

**Action Requested:**

Variance to permit a digital changeable copy sign within a R district; and a Variance of the spacing of a digital sign from a R district a minimum of 200'. **Location:** Northwest corner of East 11<sup>th</sup> Street and South 91<sup>st</sup> East Avenue

**Ms. Stead recused herself at 3:13 P.M.**

**Presentation:**

**Charles Reynolds**, Associate Pastor and Administrator of Eastwood Baptist Church, 949 South 71<sup>st</sup> East Avenue, Tulsa, OK; stated the church wants to replace their old sign with a newer digital sign to be able to advertise church events. The City put a limit on the use of vinyl banners so there is no way for the church to promote upcoming church events. There is a sign that can be inserted into the church's existing sign without a major sign replacement. The new sign will show the time and temperature then will change to promote a church function. The new sign is a 3 x 10 that is the same size as the existing church sign and the new digital sign will slide into the existing sign frame. The church would like to be able to raise the sign 6'-0" to eliminate any children from tampering the digital portion of the new sign.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a Variance to permit a digital changeable copy sign within a R district; and a Variance of the spacing of a digital sign from a R district a minimum of 200'-0". Finding there are no actual residential structures within the 200'-0" of the sign location; subject to plans submitted at today's, September 27, 2011, meeting by the applicant. The sign display will be a changeable copy there will be no scrolling, no rolling, no flashing and will not have animated display; 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; for the following property:

**ALL BLK 20 LESS S15,CLARLAND ACRES B17-19 & PRT B21-22, CLARLAND ACRES B20-37, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Ms. Stead re-entered the meeting at 3:22 P.M.**

**21325—James Kilman**

**Action Requested:**

Variance of the parking requirement to permit office and salon use in an existing building in the CH district from 24 spaces to zero spaces (Sections 1211.D & 1215.D). Location: 2510 East 15<sup>th</sup> Street South

**Presentation:**

**James Kilman**, Architect, 1705-R South Madison Avenue, Tulsa, OK; stated he represents James Schellhorn. Mr. Kilman's client has purchased the property with the adjoining property and closed on Friday, September 23, 2011. The building has been vacant for the past five years and formerly was a car sales and showroom that he proposes to convert back into offices while developing the adjoining property for parking. The adjoining property is located on the southeast corner of the existing building and extends westward to Atlanta Avenue and is currently zoned for Office Light. There is an existing rental house on the property that is proposed for parking that will be legally and properly vacated then razed.

**Mr. White left the meeting at 3:24 P.M.**

Ms. Stead asked Mr. Kilman why the request was advertised to take the parking to zero spaces if Mr. Schellhorn had purchased the adjoining property to utilize as parking. Mr. Kilman stated upon advice and direction of INCOG with one piece of property being zoned Office Light and the other piece of property zoned heavy commercial use, it was thought it would be more direct to pursue the purchase and develop the building, and when the application was made the purchase had not been finalized. When Mr. Schellhorn finalized the purchase of the property from the McKee family trust he had special conditions written in, i.e., seller grants the buyer non-assignable right for the shared use of parking on their site to the east of the property.

**Mr. White re-entered the meeting at 3:27 P.M.**

**Mr. Henke left the meeting at 3:27 P.M.**

Mr. Kilman stated that Mr. Schellhorn will develop and own parking to the south of the McKee building and behind the Brothers Hooligan building. The McKees have allowed shared access and parking to the east.

**Mr. Henke returned to the meeting at 3:29 P.M.**

Mr. Henke asked Mr. Kilman how many parking spaces will be acquired by purchasing the property south of Mr. Schellhorn's building. Mr. Kilman stated that it depended how the lot was configured and whether the lot was one-way or two-way traffic, it could range from 14 to 17 parking spaces. Mr. Henke asked Mr. Kilman if there had been a meeting with the neighborhood. Mr. Kilman stated there had been no meeting with the neighborhood but there had been multiple conversations with Mr. McMurtry of Brothers Hooligan and Patty McKee.

**James Schellhorn**, 3501 East 8<sup>th</sup> Street, Tulsa, OK; stated that the issue with making this a public forum for the neighborhood was a lack of timing due to timeframe of the negotiations and this Board of Adjustment meeting. Mr. Schellhorn stated that he had attempted to have conversations with the immediate surrounding home owners to share with them what was being proposed, but there has not been a lot of time to address concerns but he understands the neighborhood concerns. Mr. Schellhorn informed the

Board that he and his company is very interested in assuring there is not a hardship placed on the neighborhood when it comes to access and overflow into the streets.

Mr. Van De Wiele asked Mr. Schellhorn if the building he just purchased have rear access to the property he is proposing to convert to parking. Mr. Schellhorn stated currently they have a right-of-way that gives a shared use of the parking lot to the east but shared access to Atlanta Place and 15<sup>th</sup> Street.

Mr. Van De Wiele asked Mr. Schellhorn what the projected time frame for moving out the tenant on the southern property and turning that property into a parking lot. Mr. Schellhorn stated the tenant has been given up to 30 days to vacate and at that time all action possible will be taken to remove the house and start the parking lot process.

Mr. Van De Wiele asked Mr. Sansone if the second floor offices had been taken into consideration when calculating the advertised 24 parking spaces. Mr. Sansone stated that INCOG had not performed the required parking space calculations. Mr. Schellhorn stated that the 24 parking space requirement would be if the entire building were occupied without a common area. The actual square footage of office use is 1,546 square feet and that would be a requirement of 5.15 spaces. Mr. Van De Wiele then asked Mr. Sansone if the 24 space requirement calculated on using the first floor only, and Mr. Sansone affirmed that statement. Mr. Van De Wiele then if the case is appropriately advertised for the relief the applicant is requesting. Mr. Sansone stated that the advertisement is for the parking to go to zero and the information is in the advertisement with respect to the required number of parking spaces for information because there was no knowledge of the ownership of the extra lot.

Mr. Schellhorn stated that he would submit plans to the Board for review to ensure that the parking spaces are adequately covered.

Mr. Van De Wiele asked Mr. Alberty if Mr. Schellhorn were to return with parking plans for review, is the case still properly advertised or will it be necessary to re-advertise. Mr. Alberty stated the advertising is adequate but there is a lot of information that needs to come forward before the Board can make a decision. Regardless of the situation, there is relief that needs to be granted even if Mr. Schellhorn has all of the lots. The Board has, in the past, given relief based upon an off-site lot but that information is not available and it is not timely for the Board to act upon this case today.

Mr. Tidwell asked Mr. Schellhorn to bring a copy of the lot agreement with the McKee's so the Board could see exactly what the agreement stipulates. Mr. Schellhorn agreed.

Mr. White asked Mr. Sansone to display the plan Mr. Schellhorn had handed him showing the parking on the adjacent lot. Mr. White stated that the reason he is asking is because the plat style and lettering looked very familiar. Mr. White asked Mr. Schellhorn if this plan was part of a survey that he had performed on the tract. Mr. White asked Mr. Schellhorn if White Survey had performed the survey and Mr.

Schellhorn stated that White Survey had performed the survey. Mr. White immediately stated that he would need to recuse himself from the hearing immediately.

**Mr. White recused himself from the meeting at 3:50 P.M.**

**Interested Parties:**

**Kurt Townsend**, 1512 South Lewis Place, Tulsa, OK; stated originally he attended this meeting on the premise that Mr. Schellhorn had purchased a single lot without knowledge of the purchase of the southern lot and with the agreement of the lot to the east, so at this time Mr. Townsend would like to see this hearing continued to allow the neighborhood time to meet with Mr. Schellhorn to determine what is truly proposed for the property. Mr. Townsend requested the Board to state on the application the statutory requirements and that Mr. Schellhorn list the purpose on his application.

**Stacy Sweeten**, 2421 East 19<sup>th</sup> Street, Tulsa, OK; stated he is a property owner in Lewiston Gardens and President of Lewiston Gardens Neighborhood Association. He stated that the neighborhood is going to need all the parking spaces they can obtain. The streets Atlanta Avenue and Atlanta Place have enormous traffic issues, mainly because of Brothers Hooligan. Most of the opposition letters the Board received from the residents are because they deal with the traffic issue every day. Lewiston Gardens is literally surrounded by commercial property and the neighborhood does not have the luxury of foregoing any parking spaces.

**Lance McLearen**, 2504 East 20<sup>th</sup> Street, Tulsa, OK; stated that continuing the hearing on this case is the best for all concerned. Mr. McLearen submitted pictures to the Board showing the congestion that is in the neighborhood.

**Rebuttal:**

Mr. Kilman stated to achieve the 17 parking spaces that were mentioned earlier the landscaping would need to be eliminated. There is also a five foot landscaping buffer on the residential side of the property. Mr. Van De Wiele asked Mr. Kilman to discuss this with the neighborhood residents because this area is going to require some give and take from both parties to reach a compatible compromise of the majority.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a Variance of the parking requirement to permit office and salon use in an existing building in the CH

district from 24 spaces to zero spaces (Sections 1211.D & 1215.D) to the meeting of October 11, 2011; for the following property:

**E40 N5 LT 22 & E40 LT 23 & E40 LT 24 LESS PRT E40 LT 24 BEG NEC TH W40 S9.3 SE40 N18 POB BLK 1, FIFTEENTH STREET ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. White re-entered the meeting at 4:03 P.M.**

**17718-A—Gregory Helms**

**Action Requested:**

Minor Special Exception to modify previously approved plan to allow for construction of locker room at athletic fields of an existing school. **Location:** 12150 East 11<sup>th</sup> Street South

**Mr. Tidwell left the meeting at 4:06 P.M.**

**Presentation:**

**Greg Helms**, 329 South Elm Street, Jenks, OK; stated the subject property is East Central High School and is a proposed new locker room. In this locker room there will be two men's lockers, two women's lockers, and provide handicapped accessible concession stands and public restrooms that will serve the baseball and softball fields. Currently those fields are not served by restrooms and the concession stand is a trailer that is rolled into detention area. The building is approximately 12,000 square feet and will be approximately 24 feet tall at the peak of the roof. There will be 13 parking spaces eliminated and the building will require 15 parking spaces so there will be 28 spaces added to the site.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-1 (Henke, Stead, Van De Wiele, White "aye"; no "nays"; Tidwell "abstaining") to **APPROVE** the request for a **Minor Special**

Exception to modify previously approved plan to allow for construction of locker room at athletic fields of an existing school; subject to per plan 11.9. 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; for the following property:

**NW NE LESS BEG NWC TH E TO NEC TH S682.66 NLY CRV RT 141.80 N495.27 TO PT 50S NL NE TH W TO PT 50S NWC NE TH N POB SEC 8 19 14 38.08ACS, EAST CENTRAL HGTS, EAST CENTRAL HGTS RESUB B7, EAST PORT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Tidwell re-entered the meeting at 4:09 P.M.**

**21326—Greg Helms**

**Action Requested:**

Special Exception to allow UU5 in an AG district to allow construction of a new locker room adjacent to athletic fields of an existing school (Section 301). Location: 3101 West Edison Street

**Presentation:**

**Greg Helms**, 329 South Elm Street, Jenks, OK; stated the subject property is Central High School and is a 2010 School Bond Project for a locker room. The locker room will be approximately 12,000 square feet and approximately 22 feet tall. There will be football, track, and soccer locker rooms for boys and for girls. The locker room will be located where the existing practice football field is now so no parking will be taken.

**Interested Parties:**

**Larry Robinson**, 2843 West Haskell Place, Tulsa, OK; stated that the money being spent on locker rooms should be used for the betterment of the school. Ms. Stead stated the money being spent on the locker rooms is not an area the Board of Adjustment has control over because the Board of Education decides how to spend the money. The only reason the Board of Education is before the Board of Adjustment is because there is an approval that is required to be able to build the locker room in the current location.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a Special

Exception to allow UU5 in an AG district to allow construction of a new locker room adjacent to athletic fields of an existing school (Section 301), per plan on 12.6. 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; for the following property:

**GOVT Lot 3 and NW/4 of SE 1/4, SEC 33, T20N, R12E, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**19098-A—Greg Helms**

**Action Requested:**

Minor Special Exception to modify existing plan to allow for stadium press box replacement and addition of handicap seating. **Location:** 1631 East Woodrow Place North

**Presentation:**

**Greg Helms**, 329 South Elm Street, Jenks, OK; stated subject property is Booker T. Washington High School and it is a bond project. Both the home and visitor bleachers are going to be renovated to be handicap accessible with wheelchair accessible ramps and wheelchair accessible seating. The existing bleachers have a capacity of 6,160 and the capacity will be reduced to 5,689. The visitor bleachers have a capacity of 4,096 and the capacity will be reduced to 4,028. The existing press box will be replaced.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a Minor Special Exception to modify existing plan to allow for stadium press box replacement and addition of handicap seating. Insofar as plans, per se, this will not be an "as per plan" approval. 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; for the following property:

**GOVT Lot 3 and NW/4 of SE 1/4, SEC 33, T20N, R12E, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

\* \* \* \* \*



**OTHER BUSINESS**

None.

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**NEW BUSINESS:**

None.

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**BOARD MEMBER COMMENTS:**

The Board welcomed Carolyn Back to the Board of Adjustment staff. Carolyn is the new Senior Planner for INCOG.

Mr. White stated that when he watched the last Board of Adjustment meeting on TGOV he noticed that Chris Sansone could be heard clearly but the Board members voices were indistinct in many instances.

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There being no further business, the meeting adjourned at 4:16 p.m.

Date approved: 10/11/11

Frank X. [Signature]  
Chair