

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1061
Tuesday, December 13, 2011, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Henke, Chair Stead Tidwell, Secretary Van De Wiele White, Vice Chair		Alberty Back Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, December 8, 2011, at 11:38 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.

Ms. Back read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the **Minutes** of the November 22, 2011 Board of Adjustment meeting (No. 1060).

Chair Henke announced that Case #BOA-21345 has been withdrawn by the applicant.

NEW BUSINESS

21356—Epicentre Properties, LLC

Action Requested:

Determination of the non-conformity of a building with respect to required parking for Tract B (Section 1407), or in the alternative, a Special Exception to modify parking requirements for Tract B from 28 spaces to 18 spaces on an adjoining lot (Tract A) (Section 1407); and a Variance of the requirement that a landscaped area 5 feet in width be provided along the common boundary of a parking lot and a residentially zoned lot (Section 1002.A.3). **Location:** 1511 South Atlanta Avenue East, 2510 East 15th Street South **(CD 4)**

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated there is often an overlooked requirement in the zoning code for a parking area that adjoins a residential property. For zoned office parking is permitted by right and there is a setback from the centerline of the adjoining street of 50'-0". That is 25'-0" of right-of-way and 25'-0" back if the parking area is within 50'-0" of the residential area. There have been several meetings before the Board for this complicated application, and Mr. Johnsen knows the Board would like to have as many parking spaces as can be reasonably achieved. If the setback of the centerline of the street is complied with there would be four spaces eliminated using the plans the client has today. So, instead of 18 spaces requested there would be 14 spaces. Therefore, a new notice must be given to the surrounding properties to request a variance of the setback of the centerline for the adjoining street and a continuance is requested today.

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, Tidwell, Van De Wiele "aye"; no "nays"; White "abstaining"; none absent) to **CONTINUE** the request for a Determination of the nonconformity of a building with respect to required parking for Tract B (Section 1407), or in the alternative, a Special Exception to modify parking requirements for Tract B from 28 spaces to 18 spaces on an adjoining lot (Tract A) (Section 1407); and a Variance of the requirement that a landscaped area five feet in width be provided along the common boundary of a parking lot and a residentially zoned lot (Section 1002.A.3) to the Board of Adjustment meeting on January 10, 2012; for the following property:

TRACT A: THE SOUTH FORTY-FIVE (45) FEET OF LOT TWENTY-TWO (22) AND THE NORTH FIVE (5) FEET OF LOT TWENTY-ONE (21), BLOCK ONE (1), FIFTEENTH STREET ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND TRACT B: 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 ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21357—Andrew Shank

Action Requested:

Variance from the requirement that a sign in the Residential Multifamily (RM-1) District be lit by constant light for existing sign to accommodate for an electronic message center (Section 602.B.4.f); Variance to reduce setback from 20 feet to 18 feet from the driving surface on South 91st East Avenue and setback from 19 feet from driving surface on East 61st Street to allow for the overhang of an Electronic Message Center added to an existing sign (Section 1221.C.2.b). **Location:** SW/c of East 61st Street and South 91st East Avenue **(CD 7)**

Presentation:

The applicant was unable to attend today's meeting and 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"; none absent) to **CONTINUE** the request for a Variance from the requirement that a sign in the Residential Multifamily (RM-1) District be lit by constant light for existing sign to accommodate for an electronic message center (Section 602.B.4.f); Variance to reduce setback from 20 feet to 18 feet from the driving surface on South 91st East Avenue and setback from 19 feet from driving surface on East 61st Street to allow for the overhang of an Electronic Message Center added to an existing sign (Section 1221.C.2.b) to the Board of Adjustment meeting on January 10, 2012; for the following property:

LT 1 BLK 1, WOODLAND VALLEY OFFICE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Chair Henke asked for Case #BOA-21354 to be moved forward on the agenda because Mr. Thurmond's son is graduating from boot camp and Mr. Thurmond has a plane to catch. The Board agreed to have the case heard out of agenda order.

21354—Craig Thurmond

Action Requested:

Special Exception to increase the height of a screening wall in the required front yard from 4 feet to 11 feet-6 inches (Section 210.B.3). **Location:** 4717 East 118th Street South (CD 8)

Mr. Van De Wiele recused himself at 1:14 P.M.

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Stead, Tidwell, White "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **CONTINUE** the request for a Variance from the requirement that a sign in the Residential Multifamily (RM-1) District be lit by constant light for existing sign to accommodate for an electronic message center (Section 602.B.4.f); a Variance to reduce setback from 20 feet to 18 feet from the driving surface on South 91st East Avenue and setback from 19 feet from driving surface on East 61st Street to allow for the overhang of an Electronic Message Center added to an existing sign (Section 1221.C.2.b) to the Board of Adjustment meeting on January 10, 2012; for the following property:

A tract of land located in the South Half of the Northeast Quarter of the Southeast Quarter (S/2 NE/4 SE/4) of Section Thirty-three (33) of Township Eighteen (18) North and Range Thirteen (13) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

Commencing at the NE corner of the SE/4 of Sec. 33, T-18-N, R-13-E, I.B.&M.; Thence S 0°05'52" E along the east line of said SE/4 a distance of 660.04 feet to

the NE corner of the S/2 NE/4 of said SE/4; Thence S 89°59'15" W along the north line of said S/2 NE/4 SE/4 a distance of 50.00 feet to the Point of Beginning; Thence S 00°05'52" E parallel with the east line of said S/2 NE/4 SE/4 a distance of 647.53 feet; Thence S 89°59'30" W parallel with the south line of said S/2 NE/4 SE/4 a distance of 549.30 feet; Thence S 00°03'07" E a distance of 12.50 feet to the south line of said S/2 NE/4 SE/4; Thence S 89°59'30" W a distance of 727.01 feet to the SW corner of said S/2 NE/4 SE/4; Thence N 00°01'46" W a distance of 659.94 feet to the NW corner of said S/2 NE/4 SE/4; Thence N 89°59'15" E a distance of 1275.52 feet to the Point of Beginning, and containing 19.17 acres, more or less, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Van De Wiele re-entered the meeting at 1:19 P.M.

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UNFINISHED BUSINESS

21331—Kevin Hern

Action Requested:

Special Exception to modify the height of a fence in the required front yard from 4 feet (not to exceed) 6 feet-10 inches at the top of the fence column in an RE district (Section 210.B.3). **Location:** 2411 East 34th Street South **(CD 9)**

Mr. Henke recused himself at 1:20 P.M.

Presentation:

Kevin Hern, 2411 East 34th Street, Tulsa, OK; stated he is the owner of the property and the fence is being built for security and safety. The fence will have a 6'-10" column height and the actual fence height would be 6'-4" to the top of the spires with a length of 130'-0" feet. The fence does not create a line of sight problem because of the wrought iron transparent design. The gate will be a decorative wrought iron to match the fence and will be on the 34th Street, and because of the setbacks Lewis Avenue has been declared the front yard. The location of the gate entrance was chosen to be on 34th Street to have a safer ingress and egress access point.

Interested Parties:

Graham Chadd, 3433 South Atlanta Place, Tulsa, OK; stated he lives in the neighborhood and has taken upon himself to speak to the neighbors to see how they would vote on the issue. In his discussions with the neighbors he discovered that the majority are intimidated to come to a Board of Adjustment meeting, to stand publicly and be known for their opinions by speaking to the Board. When he moved into the neighborhood he loved the urban forest and the open environment. That is exactly how it has been until the last two years. Several mega homes have been built and they have adhered to the code, but the latest one has not. This City has zoning codes and everyone else has adhered to and honored the code. A four foot fence is an acceptable fence, not a six foot fence. Mr. Chadd would not like to see this case set a precedent.

Ms. Stead told Mr. Chadd that she is sorry that people feel intimidated to come before the Board. The Board of Adjustment is set up, not only by state law, but local statute. The Board's only purpose is, when needed, to grant relief of the code by granting special exceptions and variances.

Amy Westbroch, 2431 East 34th Street, Tulsa, OK; stated she lives next door to Mr. Hern and she does not have any issues with the fence. She understands the safety and security concerns of the Hern family.

Rebuttal:

Mr. Hern stated he has spoke with the neighbors and none of them told him of any concerns or problems with the fence. The fence is being built for security because there have been several situations that have arisen after he and his family moved into the house which was reported to the Police Department. There are 51 fences that border Lewis, and of those 51, only seven of the fences are built so the house can be seen through it. Mr. Hern stated he is not trying to hide the house but does want to be able to provide security for his family.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-1 (Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; Henke "abstaining"; none absent) to **APPROVE** the request for a **Special Exception** to modify the height of a fence in the required front yard from 4 feet (not to exceed) 6 feet-10 inches at the top of the fence column in an RE district (Section 210.B.3). The Board finds the topography traveling upward makes the entire fence more aesthetically pleasing with the see-through appearance is pleasing. In granting this special exception the Board has found that 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, subject to per plan on page 2.8; for the following property:

LT 1 LESS N 100 BLK 5, OAKVIEW ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

21347—A-MAX Sign Company, Inc.

Action Requested:

Variance to exceed the number of permitted signs in an AG district (Section 302.B.2.b); and Variance to exceed the permitted 150 square feet of display surface area for a sign in an AG district (Section 302.B.2.b). **Location:** 9610 South Garnett Road East (CD 7)

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated he is representing Grace Fellowship and Grace Church. Currently on the north elevation of the building there are two signs, one that says "Grace" in tall letters and one that says "Kids" in smaller letters. It is proposed to move the grace sign to the east elevation of the building and add a sign to it that says "Church" thus reading "Grace Church". Currently there are no signs facing Garnett to identify the building. When the grace sign is removed from the north elevation it is proposed to replace it with non-illuminated letters that say "Grace Church". One of the reasons for this request the public does not realize the building is a church.

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"; none absent) to **APPROVE** the request for a Variance to exceed the number of permitted signs in an AG district (Section 302.B.2.b); and a Variance to exceed the permitted 150 square feet of display surface area for a sign in an AG district (Section 302.B.2.b). This exceedingly large tract of 3,334,803 square feet, more or less, contains a very large church structure, and additional signage is needed to direct visitors and parishoners. This approval is for the Grace Church sign located approximately 49 feet above the ground elevation on the north and east elevations. It is noted that the building setback is approximately 400 to 1,000 feet from the nearest property. In granting these variances the Board has found by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure and the large 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 variances 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, subject to per plan on pages 4.8, 4.9, 4.10 and 4.11; for the following property:

LT 1 LESS BEG 315.41E NWC LT 1 TH E2269.41 S158.12 NWLY CRV LF 196.49 W2121.22 N30 POB BLK 1, GRACE FELLOWSHIP CHURCH AND SCHOOL, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21348—A-MAX Sign Company, Inc.

Action Requested:

Variance to permit a sign in the public right-of-way (Section 1221.C.14); Variance to allow a 32 ft tall sign to be setback 46.5 ft in a CS District (Section 1221.D.1); Variance to allow an electronic message center within 20 ft of the drive surface of a public street (Section 1221.C.2.b); Variance to allow a sign with an electronic message center to be located less than 200 ft from a designated residential area or district (Section 1221.C.2.c). **Location:** 3202 South Memorial Drive East **(CD 5)**

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated this request is to add an electronic message center to a tenant sign. It has been discovered that the company that originally built and installed the existing sign in 2008 apparently never filed for a permit with the city. Due to this there is a variance request for the setback along with the request for the electronic message center. The hardship is that if the sign were to be moved to meet the 60'-0" setback the sign would be in the driving surface of the north/south area of the parking lot. The LED message boards have a viewing angle of 120 degrees, and although the sign does not meet the 200'-0" requirement from a residential area, the electronic message board would not visually impact the residences across the street. The house that is located directly east is looking at the end of the sign, and the two houses located northeast and southeast of the sign are more than 200'-0" away.

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"; none absent) to **APPROVE** the request for a Variance to permit a sign in the public right-of-way (Section 1221.C.14); a Variance to allow an existing sign that is approximately 28 feet tall to be set back 46.5 feet in a CS District (Section 1221.D.1). This is subject to a license agreement with the City of Tulsa for the first variance and the existing sign as shown on page 5.9 in the Board's agenda packet. The location of the existing sign is a hardship and by reason of

extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or buildings 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 **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Variance** to allow an electronic message center within 20 feet of the drive surface of a public street (Section 1221.C.2.b); and **CONTINUE** the request for a **Variance** to allow a sign with an electronic message center to be located less than 200 feet from a designated residential area or district (Section 1221.C.2.c) to the meeting on January 10, 2012; for the following property:

PRT LT 3 BEG 408.75N SECR TH W222 N286.5 E196.75 SE35.38 S261.37 POB, INTERCHANGE CTR, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21349—Rodney Edwards

Action Requested:

Variance to allow more than one sign (monument sign) in an OL district (Section 602.4.b). **Location:** 6301 South Mingo Road East **(CD 7)**

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

Presentation:

Rodney Edwards, Attorney at Law, 6226 East 101st Street, Tulsa, OK; stated he represents American Staff Corp and this request is to allow more than one monument sign in an OL district for their firm. American Staff Corp is a long-time employment staffing corporation which solicits, screens, hires and places employees with their business clientele. At any time American Staff Corp may have up to 400 employees on their own payroll to place with their business clients, as either temporary or permanent hire resulting in as many as 4,000 employees on the payroll. They advertise for available positions through all types of media. Each applicant must be screened, tested, and interviewed at the American Staff Corp office, making their building and their business needs visible and easily found. Thus a sign is very important to them. There are no specifications on sign size or location available for the Board to review today because the exact placement will be based on footage from the centerline.

Ms. Stead asked Mr. Edwards if he was asking for the sign to be approved for placement on the city right-of-way, and she also stated she has a problem with approving a request with no information available for the Board to review.

Mr. Edwards stated the exact location of the sign has not been chosen.

Mr. Van De Wiele asked Mr. Edwards why American was requesting a second sign, because there is a visible sign on the building designating American's location. Mr. Van De Wiele stated there is nothing blocking the view of the American Staff Corp building that was not in place before this request. Also, typically if the Board is asked to approve a sign request the height, width, and total area is needed for the Board to make a decision, which is not available today.

Mr. White asked Mr. Edwards if the existing sign located on the building is to stay. Mr. Edwards stated that American would like to keep the existing sign and add the monument sign on Mingo Road, but the design of the sign is not available today.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-1 (Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; Henke "abstaining"; none absent) to **APPROVE** the Variance to allow more than one sign (monument sign) in an OL district (Section 602.4.b), noting that the Board has no specifications on the size of the sign nor the exact placement of the sign. This approval is subject to the exact placement with the footages from the center of the street, from the curb, from the corner, etc., and the exact size of the sign, i.e., the height, the width, the lighting proposed. In other words, a detailed site plan and signage plan. The Board finds that the property to the south, that was granted a Board of Adjustment approval to use the extreme west portion of their lot as parking, does inhibit the ability to determine the location of American Staff Corp building. The Board has found reasons 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, subject to the requested material be submitted no later than February 1, 2012 to INCOG for presentation to the Board at the March 13, 2012 meeting; for the following property:

W249.42 LT 16 LESS BEG SWC TH N158.15 E20 SW14.14 S148.15 W10 POB FOR RD BLK 7, BALDWIN ACRES RESUB L13-15 B7 UNION GARDENS, UNION GARDENS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 2:36 p.m.

21350—Edgar Chandler

Action Requested:

Special Exception to permit a Carport in the required front yard (Section 210.B.10); Minor Variance that no portion of a carport shall be nearer to the side lot lines than the principal building on the lot, nor five (5) feet, whichever is greater distance to Four (4') feet Five (5") inches (Section 210.B.10.b); and Variance of the requirement that no Carport that is not a integral part of the principal building, shall exceed ten (10) feet in height at the highest horizontal point, to twelve feet (12') in height (Section 210.B.10.d). **Location:** 3131 South Detroit Avenue East **(CD 9)**

Presentation:

E. Lewis Chandler, 3131 South Detroit Avenue, Tulsa, OK; stated he would like to have a carport added onto his house. The requested 12 foot height would maintain the pitch of the house and the integrity of neighborhood thus creating the illusion that the carport has always been a part of the house.

Mr. White left the meeting at 2:36 p.m.

Interested Parties:

There were no interested parties present.

Mr. White re-entered the meeting at 2:39 p.m.

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"; none absent) to **APPROVE** the **Special Exception** to permit a Carport in the required front yard (Section 210.B.10); **Minor Variance** that no portion of a carport shall be nearer to the side lot lines than the principal building on the lot, nor five (5) feet, whichever is greater distance to Four (4') feet Five (5") inches (Section 210.B.10.b); and **Variance** of the requirement that no Carport that is not a integral part of the principal building, shall exceed ten (10) feet in height at the highest horizontal point, to twelve feet (12') in height (Section 210.B.10.d), finding that by approving 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, subject to conceptual plans on pages 7.14, 7.15, 7.18, and 7.19. 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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, and the Board finds that the proposed carport will be as aesthetically near the existing house and roof as possible; for the following property:

**N.20 OF LT 30 S.40 OF LT 31,BROOKSIDE ADDN AMD, PEEBLES SECOND ADDN,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

21351—Douglas Huber

Action Requested:

Variance from building height requirement in an OL District (Section 603).

Location: 4543 South Harvard Avenue East (**CD 9**)

Presentation:

Douglas Huber, Architect, 10129 South Joplin Avenue, Tulsa, OK; stated the subject property faces Harvard and was originally built as a single-family dwelling. It was used as a dentist office for several years. Mr. Huber's client recently purchased the property and plans to raze that building and build a residential style office building that will be two-story in height. The building has been designed to make it appear aesthetically as a one-story, or as close to a one-story as possible. The property that abuts the subject property on the north side is the corporate headquarters for Rib Crib and it is currently a two-story structure. The properties that are on the south side, one is a single-story office and the other is as tall as the proposed building. The only residential property that abuts the subject property is to the east and it is the residence of William and Terry Whitmore. Mr. Huber stated that the Whitmores have been contacted and his client has agreed to install a privacy stockade fence along the east property line.

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"; none absent) to **APPROVE** the Variance from building height requirement in an OL District (Section 603). The Board has found that there numerous properties in the area that are two-story. The first condition is that an eight-foot privacy stockade fence be installed on the east side of the subject property prior to commencing construction. There shall be a sidewalk constructed along Harvard Avenue to the extent of this owner's property. In accordance with the conceptual plan on page 8.5, no windows are to be placed on the east side of the proposed building above the first floor. In granting this variance the Board has found that there are extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 6 BLK 2,COURTE HOUSE RESUB L4&5 B2 VILLA GROVE HGTS NO 1, VILLA GROVE HGTS NO 1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21352—Ameritrust Holding Company

Action Requested:

Special Exception to increase Floor Area Ratio from .30 to .35 in an OL District (Section 603, Table 3); and a Variance from the building height in an OL district from one story to two (Section 603, Table 3). **Location:** SW/c of East 45th Street and South Harvard Avenue **(CD 9)**

Presentation:

Grady Whitacker, Whitacker Architect, 16 West 2nd, Sand Springs, OK; no presentation was made.

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"; none absent) to **APPROVE** the **Special Exception** to increase Floor Area Ratio from .30 to .35 in an OL District (Section 603, Table 3); and a **Variance** from the building height in an OL district from one story to two (Section 603, Table 3). This approval is subject to the mutual access from 45th Street as shown on the plans submitted today, Plan C-2, sheet 2 of 8. The screening fence or masonry wall shall be eight feet in height and constructed on the west side, adjacent to the R district. A new sidewalk shall be constructed along South Harvard Avenue. This very unusual tract of land is triangular shaped, and the topographical area has a 11 foot differential from east to west. It is a very unusual tract and a variance needs to be granted in order to build the proposed structure. The Board has found that these are extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. In granting the special exception the Board has found that 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, subject to conceptual plan C-2 submitted today; for the following property:

LT 1 BLK 1, BETH & J R'S ADDN RSB PRT L1 B3 VILLA GROVE PARK, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Van De Wiele left the meeting at 3:04 p.m.

21353—Keith & Detra Taylor

Action Requested:

Variance to reduce the required rear yard in an RS-3 district from 20 feet to 5 feet (Section 403.A, Table 3); **Variance** to reduce the required side yards in an RS-3 district from 5 feet to 0 feet. (Section 403.A, Table 3). **Location:** 5207 South 32nd Place West **(CD 2)**

Mr. Van De Wiele re-entered the meeting at 3:07 p.m.

Mr. Tidwell left the meeting at 3:08 p.m.

Presentation:

Greg Helms, 424 East Main Street, Jenks, OK; stated he is the architect working on this project.

Mr. Tidwell re-entered the meeting at 3:09 p.m.

The property has an interesting shape and a large easement. The Taylors own both the property labeled "subject property" and the adjacent RS-1 property designated on the map in the Board's packet. The RS-1 property has been designated as a flood way. There was a house on the property but it burned two years ago leaving an existing garage. With the garage and driveway on the west side of the property, the right-of-way on the north side and the floodway to the south and east of the property there is a limited area to actually construct the house. The proposal is to attempt to locate the proposed house in the location of the previous residence.

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"; none absent) to **APPROVE** the Variance to reduce the required rear yard in a RS-3 district from 20 feet to 5 feet (Section 403.A, Table 3); Variance to reduce the required side yards in an RS-3 district from 5 feet to 0 feet. (Section 403.A, Table 3). This property is a very unique piece of property with a long driveway and is hampered by a 99'-0" easement on the north. The lot to the east is owned by the applicant and is dedicated to a detention pond and will probably never be developed. The property contains approximately 21,000 square feet and is accessible only from the long drive from 32nd West Place. The Board makes this approval subject to the conceptual plan on page 10.8. The Board grants these variances by reasons of extraordinary or exceptional lot configuration and size which is 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 variances 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:

LT 6 BLK 1, and Reserve A , SNOWCREST WEST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21355—Wallace Engineering

Action Requested:

Special Exception to permit off-street parking in a Residential Multifamily (RM-2) District (Section 401, Table 1). **Location:** 2419 East 5th Street South **(CD 4)**

Presentation:

Jim Beach, Wallace Engineering, 200 East Brady, Tulsa, OK; stated he submitted a new site plan with Ms. Back before the start of the meeting today due to changes made after the application was filed. The proposed parking lot is located in an RM-2 and is immediately adjacent to People's Bank property which is zoned OM. Surrounding the property is a new development called West Park Apartments. The proposed parking lot is essentially a relocation of a bank parking lot that is currently existing at the corner of Lewis Avenue and 4th Place, which has been approved for a PUD and a mixed use building for the West Park project. That parking lot is going to be relocated to the southeast portion of the bank on the property that is actually owned by the City of Tulsa. There are currently 25 parking spaces with room to the east for expansion, with no set time on the expansion. Access would be from 5th Street directly into the parking lot with entrances located on the east side of People's Bank.

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"; none absent) to **APPROVE** the Special Exception to permit off-street parking in a Residential Multifamily (RM-2) District (Section 401, Table 1). The Board has found that in granting this special exception, 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, subject to conceptual plan submitted today. Landscaping and lighting shall be according to code, and lighting shall be shielded down and away; for the following property:

LTS 51 THRU 56 & 20 VAC ALLEY ADJ ON N LTS 51 THRU 54 & S10 VAC ALLEY ADJ ON N LTS 55 & 56 BLK 3, COLLEGE VIEW ADDN AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21358—Lou Reynolds

Action Requested:

Variance to allow for attached garage within the 25 foot rear yard setback (Section 403.A); and Variance of the 10 foot side yard setback in the Residential Single-Family (RS-2) District (Section 403.A). **Location:** 2120 East 25th Street South (CD 4)

Ms. Back informed the Board that there were two people in favor of this case who had to leave the meeting because of prior commitments, but wanted the Board to know that they were in favor of today's request.

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Mr. & Mrs. Pat Cobb and they are requesting a variance to reduce the 25 foot rear yard setback and the ten foot sideyard setback, both to five feet. The purpose is to permit a one-story attached garage to replace a 1,200 square foot two-story detached garage apartment and two out-buildings in the rear yard. The attached garage will be one-story and will be located approximately where the former two-story garage apartment was. It is believed that the one-story garage will be less intrusive than the former detached garage apartment and the out buildings, and only the garage will encroach into the back yard and side yard setbacks.

Interested Parties:

Andrew Fox, 2117 East 25th Place, Tulsa, OK; stated his property is directly behind the subject property. The property owner had approached Mr. Fox with the proposed site plan, and upon review of that plan he noticed that the attached garage in the plan that there were elevation figures. Mr. Fox told Mr. Cobb that he would like to see the elevation figures on the proposed garage. Mr. Fox's biggest concern is that he has a detached garage and it looks to be original. The ridge line on the detached garage is approximately 15 feet off grade. Mr. Cobb provided elevation drawings to Mr. Fox today, and they show the attached garage ridge line is 21 feet off a level floor which looks to be approximately four feet above grade at the back of the lot, and this proposed garage is approximately five feet off his property line. Mr. Cobb's lot is a sloping lot and that would be approximately 25 feet off grade. The only advantage to this is that the proposed garage is gabled to the east and not gabled directly toward Mr. Fox's house where the full effect of the ridge line can be seen.

Vernon Ratliff, 2105 East 25th Street, Tulsa, OK; stated he lives northwest of the subject property. His concerns are the size and measurements of the proposed structure. This subject lot is currently a blank slate. Mr. Cobb purchased the property with a house and all the structures on it and had all of them removed. This unlike a homeowner who has an existing home where they needed a variance because the project could not be worked into the lot. Mr. Ratliff does not understand why it is necessary to have the variance from the back yard or the side yard since he now has a blank slate and does not need to work around any structure or obstruction. Mr. Ratliff's

concern is that by granting a variance to a homeowner who has a blank slate to work with and could tweak his plans so as a variance would not be necessary. He would not want a precedent set for this issue in regards to future applications that would relax the side yard requirements.

Rebuttal:

Ms. Stead stated that Mr. Ratliff does raise a good point about the variance request, especially since the lot is empty. Mr. Reynolds stated that topographically the lot is sloping and sets down. It naturally slopes downward from north to south, and the lot also slopes from northeast to southwest which is the natural flow of water through the lot, and this is the proposed site of the attached garage. Regarding the dimensional issue raised by Mr. Fox, there is 10 feet to the top plate and 22 feet to the ridge line of the attached garage.

Mr. Van De Wiele asked Mr. Reynolds to address the "blank slate" question raised by Mr. Ratliff. Mr. Reynolds stated it is based on what is being replaced and almost 1,600 feet of encroachment has been replaced with 762 feet encroachment and attached to it. The architects oriented the house on the lot as they did other than the fact that there are adjacent property retaining walls that are 2'-0" tall with 6'-0" fences built on top of them. The walls were placed to trap storm water and direct the water toward a drain.

Comments and Questions:

None.

Board Action:

The applicant withdrew the application during the Board's motion, therefore there is no action taken; for the following property:

LT-8 & E.35' LT-9, BLK-6, WILDWOOD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21359—Mark Capron, Sack & Associates, Inc.

Action Requested:

Variance of the Office Low Intensity (OL) District sign requirements that not more than one sign is allowed per each street frontage of a lot, to allow one additional sign (Section 602.B.4.b). **Location:** 8920 East 61st Street South **(CD 7)**

Presentation:

Eric Sack, Sack & Associates, 3530 East 31st Street, Tulsa, OK; stated he represents Tinker Federal Credit Union. A variance is being requested to allow a third sign on a corner lot and two signs are permitted. There is an existing pole sign on the corner. Tinker is proposing a wall sign with their logo near the front door which is currently a blank wall. The proposed signage is bronze colored letters to be able show up against the brick wall. A third sign is being requested for the ATM letters for the north wall of

the drive-through canopy. The reason for the third sign request is because of a 43'-0" drainage and utility easement along 61st Street that contains a large reinforced concrete utility box. To place a sign in the easement would require an agreement with the City of Tulsa, and the sign would need to be tall enough to allow maintenance crews access. Therefore it would be easier to be able to place the ATM sign on the wall of the drive-thru.

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"; none absent) to **APPROVE** the **Variance** of the Office Low Intensity (OL) District sign requirements that not more than one sign is allowed per each street frontage of a lot, to allow one additional sign (Section 602.B.4.b), subject to per plan on 16.7 and 16.10. The Board has found that the 43'-0" wide drainage and utility easement on the north side of this property provide a hardship for the locations of the signs needed to direct patrons of the business. By reasons 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:

BEG 50S & 60E NWC NE TH E347.79 S263.09 W347.62 N263.09 TO POB SEC 1 18 13 2.100ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

Item #17 on today's agenda was placed on the agenda per Mr. Mark Swiney's request. The original application, BOA-20781, went to trial and Mr. Swiney participated in that trial. The trial was regarding a sign located on 2nd Street. The entity, 116 Norfolk, LLC, applied for a variance and the Board of Adjustment denied that variance so they appealed the decision to the District Court. A non-jury trial was held approximately two months ago and after deliberation the Court granted 116 Norfolk, LLC the variance they had requested. After discussion of zoning codes Mr. Henke requested Mr. Swiney to research this case in preparation for further discussion at the next Board of Adjustment meeting on January 10, 2012.

Item #18 on today's agenda was placed on the agenda because the Board of Adjustment condition of a three year period for continuous nightly security patrol, Cases BOA-20604 and BOA-20689, at the John 3:16 Mission located on North Cheyenne have come to an end. Per Judgment and Decree, Case #CJ-2008-02708, the District Court has decreed the security patrol will cease unless extended by the City of Tulsa Board of Adjustment. After discussion Mr. Henke requested a new Notice of Hearing be mailed to the surrounding property owners, and to continue this agenda item for discussion and decision to the next Board of Adjustment meeting on January 10, 2012.

NEW BUSINESS:

None.

BOARD MEMBER COMMENTS:

None.

There being no further business, the meeting adjourned at 3:57 p.m.

Date approved: _____

1/10/12


Chair