

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1070
Tuesday, May 8, 2012, 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 Wednesday, May 3, 2012, at 10:22 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"; no "abstentions"; Van De Wiele absent) to **APPROVE** the **Minutes** of the April 24, 2012 Board of Adjustment meeting (No. 1069).

UNFINISHED BUSINESS

21349—Greg Helms (Rodney Edwards)

Action Requested:

Variance to allow more than one sign (monument sign) in an OL district (Section 602.4.b); Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign in an OL district (Section 602.B.4.f); Variance to allow a sign with surface area of 132 square feet and a display area of 32 square feet (Section 602.B.4.c).

Mr. Henke recused himself and left the meeting at 1:03 P.M.

Mr. Van De Wiele entered the meeting at 1:05 P. M.

Presentation:

Greg Helms, 424 East Main Street, Jenks, OK; stated at the December 13, 2011 a variance was granted to allow an additional monument sign and at that meeting the Board requested that a site plan be brought to the Board depicting the exact location of the sign and elevations. That site plan is here today for the Board's review. The site plan shows the proposed sign is outside of the right-of-way and outside of the easements for both streets. After staff reviewed the sign elevations it was determined that there were two additional variances to be requested for consideration by the Board. One variance is for the size of the sign and the other variance is for the digital portion of the sign. The proposed sign will be used to advertise employment services that are available along with community announcements. The variance request for the 132 square feet is to allow the sign structure itself to be built as a solid structure to match the existing office building while keeping the digital display area to 32 square feet. The proposed sign is similar to the signs on the two adjacent properties.

Interested Parties:

Richard Koller, 1437 South Boulder Avenue, Suite 850, Tulsa, OK; stated he represents Mr. Mark McCoy and Metro Builders Supply located at 6313 South Mingo Road. His client's objection to the sign is that the proposed sign is too large and creates a hindrance to the business. Mr. Koller apologized and told the Board that he had received the information on this case in his office approximately one hour before the Board meeting, and he would like to request a continuance of this hearing to allow a proper objection to the variance be submitted.

Ms. Stead stated that Mr. McCoy has received previous notices on this case because this case has been ongoing for quite awhile. Therefore, she does not understand the request to continue this case.

Mr. Koller then asked if the Board would object to placing this case further down the agenda thus allowing him to make a telephone call to his client.

Mr. Van De Wiele stated that Mr. Koller may not have known about the case for more than an hour but Mr. McCoy has known about the case for longer than an hour.

Ms. Stead stated that Mr. McCoy would have received notice twice, and he would have known that the Board approved a variance for two signs. Now there are two more variance requests to be considered. Ms. Stead is not willing to delay this case, and wants to rule on the case because December 2011 to May 2012 is quite a time span. Ms. Stead is not willing to continue the case based on no knowledge, as stated by Mr. Koller.

Mr. Van De Wiele stated that he would not object to placing the case further down the agenda to allow Mr. Koller time to place a call to his client. Ms. Stead stated that she objects to that proposal.

Mr. Tidwell stated that it is not fair to Mr. Helms, because he has been before the Board several times on a very simple case.

Mr. Helms stood and told the Board that he is open to whatever decision the Board makes in the hearing of this case. But the proposed sign is within four square feet of the sign that has already been approved and exists directly across the street.

Mr. Van De Wiele asked Mr. Helms if he had distributed the new plan to anyone other the Board today. Mr. Helms stated thought he had presented staff with the new plan but when he looked at the exhibit on-line yesterday he realized it was not the new plan.

Ms. Stead still maintains the owner to the north has had approximately six months to do something, and he is not here nor did he prepare his attorney. She wants to move forward with this case.

Mr. White stated that he is not willing to grant a continuance of this case, but is willing to allow a few minutes to Mr. Koller by moving this case down the agenda.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Stead, Tidwell, Van De Wiele White "aye"; no "nays"; Henke "abstaining" to hear this case immediately. The protestant has had six months to present his objections and to prepare his attorney.

With the vote unanimous, the case will continue and be heard at this time.

Mr. Koller came forward and reiterated his statement that his client objects to the sign because it is too large and a hindrance to his business.

The Board asked Mr. Helms if he would like to present a rebuttal. Mr. Helms did not want to do so.

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"; Henke "abstaining"; none absent) to **APPROVE** the request for a **Variance** to allow more than one sign (monument sign) in an OL district (Section 602.4.b); **Variance** of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign in an OL district (Section 602.B.4.f); **Variance** to allow a sign with surface area of 132 square feet and a display area of 32 square feet (Section 602.B.4.c). The Board approves the sign design dated May 8, 2012, showing a total height at the peak of 18'-3"; on the lower side 16'-8"; the width of 8'-2" with the digital portion width 6'-0" and a height of 3'-0". The Board previously approved, on December 13, 2011, a variance to allow more than one sign in an OL district, Section 602.4.b. Today the Board is approving a variance of the requirement that illumination of the sign shall be by constant light to permit an LED element on a sign in the OL district, Section 602.B.4.f as cited above. The Board also approves a variance to allow a sign with a surface area of 132 square feet and a display area of 32 square feet, Section 602.B.4.c. This new relief was requested on April 11, 2012. In approving these variances the Board has previously found that the property involved is on a major arterial. The building is surrounded to the north, west, and south by CO, AG and OL zoning. In accordance with page 2.22 in the agenda packet, there are no residences within 200'-0" of the proposed sign. The Board has found that these are 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. In addition, the digital or LED portion of the proposed sign will not contain running, twinkling, animation, revolving, rotating lights or any sign with quick movement; 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 1: 28 P.M.

21413—Roy Johnsen

Action Requested:

Variance of building setback from an arterial street from 35 feet to 10 feet (Section 403 Table 3); Variance of the building setback from an RS district for two-story multifamily dwellings from 50 feet to 10 feet; Variance of the building setback from an RS district for three-story multifamily dwellings from 75 feet to 10 feet (Section 403.A.1). **LOCATION:** 1935 South Cheyenne Avenue (CD 4)

Mr. Henke announced, as is typically done in controversial cases, there will be a limitation on the time. The limitation will be 40 minutes, allowing Mr. Johnson 20 minutes and the interested parties will have 20 minutes. This time limitation will exclude any questions the Board may have. The 20 minutes may be broken up any way each side desires. After the 40 minutes the Board will go into discussion.

Mr. Johnsen stated that he does not remember the Board applying a time limit rule on past cases. Mr. Johnsen will try to adhere to the 20 minute limit but this is a very interesting case and a little difficult to explain.

Presentation:

Roy Johnsen, Williams Tower One, One West 3rd Street, Suite 1010, Tulsa, OK; stated he represents Mr. Arnold Schmidt, the owner of the property. There is no single-family zoning exists in the neighborhood. There is evidence, if a person were to drive the neighborhood, of a mix of single-family and apartments in place. That proves that this mixture can co-exist; the single-family has endured right beside the multifamily. The comprehensive plan identifies the area as a "downtown neighborhood". That means it is a part of downtown and it calls for high intensity development. The tract fronts to a one-way, west-bound service road that goes from Boulder at 21st Street to Riverside Drive. Cheyenne Street goes north and has nice single-family homes located on it. The subject property has an apartment project next to it immediately to the west. To the east of the subject property is CH zoned property, which is commercial and there is an office building located there at the present time. The area to the south of the subject property is all right-of-way, and it is zoned RS-2. That is the only RS-2 in play in this application. Under the zoning code, RM-2 and the other residential districts generally, if a property is adjoining an arterial street, there is a 35 foot setback. Mr. Johnsen's position on this fact is that the property does not front an arterial street. The road does not function as an arterial street; it is a service road. If the Board were to make that determination there would be no variance needed. The setback of ten feet is required for an RM-2 if it is a non-arterial. Mr. Johnsen stated that his client is not

asking for a change of use, not asking for a parking variance, not asking for a height variance, and he is not asking to change any required setbacks except the one along the service road. The only RS that is functional in this case is the RS-2 that is all right-of-way. In concept, what was intended to be a setback from single-family homes is never going to happen because it is right-of-way. In this situation there is well over 200'-0" of right-of-way that goes directly south of the subject property, so there would be no variance required if it is measured to the centerline. The area is unusual and create a hardship on the owner. If the 35 foot setback is imposed from the existing drive the applicant basically has a non-developable property. The applicant is proposing ten single units consisting of one bedroom and 15 garage parking spaces, which meets the current code. In the area there is a seven-story apartment building that has been in existence for many years, and was probably sussidized housing at one point in time. That building immediately abuts the alley that immediately abuts a number of single-family dwellings. There are at least seven apartment complexes in the area. An interesting apartment building is eight units along Cheyenne, and the alley provides access to that apartment while residents have eight parking spaces in the back of the alley. There has been mention that the alley cannot be utilized but it is used daily, even though it is only about 12 feet wide. All of these factors are unusual and will not be seen in many parts of the city, given the nature of its use, it is a downtown neighborhood that meets the criteria for hardship.

Interested Parties:

John Eshelman, Traffic Engineering Consultants, 6931 South 66th East Avenue, Suite 100, Tulsa, OK; stated there was a traffic counter placed on 21st Street, or what is being called 21st Street, adjacent to the property. There were 724 vehicles a day, 7:00 A.M. to 7:00 P.M., and the volume on this one-way street ranges from 25 vehicles an hour to 60 vehicles an hour. The average would be 45 vehicles per hour or less than one car a minute, and the traffic was observed for two days. This is not considered a heavily traveled one-way street. Everyone driving down the street is turning right onto Riverside Drive. Cheyenne Avenue, just north of 21st Street, during the daylight hours of 7:00 A.M. to 7:00 P.M., varied from two cars an hour to 20 cars an hour, the heavier being during peak hours. The traffic averaged nine cars an hour, which is a low volume street. If the count were to be expanded to a 24 hour volume count there would probably be 150 vehicles per day, approximately. While the count was taken it was observed that there are a lot of pedestrian traffic on 21st Street, east and west on the north side of the frontage road which includes bicycles. That ranged from two pedestrians an hour to 27 per hour, averaging ten pedestrians per hour. That translates into a significant amount of pedestrian traffic using this little link from Boulder to Riverside Drive. All the students observed seemed to be escorted by an adult. Traffic Engineers predict future traffic projections for proposed developments using trip generation rates that are available throughout the country. Apartments generate approximately 6.6 trips per day, per dwelling unit on average. Ten dwelling units would generate approximately 66 trips per day; that is a one-way trip. That translates into 33 vehicles leave and 33 vehicles return in a 24 hour period. That is the amount of traffic projected a ten unit apartment building would add to the area, and that is not considered to be a huge volume.

Mr. White asked Mr. Eshelman if there were restrictions on travel in an alley, because typical travel in an alley in downtown is northbound, yet one of the letters, in regards to the alley, stated the alley traffic was southbound. There are no signs stating whether the traffic should travel south or north in this alley. It is a very narrow alley, less than the standard 20 feet in width encountered downtown. Mr. Eshelman stated that it is not a one-way alley.

Renee Faulkenberry, 1923 South Cheyenne Avenue, Tulsa, OK; stated that she is concerned about the traffic count that was performed. There is a lot of traffic in the area on the weekend, especially when the Blue Rose has a band on the weekend, or there is an event held at Veteran's Park or the Dresser Mansion. The traffic count is significantly higher on a weekend and in the evening. Her first concern is the garage being only ten feet from the sidewalk, as is proposed by the applicant. She parked her mid-size SUV ten feet from her sidewalk, and her car completely covered the sidewalk thus completely encumbering the sidewalk. The applicant has stated the residents would not be parking in front of the garage; that they would be parking inside the garage. That statement is great in theory but people do park in front of their garage, and it is proven every single day in the neighborhood. A proper setback for a garage, as stated in the zoning code, is in Modification 5, Table 3, Section 403.A. That passage deals with single-family or duplex homes on a corner lot; it states that garages accessing a public street shall be set back a minimum of 20 feet. In Section 1404, dealing with single-family homes on non-conforming corner lots, it states that garages abutting a public street shall be set back a minimum of 20 feet. Both sections of the code impose a 20 foot minimum, and the code is silent regarding garage setbacks for multifamily. In researching other city zoning codes, time after time, the code stipulates a minimum setback of 20 feet for garages and the minimum length for a residential driveway. She would ask the Board to deny the variance allowing a ten foot setback. The applicant has stated that West 21st Street is not an arterial street, but the City snow plows West 21st Street when it is announced that the City will plow main streets and arterials. The zoning code defines an arterial street as a street designated on the major street and highway plan as an arterial, parkway or special traffic way. West 21st Street is designated on the major street and highway plan as an arterial street. If the argument that 21st Street is a service road is accepted, the setback is 35 feet which is the same as if 21st Street were an arterial.

Hannah Middlebrook, 1802 South Cheyenne, Tulsa, OK; stated the neighborhood is concerned about the safety of the children, cars overlapping sidewalks, and a minimum of adding 10 to 15 cars. Those additional cars will only add an extra hazard to the neighborhood, because cars are well exceeding the posted 25 mph through the neighborhood today.

Mike Steinmetz, 1927 South Cheyenne, Tulsa, OK; stated his address is two lots away from the subject tract. This property is a unique peninsula because there is Boulder to east, 21st Street to the south, and Riverside Drive to the west. There is no parking on any of those streets, so all the traffic flow and parking must go up Cheyenne Avenue. In

the first block of Cheyenne, after turning off 21st Street, there is no parking on the west side of the street. In the second block of Cheyenne, as you are headed north, there is restricted parking. In Title 37, Chapter 5, Code 517 states there shall be no parking in an alley because it is too small, thus taking that area out of the parking equation. The only parking that is allowed is going to be on Cheyenne Avenue. With an addition of five garages that will eliminate valuable curb space that is currently being used for curbside parking that is utilized. If this request is approved it will create an additional problem to the overflow parking that occurs during events held at Veterans Park, River Parks, Dresser Mansion, and the Blue Rose. The fire hydrant located on the corner of the subject property also prevents parking in that area. The unsuitable nature of the proposed development that is being present will only compound the existing parking issues. The developer's ambitious plan will only translate to a hardship for the entire neighborhood. As a former, and current, landlord he knows there will be more than two tenants to several of these apartments and that means there will be two cars. Some tenants will use the garage for storage due to the small size of the unit placing the car on the street. There will also be guests who will require parking. The developer's hardship is of his own creation, not just because his tract is unusual or peculiar, the whole neighborhood is unique and peculiar because of the peninsula shape. Mr. Steinmetz asked, on behalf of all the concerned neighbors, the Board deny this request.

Demetrius Bereolos, 1929 South Cheyenne, Tulsa, OK; stated he is opposed to the granting of the requested variances. Mr. Johnsen and Mr. Schmidt have shown this Board the uses that exist in the district. If anyone were to look at a really tight 12 block corridor there will be 12 multi-story multifamily apartments and condominiums with different densities and different costs. There are probably sufficient numbers of that type of use within this neighborhood. The area residents had an opportunity to speak with the Mr. Schmidt at a meeting. At that meeting Mr. Schmidt was asked if he had assessed other land use options other than a 10 unit, 15 garage multifamily complex, and he stated that is not what he does. For most of the last 60 years the subject property has been a multi-story single-family dwelling. The proximity of the subject property to River Parks, to restaurants, and to the downtown Tulsa revitalization seems to indicate a single-family dwelling, or even a duplex or triplex, would be a profitable development and within the existing code requirements. The unwillingness of Mr. Schmidt to assess other less dense potentially profitable land use options means that he has not really determined whether or not there is an unnecessary hardship. The people of the neighborhood are homeowners and the houses are not a development, they are the place where people live. The problems this development is going to cause will affect the neighbor's homesteads and the place where families are raised.

Maryhelen Hagge, 1621 South Carson, Tulsa, OK; came forward and presented the Board with pictures of what she sees from her porch. The view was of a five unit, one-bedroom apartment complex that has no garages on a small lot.

Jane Halliwell, 1618 South Cheyenne, Tulsa, OK; stated it is the Board's responsibility to lessen danger and congestion of public transportation and travel, preventing

overcrowding of land, conserving the value of buildings and to encourage the most appropriate use of land. Ms. Halliwell stated that she objects to the variance requests.

Rebuttal:

Arnold Schmidt, 2514 Terwilleger Boulevard, Tulsa, OK; stated that he met with the neighbors for two hours on April 15th. He also met with Councilor Blake Ewing. He has heard the residents' concerns. He will redesign his building, and will do it in such a way to allow parking spaces in front of the garages leaving at least three feet of sidewalk for parking by losing units. When he bought the property from Mary Brown, he asked Ms. Brown to provide proof of the setbacks from 21st Street. She received a letter from Dane Matthews of TMAPC. That letter stated the setback was ten feet from 21st Street. In 2005 Mr. Schmidt had a zoning clearance permit and the setback never was mentioned. The distance from the RS to the RM zone was discussed and a variance was applied for, which was approved by the Board of Adjustment. The approved variance has now expired and nothing was acted upon regarding that variance. Mr. Schmidt presented a digitized map of the area containing the subject property, which is actually a digitized version of a paper map drawn in 1988. When the map was digitized in the last five or ten years a little arm, that basically connects Boulder to Riverside Drive, was lost. Mr. Schmidt contacted Ty Simmons of INCOG and asked how that integral part of the map was lost. Mr. Simmons stated that when the maps were drawn you could not see that part of the map, and did not know how to explain the loss of the feature and the street formally was three lanes going to Riverside Drive.

Mr. Johnsen stated that Mr. Schmidt offer to redesign the proposed building shows his interest in reaching a solution that will work for the neighborhood. The site plans that were submitted were conceptual, and he would suggest the Board impose a condition of three feet of the sidewalk remain available if there were a car parked in front of the garage should today variance request be approved. The apartments and single-family dwellings have co-existed in this neighborhood very well for years, and to say this proposed building will hurt the neighborhood is not based on fact.

Mr. Van De Wiele asked Mr. Johnsen what Mr. Schmidt was offering to redesign on the proposed building. Mr. Johnsen stated there would probably be a unit or two lost, move the garages farther away from the curb, and the building would be narrower. Mr. Van De Wiele asked what it meant to lose a unit or two, would the building become taller. Mr. Schmidt stated the whole bottom floor would be redesigned to accommodate the parking with a space in front of the garage door as not to impede pedestrian traffic. The project is two units downstairs with eight units upstairs. The redesign would lose the two units downstairs.

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 **DENY** the request for a

Variance of building setback from an arterial street from 35 feet to 10 feet (Section 403 Table 3); Variance of the building setback from an RS district for two-story multifamily dwellings from 50 feet to 10 feet; Variance of the building setback from an RS district for three-story multifamily dwellings from 75 feet to 10 feet (Section 403.A.1), as the plan submitted is detrimental to the neighborhood; for the following property:

S17.5 LT 20 & ALL LT 21 & N10 LT 22 BLK 6, BUENA VISTA PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

21416—Bailey Austin

Action Requested:

Minor Special Exception to reduce the required front yard from 35 feet to 30 feet (Section 403). **LOCATION:** 2627 East 33rd Street **(CD 9)**

Presentation:

Kate Wallace, 2256 East 7th Street, Tulsa, OK; stated she represents Bailey Austin and is available for any questions the Board may have.

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 Minor Special Exception to reduce the required front yard from 35 feet to 30 feet (Section 403). In granting this minor 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; for the following property:

PRT NE NW BEG 998S & 936E NWC NE NW TH E120 S161 W120 N161 POB LESS S25 FOR ST SEC 20 19 13 .375AC, THE TREES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21420—Executive Homes

Action Requested:

Variance of the maximum lot width from 60 feet to 50 feet in an RS-3 district; Variance of the land area per dwelling unit from 8,400 to 7,000 to permit a lot-split (LS-20505) (Section 403). **LOCATION:** 1444 East 35th Place **(CD 9)**

Presentation:

Taylor Sokolosky, P. O. Box 1013, Owasso, OK; no presentation was made but the applicant was available for questions from the Board.

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, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Variance of the maximum lot width from 60 feet to 50 feet in an RS-3 district; Variance of the land area per dwelling unit from 8,400 to 7,000 to permit a lot-split (LS-20505) (Section 403). Finding that the vast majority of the lots in this area have already been split from 50 foot width, and this will be in conformance with the other lots. In granting these 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; for the following property:

LT 8 BLK 5, OLIVERS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21422—Sisemore, Weisz, & Associates

Action Requested:

Special Exception to allow required off-street parking on a lot other than the lot containing the use (Section 1301.D). **LOCATION:** 2625 South Memorial Drive **(CD 5)**

Presentation:

Darin Akerman, Sisemore, Weisz & Associates, 6111 East 32nd Place, Tulsa, OK; stated the large building on the site has been utilized for various uses in the past and

presently is being used for a broadcasting studio. The building is approximately 100,000 square feet with a retail center on the northern part of the site. That retail center measures approximately 40,000 square feet, and that is the portion that is under consideration for the special exception request today. There are currently multiple uses in the strip center. To meet the code requirements for parking the applicant is going to take part of the front area, about 160 spaces, and the cross parking area which can be allowed through the special exception. In the Board's agenda packet there is an agreement document from the property owner and the applicant. There is also a parking study which shows sufficient parking will be met for the proposed split tracts.

Ms. Stead stated that the copy of the agreement document has not been signed by one party. Mr. Akerman stated that both parties have agreed to execute the document should the special exception be approved by the Board of Adjustment today.

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 Special Exception to allow required off-street parking on a lot other than the lot containing the use (Section 1301.D). 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, subject to the applicant filing a fully executed and notarized copy of the perpetual crossover parking and access easement as files with Tulsa County. This is also subject to the conceptual plan on page 6.14; all for the following property:

LT 1 BLK 1, TRI CENTER, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21423—Francisco Plateado

Action Requested:

Special Exception to permit a Use Unit 5 – Community/Event center (Section 301, Table 1 & Section 901, Table 1). **LOCATION:** 12615 East Admiral Place **(CD 3)**

Presentation:

Coyle Bitson, 2535 East 10th Street, Tulsa, OK; stated she represents Mr. Francisco Plateado. Mr. Plateado purchased an existing church building and would like to transform it into a community and/or event center for special events such as weddings

or birthday parties. In the future he would like to expand the building on the west side, 14'-0" x 62'-0".

Mr. Henke left the meeting at 2:45 p.m.

Ms. Stead asked Ms. Bitson if there were plans to have security in place when the special events were being held. Ms. Bitson stated that if security were to be required by the Board, then arrangements for security would be made.

Mr. Henke re-entered the meeting at 2: 48 p.m.

Ms. Stead asked Ms. Bitson if Mr. Plateado had considered a maintenance crew to pick up the trash on the property after every event. Ms. Bitson stated she did not know of all the plans Mr. Plateado has made for the property, because he had an emergency to attend to just before the meeting.

Mr. Tidwell left the meeting at 2:50 p.m.

Ms. Stead asked Ms. Bitson if there would be alcohol served on the premises. Ms. Bitson was not sure if there would be alcohol served at the functions.

Mr. Tidwell re-entered the meeting at 2:53 p.m.

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 **Special Exception** to permit a Use Unit 5 – Community/Event center (Section 301, Table 1 & Section 901, Table 1). It is stated that this community center will primarily host community events to include, but not limited to, birthday parties and weddings. The Board is issuing this approval for a period of three years from today’s date, May 8, 2012. The Board requires that security be furnished at all events and trash and yard pick-up be made after all events. The hours of operation shall be 8:00 A.M. to 12:00 midnight. There shall be no outside speaker system for music or other audio. All parking and driving surfaces must be asphalt or concrete. In granting this special exception the Board has found 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; for the following property:

BEG SECR LT 2 TH N466.8 W80 S466.8 E80 POB LESS S40 THEREOF SEC 5 19 14 .78AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21424—Jeremy Reed

Action Requested:

Verification of the spacing requirement for an adult entertainment establishment of 300 feet from a public park, school or church (Section 1212.a.C.3.b) to permit a bar.

LOCATION: 107 North Boulder Avenue (CD 4)

Presentation:

William Wilkins, 120 Development Group, 615 North Cheyenne Avenue, Tulsa, OK; no presentation was made.

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) based on the facts in this matter as they presently exist to **ACCEPT** the request for Verification of the spacing requirement for an adult entertainment establishment of 300 feet from a public park, school or church (Section 1212.a.C.3.b) to permit a bar, subject to the action of the Board being void should another conflicting use be established prior to this adult entertainment establishment; for the following property:

LT 5 BLK 40, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21425—Andrew Shank

Action Requested:

Variance to allow an additional sign (wall sign) in an OL district (Section 602.B.4.b);

Variance to exceed total square feet of display surface area from 82.6 square feet to 115 square feet (Section 602.B.4.c). **LOCATION:** 6666 South Sheridan Road (CD

9)

Presentation:

Andrew Shank, 2727 East 21st Street, Suite #200, Tulsa, OK; stated that by right, in this area, there can be a sign of 82.6 square feet. The first building in this complex houses Chase as a tenant, and moving the identifier on the monument sign to a wall sign would allow the property owner to advertise many of the other tenants in the complex. If one were to take what is currently on the monument sign and the relief requested it is still smaller than the largest possible sign under office zoning.

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 allow an additional sign (wall sign) in an OL district (Section 602.B.4.b); Variance to exceed total square feet of display surface area from 82.6 square feet to 115 square feet (Section 602.B.4.c). Finding that the property in question is sufficiently large for the sign in question, subject to the conceptual plan on page 9.7. In granting the variances the Board has found that by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the 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; all for the following property:

LT 1 BLK 1, OXFORD PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Ms. Stead asked that a replacement be found for her seat on the Board of Adjustment as soon as possible. Mr. Henke stated that everyone is working diligently toward that goal.

There being no further business, the meeting adjourned at 3:00 p.m.

Date approved: May 22, 2012

Frank X. Henke
Chair