

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1083  
Tuesday, November 27, 2012, 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 Tidwell, Secretary White, Vice Chair	Snyder Van De Wiele	Miller Back Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, November 21, 2012, at 10:33 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.

Mr. Henke explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the application would be denied. Mr. Henke asked the applicants if they understood and asked the applicants if anyone would like to continue their case. None of the applicants asked to be continued to the next Board of Adjustment meeting. The meeting proceeded.

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

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**MINUTES**

On **MOTION** of **TIDWELL**, the Board voted 3-0-0 (Henke, Tidwell, White "aye"; no "nays"; no "abstentions"; Snyder, Van De Wiele absent) to **APPROVE** the **Minutes** of the November 13, 2012 Board of Adjustment meeting (No. 1082).

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## **UNFINISHED BUSINESS**

### **21454—Arthur Wallace**

#### **Action Requested:**

Special Exception to permit carport in the required front yard in an RS-3 district (Section 210.B.10.g); Variance from extending 20 feet into the required front yard to 31 feet from the existing principal building (Section 210.B.10.c); Variance of maximum height from 10 feet to 11 feet - 4 inches (Section 210.B.10.d); Variance from the maximum allowed carport size from 20'-0" x 20'-0" to 19'-0" x 30'-0" (Section 210.B.10.a). **LOCATION:** 5136 South Troost Avenue East **(CD 9)**

**Mr. Henke recused himself from this case.**

#### **Presentation:**

No presentation was made; 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 2-0-1 (Tidwell, White "aye"; no "nays"; Henke "abstaining"; Snyder, Van De Wiele absent) to **CONTINUE** the request for a Special Exception to permit carport in the required front yard in an RS-3 district (Section 210.B.10.g); Variance from extending 20 feet into the required front yard to 31 feet from the existing principal building (Section 210.B.10.c); Variance of maximum height from 10 feet to 11 feet - 4 inches (Section 210.B.10.d); Variance from the maximum allowed carport size from 20'-0" x 20'-0" to 19'-0" x 30'-0" (Section 210.B.10.a) to the Board of Adjustment meeting on December 11, 2012 due to the lack of quorum; for the following property:

**LT 7 BLK 3, LECRONE'S LAZY L ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Henke resumed with the meeting.**

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## **NEW BUSINESS**

### **21500—Dirk Hunter**

#### **Action Requested:**

Special Exception to modify front yard fence height from 4 foot to 8 foot (Section 210.B.3); Variance to reduce the required front yard setback from 25 feet to 13 feet; Variance to reduce the setback from the centerline of East 32nd Place from 50 feet to 38 feet; Variance to reduce the required rear yard setback from 20 feet to 11.5 feet (Section 403.A, Table 3). **LOCATION:** 1439 East 32<sup>nd</sup> Place South **(CD 9)**

#### **Presentation:**

No presentation was made. The applicant needs additional relief and requested a continuance to the December 11, 2012 Board of Adjustment meeting.

#### **Interested Parties:**

There were no interested parties present.

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

None.

#### **Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White “aye”; no “nays”; no “abstentions”; Snyder, Van De Wiele absent) to **CONTINUE** the request for a Special Exception to modify front yard fence height from 4 foot to 8 foot (Section 210.B.3); Variance to reduce the required front yard setback from 25 feet to 13 feet; Variance to reduce the setback from the centerline of East 32nd Place from 50 feet to 38 feet; Variance to reduce the required rear yard setback from 20 feet to 11.5 feet (Section 403.A, Table 3) to the Board of Adjustment meeting on December 11, 2012; for the following property:

**S50 OF LT 3 S 50 OF LT 4 BLK 3, PEORIA ACRES ADDN SUB L7-9 & 12-16, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

### **21502—Davies Architects – Buck Davies**

#### **Action Requested:**

Special Exception to permit church use (Use Unit 5) in RS-2 and OL Districts (Section 401); Variance of the minimum building setback from an R District (required rear yard) from 25 feet to 10 feet (Section 404.F.4 and Section 403.A, Table 3); Variance of the maximum height from 35 feet to 41 feet (Section 403.A, Table 3). **LOCATION:** 5414 and 5502 South Harvard Avenue **(CD 9)**

**Mr. Henke recused himself from this case.**

**Presentation:**

No presentation was made; 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 2-0-1 (Tidwell, White "aye"; no "nays"; Henke "abstaining"; Snyder, Van De Wiele absent) to **CONTINUE** the request for a **Special Exception** to permit church use (Use Unit 5) in RS-2 and OL Districts (Section 401); **Variance** of the minimum building setback from an R District (required rear yard) from 25 feet to 10 feet (Section 404.F.4 and Section 403.A, Table 3); **Variance** of the maximum height from 35 feet to 41 feet (Section 403.A, Table 3) to the Board of Adjustment meeting on December 11, 2012 due to lack of quorum; for the following property:

**A tract of land in the Southeast Quarter of the Northeast Quarter (SE/4 NE/4) of Section 32, Township 19 North Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit:**

**Commencing at the Northeast corner of said SE/4 NE/4; thence S 01°22'00" E along the East line of said SE/4 NE/4 for a distance of 766.69 feet; thence S 88°37'27" W parallel to the North line of said SE/4 NE/4 for a distance of 50.00 feet to the Point of Beginning; thence continuing S 88°37'27" W for a distance of 686.69 feet; thence N 01°22'00" W for a distance of 418.00 feet; thence N 88°37'27" E for a distance of 270.35 feet to the West line of Terra Aedes Addition; thence N 88°38'00" E for a distance of 10.00 feet; thence N 01°22'00" W a distance of 30.00 feet; thence N 88°38'00" E for a distance of 10.00 feet; thence S 40°43'47" E for a distance of 50.45 feet; thence S 45°08'22" E for a distance of 66.25 feet; thence S 56°39'47" E for a distance of 63.46 feet; thence N 88°37'23" E for a distance of 58.17 feet; thence S 01°22'33" E for a distance of 25.00 feet; thence N 88°37'27" E for a distance of 208.17 feet; thence S 01°22'00" E for a distance of 300.00 feet to the Point of Beginning. Containing 252,279.89 square feet or 5.7915 acres, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Henke resumed with the meeting.**

**21503—Kerry Fielding**

**Action Requested:**

Special Exception to allow a digital sign in an RS-3 District (Section 402.B.4).

**LOCATION:** 5345 South Peoria Avenue East **(CD 9)**

**Presentation:**

No presentation was made; the applicant was not present. The case needs to be continued because the request should be for a Variance, not a Special Exception. The case must be re-advertised.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White “aye”; no “nays”; no “abstentions”; Snyder, Van De Wiele absent) to **CONTINUE** the request for a Special Exception to allow a digital sign in an RS-3 District (Section 402.B.4) to the Board of Adjustment meeting on December 11, 2012; for the following property:

**S/2 NW SW NW LESS BEG NWC THEREOF TH S330 E660 N330 W25 S305 W585 N305 W50 POB FOR ST SEC 31 19 13 4.096ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21504—Lou Reynolds**

**Action Requested:**

Special Exception to allow a salvage yard (Use Unit 28) in an IM District (Section 901, Table 1). **LOCATION:** 2535 North Dawson Road East **(CD 3)**

**Presentation:**

No presentation was made; the applicant has withdrawn the case.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board action required on this case.

**21506—Roy Johnsen**

**Action Requested:**

Variance to permit an off premise sign in a CO District (Section 1221.F.1 and Section 1221.F.7). **LOCATION:** East of the SE/c of East 75<sup>th</sup> Street and South Mingo Road (CD 7)

**Presentation:**

No presentation was made; the applicant has requested a continuance to December 11, 2012.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White “aye”; no “nays”; no “abstentions”; Snyder, Van De Wiele absent) to **CONTINUE** the request for a Variance to permit an off premise sign in a CO District (Section 1221.F.1 and Section 1221.F.7) to the Board of Adjustment meeting on December 11, 2012; for the following property:

**BEG NEC GOV LT 2 TH W524.36 CRV L 122.57 SE50 CRV RT 185.44 S40 CRV RT 373.06 SW85 CRV RT 184.57 NW35 CRV L 172.79 W30 CRV L SW47.12 S680 E1197.17 N1306.70 POB SEC 7 18 14 25.020ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21507—Roy Johnsen**

**Action Requested:**

Special Exception to allow a pipe yard (Use Unit 15) within a CS District (Section 701, Table 1). **LOCATION:** 5320 South 129<sup>th</sup> East Avenue (CD 7)

**Presentation:**

No presentation was made; the applicant has withdrawn the case.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board action required on this case.

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**UNFINISHED BUSINESS**

**21493—Kinslow, Keith & Todd – Nicole Watts**

**Action Requested:**

Variance of parking requirement from 56 spaces to 51 spaces (Section 1211.D);  
Variance of a 5 foot landscape area along abutting street right-of-way (Section 1002.A.2). **LOCATION:** 3712 East 11<sup>th</sup> Street (CD 4)

Ms. Back announced that the applicant has now determined that they only need 55 parking spaces, so the request is from 55 space to 51 spaces.

**Presentation:**

**Nicole Watts**, Kinslow, Keith & Todd, 2200 South Utica, Suite 200, Tulsa, OK; stated that Tulsa Cares is a non-profit organization and they have purchased the old church located on the southeast corner of East 11<sup>th</sup> Street and South Louisville. The existing church is a “u” shaped building with parking on the west side. Currently the existing parking goes into the street right-of-way on the north and west sides of the property. The plan is to convert the old church into an office building and add an approximate 2,500 square foot addition into the center of the “u” shaped building. There will also be parking added on the east side of the existing structure. Due to the site of constraints the size of the lot is only 30,000 square feet total. The area is very narrow, and at a maximum there can only be 51 parking spaces met while still meeting the 10% landscaping requirement and keeping the current parking spaces located in the right-of-way. A right-of-way permit has been applied for through Public Works, and it was submitted in September. No one has objected to the permit and it has been sent to the Legal Department for the contract to be drafted and then to be signed. With the existing conditions, and with the parking lot located where it is the client cannot have the five foot landscaping buffer that is required by CH zoning, so a variance has been requested addressing the landscaping buffer. There was a neighborhood meeting held last evening, and there are representatives present at this meeting should the Board have any questions for them.

**Interested Parties:**

**Nick Enterline**, P. O. Box 52550, Tulsa, OK; stated that he has concerns over the parking. There are currently 22 employees and the facility can feed up to 60 individuals at a time. Originally the facility said that they would only have meals once a month, and

at the meeting a representative stated that there would be meals twice a month with a possibility of more in the future if additional funding was available. Mr. Enterline does not think that the Use Unit classification is correct, because he does not think the calculation for the kitchen area is correct. He does not have a problem with the use of the building but he does think the user needs to be able to park all their employees and clients.

**Robert Dooman**, 3729 East 11<sup>th</sup> Street, Tulsa, OK; stated that he owns commercial real estate within the 300 foot radius of the facility. He is not opposed to the renovations that are taking place, but he has an issue with the parking. The facility is being increased to over 16,000 square feet, and the parking is in the City's right-of-way utilizing city property. Mr. Dooman thinks the variance being requested is a self-imposed hardship because Tulsa Cares is the one adding the square footage and changing the use of the building. The original plan designated a commercial kitchen, food pantry, and walk-in freezers. As of last night the plans have been changed because the food pantry is no longer a part of the kitchen. Mr. Dooman is the process of constructing a strip center to the east side of the subject property, and his concerns is that the overflow parking will be on his strip center property. Mr. Dooman stated that originally he was told that food service would be provided once a month, then the director told him that the food service would be twice a week. If the building is to be true office space with a food service for the public, then there is more parking needed. His fear is that the requirements for food service parking along with the variance for the office building will create a problem.

**Chuck Lange**, Zoning Plans Examiner, City of Tulsa, 1331 South Gary Avenue, Tulsa, OK; stated the Use Unit 11 is general office. The services, as described by Tulsa Cares, is a counseling service that provides counseling for individuals with aids, mental health counseling, rent and utility assistance counseling, and a nutrition program that has food pantry. The subject use does not fit a medical office but does fit a general office designation in the zoning code. The food pantry, the dining area and the kitchen are accessory uses.

Mr. Henke asked Mr. Lange if the trigger for the applicant's request is the 2,500 square foot addition inside the "u" of the existing building. Ms. Back stated that the existing structure is located in a CH zone. If there was nothing being added to the CH zoned building the applicant would be considered a legal, non-conforming structure. With the added square footage that has triggered the applicant to bring the parking up to code.

**Sharon Thoele**, 3507 East Admiral Place, Tulsa, OK; stated she is the Executive Director of Tulsa Cares. For the last 21 years Tulsa Cares has had four programs; case management program, mental health program, food and nutrition program, and a housing program. Tulsa Cares has been operating in a 6,000 square foot building for a number of years and have outgrown that space many years ago. In the years that Tulsa Cares has been in that location the parking lot has never been exceeded, and that parking lot is quite a bit smaller than the subject property parking lot. There have never been any complaints from any of the neighbors. Many of Tulsa Cares clients do

not drive, they use public transportation. Tulsa Cares clients are indigent people; that is one of the requirements to be able to access services through Tulsa Cares. Tulsa Cares has never had a food service once a month; it has always been once a week. Now Tulsa Cares is in hopes of providing the food service twice a week. Tulsa Cares has never been a detriment to any community that they have been located in. She understands Mr. Dooman's concerns but she does not see the Tulsa Cares programs being detrimental to his plans. All the clients that come to Tulsa Cares are referred and have appointments, so there will not be 100 people coming to Tulsa Cares all at once. Tulsa Cares provides social services. Tulsa Cares provides wrap around services for the community, but they do not provide medical services. There will not be a major influx of people coming to the facility.

Mr. Tidwell asked Ms. Thoele what percentage of clients came to the facility by public transportation. Ms. Thoele stated that she guessed it would be about 25% using public transportation or someone gives them a ride to the facility.

Mr. Henke stated that he does not have a problem with the use, but there must be a valid hardship with the property to grant the parking variance, other than the self imposed hardship that Tulsa Cares is adding onto a piece of property thus causing the need for additional parking spaces. And to Mr. Tidwell's point, once the variance is granted for the property should Tulsa Cares leave the property at some point in the future and the property is used for something else the variance does not go away. The granting of this variance request may impact the neighbors like Mr. Dooman.

Nicole Watts came forward and stated the hardship is the size of the lot. This area of Tulsa was developed in the 1940s. There have been variances granted throughout this area for parking regulations for other development types. Tulsa Cares is attempting to utilize an existing building by adding on to place where parking cannot be added. As much parking is being added as possible. They are working with the City of Tulsa to use their right-of-way for parking which is an already existing condition. Ms. Watts believes the hardship is the size of the lot and how old this developed area of Tulsa is.

Mr. Henke asked Ms. Watts if they had spoke with the neighbors in the surrounding area. Ms. Watts stated that they had not. She stated this is a daytime operation, not a nighttime operation. There is a bus stop at the entrance area for Tulsa Cares which allow people to arrive safely, and the area will not be burden with heavy vehicular traffic.

Mr. White asked Ms. Watts what the hours of operation for Tulsa Cares are. Ms. Watts stated the hours are 8:00 A.M. to 5:00 P.M. If the neighbors are concerned about overflow traffic a fence could be proposed and installed along the property line on the east side of the subject property.

Mr. White stated that Tulsa Cares is currently non-conforming and there will not be enough parking with that status. If this Board were to grant variance then Tulsa Cares loses the non-conforming status. Tulsa Cares is forcing the loss of the non-conforming status by adding onto the property. Ms Watts stated the non-conforming status would

be lost if a building permit were filed and changed the use unit from a church to an office building. Even the addition were not being done, Tulsa Cares would still be before the Board with variance requests because of the use.

Mr. White asked Mr. Swiney for his opinion. Mr. Swiney stated that he is satisfied that the size and shape of the lot, and the size and shape of the existing building constitutes a hardship insofar as no other place can be found for a parking space, other than the parking spaces currently identified.

Mr. Henke stated that when a piece of property is purchased the new owner knows the constraints of the property. With Tulsa Cares using the existing church facility as an office, but for them building the addition inside the "u" would they not have sufficient parking? Ms. Watts stated that without the addition the lot could sufficiently be parked without the request of the four spaces.

**Jack Page**, Smith Roberts Baldischwiler, LLC, 1601 South Main Street, Suite 200, Tulsa, OK; stated he is not associated with this case but he does see a possible solution to the problem. It appears that the building that is being utilized is a mixture of office spaces and storage spaces that is to be used for storing food. If Tulsa Cares were to change the use to a mixed use, of both storage/warehousing and office space that would split the use of the building. It would then place them in a situation, as the parking requirements are calculated, the parking requirements could then be calculated for a mixed use building. That mixed use would reduce the number of parking spaces required. It would also prevent a future owner of the property to use it in a way that is not in conformance with this current approval. As Mr. Chuck Lange stated earlier, the owner would need to request a special exception not a variance. It will also be an avenue to get the building into full compliance.

Ms. Watts came forward and stated that Mr. Page's suggestion sounds great. She can come back before the Board with a special exception request for a mixed use building. A variance request will still need to be heard in regards to the landscape requirements.

Robert Dooman came forward and repeated his objection to the project because of his concerns over the parking situation.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White "aye"; no "nays"; no "abstentions"; Snyder, Van De Wiele absent) to **CONTINUE** the request for a **Variance** of parking requirement from 56 spaces to 51 spaces (Section 1211.D); **Variance** of a 5 foot landscape area along abutting street right-of-way (Section 1002.A.2) to the Board of Adjustment meeting on December 11, 2012; for the following property:

LTS 7 THRU 12 BLK 2, MAYO ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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**NEW BUSINESS**

**21496—Wilber Miranda**

**Action Requested:**

Special Exception to allow a Paint and Body Shop (Use Unit 17) in a CS District (Section 701, Table 1). **LOCATION:** 2160 South Garnett Road East, Suite C (CD 6)

**Presentation:**

**Wilber Miranda**, 2160 South Garnett Road, Tulsa, OK; stated he obtained the paint and body shop in March 2012. The existing business has been in operation for approximately nine years. He has purchased a paint booth and the Fire Marshall suggested that it not be installed or utilized until he came before the Board of Adjustment.

Mr. Henke asked Mr. Miranda about the display of merchandise and automobiles outside the building. Mr. Miranda stated that he is only painting for customers and does not intend to sell any vehicles. The vehicles parked outside the building are customer cars in need of a paint job.

Mr. Henke asked to Mr. Miranda about the trash that is shown outside in the building. Mr. Miranda stated the trash is a product of years of neglect from the previous owner. The previous owner collected parts for use in auto body repairs. He does not want to work that way and intends to remove the trash. Mr. Miranda stated that he has already hauled away two trailers full of plastic and metal.

Mr. White asked Mr. Miranda where he intends to park a customer's vehicle. Mr. Miranda stated that he will park them inside the building overnight.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White "aye"; no "nays"; no "abstentions"; Snyder, Van De Wiele absent) to **APPROVE** the request for a Special

Exception to allow a Paint and Body Shop (Use Unit 17) in a CS District (Section 701, Table 1) with the conditions that no vehicles or parts are to be stored outside during non-working hours. The working hours will be 7:00 A.M. to 7:00 P.M., Monday through Saturday. 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:

**PRT LTS 1 & 2 & 4 BEG NEC LT 2 TH W150 S140 W10 S150 W APR 479.11 N APR 520.24 E APR 489.11 S APR 175 E APR 150 S55.24 POB BLK 1, FIRST CITY BANK ADDN RESUB PRT L1 B1 TIFFANY PARK ADD, GARNETT ACRES ADDN AMD, TIFFANY PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21448-A—Sisemore, Weisz & Associates, Inc.**

**Action Requested:**

Modification of previously approved site plan to show building and parking moved 80 feet to the west; Reconsideration of the Variance of the screening requirement (BOA-21448) along westerly boundary of site (Section 1303.E). **LOCATION:** 2020 West 51<sup>st</sup> Street South **(CD 2)**

**Presentation:**

**Darin Ackerman**, Sisemore, Weisz & Associates, Inc., 6111 East 32<sup>nd</sup> Place, Tulsa, OK; stated this request is for a modification of site plan that was approved July 24<sup>th</sup> by the Board of Adjustment. Since that time there has been a requirement for onsite detention on the property. The detention will be due east of the church worship youth center. With the detention pond requirement the building and the parking lot area has been shifted on the property approximately 80 feet to the west. The building remains the same and the parking stall count remains the same. The use to the west of the subject property is a branch library of the Tulsa Public Library system.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White “aye”; no “nays”; no “abstentions”; Snyder, Van De Wiele absent) to **APPROVE** the request for a Modification of previously approved site plan to show building and parking moved 80 feet to the west; and **CONFIRM** Reconsideration of the Variance of the screening requirement (BOA-21448) along westerly boundary of site (Section 1303.E). Find that the movement of the building to the west was due to the drainage easement, and that variance of the screen requirement originally granted will still stand. 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:

**LT 1 BLK 1, CARBONDALE ASSEMBLY OF GOD PARKING FACILITY, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21497—Lou Reynolds**

**Action Requested:**

Variance to permit a two-story office building (Section 603); Variance of the front building setback from 100 feet to 85 feet (Section 603); Special Exception to increase the maximum floor area ratio from .30 to .40 (Section 603). **LOCATION:** 4322 East 51<sup>st</sup> Street South (CD 9)

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated this project is located at the Richmond Tower. This project was an older house and was cut out of the residential subdivision that is south of the property. The house was not in good condition and could not be used for an office building; therefore, the house was razed. The property is very deep and large for an OL piece of property. The variance is requested so the building can be placed farther north away from the residential. The building is 85 feet from the nearest house, and 120 feet from the next nearest house. The parking requirement is met because there are 52 parking spaces for a 14,000 square foot building. A special exception has been requested to increase the floor area. The project is not injurious to the neighborhood. Mr. Reynolds spoke with the neighbor that is closest on the south side of the property and he likes the site plan. The hardship for the property is the unusual sized OL lot.

**Interested Parties:**

**Eva Thapar**, 4325 East 51<sup>st</sup> Street, Suite 126, Tulsa, OK; stated she owns the building that is directly across from the subject property and she objects to the project. When she purchased the property in 1991 the area was zoned residential, and now it is an area of competition. A two-story office building will bring another 50 cars to an already overloaded street and there does not need to be any more competition in the area.

**Rebuttal:**

Lou Reynolds stated that the neighbors to the north of the subject property is zoned OM, and they too have a large lot. Mr. Reynolds does not think that the proposed project will have any impact on Ms. Thapar's property. The proposed project meets code with the parking so there will not be an overflow issue. His client will be the sole tenant of the building, and the building will serve as corporate headquarters for a local high technology lubrication company. The proposed building is designed with an attractive residential theme and roof. The building will be 36 feet high at the top of the crown and will fit into the area. The proposed landscaping is at least double of what is

required. The dumpster will be screened from public view. All of the design and plans is intentional so the proposed project will fit into the area.

Eva Thapar came forward and stated that she understands that currently there is only one tenant occupying the space, but that it not a guarantee for the future. If the current tenant is bought out or moves that would open the building up as a multi-tenant facility. She objects to the project because there is already enough competition in Tulsa and the area does not need another building, especially across the street from her building.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White "aye"; no "nays"; no "abstentions"; Snyder, Van De Wiele absent) to **APPROVE** the request for a **Variance** to permit a two-story office building (Section 603); **Variance** of the front building setback from 100 feet to 85 feet (Section 603); **Special Exception** to increase the maximum floor area ratio from .30 to .40 (Section 603). This approval will per conceptual plan 6.9. Finding that there are additional two-story building along 51<sup>st</sup> Street in that area. This lot has significantly greater depth than most OL lots so it will support and justify the extra height of the building. In regards to the front building setback from 100 feet to 85 feet, there are many buildings along this section of 51<sup>st</sup> Street that are less than the 100 feet, and the proposed building will be farther back than several buildings in the area. 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. 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:

**N264.45 W/2 E/2 E/2 NW NE LESS N50 THEREOF FOR ST SEC 33 19 13 0.81AC, TANGLEWOOD ADDN B7-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21498—Janely Gomez**

**Action Requested:**

**Special Exception** to permit a carport in the required front yard in an RS-3 district (Section 210.B.10.g). **LOCATION:** 2468 South 127<sup>th</sup> Avenue East **(CD 6)**

**Presentation:**

**Janely Gomez**, 2468 South 127<sup>th</sup> East Avenue, Tulsa, OK; no presentation was made, but the applicant was available for questions.

Mr. Henke asked staff if the other carports located in the area were approved. Ms. Back stated that she did not locate any approvals for any carports within the neighborhood.

Mr. Henke asked Ms. Gomez when she moved into the neighborhood. Ms. Gomez stated that she moved into the neighborhood three years ago. Mr. Henke asked Ms. Gomez if the other carports in the neighborhood were in existence when she moved into the house. Ms. Gomez stated that they were.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White "aye"; no "nays"; no "abstentions"; Snyder, Van De Wiele absent) to **APPROVE** the request for a **Special Exception** to permit a carport in the required front yard in an RS-3 district (Section 210.B.10.g), per plan on page 7.8 and will not be attached to the house. 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:

**LT 16 BLK 4, STACEY LYNN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21499—David Frohling**

**Action Requested:**

**Variance** of required setback from abutting R district from 25 feet to 10 feet to allow a storage building for a church (Section 404.F.4). **LOCATION:** 3640 South New Haven Avenue East **(CD 9)**

**Presentation:**

**David Frohling**, 300 South Jefferson, Suite 301, Springfield, MO; stated the property currently does not have any outside storage. Currently trailers are parked along the back property line, they're not secure nor are they safe. This request will allow permanent outdoor storage for the church. The proposed storage building is more than the typical wooden structure that is purchased from Lowe's or Home Depot. The proposed building is a wood framed, brick veneer structure approximately 12'-0" x 14'-0". Adjacent to that will be a dumpster that will be fully enclosed by a six foot tall

composite fence. This material will be same material that is along the west property line. There is currently a six foot tall cedar privacy fence that is deteriorating and it will be replaced.

**Interested Parties:**

**Dr. Karen Dawson**, 2656 East 35<sup>th</sup> Street, Tulsa, OK; stated she owns the property behind the church. She spoke with a gentleman from the Latter Day Saints church and she recommended that the storage building be moved to the center of their property line and not place it at the edge of her property. Her renter is very concerned about the placement of the dumpster because she will be parking within ten feet of it everyday. She requests that the proposed storage building be placed at the center of the property line.

Mr. Henke tends to agree with Dr. Dawson's request.

**Chris Magrotto**, 12110 East 7<sup>th</sup> Street, Tulsa, OK; stated he is the owner's representative. He has toured the property with Dr. Dawson and pending the Board's approval of the variance the church will be willing to adjust the placement of the proposed storage building to the south in the church parking lot to meet her needs. There is currently a five foot easement for a storm sewer that runs between two residential properties, so the building would be centered between the two residential properties placing it adjacent to the City's property.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White "aye"; no "nays"; no "abstentions"; Snyder, Van De Wiele absent) to **APPROVE** the request for a **Variance** of required setback from abutting R district from 25 feet to 10 feet to allow a storage building for a church (Section 404.F.4), this will be per plan that was submitted today, November 27, 2012, labeled C801 for the structure. The location of the structure will be adjacent to the west property line centered in a north-south dimension on the west property line. Finding that the hardship is the church and lot is very large, and the proposed structure is small. 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:

**E305 BLK 10 LESS N25 FOR ST, E305 B10 THIRTY SIXTH ST SUBURB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **21501—Jack Page**

### **Action Requested:**

Special Exception to allow auto sales (Use Unit 17) in a CS District (Section 701, Table 1). **LOCATION:** 4747 South Yale Avenue East **(CD 5)**

### **Presentation:**

**Brian Woods**, 1001 West Fort Gibson Road, Catoosa, OK; stated this is an existing car dealership. A portion of the existing building is located in a CS zone, and it has always been a car dealership and the present owner is adding to the building. The site lighting will stay the same. There will be landscaping added.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

None.

### **Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White “aye”; no “nays”; no “abstentions”; Snyder, Van De Wiele absent) to **APPROVE** the request for a Special Exception to allow auto sales (Use Unit 17) in a CS District (Section 701, Table 1). 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:

**LT 28 LESS S130 THEREOF & LESS W10 THEREOF BLK 1, STAIGER ADDN, BEG 1587.30S & 50E NWC SE TH N125 E400 S125 W400 POB LESS W20 FOR ST SEC 27 19 13, BEG 1462.30S & 325E NWC SW TH N187.50 E65 N187.50 E60 S375 W125 POB SEC 27 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **21505—Alan Betchan**

### **Action Requested:**

Variance of the parking requirement in a CH District from 21 spaces to 7 spaces to allow a Veterinary building and Kennel (Section 1214.D & Section 1215.D). **LOCATION:** 3129 South Winston Avenue East **(CD 9)**

### **Presentation:**

**Alan Betchan**, 17 Second Street, Sand Springs, OK; stated request for a long standing kennel and veterinary building. The use is not changing. They had a parking agreement with the property to their south, and that property has been redeveloped as a mini-storage so that parking is no longer available. The owner is attempting to modify the existing site and add parking to the site where available. The owner has also leased 14 parking spaces from the new mini-storage within the gated area. The owner has

also acquired an easement going west and south on the southwest corner of the subject property to allow for some additional parking. On the north side of the property there is a shared area where a mutual driveway is shared, and historically there has been parking on this driveway. The owner will also seek a right-of-way agreement for the northwest corner of the property. Historically there has been a parking space in that corner. The building was built prior to 1984, was zoned CH, and there was no parking requirement.

Mr. Henke asked Mr. Betchan to provide Ms. Back with a copy of the agreements mentioned. Mr. Betchan stated that he would.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White “aye”; no “nays”; no “abstentions”; Snyder, Van De Wiele absent) to **APPROVE** the request for a **Variance** of the parking requirement in a CH District from 21 spaces to 7 spaces to allow a Veterinary building and Kennel (Section 1214.D & Section 1215.D). This approval will be per conceptual plan on page 14.8. Finding that the hardship is this building was in a CH district prior to today, and the building was built before 1984. In 1984 there were no parking requirements in the CH district, after that parking requirements went into effect. This building was subsequently non-conforming and when the applicant filed for the permit to modify the existing parking the non-conforming status was lost thus generating this variance request. 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:

**S 17 LT 3 & ALL LT 4 BLK 1, CONWAY PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:36 p.m.

Date approved:

12 / 11 / 12

Charles K. H. IV  
Chair