

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 1016  
Tuesday, January 12, 2010, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

**MEMBERS  
PRESENT**

Henke, Chair  
Stead, Vice Chair  
Tidwell, Secretary  
Van De Wiele  
White

**MEMBERS  
ABSENT**

**STAFF  
PRESENT**

Alberty  
Cuthbertson  
Butler

**OTHERS  
PRESENT**

Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, January 6, 2010, at 4:13 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Henke called the meeting to order at 1:00 p.m.

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Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

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**MINUTES**

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of December 8, 2010 (No. 1015)

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**UNFINISHED BUSINESS**

**Case No. 20984**

**Action Requested:**

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the AG district (Section 302.B.2); a ~~Variance of the maximum permitted height of a sign in the AG district from 20 ft. to 21 ft. — 7 in.~~ (Section 302.B.2.b); and a Variance of the maximum display

surface area permitted for a sign in the AG district from 150 sq. ft. to 275 sq. ft. (Section 302.B.2.b), located: 12000 East 31<sup>st</sup> Street.

Mr. Cuthbertson reminded the Board that the applicant withdrew the previously requested variance of the height.

**Presentation:**

**Richard Craig**, 1889 North 105<sup>th</sup> East Avenue, Tulsa, Oklahoma, informed the Board that the variance requested was 150 sq. ft. to 275 sq. ft. (Exhibit A-1). They have amended the size of the proposed sign to a total of 245 sq. ft. A new plan was submitted. Mr. Craig provided a copy of the Zoning Clearance Permit (Exhibit A-2), showing the uses included in the building on the subject property are consistent with church use and in compliance with the zoning code.

**Comments and Questions:**

Ms. Stead asked for assurance that the applicant intends to comply with the ordinance regarding the LED portion of the sign. She was concerned about a display with flashing and animation. Mr. Van De Wiele asked if the sign would be set back 20 ft. from the street. Mr. Craig replied that it would comply with the required setback.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **Motion of Stead**, the Board voted 4-1-0 (White, Van De Wiele, Stead, Tidwell "aye"; Henke "nay"; no "abstentions"; no "absences") to **APPROVE** a Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the AG district (Section 302.B.2); a Variance of the maximum permitted height of a sign in the AG district from 20 ft. to 21 ft.—7 in. (Section 302.B.2.b); and a Variance of the maximum display surface area permitted for a sign in the AG district from 150 sq. ft. to 245 sq. ft. (Section 302.B.2.b), noting there is no need for the variance of the height as it has been reduced to limits allowed in the code; with conditions that there be no animated flashing, no rolling or other unusual illuminations; to comply with the provisions in Section 1221.C.2 as to foot candles, other illumination, brightness, distance from the curb; per conceptual plan as shown on page 2.9; the City Permit Office has agreed this is a place of worship, which includes church and community events as allowable usage; finding the property containing approximately 33 acres is sufficient in size to allow the sign in this application; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment

to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

NE NW LESS BEG SWC NE NW TH N315 SE182.47  
SE93.88SE193.49 W330 POB & LESS BEG 50S NEC NE NW  
TH S1269.23 W377 N450 E337 N819.25 E40 POB & LESS N50  
FOR ST SEC 20 19 14, City of Tulsa, Tulsa County, State of  
Oklahoma

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**Case No. 21005**

**Action Requested:**

Amendment to a condition of a previously approved Special Exception to change the limitation of Trade School use from an "automotive technical school" to permit general Use Unit 15 "trade school" uses in a CS district, located: 4444 South Sheridan Road.

**Presentation:**

**Tim Boeckman**, 1401 South Denver Avenue, Tulsa, Oklahoma, with CJC Architects stated the request. Any additional trade school use would be in the existing building. They have built the required screening fences. He submitted photographs (Exhibit G-1) of the fences to the Board.

**Comments and Questions:**

Ms. Stead asked about auto work outside because of lack of space inside.

**Ivan Acosta**, 4752 East 114<sup>th</sup>, Tulsa, Oklahoma, replied that all the work is done inside the building. He assured her also that the old tires are stored behind the privacy fence and removed every three days.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** an Amendment to a condition of a previously approved Special Exception to change the limitation of Trade School use from an "automotive technical school" to permit general Use Unit 15 "trade school" uses in a CS district, finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

LT 1 LESS BEG 356.91W NEC TH W386.44 S11 E386.44 N11 POB BLK 1,  
Neiman-Nassif Plaza, City of Tulsa, Tulsa County, State of Oklahoma

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## NEW APPLICATIONS

### Case No. 21010

#### Action Requested:

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on an existing sign for a church in the RS-3 district (Section 402.B.4), located: 2135 West 51<sup>st</sup> Street.

**Mr. Van De Wiele recused himself and left the room at 1:17 p.m.**

#### Presentation:

**Mike Atkinson**, 2135 West 51<sup>st</sup> Street, Tulsa, Oklahoma, Associate Pastor, stated they proposed to replace the marquee portion of an existing church sign. He described the surrounding properties as a vacant four-acre property across 51<sup>st</sup> Street owned by the church; the Tulsa City/County Library and Fire Station; houses on the east and west side of the property, and on the north. He stated the sign would be on the front of the property near 51<sup>st</sup> Street and the housing on the north would not be affected. The closest property on the east is approximately 450 ft. away from the sign. The church owned parsonage lot to the west is 250 ft. away from the sign.

#### Comments and Questions:

Mr. Henke asked if they would have any animation on the LED sign. Rev. Atkinson did not foresee using anything other than text. He added they would be willing to have the sign turned off at 10:30 p.m. to 6:00 a.m. Mr. White asked if the sign display as shown on page 4.6 would be in compliance with Section 1221.C.2. Mr. Cuthbertson responded that it appears it would be in compliance though brightness cannot be discerned. Mr. White confirmed with Rev. Atkinson that the person controlling the sign would be aware of the zoning code.

#### Interested Parties:

There were no interested parties.

#### Board Action:

On **Motion of Stead**, the Board voted 4-0-1 (White, Henke, Stead, Tidwell "aye"; no "nays"; Van De Wiele "abstained"; no "absences") to **APPROVE** a Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on an existing sign for a church in the RS-3 district (Section 402.B.4), on conditions there be no flashing, blinking, scrolling, rolling, or animated graphics, brightness is limited to those standards in Section 1221.C.2; the applicant has agreed that to benefit the neighborhood, the LED portion of the sign will be turned off from 10:30 p.m. to 6:00 a.m.; it shall comply with all of the distance requirements, and measurements to the curb in compliance with Section 1221.C.2;

finding the property owned by the church is sufficient to allow this sign without greater harm to the neighborhood; and finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

LT 1 BLK 1, CARBONDALE ASSEMBLY OF GOD CHURCH PRT RSB RES A HILL HAVEN ADD, City of Tulsa, Tulsa County, State of Oklahoma

**Mr. Van De Wiele returned at approximately 1:23 p.m.**

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**Case No. 21012**

**Action Requested:**

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign facing the same traveled way (Section 1221.G.10), located: 526 North Main Avenue.

**Presentation:**

**Lorinda Elizando**, 7777 East 38<sup>th</sup> Street, Tulsa, Oklahoma, 74145, with Lamar Outdoor Advertising, stated she was there for the verification of spacing.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** the applicant's verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign facing the same traveled way (Section 1221.G.10), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

S85 LTS 6 & 14 & ALL LTS 7 8 & LT 9 LESS BEG SWC THEREOF TH N44.75 NE152.62 EL S17 W150 POB & N15 LT 13 & N42 S85 W125 LT 13 BLK 11, NORTH TULSA, City of Tulsa, Tulsa County, State of Oklahoma

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## **Case No. 21014**

### **Action Requested:**

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the RS-3 district (Section 402.B.4), located: 1138 South Yale Avenue.

### **Presentation:**

**David Cannon**, 4200 North Battle Creek Drive, Broken Arrow, Oklahoma, stated he is a trustee of the church. They proposed to update an existing sign that has 60 sq. ft. of display area (Exhibit B-1). They also want to remove a monument sign that has been there for years. They proposed to replace it with a 40 sq. ft. sign with constant light and a digital element of 20 sq. ft. The sign would be in the present location in compliance with the required setback. He mentioned that a family contacted them concerning the sign. Their home is 170 ft. southeast of the location of the sign. The elevation of their windows is approximately 20 ft. above the top of the proposed sign. The illumination will probably not affect them but in the event that it did, the church would plant evergreens for screening. The street school is across the street and the church owns the property to the north to 11<sup>th</sup> Street.

### **Comments and Questions:**

Ms. Stead asked if they would have a problem if the approval is limited to no flashing, illustrative graphics or similar images. Mr. Cannon replied that is not a problem. He informed them it would be moved to the west one foot to comply with the setback.

### **Interested Parties:**

There were no interested parties who wished to speak.

### **Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the RS-3 district (Section 402.B.4), with conditions for no flashing, blinking, illustrated images or animation; the sign will have a north/south orientation; to comply with the setbacks and distances in Section 1221.C.2, except 1221.C.2.c; and the LED surface of the sign will be turned off 11:00 p.m. to 6:00 a.m. daily; per plans as shown on pages 6.6, 6.7, and 6.8 of the agenda packet; this approval is also subject to TMAPC approval of the PUD amendment and evidence of such approval when obtained shall be furnished to staff; finding most of the property around the church is not residential use, the nearest residence being in excess of 150 ft.; this lot contains 304 ft. of frontage, and find it to be of sufficient size lot the sign will not be intrusive into the neighborhood; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply

generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

BLK 1, FRANKLIN SECOND ADDN AMD; LTS 2,3,4 & 5, BLK 1, Emmons Addn;  
City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 21015**

**Action Requested:**

Variance of the setback requirement from the centerline of the abutting right-of-way (E. 1st St.) (Section 215); to permit a portion of a public parking garage and a pedestrian bridge to be constructed over and in a public street, located: 42 South Boston Avenue.

**Presentation:**

**David Giacomo**, 175 East 2<sup>nd</sup> Street, Tulsa, Oklahoma, 74103, represented the City of Tulsa Parking Authority. He informed the Board that with the expansion of the garage, the new pedestrian bridge will be shorter than the existing bridge and extend to the bank lobby (Exhibit C-1). He stated they will need to obtain a licensing agreement from the City of Tulsa.

**Eric Sack**, 111 South Elgin, Tulsa, Oklahoma, 74120, represented Tulsa Parking Authority. He pointed out a parking garage with two bay parking on the site plan. The existing surface parking is 114 ft. deep, but the project needs about 121 ft. He reviewed the plans in more detail for the Board. He stated they asked for a variance from 40 ft. to 0 ft. on the south of the centerline, as well as on the north of it, for the pedestrian bridge to cross the street. He added that they asked for a variance of ten feet instead of seven feet to allow the parking structure and architectural elements to encroach into the north portion of the right-of-way. They proposed to apply screens on the outside of the bridge above ground level for security and aesthetics. They protrude about eight inches to a foot from the structure. There is also a roof over the structure with an overhand of 18 in. to two feet. Mr. Sack stated they are presently seeking a license agreement or easement as needed with the City.

**Comments and Questions:**

Ms. Stead questioned if the application was adequately advertised. Mr. Cuthbertson replied this is a general variance of the setback requirement, which can address the two elements, for the parking structure and the pedestrian bridge. Ms. Stead asked about the discrepancy in the plan and staff report on the number of levels in the parking structure. Mr. Sack explained that the addition will be the surface level and four levels above it, and in the existing structure there are six

levels. Mr. Boulden asked if there are any plans for commercial use in the area of the variance.

**George Shahadi**, Director of Corporate Real Estate, for the Williams Companies, One Williams Center, 45<sup>th</sup> Floor, Tulsa, Oklahoma, 74172. He responded to Mr. Boulden that at this time there are no plans for commercial. If they should decide to put in a commercial use they would come back to the Board of Adjustment.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the setback requirement from the centerline of the abutting right-of-way (E. 1st St.) (Section 215); to permit a portion of a public parking garage and a pedestrian bridge to be constructed over and in a public street, subject to obtaining a license agreement or other sufficient agreement with the COT for this structure over the street, and evidence of this licensing should be made available to staff when it is available; per plan as shown on page 7.8 of the agenda packet; finding that agreements have heretofore been made among various entities approving this project; finding in the CBD district, that such development and re-development is to be encouraged; therefore the Board finds 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, on the following described property:

BLK 72 & VAC ALLEY LESS BEG NWC LT 9 TH E300 S5.75 W300 N5.75 POB,  
TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 21016**

**Action Requested:**

Special Exception to modify the height of a fence located in the required front yard in an RM-2 district from 4 ft. (Section 210.B.3), located: Northwest of East 8<sup>th</sup> Street and South Florence Avenue.

**Presentation:**

**Jim Beach**, 200 East Brady, Tulsa, Oklahoma, stated this property is in the middle of the Tulsa University campus (Exhibit D-1). There is an existing chain link fence with slats all the way around the property that has been there many years. As part



of the improvements they proposed to build a screening wall of masonry columns and concrete panels. There are no residential uses in the immediate area but it is zoned residential, therefore they need the special exception.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to modify the height of a fence located in the required front yard in an RM-2 district from 4 ft. to 11 ft. (Section 210.B.3), per plans as shown on pages 8.6 and 8.7, finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

LT 1 – 12, BLK 20, and the vacated alley lying within Block 20, COLLEGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 21017**

**Action Requested:**

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a school in the RS-3 district (Section 402.B.4), located: 1514 East Zion Street.

**Presentation:**

**James Adair**, 7508 East 77<sup>th</sup> Street, Tulsa, Oklahoma, 74133, proposed to construct a sign with an LED unit (Exhibit E-1). They do not intend to direct it toward Zion Street, though it is the closest street. The sign and message center is meant for those using the parking lot to notify parents and drivers on school campus of events. It has a north/south orientation for viewing. It complies with the code regarding the distances from curbs, and setbacks from residential zoning, and complies with brightness levels.

**Comments and Questions:**

Mr. Tidwell asked for the height of the sign. Mr. Adair stated it is 14 ft. in height. The message sign is about nine feet off the ground.

**James Furch**, 3010 North 23<sup>rd</sup> West Avenue, Tulsa, Oklahoma, Principal of Booker T. Washington High School, stated the sign would be on constantly.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a school in the RS-3 district (Section 402.B.4), finding the location of the sign is over 200 ft. from any north and east property line; the school and football stadium will block visibility from the south and west; there shall be no flashing, rolling, or animated signage, any scrolling of information shall be horizontal from left to right and will comply with provisions of Section 1221.C.2 as to brightness, and pertinent standards, and as to distances, finding this property, containing more than one million square feet will allow the sign to be constructed without harm to the neighborhood or regional public; per plans as shown on pages 9.6 and 9.7; finding extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 1 BLK 1, BOOKER T WASHINGTON PRT RSB CARVER HT 2&3 &TRENTON ARMS&PRT COOTS, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 21018**

**Action Requested:**

Variance of the maximum permitted land coverage of a building in the CO district from 30% to 38% (Section 803); a Variance of the requirement that any corridor development's access shall be principally from internal collector service streets (Section 804); and a modification of a previously approved plan and conditions related to the building setback from an arterial street (BOA-15242), located: Northeast corner of South Mingo Road and East 63<sup>rd</sup> Street.

Mr. Henke recused himself from Case No. 21018 and left the room at 2:11 p.m.

**Presentation:**

**David Bodeen**, 1715 South Kansas Avenue, Springfield, Missouri, represented the founder of Metro Builders Supply. This is a single tract of land. They proposed an increase of 38% land coverage instead of 30%. He stated the corridor zoning designation was recommended to them by TMAPC staff, and they obtained it. He added that in the late 1980's the building setback on Mingo was set by varinace at 74 ft., but they desire to modify the previously approved plan and conditions related to the building setback from an arterial street.

**Comments and Questions:**

Ms. Stead agreed with staff comments that the property is too small to establish a separate collector street. She asked if there is adequate parking. Mr. Bodeen replied that it is adequate for the uses.

**Interested Parties:**

**Rodney Edwards**, 6226 East 101<sup>st</sup> Street, Tulsa, Oklahoma, 74137, attorney, represented American Staff Corporation. This corporation is a neighbor to the subject property on the south on the same side of the street. They object to the application, stating the proposed building is too large for the lot. The land coverage would be almost 10% more than the code allows. He stated there is nothing unique about the subject property. He noted the narrow residential streets with severe bar ditches for drainage, not suited for any more than residential traffic. They also protest regarding the variance approved in the 1980's. It was granted because of a small existing building. He stated his client believes they need to build 100 ft. from the curb to align with the neighboring properties. He did not hear any hardship stated by the application. He compared this case to the Ice Hockey Rink in the same area.

**Applicant's Rebuttal:**

Mr. Bodeen stated that the hardship is that when pursuing a rezoning of the subject property they were requested to zone corridor. He asked if commercial zoning was an option. He added that they would be improving sight distance along Mingo by moving their building farther back from the street and lowering the building. He indicated that the building proposed will be setback over 100 ft. from the centerline of Mingo Road.

Mr. Alberty addressed the recommendation, stating it was based on what the Comprehensive Plan called for in this area. The Plan designates the properties in this area on either side of the Mingo Valley Expressway to a half-mile depth as corridor. This is a unique situation in that the corridor as written in 1975 anticipated large areas coming in under a corridor development. Although this proposed use did not fit the original intent, corridor zoning is all that staff could recommend. If he had applied for anything other than corridor zoning it would have been recommended for denial. This does not mean that would have been the final decision of the City Council. It just did not match what was called for in the Comprehensive Plan. There is no guarantee that this project could comply with the condition of a corridor zoning requirement. It is incumbent upon the applicant to justify the hardship or any relief he needs.

Ms. Stead asked if they had considered other ways to build on the property without the variances. Mr. Bodeen replied that the architect offered some plans but all of them required variances to some degree. Mr. Bodeen requested a continuance to revisit the site plan.

**Board Action:**

On **Motion of White**, the Board voted 4-0-1 (White, Van De Wiele, Stead, Tidwell "aye"; no "nays"; Henke "abstained"; no "absences") to **CONTINUE** Case No. 21018 to the meeting on January 26, 2010, on the following described property:

The south 79 feet of the west 236 feet of lot 5, block 4, and the east 335 feet of the west 571 feet of lot 5, block 4, Union Gardens Addition, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 21019**

**Action Requested:**

Verification of the spacing requirements for proposed adult entertainment establishments in the CBD district from an R district, church, school, or park (Section 1212.a.C.3), located: Southeast corner of Cheyenne Avenue and West 2<sup>nd</sup> Street.

**Presentation:**

**Shelby Navarro**, 418 South Peoria, stated they are verifying the spacing for the establishments they will have on the subject property. They will serve alcohol and one establishment will be for customers 21 years of age or older. They will be using one front door, but the spacing verification provides for both front doors on the Cheyenne Street side.

**Interested Parties:**

**Roger Cape**, 115 West 3<sup>rd</sup> Street, Tulsa, Oklahoma, was concerned that the spacing did not meet the requirement for a sexually oriented business.

**Comments and Questions:**

Ms. Stead informed him that it is not a sexually oriented business.

**Board Action:**

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** a Verification of the spacing requirements for proposed adult entertainment establishments in the CBD district from an R district, church, school, or park (Section 1212.a.C.3), based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing for the proposed adult entertainment establishment subject to the action of the Board being void should another adult entertainment establishment or other conflicting use be established prior to the expansion of this adult entertainment establishment, on the following described property:

LTS 7 & 8, BLK 103, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 21020**

**Action Requested:**

Variance of the side yard requirement in an RS-3 district from 5 ft. to 3.1 ft. to permit a garage addition (Section 403), located: 1045 East 34<sup>th</sup> Street South.

**Presentation:**

**Roy and Cynthia Steverson**, 204 East 21<sup>st</sup> Street, Tulsa, Oklahoma, 74114, proposed to upgrade the subject property (Exhibit F-1). Mr. Steverson stated they want to help improve these older properties instead of tearing them down and keep the character. Ms. Steverson added there will be a two-car garage, which is moved forward, and will be in compliance with the ordinance for the required front yard.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the side yard requirement in an RS-3 district from 5 ft. to 3.1 ft. to permit a garage addition (Section 403), per the plan submitted today, finding this small lot containing only 9,240 sq. ft. platted years before the zoning code did not anticipate today's cars or the use of multiple cars for one family; in order to improve not only this house but the neighborhood the Board found that the removal of the existing carport will achieve a beautification and these are exceptional conditions and circumstances peculiar to the land, structure or building involved, which was probably platted about 1945 – 1950, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

E66 LT 25 BLK 1, BURGESS ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18846-A**

**Action Requested:**

Amendment to a previously approved site plan (BOA-17666 and BOA-18846) for an inpatient/outpatient rehabilitation hospital to permit the addition of 24 beds at Brookhaven Hospital, located: 201 South Garnett Road.

**Presentation:**

**Roy Johnsen**, 1 West 3<sup>rd</sup>, Suite 1010, Williams Tower I, Tulsa, Oklahoma, 74103, attorney, represented Brook Haven Hospital. It has been located on the subject property since 1982. In 1997 the Board of Adjustment approved a special exception to permit an existing in-patient/out-patient rehabilitation hospital (Use Unit 2). There was a condition that if it was to be enlarged the applicant would need to come back to this Board for a modification of the site plan. They had a certificate of need for 40 beds and have received one for an additional 24 beds. They propose to add approximately 10,200 sq. ft. of floor area to accommodate the extra 24 beds. The addition would be an extension of the existing building to the east. They have acquired a number of properties around the subject property and have improved the area substantially. The property is zoned CS, as is the property to the north and south. To the east is Kerr Elementary, zoned RS-3, and the applicant will comply with the setback requirement. The applicant is not seeking any other variance. He informed the Board that Wagon Wheel Neighborhood Association sent a letter of support (Exhibit H-1).

**Roth Gainer**, the CEO of Brookhaven Hospital was present.

**Comments and Questions:**

Ms. Stead asked if the construction staging area to the south is a paved lot. Mr. Johnsen stated it is paved.

**Interested Parties:**

**Nancy Crayton**, 245 South 120<sup>th</sup> East Avenue, Tulsa, Oklahoma, was fully in support. She stated the hospital has been a wonderful neighbor. They have partnered with the neighborhood to improve the area.

**Jim Mautino**, City Councilor, District 6, stated he spoke with Mr. Gainer, with other neighbors and association leadership. They are in support of this application.

**Applicant's Rebuttal:**

Mr. Johnsen wanted to be sure that the numbers regarding the increased size of the hospital are in the record. The addition would be 10,200 sq. ft. to the existing building. The total square footage will be 30,340 sq. ft. and the total number of beds will be 64.

**Board Action:**

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Amendment to a previously approved site plan (BOA-17666 and BOA-18846) for an inpatient/outpatient rehabilitation hospital to permit the addition of 24 beds at Brookhaven Hospital, located at 201 South Garnett Road; this will increase the bed capacity by 24 or 10,200 sq. ft. added to the 40-bed capacity already existing, giving a total of 64-beds or a total of 30,340 sq. ft.; finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to

the neighborhood or otherwise detrimental to the public welfare on the following described property:

Part of Lot One (1)/ Block One (1) WESTERN VILLAGE HEIGHTS, an addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to wit: BEGINNING at the Northwest corner of Lot 1, thence South 89° 53' 00" East 680 feet to the Northeast corner of Lot 1; thence South 9° 34' 38" West along the East line of Lot 1/ Block 1 226.74 feet; thence North 89° 53' 00" West 360.25 feet; thence due South 147.74 feet; thence North 89° 53' 00" West 282.02 feet; thence due North 371.50 feet to the point of beginning.

\* \* \* \* \*

There being no further business, the meeting adjourned at 2:58 p.m.

Date approved: 1/26/10

Frank X. H. W.

Chair