

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1020
Tuesday, March 9, 2010, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

**MEMBERS
PRESENT**

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

**MEMBERS
ABSENT**

None

**STAFF
PRESENT**

Alberty
Cuthbertson
Zezulka

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Tuesday, March 2, 2010, at 2:39 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.

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

MINUTES

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the **Amended Minutes** of February 9, 2010 (No. 1018).

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the **Minutes** of February 23, 2010 (No. 1019).

Case No. 19859-A

Action Requested:

Minor Special Exception to amend conditions of a previous approval to modify the height and style of a fence on the Admiral side of the property.

Comments and Questions:

Mr. Henke suggested that since the applicant was not present the Board would move to Item No. 3 on the agenda; and hear the applicant upon arrival.

Case No. 21028-A

Action Requested:

Amendment to a previously approved plan to permit a reconfigured lot.
Location: 2112 N. 129th E. Ave.

Presentation:

Lou Reynolds, 2727 E. 21st St., Tulsa, Oklahoma 74114; the purpose for this application is to reconfigure Tract B and add the panhandle going back to the east. The reason for the panhandle is that adjacent to the far east boundary, sanitary sewer has been installed. The reconfiguration will allow Tract B to connect to the sanitary service.

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") to **Approve** the amendment to a previously approved plan to permit a reconfigured lot. Finding that the reconfiguration provides for the use of sanitary service, subject to plan pages 3.5, 3.6, 3.7, finding otherwise would cause 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.

Case No. 21032

Action Requested:

Variance of the maximum number of signs permitted in the OM district (Section 602.B.4); and a Variance of the maximum permitted display surface area for signage in the OM district from 150 sq. ft. (Section 602.B.4.c) to permit two wall signs on an existing building. Location: 6846 S. Canton Ave.

Presentation:

James Adair, 7508 E. 77th St., Tulsa, Oklahoma 74113; representing Explorer Pipeline. His client is asking for a variance to place two wall signs on the top of the building. The office/PUD zoning only permits one sign on the property. The tenant has received property owner's approval since the tenant occupies the majority of the building to identify the building as Explorer Pipeline. The applicant requests that a

sign be placed on the southeast Corner facing 71st St., and a sign be placed on the west elevation facing Yale Avenue. The signs are direct illumination that is not backlighted. The sign letters will contain LEDs, which remain solid.

Comments and Questions:

Ms. Stead asked what type of illumination if any will these signs contain. Mr. Adair replied the signs are direct illumination that is not backlighted. The sign letters will contain LEDs, which remain solid.

Mr. Tidwell verified that LEDs are inside the letters. Mr. Tidwell asked what percentage of the building Explorer Pipeline occupies. **Todd Gola**, (tenant, Explorer Pipeline) 9901 S. 98th East Avenue, Tulsa Oklahoma 74133; explained Explorer occupies two of the larger floors. Mr. Adair identified other properties in the surrounding area that contain similar signage.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions) to **Approve** a variance of the maximum number of signs permitted in the OM district (Section 602.B.4); and Variance of the maximum permitted display surface area for signage in the OM district from 150 sq. ft. (Section 602.B.4.c) to permit two wall signs on an existing building. Finding The Tract is over 174,000 square feet contains an unusually shaped building and its placement makes it necessary for additional signage. The height at which they will be placed will minimally affect the surrounding area. In addition, both signs are set back over 80 feet from the nearest property line. The Board makes this subject to plan pages 4.6, 4.7, 4.8, 4.9, 4.10 and TMAPC approval since this property contains a PUD overlay. In granting this variance, the Board finds that since 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.

Mr. Cuthbertson notified the Board at 1:20 p.m., that the applicant for Case No.19859-A had arrived.

Case No. 19859-A

Action Requested:

Minor Special Exception to amend conditions of a previous approval to modify the height and style of a fence on the Admiral side of the property.
Location: 8235 E. Admiral Place.

Presentation:

Alexander Herrera, 11011 E. 117th Street N., Bartlesville, Oklahoma 74021 applicant is requesting a change in fence height for protection from theft.

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") to **Approve** a minor Special Exception to amend conditions of a previous approval to modify the height and style of a fence on the Admiral side of the property, finding the fence shall be limited to six feet in height and constructed in the open wrought iron style. The Board finds that the special exception will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

Case No. 21033

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).
Location: 146 S. Sheridan Rd.

Presentation:

Mohammad Ahmadian, 1889 105th E. Ave., Tulsa, Oklahoma 74116 applicant and sign contractor representing the church requested a 3 sq. ft. by 8 sq. ft., LED sign addition to the marquee sign on the property. Ms. Stead requested that the applicant apply for a permit prior to constructing a sign for the next client.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions") 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), finding this location to be surrounded by commercial uses, the residential to the west is actually a school use and there are other LED signs in the area. This variance is limited to "no flashing" or

"rolling" of the sign, which can only scroll left-to-right or right-to-left. 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.

Case No. 21034

Action Requested:

Special Exception to permit a Tulsa City-County Health Department (North Regional Health and Wellness Center) Use Unit 2 use in an AG district (Section 301).

Location: N. of the NE/c of E. 56th St. N. and Cincinnati Ave.

Presentation:

Roy Johnsen, 1 West Third, Suite 1010, Tulsa, Oklahoma; appeared on behalf of the Tulsa City-County Health Department with a proposal for a facility to be known as the North Regional Health and Wellness Center. The subject property is owned by Tulsa County. It was conveyed to the County in 1974. Subject property currently has a park, a path and some playground equipment. The health facility is proposed for the north 6-acres of the 12-acre tract. In addition, the applicant is working toward a lease agreement for the north 6.2 acres with the Tulsa Industrial Authority. Submitted with the application is a narrative and statistical summary, the applicant describes the square footage of the building at 48,000; one-story facility with a maximum building height of 26 feet; minimum building setbacks; and a minimum landscaping area of 35 percent. Applicant submitted a revised site plan allowing for sidewalks. Applicant plans to place a 6-foot fence along the north boundary, with parking of one space per 262 sq. ft. of floor area. Applicant requested that the site plan be considered as conceptual and that modification may occur if the "statistical standards" are met. Access to the site is limited to Cincinnati Avenue.

Interested Parties:

Terry McGee, 1436 N. Norfolk Avenue, Tulsa, Oklahoma 74106; asked why the Applicant is only fencing on the north and not the east, as well the type of materials That will be used for fencing. Mr. McGee supports the project.

Comments and Questions:

Mr. Van De Wiele asked if the "statistical standards" are including in the areas indicated for expansion per the site plan submitted today. Applicant indicated that the "statistical standards" included the expansion.

Ms. Stead responded the fencing is not necessary on the east side because it has a setback well over 50 feet. Applicant is proposing a six-foot fence on the north, should they expand within 50 feet of the residential area to the north.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions") to **Approve** a Special Exception to permit a Tulsa City-County Health Department (North Regional Health and Wellness Center) Use Unit 2 use in an AG district (Section 301). Findings are subject to the narrative on page 6.5 of the plan, as well as the statistical summary page 6.7. The site plan submitted today as "Exhibit B" is conceptual in nature and will provide for minor variations. Exhibit B indicates a proposed six-foot screening fence on the north side and sidewalks along Cincinnati Avenue. It shall also be noted that any lighting constructed will be pointed downward and away from residential areas. In granting this special exception the Board finds it would be in harmony and in spirit and intent of the Code and not injurious to the neighborhood or otherwise detrimental to the public welfare.

Case No. 21035

Action Requested:

Variance of the signage requirements in an RM district (Section 4023.B.4), to permit a 32 sq. ft. ground sign and a 63 sq. ft. wall sign for a banking facility.
Location: 4110 S. Rockford Ave.

Presentation:

Lou Reynolds, 2727 E. 21st St., Tulsa, Oklahoma 74114; the purpose of the application is to provide for two signs: (1) a monument sign; and (2), a wall sign for a bank. The monument sign would be 28 sq. ft. wide and eight feet in height designed to match the building and built 35 feet from 41st St. In addition, the applicant is asking for a wall sign that is 63 sq. ft. on the north side of the building, facing east 41st Street. It's approximately 85 feet from 41st Street. The project is unusual as the underlying zoning is RM with a special exception to allow OM use in an RM area.

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") to **Approve** a Variance of the signage requirements in an RM district (Section 4023.B.4), to permit a 32 sq. ft. ground sign and a 63 sq. ft. wall sign for a banking facility, finding that there is ambiguity between the underlying zoning and the use, which is strictly commercial; that there are extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved so that 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. The Board makes this subject to plan pages 7.6, 7.7, 7.8.

Case No. 21036

Action Requested:

Special Exception to permit a coffee roasting use (Use Unit 25) in the CH district (Section 701); and a Variance of the parking requirement to permit a coffee roasting use in an existing commercial building (Section 1225).

Location: 1229 E. Admiral Blvd.

Presentation:

Steve Schuller, 100 West 5th Street, Tulsa, Oklahoma 74103; on behalf of Gaberino Distributing Company. This exception is being asked for to permit coffee roasting in a CH district under "Use Unit 25." This client plans to use the property as a roasting and distribution center. As per plan on page 8.6 illustrates, the roasting area is a very small area in respect to the rest of the uses. Coffee roasting is not the principal use of the space. If there is expansion in the future, it will not necessarily be in coffee roasting. It will not be injurious to the neighborhood or otherwise detrimental to the public. The area is mostly industrial with some commercial properties. The property covers the entire lot; therefore, there is no off- street parking on this lot, which will require limited use. However, there is adequate street parking. His client is purchasing the property. Currently, there is a tenant in the front portion of the property.

Interested Parties:

Robert Largo, 18 N. Peoria, Tulsa, Oklahoma 74120, voiced his concern about parking on the north side of the property in the alley. There are businesses abutting the alley that receive deliveries; if cars are parked in the alley businesses have problems with deliveries. Mr. Largo supports the applicant.

Comments and Questions:

Ms. Stead stated that the property covers lots 33 and 34 of a block and questioned the size of the lots. Mr. Schuller responded the lots are 25-foot wide on a 50-foot wide tract of land. Ms. Stead asked how many employees would be working at this location. Mr. Schuller responded that at most two to three employees would be at one time. Mr. Tidwell stated the applicant is purchasing the entire property but will occupy the north end of the property. Ms. Stead requested limiting the "Use Unit 25" to coffee roasting only.

Mr. Boulden asked Mr. Schuller, to speak to the fumes of coffee roasting and how the property will be vented. Mr. Schuller responded that the coffee roaster would be vented through the roof. The fumes dissipate quickly and the fumes are not noxious.

Discussion followed between the Board and Mr. Largo regarding the possible alternatives to help with the parking issues.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions") to **Approve** a Special Exception to permit a coffee roasting use (Use Unit 25) in the CH district (Section 701); and a Variance of the parking requirement to permit a coffee roasting use in an existing commercial building (Section 1225). This approval is condition that coffee roasting **only** under "Use Unit 25." This district was industrially developed in 1930 and provided no parking. That the number of employees for this business will be minimal, the building covers all of lots 33 and 34, which are 25-foot lots, essentially covering all the property area. In granting this variance the Board finds 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 variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, and in granting the special exception for the coffee roasting, the Board finds that it would be in harmony with the spirit and intent of the code; it will not be injurious to the neighborhood or a detriment to the public welfare.

There being no further business, the meeting adjourned at 2:17 p.m.

Date approved: 3/23/10

Frank N. Henke, III

Chair