

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 1030  
Tuesday, August 10, 2010, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

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

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Tuesday, August 3, 2010, at 8:06 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.

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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 (Henke, Stead, Tidwell, White, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the **Minutes** of July 27, 2010 (No. 1029).

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**UNFINISHED BUSINESS**

**Case No. 21113-Tulsa Engineering and Planning**

**Action Requested:**

Special Exception to permit nursing home use (Use Unit 2) in an RS-1 district (Section 401). **Location:** 9415 South Yale Avenue

This case was withdrawn per the applicant's request.

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Mr. Henke asked if there were any requests for continuance. Mr. Cuthbertson responded that there was one request for continuance.

**Case No. 21115-William LaFortune**

**Action Requested:**

Variance of the 300 ft. spacing requirement for an Adult Entertainment Establishment (Use Unit 12a – night club) from another Adult Entertainment Establishment (Use Unit 12a – bar); and a Verification of the spacing requirement for an Adult Entertainment Establishment of 300 ft. from a church, school, or park and 50 ft. from an R district (Section 1212a.C.3); to permit an expansion of an existing Adult Entertainment Establishment. **Location:** 725 & 727 N. Sheridan Road E.

Mr. Cuthbertson informed the Board that the applicant asked for a continuance to the August 24, 2010 hearing to allow for an additional notice, and that notice has been sent out.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **CONTINUE** the request in case No. 21115 to the August 24, 2010 Board of Adjustment meeting; for the following described property:

**LOTS 1 & 2, Blk 1, WALTER SQUARE ADDN RESUB L1-24 NORTHEAST CENTER ADDN**

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**Case No. 21086-Kim Wathen**

**Action Requested:**

Variance of the maximum permitted floor area for detached accessory buildings in the RS-2 district (Section 402.B.1.d); and Variance of the 30 ft. of frontage required on a public street to permit a lot to be used for residential purposes (Section 206); to permit an existing dwelling and detached building(s). **Location:** 1502 South 133<sup>rd</sup> East Avenue

**Presentation:**

The applicant was not present.

**Interested Parties:**

**Councilman James Mautino**, 14628 East 12<sup>th</sup> Street, Tulsa, OK; was before the Board to ask that the 20+ dogs in kennels that Mr. Wathen has on the property be taken care

of. Mr. Mautino informed the Board that Mr. Wathen had promised to remove the animals and take down the kennels but as of today it does not look like it has been done.

**Comments and Questions:**

Ms. Stead stated she had been by the property on two separate occasions and had not seen any dogs in the kennels either time.

Ms. Stead stated the applicant needed a lot combination to be legal with a 30 ft. frontage, and did not know how long the Board could continue to postpone this hearing.

Mr. Cuthbertson informed the Board the applicant had come into the office the day before this hearing, and attempted to apply for a lot combination. Mr. Cuthbertson asked Mr. Wathen if he had been to the permit office to resolve the square footage issues and Mr. Wathen had not.

Mr. White told Councilman Mautino that in the previous hearing Mr. Wathen was granted a continuance because the property legal description showed there was no legal access to the property; the driveway going to the house is on the Harvey Young Airport property. The Board requires a lot combination for the property to the north, where the kennels are located, to have legal access to the property.

The Board discussed further continuance of the application, however, determined that the applicant had been provided plenty of opportunity to resolve the issues and that no further continuances should be granted.

**Board Action:**

On **MOTION** of **WHITE** the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **DENY** without prejudice the request in Case No. 21086 the **Variance** of the maximum permitted floor area for detached accessory buildings in the RS-2 district (Section 402.B.1.d); and **Variance** of the 30 ft. of frontage required on a public street to permit a lot to be used for residential purposes (Section 206); to permit an existing dwelling and detached building(s) due to the requested paperwork and processing has not been accomplished in a reasonable length of time; for the following property:

**BEG NEC NW SW TH W322.5 S660 E322.5 N660 POB SEC 9 19 14**

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**Case No. 21104-AMAX Sign Company**

**Action Requested:**

**Variance** of the maximum display surface area permitted for wall signs in a PUD from 2 sq. ft. (Section 1103.B.2.a); and a **Variance** to permit roof signs on a building in a PUD (Section 1103.B.2.b.1) **Location:** 6716 South 104<sup>th</sup> East Avenue



**Presentation:**

**Brian Ward**, 9520 East 55<sup>th</sup> Place, Tulsa, OK; was before the Board requesting a variance for two roof signs, and a variance for a display surface. Mr. Ward stated that both type signs are branding requirements by ALOFT Hotels. The roof sign had been approved previously but the language was not correct.

Mr. White asked Mr. Ward if the sign configuration was a corporate requirement, and Mr. Ward confirmed it was and that he had brought photographs of other hotels that had the same type signage in place but those hotels were not located in Tulsa.

The Board asked Mr. Ward where the ALOFT letters were attached; Mr. Ward stated the letters were attached atop the parapet. He determined the variance of the display surface area for the sign area on the porte-cochere structure.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Ms. Stead stated that according to the zoning code Section 1221.C.11, page 12-35, a wall or projecting sign shall not extend above the top of the parapet or building wall provided where the height of the parapet or building wall or architectural features will not permit a wall sign it may then extend 3 ft. above the parapet or building wall. This paragraph indicates there may be circumstances or architectural features that have been considered for such signs.

**Board Action:**

On **MOTION** of **STEAD** the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** the **Variance** of the maximum display surface area permitted for wall signs in a PUD from 2 sq. ft. (Section 1103.B.2.a); and a **Variance** to permit roof signs on a building in a PUD (Section 1103.B.2.b.1). The Board has found that the structure which is located in the midst of other corridor and/or commercial areas is difficult to locate; traveling on the nearest freeway the roof signs applied for would greatly enhance the ability to locate the facility. That with the approval by the Board of Adjustment the applicant will amend the PUD as required by Tulsa ordinances. The Board has found that there are extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, subject to conceptual plans as submitted by the applicant; for the following property:

**LT 4 BLK 1, HOME CENTER AMD RESUB L1B1 HOME CENTER**

\* \* \* \* \*

**Case No. 21120-Big Time Billboards, LLC**

**Action Requested:**

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **Location:** 10810 East 45<sup>th</sup> Street South

**Presentation:**

The applicant was not present.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **ACCEPT** the applicant's Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another digital outdoor advertising sign facing the same traveled way (Section 1221.G.10), subject to the action of the Board being void should another digital outdoor advertising sign facing the same traveled way be constructed prior to this sign; for the following property:

**PRT LTS 2 & 3 BEG 284.94NW SECR LT 2 TH NE365.88 NWLY35 NE110 NW71.76  
TH CRV RT 78.54 NE132.06 NW92 SW21.10 TH CRV LF 189.56 W10 TH CRV RT  
177.93 NW135.27 SW250.67 SE853.79 POB BLK 2,TOWNE CENTRE II**

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**NEW APPLICATIONS**

**Case No. 21118-LaTonya Norman**

**Action Requested:**

Special Exception to permit a child care center (Use Unit 5) in an OL district (Section 601). **Location:** 5136 East 21<sup>st</sup> Street South

**Presentation:**

**LaTonya Norman**, 3550 South Toledo Place, Tulsa, OK; no presentation was made.

**Interested Parties:**

**Arlie Curry**, 5220 East 20<sup>th</sup> Street, Tulsa, OK; Mr. Curry stated he had a concern for the traffic in the area. The expansion of the Fairgrounds has brought in more commercial facilities which has increased the traffic flow, and where the driveway for the child care



is located would create a hazard for cars trying to turn left especially at peak times in the day.

Ms. Stead reminded Mr. Curry that the area in question was zoned office light not residential, and Mr. Curry stated he understood.

**Rebuttal:**

Ms. Norman came forward and stated the area already had a heavy traffic flow and that the additional few cars added by her business would not cause a concern or problem, because the parents do not all come in and leave at the same time.

The Board asked Ms. Norman about the arrival and departure of the patrons. Ms. Norman stated the parents are required to bring the children into the building, sign them in on arrival and sign them out on departure.

**Comments and Questions:**

Ms. Stead asked the applicant if she planned to live in the facility, and Ms. Norman stated no.

Ms. Stead questioned the parking spaces diagram for a possibility of ten employees, and Ms. Norman stated there would be two shifts but not ten employees per shift. Ms. Norman stated she plans to stay open until midnight to service clients who work late.

Ms. Stead asked if the facility was going to have a bus for field trips, and Ms. Norman stated there would be no children transported by her facility.

Ms. Stead questioned whether the applicant was purchasing or leasing the facility and Ms. Norman stated she was leasing. Ms. Stead stated that if the Board were to approve this application the approval might be limited to a number of years to be compatible with the lease because a Special Exception is in perpetuity and the Board would want to restrict it to child care and not any other uses under Use Unit 5; because there are many other uses that could be applied there.

The Board asked Ms. Norman about the length of her lease, and she stated it was for three years, and it is under negotiation because she wanted to present her application to the Board of Adjustment before signing the lease.

**Board Action:**

On **MOTION of STEAD**, the Board voted 4-1-0 (Henke, Stead, Van De Wiele, "aye"; Tidwell "nay"; no "abstentions") to **APPROVE** the Special Exception to permit a child care center (Use Unit 5) in an OL district (Section 601). This approval is for a term of three years from today's date, August 10, 2010. The existing wood fence separating the subject property from the single family dwelling located south shall be maintained in good condition. This approval is limited to a child care learning facility only and does not permit other Use Unit 5 businesses or activities; 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 5 BLK 6, GRACEMONT THIRD B5-6**

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**Case No. 21122-Sisemore, Weisz, & Associates**

**Action Requested:**

Amendment to a previously approved site plan for an elementary school in an R district to permit building additions and site improvements. **Location:** SW/c of South Yorktown Avenue and East 61<sup>st</sup> Street

**Presentation:**

**Darren Ackerman**, Sisemore, Weisz, & Associates, 6111 East 32<sup>nd</sup> Place, Tulsa, OK; represented the school that is proposing to build an addition to the school property. Mr. Ackerman stated the proposed site plan is on page 8.5 in the agenda packet as submitted to INCOG. A major change is along East 61<sup>st</sup> Street on the northern side of the property there will be a linear parking lot area that does not have a separation which will be good to keep traffic flow limited in the parking lot and will allow a bus lane in the easterly and westerly parking lot. This plan was before the Board in January for the Early Child Learning Center which is on the southern side of the site and south of this proposal.

**Interested Parties:**

**David George**, 6213 South Yorktown Place, Tulsa, OK; he stated that his concern is the children because there are two culverts, one on each side of the street (South Yorktown Avenue), and there is no place to walk which causes the children to walk in the street. He would like to have the proposal include the reconfiguration of the street including the culverts.

Ms. Stead asked Mr. Alberty if the Board of Adjustment has the authority to address street issues. Mr. Alberty stated that streets are a Public Works issue, and that Mr. George did bring up a good issue.

Mr. Ackerman stated his firm has looked at the circulation issues along Yorktown; on East 61<sup>st</sup> Street there are frontage roads. The firm also has a contract to perform civil plans for the widening of 61<sup>st</sup> Street with left turn lanes at 61<sup>st</sup> and Yorktown, with that there will be a storm system and an actual sidewalk along the full frontage of 61<sup>st</sup> which takes care of the north side.

**Dick Broadland**, 6208 South Victoria Avenue, Tulsa, OK; stated he was worried about flooding until he heard what Mr. Ackerman's firm had planned.



**Hans Christensen**, 6237 South Utica, Tulsa, OK; owns property at 6137 South Victor and he was concerned about flooding in the area.

The Board stated they cannot address flooding problems. Mr. Cuthbertson directed Mr. Christensen to the Development Services Department to speak with Mr. David Steele.

**Laura Kopsky**, 6205 South Victor, Tulsa, OK; stated she was concerned with flood issues and standing water. Again, the Board directed her to speak with Mr. David Steele in the Development Services Department.

Mr. Ackerman said that if he and his firm as an engineering and architectural firm did not address the storm water matters they would be amiss, but they are going to address these issues with the City of Tulsa Stormwater staff.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** an Amendment to a previously approved site plan for an elementary school in an R district to permit building additions and site improvements; finding the amendment 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, and is to be consistent with the original plans previously submitted; per conceptual plan 8.5; for the following property:

BEING A PART OF THE E/2, NW/4, NE/4 OF SEC. 6, T-18-N, R-13-E, TULSA COUNTY, OKLAHOMA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF THE W/2 OF THE NW/4, NE/4 OF SAID SEC. 6, THENCE SOUTH A DISTANCE OF 1309.69' TO A POINT, SAID POINT BEING THE SE CORNER OF THE W/2 OF THE NW/4, NE/4 AFORESAID; THENCE EAST ALONG THE SOUTH LINE OF THE E/2, NW/4, NE/4 A DISTANCE OF 510.05' TO A POINT, SAID POINT BEING ON THE WEST BOUNDARY LINE OF PECAN ACRES ADDITION, FILED OF RECORD JUNE 27, 1946, AND BEING PLAT NO. 1288; THENCE NORTH ALONG THE WEST BOUNDARY LINE OF PECAN ACRES A DISTANCE OF 1307.47' TO A POINT, SAID POINT BEING THE NW CORNER OF PECAN ACRES AFORESAID; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 510.00' TO THE POINT OF BEGINNING, CONTAINING 15.321 ACRES MORE OR LESS; CITY OF TULSA, TULSA COUNTY, OKLAHOMA

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**Case No. 20248-B-DeShazo, Tang & Associates**

**Action Requested:**

Amendment to a previously approved site plan for an approved school and athletic facility use. **Location:** 8621 South Memorial Drive



**Presentation:**

**Nicole Watts**, DeShazo, Tang, & Associates, 10830 East 45<sup>th</sup> Street, Suite 302, Tulsa, OK; stated she is presenting a revised site plan for a school and athletic facility. The previous plan had been approved by the Board in October 2008. Since the first approval they have gone through Engineering approval, through Development Services approval, and there have been revisions made due to the floor plan per the Public Works Director Mr. Hart to reduce the parking spaces east of the creek against the planned stadium. Because of the parking space reduction the football stadium capacity has been reduced to offset the lost parking spaces.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** the amendment to a previously approved site plan for an approved school and athletic facility use; it appears the proposed revised site plan 9.8 remains compatible with the intent and spirit of the original Special Exception and Variance request. The new site plan maintains the same facilities proposed previously except the City of Tulsa requires there be no public parking east of the creek, and shifts onsite parking around other areas of the school. The football stadium spectator capacity has been reduced from 1,356 seats to 1,017 seats. Other conditions of Case No. 20248 and Case No. 20248-A still apply; for the following property:

**LT 1, BLK 1, HIGHER DIMENSIONS**

\* \* \* \* \*

**Case No. 21124-Hawley and Company, Inc.**

**Action Requested:**

Variance of the parking requirement (Section 1211, 1214, 1215, 1223) to permit an addition to an existing furniture design company. **Location:** 702 South Utica Avenue

Mr. Henke recused himself from this case and stepped down from the bench.

**Presentation:**

**Mark Hawley**, 2332 South Evanston, Tulsa, OK; was before the Board to ask for less parking for his firm in order to permit an addition to his building.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Ms. Stead asked Mr. Hawley about the customers that visit his company and Mr. Hawley stated they rarely have customers come to the building.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the parking requirement (Section 1211, 1214, 1215, 1223) to permit an addition to an existing furniture design company. This approval is limited to the furniture design industry only, and is per conceptual plan 10.6. The Board finds the Tulsa Comprehensive Plan designates this area an area of growth and part of the Pearl District where a general agreement exists; that development is beneficial. The Board finds this furniture design company's expansion is in accordance with Tulsa's comprehensive plan and that these circumstances 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 described property:

**LTS 5 THRU 8 BLK 1, NICHOL'S RESUB L1-6 B1 PARK DALE ADDN**

Mr. Henke entered the room and took his seat on the bench.

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**Case No. 21125-Roy Johnsen****Action Requested:**

Variance of the parking requirement for a mixed use commercial building (Section 1211-14) from 63 required parking spaces to 59 existing parking spaces. **Location:** SW/c of South Yorktown Avenue and East 81<sup>st</sup> Street

**Presentation:**

**Roy Johnsen**, Williams Tower One, One West 3<sup>rd</sup> Street, Suite 1010, Tulsa, OK; Mr. Johnsen represented Riverbend Self Storage, LLC. Mr. Johnsen stated the facility is a new building and there are 59 parking spaces currently. The mini-storage is on the second level and the office for the mini-storage is on the first level. The prompt for this application is the new tenant Subway has signed a lease pending on the variance of parking. There is a pending transaction with a pick-up cleaner, and they will have a window on the west end of the building for the pick-up service. South Yorktown is in



close proximity to the subject property and can be used for off-site parking because it is 36 ft. wide and is rarely used for parking because of its arrangement; there is a driveway leading into the shopping center that is located east; there are no other driveways leading off Yorktown in the area. The property is a PUD and the building was built slightly smaller than the approved site plan. The site plan allowed for a tenant mix of mini-storage and retail but did not take into account eating establishments. When the site plan was recalculated there were less parking spaces needed, and that is the reason for the application.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Ms. Stead asked Mr. Johnsen what restaurant was being referred to in the staff comments, and he stated it was the Wing Stop; it is classified as an eating establishment per code.

Ms. Stead asked Mr. Johnsen what the hours of operation were for the various businesses in the center. Mr. Johnsen provided them.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the parking requirement for a mixed use commercial building (Section 1211-14) from 63 required parking spaces to 59 existing parking spaces, noting that by reduction of the original plan only 62 parking spaces are required whereas 59 parking spaces are furnished. The Board finds according to the tenant list there should not be any one or two peak times that we believe the 59 parking spaces will be adequate. It is noted this property is in a PUD and the PUD will need to be amended; 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 described property:

**PRT L 1 BEG 29.85S NEC TH S124.56 TH ON CRV RT 46.57 W191.61 N200 E170.16  
TH ON CRV RT 46.97 POB BLK 1, RIVERBEND ADDN**

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## **Case No. 21126-Patricia Dicesare**

### **Action Requested:**

Special Exception to permit a manufactured home in an RS-3 district (Section 401); a Special Exception to permit the home permanently (Section 404.E.1); and a Variance to allow for a gravel parking surface (Section 1303.A.3). **Location:** 4504 North Trenton Avenue East

Ms. Stead stated she was going to abstain from this case.

### **Presentation:**

**Joseph Dicesare**, 1503 Overbrook Drive, Sand Springs, OK; stated he is the son of Patricia Dicesare and he is before the Board to help his mother. There is a trailer home east of the property so it would fit into the neighborhood.

Mr. Henke told Mr. Dicesare typically when this type of case comes before the Board for a decision the Board will set a time limitation on the request. This Board will be inclined to set a time limit on this request. Mr. Dicesare stated he understands but would like to request ten years.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

The Board asked Mr. Dicesare what he intended to do about the existing structures on the property, and he stated his plans were to clean up the land, tear down all the structures, and make the property look like a park.

Mr. Alberty stated that he had received a telephone call from Barbara Barnes, 4609 North Trenton Avenue, Tulsa, OK., and she expressed concerned about the application and that she was opposed to an approval of a mobile home. Her reasoning was that a mobile home would depreciate property values.

### **Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Tidwell, White, Van De Wiele, "aye"; no "nays"; Stead "abstain") to **APPROVE** the Special Exception to permit a manufactured home in an RS-3 district (Section 401); a Special Exception to permit the home for a time period of ten years (Section 404.E.1); and a Variance to allow for a gravel parking surface (Section 1303.A.3) with the conditions, as the applicant stated, the property will be cleaned up, the burned house and all evidence of the foundation be removed, two carports will be removed, and the old house to the north listed on Plan 12.6 will be removed. For the Variance 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 two Special Exceptions 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; per conceptual Plan 12.6; for the following property:

**E/2 E/2 NW NE NW & S330 OF W/2 E/2 NW NE NW SEC 18 20 13, NORTHRIDGE ADDN**

\* \* \* \* \*

### **Case 21127-Whistler Sign Company**

#### **Action Requested:**

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2). **Location:** 1541 West 71<sup>st</sup> Street

#### **Presentation:**

**Mike Joyce**, Michael Joyce Law Firm, 3227 East 31<sup>st</sup> Street, Suite 105, Tulsa, OK; stated he represents Whistler Sign Company, the applicant. Whistler Sign Company is seeking approval for a non-digital sign; the nearest board to the north is 8,390 ft. and the nearest billboard to the south is 7,293 ft. There is an existing billboard which Whistler Sign Company has on the west side of the subject tract. The subject tract was acquired by New Life Pentecostal Church in a settlement the congregation had with the Oklahoma Department of Transportation. With the new platting of the property the church would like to move the existing billboard due east, closer to the highway.

#### **Interested Parties:**

There were no interested parties present.

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

None.

#### **Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **ACCEPT** the applicant's verification of spacing to move an outdoor advertising sign on the same side of the highway subject of the action of the Board being void should another outdoor advertising sign be constructed prior to this sign on the same side of the highway with the condition that the existing sign shown on Exhibit 13.6 be removed prior to the proposed being built; for the following property:

BEG 340.35W & 113.96N SECR SW SW TH ELY91.41 NE309.24 NE156.52 N111.61  
W268.17 S546.20 TO POB SEC 2 18 12

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**Case No. 20879-A-East Tulsa Bible Chapel**

**Action Requested:**

Minor Special Excpetion to amend a previously approved site plan for an existing church. **Location:** 1215 South 135<sup>th</sup> Avenue East

**Presentation:**

**David Bench**, 6466 East 574 Road, Catoosa, OK; the church had a gym built this year and they will be extending a firewall as required by the City of Tulsa. The firewall extension triggered the need to come back before the Board to amend the plan.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nay"; no "abstentions") to **APPROVE** the Minor Special Exception to amend a previously approved site plan for an existing church; 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 and is in keeping with the previous plan approved; for the following described property:

**LTS 1 2 7 & 8 LESS PRT FOR STREET BEG NEC LT 1 TH S5 W629.95 S300 W5  
N305 E634.95 POB BLK 1, ROMOLAND**

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**OTHER BUSINESS:**

None.

**NEW BUSINESS:**

None.

**BOARD MEMBER COMMENTS:**

None.



There being no further business, the meeting adjourned at 2:40 p.m.

Date approved: 8/24/10

Frank X. Mc...  
Chair