

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center**  
**Tuesday, March 28, 2017, 1:00 P.M.**

**Meeting No. 1180**

**CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Approval of **Minutes** of March 14, 2017 (Meeting No. 1179).

**UNFINISHED BUSINESS**

None.

**NEW APPLICATIONS**

2. **22213—A-Max Sign Company – Lori Worthington**  
Variance to increase the permitted display surface area from 70 square feet to 88.7 square feet for a freestanding sign with a dynamic display in the OL District (Section 60.060-C). **LOCATION:** 4520 South Harvard Avenue East **(CD 9)**
3. **22214—It's All Good Construction – Mary Christian**  
Special Exception to permit a 720 square foot carport in the required street yard with a modification to increase the permitted height from 8 feet to 9 feet at the perimeter for a carport (Section 90.090-C). **LOCATION:** 536 South Zurich Avenue East **(CD 5)**
4. **22216—Eller & Detrich – Andrew Shank**  
Variance to allow 2 signs on the South Lewis Avenue frontage and to increase the allowable display surface area for signs from 150 square feet to 253.86 square feet along the South Lewis Avenue frontage; Variance to allow 2 signs on the East 81 Street South frontage and to increase the allowable display surface area for signs from 150 square feet to 606.86 square feet along the East 81 Street South frontage (Section 60.060-B&C). **LOCATION:** 2408 East 81<sup>st</sup> Street South **(CD 2)**
5. **22217—Kevin Braughton**  
Variance of the required Build-to Zone (BTZ) to permit a building setback of 91 feet; Variance of the minimum parking area street setback from 30 feet to 23 feet to permit an AT&T retail store in the CS/RDO-3 District (Section 20.050-C)

**LOCATION:** North of the NE/Corner of Riverside Parkway and South Delaware Avenue East (CD 2)

6. **22218—Crown Neon Signs – Gary Haynes**

Variance to permit a dynamic display sign to be located within 200 feet of an R District (Section 60.100-F). **LOCATION:** 585 North Memorial Drive East (CD 3)

7. **22219—Pat White**

Special Exception to allow a carport in the required street setback on an RS-3 zoned lot with a modification to allow the area of the carport to exceed 20' x 20' or 400 square feet (Section 90.090-C).. **LOCATION:** 3132 South Owasso Avenue East (CD 9)

8. **21265-B—Gregory S. Helms**

Amendment of a previously approved site plan (BOA-21265-A) to permit the construction of a bell tower (Section 70.120). **LOCATION:** 4901 South 177<sup>th</sup> Avenue East (CD 6)

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Website:** [www.cityoftulsa-boa.org](http://www.cityoftulsa-boa.org)

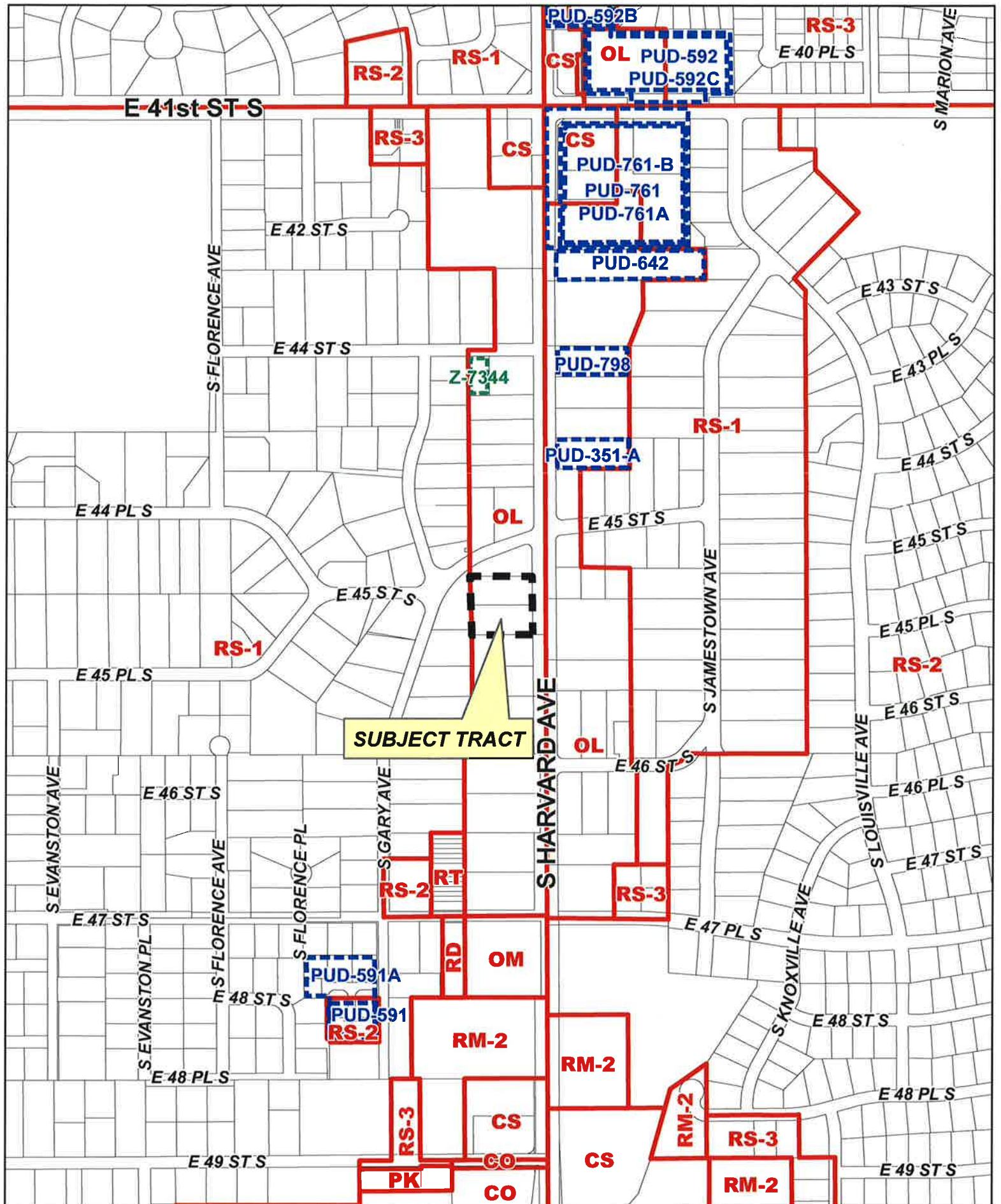
**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

CD = Council District

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. The ringing/sound on a cell phones and paggers must be turned off during the Board of Adjustment meeting.

**NOTE:** This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Office at (918) 584-7526, if you require an official posted agenda.

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BOA-22213

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9329

Case Number: **BOA-22213**

CZM: 47

CD: 9

A-P#: 414299

**HEARING DATE:** 03/28/2017 1:00 PM

**APPLICANT:** A-max Sign Company, Inc.

**ACTION REQUESTED:** Variance to increase the permitted display surface area from 70 sq. ft. to 88.7 sq. ft., for a freestanding sign with a dynamic display, in an OL district. (Section 60.060-C)

**LOCATION:** 4520 S Harvard Ave

**ZONED:** OL

**PRESENT USE:** Office

**TRACT SIZE:** 1.39 Acres

**LEGAL DESCRIPTION:** N. 1/2 OF LT 2 BLK 3; S117.6 LT 1 BLK 3, VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Site:**

**BOA 21813;** on 01.13.15 the Board **approved** a variance to increase the permitted display surface area of a ground from 47 square feet to 66.9 square feet to allow a ground sign.

### **Surrounding Properties:**

**BOA-21160;** on 11.9.10, the Board **approved** a variance of the maximum number of signs permitted in the OL district from 1 to 2; and a variance of the maximum permitted display surface area for a sign in the OL district from 32 SF to 100 SF. LOCATED: 4625 S HARVARD AVE

**BOA-17398;** on 6.11.96, the Board **approved** a variance of the maximum permitted display surface area for business signs from 32 SF to 68 SF in the OL district. LOCATED: 4564 S HARVARD AVE

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-Use Corridor" and an "Area of Growth".

**Mixed-Use Corridors** are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path

across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by OL zoning on the north and south; S Harvard Ave and OL zoning on the east; and RS-1 zoning on the west.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Variance** to increase the permitted display surface area from 70 SF to 88.7 SF in an OL district. The Applicant states the following as their hardship: *"The sign regulation in the OL is too restrictive. The current sign that has increased in size but customers are driving pass the office and missing the building entrance"*. During a site visit staff noted that there were no circumstances peculiar to the land, structure or building involved that made it difficult to locate the subject lot; the existing signage on the site is visible from the S Harvard Avenue.

Signs allowed in an OL district may not exceed 32 SF in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The subject property has frontage on S Harvard Ave that totals 235 lineal feet. A total sign display area of 70.5 SF is permitted. The location and scale of proposed signage is shown on the attached Plans and Elevations of the sign. The applicant is proposing to replace the existing ground sign with one 88.7 SF ground that includes a dynamic display.

Board history indicates that the Board has approved three Variances to increase the intensity of signage in the immediate area. The Code establishes limitations on signage in an attempt to preserve the low intensity character of the OL district. In addition, the OL district sign limitations were established with significant consideration for the City's general streetscape aesthetics.

**Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) a Variance to increase the permitted display surface area from 70 to 88.7 sq. ft., for a freestanding sign with a dynamic display, in an OL district. (Section 60.060-C)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

The Board finds that the following facts, favorable to the property owner, have been established:

*"a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*

- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1). **LOCATION:** 1445 South Carson Avenue (CD 4)

**Presentation:**

**Matt King**, King Architectural Solutions, 1513 East 15<sup>th</sup> Street, Tulsa, OK; stated that in light of several recent conversations with members of the neighborhood association he would ask for a continuance to allow him time to make a presentation to the neighborhood association.

**Interested Parties:**

There were several interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **CONTINUE** the request for a Variance to reduce the required side yard setback from 10 feet to 0 feet; Variance to reduce the setback from the centerline of 15th Street from 70 feet to 40 feet; Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1) to the Board of Adjustment meeting on February 24, 2015; for the following property:

**LT 36 BLK 2, CARLTON PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Henke left the meeting at 1:25 P.M.

**21813—A-MAX Sign Company – Lori Worthington**

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**Action Requested:**

Variance to increase the square footage from 47 square feet to 66.9 square feet to allow for a ground sign (Section 602.B.4). **LOCATION:** 4520 South Harvard Avenue (CD 9)

Mr. Henke re-entered the meeting at 1:28 P.M.

**Presentation:**

**Brian Ward**, 9520 East 55<sup>th</sup> Place, Tulsa, OK; stated there is an existing 47 square foot monument sign on the subject site, and since his initial site visit there has been an arched addition to the top increasing the sign to approximately 67 square feet. The

BOA-21813

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client now wants to revamp the entire structure and place their ad on the top. The client wants to bring the sign into compliance, and to do that a Variance is needed.

Mr. Van De Wiele asked Mr. Ward how long he thought the arched top had been on the existing monument sign. Mr. Ward he would guess that it is less than five years.

Mr. White asked Mr. Ward if the sign would remain in the same location. Mr. Ward stated that actually the sign will be moved farther south approximately 75 feet on the property for better visibility. The sign will not be moved any farther east or no closer to Harvard.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to increase the square footage from 47 square feet to 66.9 square feet to allow for a ground sign (Section 602.B.4). The Board has found that the sign to be constructed is basically a reconstruction and replacement of an existing non-conforming sign. The new sign will be the same size and dimension of the existing sign. The sign to be constructed will be placed no closer to Harvard than the current existing signage. This approval is subject to conceptual plan 5.15 for the location and 5.16 for the style and size. 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:

**N. 1/2 OF LT 2 BLK 3, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21814—A-MAX Sign Company – Lori Worthington**

**Action Requested:**

**Variance** of the square footage of display surface area per lineal foot of street frontage from 32 square feet to 124.6 square feet to permit a ground sign (Section 602.B.4). **LOCATION:** 2121 South Columbia Avenue **(CD 4)**

GOV LT 4 BEG 50W NEC SE NW TH W417.2 S208.6 E417.2 N208.6 POB LESS BEG  
50W NEC TH SLY ALONG R/W 208.6 WLY51.51 NLY120.87 NLY88.28 TO A PT NL  
E40 POBSEC 20 18 13

\*\*\*\*\*

**Case No. 21151-Betty Earnest**

**Action Requested:**

Verification of the spacing requirement for a family daycare home of 300 ft. from another daycare home on the same street (Section 402.B.5.g). **Location:** 6520 South Hudson Place

**Presentation:**

**Betty Earnest**, 6520 South Hudson Place, Tulsa, OK; stated the daycare home that was going to move into the neighborhood across from her house has moved to another location after learning that Ms. Earnest had applied for her permit with the City and applied her verification request with the Board.

**Interested Parties:**

There were no interested parties were present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirement for a family day care home of 300 ft. from another day care home on the same street (Section 402.B.5.g), as they presently exist, subject to the action of the Board being void should another family day care home be established prior to this family day care home; for the following property:

**LT 6 BLK 3, HIDDEN VALLEY EST RESUB L15-20 B2 & B3-5 SOUTHMONT EST**

\*\*\*\*\*

**Case No. 21160-Global Sign Solutions**

**Action Requested:**

Variance of the maximum number of signs permitted on a lot in the OL district from one (1) to two (2) signs (Section 602.B.4.b); and a Variance of the maximum permitted display surface area for a sign in the OL district from 32 S.F. to 100 S.F. (Section 602.B.4.c). **Location:** 4625 South Harvard Avenue



BOA-21160

**Presentation:**

**Richard Craig**, 1889 North 105<sup>th</sup> East Avenue, Tulsa, OK; Mr. Craig did not make a presentation but did take questions from the Board.

Ms. Stead asked Mr. Craig where the proposed sign was to be placed, because there is an existing ground sign located to the south and there is a huge bush located north of the lot. Mr. Craig stated the proposed sign and the existing signs would be more than 30 feet apart.

Mr. Van De Wiele asked Mr. Craig if the realtor signs were going to be removed and he stated they would be removed.

Mr. Henke asked Mr. Craig what the hardships were for the Variances. Mr. Craig stated there is a dental office and two other tenants in the office space that have no recognition.

Ms. Stead stated the irregular shaped commercial property, 125'-0" and 325'-0" deep, impairs businesses to the east of being identified thus creating a hardship.

Mr. Cuthbertson asked Mr. Craig if the sign on the building in the back of the lot is a wall sign. Mr. Craig replied that he thought it was a banner.

Ms. Stead asked Mr. Craig if the existing banners would be removed. Mr. Cuthbertson stated the banners, as promotional signs, are permitted in addition to permanent ground and wall signs. Banners are permitted as promotional signs on the buildings, which is differentiated from banners on poles.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the maximum number of signs permitted on a lot in the OL district from one (1) to two (2) signs (Section 602.B.4.b); and a Variance of the maximum permitted display surface area for a sign in the OL district from 32 S.F. to 100 S.F. (Section 602.B.4.c). The Board has found that the office lot is only 125'-0" wide by 325'-0" deep; this impairs the businesses to the east from having any identity in the area; the existing banner and the Accent Realtor ground real estate sign is to be removed. In granting this Variance the Board has found that 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

BOA - 21160

same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, subject to conceptual plan 5.7 relating to the sign dimensions; for the following property:

**LT 5 BLK 3, VILLA GROVE HGTS NO 1**

\*\*\*\*\*

**Case No. 21162-Erik Miller**

**Action Requested:**

Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **Location:** 2237 North Harvard Avenue

**Presentation:**

**Erik Miller**, P. O. Box 566, Tulsa, OK; Mr. Miller did not make a presentation but did take questions from the Board.

Mr. White asked Mr. Miller if the proposed liquor store was going to be in the same place as the former liquor store on North Harvard, and Mr. Miller stated affirmatively.

**Interested Parties:**

**Jack Manns**, 3330 East Xyler, Tulsa, OK; Mr. Henke stated the case was before the Board strictly as a verification of spacing and asked Mr. Manns if he knew of another liquor store, blood bank, plasma center, day labor hiring center, bail bond office or pawn shop within 300 feet of the proposed liquor store. Mr. Manns stated he was not aware of any of the mentioned businesses being in that area. Mr. Henke stated this Board could not address anything else at this time.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3), subject to the action of the Board being void should another above referenced conflicting use be established prior to this liquor store; for the following property:

**LTS 1 & 2 BLK 1, DANA ANN ADDN**

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**Case No. 17398**

## **Action Requested:**

Variance of the required setback from Harvard from 50' to 47'. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS;** General Use Conditions for Business Signs, and a Variance of the allowable signage in an OL district to allow an additional 36 SF for a total of 68 SF. **SECTION 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located 4564 South Harvard Avenue.

## **Presentation:**

The applicant, **Hightech Signs/Mary Lynn Huskey**, 9902 East 43rd Street South, representing Dr. Dobson, submitted a site plan (Exhibit H-1) and architectural drawing (Exhibit H-2). Ms. Huskey stated Dr. Dobson has an existing sign that is a 4' x 8' that list his name and his associate Dr. Lang. She stated the doctors have a laser surgery center that is not advertised on the sign and would like to add it to the existing sign for advertising the new center. She stated to add the sign it would go over the required amount of signage and it would encroach 2' on the required setback from Harvard.

## **Comments and Questions:**

Ms. Turnbo asked the applicant if the variance was granted on the setback would the owner mind having a removal contract with the City of Tulsa? The applicant stated it would not be a problem.

In response to Mr. White, the applicant stated the new proposed sign will be set on top of the existing sign and the existing sign will remain unchanged.

In response to Mr. White, the applicant explained the sign is in a median and if the sign was moved to the required setback it would be in the driveway.

## **Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE a Variance** of the required setback from Harvard from 50' to 47'. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS;** General Use Conditions for Business Signs, and a **Variance** of the allowable signage in an OL district to allow an additional 36 SF for a total of 68 SF. **SECTION 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plan submitted; subject to a removal contract with the City of Tulsa; finding that if the sign were moved to the required setback it would be in the driveway; finding that the approval of this application will not be injurious to the area nor harmful to the spirit and intent of the Code; on the following described property:

Lot 4, Block 3, Villa Grove Park, City of Tulsa, Tulsa County, Oklahoma

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Feet



Subject  
Tract

**BOA-22213**

19-13 29

Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016



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S GARY AVE

E 43 ST S

E 43 ST S

S HARVARD AVE



Subject  
Tract

**BOA-22213**

19-13 29

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016



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Subject Lot - Looking North



Subject Lot - Looking NW



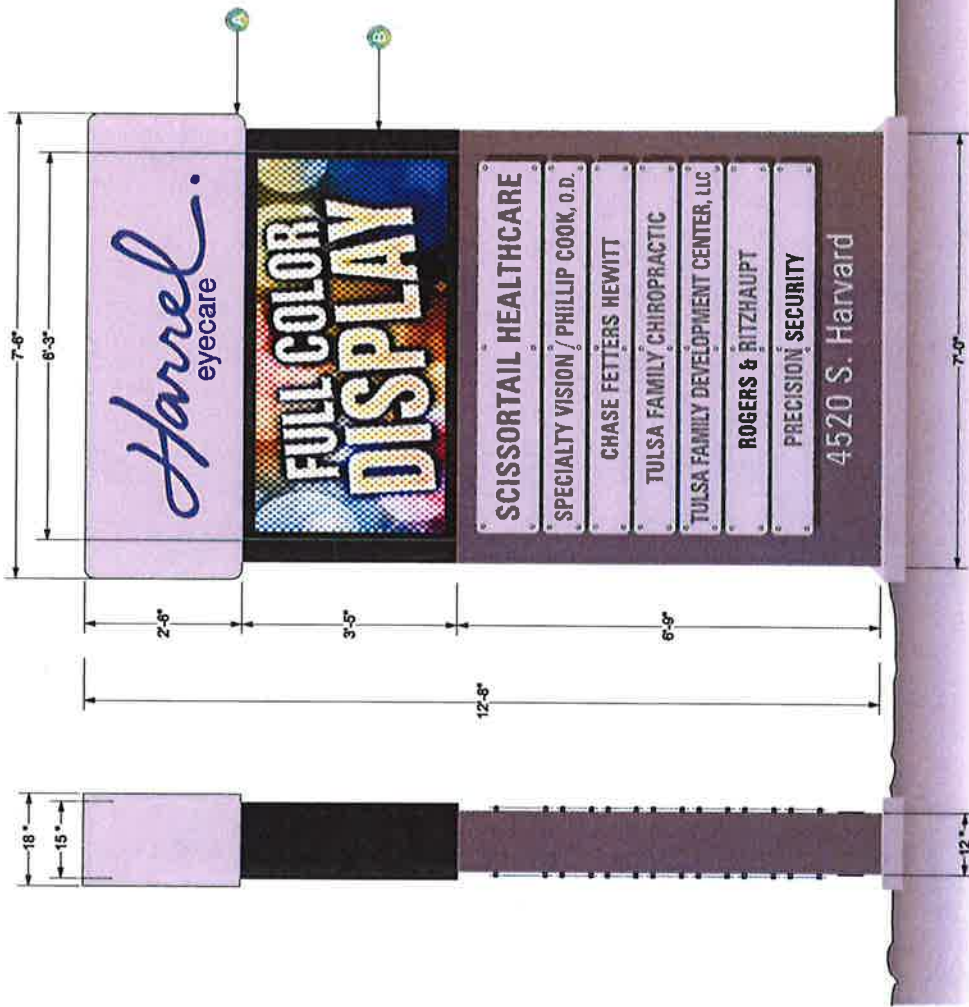


Street View- Harvard Ave





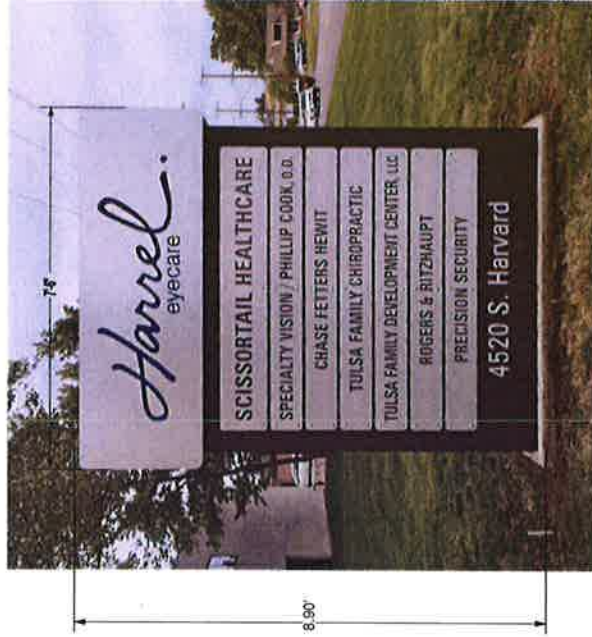
# ADDING A 3.5' X 6.25' DYNAMIC DISPLAY



1.1

ADD ELECTRONIC MESSAGE CENTER  
TO EXISTING D/F STRUCTURE  
SCALE: 1/2"=1'-0"

- Existing Top Cabinet, Removed and Re-Installed on Top of New Electronic Message Center.
- New Watchfire 12mm RGB LED Programmable Message Center 72x144 Pixel Matrix. 3x6' Image Area
- Modify Existing 4" Square Tube Support As Needed.



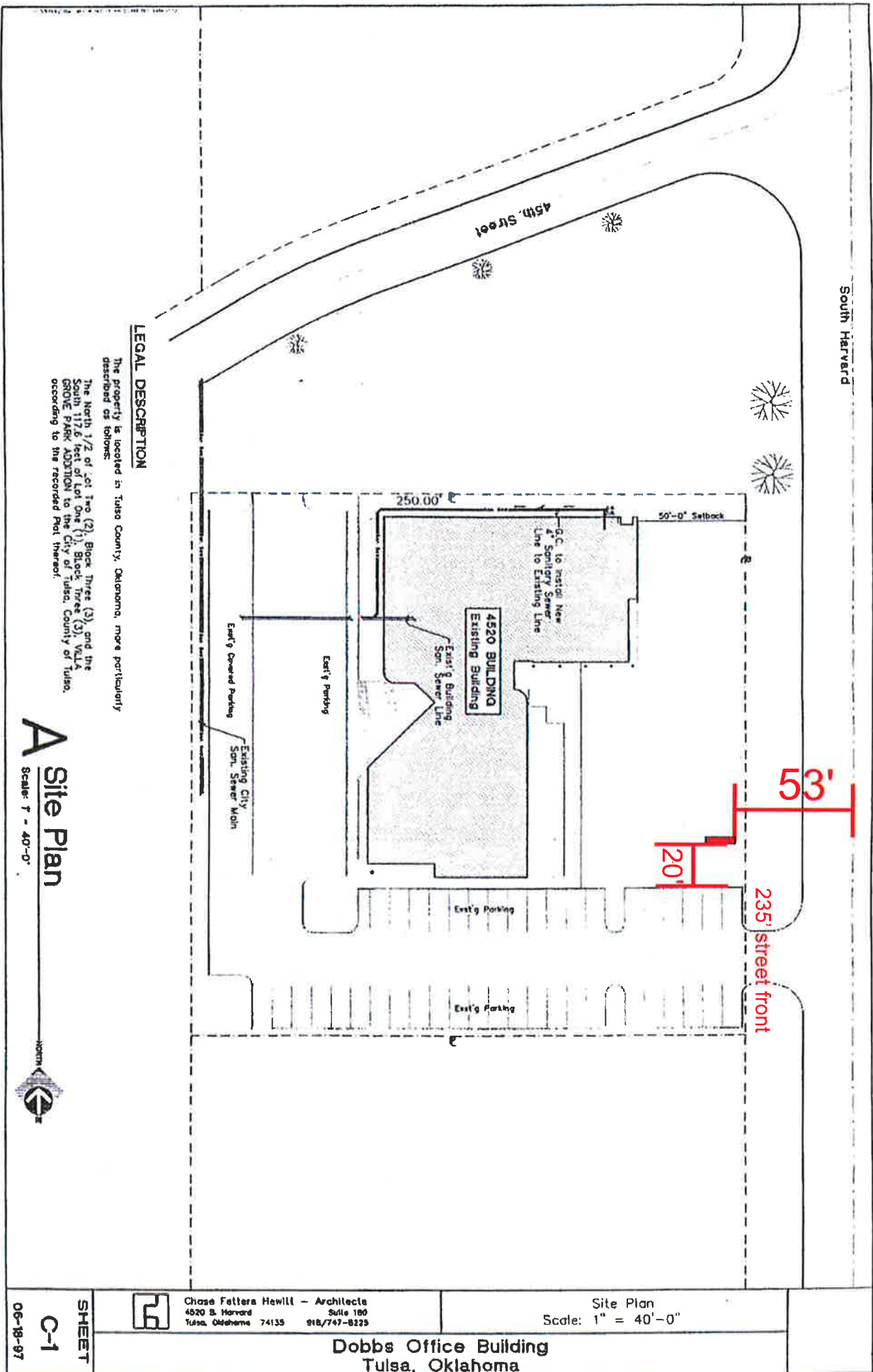
EXISTING STRUCTURE  
SCALE: 3/8"=1'-0"



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# HARREL EYECARE 4520 S HARVARD

2.16



BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### SIGN PLAN REVIEW

January 31, 2017

LOD Number: 987812-1

Sign contractor:

LORI WORTHINGTON  
A-MAX SIGN CO  
9520 E 55 PL  
TULSA, OK 74145

Phone: (918)622-0651  
Fax: (918)622-0659

APPLICATION NO: **414299** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **4520 S HARVARD AV E**  
Description: **Harrel Eye Care dynamic display sign**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)

2.17



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 414299

4520 S HARVARD AV E

January 31, 2017

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

### 60.060 Signs in Office Zoning Districts

#### 60.060-C Maximum Area

Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

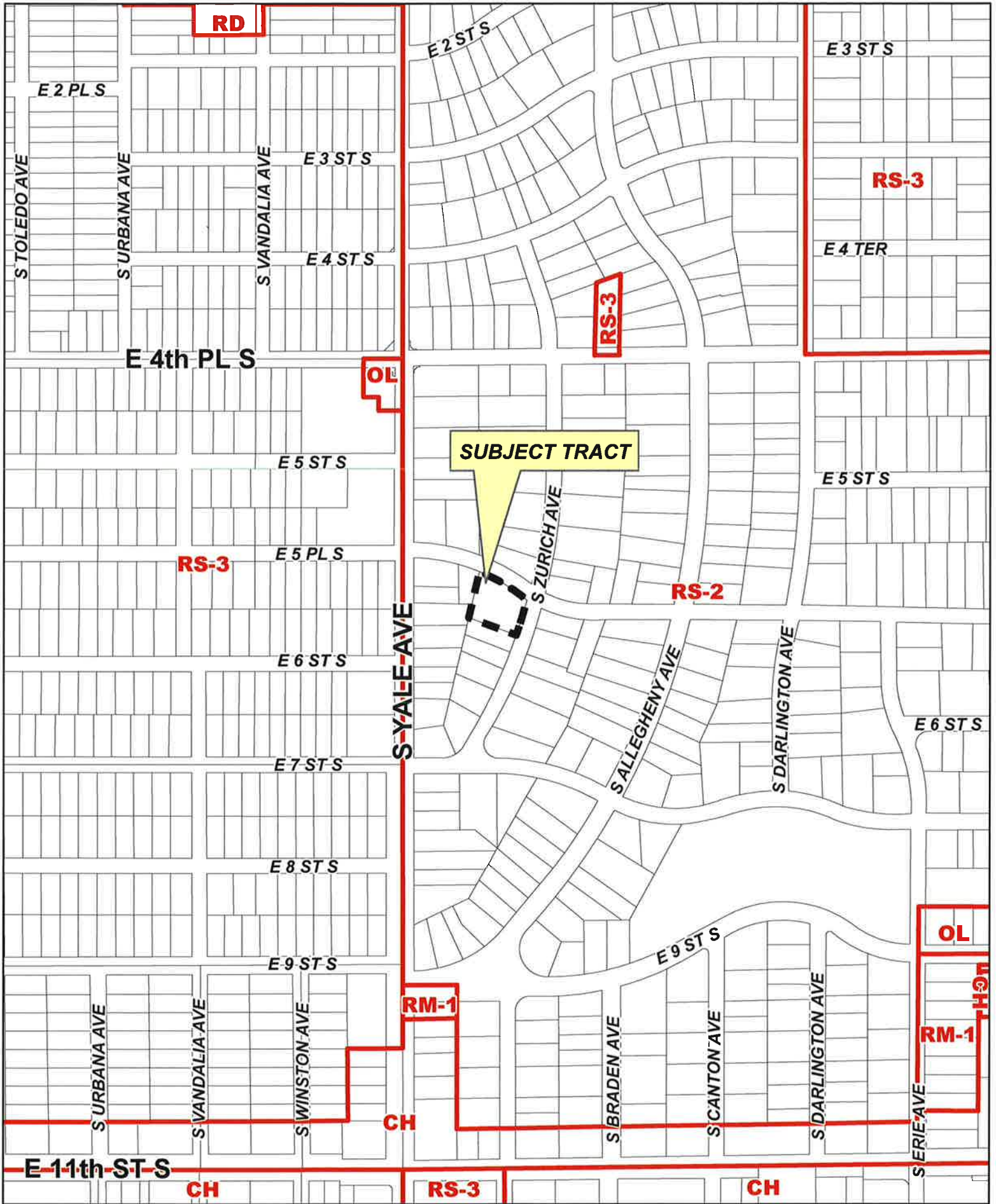
**Review Comments:** The proposed freestanding sign for Harrel Eye care appears to have 235 feet of street frontage along S. Harvard Avenue. Based on the street frontage of 235 feet times .3 the frontage will permit 70.5 square feet of sign area. The existing 66.9 square foot freestanding sign (application 358567) for Harrel Eye care plus the 21.8 square foot dynamic display sign exceeds the permitted display area by 18.2 square feet. As an option you may reduce the display surface area of the freestanding sign to be 70.5 square feet in total area or pursue a variance from the BOA to permit an existing freestanding sign with a dynamic display to exceed the permitted display surface area by 18.2 square feet from 70.5 square feet to 88.7 square feet in an OL zoning district.

**NOTE:** Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

### END – ZONING CLEARANCE AND SIGN CODE REVIEW

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

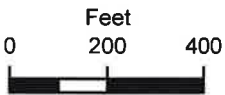
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.



SUBJECT TRACT

BOA-22214

3.1



19-13 03





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9303

Case Number: **BOA-22214**

**CZM:** 38

**CD:** 5

**A-P#:** 412077

**HEARING DATE:** 03/28/2017 1:00 PM

**APPLICANT:** It's All Good Construction/ Mary Christian

**ACTION REQUESTED:** Special Exception to permit a 720 sq. ft. carport in the required street yard; with a modification to increase the permitted height from 8 ft. to 9 ft. at the perimeter for a carport. (Section 90.090-C)

**LOCATION:** 536 S ZURICH AV E

**ZONED:** RS-2

**PRESENT USE:** Residential

**TRACT SIZE:** 20704.15 SQ FT

**LEGAL DESCRIPTION:** LOT 1 BLK 22, WHITE CITY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The **Areas of Stability** includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-2 zoned residences.

### **STAFF COMMENTS:**

As shown on the attached plans the applicant is proposing to construct a carport within the required street setback of the site. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- The area of a carport may not exceed 20 feet in length by 20 feet in width or 400 SF. According to the site plan supplied by the applicant, the carport is 24 ft. by 30 ft. The applicant has requested that the Board modify the square footage requirement to permit a carport that is 720 SF.
- A detached carport may not exceed may not exceed 8 feet in height at its perimeter or 18 ft in height at its highest point; the applicant has requested that that the Board modify the height requirements to permit a height of 9 ft. at its perimeter.

The Code's limitation on the carport size is intended to ensure that carports located within street yards are compatible with a minimum desired residential character found in the neighborhood and don't consume an entire required front yard eclipsing the presence of the home on the streetscape.

### **Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) Special Exception to permit a 720 sq. ft. carport in the required street yard; with a modification to increase the permitted height from 8 ft. to 9 ft. at the perimeter for a carport. (Section 90.090-C)

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):  
\_\_\_\_\_.

The Board finds that the requested 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.

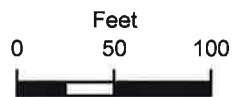




S YALE AVE

E 6 PLS

SZURICH AVE



Subject  
Tract

**BOA-22214**

19-13 03

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016



3.4





Subject  
Tract

**BOA-22214**

19-13 03

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016







Subject Site- Looking West



Subject Site- Looking SW

17 09:58

3.6





Subject Site- Looking South

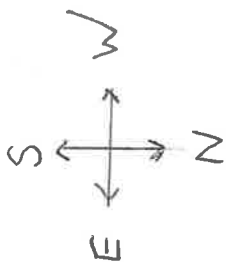
03.17.2017 09:58



E 5 Place S - Street View

03.17.2017 09:58

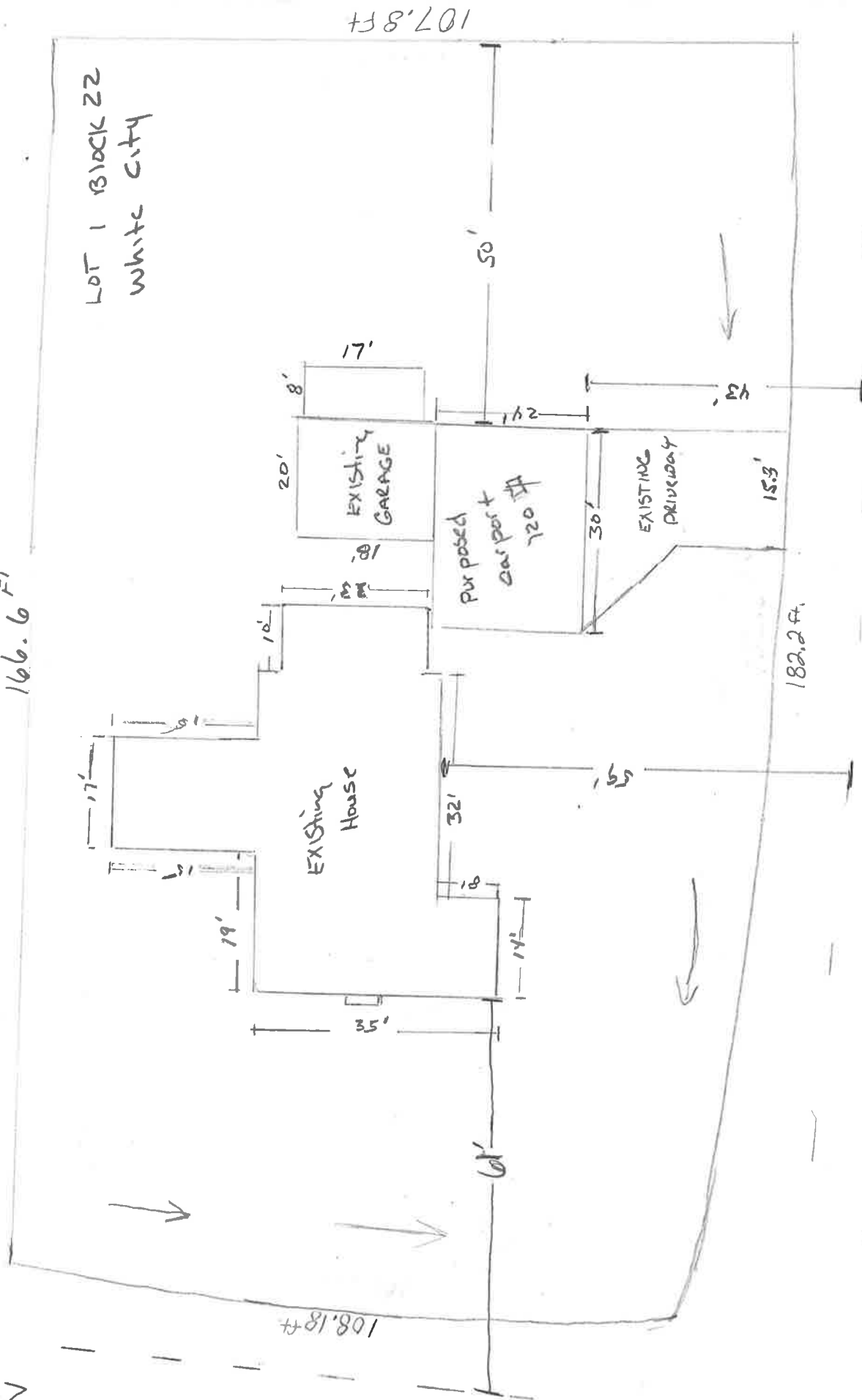




Scale 1/4" = 5'

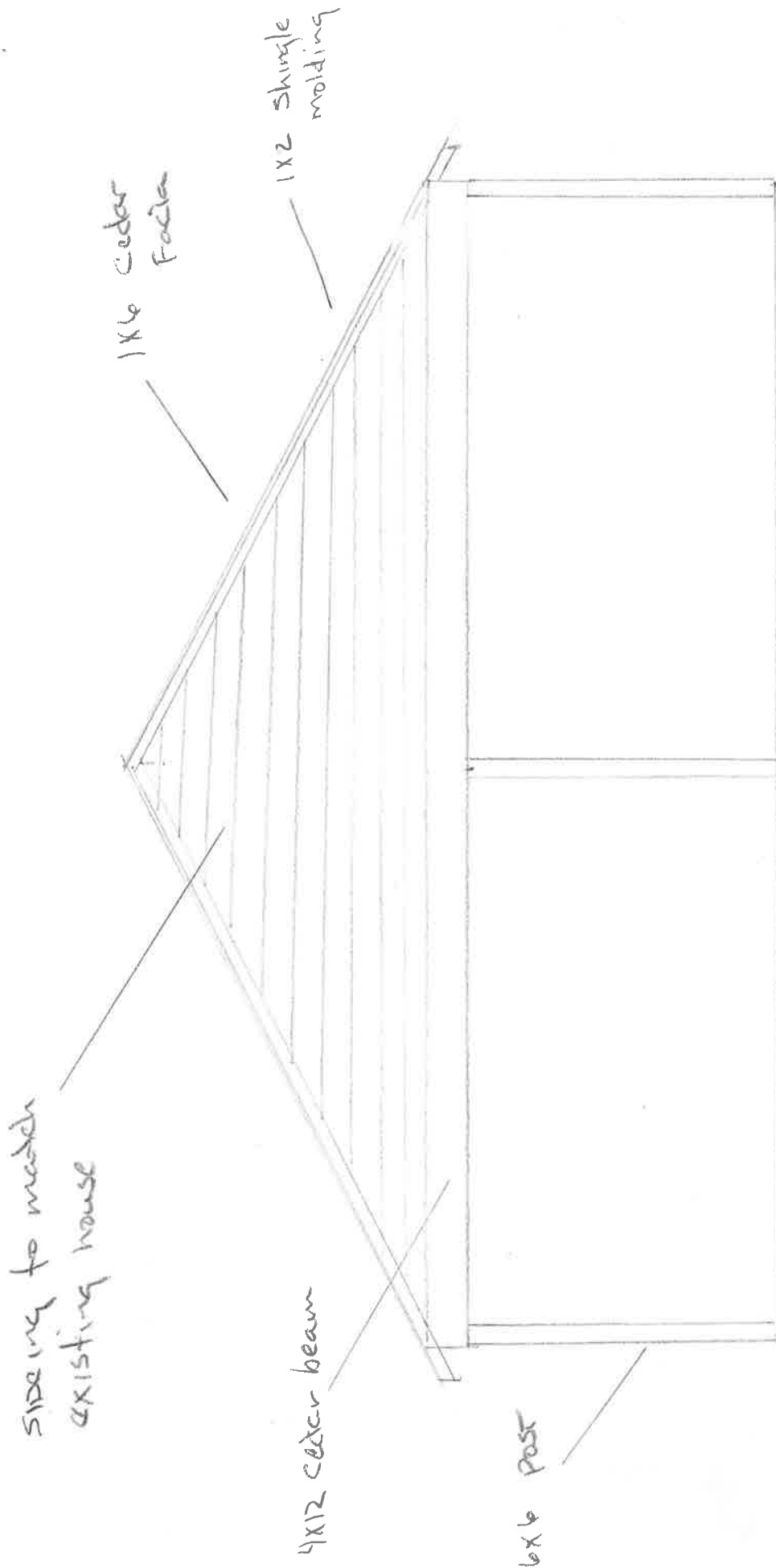
166.6 FT

LOT 1 BLOCK 22  
White City



S. ZURICH AVE

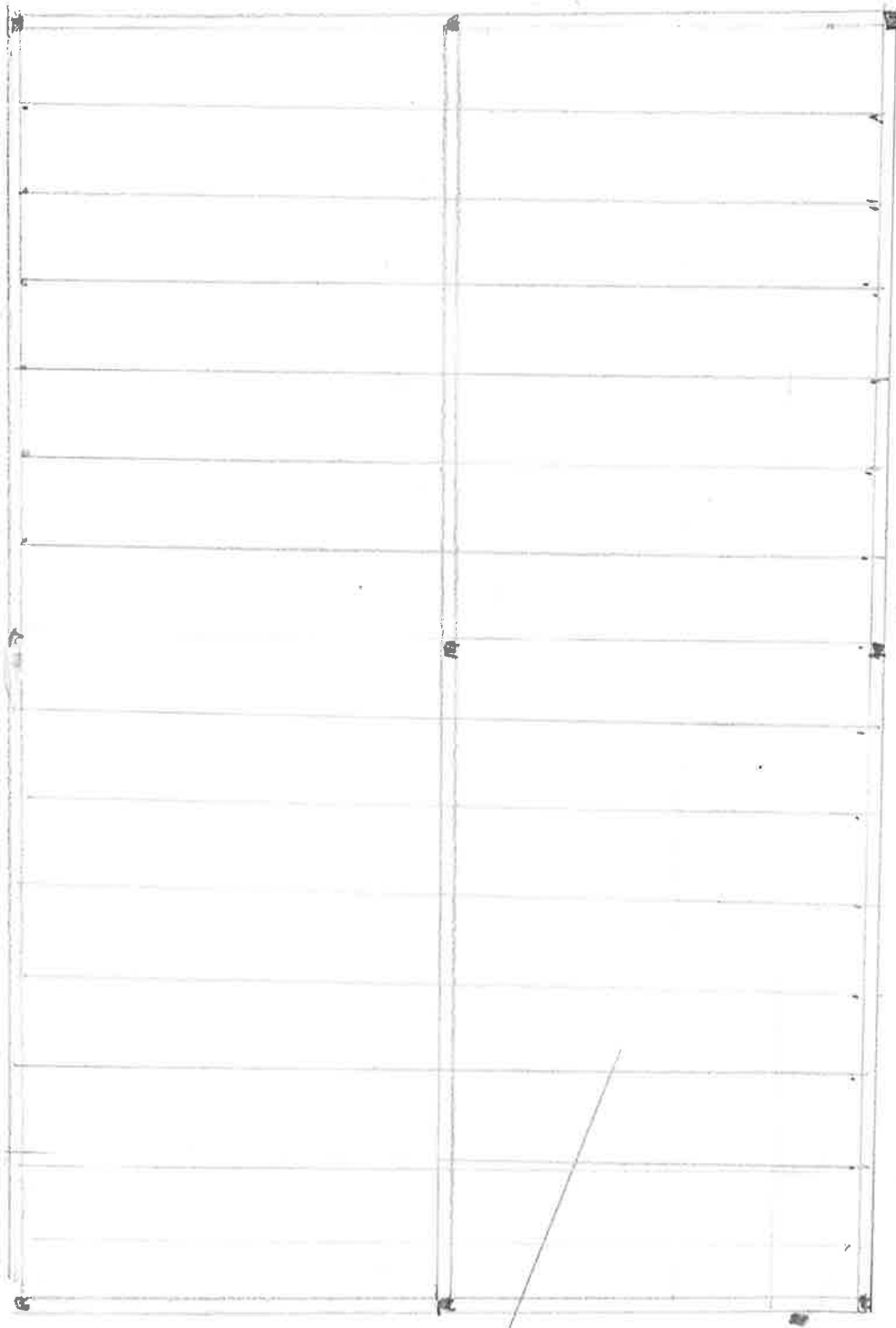
E 5th Pl



3.9

30'  
NORTH  
FRONT ELEVATION

SCALE 1/4" = 1'



TRUSS  
layout  
24" OC

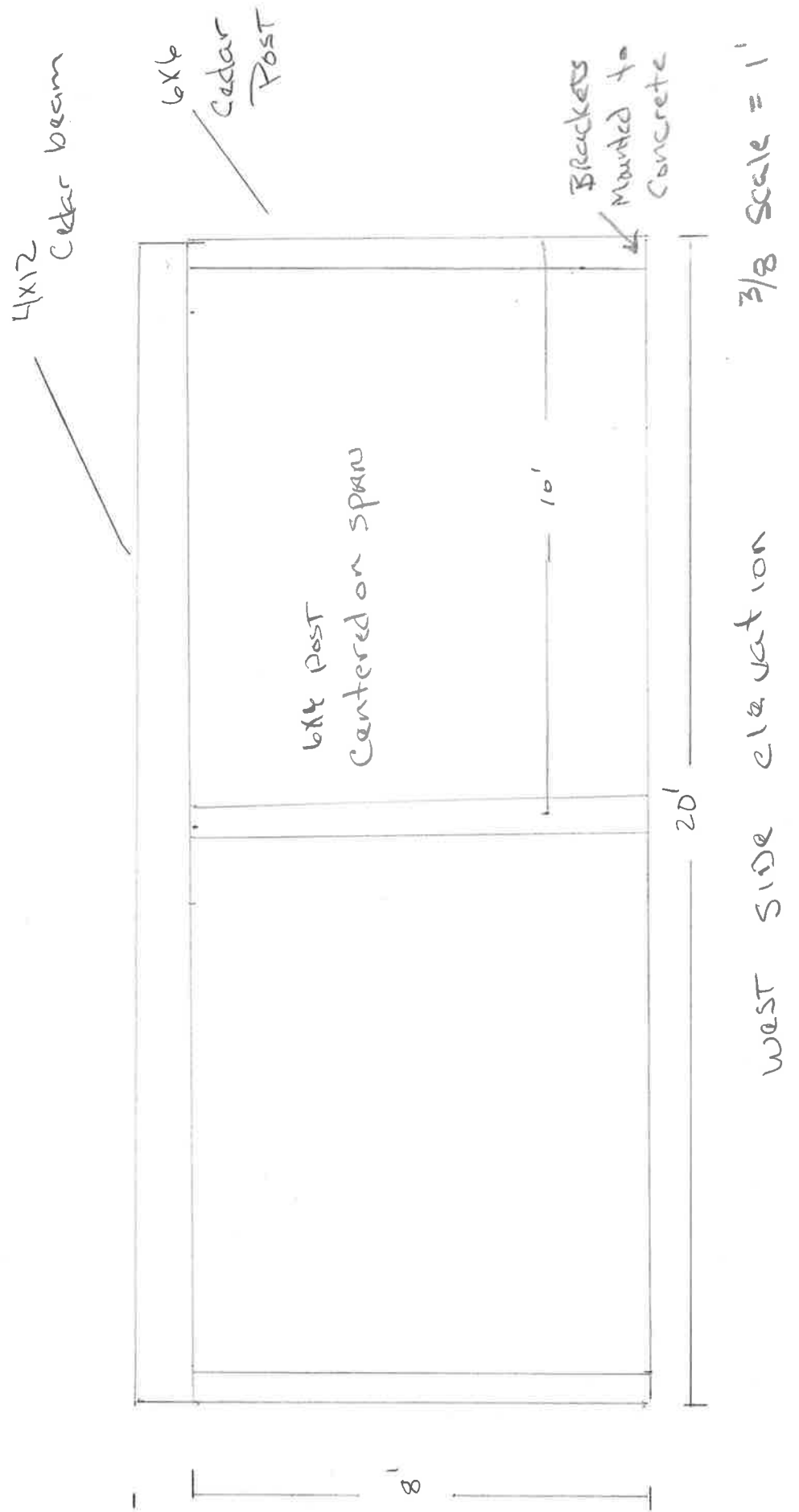
4x12 beam

POST

TRUSSES

7'6"  
center  
height

30 FT TRUSSES  
Built by Pryor Truss 24" on center



BOB KOLIBAS  
ZONING OFFICIAL  
PLANS EXAMINER  
TEL 918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 985039-2

January 23, 2017

MARY CHRISTIAN  
IT'S ALL GOOD CONSTRUCTION  
1873 E 46 ST N  
TULSA, OK 74130

Phone: (918)955-6608

APPLICATION NO: **412077** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **536 S ZURICH AV E**  
Description: **ADDITION**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ IS ☒ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

3.12

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 412077

536 S ZURICH AV E

January 20, 2017

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

**Special exception approval required; see §90.090-C1.**

**1. Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

**Review comment:** The proposed Carport is required to be setback 55 feet (25 foot ROW + 30 foot street setback abutting a minor street for a RS-2 zoning district) from the C/L of E. 5<sup>th</sup> street. A special exception from the BOA is required to locate the carport within the 30 foot street setback abutting E. 5<sup>th</sup> Street. In addition for item (b.) a carport is limited to 20 feet x 20 feet within the street setback or 400 sf. Revise and resubmit your plans for a 400 sf. carport or obtain a special exception from the City of Tulsa Board of Adjustment (BOA) to increase the size of the carport to 720 sf (24.0 x 30.0) and item (c.) to increase the



carport height from 8 feet high to 9 feet high at the perimeter. Please contact an INCOG representative at 918-584-7526 for further assistance.

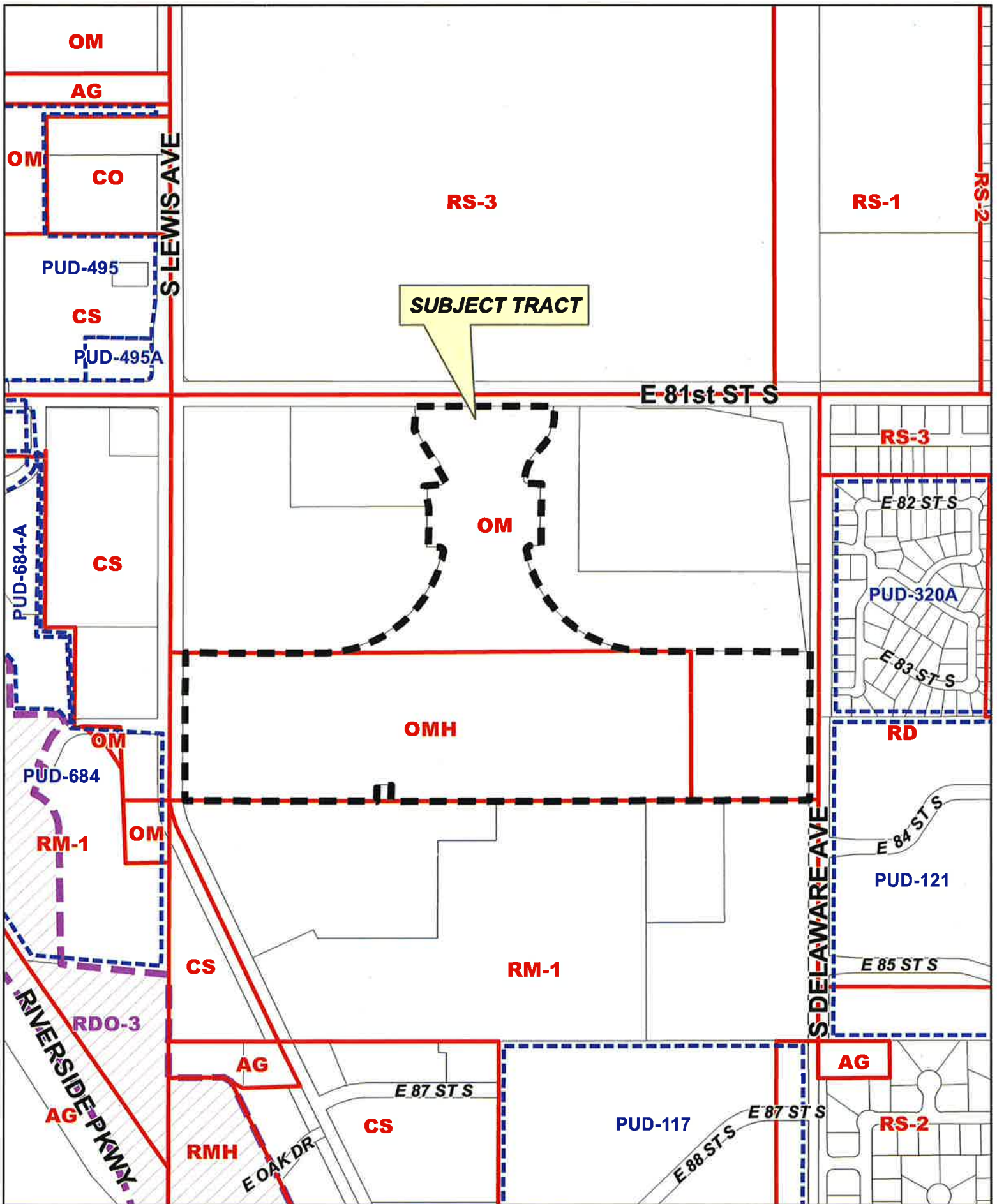
**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

**A hard copy of this letter is available upon request by the applicant.**

### **END – ZONING CODE REVIEW**

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



SUBJECT TRACT

BOA-22216

4.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 8317

Case Number: BOA-22216

CZM: 52

CD: 2

A-P#: 407750, 407744

**HEARING DATE:** 03/28/2017 1:00 PM

**APPLICANT:** Andrew Shank

**ACTION REQUESTED:** Variance to allow 2 signs on the South Lewis Avenue frontage; and to increase the allowable display surface area for signs from 150 sq. ft. to 253.86 sq. ft. along the South Lewis Avenue frontage. Variance to allow 2 signs on the E 81 ST S frontage; and to increase the allowable display surface area for signs from 150 sq. ft. to 606.86 sq. ft. along the E 81 ST S frontage (Section 60.060-B&C).

**LOCATION:** 2408 E 81 ST S

**ZONED:** OM, OMH

**PRESENT USE:** Oklahoma Surgical Hospital

**TRACT SIZE:** 51.8 acres

**LEGAL DESCRIPTION:** Part of Lot One (1), Block One (1), ORAL ROBERTS UNIVERSITY HEIGHTS 2<sup>ND</sup> ADDITION, an addition to the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Starting at the Northwest corner of said Lot 1, thence S 89°48'06" E along the Northerly line of Lot 1 for 939.90 feet to the Point of Beginning; thence continuing S 89°48'06" E along said Northerly line for 558.08 feet; thence S 00°11'54" W for 30.29 feet to a point of curve; thence Southerly and Southwesterly along a curve to the right with a central angle of 45°00'00" and a radius of 217.87 feet for 171.12 feet to a point of reverse curve; thence Southwesterly along a curve to the left with a central angle of 38°21'41" and a radius of 191.83 feet for 128.44 feet to a point of compound curve; thence Southwesterly, Southerly and Easterly along a curve to the left with a central angle of 96°38'19" and a radius of 18.83 feet for 31.77 feet to a point of tangency; thence S 89°48'06" E along said tangency for 50.01 feet; thence S 00°11'54" W for 254.33 feet; thence N 89°48'06" W for 41.82 feet to a point of curve; thence Westerly, Southerly and Southeasterly along a curve to the left with a central angle of 101°10'31" and a radius of 18.83 feet for 33.26 feet to a point of compound curve; thence Southeasterly and Easterly along a curve to the left, with a central angle of 78°49'29" and a radius of 511.83 feet for 704.16 feet to a point of tangency; thence S 89°48'06" E along said tangency for 656.38 feet to a point on the Easterly line of said Lot 1, said point being 1008.29 feet Southerly of the Northeast corner thereof; thence S 00°24'38" W along said Easterly line for 598.22 feet; thence N 89°53'47" W along an extension of and along the Northerly line of Lot 1 in Block 1 of UNIVERSITY VILLAGE, an addition to the City of Tulsa, Tulsa County, Oklahoma, for 2538.15 feet to the Northwest corner of said Lot 1 of UNIVERSITY VILLAGE; thence N 00°01'32" W for 0.00 feet to a point of curve; thence Northerly along the Westerly line of Lot 1 of ORAL ROBERTS UNIVERSITY HEIGHTS 2<sup>ND</sup> ADDITION on a curve to the right with a central angle of 00°00'58" and a radius of 350.00 feet for 0.10 feet to a point of tangency; thence N 00°00'34" W along the Westerly line of said Lot 1 on said tangency for 602.32 feet; thence S 89°48'06" E for 546.16 feet to a point of curve; thence Easterly and Northeasterly along a curve to the left with a central angle of 78°49'29" and a radius of 511.83 feet for 704.16 feet to a point of compound curve; thence Northeasterly, Northerly, and Westerly along a curve to the left with a central angle of 101°10'31" and a radius of 18.83 feet; for 33.26 feet to a point of tangency; thence N 89°48'06" W along said tangency for 41.82 feet; thence N 00°11'54" E for 254.33 feet; thence S 89°48'06" E for 50.01 feet to a point of curve; thence Easterly, Northerly, and Northwesterly along a curve to the left with a central angle of 96°38'19" and a radius of 18.83 feet for 31.77 feet to a point of compound curve; thence Northwesterly along a curve to the left with a central angle of 38°21'41" and a radius of 191.83 feet for 128.44 feet to a point of reverse curve; thence Northwesterly and Northerly along a curve to the right with a central angle of 45°00'00" and a radius of 217.87 feet for 171.12 feet to a point of tangency; thence N 00°11'54" E along said tangency for 21.30 feet to a point of curve; thence Northerly and Northwesterly along a curve to the left with a central angle of 22°01'21" and a radius of 24.00 feet for 9.22 feet to the Point of Beginning.

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA 21433-A;** on 07.24.12 the Board **approved** a variance of the requirement that a sign (previously approved BOA-21443) be lit by constant light in the OM, OMH district, variance to allow more than one sign in an OM, OMH district, variance to exceed total square feet of display surface area from 880 sf to 985 sf.

**BOA-21433;** on 06.26.12, the Board **approved** a variance to allow more than one sign in an OM district, a variance to exceed total square feet of display surface area from approximately 100 sf to approximately 880 sf., and a variance of maximum sign height in the OM district from 20 ft to 30 ft.

### **Surrounding Property:**

**BOA-21255**; on 05.10.11, the Board approved a variance of the maximum display surface area for a sign in the OM district to 240 sf; a variance of the maximum permitted height for a sign in the OM district from 20 ft to 30 ft; and a variance of the requirement that illumination of a sign in the OM district shall be by constant light to permit a digital changeable copy sign; all to permit a ground sign on East 81<sup>st</sup> Street. Located at the SW/c of E 81 St S and S Delaware Ave.

**BOA-18570/18571**; on 11.09.99, the Board **approved** a variance to permit two signs per street frontage in an OM district; located at 2440 E 81 St S and 8408 S Delaware Ave.

**BOA-14499**; on 07.11.87, the Board **approved** a variance of the permitted size for an identification sign in an OM zoned district, not to exceed a period of two years; located at the SE/c of E 81 ST S and S Lewis Ave.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Regional Center" and an "Area of Growth".

**Regional Centers** are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted on the north by E 81<sup>st</sup> Street and RS-3 zoning and campus development, to the east by OM zoning and uses, to the south by RM-1 zoning and campus type housing, and to the west by CS zoning and commercial uses.

### **STAFF COMMENTS:**

Lots in office districts are allowed one on premise sign per street frontage. Signs allowed in an OL district may not exceed 32 SF in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area.

The Oklahoma Surgical Hospital building has frontage on S Lewis Ave that totals 602 lineal feet. A total sign display area of 150 SF is permitted along S Lewis Ave. As shown on the attached plans the applicant is proposing to add a 153.86 wall sign (logo) on the southwest elevation of the Oklahoma Surgical Hospital building and a 100 SF ground sign along S Lewis Ave. The applicant has requested a **Variance** to allow 2 signs on the South Lewis Avenue frontage; and to increase the allowable display surface area for signs from 150 sq. ft. to 253.86 sq. ft. along the South Lewis Avenue frontage.

The Oklahoma Surgical Hospital building has frontage on E 81 ST S that totals 558 lineal feet. A total sign display area of 150 SF is permitted along E 81 ST S. As shown on the attached plans and drawings the applicant is proposing to add a 153.86 wall sign (logo) and a 453 SF wall sign on the north elevation (E 81 ST S frontage) of the Oklahoma Surgical Hospital building. The applicant has



requested a **Variance** to allow 2 signs on the E 81 ST S frontage; and to increase the allowable display surface area for signs from 150 sq. ft. to 606.86 sq. ft. along the E 81 ST S frontage.

The Applicant provided the following statement with their application: *"The square footage of the 30-story tower alone is 508,300 SF, with the total square footage of the Towers exceeding 2,000,000 SF. The Towers are setback from S. Lewis Ave. approximately 850 FT and over 1,000 FT from 81st Street. The setback of the Towers from the arterial streets, coupled with the sheer size of the Towers, both in square footage and in height, results in unnecessary hardship to the owner if the strict letter of the sign regulations are carried out. The literal enforcement of the Code is simply not necessary to achieve its intended purpose because the proposed signs are contextually appropriate to the property. The conditions herein are highly unique to the subject property and not applicable to other property within the same zoning classification."*

### Sample Motion for a Variance

Move to \_\_\_\_\_ (approve/deny) a **Variance** to allow 2 signs on the South Lewis Avenue frontage; and to increase the allowable display surface area for signs from 150 sq. ft. to 253.86 sq. ft. along the South Lewis Avenue frontage. **Variance** to allow 2 signs on the E 81 ST S frontage; and to increase the allowable display surface area for signs from 150 sq. ft. to 606.86 sq. ft. along the E 81 ST S frontage (Section 60.060-B&C).

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

\*\*\*\*\*

## **UNFINISHED BUSINESS**

\*\*\*\*\*

### **21255—A-MAX Sign Company**

#### **Action Requested:**

Variance of the maximum display surface area for a sign in the OM district (Section 602.B.4.c) to 240 sq. ft.; a Variance of the maximum permitted height for a sign in the OM district (Section 602.B.4.e) from 20 ft. to 30 ft.; and a Variance of the requirement that illumination of a sign in the OM district shall be by constant light to permit a digital changeable copy sign (Section 602.B.4.f); all to permit a ground sign on East 81<sup>st</sup> Street. **Location:** 2702 East 81<sup>st</sup> Street

#### **Presentation:**

**Brian Ward**, 9520 East 55<sup>th</sup> Place, Tulsa, OK; stated there is a new sign proposed for Victory Bible Institute, the 24/7 Ministries, and the 3-D College. He informed the Board that a couple of years ago Victory Bible Institute was consumed by the Department of Transportation for the highway widening project at 51<sup>st</sup> and Peoria Avenue, and Victory moved to the 81<sup>st</sup> and Delaware location. At that point they knew they needed to do something about their signage because the existing signage was inadequate for all their needs. The square footage of the proposed sign has been kept to a minimum with a color message unit added to advertise the many functions within their building. The ORU Mabee Center is to the north and the City Plex Towers are to the south and with the surrounding land and buildings, a 30-foot tall sign will not appear that tall.

#### **Interested Parties:**

There were no interested parties present.

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

None.

#### **Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the maximum display surface area for a sign in the OM district (Section 602.B.4.c) to 240 sq. ft.; a Variance of the maximum permitted height for a sign in the OM district (Section 602.B.4.e) from 20 ft. to 30 ft.; and a Variance of the requirement that illumination of a sign in the OM district shall be by constant light to permit a digital changeable copy sign (Section 602.B.4.f); all to permit a ground sign on East 81<sup>st</sup> Street. This will be subject to the conceptual plan submitted today showing the dimensions of the sign, as well as the location of the sign and as shown on page 4.6 which is substantially the same place where the current sign is presently located, finding that the topography of this lot and the development in and around this lot will present a hardship such that, by reason of



BOA-21255

extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 1, BLK 1, ORAL ROBERTS UNIVERSITY HGTS 2ND ADDN, CITY OF TULSA,  
TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*

**NEW APPLICATIONS**

\*\*\*\*\*

**Case No. 20300-A—Lonnie Basse**

**Action Requested:**

Modification of a condition of a previous approval to eliminate or extend the time limitation of five years related to a special exception permitting seasonal outdoor retail sales and open air activities on the CS zoned property. **Location:** NE/c of East 81<sup>st</sup> Street and South Mingo Road

**Presentation:**

**Lonnie Basse**, 4732 South Columbia Place, Tulsa, OK; stated he is requesting the Board to consider an elimination or extension of the time limitation previously permitted on the subject property. He advised that the corn maze venture has been discontinued to the north due to the inability to cultivate the crop.

**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, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Modification of a condition of a previous approval to eliminate the time limitation of five years related to a special exception permitting seasonal outdoor retail sales and open air activities on the CS zoned property. This will be subject to all other previous conditions that were established on the original application; for the following property:

height from 14 feet to 24 feet to better match historical style of the home. 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:

**LT 12 BLK 23, SUNSET TERRACE, TRAVIS PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**FILE COPY**

**21443-A—Andrew Shank**

**Action Requested:**

Variance of the requirement that a sign (previously approved BOA-21443) be lit by constant light in the OM, OMH district (Section 602.B.4.f); Variance to allow more than one sign in an OM, OMH district (Section 602.B.4.b); Variance to exceed total square feet of display surface area from 880 square feet to 985 square feet (Section 602.B.4.c). **LOCATION:** 2440 East 81<sup>st</sup> Street, 8101 South Lewis Avenue, 8100 South Lewis Avenue (CD 2)

**Presentation:**

**Andrew Shank**, 2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, OK; stated this case was before the Board recently. The developers are preparing for a grand opening and during that process they were in a rush to get everything filed and missed a wall sign on the north side and the digital element in the approved ground sign. The hardship is the unique shape of the lot and the depth of the lot. If the variances are approved it will allow the clinic to advertise their message to the public and utilize the visual technology of today in an office district.

Mr. White asked Mr. Shank if these were the same signs as were previously approved. Mr. Andrew agreed that they were but the developers want to make the display surface digital, which is roughly 30% of the previously approved square footage. The additional 105 square feet is for a wall sign on the north face. Originally the ground sign was conceptually approved to be located 70'-0" from the centerline of East 81<sup>st</sup> Street. Since that time the developer would like to locate the ground sign farther back from 81<sup>st</sup> Street.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.



BOA-21443-A

FILE COPY

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White "aye"; no "nays"; no "abstentions"; Stead, Van De Wiele absent) to **APPROVE** the request for a Variance of the requirement that a sign (previously approved BOA-21443) be lit by constant light in the OM, OMH district (Section 602.B.4.f); Variance to allow more than one sign in an OM, OMH district (Section 602.B.4.b); Variance to exceed total square feet of display surface area from 880 square feet to 985 square feet (Section 602.B.4.c). This is in all in regard to the sign that is in previous case BOA-21443, that is shown at the north side of the property; it will be the same sign except it will be located no closer than 70'-0" from the centerline of East 81<sup>st</sup> Street. Finding the hardship to be the unusual size and odd shape of the lot itself, and the fact that the other signs on the property are almost hidden from view of the general public. 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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

PRT LT 1 BEG NWC TH S1008.29 E546.16 TH ON CRV LF 704.16 TH ON CRV LF 33.26 W41.82 N254.33 E50.01 TH ON CRV LF 31.77 TH ON CRV LF 128.44 TH ON CRV RT 171.12 N21.30 TH ON CRV LF 9.22 W939.9 POB LESS BEG NWC LT 1 TH E431.84 S1008.79 W431.84 N1008.65 POB BL, PRT LT 1 BEG NWC TH E431.84 S1008.79 W431.84 N1008.65 POB BLK 1,  
PRTL1BEG939.90ENWCTHE558.08S30.29CRVRT  
171.12CRVLF128.44CRVLF31.77E50.01S254.3  
3W41.82CRVLF33.26CRVLF704.16E656.38S598  
.22W1701.03N64.5W58S64.5W779.12CRVRT.10  
N602.32E546.16CRVLF704.16CRVLF33.26W41.  
82N254.33E50.01CRVLF31.77CRVLF128.44CRV RT171.12N21.30, ORAL ROBERTS  
UNIVERSITY HGTS 2ND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF  
OKLAHOMA

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:

**LTS 9 THRU 12 LESS E10 THEREOF FOR ST BLK 1, FLORENCE PARK ADDN,  
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21443—Andrew Shank**

**FILE COPY**

**Action Requested:**

Variance to allow more than one sign in an OM district (Section 602.B.4.b); Variance to exceed total square feet of display surface area from approximately 100 square feet to 880 square feet (Section 602.B.4.c); Variance of maximum sign height in the OM district from 20 feet to 30 feet (Section 602.B.4.e). **LOCATION:** 2440 East 81<sup>st</sup> Street, 8101 South Lewis Avenue, 8100 South Lewis Avenue (CD 2)

**Mr. Tidwell left the meeting at 2:59 p.m.**

**Presentation:**

**Andrew Shank**, 2727 East 21<sup>st</sup> Street, Suite #200, Tulsa, OK; Mr. Shank requested the Board refer to page 11.11 in their agenda packet. The drawing ST4 is the north face of the building, and this is the drawing that staff appropriately raised an issue with because there was a smaller sign called out on it. This Oklahoma surgical hospital did not have the square footage spelled out. The smaller portion will be removed and the language, "Oklahoma Surgical Hospital", is about 206 square feet. The relief requested does not need to change. The drawing ST2 is the west elevation and it is essentially three signs. This totals 417 square feet, conservatively, and will display "The Premier Family Center".

**Mr. Tidwell re-entered the meeting at 3:02 p.m.**

Mr. Shank continued to say, as more doctors are brought into the center their names will be added to the display. The drawing ST1.0 is the northeast elevation displayed on page 11.11, which shows 65 square foot display surface area. These drawings bring clarity to the wall signs. The 30 foot ground sign in the front of the building is 192



BOA-21443

FILE COPY

square feet. In the aggregate, that totals 880 square feet so the relief does not need to change. Mr. Shank just wanted to clarify that the north face sign will be changed.

Ms. Stead asked Mr. Shank to verify that there was one entrance sign, six wall signs, and one directional sign that are all non-digital. Mr. Shank answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow more than one sign in an OM district (Section 602.B.4.b); Variance to exceed total square feet of display surface area from approximately 100 square feet to 880 square feet (Section 602.B.4.c); Variance of maximum sign height in the OM district from 20 feet to 30 feet (Section 602.B.4.e). This large medical facility having many facets needs directional and other signage. The Board approves one entrance sign, six wall signs, and one directional sign totaling 880 square feet. All signs are to be non-digital, but will be lighted according to code. The conceptual placement of these signs is shown on page 11.11. These signs may improve visibility for the medical facility that has poor accessibility and identification from the nearby East 81<sup>st</sup> Street. In granting these variances the Board has found by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

PRT LT 1 BEG NWC TH S1008.29 E546.16 TH ON CRV LF 704.16 TH ON CRV LF 33.26 W41.82 N254.33 E50.01 TH ON CRV LF 31.77 TH ON CRV LF 128.44 TH ON CRV RT 171.12 N21.30 TH ON CRV LF 9.22 W939.9 POB LESS BEG NWC LT 1 TH E431.84 S1008.79 W431.84 N1008.65 POB BL, PRT LT 1 BEG NWC TH E431.84 S1008.79W431.84N1008.65POB,BLK1,PRTL1BEG939.90ENWCTHE558.08S30.29C RVRT171.12CRVLF128.44CRVLF31.77E50.01S254.33W41.82CRVLF33.26CRVLF70 4.16E656.38S598.22W1701.03N64.5W58S64.5W779.12CRVRT.10N602.32E546.16C RVLF704.16CRVLF33.26W41.82N254.33E50.01CRVLF31.77CRVLF128.44CRVRT17 1.12N21.30, ORAL ROBERTS UNIVERSITY HGTS 2ND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

\*\*\*\*\*

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Dunham, Cooper, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; none "absent") to **CONTINUE** Case No. 18568 to November 23, 1999 at 1:00 p.m. in order to allow the applicant to meet with the interested parties.

\*\*\*\*\*

**Case No. 18570 and 18571**

**Action Requested:**

**Case No. 18570:** Variance to permit two signs per street frontage in OM zoning. **SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions, and Case No. 18571:** a Variance to permit two signs per street frontage. **SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions,** located 2440 East 81<sup>st</sup> Street and 8408 South Delaware.

**Presentation:**

**Kevin Hutchison**, 6550 East Independence, Tulsa, Oklahoma, submitted photographs (Exhibit T-2) a site plan (Exhibit T-1 & U-1) and stated that the two variance requests are both the same and owned by a common owner. He indicated that the building on 81<sup>st</sup> Street is zoned OM and the Delaware location is zoned RM. Both properties have the same

requirements regarding square footage of signs allowed per lineal foot of street frontage and the number of signs allowed.

Mr. Hutchison stated that the reason for the variance is because there are already existing signs consuming the allotted number, but there is allowable square footage available. He indicated that it is difficult to distinguish the subject business from the other businesses in City Plex Towers and Oral Roberts University. The proposed signage, combined with the existing signs, does not exceed the allowable square footage for each frontage allowed under the Code.

Mr. Hutchison indicated that the proposed sign on the 81<sup>st</sup> Street building faces the University and cannot be viewed from any residential areas and the proposed sign on Delaware can be viewed from a residential area; however, the homes are behind a concrete wall and a row of mature hardwoods. Mr. Hutchison concluded that the building sets below the grade of Delaware and the view is further obstructed by a PSO electrical substation.

**There were no interested parties wishing to speak.**



**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Dunham, Cooper, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** Case No. 18570: a variance to permit two signs per street frontage in OM zoning. **SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions**, and Case No. 18571: a Variance to permit two signs per street frontage. **SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions**, per plan submitted, finding 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:

**Case No. 18570:** Part of Lot 1, Beg. at the NW/c thence S 1008.29' E 546.16' thence on curve to the left 704.16' thence on curve to the left 33.26' W 41.82' N 254.33' E 50.01' thence on curve to the left 31.77' thence on curve to the left 128.44' thence on curve to the right 171.12' N 21.30' thence on curve to the left 9.22' W 939.9' to the POB less beg. at the NW/c Lot 1 thence E 431.84' S 1008.79' W 431.84' N 1008.65' to POB, Block 1, City of Tulsa, Tulsa County, State of Oklahoma, and being located in an OM zoned district.

**Case No. 18571:** Part of Lot 1 Beg. 663' W & 986.05' N of the SE/c thence E 320' S 500' W 320' N 500' to the POB, Block 1, Oral Roberts University Heights 2<sup>ND</sup> Addition, City of Tulsa, Tulsa County, State of Oklahoma, and being located in an RM-1 zoned district.

\*\*\*\*\*

There being no further business, the Chairman declared the meeting adjourned at 3:48 p.m.

Date approved: 1-11-2000

  
Chairman

**Case No. 14498 (continued)**

Mr. Jones informed that the tract in question is located in a watershed development area and the applicant will be required to obtain a Watershed Development Permit before starting construction. A copy of the Stormwater Case Review (Exhibit X-1) was submitted.

**Board Action:**

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the permitted size of an accessory building from 750 sq. ft. to 840 sq. ft.; subject to Stormwater Management approval; finding that the new garage will replace the portable building; and finding that the granting of the variance request will not cause substantial detriment to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 17, Block 4, Harvard Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14499**

**Action Requested:**

Variance - Section 620.2(d) - Accessory Use conditions - Use Unit 1221 - Request a variance of the permitted size of signs to allow for directional/identification signs, located SE/c 81st Street and Lewis Avenue.

**Presentation:**

The applicant, Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, stated that he is representing Oral Roberts University and submitted a temporary sign plan (Exhibit H-1), a permanent sign plan (Exhibit H-2) and photographs (Exhibit H-3). He stated that the purpose of this application is to locate a new identification sign and message sign at the southeast corner of 81st Street and Lewis Avenue. Mr. Norman informed that the sign is for the Healing Outreach Center which is located approximately 600' east of the intersection. He noted that Phase I of the project has been completed and 24 acres has been set aside for the project, with 800' of frontage on 81st Street and 1000' of frontage on Lewis Avenue. He pointed out that the project is permitted to have two signs, 150 sq. ft. each, for the project. Mr. Norman asked permission of the Board to locate a 10' by 20' temporary sign at the intersection, which would remain in place until completion of Phase II. He stated that the temporary sign will be at this location for approximately two years and will be constructed of quality material. Mr. Norman asked permission to replace the temporary sign with a permanent one at the end of the construction period. He informed that the permanent sign will be 30' by 30 1/2', with a display message across the top, a logo disk along the side identifying the



Case No. 14499 (continued)

ministry and a lighted vestige board (3 1/2' by 26') which will have the capability of message changes from a computer generated location in the Healing Outreach Center. Mr. Norman stated that the City of Faith Hospital is in the background view and the nearby Mabee Center sign is 48' in height. He pointed out that the display surface area of the sign is 290 sq. ft., or if the columns that support the sign are added, that figure changes to 520 sq. ft. Mr. Norman asked the Board to find that the structural supports are not arranged to become a part of the attention attracting aspects of the sign. He pointed out that the supports will be constructed of marble which will be the same as the marble on the Healing Outreach Center. He explained that a hardship is demonstrated by the unusual size of the tract, the large buildings in the background, and the fact that the signs would be permitted by right if in the CS Zone across the street.

Comments and Questions:

Ken Bode, Assistant Sign Inspector, informed that the height limitation on the temporary sign is 15' and the limit for the permanent sign is 20'.

There was discussion as to whether or not the application was properly advertised since the size of the sign was mentioned, but not the height.

After discussion, it was concluded by the Board that the size of the sign would include the height.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 620.2(d) - Accessory Use conditions - Use Unit 1221) of the permitted size of signs to allow for directional/identification signs; per plot plans submitted; subject to the temporary sign being located on the property for a period of 2 years only; finding a hardship demonstrated by the large size of the tract and mixed zoning classifications in the area; on the following described property:

A tract of land, containing 23.9781 acres, that is part of Block 1, of Oral Roberts University Heights 2nd Addition, a subdivision in the City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Beginning at a point, said point being the NW/c of Block 1 of Oral Roberts University Heights 2nd Addition; thence S 89°48'06" E along the northerly line of Oral Roberts University Heights 2nd Addition for 969.82'; thence S 0°11'54" W for 30.29' to a point of curve; thence southerly and southeasterly along a curve to the left with a central angle of 45°00'00" and a radius of 189.71' for 148.99' to a





0 250 500  
Feet



Subject  
Tract

**BOA-22216**

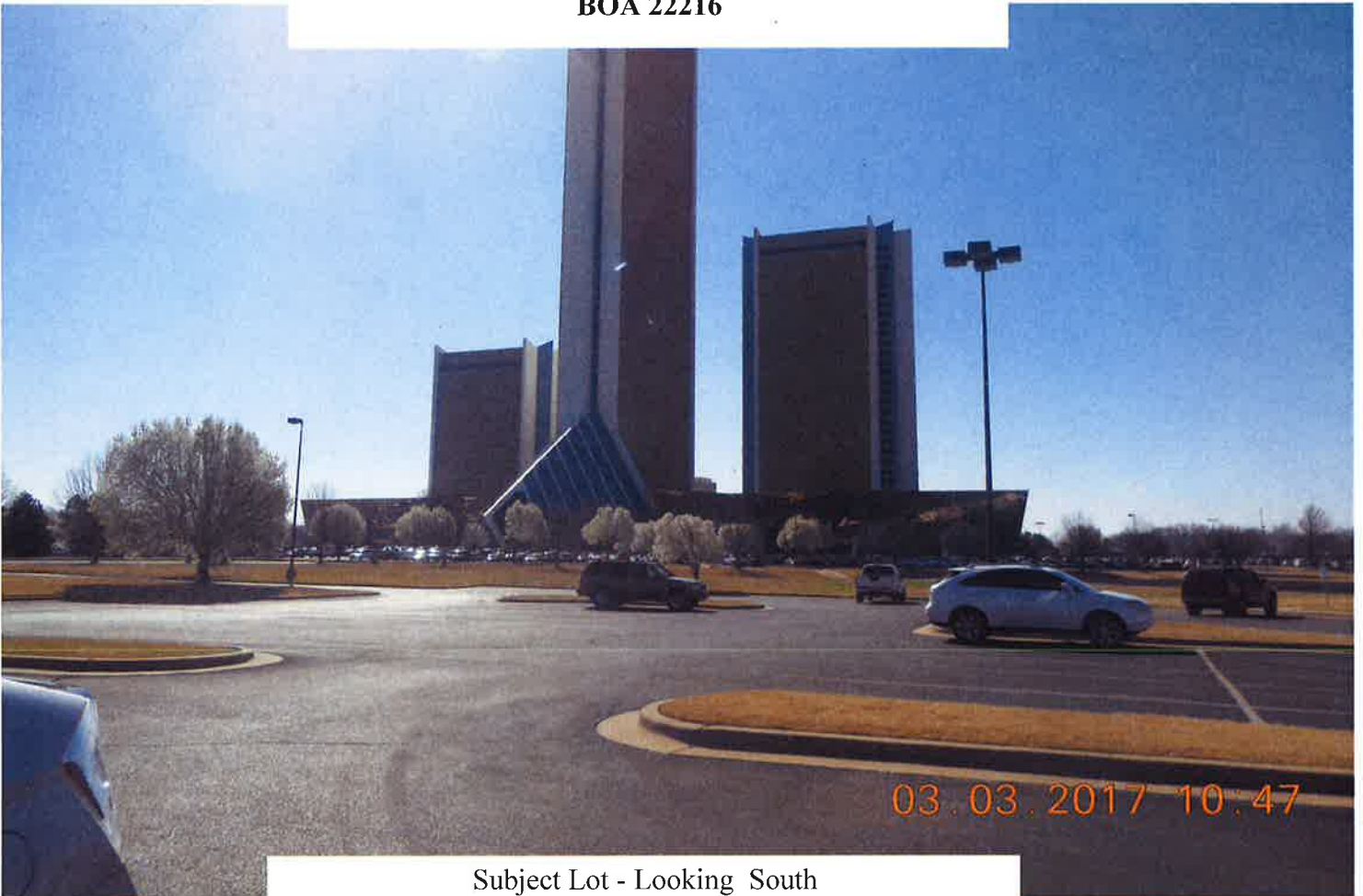
18-13 17

Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016



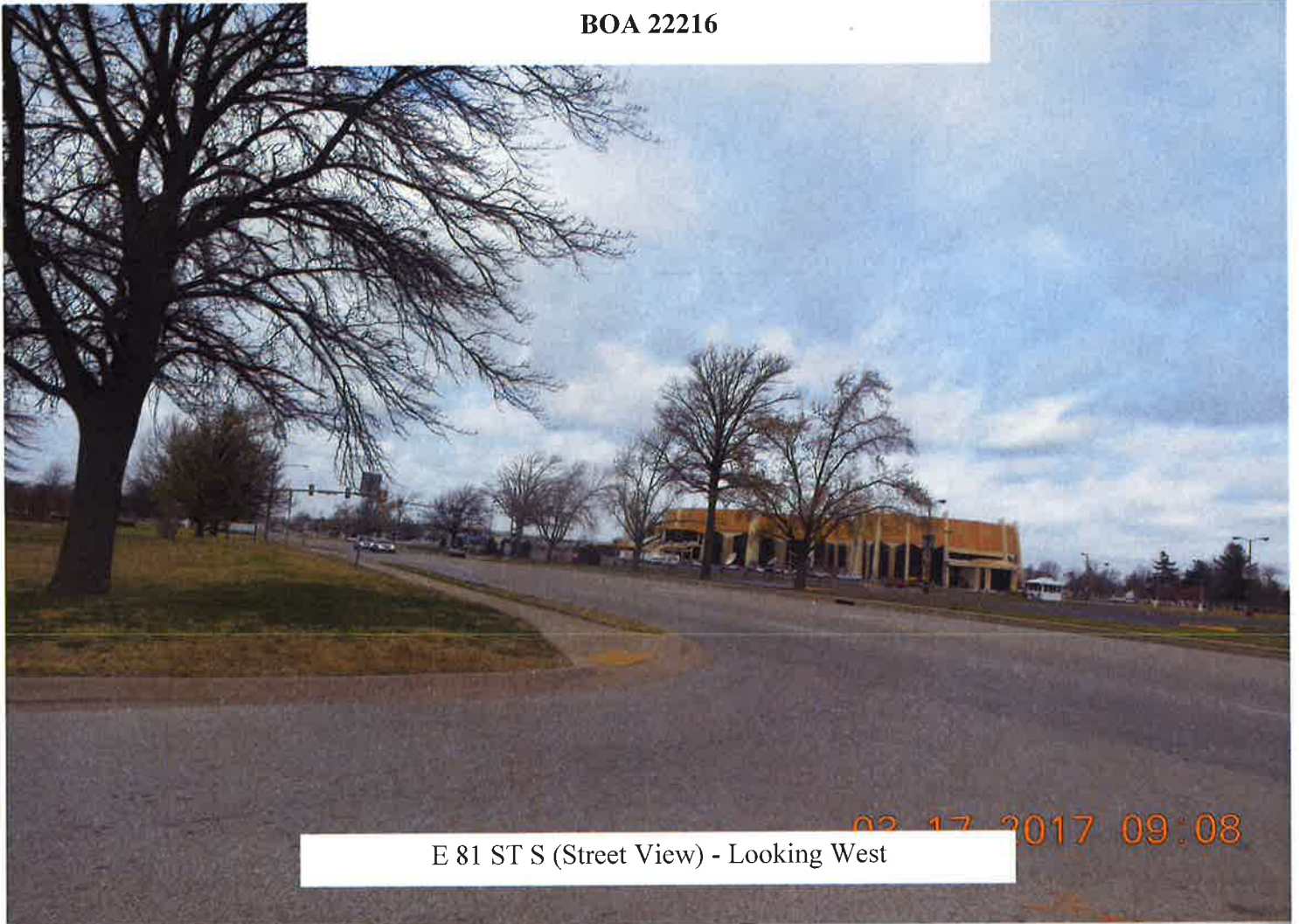




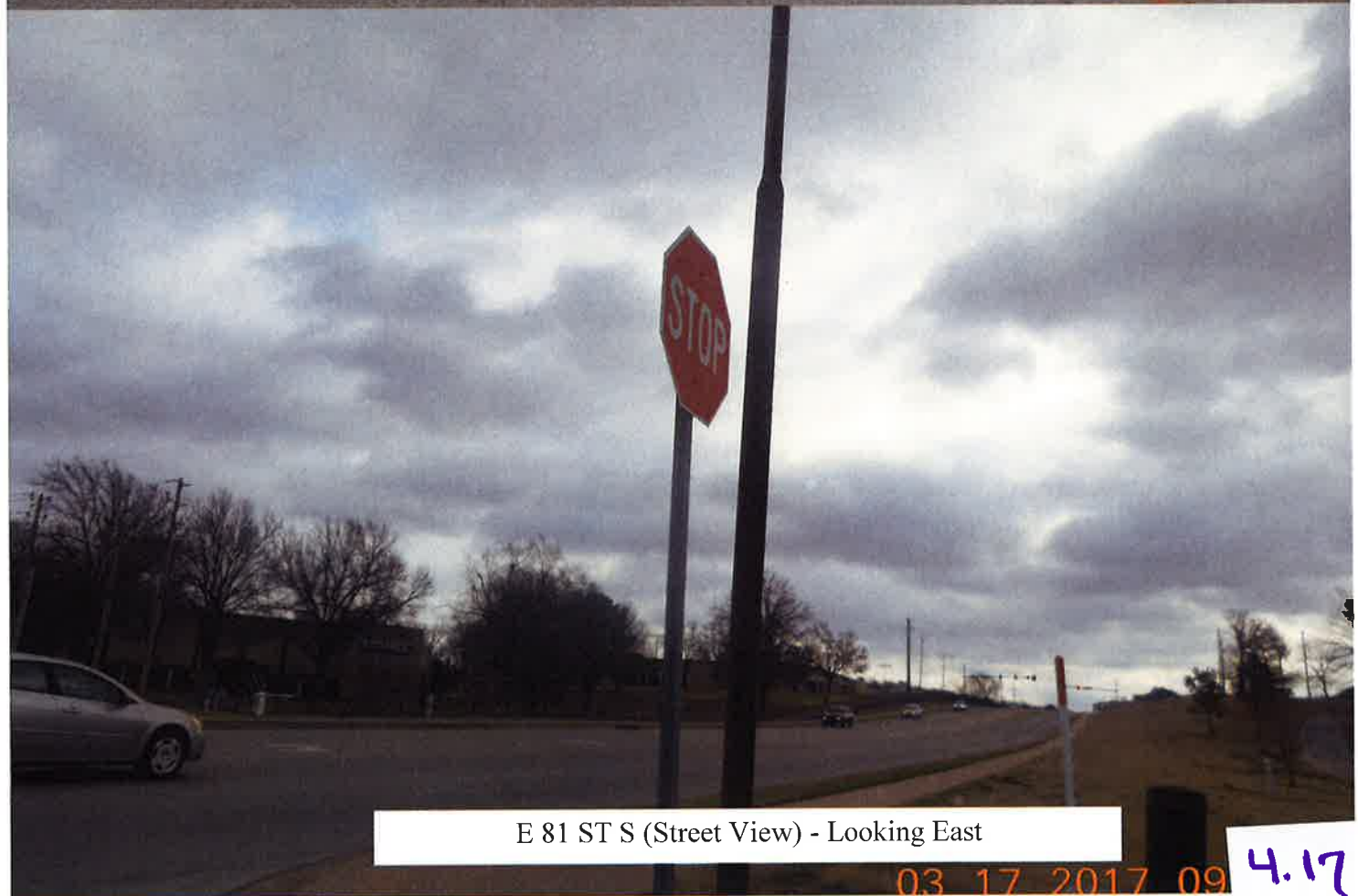
Subject Lot - Looking South







E 81 ST S (Street View) - Looking West



E 81 ST S (Street View) - Looking East

4.17

### **Exhibit "B"**

The Applicant requests a variance from Section 60.060-B to allow more than one on-premise sign in an OMH-Office Medium High District on the street frontages of both 81<sup>st</sup> Street and S. Lewis Avenue. Additionally, the Applicant requests a variance from Section 60.060-C to permit the on-premise signs to exceed to maximum display surface area from 150 SF to 606.86 SF on the 81<sup>st</sup> Street frontage and from 150 SF to 253.86 SF on the S. Lewis Ave. frontage.

The proposed signage is for the Oklahoma Surgical Hospital, which will be located at the CityPlex Towers (the "Towers"), mounted on the West Tower, a 30-story office building within the complex of three towers. The signage consists of two (2) logo wall signs, one on the North elevation of the tower (the proposed sign on the North elevation has already received a permit from the City of Tulsa) and the other on the Southwest elevation, each backlit, with a display surface area of 153.86 SF respectively. Additionally, a wall sign mounted on the four (4)-story base of the Towers, with a display surface area of 453 SF. The proposed signs are described in more detail in the renderings attached hereto and made part of this application.

The Board has previously approved similar requests for signage in and around the CityPlex complex. In BOA-21443 and 21443-A, the Board approved a variance to allow more than one sign in the office district (approving a total of eight (8) signs) and to increase the total display surface area from 100 SF to 985 SF. The Board also approved a variance in BOA-18570 to permit more than one sign in the office district. In each of these cases, the Board acknowledged the unusual size and shape of the CityPlex complex and the buildings located therein, as well as the need for the public to be able to distinguish other business in the Towers apart from Oral Roberts University, as hardships justifying the requested relief.

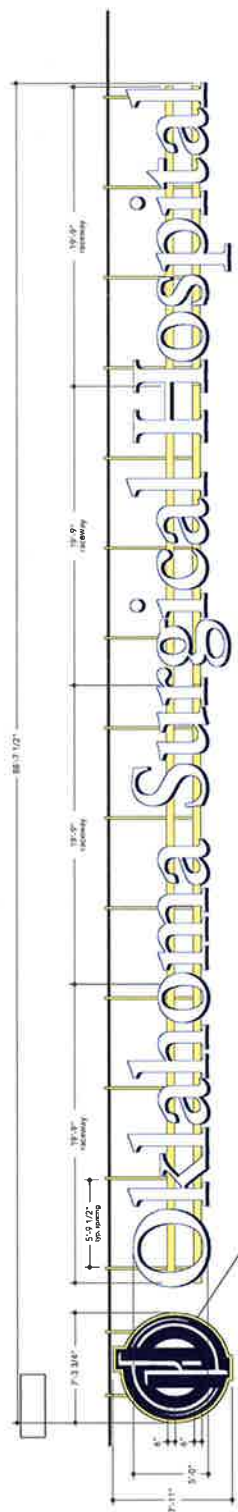
The square footage of the 30-story tower alone is 508,300 SF, with the total square footage of the Towers exceeding 2,000,000 SF. The Towers are setback from S. Lewis Ave. approximately 850 FT and over 1,000 FT from 81<sup>st</sup> Street. The setback of the Towers from the arterial streets, coupled with the sheer size of the Towers, both in square footage and in height, results in unnecessary hardship to the owner if the strict letter of the sign regulations are carried out. The literal enforcement of the Code is simply not necessary to achieve its intended purpose because the proposed signs are contextually appropriate to the property. The conditions herein are highly unique to the subject property and not applicable to other property within the same zoning classification. Granting these variances will not alter the essential character of the neighborhood nor substantially impair the use or development of adjacent property. Additionally, granting the variances will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code or the comprehensive plan.

Therefore, Applicant respectfully requests the Board grant a variance to allow more than one on-premise sign in an OMH district and a variance to allow the on-premise signs to exceed the maximum display surface area from 150 SF to 606.86 SF on 81<sup>st</sup> Street and to 253.86 SF on Lewis Avenue.





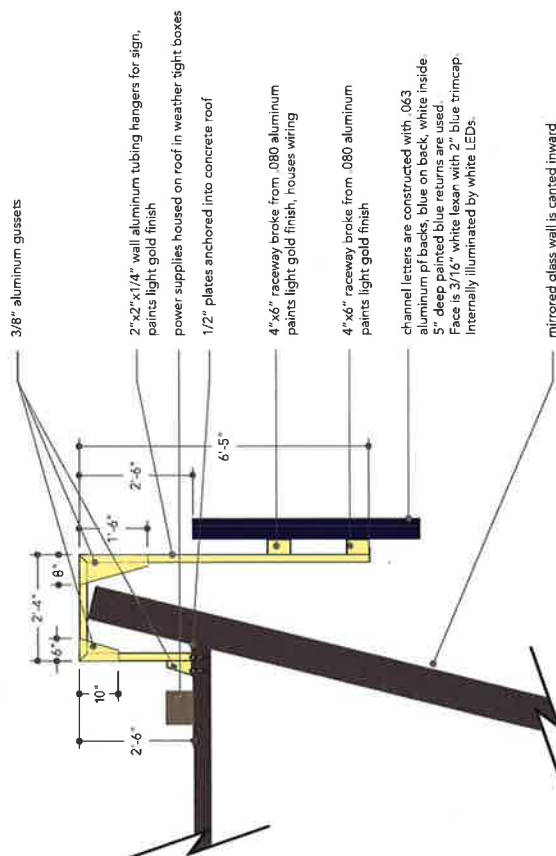




ELEVATION

**A** SCALE 1/8" = 1'-0"

logo features same aluminium construction as channel letters but uses an oversize lexan face with retainers. LED illuminated



END VIEW

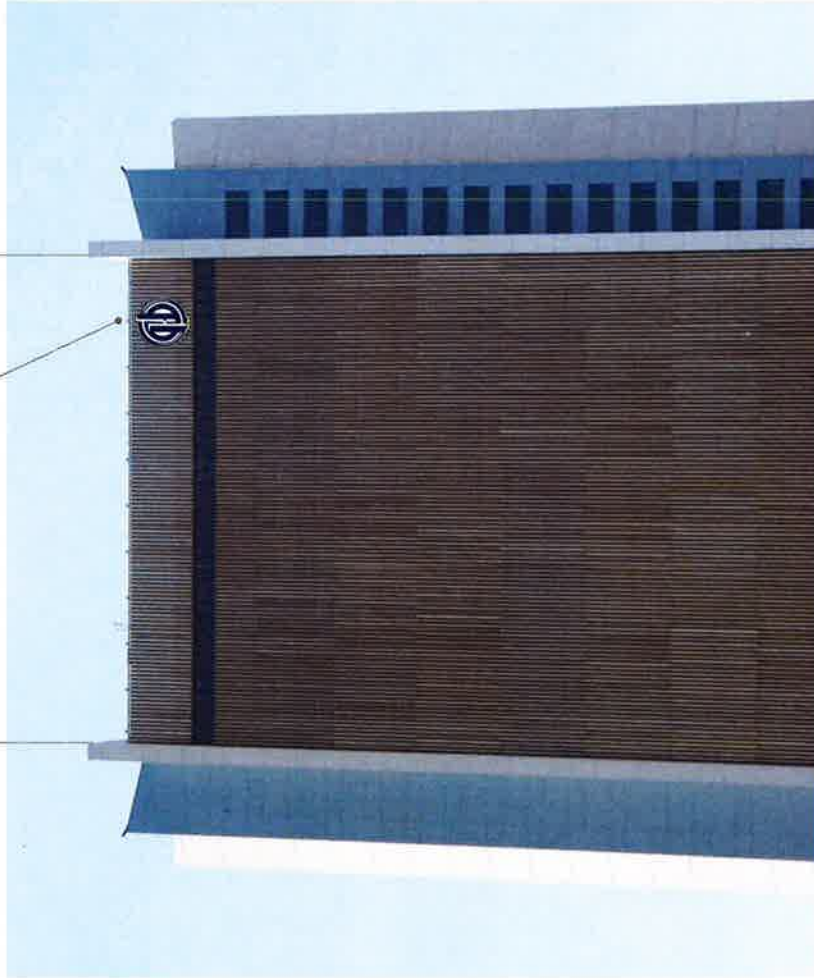
**B**



 225 NORTH LAKESHORE AVENUE TULSA, OKLAHOMA 74106 TEL: 918.488.7100 FAX: 918.488.7101 WWW.DWF.COM	PROJECT / CLIENT NAME: <b>OKLAHOMA SURGICAL          HOSPITAL AT CITYPLEX</b>		LOCATION: <b>81ST AND LEWIS</b>	ACCOUNT EXEC: <b>GARY LARSEN</b>	DESIGNER: <b>JOE KESTERSON</b>	DATE OF ORIGINAL DWG: <b>AUGUST 31, 2016</b>	REVISION HISTORY: <b>08.31.16 V 1.0</b>	SIGN TYPE/DESCRIPTION: <b>CHANNEL LETTER ID</b>	SHEET NAME: <b>ST-1.0</b>
	I HEREBY CERTIFY BY APPROVAL, THIS DWG IS A TRUE AND CORRECT REPRESENTATION OF THE WORK SPECIFIED IN THESE DRAWINGS AND I AGREE TO ACCEPT THE BLANKET LIABILITY FOR ANY DAMAGE RESULTING FROM THE USE OF THIS DRAWING. I AGREE TO HOLD THE DESIGNER AND ARCHITECT HARMLESS IN THE EVENT OF ANY DAMAGE TO THE PROJECT OR TO THE CLIENT OR TO THE PUBLIC. I AGREE TO HOLD THE DESIGNER AND ARCHITECT HARMLESS FOR ANY DAMAGE TO THE PROJECT OR TO THE CLIENT OR TO THE PUBLIC.								

Logo-12'-11" wide by 14'-0" tall

116' +/-



SHEET NAME  
**ST-2.1**

SIGN TYPE/DESCRIPTION:  
**CHANNEL LETTER ID**

REVISION HISTORY:  
08.31.16 V 1.0  
02.17.17 V 2.0

DATE OF ORIGINAL DWG:  
**AUGUST 31, 2016**

DESIGNER:  
**JOE KESTERSON**

ACCOUNT EXEC:  
**GARY LARSEN**

LOCATION:  
**BIST AND LEWIS**

PROJECT/CLIENT NAME:  
**OKLAHOMA SURGICAL  
HOSPITAL AT CITYPLEX**

☐ APPROVED AS SHOWN ☐ APPROVED AS NOTED  
DATE: 10/16/16

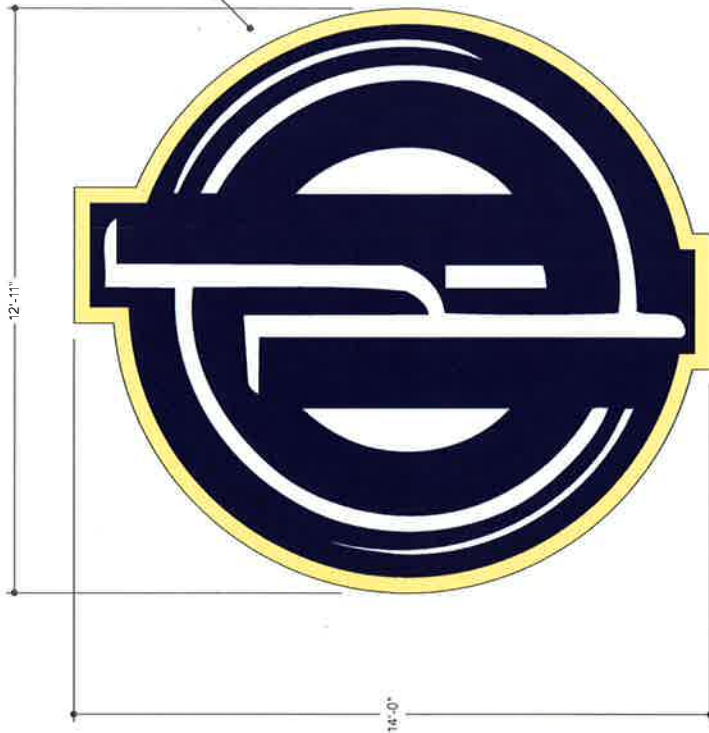
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1225 NORTH LANSING AVENUE  
OKLAHOMA CITY, OK 73102  
TEL: 405.442.2100  
FAX: 405.442.2101  
WWW.LANCEINDUSTRIES.COM

4.21

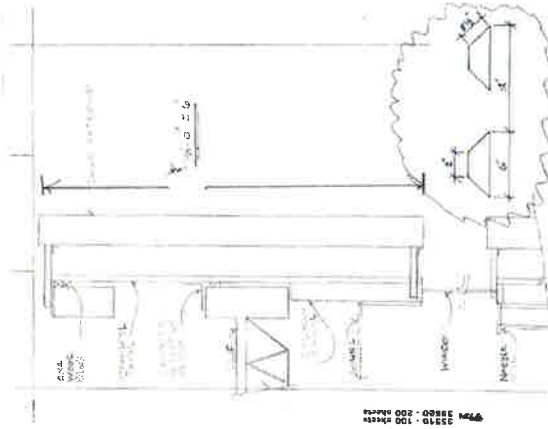


**A** END VIEW  
SCALE: 3/8" = 1'-0"



**B** ELEVATION  
SCALE: 3/8" = 1'-0"

single face cabinet. Steel angle frame with .063 aluminum skin.  
3M flex face and clip system for stretching. 4" retainers used to  
hide clips. Paint exterior light gold to match building extrusion.  
Digitally printed panaflex face, internally illuminated by white LEDs.  
Sign will need to be manufactured in pieces and assembled on site



	<p>1000 SOUTH LAUREL AVENUE OKLAHOMA CITY, OK 73106 PH: 405.505.7771 FAX: 405.505.7776 WWW.ODOT.OK.GOV</p>	<p>PROJECT/CLIENT NAME: <b>OKLAHOMA SURGICAL HOSPITAL AT CITYPLEX</b></p>	<p>LOCATION: <b>81ST AND LEWIS</b></p>	<p>ACCOUNT EXEC: <b>GARY LARSEN</b></p>	<p>DESIGNER: <b>JOE KESTERSON</b></p>	<p>DATE OF ORIGINAL DWG: <b>AUGUST 31, 2016</b></p>	<p>REVISION HISTORY: <b>08.31.16 V 1.0 02.17.17 V 2.0</b></p>	<p>SIGN TYPE/DESCRIPTION: <b>CHANNEL LETTER ID</b></p>	<p><b>ST-2.0</b> SHEET NAME</p>
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4.22



BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### SIGN PLAN REVIEW

November 02, 2016

LOD Number: 974654-1R

Sign contractor:  
Claude Neon Federal Signs  
1225 N Lansing Avenue  
Tulsa OK 74106

APPLICATION NO: **407750** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **2408 E 081 ST S NORTH ELEVATION 4TH FLOOR**  
Description: **Oklahoma Surgical Hospital**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
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3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 407750  
02, 2016

2408 E 081 ST S NORTH ELEVATION 4TH FLOOR

November

**This letter of deficiencies covers Sign Plan Review items only.**

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

### 60.060 Signs in Office Zoning Districts

#### 60.060-B Signs Allowed

In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

#### 60.060-C Maximum Area

Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

**Review Comments:** The proposed wall sign for Oklahoma Surgical Hospital with logo facing North appears to have 558 feet of street frontage along E 81<sup>st</sup> Street. Based on the street frontage of 558 feet times .3 the frontage will enable a maximum sign area of 150 square feet. The proposed 453 square foot sign plus the additional 153.86 square foot sign on the North elevation exceeds the permitted display surface area by 456.86 square feet (153.86+453-150). As an option you may install one sign along the 81<sup>st</sup> Street frontage and reduce the display surface area of the wall sign to be 150 square feet or you may seek two variances from the BOA to permit two wall signs to be installed along the 81<sup>st</sup> Street frontage of a lot and to exceed the maximum permitted display surface area by 456.86 square feet from 150 square feet to 606.86 square feet in an OMH zoning district.

**NOTE:** Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.

BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### SIGN PLAN REVIEW

November 02, 2016

LOD Number: 974649-1R

Sign contractor:  
Claude Neon Federal Signs  
1225 N Lansing Avenue  
Tulsa OK 74106

APPLICATION NO: **407744** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **2408 E 081 ST S SW ELEVATION**  
Description: **LOGO**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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(continued)

4.25



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[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 407744

2408 E 081 ST S SW ELEVATION

November 02, 2016

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#### 60.060-C Maximum Area

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**Review Comments:** The proposed Logo wall sign for Oklahoma Surgical Hospital facing west appears to have 602 feet of street frontage along S. Lewis Avenue. Based on the street frontage of 602 feet times .3 the frontage will enable a maximum sign area of 150 square feet. The proposed 153.86 square foot Logo sign plus the additional 100 square foot ground sign Along S. Lewis Avenue exceeds the permitted display surface area by 103.86 square feet (153.86+100-150). As an option you may install one sign along the S. Lewis Avenue Street frontage and reduce the display surface area of the sign to be 150 square feet or seek two variances from the BOA to permit one freestanding sign and one wall sign (two signs) to be installed along the S. Lewis Avenue street frontage of a lot and to exceed the maximum permitted display surface area by 103.86 square feet from 150 square feet to 253.86 square feet in an OMH zoning district.

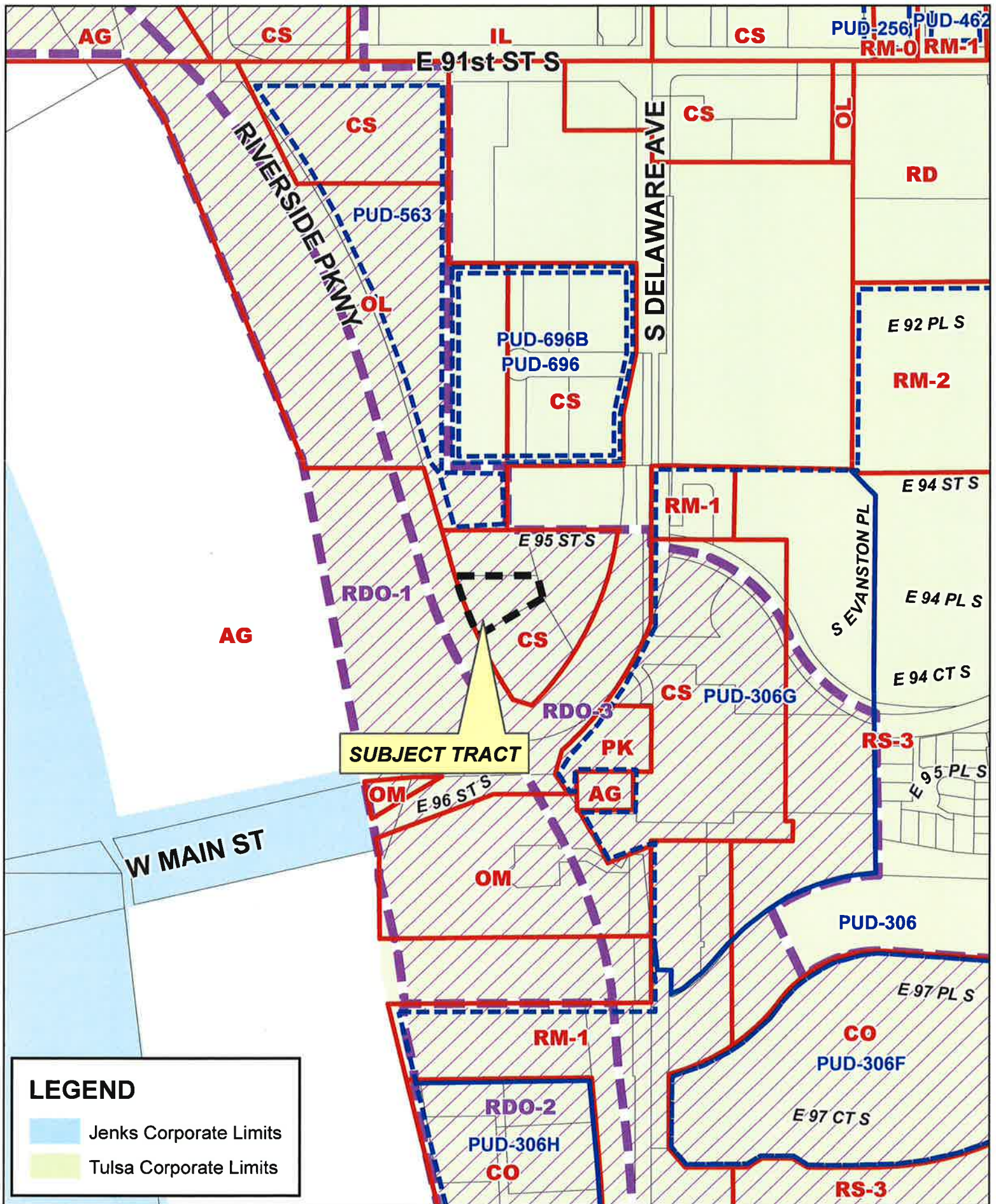
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KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.





# BOARD OF ADJUSTMENT CASE REPORT

STR: 8320

Case Number: BOA-22217

CZM: 56

CD: 2

A-P#: n/a

**HEARING DATE:** 03/28/2017 1:00 PM

**APPLICANT:** Kevin Braughton

**ACTION REQUESTED:** **Variance** of the required Build-to Zone (BTZ) to permit a building setback of 91 ft.; and a **Variance** of the minimum parking area street setback from 30 ft. to 23 ft. to permit a AT&T retail store in the CS/RDO-3 district (Section 20.050-C).

**LOCATION:** N of the NE/c of Riverside Parkway and S Delaware Ave **ZONED:** CS/RDO-3

**PRESENT USE:** Vacant Lot

**TRACT SIZE:** 33911.6 SF

**LEGAL DESCRIPTION:** PRT LT 2 BEG 307.60W &154.61SE NEC LT 2 TH SE68.55 SW246.24 CRV RT 202.68 E269.21 POB BLK 1, QUIKTRIP COMMERCIAL CENTER #96, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 20873**; on 02.24.09 the Board approved a special exception to allow a car wash in the CS district.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of the "Arkansas River Corridor" and an "Area of Growth".

The **Arkansas River Corridor** is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation. This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high quality development with parks and open space.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

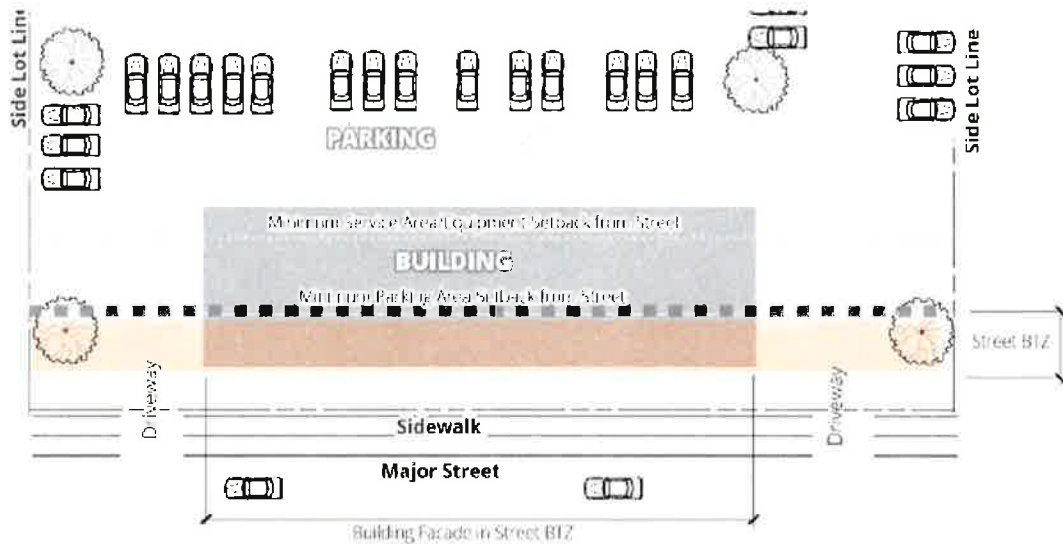


**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by a mixture of uses including commercial/retail, a gas station and a car wash.

**STAFF COMMENTS:**

The applicant provided the following statement: *“The site is a remainder parcel from a previously developed site with existing concrete drives with shared access easements. Because of the location of the existing driveway in the relation the street, it is impossible for the building to be placed within the required 10’ to 25’ build-to zone per Code. The proposal also violates the 30’ parking area setback requirement”*.

The RDO-3 district requires a BTZ of 10’ (minimum setback) to 25’ (maximum setback). The build-to-zone is the area on the lot where all or a portion of the street-facing building façade must be located, established as a minimum and maximum setback range. The applicant is requesting a variance of the build-to zone requirement to permit construction of the retail store with a 91 ft. setback from S Riverside Parkway.



The Code district requires that the proposed parking area be setback of 30 ft. from S Riverside Parkway. The parking area is the area which includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas. The applicant has requested a variance to reduce the minimum parking area setback to 23 ft. as shown on the attached plan.

**Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) a **Variance** of the required Build-to Zone (BTZ) to permit a building setback of 91 ft.; and a **Variance** of the minimum parking area street setback from 30 ft. to 23 ft. to permit a AT&T retail store in the CS/RDO-3 district (Section 20.050-C).

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

The Board finds that the following facts, favorable to the property owner, have been established:

- “a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*

**Applicant's Rebuttal:**

Mr. LaBass said the students have to be chosen thru a selection process. They have to want to get better in order to participate in this program. Mr. Tidwell asked Mr. LaBass to confirm that there would be 60 students four times a year. Mr. LaBass said the numbers could grow to that number but it would not start out with 60 students.

**Board Action:**

On Motion of White, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **DENY** a Special Exception to permit a public school facility (Use Unit 5) in the IL district (Section 901), on the following described property:

LT 3 & 4 & W38 LT 2 BLK 2, INDUSTRIAL EQUIPMENT CTR

\*\*\*\*\*

FILE COPY

**Case No. 20873**

**Action Requested:**

Special Exception to permit an auto wash facility (Use Unit 17) in a CS district (Section 701), located: North of Northeast Corner of Riverside Drive & 96<sup>th</sup> Street.

**Presentation:**

Scott McLain, 1120 South Albert Pike, Fort Smith, Arkansas. The company he represents currently operates a car wash at 39<sup>th</sup> Street and Sheridan. They are looking forward to adding their second location in Tulsa and their twentieth location nationwide.

**Comments and Questions:**

Ms. Stead asked Mr. McLain if this would be affiliated with QuikTrip. Mr. McLain said it is next to QuikTrip but is not associated with them. Ms. Stead asked about the noise level. Mr. McLain said the vacuums are on the opposite side from the residential area. The vacuums are in a central vacuum system which minimizing the noise level. Ms. Stead asked Staff to address the need for sidewalks. Mr. Cuthbertson stated that efforts are made to be consistent in requiring sidewalks. This is a unique case that Riverside Drive does not have sidewalks in this area. Mr. McLain stated most foot traffic is on the opposite side of Riverside Drive along the River Trails. Ms. Stead asked if QuikTrip would be taking down their signs. Mr. McLain said the directional signs would be removed. Mr. Tidwell asked about the hours of operations. Mr. McLain said the typical hours are 8 a.m. to 8 p.m. but that is not set in concrete. They try to tailor the hours to their customers but it is not a 24 hour operation.

**Interested Parties:**

There were no interested parties who wished to speak.



**Board Action:**

On **Motion of Stephens**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to permit an auto wash facility only (Use Unit 17) in the CS district (Section 701) per plan on page 14.6 and 14.7 with lighting per Kennebunkport formula, finding that 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:

LTS 1 & 2 LESS BEG NEC LT 2 TH W307.60 SE223.16 SE207.43 NELY CRV  
LF 422.21 POB BLK 1, QUIKTRIP COMMERCIAL CENTER #96

FILE COPY

**Case No. 20874**

**Action Requested:**

Special Exception to permit a child care center in the RS-3 district (Section 401); a Variance of the parking requirement for a child care center (Section 1205); and a Variance of the minimum lot size, minimum frontage required, and minimum building setback from an abutting R district (Section 404.F) to permit a child care center in the existing dwelling, located: 1619 North Boston Place.

**Comments and Questions:**

Mr. Cuthbertson stated that there had been an omission of the street address on the agenda. There had been proper notice and a sign had been placed on the property. Mr. Boulden stated that he felt the Board could discuss the issue but did not recommend taking action until the next meeting. Ms. Stead stated that if the Board could not take action then the case should not be discussed.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **CONTINUE** this case until March 10, 2009 and that this case be the first case heard on March 10, 2009, on the following described property:

LT 17 BLK 1, MELROSE 2<sup>ND</sup> ADDN

\*\*\*\*\*

**Case No. 20875**

**Action Requested:**

Special Exception to permit a single family dwelling (Use Unit 6) in a CS district; in addition to a developing bank use, located: Southeast corner of South 33<sup>rd</sup> West Avenue and I-44.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma. He represents Peoples Bank regarding the construction of a bank.





RIVERSIDE PKWY

E 95 ST S

S. DELAWARE AVE

0 50 100  
Feet



Subject  
Tract

**BOA-22217**

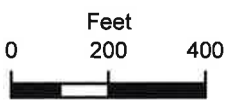
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Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016







 Subject Tract

**BOA-22217**

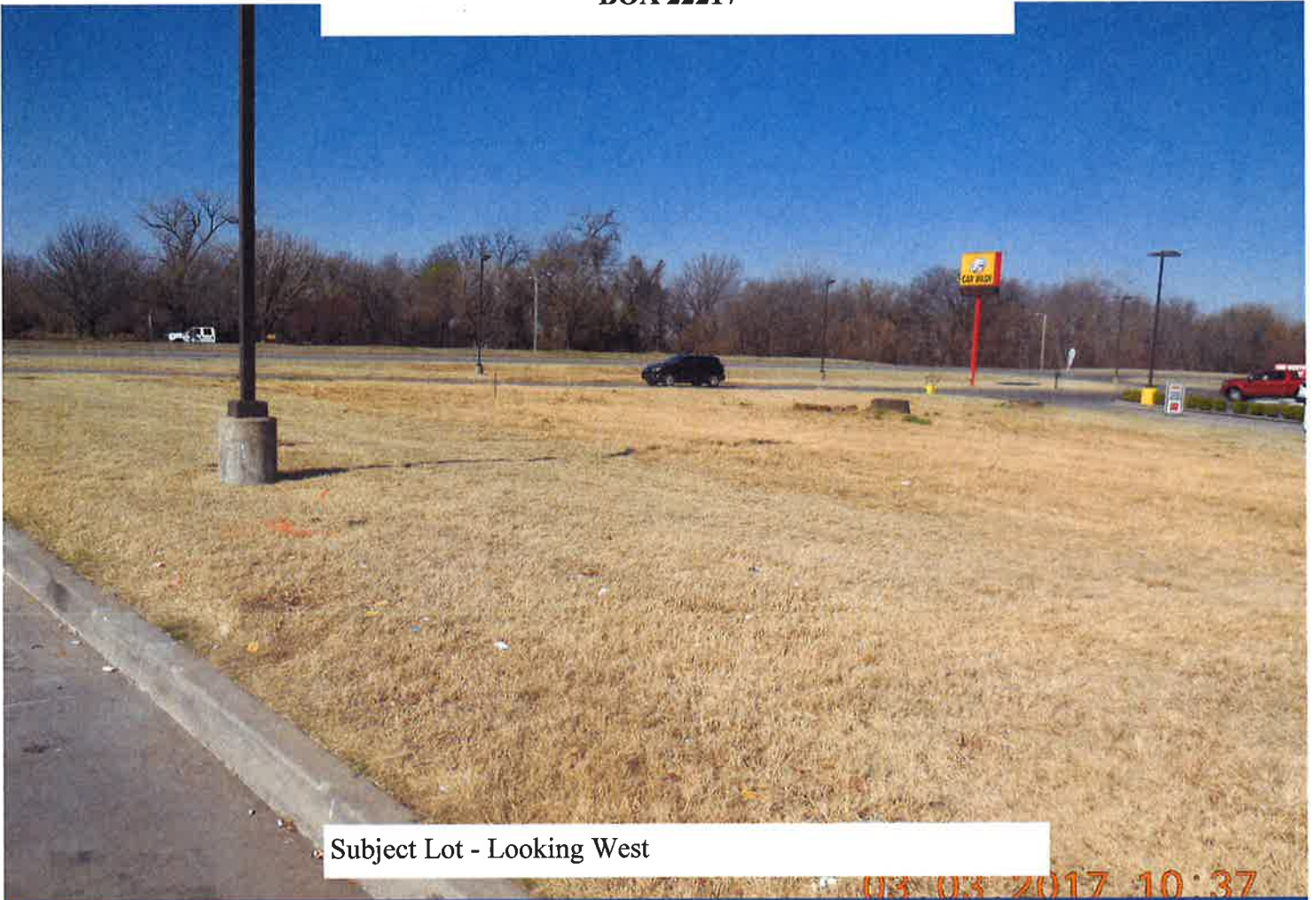
18-13 20

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Aerial Photo Date: February 2016



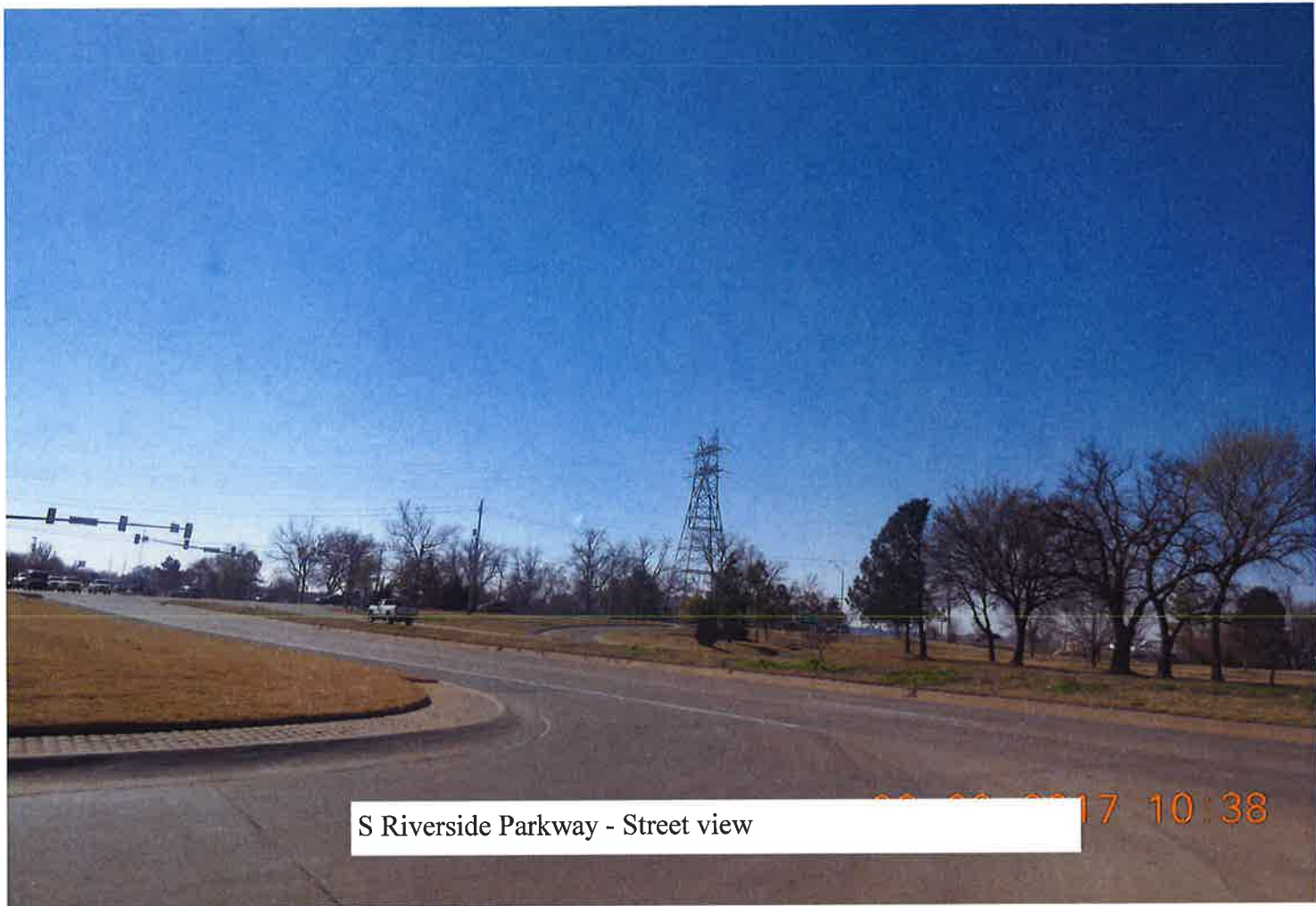




Subject Lot - Looking West



S Riverside Parkway - Street view



S Riverside Parkway - Street view

02/02/2017 10:38



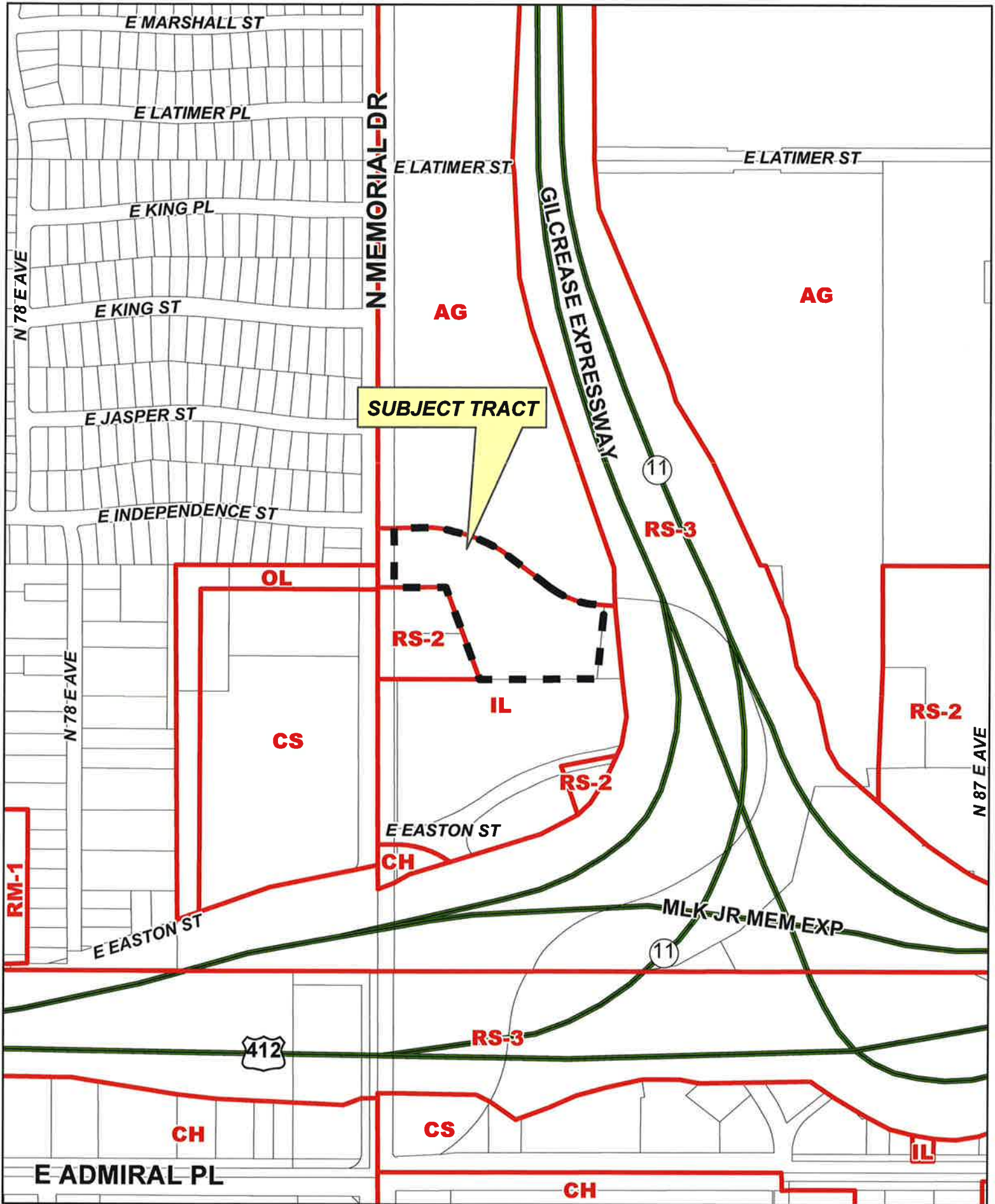




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BOA-22218

20-13 36

6.1

# BOARD OF ADJUSTMENT CASE REPORT

STR: 0336  
CZM: 30  
CD: 3  
A-P#: 415185

Case Number: **BOA-22218**

**HEARING DATE:** 03/28/2017 1:00 PM

**APPLICANT:** Gary Haynes

**ACTION REQUESTED:** Variance to permit a dynamic display sign to be located within 200 ft. of a R district (Section 60.100-F).

**LOCATION:** 585 N MEMORIAL DR E

**ZONED:** IL

**PRESENT USE:** Federal Credit Union

**TRACT SIZE:** 4.27 Acres

**LEGAL DESCRIPTION:** BG SWC LT 3 BLK 1 MINGO HGTS ADD TH W384.9 NW318.17 W169 N74 NELY ON CRV RT152.99 SELY ON CRV RT277.43 SE152.89 SE ON CRV LF227.25 S208.23 POB & PRT S VAC INDEP ST A/K/A SCENIC DR LESS W51.5 FOR ST SEC 36 20 13 4.27ACS, MINGO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 19297;** on 02.26.02 the Board **denied** a variance to reduce the required 200 ft. setback from an R district to permit an electronic message sign on the IL zoned lot.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment Area" and an "Area of Growth".

**Employment areas** contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by N Memorial Drive, RS-3 zoned residential, CS and OL zoned commercial on the west; a RS-2 zoned church abuts the site on the south. AG zoning abuts the site on the north and the Gilcrease Expressway abuts the site on the east.



**STAFF COMMENTS:**

The applicant is proposing to install a 3' x 8' (24 SF) dynamic display sign on the existing ground sign as shown on the submitted plans and photos. It appears that the proposed dynamic display sign is 60 ft. from the RS-3 district on the west and 100 ft. from the RS-2 district on the south.

The Code requires that no dynamic display sign, if visible from an R district other than street, highway or freeway right-of-way, shall be located within 200 feet of the R district. The Code attempts to protect nearby and visible R districts from the impacts of digital signs. The applicant is requesting a variance to allow proposed dynamic display sign within 200' of an R-zoned district.

**Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) a Variance to permit a dynamic display sign to be located within 200 ft. of a R district (Section 60.100-F).

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

The Board finds that the following facts, favorable to the property owner, have been established:

*"a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*

*b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*

*c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*

*d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

*e. That the variance to be granted is the minimum variance that will afford relief;*

*f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*

*g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

the historical structures in the neighborhood. He complained that the carport in question is not appropriate to the house or the neighborhood.

**Gail Johnson**, 1711 W. Easton Ct., stated that the applicant did not contact her regarding the new construction. She expressed concern that the structure might be partially on her property.

**Allen Bates**, 1715 W. Easton Ct., stated he lives on the subject property. He is in favor of the project. He stated that it was built over the driveway, not attached, and built on piers. He was confident that it was a sturdy structure, and would be complimentary to the house.

**Applicant's Rebuttal:**

Mr. Fitts stated that he owns eight pieces of real estate in the neighborhood. He has made substantial improvements to the house. He added there is not enough room in the back yard to put a carport. He assured the Board that the carport is on his property and not on the neighbor's lot.

**Comments and Questions:**

Ms. Turnbo asked for a hardship. Mr. Fitts indicated that the house does not conform to the Code, as it was built in 1925, and there are only 13' from the house to the lot line. The Board received a letter of opposition (Exhibit C-2).

**Board Action:**

On **MOTION** of **Perkins**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to **DENY** a **Variance** to allow a detached accessory building in the front yard; a **Variance** of the 25' required front yard; and a **Variance** of the required 5' side yard to 0', finding a lack of hardship, on the following described property:

Lot 4, Block 1, Irving Place, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19297**

**Action Requested:**

Variance of the required setback from an R zoned district for a changeable lettering sign from 200' to 80' on the west and 92' to the south. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 11, located SE/c E. Independence & N. Memorial.

**Presentation:**

**Roger Lister**, 533 S. Rockford, with Claude Neon Signs, stated the project is for Golden Eagle Credit Union. He informed the Board they propose to put in an electronic variable message sign. The neighboring church does not object to the sign. He suggested the hardship is the uniqueness of the property.



**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, to **APPROVE** a **Variance** of the required setback from an R zoned district for a changeable lettering sign from 200' to 80' on the west and 92' to the south, finding the hardship to be the shape of the lot, and the right-of-way on Memorial and separation between the subject property and the property to the west, the R property is not used as residential, and the motion **Died** for lack of a second on Case No. 19297.

On **MOTION** of **Cooper**, **seconded** by **Turnbo** the Board voted 3-2-0 (Turnbo, Perkins, Cooper "aye"; White, Dunham "nay"; no "abstentions"; no "absences") to **DENY** a **Variance** of the required setback from an R zoned district for a changeable lettering sign from 200' to 80' on the west and 92' to the south, finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

All of Rice Center, a resubdivision of Lots 4 - 8, Block 1, Mingo Heights Addition, and Lot 3, Block 1, Mingo Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma, less the following described property: Beg. at the SE/c of Lot 3, thence W 50' along the S line, thence NW 213.23' to a point in the N line, thence E 93.21' to the NE/c, thence S 203.88' to the POB.

\*\*\*\*\*

**Case No. 19298**

**Action Requested:**

Variance of the required 75' setback from an R zoned district to 35'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 23, located 404 S. 122<sup>nd</sup> E. Ave.

**Presentation:**

**Lynn Smith**, 3122 S. Florence Ct., stated he is co-owner of Hodges Quality Meat, a meat processing plant in Eastgate Industrial Park. They bought the property in March 2001 and have improved the property. The rear of the building is about 75' x 200' and it abuts residential property, separated by a concrete block fence. They park their trucks on the side of the property near the block fence. They hauled off the junk that had been collected in that area over the years, including some inoperable trucks. They propose to build a 24' x 30' metal storage building, with an overhead door for spare parts and racks. There would be no electric, gas or water connections.





Feet  
0 200 400



Subject  
Tract

**BOA-22218**

20-13 36

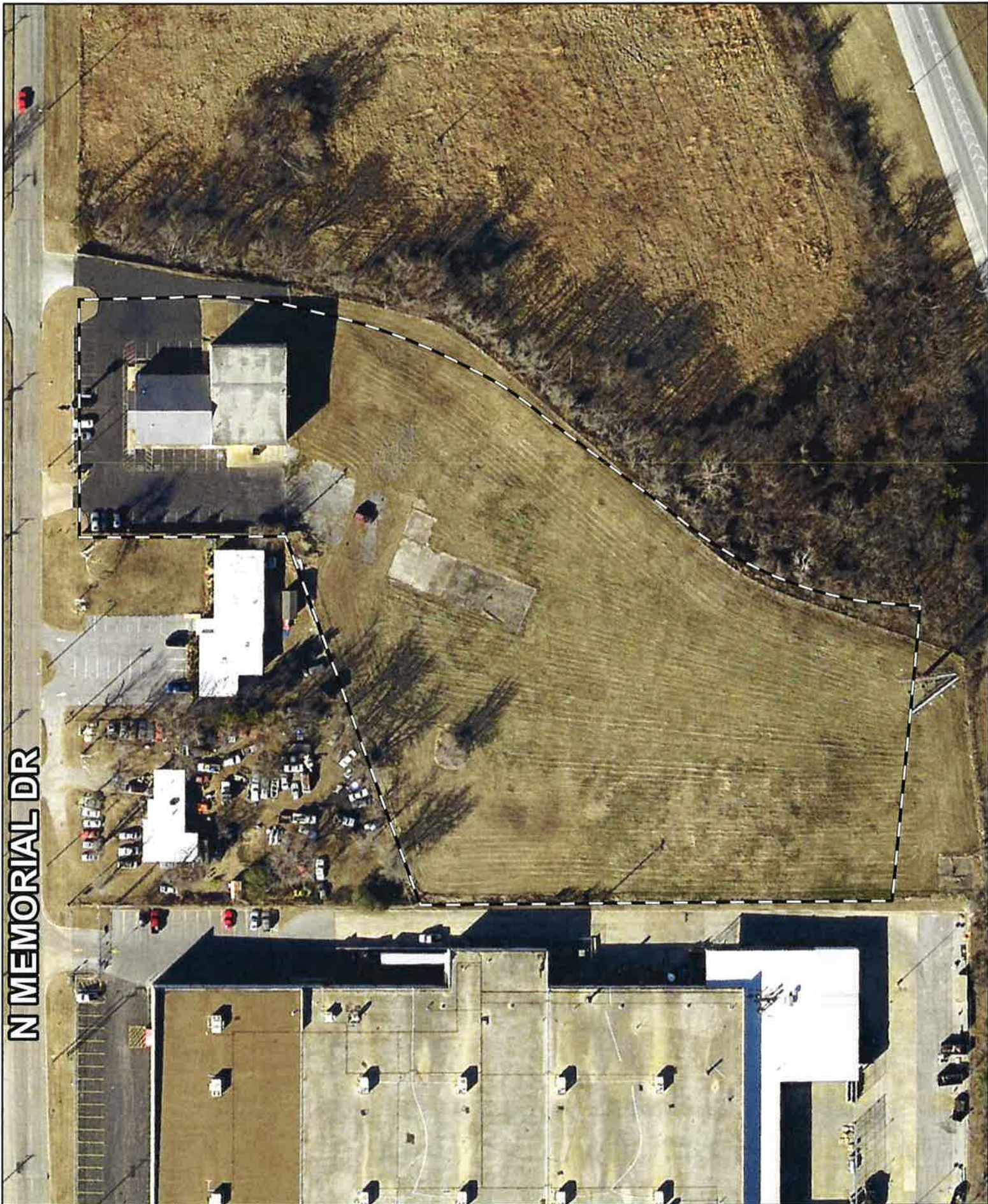
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016





N MEMORIAL DR



0 50 100  
Feet



Subject  
Tract

**BOA-22218**

20-13 36

Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016

6.7

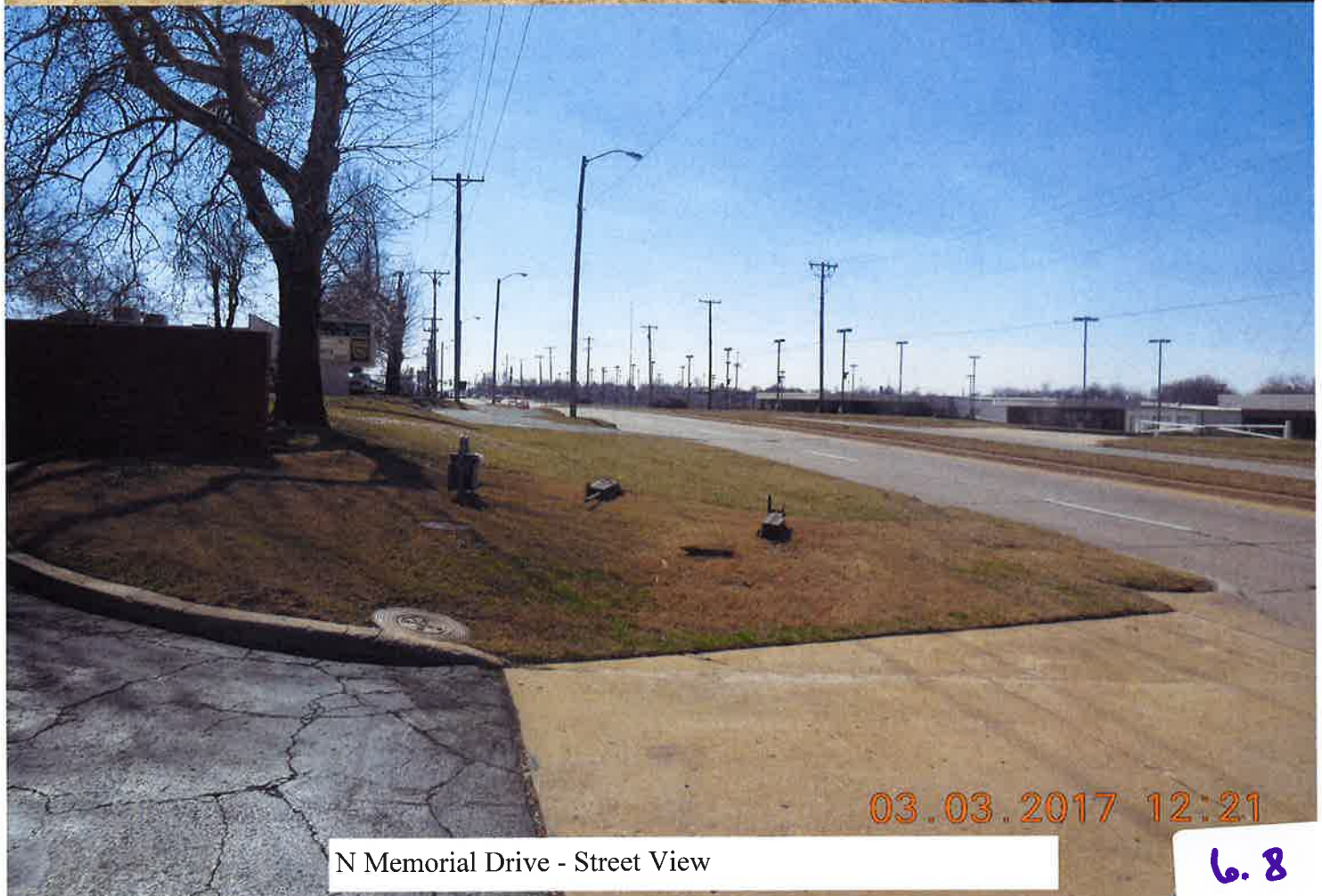






Subject Lot - Looking NE

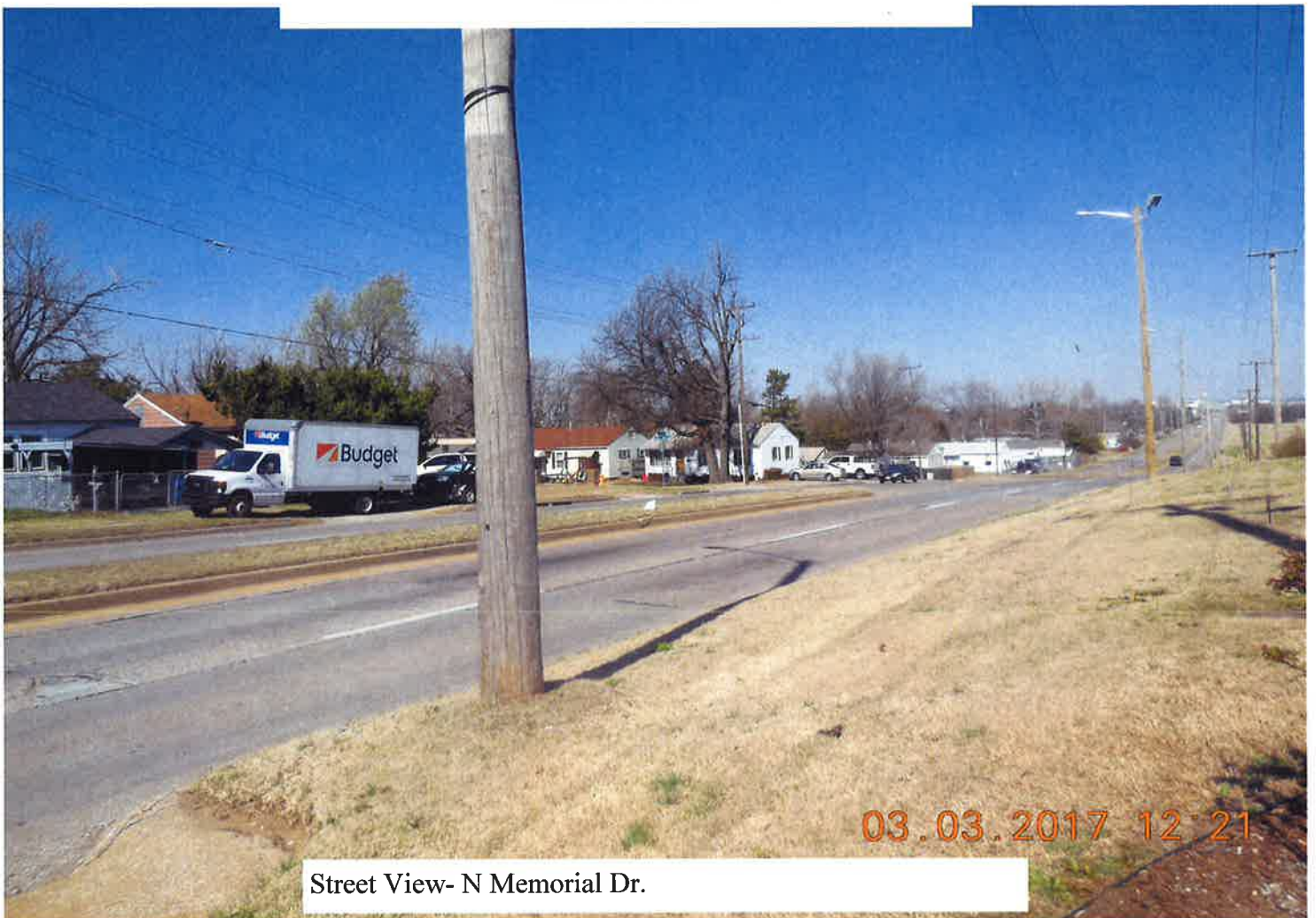
03.03.2017 12:21



N Memorial Drive - Street View

03.03.2017 12:21





Street View- N Memorial Dr.



# ECCB DISPLAY

\* This is NOT final artwork. Artwork will be finalized after order is placed.  
 \* Site survey needed. The measurements shown below are an estimate only.



3/4"=1'  
 SCALE  
 Golden Eagle  
 Federal Credit Union  
 CLIENT  
 ECCB Display  
 PROJECT  
 585 N Memorial Dr  
 ADDRESS  
 Tulsa, OK 74115  
 CITY, STATE, ZIP CODE  
 1-30-2017  
 DATE  
 013017-01  
 DESIGN NUMBER  
 Vanessa Davis  
 DRAWN BY

APPROVED DATE

Revisions	
△	
△	
△	
△	
△	
△	

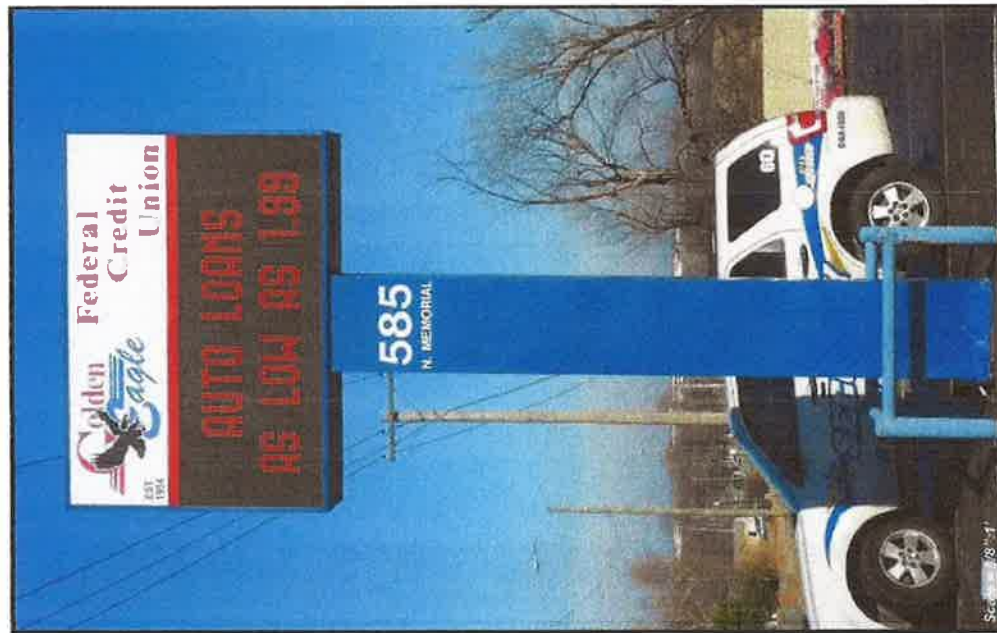
This is an original unpublished drawing created by Crown Neon. It is submitted for your personal use in conjunction with a project being planned for you. It is not to be shown to anyone outside your organization nor is it to be used, reproduced, copied or exhibited in any fashion without the express written consent of Crown Neon.



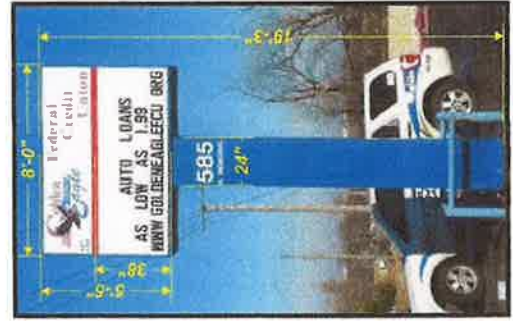
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE. ADDITIONAL APPLICABLE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) SHALL BE FOLLOWED.



www.crownneonsigns.com  
 5676 S. 107th E. Ave  
 Tulsa, OK 74146  
 918.872.8425 Sales



Proposed



Existing

Approved by: \_\_\_\_\_

(print)

Date: \_\_\_\_\_

(signature)

6.10



Google Earth

feet  
meters

200

80



60' From Center of Memorial  
105' From Residential  
60' Building Frontage  
230' Street Frontage



BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### SIGN PLAN REVIEW

February 16, 2017

LOD Number: 989974-1R

Sign contractor:

Phone: (918)872-8425

GARY HAYNES  
CROWN NEON SIGNS  
5676 S 107 E AVE  
TULSA, OK 74146

APPLICATION NO: **415185** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **585 N MEMORIAL DR E**  
Description: **Golden Eagle Federal Credit Union/Electronic Message Center**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)

6.12

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 415185

585 N MEMORIAL DR E

February 16, 2017

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

---

### Section 60.100 Dynamic Displays

1.) **60.100-F** Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process.

**Review Comments:** The proposed 24 square foot (8 ft. x 3ft.) dynamic display sign appears to be located within 200 feet of an RS-2 and RS-3 Residential zoning district. You may pursue a variance from the BOA to permit a dynamic display sign to be located within 200 feet of an RS-2 and RS-3 zoning district.

**Sign, Dynamic Display :** Any element of a sign or sign structure capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows a sign to present a series of images, messages or displays.

---

**NOTE:** Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

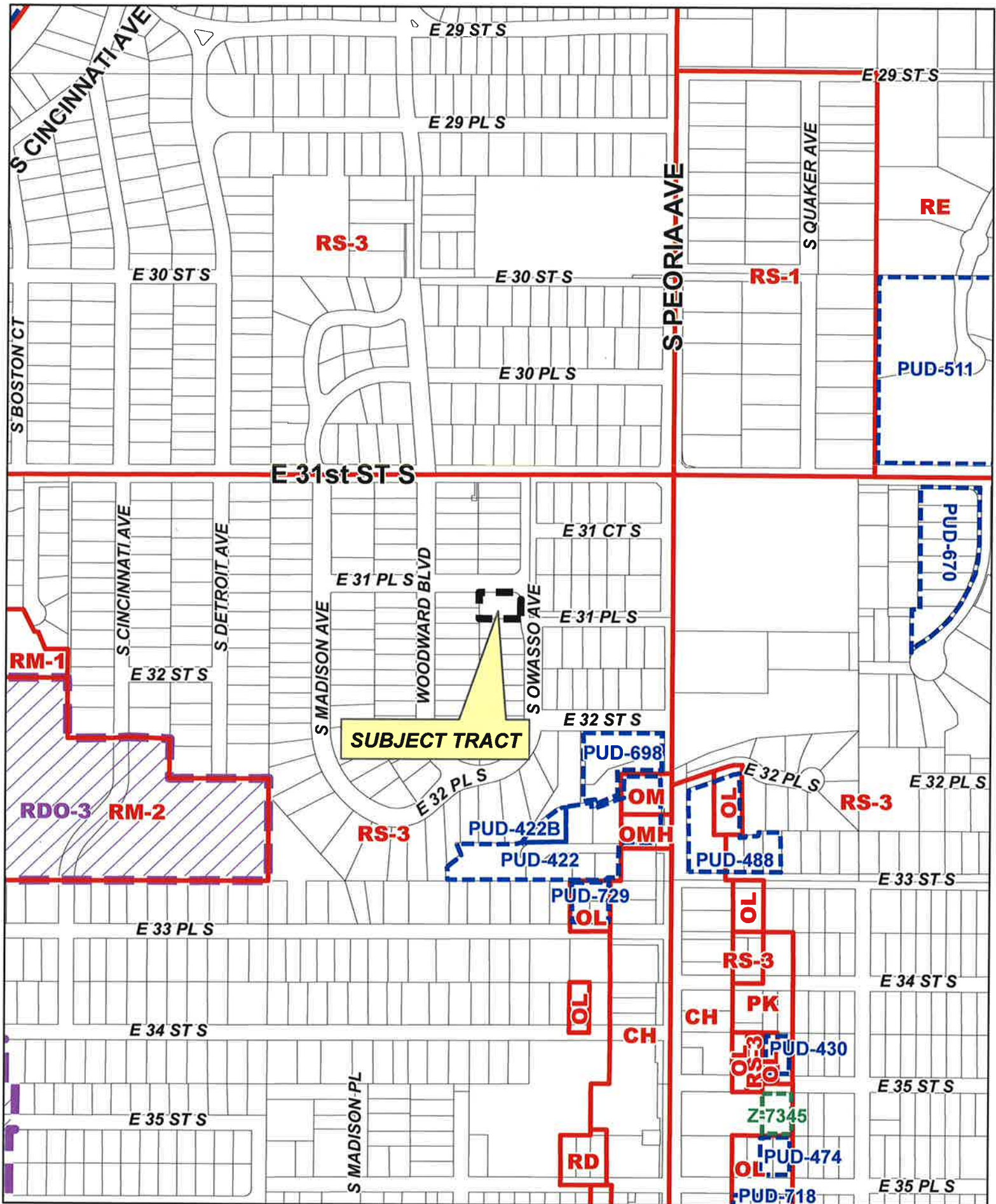
## END – ZONING CLEARANCE AND SIGN CODE REVIEW

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.



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BOA-22219

19-12 24

7.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9224

Case Number: BOA-22219

CZM: 46

CD: 9

A-P#: 414075

**HEARING DATE:** 03/28/2017 1:00 PM

**APPLICANT:** Pat White

**ACTION REQUESTED:** **Special Exception** to allow a carport in the required street setback on an RS-3 zoned lot, with a modification to allow the area of the carport to exceed 20'-0" x 20'-0" or 400 sq. ft. (Section 90.090-C).

**LOCATION:** 3132 S OWASSO AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 11826.59 SQ FT

**LEGAL DESCRIPTION:** LTS 1 & 2 LESS S15 LT 2 BLK 2, BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**  
None relevant.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The **Areas of Stability** includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-2 zoned residences.

### **STAFF COMMENTS:**

As shown on the attached plans the applicant is proposing to construct a carport within the required street setback of the site. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- The area of a carport may not exceed 20 feet in length by 20 feet in width or 400 SF. According to the site plan supplied by the applicant, the proposed addition to the existing carport will increase the total size of the carport to 22 ft. x 24 ft. (528 SF). The applicant has requested that the Board modify the square footage limitation to permit the carport as proposed.

The Code's limitation on the carport size is intended to ensure that carports located within front yards are compatible with a minimum desired residential character found in the neighborhood and don't consume an entire required front yard eclipsing the presence of the home on the streetscape.

### **Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a carport in the required street setback on an RS-3 zoned lot, with a modification to allow the area of the carport to exceed 20'-0" x 20'-0" (Section 90.090-C).

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):  
\_\_\_\_\_

The Board finds that the requested 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.





0 200 400  
Feet



Subject  
Tract

**BOA-22219**

19-12 24

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

7.4







0 50 100  
Feet



Subject  
Tract

**BOA-22219**

19-12 24

Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016







Subject Lot - Looking South

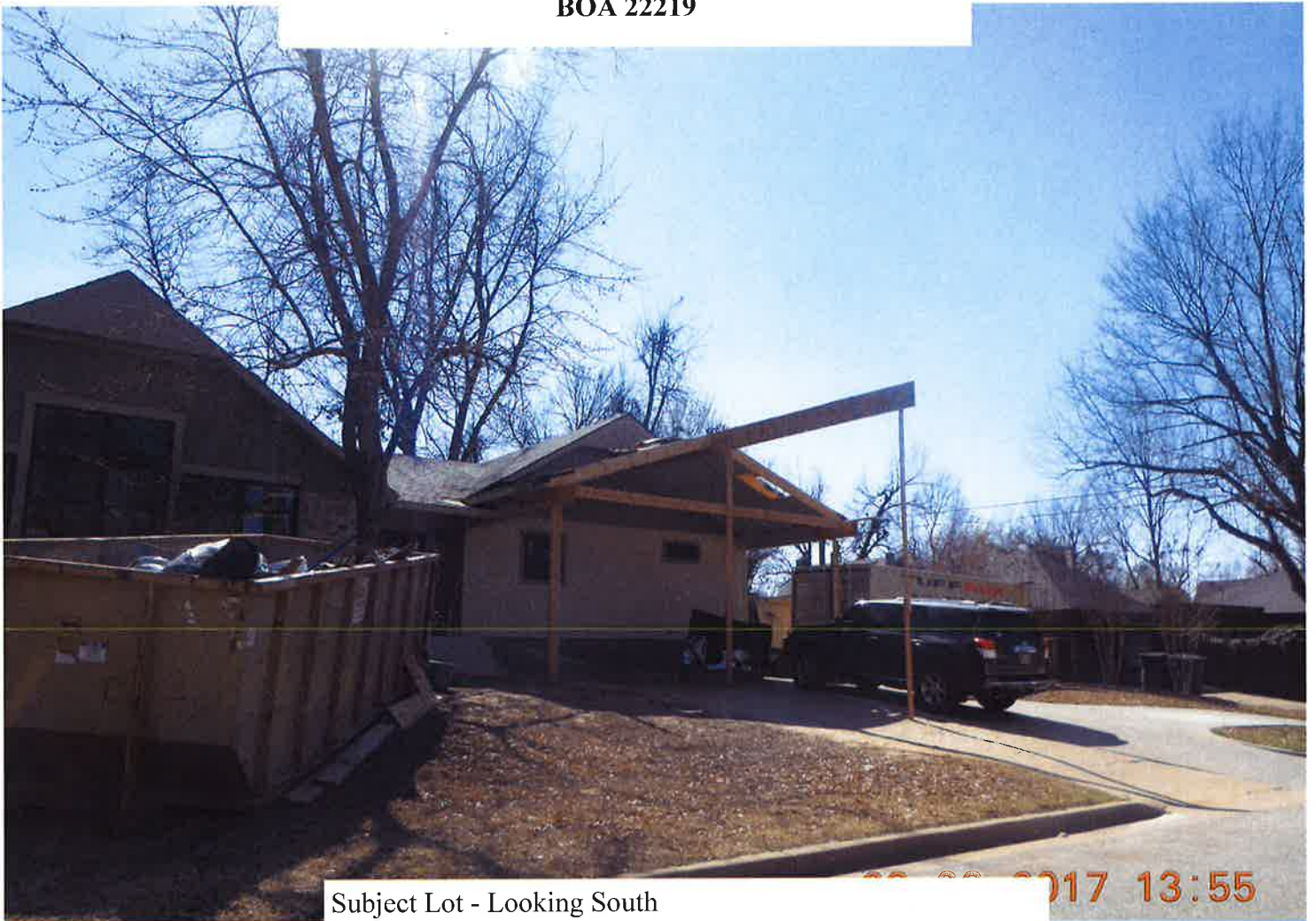


E 31 Pl S - Street View

03.03.2017

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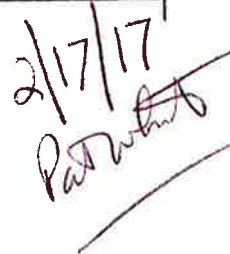


Subject Lot - Looking South





408349



1

Scale: 1" = 20'

JEFF S. TAYLOR  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 989629-2

February 17, 2017

GILBERT FLETCHER  
HOMEOWNER  
3132 S OWASSO AV  
TULSA, OK 74037

Phone: (918)348-0298

APPLICATION NO: **414075** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **3132 S OWASSO AV E**  
Description: **ADDITION**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 414075

3132 S OWASSO AV E

February 17, 2017

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

**Special exception approval required; see §90.090-C1.**

1. **Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

**Review comment:** The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations above must be addressed as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

**A hard copy of this letter is available upon request by the applicant.**

### **END – ZONING CODE REVIEW**

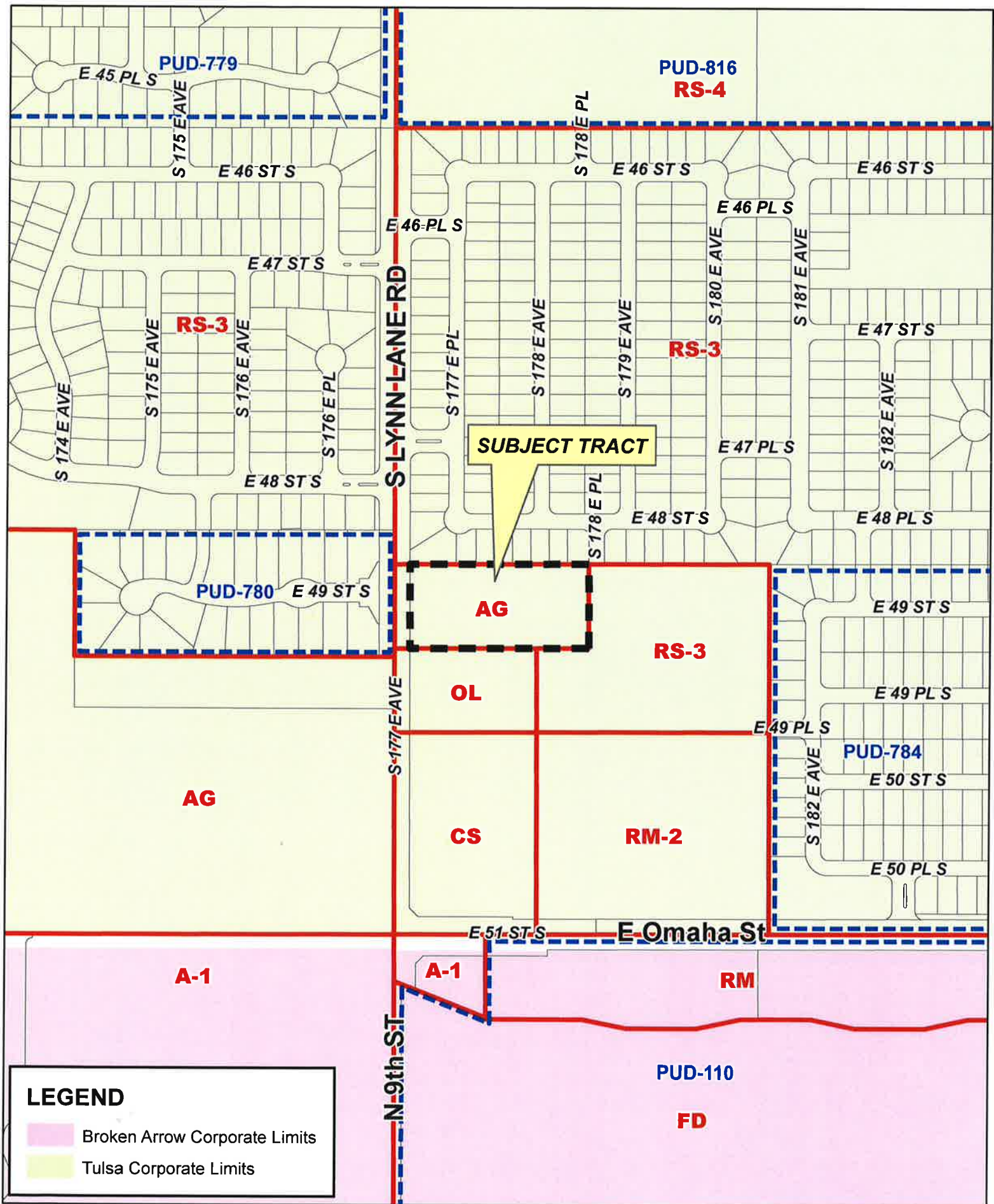
**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

7.11



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**BOA-21265-B**

**8.1**



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9425  
CZM: 50  
CD: 6  
A-P#: 8787

Case Number: BOA-21265-B

**HEARING DATE:** 03/28/2017 1:00 PM

**APPLICANT:** Gregory S. Helms

**ACTION REQUESTED:** Amendment of a previously approved site plan (BOA-21256-A) to add the construction of a bell tower. (Section 70.120).

**LOCATION:** 4901 S 177 Ave

**ZONED:** AG

**PRESENT USE:** Proposed Church/Child Care Center

**TRACT SIZE:** 3.69 Acres

**LEGAL DESCRIPTION:** LOT 1 BLOCK 1, OPEN ARMS CHILD DEVELOPMENT CENTER, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 21265-A;** on 08.11.15 the Board **approved** a special exception to permit a (Use Unit 5) Child Care Center and Church use in the AG district; a variance to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities; and a variance to permit the RV's to be parked on a non-all-weather surface.

**BOA 21265;** on 03.24.15 the Board approved a Landscape Plan to satisfy the condition imposed by the Board in BOA case 21265 on 06.14.11.

**BOA 21265;** on 06.14.11 the Board **approved** a special exception to permit a (Use Unit 5) Child Care Center and Church Use in the ag district ; a variance to permit recreational vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities; and a variance to permit the RV's to be parked on a non-all-weather surface.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a 'New Neighborhood' and an 'Area of Growth'.

The **New Neighborhood** is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RS-3 zoned residential on the north; undeveloped RS-3 and OL zoned land to the east and south. S 177<sup>th</sup> E Ave and a RS-3/PUD 780 zoned single-family subdivision abuts the site to the west.

**STAFF COMMENTS:**

The applicant is before the board request a modification of a previously approved site plan to permit a temporary building as shown on the attached plan.

The applicant is proposing a bell tower located northwest of the front entry doors as shown on the attached plan. When the Board approved the special exception in BOA 21265-A it was approved per plan (see attached minutes). Therefore the applicant is required to present any proposed modifications of the site plan to the Board for review and approval to allow the Board to ensure that the proposed modifications are keeping with the spirit and intent of the original approval.

**Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) an Amendment of the previously approved site plan in BOA 21265-A to a bell tower the construction of a bell tower on the site.

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions: \_\_\_\_\_.

The Board finds that the requested 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.



Street South (Freeway Service Road) from 50 feet to 40 feet (Section 603, Table 3); Variance of the required setback from the abutting R District on the south side from 10 feet to 8.5 feet (Section 603, Table 3); Variance of the required parking for an office use in the RM-2 District from 7 spaces to 3 spaces (Section 1211.D) to the Board of Adjustment meeting on August 25, 2015; for the following property:

**LT 24 BLK 7, BELLVIEW ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

\* \* \* \* \*

**UNFINISHED BUSINESS**

**21265-A—Gregory Helms**

**FILE COPY**

**Action Requested:**

Special Exception to permit a (Use Unit 5) Child Care Center and Church use in the AG District (Section 301); Variance to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); Variance to permit the RV's to be parked on a non-all-weather surface (Section 222). **LOCATION:** North of the NE/c of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue **(CD 6)**

**Presentation:**

**Greg Helms**, 424 East Main Street, Jenks, OK; stated that at the last Board of Adjustment meeting the Board requested that he have a meeting with the neighborhood associations to work on a plan for the RVs. There was a meeting on August 6<sup>th</sup> with the representatives of Stonegate and Boulevard neighborhoods, and that information packet was given to the Board for their review along with a proposed time schedule for the RVs.

Mr. Van De Wiele asked Mr. Helms how many houses are there, that are in the photos, in from 177<sup>th</sup> East Avenue. Mr. Helms stated there are two that will be next to the fence.

Mr. Helms stated the neighbors asked if the laborers could park in an RV park and drive to the construction site every day. The Laborers of Christ were contacted and they said they would give permission for that as long as it was within a five to seven mile radius of the construction site. Mr. Helms stated that Mr. Gilmore, President of the Building Committee, made telephone calls to all the RV parks within that radius and there was not one that could accommodate a group of this size. This is not going to be permanent. This is a mission of the church and this is what they do all over the country. Mr. Helms stated that he requests the Board's approval for this project.

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**Interested Parties:**

**Tammy Fairchild**, 17403 East 49<sup>th</sup> Street, Tulsa, OK; stated she appreciated the meeting with the church and with Mr. Helms, it provided great insight into the project. She has a concern that this is going to be rubber stamped because of the prior approval in 2011, and she was told by staff that the Board would take into consideration any changes in the area. The landscape from 2007 to today has changed by several home developments and they will be affected by the daycare and the RVs, which is a change since 2011. The neighbors are still against the nine RVs. Ms. Fairchild presented pictures of nine RVs lined up as a representation of the effect on the neighborhood. Ms. Fairchild stated that it is not just the RVs but there will be canopies that extend out and with nine of them lined up that is 144 feet of RVs, and there are vehicles parked with each RV. That is a mini RV park. All of the units will be hooked up permanently during their stay to the utilities and the sewer. Ms. Fairchild stated that she spoke to Chuck in the Building Inspections Department, and he said the RVs will not be allowed to park on the 17 foot easement on the north side so that will bring the RVs forward on the project site. The temporary eight foot fence that is proposed will be along the left side of her development, and a person may not be able to see all the RVs but as a person exits her neighborhood the RVs will still be seen. The project is slated to start in January and all the trees in the area will be bare and most of the greenery will be removed for the project, so everyone driving north on Lynn Lane will have a direct view of all of the RVs. Ms. Fairchild stated that she was under the impression that the Laborers for Christ were going to be people building the project and the people staying the RVs were going to be responsible for the building of the project. What she has since learned is that they will be the construction managers and they will have a superintendent on the job while hiring outside labor and outside contractors for the project. So when the nine RVs are on the site they will be bringing in their own laborers to work with the hired laborers. Not only will there be RVs but there will be all the normal construction traffic. Ms. Fairchild stated that everyone knows construction never runs on time so the timeline is very aggressive considering it starts in January with lots of weather that time of year. If the Board is to approve this request what happens to the nine RVs when the project is two months behind? The City does not have an RV police so, as homeowners, the neighbors have no avenue to get them moved. That is a concern for Ms. Fairchild. Ms. Fairchild stated that a year may not be a long time to the construction crew but a year is a long time to the neighbors with RVs in the front of their homes. Ms. Fairchild stated that she drove around the area and found an RV park, and that RV park did say they only had one opening but that is one opening today. These RVs are not needed to be there until January so things can change and spaces can open up. There is also a mobile home park on 71<sup>st</sup> Street east of County Line Road, so there are other options for the RVs. Ms. Fairchild stated the neighbors are not trying to be negative. They totally support the child care. Ms. Fairchild thinks they will be very good neighbors and they will be full the day they open because there is a need for them in the area. But her neighborhood is still new with ten houses occupied, two houses for sale, two houses are under construction and all the houses are \$450,000.00 plus. The neighbors are attempting to protect their property values and protect the integrity of the neighborhood and the surrounding neighborhoods.



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Mr. Van De Wiele stated that he agrees with Ms. Fairchild that construction schedules can slip, but if the Board were to give them a year and their project slipped they do not get a free slip from this Board. If the Board approves this request and if Ms. Fairchild or anyone sees the RVs are still on the site when they are not supposed to be she can call the City. Mr. Van De Wiele also stated that the schedule limits the time and the total of RVs on the site so the impact is not quite as severe as the neighbors are afraid of. Mr. Van De Wiele asked Ms. Fairchild if she would object to that time schedule, and why is it a detriment for the RVs to be hooked to the utilities. Ms. Fairchild stated that hooking the RVs to the utilities makes them a permanent attached home to the property. Ms. Fairchild stated that they can give the Board a schedule but what happens when the project is running behind schedule. Mr. Van De Wiele stated that if the Board gives approval by the time line presented and the neighbors see that the RVs are still on the site when they should not be then the City can be called because the RVs would be in violation of the approval conditions cited by the Board. Ms. Fairchild stated that does not help the neighbors if they are already there. Ms. Fairchild stated that when a prospective buyer comes into the neighborhood and see the RVs they will not be as interested in purchasing a house in the neighborhood. Ms. Fairchild stated that another of her concerns is that once the RVs are there the homeowners will think it is okay to park RVs in their driveways, because they will not understand that the nine RVs are there by permit. Ms. Fairchild stated this is not a rural area, it is a residential area inside the city limits of Tulsa. The area has changed a great deal and **when a person drives north on 177<sup>th</sup> East Avenue all you can see are houses. There is no commercial.**

**Tom Kelley**, 17520 East 49<sup>th</sup> Street, Tulsa, OK; stated he lives in The Boulevard. Mr. Kelley stated this is a residential area and it is not rural. He made calls to some RV parks and the general comments were that there was only one spot currently but the RVs will be leaving in a month so new people will come in. Mr. Kelley stated that he thinks this probably happens most of the time, construction people coming in stay in RV parks. Mr. Kelley stated this would be a mini RV park. Mr. Kelley stated that he would like for the church people to be there, because they are good people, but when it came to the point of asking them to relocate they contacted the national office. Mr. Kelley stated that he was able to find a small RV park in the seven mile radius that was stipulated by the national headquarters, but there is a larger RV park of 230 spaces that is ten miles away. The larger RV park said they could place the nine RVs together and they could receive a group rate. Mr. Kelley stated that he cannot see that this type of Variance would be allowed in any residential area in the City of Tulsa. He understands that the original request was granted three and a half years ago. Three and a half years ago his neighborhood had not even started. Mr. Kelley hopes the Board will take this into consideration. The neighbors would really like for the laborers to pursue placing the RVs somplace else.

**Charles Barrett**, 18209 East 47<sup>th</sup> Street, Tulsa, OK; stated he lives in the Stonegate subdivision, and he is the President of the home owners association for Stonegate which consists of over 385 houses at this time. His neighborhood is in opposition to allowing the RV settlement. On the north side of the development, where there is a fence line, the first phase of houses back up to where the RVs are going to be parked.

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Within approximately 17 feet there will be nine RVs and vehicles backed up to houses with the same unsightly issue of RVs reaching above a screening fence. He understands that it will directly affect only two of the houses, but the concerns are that it does effect the value of their home if someone decides to sell. Mr. Barrett stated that he agrees with everything Ms. Fairchild stated about her concerns and issues. Mr. Barrett stated that he agrees the day care center and the church will be great to have in the subject location but they do not want to have a mini RV park behind the neighborhood.

Mr. Henke asked Mr. Barrett how long he had been the President of the Stonegate neighborhood. Mr. Barrett stated that he was on the Board for two years and stepped down in February, and came back to the Board as President about 4 weeks ago.

Mr. Henke asked Mr. Barrett how long he had lived in the subdivision. Mr. Barrett stated that he has lived there a little over four years.

Mr. Henke asked Mr. Barrett if he had received notice in 2011 when the Board granted the original relief. Mr. Barrett stated that he could not recall receiving a notice.

Mr. Henke asked Mr. Barrett when he became aware of the relief that had been granted on the subject site. Mr. Barrett stated that he knew about the church and daycare for a long time. Mr. Henke asked Mr. Barrett when he became aware of the RV aspect of the project. Mr. Barrett stated it was about the time when he became President of the home owners association.

Mr. Henke asked Mr. Barrett if this project has caused a problem with new people coming into subdivision, or the building of new houses in the subdivision, or the sales in the subdivision. Mr. Barrett stated there are concerned residents over this development, and especially the ones that backed up to the once proposed apartment development.

**Pastor Tim Dreier**, 2604 South 96<sup>th</sup> East Avenue, Tulsa, OK; stated the church is doing everything possible to make this project feasible. The church wants to be a good neighbor and obviously everyone wants to be a good neighbor to the church. It is amazing how much of a difference three years can make. The national level, Laborers for Christ, are retired people that come in with their RVs and do their best to adhere to timelines. They get projects completed on tight schedules because they have to move on to the next project. Pastor Dreier stated that he has concerns of the year timeline, because the laborers start on their timeline. In other words, if the calendar says January 1 and the laborers can't start until January 31 that they means they haven't started on time. The amount of time the RVs would be present on the site would be the same.

Mr. Van De Wiele asked Pastor Dreier if he was saying that regardless when the project started the schedule remains the same, but shift one way or the other. Pastor Dreier answered affirmatively.



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**Rebuttal:**

Mr. Greg Helms came forward and stated that this was a residential neighborhood when the project came before the Board four years ago. The amount of development has changed but it was still a residential neighborhood. The church offered to erect the same screening fence along the north property for the first two residences. The church offered to place a sign at the front to explain what is happening. The site will not look like an RV park, it will look like a construction project. The two property owners that the project backs up to were not at the last Board of Adjustment meeting, not at the neighborhood meeting, and they are not in attendance today so the two most effected have not voiced any concerns yet several that live blocks away have.

Mr. White asked Mr. Helms if there was going to be at least one construction trailer for a project of this size. Mr. Helms answered affirmatively. Mr. White asked if there would be more than one. Mr. Helms stated there will be a project manager trailer, and any of the trades, i.e., electrical, plumbing, mechanical contractor, etc., can certainly have storage boxes but he does not know for certain.

**Comments and Questions:**

Ms. Snyder stated that she hears the neighbors saying they want the day care and it seems like this is part of the construction to give them what they want which will be a good thing for the neighborhood. Ms. Snyder stated this is a construction and she believes it will be obvious to people that it is a construction site. She will support this with very strict time lines.

Mr. Van De Wiele stated that he agrees. He does not think the characterization of the area going from rural to residential is accurate, because there were neighborhoods there when it was originally approved in 2011. He would like to include the eight foot tall screening along Lynn Lane in the entirety with the exception of the drive. The bulk of the RVs is going to be on the site for 120 days, and he does not believe it is quite the impact on the neighborhood as what is being heard.

Mr. Tidwell stated the expansion of the screening fence would help hide a good portion of the project. Everyone in the city faces this same dilemma, no matter where the project is located.

Mr. White stated this is a developing area. It is new. There are going to be more situations just like this, that are temporary. They are temporary sites that no one wants to see but it is part of the construction process. It is something that is necessary. Mr. White stated that since it is temporary he does not have a problem with the request especially with the schedule that has been outlined.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a (Use Unit 5) Child Care Center and Church

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use in the AG District (Section 301); Variance to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); Variance to permit the RV's to be parked on a non-all-weather surface (Section 222), per the proposed site plan submitted today, August 11, 2015 showing the temporary gravel lot for the RVs and the eight foot tall 80'-0" long screening fence along 177<sup>th</sup> East Avenue. This is subject to the further conditions, on that location, that an additional 80'-0" of eight foot tall screening fence be erected during the time the RVs are on the site and be located south of the drive entrance to the site and in line with the screening fence that is shown on the site plan. This is subject to the further condition that there are no more than nine RVs on the site at any given time and subject to the following schedule:

- From the commencement of construction there be no more than one (1) RV on site for a 75 day period following the construction start date
- On the 75<sup>th</sup> day following the construction start date there be no more than nine (9) total RVs on site for the 120 days thereafter
- Following the 195<sup>th</sup> day after construction commences there be no more than three (3) RVs on site
- All RVs be removed within 365 days from the commencement of construction

The Board has found that 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. 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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**COMM 1976.15SW & 660N & 660SW & 275.44N SECR SW TO POB TH N275 NE635.05 S275 SW635.06 POB LESS W50 THEREOF SEC 25 19 14 3.694ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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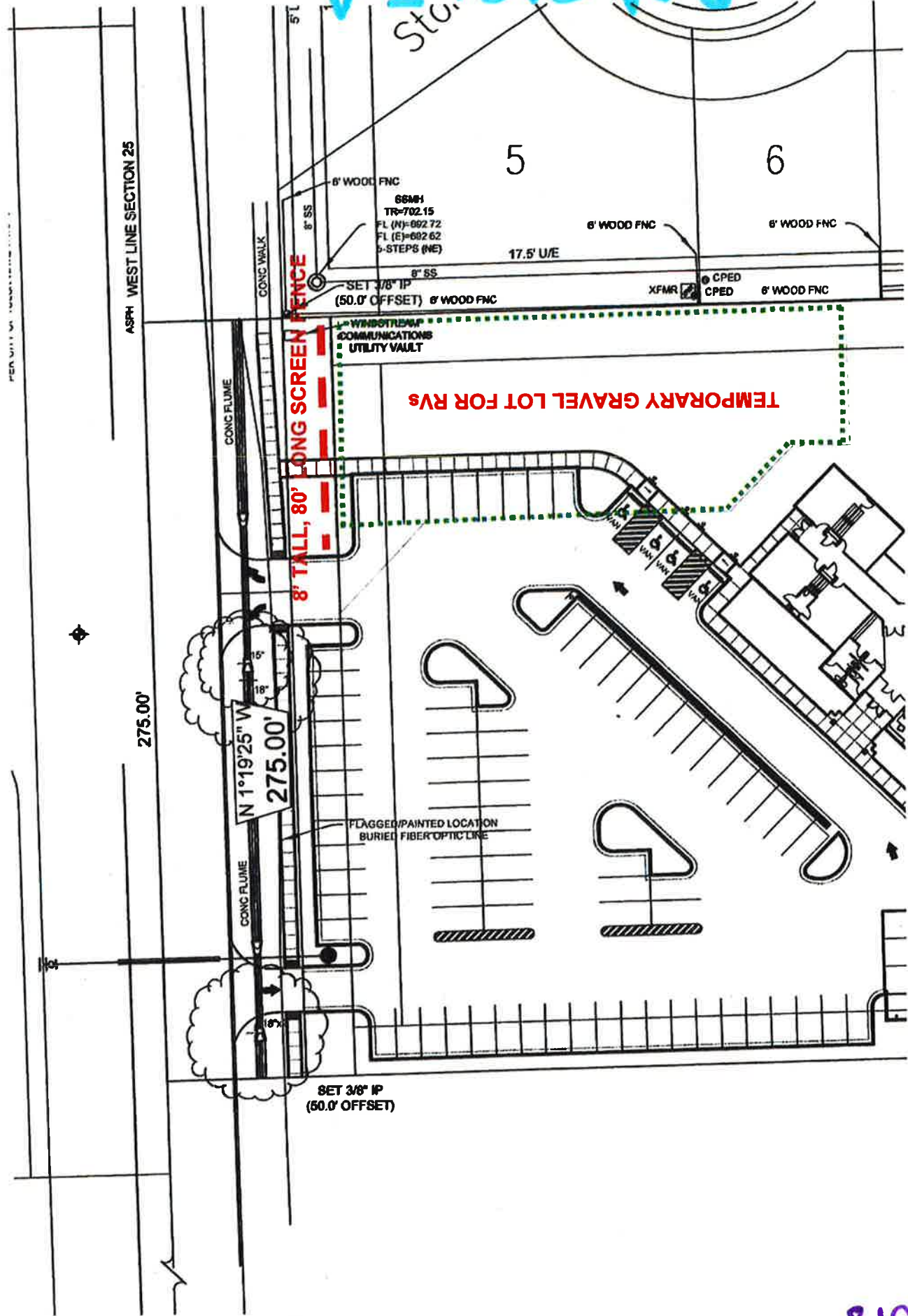
### NEW APPLICATIONS

#### 21933-Kevin Vanover

##### Action Requested:

Variance to reduce the required building setback from the centerline of East 41<sup>st</sup> Street South from 85 feet to 80 feet to permit the expansion of school facilities (Section 403, Table 3). LOCATION: 2906 East 41<sup>st</sup> Street South (CD 9)





**Mr. White recused at 1:11 P.M.**

**Presentation:**

**Heather Bell**, 2645 East 41<sup>st</sup> Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. Van De Wiele asked Ms. Bell if she was going to extend the fence. Ms. Bell stated that she was not.

Mr. Van De Wiele asked if the wall that parallels the street is connected to the house. Ms. Bell answered affirmatively and that it is part of the original structure; it forms a court yard. The reason she had the privacy fence erected is because the wall is around the master bedroom sliding door and it is for privacy and security.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, Van De Wiele, "aye"; no "nays"; White "abstaining"; none absent) to **APPROVE** the request for a **Special Exception** to permit a 6 foot wooden privacy fence in the required front yard in the RS-2 District (Section 210.B.3), subject to "as constructed" on page 6.11. The Board has found that the fence connects to the previously constructed wall which is attached to the principle residence and is needed for privacy and screening. 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:

**E100 N124.59 S174.59 E/2 W/2 SE SW & E140 N124.54 S299.13 E/2 W/2 SE SW & S10 N124.54 S299.13 W164.07 E304.07 E/2 W/2 SE SW & E10 N10 W100 E200 N124.59 S174.59 E304.07 E/2 W/2 SE SW .7283AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. White re-entered the meeting at 1:13 P.M.**

**21265-A—Gregory Helms**

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**Action Requested:**

**Special Exception** to permit a (Use Unit 5) Child Care Center and Church use in the AG District (Section 301); **Variance** to permit Recreational Vehicles parked on the



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site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); Variance to permit the RV's to be parked on a non-all-weather surface (Section 222). LOCATION: North of the NE/c of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue (CD 6)

**Presentation:**

**Greg Helms**, 424 East Main Street, Jenks, OK; stated this project is for Christ Savior Lutheran Church. In June 2011 this case was brought to the Board for approval for the same three items. Since then the three year period has lapsed for the building permit. Now that the project is ready for the facility to be constructed a reapproval of the items is needed. The primary function would be the child care center and church on the weekends and in the evenings. The multipurpose room would function as the sanctuary during church services. The building is approximately 54 feet from the north property line and that setback is about twice of what the actual building setback is for the property. The playground has been located on the south side away from the neighborhood. The building will be full masonry structure with a shingled roof to blend into the residential character of the area. The outdoor recreational area is for the children's activities. The parking spaces have been moved from where they were located on the previous site plan; they are now more than 50 feet away from the residential district. In March the landscape plan was approved and there will be a buffer along the north fence even though the parking has been relocated. Mr. Helms stated that he has spoke with a couple of concerned neighbors addressing their concern over the driveway location. The north drive has been moved on the request of engineering staff so that it is now directly across from the drive on the west side of 177<sup>th</sup> East Avenue. The other concern of the neighbors was whether there would be a left turn lane onto 177<sup>th</sup> East Avenue. A few months ago there was an apartment complex planned for the adjacent property and as part of the apartment project there was a left turn lane proposed on 177<sup>th</sup> East Avenue. When City Council rejected the rezoning application for the apartment complex his firm went to City staff and they said that based on this proposed project's traffic there would be no need for a turn lane. The Lutheran Church has a group, Laborers for Christ, that travels around the country and works on projects as their mission for the denomination. It is proposed that this group would be working on the subject project so there would be up to nine recreation vehicles parked on the site for approximately a year during construction, but this is on a temporary basis while hooked up to utilities. Since this is a construction site there will not be any pavement on the site until after the RVs are gone, and once they are gone the graveled area would be sodded and turned into a parking lot.

Mr. Van De Wiele asked Mr. Helms if the proposed RV parking is because of where the utilities are located. Mr. Helms stated it is because of the stormwater detention area taking up almost the entire back of the property. The stormwater detention is one of the first installations that must be put in, so the RVs could not be placed in that area.

Mr. Henke asked Mr. Helms how many RVs there would be on the site. Mr. Helms stated that the last time the group set up there were up to nine. Mr. Henke asked Mr. Helms how long the project was expected to last. Mr. Helms stated that it would be up

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to a year, which is the typical construction duration. Mr. Helms stated the RVs would actually be off the site before the construction is complete.

Mr. Van De Wiele asked Mr. Helms if that would be a year from today. Mr. Helms stated that it would be a year from when the building permit is received.

Mr. Tidwell asked Mr. Helms how many people would be occupying the nine RVs. Mr. Helms deferred to Mr. Duenseng.

**Interested Parties:**

**Marvin Duenseng**, 56 East Timberlake Drive, Cleveland, OK; stated he has been a laborer for Christ since 2002 and has been on eight projects all around the country. There will be two people, man and wife, in each RV. There is usually no children because the couples are retired. There will no pets on the project. The group is interested in erecting the building according to the plans until the construction part is complete. The group can be on the project site from three months to a year depending on the size of the building.

Mr. Henke asked if this was consistent in relation to other projects the group has worked on. Mr. Duenseng stated that he has worked on projects that ranged from 14,000 square feet in size to the smallest of 2,500 square feet.

**Tammy Fairchild**, 17403 East 49<sup>th</sup> Street, Tulsa, OK; stated her house is in the The Boulevard which is directly across the street from the proposed development. Ms. Fairchild does not want to speak against the daycare facility but does oppose the Variance allowing the RVs on the property. Ms. Fairchild presented photos taken from her driveway and discussed the relationship of the exit driveway of the proposed project. The Boulevard will have 23 houses located in it with about half of those completed. There are three finished houses that are for sale and two houses under construction. She has concerns about this because these houses will list from \$450,000 and upward, and if there are RVs parked outside the gates to the addition this will hinder the sale of the property. Ms. Fairchild stated that when the proposed project was originally brought before the Board the addition The Boulevard was not even started. When this was originally approved through today there has been considerable change. There has been her development, a large development to the east and another development to the northeast that has been completed during this process. This is no longer a rural type area. The houses on the north will have a buffer because they have a privacy fence in place, but as she drives out of her neighborhood the RVs will be fully exposed to anyone entering or leaving the neighborhood. She would also like to have the consideration of the playground being moved to the rear of the building because when this project was originally approved there were not all the houses that are there today. Ms. Fairchild stated that according to the church's webpage it states they are starting a new church called Ablaze, and that church is currently meeting about 45<sup>th</sup> and County Line Road which is only 1.3 miles from the subject site. Ms. Fairchild stated that this would possibly be an option for the RV parking since the church is already meeting at the 45<sup>th</sup> and County Line Road location. The residents in The



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Boulevard and the other houses around have a great deal invested in their property and have a concern about RVs being parked on the subject site for almost a year.

Mr. Henke asked Ms. Fairchild when she moved into her house. Ms. Fairchild stated she moved into her house a year ago in December. Mr. Henke asked Ms. Fairchild if she aware of the church owning the subject property and their intention to develop it. Ms. Fairchild stated she was aware that the church owned the property, but she was not aware that it was going to be a child care facility. Mr. Henke asked Ms. Fairchild if she knew about the previous approval this Board has granted in 2011. Ms. Fairchild stated that she did not know that until the apartments were proposed.

Ms. Fairchild stated that the other serious concern is the traffic because Lynn Lane is currently a narrow two lane road, and for an hour in the morning, 7:00 A.M. to 8:00 A.M., the only way she can get out of her neighborhood is if someone stops to let her out and that is to turn right. The closest fire station is located at 31<sup>st</sup> and Garnett so the average time to respond is approximately 12 minutes with no problems. The Broken Arrow fire station is only a half mile away, and there is an agreement between the two cities that if they are not busy they will respond, and when they respond they arrive within two minutes. There are children in the daycare so emergency services is a concern. Ms. Fairchild stated that the two major concerns are the traffic and the RVs parked on the subject property deterring the sale of houses.

Mr. Henke asked Ms. Fairchild if her concern about the RVs was for the aesthetics. Ms. Fairchild answered affirmatively. Mr. Henke stated that typically construction projects have at least one trailer on the site. Ms. Fairchild stated that currently there is an assisted living facility being constructed in the area and there is a job trailer parked on that construction site but it is not nine RVs and people living on the site full time.

Mr. Van De Wiele asked Ms. Fairchild if it would be more palatable if the RVs were screened or parked farther away. Ms. Fairchild stated that it is just the idea that they will still be seen as a person is driving north on Lynn Lane. There is nothing there to block the view of the RVs even if they were parked farther away.

**Tom Kelley**, 17520 East 49<sup>th</sup> Street, Tulsa, OK; stated he lives in The Boulevard neighborhood and has lived there for a year. He did not know about the church or the apartments. He is not opposed to the church or the day care facility. The issue, in addition to the RVs, is the lack of infrastructure. Traffic is a concern and is heavy during the school year and lessens in the summer. The daycare will have a rush hour that will be a deterrent. He heard at the apartment meeting that there are no plans to do anything with the infrastructure because of the location. Mr. Kelley believes that without a left turn lane this will be a disaster because people will not be able to turn left during the rush and in the school year. He would like to think there is someone responsible to make sure the infrastructure is in place before buildings are allowed to be erected.

**Nancy Lyons**, 21360 East 44<sup>th</sup> Street, Broken Arrow, OK; stated she has lived in the community for 20 years and in her house for 15 years. She is part of the Ablaze Church

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that started eight years ago. The picture of the church sign that was shown is in the parking lot of the County Line Baptist Church. Ablaze Church uses their facility on Saturday evenings and have for several years. There is a large area next to County Line Baptist Church that has horses and cattle on it, the other side of the church has housing and the church parking lot is not very large. Ms. Lyons stated that she does not think that moving the RVs to where Ablaze Church sign is located would be a possibility. Ablaze Church and the Ablaze Christian Academy have been in the community for eight years. Ms. Lyons stated that she was a high school teacher and close by is the high school which has 3,000 students on campus every day. At least 2,000 of the students drive. It does not matter whether it is Lynn Lane or County Line Road or 51<sup>st</sup> or 61<sup>st</sup> or 71<sup>st</sup>, they all become congested just before 8:00 A.M. The parents of children will drop their children off in the morning but they will be coming back in later in the day, not when school is letting out for the day. There are two Christian daycare centers in the area; the Emmanuel Luthern Church and Rhema. Emmanuel Luthern Church has a 20 page waiting list and this daycare will be serving a need of the area for parents who want a Christian education for their children. All of the housing that has been built in the area are young people with children. There is no daycare north of 71<sup>st</sup> Street currently so there is a need for more daycare on the north side so it is a good area to locate in.

Mr. Van De Wiele asked Ms. Lyons how critical is it that the laborers are involved in the project. Ms. Lyons stated it is a major labor cost savings because they charge a very minimal fee compared to a local construction company. Mr. Van De Wiele asked Ms. Lyons if the laborers were not allowed to stay on the site in their RVs would they not come to build the project. Mr. Duenseng stood up and said that it is correct, the laborers would not come to the project site.

**Rebuttal:**

**Greg Helms** came forward and stated that all the utilities are existing on the north property line and that is a result of the apartments that are no longer going in.

Mr. Van De Wiele asked Mr. Helms if the RVs could be placed more to the east side, closer to the stormwater detention area. Mr. Helms stated that he thought it could be a possibility as long as everything stayed west of the easement.

Mr. Helms stated that church would be open to installing some chainlink panels or something for about 100 feet to screen the RVs.

Mr. White asked of the stormwater detention area was an easement of record. Mr. Helms stated that it will be after the August 19<sup>th</sup> Planning Commission meeting.

Mr. Van De Wiele asked if that was an actual easement area or if an actual detention pond was going to be dug. Mr. Helms stated that the land is very flat so in order to disperse the water it will be slightly dug out and made wide. The detention area extends all the way to utility easement and is approximately 17 feet from the fence. One of the first things that must be constructed is the detention area so as the property is improved there is no increase in the stormwater.



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FILE COPY

Mr. Van De Wiele asked Mr. Helms if the project would be going to permitting relatively soon. Mr. Helms stated that the permit has been applied for; that is how he found out that he needed to come before the Board of Adjustment. Mr. Van De Wiele asked Mr. Helms how soon construction would be started. Mr. Helms stated it should start this fall.

Mr. White asked Mr. Helms if the RVs were motorhomes or travel trailers. Mr. Helms stated that it is a mixture of fifth wheels and motorhomes. Mr. White stated that the fifth wheels would have a tow vehicle and those would also be parked on the site. Mr. Helms agreed and stated that the RV would also have a car being pulled. Mr. White asked Mr. Helms what the length of the vehicles would be. Mr. Helms deferred to Mr. Duensing. Mr. Duensing stated the RVs that are involved in the project range from 26 feet to 36 feet in length, the fifth wheels will range from 32 feet to 56 feet including the tow vehicle and the travel trailers also vary in length. Mr. Duensing stated that he drives a 1-TON Ford diesel pickup that pulls a RV for a length of 56 feet, but the RV is only 32 feet in length.

Ms. Fairchild asked if the group had encountered this type incident before, not being allowed or able to park on the construction site. Mr. Duensing shook his head no.

Mr. White asked Mr. Helms if he had met with the neighbors as a group or as a neighborhood to the north and the west. Mr. Helms stated that he had not. Mr. Helms stated that the trailers will not be on site until they are ready to start framing the building. There will be a couple of months of construction that occurs before the trailers appear.

Mr. Van De Wiele asked what the length would be for the travel trailers and vehicles to be parked on the site. Mr. Helms stated that it would be almost to the north drive.

**Comments and Questions:**

Mr. White stated that he would like to see a meeting happen with the neighborhood, rather than this Board present a solution, because they are not that far apart. The residents to the east are only one mile from the County line and that road is not going to be developed in the near future.

Mr. Henke stated that he is having a problem in overturning the Board's decision that was issued in 2011. There are new home owners in the area who have come to what they would consider a newly created problem that had the requisite approval, and now Mr. Helms is back before the Board indicating that the time limitation has expired. The church is agreeable with the screening and they are now ready to get started on the project. If the houses had been in existence and the home owners had been there and then the church was wanting to develop the property it would have been a different scenario.

Mr. Van De Wiele stated that he agrees with Mr. Henke. If the proposed gravel RV temporary parking could be slid further east, even though it can be seen from 51<sup>st</sup> Street or 177<sup>th</sup> East Avenue, but as the building is constructed that will provide a natural

BOA-21265-A

FILE COPY

screening. This is a project that the Board considered in 2011 and he can sympathize with the neighbors to the west but it is a temporary situation. Mr. Van De Wiele stated that he does not think this is different than other construction sites, whether it is a construction office or a RV that someone is spending the night in.

Mr. Tidwell stated that the residents from The Boulevard, when they exit the neighborhood will initially see what looks like a travel trailer parking lot or a sales lot. After a couple of months people will realize it for what it is, and he thinks it needs to be moved back further with a barrier of some sort.

Ms. Snyder stated she thinks the project definitely needs screening out of respect. She can understand that the residents think it will do to the value of their property, but it is temporary. During construction a site is a mess anyway and there are trailers at sites. She feels that the easy fix would be screening and a time limit. She is in favor of the project.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Special Exception** to permit a (Use Unit 5) Child Care Center and Church use in the AG District (Section 301); **Variance** to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); **Variance** to permit the RV's to be parked on a non-all-weather surface (Section 222) to the August 11, 2015 Board of Adjustment meeting; for the following property:

**COMM 1976.15SW & 660N & 660SW & 275.44N SECR SW TO POB TH N275 NE635.05 S275 SW635.06 POB LESS W50 THEREOF SEC 25 19 14 3.694ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21932—Steve Hahn**

**Action Requested:**

**Variance** to allow an electronic message center within 200 feet of an R District (Section 1221.C.2.c). **LOCATION:** 902 South Sheridan Road East (CD 5)

**Presentation:**

**Steve Hahn**, 8323 East 12<sup>th</sup> Street, Tulsa, OK; no presentation was made but the applicant was available for any questions from the Board.

Ms. Snyder asked Mr. Hahn to state his hardship. Mr. Hahn stated that he has asked the landlord if the sign could be moved and they told him the sign has been in there since it was Lee's Chicken House, and the landlord has owned the property since 1935.



BLK 1 LESS BEG NEC BLK 1 TH SE161.64 SW9.6 SWLY ON CRV LF 128.45 TH  
S36.55 SW159.77 NW241 NE306.60 POB, ADMIRAL BENBOW ADDN RESUB, CITY  
OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

\*\*\*\*\*

**OTHER BUSINESS**

**21265—Gregory Helms**

FILE COPY

**Action Requested:**

Request approval of the Landscape Plan imposed by the Board of Adjustment in  
BOA-21265 on June 14, 2011. LOCATION: 4901 South Lynn Lane Road (CD 6)

**Presentation:**

**Gregory Helms**, 424 East Main Street, Jenks, OK; stated that in June 2011 a Special Exception was received to permit a child care center in a church in an AG District, and a Variance to allow RVs to be parked on an all-weather surface during construction. As part of the prior approval it was required that the applicant receives a landscape plan approval from the Board. The parking has been moved the parking to about 50 feet away from the north property line. There have been multiple rows of evergreens and deciduous trees.

Mr. Van De Wiele stated that the old minutes state that a requirement of 200 feet of landscaping and it looks like there is more being done. Mr. Helms confirmed that Mr. Van De Wiele was correct.

Mr. White asked Mr. Helms if he had contacted the neighbors or if they had contacted him. Mr. Helms stated that there has been no contact made with the neighbors. Ms. Miller stated that Ms. Nikita Moye had attempted to contact the most vocal neighbors mentioned in the previous minutes and discovered that they have moved.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for an approval of the Landscape Plan as submitted on page 14.6 of the Board's agenda packet. The plan satisfies the requirements imposed by the Board of Adjustment in case BOA-21265 on June 14, 2011; for the following property:

FILE COPY

BOA-21865

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT TWELVE (12), BLOCK THREE (3), STONEGATE, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 01°19'34" EAST ALONG A SOUTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT TWELVE (12) FOR 275.00 FEET; THENCE SOUTH 88°40'26" WEST FOR 635.06 FEET TO A POINT ON THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SW/4); THENCE NORTH 01°19'25" WEST ALONG SAID WESTERLY LINE FOR 275.00 FEET; THENCE NORTH 88°40'26" EAST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BLOCK THREE (3), STONEGATE, AND ALONG SAID SOUTHERLY LINE OF BLOCK THREE (3) FOR 635.05 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

\*\*\*\*\*

NEW BUSINESS

None.

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BOARD MEMBER COMMENTS

None.

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There being no further business, the meeting adjourned at 2:32 p.m.

Date approved: \_\_\_\_\_

Frank X. H. [Signature]

Chair



BLK 1 LESS BEG NEC BLK 1 TH SE161.64 SW9.6 SWLY ON CRV LF 128.45 TH S36.55 SW159.77 NW241 NE306.60 POB, ADMIRAL BENBOW ADDN RESUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

\*\*\*\*\*.

**OTHER BUSINESS**

**21265—Gregory Helms**

FILE COPY

**Action Requested:**

Request approval of the Landscape Plan imposed by the Board of Adjustment in BOA-21265 on June 14, 2011. **LOCATION:** 4901 South Lynn Lane Road (CD 6)

**Presentation:**

**Gregory Helms**, 424 East Main Street, Jenks, OK; stated that in June 2011 a Special Exception was received to permit a child care center in a church in an AG District, and a Variance to allow RVs to be parked on an all-weather surface during construction. As part of the prior approval it was required that the applicant receives a landscape plan approval from the Board. The parking has been moved the parking to about 50 feet away from the north property line. There have been multiple rows of evergreens and deciduous trees.

Mr. Van De Wiele stated that the old minutes state that a requirement of 200 feet of landscaping and it looks like there is more being done. Mr. Helms confirmed that Mr. Van De Wiele was correct.

Mr. White asked Mr. Helms if he had contacted the neighbors or if they had contacted him. Mr. Helms stated that there has been no contact made with the neighbors. Ms. Miller stated that Ms. Nikita Moye had attempted to contact the most vocal neighbors mentioned in the previous minutes and discovered that they have moved.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for an approval of the Landscape Plan as submitted on page 14.6 of the Board's agenda packet. The plan satisfies the requirements imposed by the Board of Adjustment in case BOA-21265 on June 14, 2011; for the following property:

FILE COPY

BOA-21.245

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT TWELVE (12), BLOCK THREE (3), STONEGATE, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 01°19'34" EAST ALONG A SOUTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT TWELVE (12) FOR 275.00 FEET; THENCE SOUTH 88°40'26" WEST FOR 635.06 FEET TO A POINT ON THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SW/4); THENCE NORTH 01°19'25" WEST ALONG SAID WESTERLY LINE FOR 275.00 FEET; THENCE NORTH 88°40'26" EAST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BLOCK THREE (3), STONEGATE, AND ALONG SAID SOUTHERLY LINE OF BLOCK THREE (3) FOR 635.05 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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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 2:32 p.m.

Date approved: 4/14/15

Frank X. [Signature]  
Chair



Mr. Henke asked Mr. Boulden if he wanted the Board to vote to remove the item from the agenda or should the item just be stricken from the record. Mr. Boulden stated it would be okay for the Board to vote to strike the case based on the advice of counsel.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to strike Case No. 21257 from the agenda based on City Legal's advice that the Board does not have jurisdiction in this case.

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**UNFINISHED BUSINESS**

\*\*\*\*\*

**21265—Greg Helms**

**Action Requested:**

Special Exception to permit a (Use Unit 5) Child Care Center and Church use in the AG district (Section 301); and a Variance to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); and a Variance to permit the RV's to be parked on a non-all-weather surface (Section 222).

**Location:** North of the NE/c of East 51<sup>st</sup> Street and South 177<sup>th</sup> East Avenue

**Presentation:**

**Greg Helms**, 329 South Elm Street, Jenks, OK; stated he is the architect for the subject project. The properties adjacent to the subject property are developing as neighborhoods, and a child care center and church are typical community services that would be located near residential areas. The primary function of the proposed building would be the child care center operating Monday through Friday. The church use would be weekends and evenings. To the north of the subject property is a residential area and the building has been set back from that area approximately 59 feet, which is more than the 25 foot setback required by code, and this was done purposely to create a buffer between the neighborhood and the child care center. The playground has also been placed on the far south side of the property to provide an additional buffer from the noise of the child care center. The property is laid out so the public will enter on the south and exit on the north side. This was designed so there was stacking space provided during the peak drop-off and pick-up times allowing a maximum amount of cars to stay off the street. The variance requesting permission to allow recreational vehicles is because the group working on the project is a mission that travels around the country building projects to fulfill their mission for different denominations. The second variance request is to allow the recreation vehicles to park on the property while the project is under construction, thus enabling them to provide security for the project also.

BOA-21265

Mr. White asked Mr. Helms what the neighborhood concerns were, and Mr. Helms stated the neighbors' main concerns were a noise buffer being placed between the neighborhood and the child care center; night-time security; and screening of the project.

Mr. Cuthbertson stated this project is a Use Unit 5 use; therefore, the only screening the code will trigger is that which is required with the proximity of parking. The church or the child care center will not trigger the screening requirement, but parking areas with six or more parking spaces within 50 feet of an R district requires the screening.

**Interested Parties:**

**Chris Brown**, 17706 East 48<sup>th</sup> Street, Tulsa, OK; stated he did not want his privacy fence to be the only boundary between him and the subject property. He would like to have some mature trees or shrubbery planted; something that will not take four years to block the view. The exit drive is 20 feet from his privacy fence and he thinks looking at a privacy fence would look tacky and would like to see some trees or shrubbery to soften the view after the construction. Mr. Brown was concerned about the look of the building and would like to see the building be cohesive with the neighborhood.

Mr. Helm stated that evergreens or something that will grow fast and stay green year round could be planted; they will do as much as they can. There are landscape requirements that need to be met to satisfy the City so everything possible will be done.

Mr. Henke asked Mr. Helms if he could describe the look of the building's exterior, and Mr. Helm stated that those plans have not been finalized but the plan is to have a full masonry building with a shingled roof to blend in with the neighborhood. The intent is to make the proposed building look as residential as possible.

Mr. Boulden asked Mr. Helms if the plan was to park two recreation vehicles on the project site, and Mr. Helms stated there would be eight or nine recreation vehicles parked on the construction site. Mr. Boulden then asked if the construction crew was going to be residing on the project site and Mr. Helms answered affirmatively. The construction crew is a group that travels around the country, pull the RV with them, live on the site and once the construction project is complete they will leave the site to move on to the next construction project.

**Comments and Questions:**

Ms. Stead stated that in the motion made by the Board the motion will need to specify that the current RVs will be removed after construction, but the Board will not want to limit another RV being parked on a concrete pad for a week or so for a visiting minister or missionary.

Mr. Van De Wiele asked Mr. Cuthbertson if the existing privacy fence would be considered as screening for the area designated as future parking on the site plan. Mr. Cuthbertson stated if the future parking is within 50 feet of the R district and if on the date of inspection there is a screening fence in between the two, the inspector can say



BOA-21265

the requirement is met. If the owner of the fence is the residential property owner and they choose to let the fence deteriorate, then the onus is on the child care center to replace the screening.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a (Use Unit 5) Child Care Center and Church use in the AG district (Section 301); and a Variance to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); and a Variance to permit the RVs to be parked on a non-all-weather surface (Section 222). The applicant is intending to build a new facility for child care and church use. At present and during construction access will be exclusively from the south on 177<sup>th</sup> East Avenue to the west and a sidewalk will be constructed along 177<sup>th</sup> East Avenue, which is also Lynn Lane, to the limits of the property. Any future parking on the northwest side of the site will be required to be screened from the residential district to the north. The Board is requiring that the applicant submit to the Board of Adjustment, at a later date, a landscape plan covering up to 200 feet along the north property line shielding the residential district to the north. Any lighting will be shielded down and away from the abutting lower intensity districts. A maximum of nine RVs shall be parked on the site during construction for a maximum of one year from the date of the building permit. Construction RVs shall be parked approximately as shown on the conceptual site plan page 2.8. The applicant has indicated that the RVs will be parked on gravel and after the RVs are removed, the area will be sodded. In granting these variances 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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. In granting the Special Exception the Board has found that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, for this reason the Board has required the landscaping along the north side; for the following property:

**A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT TWELVE (12), BLOCK THREE (3), STONEGATE, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 01°19'34" EAST ALONG A SOUTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT TWELVE (12) FOR 275.00 FEET; THENCE SOUTH 88°40'26" WEST FOR 635.06 FEET TO A**

BDA-21265

POINT ON THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SW/4); THENCE NORTH 01°19'25" WEST ALONG SAID WESTERLY LINE FOR 275.00 FEET; THENCE NORTH 88°40'26" EAST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BLOCK THREE (3), STONEGATE, AND ALONG SAID SOUTHERLY LINE OF BLOCK THREE (3) FOR 635.05 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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### NEW APPLICATIONS

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#### 21272—Tulsa Public Schools

##### Action Requested:

Variance of the maximum building height in the RS-3 district (Section 403) from 35 ft. to 45 ft. - 3 in. to permit renovation of and additions to an existing elementary school. **Location:** 1740 West 41<sup>st</sup> Street

##### Presentation:

**Steve Jagers**, 320 South Boston, Suite 1600, Tulsa, OK; stated he is the architect on the project, and the project is a complete renovation of an existing elementary school which was built in the 1930s. Tulsa Public Schools intends to turn this into an early child development center. The project has a new front drive, new parking, kitchen addition, and ADA upgrades which require an elevator. The requested variance is for the back portion of the building which is where the insert roof was located which is where the kitchen equipment was located; that area is now going to be part of the class room addition and the roof will be finished to a peak. According to the code the height is taken from an average ground elevation and there is a drastic slope on this project site which requires a request for a variance.

##### Interested Parties:

There were no interested parties present.

##### Comments and Questions:

None.

**Mr. Boulden** left the meeting at 1:45 p.m.





0 200 400  
Feet



Subject  
Tract

**BOA-21265-B**

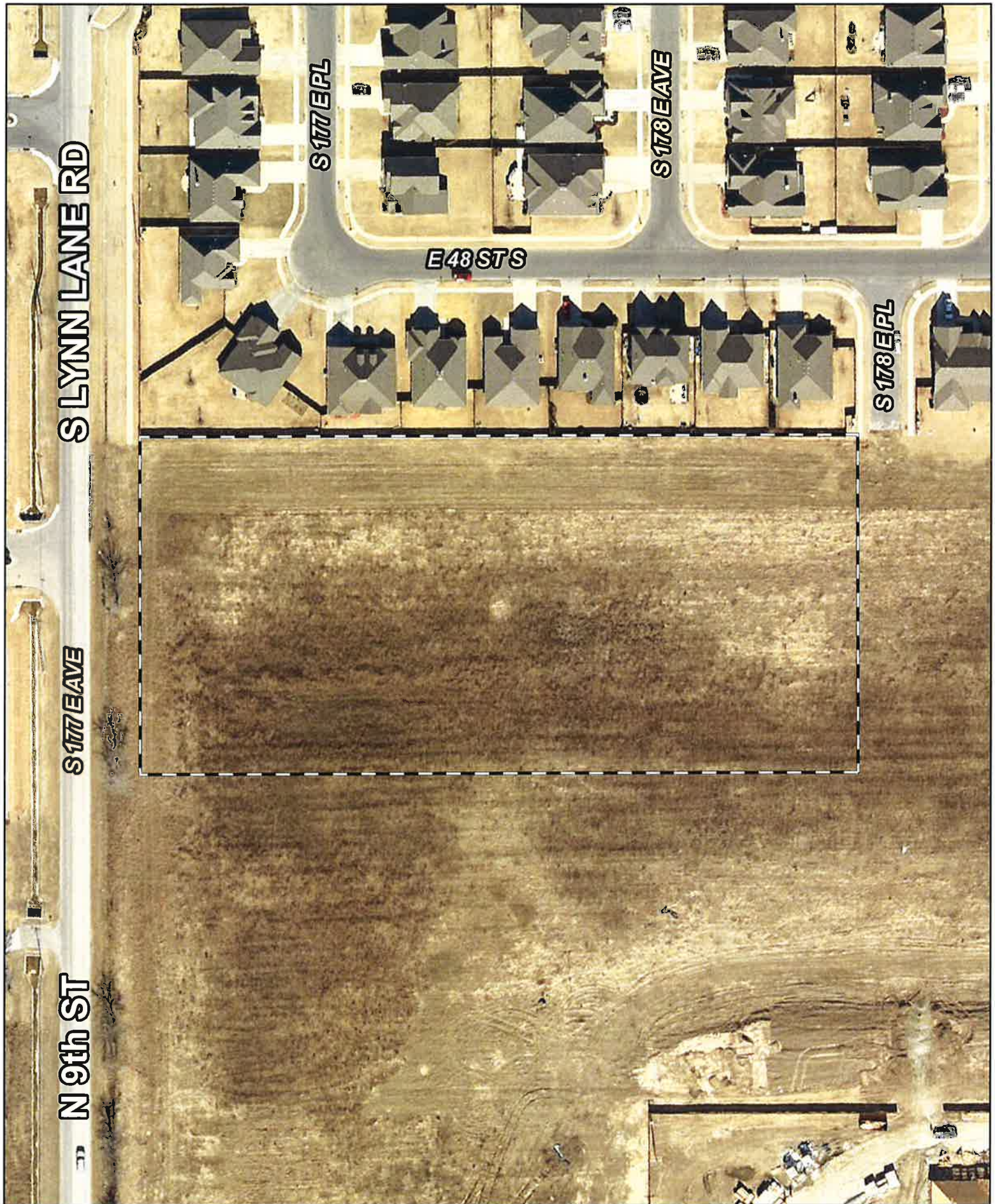
19-14 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016







0 50 100  
Feet



Subject  
Tract

**BOA-21265-B**

19-14 25

Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016

8.27





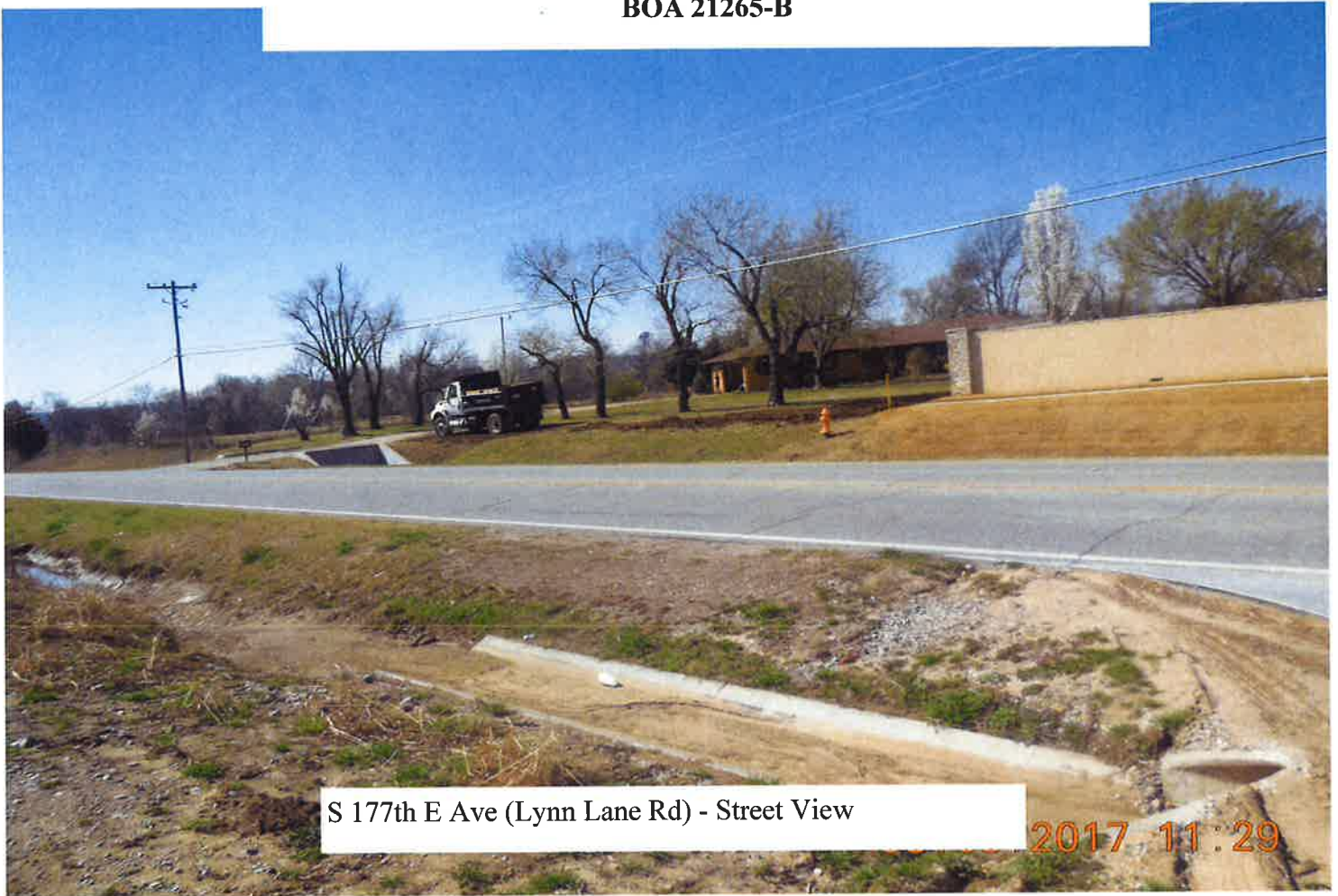


Subject Lot - Looking East



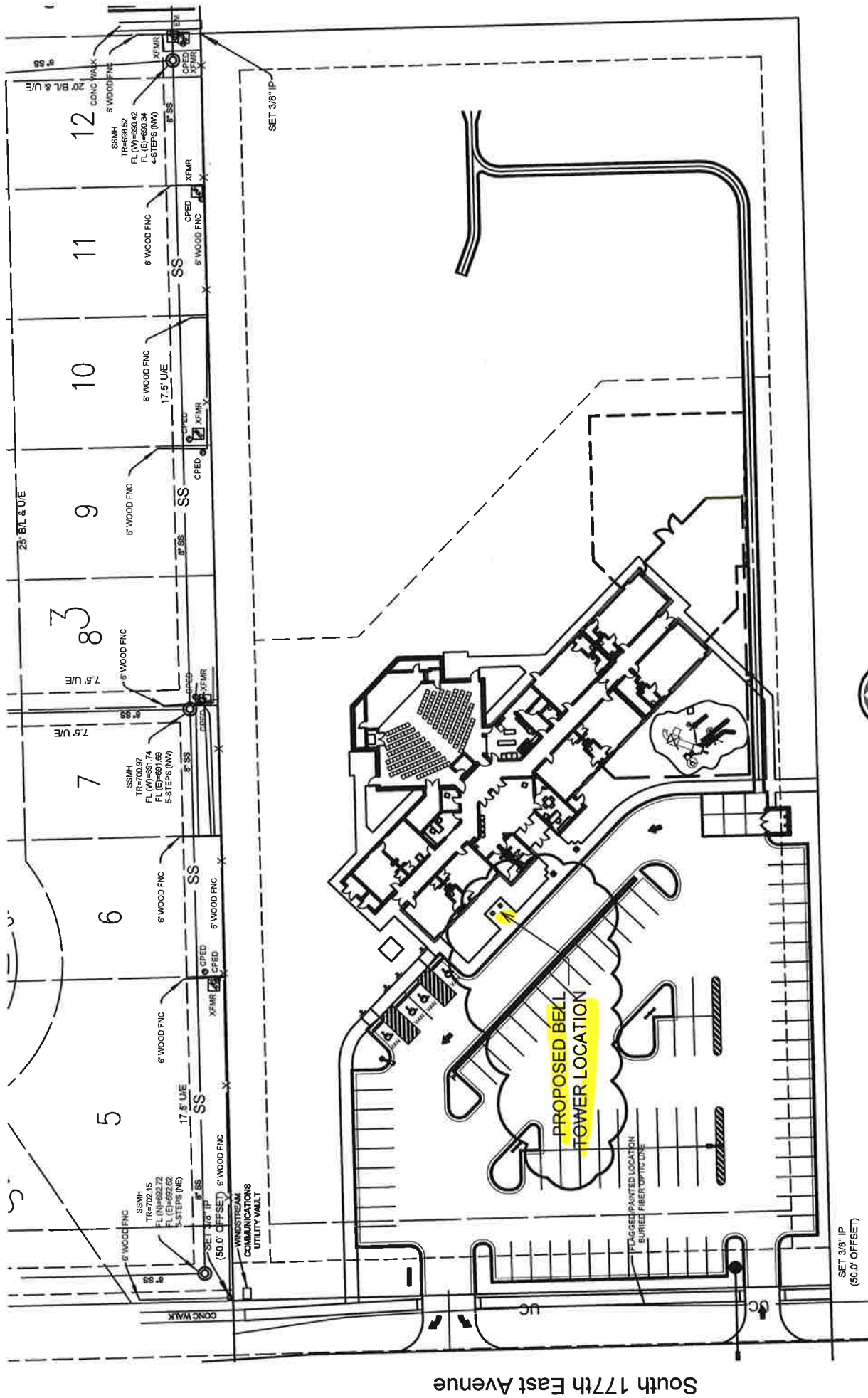






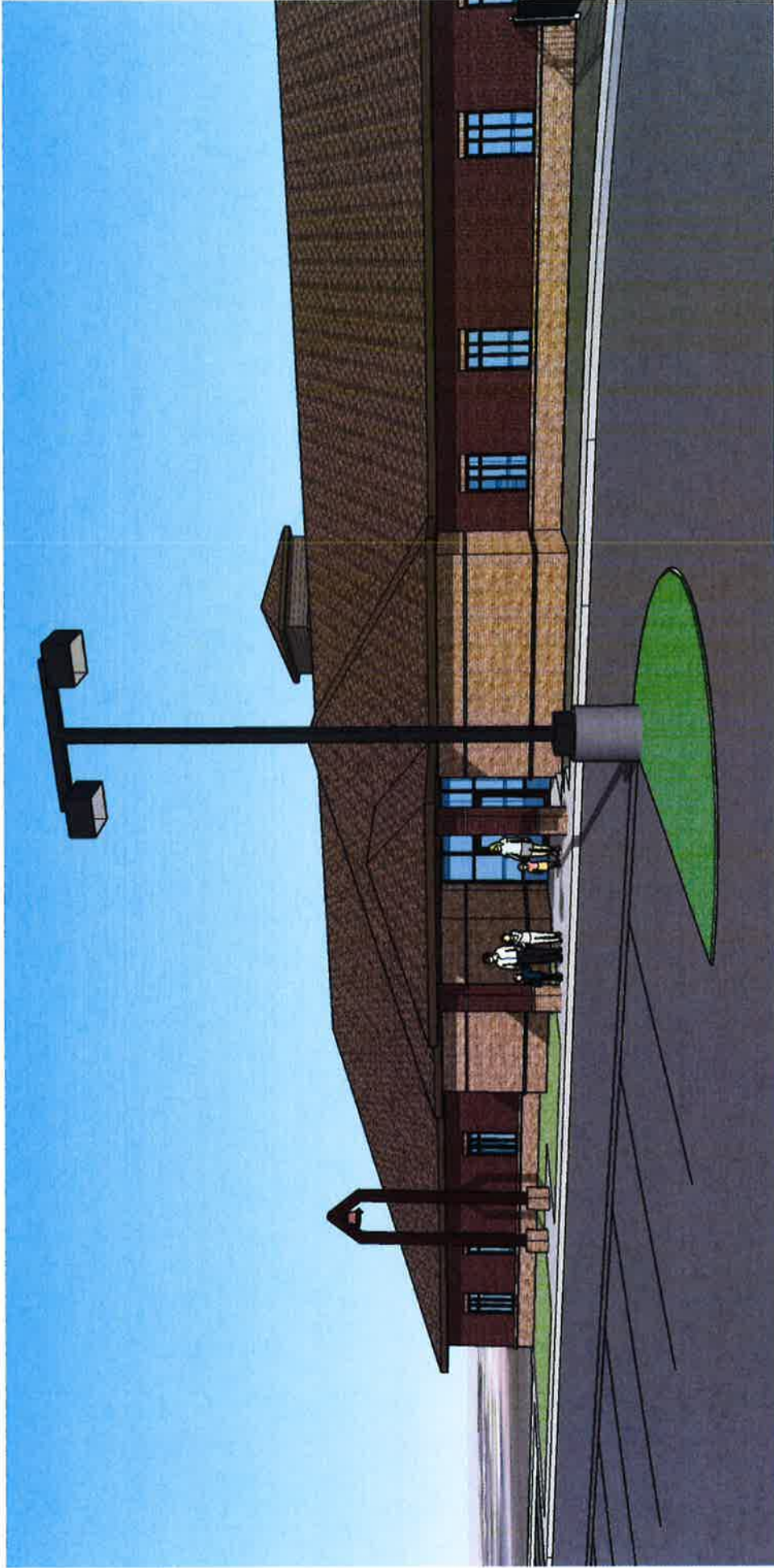
S 177th E Ave (Lynn Lane Rd) - Street View





# PROPOSED BELL TOWER LOCATION

OUR SAVIOR LUTHERAN CHURCH  
**OPEN ARMS CHILD DEVELOPMENT CENTER**  
 4901 S. 177th E. AVE.  
 TULSA, OK



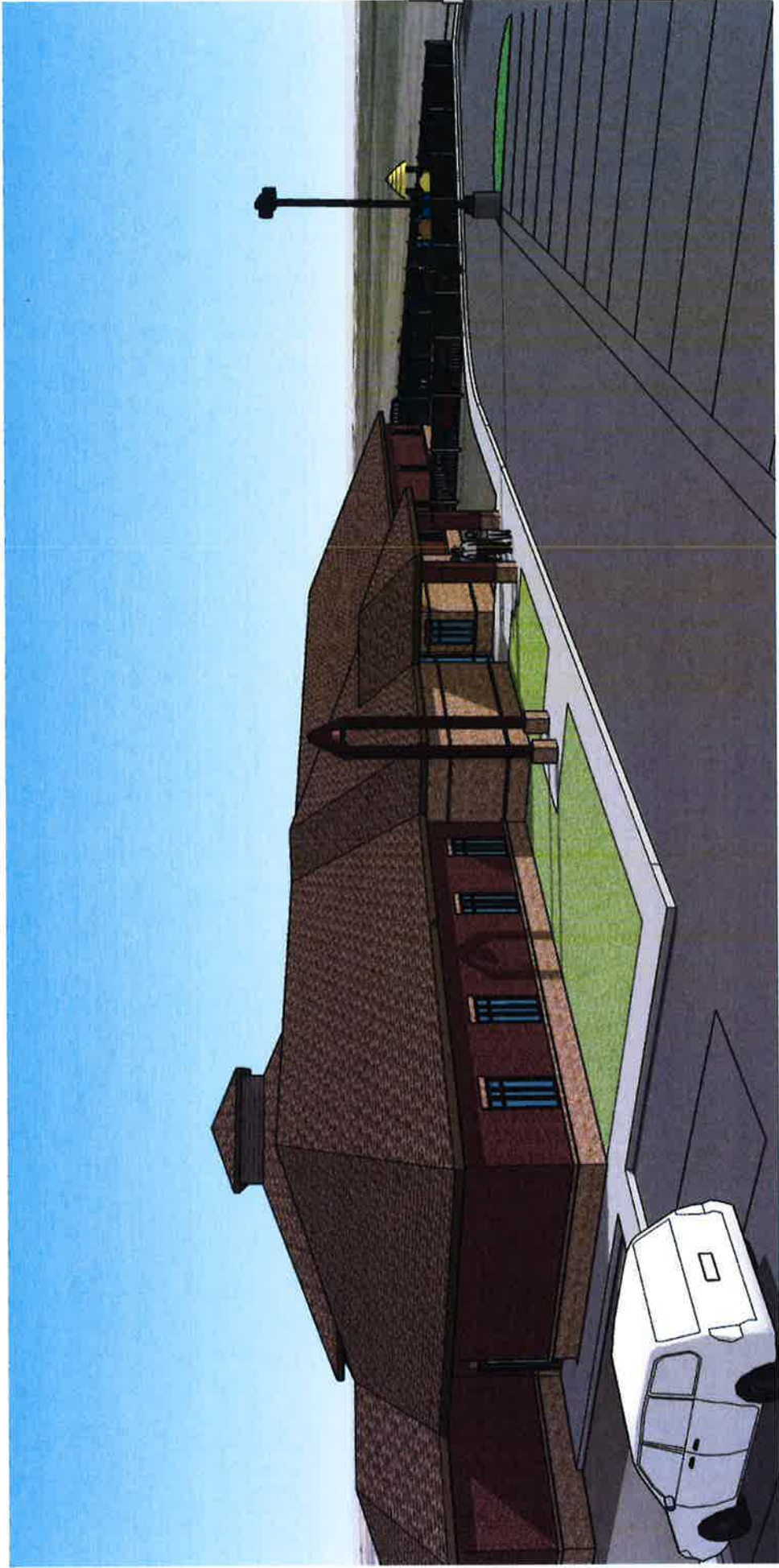
## OPEN ARMS CHILD DEVELOPMENT CENTER PROPOSED BELL TOWER

RIDGE OF EXSITING MAIN BUILDING IS APPROXIMATELY 24' ABOVE THE GROUND.

PROPOSED BELL TOWER WOULD NOT EXCEED THIS HEIGHT.

BELL TOWER IS PROPOSED TO BE LOCATED ON NORTHWEST SIDE OF ENTRY DOORS.





OPEN ARMS CHILD DEVELOPMENT CENTER  
PROPOSED BELL TOWER

**BOB KOLIBAS**  
ZONING OFFICIAL  
PLANS EXAMINER  
TEL 918-596-9664



## **DEVELOPMENT SERVICES**

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### **ZONING CLEARANCE PLAN REVIEW**

**LOD Number: 972907-1**

**November 01, 2016**

**GREGORY HELMS**  
**GS HELMS & ASSOC.**  
**424 E MAIN ST**  
**JENKS, OK 74037**

**Phone: (918)298-7257**  
**Fax: (918)299-7257**

**APPLICATION NO: 8787** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 4901 S 177 AV E**  
**Description: CONSTRUCTION OF NEW BELL TOWER AT PREVIOUSLY APPROVED SITE**  
**PLAN**

#### **INFORMATION ABOUT SUBMITTING REVISIONS**

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### **REVISIONS NEED TO INCLUDE THE FOLLOWING:**

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### **IMPORTANT INFORMATION**

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).



(continued)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 8787

4901 S 177 AV E

November 01, 2016

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

**Modification of previous City of Tulsa Board of Adjustment (BOA) approval required.**

**BOA-21265-A: 8/11/2015** approved a Special Exception to allow a Child Care Center/Church use in an AG zoning district. This approval was per site plan submitted today. The proposed Bell Tower is a modification to the site plan approved on 8/11/2015.

**Review comment:** Provide a modification to a previously approved site plan per Section 70.120 to permit the addition of the proposed bell tower structure at this site. The approved modified site plan shall be submitted as an addendum to the current building permit 371674.

**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

**A hard copy of this letter is available upon request by the applicant.**

## END – ZONING CODE REVIEW

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.