

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 944  
Tuesday, October 24, 2006, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**

Dunham  
Henke, Chair  
Stead, Vice Chair  
Stephens  
Tidwell, Secretary

**MEMBERS  
ABSENT**

**STAFF  
PRESENT**

Alberty  
Butler  
Cuthbertson

**OTHERS  
PRESENT**

Ackermann, Legal

The notice and amended agenda of said meeting was posted in the City Clerk's office, City Hall, on Monday, October 23, 2006, at 10:33 a.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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

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**MINUTES**

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (Dunham, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of October 10, 2006 (No. 943).

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 20351**

**Action Requested:**

Appeal the determination of a Neighborhood Inspector that a trucking business/operation is located in an AG district, located: 7009 West Edison Street.

**Presentation:**

Mr. Cuthbertson informed the Board the applicant requested a continuation to better prepare for presentation.

**Board Action:**

On **Motion** of **Tidwell**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20351 to the meeting on November 14, 2006, on the following described property:

E 345' W 1005' of Lt 4 SW/4 SW/4 Section 31, T-20, R-12, City of Tulsa, Osage County, State of Oklahoma

\*.\*\*\*\*\*.

**Case No. 20359**

**Action Requested:**

Variance of the setback for an accessory building in the required rear yard from 3ft to 1ft and 2ft - 10in to permit a cabana (Section 210.B.5.b), located: 1638 East 31<sup>st</sup> Place South.

**Presentation:**

Mr. Cuthbertson informed the Board that the applicant requested a continuance to the meeting on November 14, 2006.

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20359 to the meeting on November 14, 2006, on the following described property:

BG 341.7W & 316S NEC NE NW TH S183.25 W158.3 N133.25 ELY ON CRV 48.26 REV CV 136.90 E39.47 POB SEC 19 19 13, City of Tulsa, Tulsa County, State of Oklahoma

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**UNFINISHED BUSINESS**

**Case No. 20344**

**Action Requested:**

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED message board in an RS-3 district (Section 402.B.4.b), located: 7903 East 15<sup>th</sup> Street South.

**Presentation:**

**Martha Oglesby**, represented the Memorial Drive United Methodist Church. They proposed to put up this changeable copy sign on Memorial Drive. They would not have running, flashing lights, or time and temperature.

**Comments and Questions:**

Ms. Stead asked if this sign was just slightly larger than the existing sign, to which Ms. Oglesby replied that it is.

**Interested Parties:**

There were no interested parties who wished to speak. The Board received a letter of opposition (Exhibit A-1).

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the requirement that illumination of a sign shall be by constant light to permit an LED message board in an RS-3 district (Section 402.B.4.b), finding the variance 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:

S/2 SE SE NE LESS E33 & LESS S40 W597 E630 & LESSW30 FOR STS SEC 11 19 13 3.975ACS, City of Tulsa, Tulsa County, State of Oklahoma

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**NEW APPLICATIONS**

**Case No. 20352**

**Action Requested:**

Variance of the rear yard requirement in an RS-2 district from 25' to 19.1' to permit a covered porch addition (Section 403), located: 2106 South St. Louis Avenue.

**Presentation:**

**Charles Norman**, 2900 Mid-Continent Tower, represented Mr. and Mrs. Don Miller, the owners of the subject property. They are in the process of remodeling the home. He pointed out the dimensions on all four sides of the property are different. He provided a site plan and photographs (Exhibits B-1 and B-2). He added there is a curve on the frontage. The plans include a covered porch, which would occupy approximately 72 ft. of the required rear yard. He stated the proposed porch would still leave the lot non-conforming under the current zoning code. This plan would still allow more than 50% of livability space and would not change the side yards. This encroachment will not be visible from any neighbor. The applicants have discussed the application with his neighbors also.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the rear yard requirement in an RS-2 district from 25' to 19.1' to permit a covered porch addition (Section 403), per plan, subject to the narrative in applicant's Exhibit A, finding the property was platted in 1920; is a non-conforming property and causes an extreme hardship; finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 10 LESS BEG NWC TH CRV RT 3 SW26.26 NE APR 26.02 POB & PRT LT  
11 BEG SECR TH NW3.94 NE58.36 SW APR 57.61 POB BLK 2,  
TERWILLEGGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20353**

**Action Requested:**

Variance of the maximum square footage permitted for accessory buildings in an RS-3 district; from 500 sq ft to 1,644 sq ft; to permit a new garage and existing carport. (Section 402.B.1.d), located: 1720 West 37<sup>th</sup> Place South.

**Mr. Stephens recused himself from Case No. 20353, out at 1:15 p.m.**

**Presentation:**

**Randall C. Baber**, 1720 West 37<sup>th</sup> Place, stated the neighborhood is a 1920's neighborhood near Webster High School football stadium. He pointed out the narrow lot, which is one lot wide and two lots deep. The width is not enough to split the lot. He added that the existing garage is small and deteriorated. He wants to place a new garage more to the rear of the property and a carport over the hard surface. He proposed to add a privacy fence also to deter vandalism. Mr. Baber informed the Board that they plan to add a second floor addition to the house, not exceeding 35 ft. He stated there is a power line across the rear of the lot. A conceptual site plan was provided (Exhibit D-1).

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-1 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; Stephens "abstained"; no "absences") to **APPROVE** the Variance of the maximum square footage permitted for accessory buildings in an RS-3 district; from 500 sq ft to 1,644 sq ft; to permit a new garage and existing carport. (Section 402.B.1.d), per conceptual plan, garage may be moved slightly with conditions: for concrete driveway; finding the variance 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:

E.100'W.165'EACH LOTS-1-2-BLK12, INTERURBAN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Mr. Stephens returned at 1:26 p.m.

**Case No. 20354**

**Action Requested:**

Verification of spacing requirements for a Family Day Care Home; 300 ft. from another Family Day Care Home located on the same street. (Section 402.B.5.g), located: 2404 North Rockford Avenue East.

**Presentation:**

**Ramona Rogers**, 2404 North Rockford, stated there is not another childcare home on her street. The daycare has been open since June.

**Comments and Questions:**

Ms. Stead asked about two houses across the street that did not have letters in the file. Ms. Rogers stated one of those neighbors did not choose to sign and the other she could not contact.

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Verification of spacing requirements for a Family Day Care Home; 300 ft. from another Family Day Care Home located on the same street. (Section 402.B.5.g), finding it will not be detrimental to the neighborhood, on the following described property:

LT 12 BLK 2, CARVER HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20355**

**Action Requested:**

Special Exception to permit a manufactured home in an RS-3 district (Section 401); and a Special Exception to extend the one year time limitation to permanent (Section 404.E.1), located: 4848 North Johnstown Avenue.

**Presentation:**

**Almedia Jackson**, 4827 North Iroquois, proposed to move a five-year old mobile home on the lot. She did not have a photograph of the home. She stated that her father owns the lot to the north also.

**Interested Parties:**

**Jonathon Starling**, 5204 South 155<sup>th</sup> West Avenue, Sand Springs, represented his mother, who lives across the street and for Johnny Williams, that owns 4830 and 4855 North Johnstown. They are opposed to having the mobile home in the neighborhood, as it is inconsistent with the neighborhood.

**Retha Barnes**, 4836 North Johnstown Avenue, opposed the application as inappropriate for the neighborhood.

**Applicant's Rebuttal:**

Ms. Jackson responded that the mobile home would be an improvement. She obtained support from her surrounding neighbors.

In discussion, each Board member expressed opposition to the application. They noted that there are no other mobile homes in the neighborhood and it would be out of character.

**Board Action:**

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Henke, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Special Exception to permit a manufactured home in an RS-3 district (Section 401); and a Special Exception to extend the one year time limitation to permanent (Section 404.E.1), finding it is out of character and would be injurious to the neighborhood, on the following described property:

LT 2 BLK 3, FAIRHILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20357**

**Action Requested:**

Variance of the maximum permitted land coverage in a CO district from 30% to 37% (Section 803), located: 6611 South 101<sup>st</sup> Avenue East.

**Presentation:**

This case was tabled, to be heard later on the agenda.

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**Case No. 20358**

**Action Requested:**

Special Exception to permit architectural features (cupolas) to exceed 150% of the maximum height permitted (35 ft.) in the RS district (Section 208), located: 2636 East 61<sup>st</sup> Street.

**Presentation:**

**Charles Norman**, 2900 Mid-Continent Tower, represented Southern Hills Country Club. He reminded them of the case the Board approved at this site for a tower disguised as a flag pole at approximately this location. The pole was going to have a diameter of about 36 inches. The members of the Southern Hills Board decided not to approve that construction. The present application is for two matching cupolas above the in-door tennis facility to house the antennas. They would each be about six feet square and about 14 ft. high from the horizontal base of the roof. He referred to the exhibits in the agenda packet to describe the dimensions and the location of the equipment to the Board. He noted that the cupolas would add to the tennis facility architecturally and provide space for the needed antennas. The height is over the 35 ft. allowed in the RS-1 district but it would not exceed 50% of the height approved originally for the facility.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 5-0-0 (Dunham, Henke, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit architectural features (cupolas) to exceed 150% of the maximum height permitted (35 ft.) in the RS district (Section 208), per plan, including applicant exhibits A-1, A-3, D-1, and D-2; (Noting the intention of the applicant to house cellular antennas in the cupolas; and this action is in lieu of BOA Case No. 20030, which was approved in 2005 for a tower disguised as a flag pole); finding 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, on the following described property:

A tract of land in Section 32, Township 19 North, Range 13 East, and Section 5, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: BEGINNING at the southwest corner of Lot 3, Block 2, Southern Villas Addition, thence East 165.09'; thence south 330.18'; thence east 165.11'; thence south 815.5'; thence southeast 368.48'; thence east 295.42'; thence south 656'; thence west 955'; thence south 825'; thence west 827.98'; thence north 165.05'; thence west 1,817.73'; thence south 330.5'; thence west 1,444.5'; thence north 208.71'; thence west 168.71'; thence north 2,389.4'; to a point which is 25' south and 40' east of the northwest corner of Section 5, Township 18 North, Range 13 East; thence along the south

boundary line of East 61st Street South to a point, said point being 329.4' north of the point of beginning; thence south 329.4' to the POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20360**

**Action Requested:**

Special Exception to permit church use (accessory parking) in an RS-3 district (Section 401); a Variance of the required 50 ft. setback from the centerline of an abutting street for a parking lot in an RS-3 district (Section 1302.B); and a Variance of the screening requirement for an accessory parking area from an abutting RS district (Section 1303.E), located: 507 East King Street.

**Presentation:**

**Mitchell Medcalf**, 109 South Aster Avenue, Broken Arrow, Oklahoma, represented Paradise Baptist Church. They proposed to construct an extension of the parking lot. A site plan was provided (Exhibit F-1). Everything they propose to do is on the site plan.

**Interested Parties:**

**Esther Grant**, 537 East King Street, stated she lives just east of the church property. She asked if they plan to extend the parking all the way to her property line. Mr. Dunham assured her it would not come closer than 125 ft. to any residential property to the east. He stated that the staff comments recommend a screening fence to the east and north to screen headlights.

Mr. Dunham asked the applicant if he read the staff recommendations for sidewalks and screening.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Henke, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit church use (accessory parking) in an RS-3 district (Section 401); a Variance of the required 50 ft. setback from the centerline of an abutting street for a parking lot in an RS-3 district (Section 1302.B); and a Variance of the screening requirement for an accessory parking area from an abutting RS district (Section 1303.E); with conditions: for sidewalks along Latimer and King Streets in front of the proposed parking lot; for screening by a four ft. fence or shrub along the north and east boundary lines of the parking lot; all lighting directed down and away from nearby residential districts, per plan, including a 125 ft. buffer between this proposed parking lot and the residences to the east; finding the requirements for the special exception and variances have been met; and finding it 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:



LTS 12 THRU 46 & VAC ALLEY ADJ BEG SECR LT 12 TH E10 N137.5 W10  
N7.5 W300 N130 W20 S275 E20 N130 E300 S130 POB BLK 2, GURLEY-HILL  
ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20357**

**Action Requested:**

Variance of the maximum permitted land coverage in a CO district from 30% to 37% (Section 803), located: 6611 South 101<sup>st</sup> Avenue East.

**Presentation:**

**Greg Weisz**, 6111 East 32<sup>nd</sup> Place, stated this tract is along Highway 169 in a corridor zone. He added that the existing Mathis Brothers' Furniture Store is on a 38 acre tract that is partially developed. They proposed to develop the rest of the property. He pointed out that the floor/area ratio in corridor zoning is less intense than in commercial districts and allows for only 30% coverage. Mr. Weisz stated they already exceed that ratio with the store and warehouse. They propose to expand the store and to plat the remainder of the property into separate lots, with the plan for the rest of the property to comply with the .30 coverage.

Mr. Alberty commented to the Board that the whole purpose of the corridor district is to encourage high-rise development. Mr. Stephens asked about the hardship. Mr. Weisz responded that this is an existing store and they probably built without being aware of these specific codes for the corridor. Mr. Dunham asked for the maximum height for which they would ask. Mr. Weisz replied it would be 40 ft. Mr. Cuthbertson suggested a limitation of the floor/area ratio might help control the development intensity. Ms. Stead asked for a hardship that is not self-imposed. Mr. Dunham considered the variance is because they are building below the expected height for the corridor and less than the expected floor/area ratio. Mr. Dunham continued that a high-rise would probably be more detrimental to the neighborhood than this.

**Board Action:**

On **Motion of Tidwell**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum permitted land coverage in a CO district from 30% to 37% (Section 803), per plan, with conditions: height not to exceed 40 ft. or two stories; maximum floor/area ratio for the entire north area of this project will not exceed .60; finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LTS 12 THRU 46 & VAC ALLEY ADJ BEG SECR LT 12 TH E10 N137.5 W10  
N7.5 W300 N130 W20 S275 E20 N130 E300 S130 POB BLK 2, GURLEY-HILL  
ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

**Case No. 20361**

**Action Requested:**

Request for refund.

**Presentation:**

Mr. Cuthbertson stated the staff recommended a refund of \$290.00 for an application that was determined to be unnecessary.

**Board Action:**

On **Motion** of **Tidwell**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Refund of \$290.00, per staff recommendation, for Case No. 20361.

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**Case No. 20362**

**Action Requested:**

Variance of the parking requirements for existing retail establishments in order to permit a lot split (Section 1213D and 1214), located: 1502 and 1506 East 15<sup>th</sup> Street South.

**Presentation:**

**Steve Novick**, 1717 South Cheyenne Avenue, represented the applicant, Maurice Powell, with the consent of the property owner, Mr. McCullough. He provided photographs and a site plan (Exhibits G-1 and G-2). He informed the Board that 1502 and 1506 were to be used together as a bookstore. Mr. McCullough has now leased 1502 for use as a retail establishment and Mr. Powell wants to purchase 1506 and use as an art gallery. Staff informed him this will require a lot-split. Mr. Novick stated that the parking space nearest Rockford Avenue encroaches slightly on the right-of-way.

**2:27 p.m. Mr. Tidwell and returned at 2:31 p.m.**

He reviewed the dimensions of the parking, including the 16 ft. for an access alley, which he stated would meet the requirements of the code. Mr. Novick added that the variance would not change the parking patterns that are currently used.

**Comments and Questions:**

Ms. Stead asked if he brought a mutual access agreement that staff recommended he provide. He replied they drew up a mutual access agreement and shared parking agreement, but Mr. McCullough has not signed it yet. Mr. Stephens asked what kind of retail will be in 1502. Mr. Novick replied there will be an art gallery and small retail items. The doorway between 1502 and 1506 has been sealed and is now a wall.

**Interested Parties:**

**Nelson Dean**, stated he owns the one-half block of buildings directly across the street from the subject property. He was in support of the application and expected this to be an improvement to the area. He did not expect parking to be a problem.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the parking requirements for existing retail establishments in order to permit a lot-split (Section 1213D and 1214), per plan, with exception of parking space #6, which would be eliminated; with condition for a parking agreement and mutual access agreement (providing eastern lot access to the western lot) between the two separate property owners to share the one common parking stall, to be provided to INCOG staff; finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

W 70 LTS 15 & 16 BLK 5, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20364**

**Action Requested:**

Verification of spacing requirements for a liquor store; 300 ft. from a pawn shop, blood bank, plasma center, day labor hiring center, and another liquor store (Section 1214.C.3), located: 8040 South Memorial Drive.

**Presentation:**

**Mike McCoy**, stated the proposed business is Scotty's Wine and Spirits at 8040 South Memorial. He submitted verification of spacing with the application.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Verification of spacing requirements for a liquor store; 300 ft. from a pawn shop, blood bank, plasma center, day labor hiring center, and another liquor store (Section 1214.C.3), finding the spacing was verified, on the following described property:

LT 1 BLK 1, FAMCO HEIGHTS, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20365**

**Action Requested:**

Minor Special Exception to modify a previously approved site plan to permit additions to an existing private school campus, located: 2206 South Lewis Avenue

**Mr. Tidwell abstained from Case No. 20365, and out at 2:45 p.m.**

**Presentation:**

**Steve Schuller**, 1100 ONEOK Plaza, 100 West 5<sup>th</sup> Street, came to present the request. A site plan was provided (Exhibit H-1).

**Comments and Questions:**

Mr. Dunham asked if the construction would be per plan, to which Mr. Schuller replied that it would.

**Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-1 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; Tidwell "abstained"; no "absences") to **APPROVE** a Minor Special Exception to modify a previously approved site plan to permit additions to an existing private school campus, per plan, finding the minor 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:

BEG 630S & 40W NEC NE TH W1130 TO EL ST TH NELY139.6 NLY CV LF 45.63 TO SWC BLK 1 THE YORKTOWN TH E485.26 N82.39 ELY80.94 NE75.79 NE94.9 NE47.73 N182. 28 TO SL ST TH E APROX 302.33 SELY CV RT APROX 75.82 TO WL ST TH S APROX 507.33 POB SEC 18 19 13 8.40ACS, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Mr. Tidwell returned at 2:46 p.m.

**Case No. 20366**

**Action Requested:**

Interpretation of the zoning text to determine the classification of the Meadow Gold sign, located: 1324 East 11<sup>th</sup> Street South.

**Presentation:**

Mr. Cuthbertson informed the Board they are asking the Board to find whether the characteristics of the Meadow Gold sign are more in line with Use Unit 1, historical marker or a Use Unit 21, an outdoor advertising sign. He referred to two letters of support for the sign as a historical marker (Exhibit I-1).

Mr. Alberty commented that the staff in the permit center agreed that this is a historical marker, but needed the confirmation. He stated It is not an advertising sign but it is on a property designated just for the sign.

**Comments and Questions:**

Ms. Stead noted there are no sales of Meadow Gold products in this area any more. Mr. Henke commented that it is a real asset for Route 66.

**Interested Parties:**

There were interested parties present that signed-in, as in support of the sign as a historical marker.

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") this Board **Determined** the zoning text and the classification of the Meadow Gold sign to be an historical monument in line with Use Unit 1, on the following described property:

LT 1 & LT 2 BLK 4, ORCHARD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**OTHER BUSINESS**

Mr. Cuthbertson mentioned the suggestion that the Board officially request the permit office to request an interpretation of the zoning text to determine an LED message board that does not contain a flashing or scrolling element would be consistent with the code and permitted in R and AG districts by right. The code limits signs in residential and agricultural districts for uses permitted by special exception, like schools and churches. It says illumination of a sign, if any, shall be by constant light. Ms. Stead wanted to specify limitations of time and temperature displays, because many of them change every one-half to one-quarter of a minute.

Mr. Cuthbertson noted that the sign permit officer was present at the time and would return when the Board makes an official interpretation. He offered the Board an opportunity to ask questions of the officer at that time.

Mr. Dunham stated the problem is that the Board is receiving numerous applications for LED signs with a constant message. He added that they have approved them all.

**Jim Garriott**, with City of Tulsa, responded that his understanding is that if the illumination remains the same it is a constant. He stated if the display changes shape then it is no longer constant. He mentioned that these signs can be programmed. One person may program by the Board's conditions but another person could change it.

Mr. Henke suggested to table the discussion, and prepare their list of pro's and con's to discuss at a later date.

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There being no further business, the meeting adjourned at 3:05 p.m.

Date approved: 11/14/06

  
Chair