

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 996  
Tuesday, February 24, 2009, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
124 East 2<sup>nd</sup> Street

**MEMBERS  
PRESENT**

Stead, Vice Chair  
Stephens  
Tidwell, Secretary  
White

**MEMBERS  
ABSENT**

Henke, Chair

**STAFF  
PRESENT**

Alberty  
Cuthbertson  
Pyron

**OTHERS  
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Friday, February 20, 2009, at 2:27 p.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

After declaring a quorum present, Vice Chair Stead 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 4-0-0 (White, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** the Minutes of December 9, 2008 (No. 992).

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**REQUEST TO CONTINUE AND CASES TO WITHDRAW**

**Case No. 20839**

**Action Requested:**

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway, located: 9001 South Union Avenue.

**Presentation:**

Mr. Cuthbertson informed the Board that there had been a request to withdraw this case.

**Board Action:**

No action by the Board was necessary.

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**Case No. 20870**

**Action Requested:**

Variance of the parking requirement (Section 1215); and a Special Exception to modify the screening requirement between the subject property and the abutting R district to the north (Section 1215.C & 212.C), located: 1131 East Easton Street.

**Presentation:**

Mr. Cuthbertson informed the Board that the applicant had found an additional element of relief that is needed and has requested a continuance for additional notification.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Tidwell**, 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, on the following described property:  
LTS 35 THRU 44 BLK 5, FRISCO ADDN

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**Case No. 20877**

**Action Requested:**

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a school in the AG district (Section 302.B.2); and a Variance of the minimum setback from a visible R district (Section 1221.C.2.c), located: 5415 East 101<sup>st</sup> Street.

**Presentation:**

Mr. Cuthbertson informed the Board that the applicant has requested a continuance in order to consult with surrounding property owners.

**Randall Johnson**, 1801 North Willow Avenue, Broken Arrow, Oklahoma. Mr. Johnson stated that Redeemer Covenant Church wanted to have church elders attend the meeting and at this time, they were not ready.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Tidwell**, 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, on the following described property:

LT 1 BLK 1, LEISURE ESTATES, REDEEMER COVENANT CHURCH

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**UNFINISHED BUSINESS**

At this time, the representative from Whistler Sign Company was not present so Vice Chair Stead recommended moving all of Whistler's cases until the end of the meeting.

**Case No. 20866**

**Action Requested:**

Special Exception to permit the storage of motorized vehicles located behind the building setback line on a surface other than one consisting of an all-weather material (Section 222); or a Variance of the paving requirement for unenclosed off-street parking areas (Section 1303.D.), located: 9602 East Mohawk Boulevard.

**Presentation:**

**Dennis Blind**, 3314 East 51<sup>st</sup> Street, Suite 203E, Tulsa, Oklahoma, 74135. Mr. Blind thanked the Board for continuing this case from last meeting so that the applicant could gather additional information. He stated that a proposed parking pad layout had been submitted. Mr. Blind said it was thought that the previous owners had taking care of any paving issues back in 1999. He expressed safety concerns for the motocross riders if they are required to ride on pavement. He reminded the Board that this is an industrial area.

**Comments and Questions:**

Mr. Tidwell asked how many parking pads there would be. Mr. Blind answered there would be 13 parking pads. Ms. Stead asked Mr. Boulden if the Board could limit days and hours of operations since this is in an industrial area. Mr. Boulden stated that hours and days limitations could be imposed if the Board felt it was necessary but enforcement would be a consideration, as well.

**Interested Parties:**

**Charles Ford**, 9318 East Mohawk Boulevard. Mr. Ford stated there had been a race last Sunday and there had been more than 13 participants. He added that on the raceway's website, it shows a picture of people parking all over the property. He did notice that there were only two vehicles parked in the original parking area. Mr. Stephens asked Mr. Ford how many events he thought the raceway had each year. Mr. Ford said that during the summer, there were races every Tuesday and

Saturday. It is his understanding that the raceway plans to have practices every Tuesday and Thursday and plans on having races every Saturday and Sunday.

**Eldon Ford**, 9316 East Mohawk Boulevard. Mr. Ford stated he felt the raceway should pave all the area where people would park. He said he had seen the racers riding these bikes up and down Mohawk Boulevard.

**Applicant's Rebuttal:**

Mr. Blind requested that the special exception be approved considering the proposed layout that was submitted.

**Board Action:**

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to permit the storage of motorized vehicles located behind the building setback line on a surface other than one consisting of an all-weather material (Section 222) contingent upon the modifications presented in the applicant's exhibit today located on page 7 of that exhibit showing the parking pads on the north side of the area immediately north of the pit area, in 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 **Motion** of **White**, the Board voted 4-0-1 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **DENY** a Variance of paving requirement for unenclosed off-street parking areas (Section 1303.D), on the following described property, based on the fact that approval of the Special Exception renders this decision moot:

LT 1 BLK 2, LT 1 BLK 3, CARMAC INDUSTRIAL PARK SECOND

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**NEW BUSINESS**

**Case No. 20696-A**

**Action Requested:**

Amendment to a previously approved site plan (BOA-20696) to permit a building expansion; utilizing required parking on a lot other than the one containing the principal use, located: 6232 East 60<sup>th</sup> Street.

**Presentation:**

Grady Whitaker, 16 West 2<sup>nd</sup> Street, Sand Springs, Oklahoma. The Humane Society occupies this site. The building is on an oddly-shaped piece of property and it makes it very difficult to access and create additional parking. The original site plan request that was approved basically allowed for mutual access on the east side. During the design process, it became apparent that the Humane

Society needs additional space for veterinary, storage and office space operations. Mr. Whitaker said they do not plan on adding staff but when adding space, they are required to add parking spaces. With the additional square footage, they would be required to add 3 more parking spaces. Because of the site configuration, there is no way to add additional parking considering the setback requirements. Mr. Whitaker presented a letter from the management company of Park Plaza Center, which is immediately south of this property, stating that the Humane Society could use 3 of their parking spaces during the business hours of Monday thru Saturday 10:00 am to 5:00 pm.

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

Ms. Stead asked why board fencing was proposed on the north. Mr. Whitaker stated there is a small bit of residential property that abuts this area. Ms. Stead asked if Mr. Cuthbertson if screening would be required in this instance. He stated that the Code would require screening against abutting R districts. He also noted that a veterinary clinic is a Use Unit 14 and is allowed by right in the CS district, excluding outdoor dog runs.

#### **Interested Parties:**

**Don Thompson**, 5833 South Maplewood, Tulsa, Oklahoma. His home backs up to the church and he has a vested interest being a homeowner in the neighborhood. He expressed concerns over the dogs barking at night. He said this is a commercial shopping area and not a dog pound. He felt it was inappropriate to have this facility located within 50 ft. of a restaurant.

**Bob Nichols**, 5838 South Sheridan, Tulsa, Oklahoma. He is with Tulsa Bible Church. When they received the initial notice, they did not attend the meeting because they did not think this would be an animal shelter. The church's major concern is the issue of outdoor runs because of the lack of grassy areas. Mr. Tidwell asked Mr. Nichols if the dogs were off their property. Mr. Nichols said the dogs were on the grassy area which is City right-of-way property.

#### **Applicant's Rebuttal:**

Mr. Whitaker said all the dogs are kept indoors at night so he was not sure how it could be a Humane Society dog keeping neighbors awake. He said the Humane Society is not a dog pound or a shelter. They are an animal rescue, rehabilitation and adoption business. They are not trying to keep animals for any length of time. They are trying to get the animals healthy and trying to find them a quality home.

**Gina Gardner**, 6331 East 98<sup>th</sup> Place, Tulsa, Oklahoma, 74137. She reiterated that this not a pound, a shelter or an animal control facility. It is a veterinary clinic. Ms. Stead asked how many animals were in the facility at the present time. Ms. Gardner stated there were approximately 25 to 30 animals, including dogs and cats. Ms. Stead asked how many additional animals the Humane Society would have if the facility received permission to expand. Ms. Gardner stated there would be no additional animals. She said the expansion is to build two surgery suites

and two treatment areas. It is not to increase housing of the animals. She said there is an enclosed area on the property for the animals to exercise. She said some volunteers have taken the animals on church property and they have been instructed to not do that. They are trying to make the property more aesthetic. She said copies of the plans had been given to the church in an effort to allay any fears they might have.

**Board Action:**

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** the amendment to a previously approved site plan to permit a building expansion utilizing required parking on a lot not containing the principal use, with the conditions that this be per preliminary plan submitted on page 8.7 with the stipulation that there be no additional housing of animals, on the following described property:

PRT LT 1 BEG 20.03W NWC LT 3 BLK 1 TH S59.65 W212.95 NW8.75 TH ON CURVE RT199.61 E27.45 POB BLK 1, PARK PLAZA CENTER EXT

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**Case No. 20869**

**Action Requested:**

Special Exception to permit a carport in the required front yard in the RS-3 district (Section 210.B.10); Variance of the maximum coverage permitted; a Variance of the minimum setback for a carport from the side lot line; a Variance of the maximum distance a carport may extend from the rear of the required front yard; and a Variance of the maximum height permitted for a carport; (Section 210.B.10.a-d) all to permit an existing carport, located: 3319 South Memorial.

**Presentation:**

**Janet Bohl**, 3319 South Memorial Drive, Tulsa, Oklahoma, 74145. Ms. Bohl submitted pictures to show the three-car carport. Ms. Stead asked Ms. Bohl if she had checked to see if a three-car carport was allowed. Ms. Bohl said the carport is portable and can be taken down in 30 minutes. The salesman told Ms. Bohl that she did not need a permit. Ms. Stead said she did indeed need a permit. She said almost anything you build in the City requires a permit. Ms. Stead stated that the carport is oversized and over the building lines. Ms. Bohl said she needs the carport because her mother has special needs and the carport protects her mother from the elements when she is loading her in the van. Ms. Stead asked Ms. Bohl why she did not take her thru the garage. Ms. Bohl answered saying her mother's belongings are stored in the garage. Ms. Stead said there are storage units for rent where Ms. Bohl could store her mother's belongings.

**Interested Parties:**

There were no interested parties who wished to speak.

**Comments and Questions:**

Mr. Tidwell asked Ms. Bohl to give the pictures of other carports in her neighborhood to Mr. Cuthbertson so the Board could review them. After reviewing the pictures, the Board felt that only one of the garage additions had been approved.

**Board Action:**

On **Motion** of **Stephens**, the Board voted 3-0-1 (Stephens, Stead, Tidwell "aye"; no "nays"; White "abstained"; Henke "absent") to **DENY** the Special Exception to permit a carport in the required front yard in the RS-3 district (Section 210.B.10); **DENY** a Variance of the maximum coverage permitted; **DENY** a Variance of the minimum setback for a carport from the side lot line; **DENY** a Variance to the maximum distance a carport may extend from the rear of the required front yard; and **DENY** a Variance of the maximum height permitted for a carport (Section 210.B.10.a-d) all to permit an existing carport, on the following described property:  
LT 13, BLK 20, LONGVIEW ACRES 2ND

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**Case No. 20871**

**Action Requested:**

Special Exception to permit a mini-storage facility (Use Unit 16) in CS district (Section 701), located: 10540 East 11<sup>th</sup> Street.

**Presentation:**

**John Wilson**, 10514 East 11<sup>th</sup> Street, Tulsa, Oklahoma, 74128. Mr. Wilson gave a brief presentation.

**Comments and Questions:**

Ms. Stead asked Mr. Wilson if he was intending to do away completely with the mobile homes. Mr. Wilson stated the mobile homes are gone.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Stephens**, the Board voted 3-0-1 (Stephens, Stead, Tidwell "aye"; no "nays"; White "abstained"; Henke "absences") to **APPROVE** a Special Exception to permit a mini-storage facility (Use Unit 16) in a CS district (Section 701) with the conditions that the new units be painted to match the existing storage units and have no open air storage, 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:

E 160' LT 3 LESS N 25' FOR RD, MINGO VALLEY ACREAGE

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**Case No. 20872**

**Action Requested:**

Special Exception to permit public school use in and IL district (Section 901), located: 7635 East 42<sup>nd</sup> Place.

**Presentation:**

**Gregory Helms**, 329 South Elm Street, Jenks, Oklahoma. Ms. Stead asked Mr. Helms and **Bob LaBass**, 3027 South New Haven, Tulsa, Oklahoma, if any representatives from Tulsa Public Schools had met with business owners in this area. Mr. LaBass said Dr. Marvin Jeter has had several meetings with the individuals in the area. Ms. Stead asked the gentlemen if they felt they had done everything to assure or appease the neighbors. Mr. LaBass said he did not think the neighbors were in favor of an alternative school in the area. Ms. Stead asked if other sites for the alternative school had been investigated, specifically the one at 11<sup>th</sup> Street and Yale Avenue, which is a Street School. She asked if there was a good reason why the alternative school could not be located there. Mr. LaBass said the Street School does not have the capacity. The Street School located at the old Franklin facility is fully occupied. The new facility is a middle school alternative school and basically is students who have dropped out and are returning to school. Tulsa Public Schools ("TPS") officials have looked throughout the district and this area seemed to be appealing since there were no families there.

Mr. Helms read a description of the program. Ms. Stead asked Mr. Helms about the school hours. Mr. LaBass answered the hours would be standard school hours, i.e., 8 a.m. to 4 p.m. Students will be dropped off by a bus and picked up by a bus. There will be no outside gathering. The only thing that would indicate a school was going on is there will be a sign in front of the building. The students stay inside of the building all day. Ms. Stead asked if there were plans to fence the area. Mr. LaBass answered no. Food is catered in to the students. TPS will probably put a basketball goal inside the building for some physical activity. Mr. Stephens asked the approximate age of the students. Mr. LaBass stated these are middle school and high school students.

Ms. Stead stated that one of the concerns from the business owners is that the students will return after hours for mischief. Mr. LaBass said he could not guarantee that the students would not return but the fact is this location is two blocks off Memorial, which is the raceway for students so there could be some that do return to the area. TPS has \$4 to \$5 million dollars worth of equipment, which includes approximately 60 school buses, so they would not want students to return to the area.

Mr. Stephens asked if there would be girls and boys. Mr. LaBass answered that it would be co-ed. Mr. LaBass said there would be counseling in small groups and



that TPS is partnering with CREOKS to provide counselors. Mr. Stephens asked if the program is a success, how many students will be in the program. Mr. LaBass said the facility could handle up to 60 students. Any more than that, he stated another facility would need to be found. Ms. Stead said there is a probability that there are drug abusers in these programs and what makes this program unique is that there is counseling along with education. Mr. LaBass said these students have to agree to be in the program and if they do not have the right attitude, they are not accepted. Mr. Tidwell asked how many students are in the program now. Mr. LaBass said there are 6 students who are being taught at the Education Service Center until another facility can be found since Fulton was shut down. Ms. Stead asked if extensive renovations would be required to utilize the building. Mr. LaBass said there would be some restroom modifications and install fire alarms. Ms. Stead remarked that special exceptions are made in perpetuity so the Board does not approve them that often. She asked Mr. Boulden if a time limit could be placed on the special exception should the Board decide to approve it. Mr. Boulden said a time limit could be placed on the special exception. Mr. Stephens asked if the students had been suspended from school. Mr. White asked if the students had been adjudicated. Mr. LaBass said the students have a choice to participate in the program or be suspended. He said the students are not drug users or pushers and have not been adjudicated.

**Interested Parties:**

**Roberta Steinmetz**, 4247 South 76<sup>th</sup> East Avenue, Tulsa, Oklahoma. She is the owner of a mini-storage facility south of the subject property. She stated that the business owners had contacted TPS so they could schedule a meeting to discuss their concerns. She said the zoning code maximizes the use of the land for the businesses in the area. She said when the business owners met with TPS representatives, the representatives said they could not conceive of any objections to the program. She stated that the selection of the building was not based on it being an optimal location but on cost, quick renovation and that TPS did not expect any community objections. Ms. Steinmetz said questionnaires had been distributed to surrounding business owners. She stated that the location of this type facility would enhance a risk to the business owners' security. She said there is a 25% dropout rate. She says the application says the facility will service 20 to 60 students. This is a 9 week program so the neighborhood would be exposed to four times that number during the course of a school year. If the district includes a summer program, there would be additional students. She stated that this area has very little crime, although it is located close to the busy 41<sup>st</sup> Street and Memorial corridor.

**John Reeves**, 7630 East 42<sup>nd</sup> Place, Tulsa, Oklahoma. His business is directly across from the proposed site of the alternative school. He has an 11,000 sq. ft. building where they restore, buy and sell exotic cars such as Mercedes-Benz and Porsche. Most of his customers ship cars from the east and west coasts. His business is nationally known for their restoration work. He employs five people. His life savings are tied up in his business. He has a horrible thought of what

might happen to his insurance rates, his building depreciation if there was one incident involving one of his cars. He has major concerns about displaying cars and feels it would be like waving candy in front of a baby when the students are being dropped off and picked up from school. His building houses cars worth from \$8 to \$16 million. He only displays the normal cars that would be driven on normal streets. He has hundreds of thousands of dollars worth of tools not to mention the value of his building. He carries an enormous amount of insurance and one incidence would cause his premiums to go thru the roof or his carrier would drop him therefore causing him to go out of business. Mr. Reeves goes to work early and stays late. He is concerned that these students will make another wrong decision and choose to steal, rob or vandalize his or his neighbor's property. Mr. Reeves legally carries a gun to protect himself, his investment and his employees. A bad decision could turn into a disaster for someone. He thinks this is a poorly planned idea and thinks a better place could be found. He said if the alternative school had been in this location three years ago, he would not have bought the building he is in now.

**Peter McGraw**, 7709 East 42<sup>nd</sup> Place, Tulsa, Oklahoma, 74145. He is the owner and one of the developers of the Memorial Trade Center which is a new development immediately to the east of the site. In discussions with his tenants, they have a great deal of concerns having an alternative school just over the fence. He had discussions with Mr. Garland and Mr. Jeter of TPS regarding concerns of his tenants. They feel safety is a very big concern not only for the tenants but to their customers. Ms. Stead asked Mr. McGraw if he had seen the letter from TPS stating security would escort the students to and from the building to their parent's car or to the school bus. He said he did see it but he has difficulty believing it will be applied 100% of the time. He believes and supports the endeavor of the alternative school but does not believe it is applicable for IL zoning.

**Bobby Hurst**, 7686 East 46<sup>th</sup> Street, Tulsa, Oklahoma. He owns and operates Southeast Auto Trim. He currently lights his entire property at a substantial cost each month but feels he would have to hire security for added protection. He expressed concerns regarding his elderly customers who would be afraid to come to his business if the school is relocated to the area.

**Janice Brockman**, 7623 East 116<sup>th</sup> Street North, Collinsville, Oklahoma. She recently purchased additional property in the area. She said it appears that TPS decided to choose this area because they did not think there would be complaints. She said this is not an appropriate area for a school.

**Tom Potter**, 7709 East 42<sup>nd</sup> Place, Tulsa, Oklahoma. Mr. Potter owns a wood working company and stated he likes the area. He spends odd hours at his business and sleeps there. He does not have any safety concerns as things are now. He has taken an inventory of what he owns and he has \$88,000 work of equipment. He has concerns for his personal safety and for his business neighbors.

**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

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**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

**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

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**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.

**Comments and Questions:**

Ms. Stead asked Mr. Reynolds to confirm that the site plan he had submitted had not been altered. Mr. Reynolds said it is not conceptual.

**Interested Parties:**

**Joe Galloway**, 5173 South 33<sup>rd</sup> West Avenue, Tulsa, Oklahoma, 74145. His property is two doors down from the proposed bank. When he received the notice for the dwelling, he did not realize the bank would be located within the dwelling. His only concern is that the dwelling be located within the bank.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to permit a single family dwelling (Use Unit 6) in a CS district; in addition to a developing bank use per site plan on page 16.8, 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:

LT 1, BLK 1, PEOPLES BANK CARBONDALE

\* \* \* \* \*

**Case No. 20876**

**Action Requested:**

Special Exception to permit a kennel (Use Unit 15) in the CS district (Section 701), located: 11202 East 61<sup>st</sup> Street.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma. Mr. Reynolds stated that the building is surrounded on the West and South by a mini-storage facility that has masonry walls. All dogs will be kenneled inside. There is an outside exercise area that will be used during the day but no dogs will be left outside at night. Mr. Reynolds said a site plan has been submitted and there will only be one change to the property to include an outside play area.

**Comments and Questions:**

Ms. Stead asked if the outside play area was concrete. Mr. Reynolds stated it is a hard surface. She asked how often it would be washed and how would the run off be handled. Mr. Reynolds said there will be a drain in the middle of the play area which is connected to the City's system.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to permit a kennel (Use Unit 15) in the CS district per plan submitted on page 17.7, 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:

PRT LT 1 BEG NWC TH E122 S8 E28 S152 E25 S180 W175 N340 POB BLK 1,  
NEAL PLAZA

\* \* \* \* \*

**Case No. 20878**

**Action Requested:**

Variance of the setback requirement for a garage abutting a side street from 20 ft. to 10 ft. (Section 403.(5)); and a Variance of the required yard abutting a public street (South Birmingham Avenue right-of-way to the east) (Section 403); to permit a garage and studio addition, located: 4727 South Atlanta Place.

**Presentation:**

**Shelby Navarro**, 418 South Peoria, Tulsa, Oklahoma. This is an interesting situation because there are public streets on three sides of the property. The homeowner wants to add studio space and to relocate the garage and expand in that area. They want to keep the roof line low to match the other properties in the neighborhood. The homeowner likes the neighborhood and does not want to move to a larger home. The slope of the property will allow for the addition to be the same height to keep it within the original architecture of the house. The homeowners provided a list that was signed by the surrounding property owners stating they had seen and approve of the plans. The street to the East still has the right-of-way in place by the City, although a street will probably never be built there.

**Comments and Questions:**

Ms. Stead stated the Board appreciated the list of property owners with their signatures approving the plans.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** the Variance of the setback requirement for a garage abutting a side street from 20 ft. to 10 ft. (Section 403.(5)); and a Variance of the required yard abutting a public street (South Birmingham right-of-way to the east) (Section 403) to permit a garage and

studio addition per conceptual plan on page 19.8 finding that the hardship to be that this lot is unique in that it has public streets on three sides even though one of them has not been developed and because of the terrain limitations and the lot configuration, the only place for possible expansion of the property is to the South as shown on conceptual plan on page 19.8, 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 16 BK 1, REGENCY MANOR ADDN

\*\*\*\*\*

#### **Case No. 20879**

##### **Action Requested:**

Minor Special Exception to amend a previously approved site plan (BOA-17548); to permit an addition to an existing church, located: 1215 South 135<sup>th</sup> East Avenue.

##### **Presentation:**

**Jeff Erb**, 15520 East 11<sup>th</sup> Street, Tulsa, Oklahoma, 74108. The site plan from 1996 showed a 6,500 ft. future expansion, however, the plan did not show a building extension connecting the multi-purpose building and the church building. Future plans were not written correctly on the 1996 site plan so the church is seeking a special exception so they can complete the package.

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

Ms. Stead asked about sidewalks. Mr. Erb said there is a lot of work being done on 135<sup>th</sup> East Avenue so he does not know where the sidewalks will be. It is being curbed and guttered. There is a large stormwater project going on. Ms. Stead asked if the plan is conceptual or will it remain as submitted. Mr. Erb said the original plan in 1996 probably should have been considered conceptual but the new addition will be per plan as submitted.

##### **Interested Parties:**

There were no interested parties who wished to speak.

##### **Board Action:**

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Minor Special Exception to amend a previously approved site plan (BOA-17548); to permit an addition to an existing church per plans on pages 20.7, 20.8 and 20.9, on the following described property, finding that 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:

LTS 1 2 7 & 8 LESS PRT FOR STREET BEG NEC LT 1 THS5 W629.95 S300 W5 N305 E634.95 POB BLK 1, ROMOLAND

\*\*\*\*\*

**Mr. Stephens left the meeting at 3:35 p.m.**

\*\*\*\*\*

**Case No. 20880**

**Action Requested:**

Verification of spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway, located: West of the Northwest Corner of 31<sup>st</sup> Street North and North Florence Avenue.

**Presentation:**

**Dax Neal**, 2123 East 18<sup>th</sup> Street, Tulsa, Oklahoma, 74104. Mr. Neal asked that this case be continued until the next meeting.

**Comments and Questions:**

Ms. Stead said that it appears a small billboard has appeared on Harvard Avenue between Highway 11 and Apache Street.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Tidwell**, the Board voted 3-0-0 (White, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens and Henke, "absent") to **CONTINUE** this case until March 10, 2009, on the following described property:

Commencing at the northwest corner of Lot 5, Block 3, "Santa Fe Industrial District", a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 2002, as filed in the records of the Tulsa County Clerk's office; Thence N 88°47'54" E along the north line of Lot 5, Block 3, "Santa Fe Industrial District" a distance of 4.39 feet; Thence N 01°12'06" W a distance of 5.73 feet to the "Point of Beginning"; Thence S 75°02'01" W a distance of 10.17 feet; Thence S 84°33'01" W a distance of 13.11 feet; Thence N 85°55'59" W a distance of 10.17 feet; Thence N 04°04'01" E a distance of 54.09 feet; Thence N 84°33'01" E a distance of 15.27 feet; Thence S 14°57'59" E a distance of 54.09 feet to the "Point of Beginning"

\*\*\*\*\*



**Case No. 20881**

**Action Requested:**

Verification of spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: Southwest Corner of Highway 75 and North Peoria Avenue.

**Presentation:**

**Dax Neal**, 2123 East 18<sup>th</sup> Street, Tulsa, Oklahoma, 74104. Mr. Neal presented the application.

**Board Action:**

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens and Henke "absent") based upon the facts in this matter as they presently exist, to **ACCEPT** the applicant's verification of spacing between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

Commencing at the southeast corner of Lot 5, Block 4, "Sunnybrook Addition", a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 301, as filed in the records of the Tulsa County Clerk's office; Thence S 47°3 1'1 6" W along the southeasterly line of Lot 5, Block 4, "Sunnybrook Addition" also being the northwesterly right of way for the South Kansas and Oklahoma Railroad, a distance of 113.43 feet; Thence S 42°28'44" E a distance of 0.57 feet to the "Point of Beginning"; Thence S 51°59'44" E a distance of 54.09 feet; Thence S 38°00'16" W a distance of 10.17 feet; Thence S 47°31'16" W a distance of 13.1 1 feet; Thence S 57°02'16" W a distance of 10.17 feet; Thence N 32°57'44" W a distance of 54.09 feet; Thence N 47°3 1'16" E a distance of 15.27 feet to the "Point of Beginning"

\*\*\*\*\*

There was a question from a member in the audience if they could object to the Redfish case. Ms. Stead said that the case was only verifying spacing so that was the only issue before the Board of Adjustment that could be addressed. She stated that is the reason why she did not ask for Interested Parties.

\*\*\*\*\*

Vice Chair Stead returned to the Whistler Sign agenda items that were passed over at the beginning of the meeting.

\*\*\*\*\*

## **UNFINISHED BUSINESS**

### **Case No. 20856**

#### **Action Requested:**

Verification of the spacing requirement for a digital/conventional outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & G.9), located: 515 North 49<sup>th</sup> West Avenue.

#### **Presentation:**

**Mike Joyce**, 1717 South Boulder, Tulsa, Oklahoma. Mr. Joyce apologized for being late to the meeting and stated that he had submitted a certificate showing he had requested a permit for this sign prior to January 1, 2009. The Board had asked Mr. Joyce to provide this information.

#### **Interested Parties:**

There were no interested parties who wished to speak.

#### **Board Action:**

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens, Henke "absent") based upon the facts in this matter as they presently exist, to **ACCEPT** the applicant's verification of spacing between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

S479.6 W400 GOV LT 4 LESS BEG SWC TH N425 E55 S245 SE93.61  
SE201.72 NE86.24 S118 W POB & LESS W24.75 N54.6 FOR HWY & ST SEC 4  
19 12 2.986ACS

\* \* \* \* \*

### **Case No. 20858**

#### **Action Requested:**

Verification of the spacing requirement for a digital/conventional outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & G.9), located: 5154 East Skelly Drive.

#### **Presentation:**

**Mike Joyce**, 1717 South Boulder, Tulsa, Oklahoma. Mr. Joyce submitted a certificate showing he had requested a permit for the proposed sign prior to January 1, 2009.

**Interested Parties:**

**Sam Stokely**, 10111 East 45<sup>th</sup> Place, Tulsa, Oklahoma, 74146. Mr. Stokely asked if this applied to an on premise message center. Ms. Stead stated the 1,200 ft. is measured between outdoor advertising signs and not business signs. Mr. Stokely said he had seen a business sign at this location that had advertising for things that were not on the premises. Mr. Stokely said there is a MyStaf sign with a message center and Whistler will be putting a sign on top of that. He thought this would not be in the spirit and intent of the Code to prevent clutter. Mr. Tidwell asked if this was a lit message board. Mr. Stokely stated it is lit and has neon on top of it. Ms. Stead said the Board thought this was a proposed sign being built from the ground up. Mr. Joyce said there is an on premise sign but that sign would be removed and the new outdoor sign would be built in that location.

**Board Action:**

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens, Henke "absent") based upon the facts in this matter as they presently exist, to **ACCEPT** the applicant's verification of spacing between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

PRT BLK 1 BEG 5SE NEC BLK 1 TH SE156.64 SW9.6 SWLY CRV LF 128.45  
S36.55 SW159.77 NW241 NE APR 121.73 SE5 NE184.87 POB, ADMIRAL  
BENBOW ADDN RESUB

\* \* \* \* \*

**Case No. 20859**

**Action Requested:**

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: North of the Northwest corner of Highway 169 & East 46<sup>th</sup> Street North.

**Presentation:**

**Mike Joyce**, 1717 South Boulder, Tulsa, Oklahoma. Mr. Joyce submitted a certificate showing he had requested a permit for the proposed sign prior to January 1, 2009.

**Board Action:**

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens, Henke "absent"), based upon the facts in this matter as they presently exist, to **ACCEPT** the applicant's verification of spacing between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

BEG 659.39W & 608.70N SECR SE TH N1367.73 W1269.32 N659.38 TO PT  
ON NL SE E609.81 N181 E1319.38 S181 W43.5 CRV LF85.96 W82.20 S30

E79.20 CRV LF896.56SW454.50 SW593.20 SW87.10 POB LESS E16.5 S181  
SE NE SEC 7 20 14 42.424ACS

\* \* \* \* \*

**Case No. 20860**

**Action Requested:**

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: 8235 East Admiral Place.

**Presentation:**

**Mike Joyce**, 1717 South Boulder, Tulsa, Oklahoma. Mr. Joyce informed the Board that his client has asked that this case be withdrawn. They no longer intend to build a digital sign at this location.

**Board Action:**

No action by the Board was necessary.

\* \* \* \* \*

**NEW APPLICATIONS**

**Case No. 20850**

**Action Requested:**

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: 10102 East 91<sup>st</sup> Street.

**Presentation:**

**Mike Joyce**, 1717 South Boulder, Tulsa, Oklahoma. Mr. Joyce informed the Board that his client has asked that this case be withdrawn. There was already an application for a site in the original location for a billboard that was once there. This is for the alternate site.

**Board Action:**

No action by the Board was necessary.

\* \* \* \* \*

There being no further business, the meeting adjourned at 3:54 p.m.

Date approved: 3/10/09  
Frank X. Hu-Tu  
Chair