

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1012
Tuesday, October 27, 2009, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

**MEMBERS
PRESENT**

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

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Cuthbertson
Butler

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, October 21, 2009, at 3:11 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of October 13, 2009 (No. 1011).

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20985

Action Requested:

Variance of the parking requirement for a commercial shopping center from 145 parking spaces to 136 existing parking spaces (Section 1200), located: 10915 East 31st Street.

Presentation:

Mr. Cuthbertson informed the Board the applicant requested a continuance to give them time to obtain a lot combination on the property.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20985 to the meeting on November 10, 2009, on the following described property:

LT 1 BLK 1, LT 2 BLK 1, SECURITY SQUARE RESUB L1 B2 VALLEY GLEN CTR, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20989

Action Requested:

Variance of the maximum permitted display surface area for ground signs in the CS district from 292.43 sq. ft. to 398 sq. ft. (Section 1221.D.3); and a Variance of the maximum number of signs permitted in the CS district from 2 to 3 signs (Section 1221.C.8), located: Northwest corner of East 41st Street and South Hudson Avenue.

Presentation:

Mr. Cuthbertson stated the full notice was not provided on this application. Therefore, it needs to be continued to November 24, 2009.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20989, tentatively to the meeting on November 24, 2009, on the following described property:

BEG 50N SECR SW TH W266.44 N260 E291.58 S260 W25 POB & TR BEG 310N & 55W SECR SW TH N2 W66.50 S2 E66.50 POB SEC 22 19 13, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20965

Action Requested:

Special Exception to permit off-street parking on a lot not containing the principal use (Section 1301) or in the alternative a Variance of the parking requirement from 14 to 9 (Section 1211.D); and a Special Exception to increase the Floor Area Ratio permitted in the OL district from .30 to .40 (Section 601); all to permit an addition to an existing office use, located: 1809 East 15th Street South.

Presentation:

Mr. Cuthbertson reminded the Board they required mutual access easements to serve the properties involved. The applicant still needs time to file the easements.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20965 to the meeting on November 10, 2009, on the following described property:

LT 13 BLK 3, TERRACE DRIVE ADDN SUB PRT B5, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20979

Action Requested:

Variance of the 200 ft. setback for an outdoor advertising sign from an R district to 79' (Section 1221.4); and a Verification of the spacing requirement for an (non-digital) outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: East of Northeast corner of I-44 & South Harvard Avenue.

Presentation:

Mr. Cuthbertson informed the Board that the applicant requested a continuation to November 10, 2009 to permit additional time to meet with neighboring interested parties.

Mr. LaFortune stated they have met with neighborhood leaders, showing conceptual designs. The Oklahoma Department of Transportation has agreed to put up a wall per negotiations with the neighborhood. The applicant has agreed to attend the next neighborhood meeting.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20979 to the meeting on November 10, 2009, on the following described property:

All that part of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (W/2 SE/4 SW/4 SW/4) of Section Twenty-eight (28), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit: BEGINNING at a point on the West Boundary of said W/2 SE/4 SW/4 SW/4, 16 feet South of the Northwest Corner thereof; thence S 0E07'07" E along the West Boundary of said W/2 SE/4 SW/4 SW/4 a distance of 200.77 feet to a point on the North Right-of-Way line of Skelly Drive (U.S. Highway 66 Bypass); thence South 89E 55'18" East along the North Right-of-Way of Skelly Drive a distance of 300.32 feet to a point 30 feet West of the East Boundary of said W/2 SE/4 SW/4 SW/4; thence North 0E06'28" West parallel to and 30 feet West of the East Boundary of said W/2 SE/4 SW/4 SW/4 a distance of 201.15 feet; thence North 89E59'39" West parallel to and 16 feet South of the North Boundary of said W/2 SE/4 SW/4 SW/4, a distance of 300.35 feet to the POINT OF BEGINNING.

UNFINISHED BUSINESS

Case No. 20976

Action Requested:

Special Exception to permit a manufactured home in the RS-3 district (Section 401); and a Special Exception to extend the one year time limit on a mobile home in the R district to permit it permanently (Section 404.E.1), located: 2208 North Canton Avenue.

Presentation:

Valorey Totten, 17217 East Marshall Street, Tulsa, Oklahoma, 74116, stated she bought the property this year. It appeared to her that utilities were placed for a previous mobile home at this location. She proposed to place a mobile home on the subject property. She stated there is a tremendous discrepancy on the exact legal description that she has been trying to resolve. Ms. Totten added that after she receives approval for the home, she plans to obtain a survey to provide a more accurate detailed site plan.

Comments and Questions:

Ms. Stead asked about the age of the proposed home. Ms. Totten stated it is about five years old. Ms. Totten stated she proposed to place it as close as possible to the paved street since there is a paving requirement for the driveway. Mr. Alberty reminded the Board she would need to comply with the zoning setback. He noted

the conceptual plan does not show setbacks, so the motion should include them. Mr. Cuthbertson added that the submitted plan shows a 48 ft. wide lot, but the legal description and parcel map show the north half of Lot 11 is 45.5 ft.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a manufactured home in the RS-3 district (Section 401); and a Special Exception to extend the one year time limit on a mobile home in the R district to permit it permanently (Section 404.E.1), for a period of 25 years from today's date, with the understanding the manufactured home to be placed, was manufactured in 2004; subject to the conceptual plan as shown on page 2.8 of the agenda packet, after determining the actual boundaries of the lot in question the applicant shall submit the survey or other information to staff; all drives and parking surfaces to be paved asphalt or concrete; setbacks shall be as required by code; 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, on the following described property:

E 305.5' OF N. 1/2 LT 11 BLK 1, S R LEWIS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20967

Action Requested:

Request for refund. *Application Withdrawn*

Presentation:

Mr. Cuthbertson stated the application was withdrawn, and the refund amount requested was \$604.00.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Refund for \$604.00, on the following described property:

LTS 1 & 2 LESS W447.79 LT 1 BLK 2, MAGIC CIRCLE SOUTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20871-A

Action Requested:

Variance of the setback requirement from the centerline of an abutting non-arterial street (E. 12th St.) from 50 ft. to 25 ft. (Section 703); and a Variance of the landscape requirements (Section 1002); for an approved mini-storage facility in the CS district, located: 10540 East 11th Street.

Mr. White abstained from Case No. 20871-A.

Presentation:

John Wilson, 10514 and 10540 East 11th Street, Tulsa, Oklahoma, 74128, Tulsa, Oklahoma, proposed to build a mini-storage facility without landscaping. He indicated he proposes to layout this mini-storage facility in a manner similar to the adjoining mini-storages he owns to the west. He indicated the adjoining mini-storage facility does not have a setback or landscaping. He stated there was more than ample landscaping on the north side of the property.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-1 (Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; no "absences") to **APPROVE** a Variance of the setback requirement from the centerline of an abutting non-arterial street (E. 12th St.) from 50 ft. to 25 ft. (Section 703); and a Variance of the landscape requirements (Section 1002); for an approved mini-storage facility in the CS district, finding additional landscaping on the north, and that 12th Street is not a through-street, 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, on the following described property:

E 160' LT 3 LESS N 25' FOR RD; BLK 1, MINGO VALLEY ACREAGE, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20983

Action Requested:

Special Exception to permit Christmas tree sales (Use Unit 2) in an RS-3 district (Section 401); and a Variance of the all weather material for parking (Section 1303.D), located: 7600 East 31st Street South.

Presentation:

Roy Johnsen, One West 3rd Street, Tulsa, Oklahoma, 74103, represented J.D. and Jason Spitzer, the applicants. He pointed out the two tracts, the northern is Tract 1. He stated they are amending the application to withdraw Tract 2 from the request. He submitted the revised plot plan, (Exhibit B-1) and conditions per the applicant (Exhibit B-2). There is a large drainage ditch between the two tracts, with no real access between the tracts. This is a lease transaction, as they do not own the property. They plan to use a pole barn structure to protect the trees and it will be removed after the sales season.

Comments and Questions:

Mr. Tidwell asked if the lot would be gravel, to which Mr. Johnsen replied that it would.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit Christmas tree sales (Use Unit 2) in an RS-3 district (Section 401); and a Special Exception of the all weather material for parking (Section 1303.D), subject to the site plan presented today, which is a plot plan describing the property; Tract 2 is removed from this application; subject to all the conditions on Christmas tree sales and the proposed use conditions dated October 26, 2009 submitted by the applicant; all debris on the lot to be removed; not less than twenty spaces in the parking area, which are only to be used during the dates Christmas trees are sold, from Thanksgiving Day through New Year's Day; limited to Christmas tree sales and customary accessory uses, finding the Special Exceptions 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 99E & 35S NWC E/2 NW NE TH E702.92 S15 E97 SE11.92 SW700 SW254.95 SW163.06 N793.38 POB LESS BEGNWC THEREOF TH E129.99 S14.99 SE139.37 SE173.05 SE109.18 ELY85.90 SW255.05 NW98.54 NW180.51 NW143.20 N250.85 POB SEC 23 19 13 4.57ACS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20984

Action Requested:

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the AG district (Section 302.B.2); a Variance of the maximum permitted height of a sign in the AG district from 20 ft. to 21 ft. – 7 in. (Section 302.B.2.b); and a Variance of the maximum display surface area permitted for a sign in the AG district from 150 sq. ft. to 275 sq. ft. (Section 302.B.2.b), located: 12000 East 31st Street.

Presentation:

Sabrina Garrett, 1822 West Cedar Street, Claremore, Oklahoma, stated the request, and that there are numerous tenants needing identification at this location. She mentioned that it is well outside of 200 ft. from the residential areas on the east and west sides. The R district to the north is a soccer field and running tract. It is at high risk for flooding and they would not expect it to be developed residentially. They proposed to add a topper accent that architecturally matches the building, which would add to the height of the sign. She pointed out that a smaller sign would be lost in the large frontage. She indicated one large sign would have a more professional appearance than several small signs. Ms. Garrett also pointed out it would better identify the tenants in this building.

Comments and Questions:

Ms. Stead asked if she knew how the existing sign was permitted. Ms. Garrett had no information. Ms. Stead was concerned about the size of the sign. Mr. Cuthbertson asked Ms. Garrett to clarify which portion of the sign is digital. She identified the portion that read Welcome on the plan. Ms. Stead asked about the display details of the LED sign.

Richard Craig, 1889 North 105th East Avenue, Tulsa, Oklahoma, General Manager of Global Signs Solutions, stated the sign is a full-color LED. The operators of Green Country Event Center were operating for the church before it was Green Country Event Center. He stated that so many people use the sign, including different churches that meet there on different days, as well as events such as weddings, they proposed to use pictures and text. They wanted to eliminate banners and numerous signs.

Mr. Cuthbertson stated that banners would still be permitted on a limited basis, unless the Board specifically prohibits any additional signage on the site. He also noted that the applicant proposed to add multi-colored photographs on this board. This would be ground-breaking territory compared to the monochromatic messages the Board has approved in the past for churches and schools. Mr. Van De Wiele asked if there are restrictions on what the other signs could advertise. Mr. Boulden responded that it would have to be for something on the premises.

Mr. Cuthbertson added the only previous Board relief the applicant has on this property is a special exception for church use. A principle use event center is not permitted on this property. He stated that the display surface area they requested would not allow any other ground sign on the property.

Tim Schweikhard, 12000 East 31st Street, Tulsa, Oklahoma, 74146, Executive Director of the event center, stated that Garnett Church of Christ owns and operates the facility. They operate the non-profit Green Country Event Center as an outreach of the church. They have many community events in the center, including space leased to Union School District. Ms. Stead stated the sign is too big. She would like for it not to exceed the code in height, and display surface area. Mr. Cuthbertson stated currently the code would allow an identification sign up to 150 sq. ft. and a bulletin board up to 32 sq. ft. He added that the sign has to be set back at least half the distance of the planned right-of-way, at least 50 ft. from the centerline of 31st Street. Mr. Schweikhard stated this is not a replacement of the existing sign but a remodel. He added that the sign was not too close to the street before it was widened. Mr. Craig stated that they measured and it is 50 ft. to the centerline of 31st Street. He commented that the only reason the height is increased is because of the topper that compliments the architecture of the building. Mr. Craig commented that the other tenants could have multiple ground signs. Mr. Cuthbertson stated they are allowed to have two signs on this property, one identification sign and one bulletin board. The zoning code allows an identification sign, no bigger than 150 sq. ft., and one bulletin board, no bigger than 32 sq. ft., which could be combined into one sign. That sign could not be greater than 182 sq. ft. total. There was discussion among the Board, staff, and the applicant regarding church and accessory church use. They also discussed intensity of an LED sign and the layout and character of this sign compared to the intent of the AG district.

Mr. Boulden stated the sign, size, place, and the use of the sign, as accessory to the church use is the subject before the Board.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of **Stead**, to **DENY** a Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the AG district (Section 302.B.2); a Variance of the maximum permitted height of a sign in the AG district from 20 ft. to 21 ft. – 7 in. (Section 302.B.2.b); and a Variance of the maximum display surface area permitted for a sign in the AG district from 150 sq. ft. to 275 sq. ft. (Section 302.B.2.b), finding a lack of hardship. Ms. Stead offered the possibility for the applicant to withdraw or continue, though they did not respond during the hearing to decrease the size.

The applicant asked to continue the application to attempt to redesign the sign.

Ms. Stead **Withdrew** the **Motion** to make a new one.

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20984 to the meeting on December 8, 2009, on the following described property:

NE NW LESS BEG SWC NE NW TH N315 SE182.47 SE93.88SE193.49 W330
POB & LESS BEG 50S NEC NE NW TH S1269.23 W377 N450 E337 N819.25
E40 POB & LESS N50 FOR ST SEC 20 19 14, City of Tulsa, Tulsa County, State
of Oklahoma

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Case No. 15713-A

Action Requested:

Amendment to a previously approved site plan to permit a modification of the QuikTrip site, located: 1443 South Denver Avenue West.

Presentation:

Steven Schuller, 1100 Oneok Plaza, 100 West 5th Street, Tulsa, Oklahoma, 74103, represented the QuikTrip Corporation. He reviewed the history of this property in an application in 1991 for variances that were granted. QuikTrip proposed to build a new 'generation three' store (Exhibits C-1, C-2 and C-3). The store would be shifted slightly away from the 15th Street right-of-way and from the Denver right-of-way. The gasoline pump islands and canopy would also be moved back slightly from the streets right-of-way. They hope to improve traffic flow and relieve some congestion on this site. The Denver access would remain the same and the two access points on 15th Street would be shifted farther away from the Denver Avenue intersection. The planning commission has approved the access changes. The access on 14th Place near the rear of the property would remain essentially for vendors, but the other 14th Place access near Denver would be eliminated. The screening line of trees along the eastern boundary of Carthage Avenue would remain. New sidewalks would be installed along three sides of the property with improved ramps for wheelchairs. There is no curb to the store. They plan to remove the sidewalk along Carthage, finding it does not have enough pedestrian traffic to warrant a need for it. They will increase the number of parking spaces.

Interested Parties:

Sarah Kobos, 3709 East 43rd Street, Tulsa, Oklahoma, indicated this application appears to be contradictory to a pedestrian and transit-friendly neighborhood. She considered it a re-design more than an amendment to a site plan. She noted less green space, less sidewalks, and no back door away from the traffic.

Comments and Questions:

Ms. Stead asked if they were removing all of the green space in the front. Mr. Schuller replied that they are increasing the landscaping and green space by about 20%.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** an Amendment to a previously approved site plan to permit a modification of the QuikTrip site, noting sidewalks if damaged will be replaced along South Denver, West 14th Place, and West 15th Street South; all construction will be per plan as shown on page 9.5 of the agenda packet; landscaping and light shall be according to code; on the following described property:

LTS 1 & 2 BLK 1, D-LANDCO ADD RSB L1-5 & 8-12 & N20L6&7 DREWS SUB B4 CAMPBELL ADD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20986

Action Requested:

Variance of the maximum permitted size for a detached accessory building in an RS-3 district from 1,220 sq. ft. to 2,810 sq. ft (Section 402.B.1.d); and a Variance of the paving requirement (Section 1303.D), located: 10708 East 7th Street South.

Presentation:

Jose Munoz, 1711 North Atlanta Avenue, Tulsa, Oklahoma, 74110, stated he desires to have a bigger garage to store everything inside. He wanted to keep the gravel drive. He noted two neighbors on the west have a gravel drive and one neighbor on the east has a gravel drive. There is a little garage attached to the house. He wants to build an enclosed garage at the back to keep things stored safely and keep the property neat and clean looking. He offered to remove the pole barn if it is too large with a new garage. He purposely wants the garage at the back of the property away from the house. A site plan was previously provided (Exhibit D-1).

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum permitted size for a detached accessory building in an RS-3 district from 1,220 sq. ft. to 2,810 sq. ft (Section 402.B.1.d); and to **DENY** a Variance of the paving requirement (Section 1303.D), finding the almost 105 sq. ft.-plus lot is exceptionally large, with numerous large buildings existing in the area at

the current time; subject to the fact that a concrete or asphalt drive will extend to the new building; 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, per plan as shown on page 11.5 of the agenda packet, on the following described property:

LT 19 BLK 2, EAST ELEVENTH PARK SUB, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Mr. Van De Wiele out at 3:03 p.m

Case No. 20987

Action Requested:

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the RS-3 district (Section 402.B.4); and a Variance of the maximum display surface area permitted for a sign in the RS-3 district to 108 sq. ft. (Section 402.B.4); to permit a replacement sign on the property, located: 7950 East 57th Street South.

Presentation:

Ed Horkey, 1225 North Lansing, Tulsa, Oklahoma, 74106, represented Woodland Christian Church. The current sign is 9' x 12' that is in two pieces. They asked for the variance to remove the lower changeable marquee and replace it with an electronic message center of the same size and configuration.

Comments and Questions:

Ms. Stead asked how many lines are proposed for the message center. Mr. Horkey replied it would be a four-line message center. He described the property's location as southwest of Memorial Park Cemetery, with OL to the north and east of the property, and to the west and south is residential. He pointed out that the residential neighborhood to the west of the property is shielded from the sign by the church and landscaping. The only visible part of the sign is from the R district directly to the south. The distance from the sign to the closest residential property is 240 ft. Mr. Cuthbertson questioned static multi-colored graphics in a residential district. Ms. Stead stated she would limit the motion and animation of lights and images.

Mr. Van De Wiele returned at 3:13 p.m.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the RS-3 district (Section 402.B.4); and a Variance of the maximum display surface area permitted for a sign in the RS-3 district to 108 sq. ft. (Section 402.B.4); to permit a replacement sign on the property, subject to the provisions of Section 1221.C.2 of the zoning code; no flashing, running, blinking or twinkle lights, no animation, revolving or rotating signs; restricted to static images, other than messages with horizontal scrolling only and never vertical scrolling; LED to occupy no more than 60 sq. ft.; per plan as shown on pages 12.8, and 12.10, 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, on the following described property:

LT 3 BLK 1, WOODLAND VIEW SIXTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20988

Action Requested:

Variance of the maximum number of signs permitted in an OM district (Section 602.B.4.b); a Variance of the maximum aggregate display surface area permitted for multiple signs in an OM district (Section 602.B.4.c); and a Variance to permit a roof sign in an OM district (Section 602.B.4.g); to permit two additional signs in the developing complex, located: 1111 West 17th Street South.

Presentation:

Mary Kell, 2317 West Jackson, N-218, Tulsa, Oklahoma, 74107, with the City of Tulsa, stated the variances are for two new signs at their new facility for a forensics lab for the Tulsa Police Department and Oklahoma State University. She stated the hardship is to direct people to the site, which is between two busy highways, and it is very important to provide clear direction to the facility.

Mr. White out at 3:29 p.m.

She stated this is only one of two joint laboratory facilities in the country. She pointed out there is only one entrance for the police department on the south side of the facility. There are numerous exits from the highways in this area and several university facilities in the general area. They felt it is necessary for people to locate this facility quickly by recognizing the logo. Due to the size of the building the signage for OSU is only 2.76% of the overall elevation and faces the highway rather than residential or anything else.

Mr. White returned at 3:32 p.m.

The sign sizes are proportional to the large size of the new building. The TPD sign is small and directional in nature. The new OSU sign is significantly elevated and will not impact the immediate surround area.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum number of signs permitted in an OM district (Section 602.B.4.b); a Variance of the maximum aggregate display surface area permitted for multiple signs in an OM district (Section 602.B.4.c); and a Variance to permit a roof sign in an OM district (Section 602.B.4.g); to permit two additional signs in the developing complex, finding this tract of 15.5 acres contains numerous large buildings, for which previous approvals have been made for signage, this bringing the total number of permitted signs to nine on this property; it is near two very busy highways, and these two signs are needed to provide specific dual identification as to directions to enable the public to better find the facility they need; it will be specific to the presented logos and perspectives on pages 13.7, 13.8, and 13.9, as shown in the agenda packet; in granting these variances, the Board 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 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:

ALL BLK 5 & N35 VAC ST ADJ ON S BETWEEN RR RW & JACKSON AVE,
RIVERVIEW PARK SECOND ADDN RESUB, City of Tulsa, Tulsa County, State
of Oklahoma

Case No. 20990

Action Requested:

Variance of the minimum frontage required in the IM district from 200 ft. to 109.74 ft. to permit a lot split/combination (Section 903), located: South of the southwest corner of East Archer Street and North Utica Avenue.

Presentation:

Russ Jacobson, 3242 East 30th Place, Tulsa, Oklahoma, an attorney, represented Joyce Morenz, owner of Tulsa Home Guard. They own property at 64 North Utica Avenue. The property is 50 feet wide with 50 feet of frontage on North Utica. In the past Tulsa Home Guard has been able to lease property from the owner of the land that completely surrounds their property. Trinity Structural Towers, Inc. decided they no longer want to lease their space to Tulsa Home Guard for parking. They have agreed to sell the small strip between his client's property and the corner lot. This would give Tulsa Home Guard an additional 59.74 ft. of frontage on North Utica Avenue, giving them 109.75 ft. of frontage. The sale is subject to the granting of this variance and obtaining a lot split and lot combination. Mr. White asked how long the building has been there on the 50 ft. lot. Mr. Jacobson did not know. Mr. Tidwell agreed that the building was there before 1970.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the minimum frontage required in the IM district from 200 ft. to 109.74 ft. to permit a lot split/combination (Section 903), finding this will reduce the amount of non-compliance of the business at 64 North Utica, to increase the lot size from 50 to 109.74 ft., bringing it more nearly in compliance with the 200 ft. minimum requirement in the IM district; finding the existing structure has been there since before the zoning code went into effect, which dictated the minimal lot widths as they are shown; with conditions to pave and maintain the parking and driving surfaces; sidewalks to be maintained; subject to proof (filed declaration) of lot-split and lot combination provided to INCOG staff at a later date; 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, on the following described property:

Beginning at the Northeast corner of Lot Twenty-four (24), Block One (1), of the LYNCH FORSYTHE ADDITION to the City of Tulsa, Oklahoma, a point in the West line of Utica Avenue; thence North along said West line of Utica Avenue

400 feet to the point of beginning; thence North along said West line of Utica Avenue 109.74 feet; thence West 137.5 feet; thence South 109.74 feet; thence East 137.5 feet to the point of beginning; said plot of ground being a part of Lot 3, Section Six (6), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded plat thereof

Case No. 20991

Action Requested:

Variance of the requirement that an outdoor customer seating area shall abut the building wall of the business (Section 1212.C.1.a) to permit an outdoor customer seating area beside the proposed restaurant, located: 4728 East 21st Street.

Presentation:

The applicant was not present. Mr. Henke decided to move the case to the end of the agenda.

PRT BLK 1 BEG 197.04E & 227.26E & 1S NWC BLK 1 THS64.70 E12.67 S110.95 W156.05 CRV RT 30.31 N136.25 NE15.73 E23.45 S10 E15 NE21.48 E103.05 POB, MAYO MEADOW EXTENDED, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20992

Action Requested:

Variance of the required rear yard in an RS-1 district from 25 ft. to 15 ft. (Section 403) to permit an addition to an existing dwelling, located: 3636 South Florence Avenue.

Presentation:

David Maloney, 20963 East 34th Place, Broken Arrow, Oklahoma, represented his client, to build an addition to the home on the subject property. They will use the same materials, roof pitch, and height to match the house. He stated the house is over to one side and so they could not designate a front yard.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the required rear yard in an RS-1 district from 25 ft. to 15 ft. (Section 403) to permit an addition to an existing dwelling; although the lot contains

approximately 16,608 sq. ft., the front setback is large and unique, the addition was probably platted prior to 1970, and is built at an angle on the corner lot, leaving little room for improvements or additions, the addition would easily fit the lot if it were of a traditional orientation; per plan as shown on page 17.6 of the agenda packet; 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, on the following described property:

LT 19 BLK 3, INDIAN MEADOWS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20993

Action Requested:

Special Exception to permit a single family dwelling (Use Unit 6) in the OL district (in the existing structure) (Section 601); and a Variance of the requirement that parking spaces shall be positioned so that each parking space can be entered without passing through another parking space - to permit stacked parking on an existing driveway (Section 1301.F), located: 429 South Memorial Drive.

Presentation:

Ivy Norris, 708 North Cheyenne Avenue, Tulsa, Oklahoma, 74106, Area Director, for the School of Metaphysics, stated the request. This is a not for profit school, that teaches adult education classes for life skills. A portion of the facility will be used for small classes that meet in the evening from 7:30 p.m. to 10:30 p.m. while the remainder of the building will be living quarters for the director, a teacher, staff and residents who care for the property and answer phones. It is a student run organization of volunteer staff, who work during the day. The previous use was a home hair salon and it is compatible for their needs.

Interested Parties:

There were no interested parties.

Comments and Questions:

Ms. Stead asked about class sizes. Ms. Norris stated the maximum class size is five students and on average they have three. Ms. Stead was concerned about adequate parking. Ms. Norris indicated there is available parking in the attached garage as well as on the two-car wide driveway.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a single family dwelling (Use Unit 6) in the OL district (in the existing structure) (Section 601); and a Variance of the requirement that parking spaces shall be positioned so that each parking space can be entered without passing through another parking space - to permit stacked parking on an existing driveway (Section 1301.F), finding for the special exception that the single-family dwelling in the OL district is already determined to be legal non-conforming; and for the variance of parking spaces, the school will have no more than five students at any one time and two school employees in residence, the driveway is adequately long at 88 ft. and adequately wide to accommodate the cars for the purposes of a class session, with students arriving and departing at the same time the stacked parking should not present a problem; finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and 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, on the following described property:

N1/2 LT 4 BLK 8, CLARLAND ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20994

Action Requested:

Special Exception to permit a 30 ft. tall Wind Powered Vertical Teaching Generator (Use Unit 4 - Utility Facility) as an accessory to an existing school facility in the RM-1 district (Section 401), located: 1006 North Quaker Avenue.

Presentation:

Bob LaBass, represented Tulsa Public Schools, for this application for a program to promote sustainable energy. This is for the middle schools. Ms. Stead noted the little shelter is shown to be 16 ft. to the top peak, which would indicate that the bottom of the rotor steps would be no more than about 8 ft. from the ground. Mr. LaBass stated that is correct. They plan to build a fence around the windmill. She also noted that any equipment would be contained in a building and asked if that is the large building. He confirmed that was correct. He responded that the electrical lines will run underground and the fence around the pole would be a black vinyl, chain-link with a locked gate. He stated the tower would not be taller than many of the existing structures on the site, including the main building.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a 30 ft. tall Wind Powered Vertical Teaching Generator (Use Unit 4 - Utility Facility) as an accessory to an existing school facility in the RM-1 district (Section 401), with conditions for the tower shall be enclosed by a black vinyl, chain-link fence and locked gate, fencing and gate to be no less than 8 ft. tall; and limited to the one tower proposed; 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, on the following described property:

LT 1 BLK 1, STARGATE CHALLENGE COURSE COMPLEX, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20991

Action Requested:

Variance of the requirement that an outdoor customer seating area shall abut the building wall of the business (Section 1212.C.1.a) to permit an outdoor customer seating area beside the proposed restaurant, located: 4728 East 21st Street.

Presentation:

The applicant, Tom Rud, was not present. Mr. Boulden informed the Board that even though the applicant is not present, the Board could still consider it. Ms. Stead asked if the City Council made any decisions about outdoor customer seating that is not adjacent to a wall. Mr. Boulden replied that they have not.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the requirement that an outdoor customer seating area shall abut the building wall of the business (Section 1212.C.1.a) to permit an outdoor customer seating area beside the proposed restaurant, finding that the outdoor seating area cannot adjoin the restaurant on the north because of the proximity to East 21st Street right-of-way; with conditions that the applicant shall maintain sidewalks along East 21st Street to the extent of the property leased or owned by them; 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, per plan, as shown on page 16.6 of the agenda packet, on the following described property:

PRT BLK 1 BEG 197.04E & 227.26E & 1S NWC BLK 1 THS64.70 E12.67 S110.95 W156.05 CRV RT 30.31 N136.25 NE15.73 E23.45 S10 E15 NE21.48 E103.05 POB, MAYO MEADOW EXTENDED, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 4:10 p.m.

Date approved: 11/10/09

Frank X. Howard
Chair