

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 1029  
Tuesday, July 27, 2010, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Henke, Chair Stead Tidwell, Secretary Van De Wiele	White, Vice Chair	Alberty Cuthbertson Sparger	Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Tuesday, July 23, 2010, at 3:13 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.

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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 3-0-1 (Henke, Tidwell, Van De Wiele "aye"; no "nays"; Stead "abstain") to **APPROVE** the **Minutes** of July 13, 2010 (No. 1028).

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Mr. Henke asked if there were any Requests for Continuance. Mr. Cuthbertson responded that there were two Requests for Continuance.

**Case No. 21115-William LaFortune**

**Action Requested:**

Variance of the 300 ft. spacing requirement for an Adult Entertainment Establishment (Use Unit 12a – night club) from another Adult Entertainment Establishment (Use Unit 12a – bar); and a Verification of the spacing requirement for an Adult Entertainment Establishment of 300 ft. from a church, school, or park and 50 ft. from an R district (Section 1212a.C.3); to permit an expansion of an

existing Adult Entertainment Establishment. **Location:** 725 & 727 N. Sheridan Road E.

Mr. Cuthbertson informed the Board that the applicant has asked for a continuance to the August 10, 2010 hearing.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **CONTINUE** the request in case No. 21115 to the August 10, 2010 Board of Adjustment meeting; for the following described property:

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

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

**Action Requested:**

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **Location:** 10810 E. 45th St. So.

Mr. Cuthbertson informed the Board the applicant made a timely request for continuance of this application to the next hearing on August 10, 2010.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **CONTINUE** the request in Case No. 21120 to the August 10, 2010 Board of Adjustment meeting; for the following described property:

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

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**NEW APPLICATIONS**

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

**Malcolm Rosser**, 321 South Boston Avenue, Tulsa, OK, requested to have the request continued to the next hearing in order to face a full Board.

**Steven Gray**, 4530 South Sheridan, Tulsa, OK; represents Dr. Ben Pettigrove and Kathleen Pettigrove. Mr. Gray stated that he understood on a motion to reconsider, the only people who can reconsider this case are the three Board members who voted

against the application. Those three Board members are present, Mr. Van De Wiele, Mr. Tidwell, and Mr. Henke. Many people left their day jobs to be here today. Mr. Gray objected to this request being continued.

Mr. Henke asked Mr. Cuthbertson about the motion to reconsider; Mr. Henke understood the vote for motion to reconsider can come from any one of the Board members that previously voted in favor, which would be Mr. Van De Wiele, Mr. Tidwell, and Mr. Henke, and Ms. Stead could vote to have the case re-heard. Mr. Cuthbertson confirmed that Mr. Henke was correct.

Mr. Van De Wiele asked Mr. Rosser to give the Board a quick summary of what new information he intended to provide the Board. Mr. Rosser stated he had traffic data, such as, trip generation tables; a visit table at peak times, i.e., daily totals which are tied to additional information that has not been presented, which is a comparison to how the property would otherwise develop with the existing zoning and the related traffic; other nursing home information within the city and their proximity to residential areas; topographical maps to show the relative heights of the properties; proposed lot layout if the property were developed residentially; information related to noise generation from ambulance runs from the clients of two other nursing homes presented in a monthly table; and other information related to trash delivery and food delivery the client feels to be pertinent.

Pat Boulden, Legal, stated the motion to be voted on today is whether this case is to be granted a request for reconsideration at a future meeting.

The Board discussed the nature of the current request before them and whether to continue the request to reconsider.

**Brad Beasley**, 9325 South Winston, Tulsa, OK; stated he understands the procedure is that before voting on the reconsideration, the board must determine whether there is reason for the reconsideration. Thus, the board needs to hear the applicant's additional information and then allow the opposition to make their arguments against the request to reconsider.

After lengthy discussion the Board determined to hear the request for reconsideration at today's hearing.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **MOVE** Case No. 21113 to the beginning of the agenda due to the number of attendees in the audience.

**Action Requested:**

Request a reconsideration of a Special Exception to permit nursing home use (Use Unit 2) in an RS-1 district (Section 401). **Location:** 9415 So. Yale Av.

**Presentation:**

**Malcolm Rosser**, 321 South Boston Avenue, Tulsa, OK; representing the applicant in this matter. Mr. Rosser stated he has new information related to traffic generation. Ms. Stead suggested to Mr. Rosser that the accident count for the area concerned be presented at the next meeting if the applicant is granted a reconsideration hearing. Mr. Rosser also suggested he had traffic generation related to single-family residential use and the potential layout of the property if it were to be developed residentially according to its zoning; topographical maps that show relative heights of Dr. Pettigrove's property and the subject property; layout of the property if it were developed residentially and where dwellings would be located and their relationships to adjoining properties; the number of nursing homes located within residential neighborhoods; information related to the State Health Department's requirements on the type of environment needed for a nursing home; and speakers from existing nursing homes and a speaker who lives near a nursing home to talk about their experiences. Ms. Stead stated she wanted to see the data on the proposed screening for the area as well as landscaping information. Mr. Rosser also wanted an opportunity to speak with the concerned neighbors and neighborhoods.

**Interested Parties:**

**Jim Barnes**, 5110 East 93<sup>rd</sup> Street, Tulsa, OK; stated he does not want this case to be reconsidered because he feels everything pertaining to this case has already been heard.

**Brad Beasley**, 9325 South Winston, Tulsa, OK. He also requested, on behalf of Ashton Woods, which is located directly west of the proposed nursing home, to deny the request for reconsideration. Though there may be more detailed information presented at a future meeting, it does not change the reasons for the initial denial. The proposed property is still a commercial 24/7 operation not harmonious with the surrounding area with the same noise issues and the same traffic issues.

**Steven Gray**, 4530 South Sheridan, Tulsa, OK; represents Dr. Ben Pettigrove and Kathleen Pettigrove. Mr. Gray provided that he brought several experts to testify why the proposed use was not a good use for the site and area. He has brought Mrs. Mary Keane, a real estate developer, who has built over 1,000 houses in the Tulsa area; a retired City of Tulsa traffic engineer, Bill Thomas, who has performed an analysis of this location and he does not think this is a good location; and Steve Williamson, the director of EMSA who is prepared to refute this location. Mr. Gray stated he would like to object to this case and does not think it should be reheard.

**Bill Christiansen**, 11422 South Granite Avenue, Tulsa, OK; he is the City Councilor for the area. He urges to have the request denied for reconsideration. He has been involved in the particular stretch of road before it was widened and since it has been widened. There are a tremendous amount of traffic issues. Therefore, again he urges to have the reconsideration denied.

**Bob DuPree**, 4620 East 94<sup>th</sup> Street, Tulsa, OK. He lives in Ashton Woods and he stated there is a serious blind spot in the traffic flow on S. Yale Avenue. He wants to have the reconsideration denied.

**Bill Thomas**, 3705 South 96<sup>th</sup> East Avenue, Tulsa, OK. He stated he is familiar with the trip generation report that has been referred to. The manual says to use caution because only two studies were performed to obtain the information in that report. He urges to have the reconsideration denied.

**Talitha Adler**, 9130 South Braden Place, Tulsa, OK. She is a resident of Braden Park and the President of the Home Owners Association. Ms. Adler stated she has a signed petition against the proposed change. She does not think the new evidence should be reviewed.

**Jeff Linton**, 4916 East 92<sup>nd</sup> Street, Tulsa, OK; he is President of the Bradford Oaks Estates Home Owners Association, and on their behalf, he would like to voice an objection to hearing new information on this case. Mr. Linton also indicated he has a petition of opposition.

Ms. Stead asked how many signatures are on the petitions to be presented. Ms. Adler stated Braden Park has 68 homes; one house is empty and she has 67 signatures for 67 occupied homes. Mr. Linton stated Bradford Oaks Estates has nine houses and he has eight signatures with the 9<sup>th</sup> forthcoming.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-1-0 (Henke, Stead, Van De Wiele "aye"; Tidwell "nay"; no "abstentions") to **APPROVE** the Request for Reconsideration of a Special Exception to permit nursing home use (Use Unit 2) in an RS-1 district (Section 401) at the August 10, 2010 meeting; for the following property:

**A tract of land located in the W/2 of the SW/4 of the NW/4 of Section 22, T-18-N, R-13-E of the Indian Meridian, Tulsa County State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: The Southerly 330.00 feet of the Northerly 528.00 feet of the W/2 of the SW/4 of the NW/4 of Section 22 LESS AND EXCEPT: Beginning at the Northwest corner of the Southerly 330.00 feet of the Northerly 528.00 feet of the W/2 of the SW/4 of the NW/4 of Section 22; Thence South along the West line of the NW/4 a distance of 330.00 feet; Thence East a distance of 131.17 feet; Thence N 03°34'07" W a distance of 7.90 feet; Thence N 22°50'21" W a distance of 215.41 feet to a point 50.00 feet East of said West line of said W/2 of the SW/4 of the NW/4; Thence North and parallel with and 50.00 feet as measured perpendicular to said West line a distance of 122.07 feet; Thence West a distance of 50.00 feet to the Point of Beginning. AND LESS AND EXCEPT: The West 10.00 feet of the North 146.83 feet thereof.**

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**UNFINISHED BUSINESS**

**21110-Metro Landscape**

**Action Requested:**

Variance to permit a detached accessory building to be located in a front yard (Section 402.B.1.b) in an RS-3 district. **Location:** 4243 E. 72nd St. So.

**Presentation:**

**Nan Bertone**, 4243 East 72<sup>nd</sup> Street, Tulsa, OK; stated she is the homeowner and is requesting a variance to add a 10' x 12' accessory building. The building will be placed to the front of the property because of the slope in the topography. Due to slope the accessory building would also be accessed from the three-car parking pad and the floor of the accessory building would be flush with the parking pad.

**Comments and Questions:**

None.

**Interested Parties:**

No interested parties were present.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance to permit a detached accessory building to be located in a front yard (Section 402.B.1.b) in an RS-3 district finding that the unusual topography makes it difficult to place a storage shed or accessory building any other place, subject to the conceptual plan 3.6. The 10' x 12' storage building shall be contiguous to the existing pad shown on said plan. The exterior is to be finished matching the existing house except the foundation shall be veneer stone. In granting this variance the Board has found the extreme highs and lows of the topography are exceptional or extraordinary conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 10 LESS N25 FOR RD BLK 1, SOUTHRIDGE ESTATES**

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**NEW APPLICATIONS**

**Case No. 21032-A-Claude Neon Federal Signs**

**Action Requested:**

Amendment to a previously approved plan to permit an approved second wall sign on an alternative elevation of the existing building. **Location:** 6846 S. Canton Avenue.

**Presentation:**

Mr. Cuthbertson stated the applicant had to leave because of a 2:00 P.M. meeting in which his attendance was imperative. He thought he was going to be able to make his presentation but due to unforeseen circumstances with today's agenda, he was not able to stay.

**Comments and Questions:**

The board stated they had heard this case a few weeks prior to today and the case had been approved previously. This amendment is only to move the sign to the southern side of the building.

**Interested Parties:**

No interested parties were present.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** an Amendment to a previously approved plan to permit an approved second wall sign on an alternative elevation of the existing building; for the following property:

**PRT LT 1 BEG 512.76N SECR TH W300.01 N583.06 E300.03 S583.07 POB BLK 2, BURNING HILLS**

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**Case No. 21114-Amax Sign Company**

**Action Requested:**

Variance of the maximum display surface area permitted for a ground sign in an IL district from 32 sq. ft. to 48 sq. ft. (Section 1221.C.8.b). **Location:** 5817 S. 118th Ave.

**Presentation:**

**Brian Ward**, 9520 East 55<sup>th</sup> Place, Tulsa, OK; the business needs a ground sign in the front due the long narrow driveway that leads to the business which is set back far from the public street. The new sign would be placed east of the existing sign.

**Comments and Questions:**

Ms. Stead questioned the width of the driveway and Mr. Ward stated the strip of land is 40'-0" and the driveway itself is 30'-0".

**Interested Parties:**

No interested parties were present.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the maximum display surface area permitted for a ground sign in an IL district from 32 sq. ft. to 48 sq. ft. (Section 1221.C.8.b) to be constructed per plan 4.6 with the sign placed east of the current metal sign and placement of the new sign shall comply with the current zoning. The board has found that the 40'-0" strip of land is owned by the existing soccer club and the sign is necessary to direct traffic. The extraordinary narrowness of the land extending to 118<sup>th</sup> East Avenue is an exceptional circumstance peculiar to this land, therefore, enforcement of the terms of the code would result in an unnecessary hardship, that such extraordinary exceptional conditions or circumstances do not apply generally to other property in the same use district, that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**PRT LT 1 BEG NWC THEREOF TH E960.10 S298.69 W525.14 N258.69 W435 N40  
POB, METRO PARK SOUTH II**

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**Case No. 21117-Jeremy Perkins Architects**

**Action Requested:**

Variance of the maximum coverage of the RS-2 district's required rear yard by a detached accessory building from 25% to 61% (Section 210.B.5.a). **Location:** 2116 E. 24th St. So.

**Presentation:**

**Jeremy Perkins**, 1244 East 25<sup>th</sup> Street, Tulsa, OK; represents the homeowner who wants to remove an existing detached garage and build a new facility that will hold two cars with an exterior stair leading to storage because he does not want a pull-down stair in the garage.

**Comments and Questions:**

Ms. Stead asked if there were going to be any washing facilities in the area, and Mr. Perkins stated there would be no utilities other than electric.

**Interested Parties:**

No interested parties were present.

**Board Action:**



On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the maximum coverage of the RS-2 district's required rear yard by a detached accessory building from 25% to 61% (Section 210.B.5.a), per plan 6.7. The Board has found that the subject property is 51.23 ft. wide, whereas the required width of today's RS-2 is 75 ft. Also, today's square footage per lot in RS-2 is 9,000 sq. ft. and this lot contains only 6,665 sq. ft. which makes it legal non-conforming. All driving and parking surfaces shall be concrete or asphalt. Although it is designated two-story the second story shall be used only as storage, and electricity shall be the only utility installed. The facility shall not be constructed as rental property. The Board finds that the size of the lot and the configuration are extraordinary and 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; and the exterior of the garage shall be compatible with improvements to the existing residence; for the following described property:

**ALL LT 8 & E12 INCHES LT 9 BLK 3, WILDWOOD**

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**Case No. 21119-Everette Miles, LLC**

**Action Requested:**

Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **Location:** 416 E. 2nd St. So.

**Presentation:**

**Cody Loopp**, 7600 East Eagle Drive, #102, Bixby, OK; no presentation made.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to move based upon the facts of this matter as they presently exist to **ACCEPT** the applicant's verification of spacing from a liquor store and blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores subject to the action of the Board being void should

another above-referenced conflicting use be established prior to this liquor store; for the following described property:

**W40 OF LT 1 BLK 109,TULSA-ORIGINAL TOWN**

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**Case No. 21121-Leah White**

**Action Requested:**

Variance of the rear yard requirement in the RS-3 district from 20 ft. to 6.5 ft. (Section 403) to permit an attached garage addition; and a Variance of the required side yard in the RS-3 district from 5 ft. to 4.2 ft. on the north side of the subject property (Section 403) to permit an existing home. **Location:** 1320 S. Urbana Ave. E.

**Presentation:**

**Stephen Schuller**, Gable & Gotwals, 100 West 5<sup>th</sup> Street, Tulsa, OK; represents Ms. White. The house was built in 1939 and is located on a corner lot. The house is set back from the front property line a considerable distance more than the Code requires. The garage is at the rear of the house, therefore the logical place to install a new garage is next to the existing garage. There will still be a six ft. separation between the new garage addition and the property line with approximately eleven ft. between the new garage addition and the house next door.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the rear yard requirement in the RS-3 district from 20 ft. to 6.5 ft. (Section 403) to permit an attached garage addition; and a Variance of the required side yard in the RS-3 district from 5 ft. to 4.2 ft. on the north side of the subject property (Section 403) to permit an existing home, with the condition that any and all driving and parking surfaces shall be concrete or asphalt. The Board has found that this home built in 1939 was placed in an odd manner on the 9,800 sq. ft. lot which is 70' x 140'. In order to gain additional garage space, the new garage shall be per plan 9.6 which shows the only logical place to construct the additional garage; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be

granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 4 BLK 7, ADAMSON HGTS ADDN**

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**Case 21037-A-Timothy Pickens**

**Action Requested:**

Amendment to a condition of a previous approval to permit 'windows and siding' contracting services use (Use Unit 15) in the CS district. **Location:** 11202 E. 61st St. S.

**Presentation:**

**Timothy Pickens**, 624 South Denver Avenue, Tulsa, OK. The party he represents has been manufacturing windows and siding for 30 years and it is part of their trademark. The label 'siding' was inadvertently omitted from the original request. The showroom that has been discussed before is still intact and it is to show window and siding products, not manufacture there; it is strictly a retail outlet for their products.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Ms. Stead stated that Use Unit 15 covers such a variety of things and that the Board must be very careful when granting such requests.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **AMEND** the previous approval of the Special Exception so that the applicant is permitted to display and sell windows, siding and accessories thereto contracting service under Use Unit 15 in a CS district; for the following property:

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

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**Case No. 21123-Cascia Hall**

**Action Requested:**

Special Exception to permit a private school use (Use Unit 5) in an RS-2 district (Section 401); to permit the existing school and accessory facilities and the addition

of bleachers to an existing baseball field. **Location:** SE of the intersection of S. Troost Avenue and S. Utica Avenue.

**Presentation:**

**Greg Ward**, 320 South Boston, Suite 1200, Tulsa, OK. He is an architect representing Cascia Hall. This is an existing baseball field with existing backstop and three sets of existing bleachers, which calculates to 135 seats. The proposed bleachers will be brick and concrete fixed seating of the bleachers and the accessories to match. The proposal also is for 127 seats and accommodating handicap and accessibility issues.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Tidwell recused himself.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-1 (Henke, Stead, Van De Wiele, "aye"; no "nay"; Tidwell "abstain") to **APPROVE** the Special Exception to permit a private school use (Use Unit 5) in an RS-2 district (Section 401); to permit the existing school and accessory facilities and the addition of bleachers to an existing baseball field; 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; with the stipulation the existing metal bleachers will be removed, and the new bleachers base will be primarily brick and concrete and masonry with fixed seats; for the following described property:

**SW NE EXCEPT W40 TO CITY OF TULSA SEC 18 19 13**

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

**Action Requested:**

Request for reconsideration of a Variance of the maximum display surface area permitted for wall signs in a PUD from 2 sq. ft. (section 1103.B.2.a); and a Variance to permit roof signs on a building in a PUD (Section 1103.B.2.b.1). **Location:** 6716 S. 104th E. Av.

Mr. Cuthbertson stated at the previous hearing the Board did not actually approve either of the two variances. On Mr. Cuthbertson's advice, it was decided the variance for display surface area was not necessary. Then it was determined by the Board the variance to permit the roof sign was not necessary. After the Board's action the staff discussed the case with each other and spoke to the permit office. It was my understanding that the "ALOFT" sign on top of the building was going to be affixed to the architectural element when in fact it is perched on top of the building wall or the

parapet. At the previous hearing it was determined to be a parapet sign and there is no definition of a parapet sign in the City's Code. It could not be a parapet sign as an extension of a wall sign, because by definition a wall sign may not extend above the roof. In this case, the sign is attached to the top of the parapet or top of the roof. So it is clearly not a wall sign and should go forward with a variance as a roof sign. The display surface area was calculated for wall signs based on the building wall and the canopy sign, the ALOFT sign, in front of the porte-cochere was included as part of the east side elevation, when in fact, it is being reviewed as an isolated element on the 35 ft. length porte-cochere, so the display surface limitation for the porte-cochere would be 70 ft. This sign is well over that and requires a variance in order to be permitted.

**Presentation:**

**Brian Ward**, 9520 East 55<sup>th</sup> Street, Tulsa, OK; stated the ALOFT letters are attached to the top of the parapet wall. By all appearances this would appear to be a floating wall sign. It is anchored to and attached to the top of the parapet wall. The ALOFT letters are typical channel letters are internally illuminated white.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Ms. Stead stated if this case were to be approved for reconsideration, she wants to see explicit detail on this sign, i.e., how it is lit and how it is attached.

The Board asked if the blue architectural element rising from the roof is attached to the roof.

**Margot Hayne-Bell**, City of Tulsa, 175 East 2<sup>nd</sup> Street, Suite 450, Tulsa, OK. She is the Chief Site and Sign Inspector. She has visited with Building Plans Review and the unit behind the sign is an architectural roof feature. It is bolted to the building red-iron.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **RECONSIDER** this case at the August 10, 2010 meeting; on the following described property:

**A tract of land located in the W/2 of the SW/4 of the NW/4 of Section 22, T-18-N, R-13-E of the Indian Meridian, Tulsa County State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: The Southerly 330.00 feet of the Northerly 528.00 feet of the W/2 of the SW/4 of the NW/4 of Section 22 LESS AND EXCEPT: Beginning at the Northwest corner of the Southerly 330.00 feet of the Northerly 528.00 feet of the W/2 of the SW/4 of the NW/4 of Section 22; Thence South along the West line of the NW/4 a distance of 330.00 feet; Thence East a distance of 131.17 feet; Thence N 03°34'07" W a distance of 7.90 feet; Thence N 22°50'21" W a distance of 215.41 feet to a point 50.00 feet East of said West line of said W/2 of the SW/4 of the**

NW/4; Thence North and parallel with and 50.00 feet as measured perpendicular to said West line a distance of 122.07 feet; Thence West a distance of 50.00 feet to the Point of Beginning. AND LESS AND EXCEPT: The West 10.00 feet of the North 146.83 feet thereof.

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**OTHER BUSINESS:**

None.

**NEW BUSINESS:**

None.

**BOARD MEMBER COMMENTS:**

None.

There being no further business, the meeting adjourned at 2:50 p.m.

Date approved: 8/10/10

Frank N. H. [Signature]  
Chair