

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 1042  
Tuesday, February 22, 2011, 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 Thursday, February 17, 2011, at 8:26 a.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 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the **Minutes** of January 25, 2011 (No. 1040).

On **MOTION** of **TIDWELL**, the Board voted 4-0-1 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; Stead "abstaining") to **APPROVE** the **Minutes** of February 8, 2011 (No. 1041).

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**NEW APPLICATIONS**

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**Case No. 21222-Nancy Keithline**

**Action Requested:**

Special Exception to permit a principal use off-street parking lot (Use Unit 10) in an RM-2 district (Section 401). **Location:** 1640 and 1644 East 7th Street

**Presentation:**

No presentation was made; the applicant has asked for a continuance in order to work with the neighborhood group to reach an agreeable solution.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **CONTINUE** the case to March 8, 2011; for the following property:

**LT 3 BLK 1, LT 4 BLK 1, NICHOL'S RESUB L1-6 B1 PARK DALE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**Case No. 21225-Brad Lewis**

**Action Requested:**

Variance of the minimum lot width required in the RS-3 district (Section 403) from 60 ft. to 50 ft.; a Variance of the side yard required abutting South Quincy Avenue from 15 ft. to 5 ft. (Section 403); and a Special Exception to reduce the required front yards in the RS-3 district from 25 ft. to 20 ft. (Section 403); all to permit residential development. **Location:** SW/c of East 35th Place and South Quincy Avenue

**Presentation:**

No presentation was made; the applicant has asked for a continuance to enable communication with the neighborhood.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **CONTINUE** the case to March 8, 2011; for the following property:

**LT 7 BLK 4, LT 8 BLK 4, OLIVERS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**Case No. 21195-Tommy Huddleston**

**Action Requested:**

Special Exception to permit a bar (Use Unit 12a) on a lot within 150 ft. of R zoned land to the east (Section 701); and a Verification of the spacing requirement for a Use Unit 12a - bar use of 50 ft. from an R district, 300 ft. from a public park, school, or church, and 300 ft. from any other Adult Entertainment Establishment (Section 1212a.C.3); and a Variance of the parking requirement for a multi-tenant commercial building (Section 1200) to utilize the existing parking area east of the building. **Location:** 4133 South Peoria Avenue East

**Mr. White recused himself at 1:06 P.M.**

**Presentation:**

**Michael Dwyer**, Architect, 8930 South Erie, Tulsa, OK; stated he represents Mr. Huddleston, the owner of the bar. In 2006, a Certificate of Occupancy was issued for the bar, and the certificate was good for three years. Mr. Huddleston purchased the bar in August 2010, unaware of the expired Certificate of Occupancy. In October 2010 Mr. Huddleston was renewing his liquor license and one of the requirements was to have the bar inspected by the Fire Marshal, and that is when the expiration date of the Certificate of Occupancy came to light. Mr. Huddleston has not changed the size of the bar since the purchase. The bar is located within a shopping center; on the east side of the bar there are 33 parking spaces to service the retail shopping, the second story offices, and the bar. The offices operate 8:00 a.m. to 5:00 p.m., and the bar opens at 7:00 p.m. Mr. Huddleston would request, if he is granted his Certificate of Occupancy, to have it issued with no time limitations.

**Interested Parties:**

**Tim Clark**, 4129 South Peoria, Tulsa, OK; stated he has owned the property for approximately 25 years, and the bar has been a great tenant and he is in favor of the bar continuing.

**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 Special Exception to permit a bar (Use Unit 12a) on a lot within 150 ft. of R zoned land to the east (Section 701); and to **ACCEPT** the Verification of the spacing requirement for a Use Unit 12a - bar use of 50 ft. from an R district, 300 ft. from a public park, school, or church, and 300 ft. from any other Adult Entertainment Establishment (Section 1212a.C.3); and to **APPROVE** the Variance of the parking requirement for a multi-tenant commercial building (Section 1200) to utilize the existing parking area east of the building. The Board has found that although there are 50 parking spaces required, there are 20 on the two lots that are to be combined and there are an additional 18 parking spaces, which are zoned RM-1 and cannot be actually counted toward the use. However, for the offices on the second story, their usual hours are 8:00 a.m. to 5:00 p.m., whereas the bar's busiest time will be outside of those hours. The Board moves, based on the facts in this matter as they presently exist, to accept the applicant's verification of spacing for the proposed Adult Entertainment establishment subject to the action of the Board being void should another adult entertainment establishment or other conflicting use be established prior to the expansion of this adult entertainment establishment. In granting the variance the Board has found that the multiple uses and varying hours of this property are reasons 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. In granting the special exception the Board has found that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LTS 1 & 2 BLK 4, JENNINGS-ROBARDS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. White reentered the meeting at 1:15 p.m.**

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## **Case No. 21210-Phil Hernandez**

### **Action Requested:**

Verification of the spacing requirement for an Adult Entertainment Establishment (Use Unit 12a - bar use) of 300 ft from a park, school, church and another Adult Entertainment Establishment and 50 ft. from an R district (Section 1212a..C.3.); and a Special Exception to permit an Adult Entertainment Establishment (Use Unit 12a) use on a lot within 150 ft. of R zoned land (Section 701); a Variance of the parking requirement for a mixed-tenant commercial building from 92 parking spaces (Section 1212a.D); a Variance of the setback requirement for a parking area within 50 ft. of an R district from the centerline of a public street (Section 1302.B); and a Special Exception to remove the screening requirement for a commercial shopping center from an abutting R district (Section 212.C); all to permit a bar in an existing commercial shopping center. **Location:** 3500 South Sheridan Road

### **Presentation:**

**Phil Hernandez**, 7 South Rembrandt Lane, Sand Springs, OK; stated he is requesting the special exceptions because of the location of the subject property. The subject property involved does not actually touch but abuts a RM-1 property; they are separated by a city street. The subject location is within a shopping center and the center was built in 1969. The bar will be located on the north end of the shopping center and will not open until 7:00 p.m. The hours of operation of the bar will not interfere with the other businesses located within the shopping center. There are three businesses operating in the center currently, two of which are office-type businesses, and on the extreme southend of the strip center is a Chinese restaurant that closes at 8:00 p.m. The Chinese restaurant caters primarily to delivery, though they do have four tables in their establishment so patrons can eat on site.

Ms. Stead asked Mr. Hernandez where the entrance for his establishment was located, and Mr. Hernandez stated the main entrance is located on the east side of the building and faces Sheridan Road; there is an entrance on the north side but there is no reason to utilize that entrance.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

None.

### **Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirement for an Adult Entertainment Establishment (Use Unit 12a - bar use) of 300 ft from a park, school, church and another Adult Entertainment Establishment and 50 ft. from an R district (Section 1212a..C.3.); and **APPROVE** a Special Exception to permit an Adult Entertainment Establishment (Use Unit 12a) use on a lot within 150 ft. of R

zoned land (Section 701); and **APPROVE** a Variance of the parking requirement for a mixed-tenant commercial building from 92 parking spaces (Section 1212a.D); and **APPROVE** a Variance of the setback requirement for a parking area within 50 ft. of an R district from the centerline of a public street (Section 1302.B); and **APPROVE** a Special Exception to remove the screening requirement for a commercial shopping center from an abutting R district (Section 212.C); all to permit a bar in an existing commercial shopping center. As to the verification spacing it is important to refer to page 4.9. The Board also notes that most businesses listed on page 4.9 have different hours from those of the bar; this has enabled the Board to determine that if all entities operated at the same time, there would be a code requirement for 92 parking spaces for all tenants. However, the Board believes that because of the business hours 76 parking spaces will be adequate. As to removing the screening, the Board has found that this property is legally nonconforming as it was established in 1969. The Board requires the main public entrance to this facility to be on the east side of the building. The Board moves, based upon the facts in this matter, as they presently exist, the Board accepts the applicant's verification of spacing for the proposed adult entertainment establishment subject to the action of the Board being void should another adult entertainment establishment or other conflicting use be established prior to the expansion of this adult entertainment establishment. In granting the variances the Board has found that there are extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. In granting the special exceptions the Board has found that they will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 1 BK 2, WILMOT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**Case No. 11892-A-Darrell Williams**

**Action Requested:**

Modification to a previously approved plan to permit an additional - currently existing - encroachment into the setback from South Maybelle Avenue. **Location:** 908 West 41st Street

**Presentation:**

**Darrell Williams**, Attorney, 5416 South Yale, Suite 600, Tulsa, OK; stated he represents the applicant. The applicant received a variance in 1982 for the building located on South Maybelle. It has since been discovered that there is a one-foot

encroachment for a compressor shed on the southeastern side of the building, thus the applicant is requesting a variance to have the one-foot encroachment allowed because the equipment the compressor shed houses is vitally necessary.

**Interested Parties:**

**Diana Herrod**, 32352 South Skyline Drive, Cookson, OK; stated she is the niece of the property owner on the west side of the subject property. Ms. Herrod stated she has power of attorney for her aunt because the aunt suffers from dementia. The applicant's building on the west side is on the aunt's property. The applicant's addition keeps appearing in stages; they have removed the aunt's fence and cut down a tree to build their building additions onto her property. Ms. Herrod stated she has a survey of the aunt's property to prove the applicant's building is on the aunt's property.

Ms. Stead asked Ms. Herrod if she was referring to the JEM Engineering single-story building being on the aunt's property, and Ms. Herrod stated affirmatively, that part of the JEM building is on part of the aunt's property.

Mr. Van De Wiele confirmed with Ms. Herrod that she was referring to the thin strip of building that was being shown on the drawing that was being viewed on the overhead screen, and Ms. Herrod agreed.

Ms. Stead asked Ms. Herrod if she knew that the case being heard before the Board today was for an addition on the east side of the subject property, and Ms. Herrod stated she knew it was on the east side. Ms. Herrod stated she had heard that JEM has sold, or wants to sell, the business and wanted to make sure there was not an issue with the other side of the property. JEM has offered to buy the strip of land or to buy the entire property but the offers have been turned down.

Mr. Williams came forward and stated the application has nothing to do with the property encroachment on the west side, but that the applicant is aware of the encroachment and has contacted Ms. Herrod's family attorney.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Modification to a previously approved plan to permit an additional - currently existing - encroachment into the setback from South Maybelle Avenue per survey on page 5.6 and will apply only to the compressor shed which is shown on the east side of the subject building. This plant was established by a grant of a variance and the Board finds that the modified plan is consistent with the intent and spirit of the original approval and the unique conditions related to the property in question are still present; for the following property:

**TR 11 E140 N448.4 E/2 NW LESS N50 & E40 S398.4 N448.4 FOR ST SEC 26 19 12,  
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**Case No. 21219-Phil Marshall Properties**

**Action Requested:**

Variance of the minimum lot width required in the RS-3 district (Section 403) from 60 ft. to 52 ft. to permit a lot split. **Location:** 1524 East 35th Street South

**Presentation:**

**Phil Marshall**, P. O. Box 701316, Tulsa, OK; stated he is requesting a variance on the lot width of 60 feet down to 52 feet for the purpose of obtaining a lot-split from the Planning Commission. The property, located in the Brookside area, meets all the other requirements of the RS-3 zoning in the zoning code. Mr. Marshall stated he has visited with some of the neighbors and with the Brookside Neighborhood Association, and they have indicated no opposition to the reduction in lot width or the lot-split. The hardship with the variance is that Mr. Marshall needs the reduction of the lot width from 60 feet to 52 feet in order to obtain a lot-split from the Planning Commission. Mr. Marshall presented an exhibit showing 20 lots, and in a one-block area on 35<sup>th</sup> Street between Rockford and Trenton, 12 of the lots were less than 60 feet in width, or 60% of the lots.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the minimum lot width required in the RS-3 district (Section 403) from 60 ft. to 52 ft. to permit a lot-split; finding that the lots in question comply with the RS-3 district with the exception of the lot width only, they meet the lot area and the land area requirement. Also, finding that the hardship would be the lots in the immediate area; in this one block, 60% of the lots fail to comply with the lot width requirement; 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:



**E. 27 OF LT-3- ALL OF LT-4-BLK-3, PARRAMORE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**Case No. 21220-Perkins Architects, PC**

**Action Requested:**

Variance of the maximum amount of coverage of the required rear yard by a detached accessory building permitted in the RS-2 district from 25% (Section 210.B.5.a). **Location:** 2240 East 24th Street

**Presentation:**

**Jeremy Perkins**, 2200 South Utica Place, Suite 216, Tulsa, OK; stated he is requesting a variance to have a two-car accessory garage with a workshop on the first floor. The new structure will take up about 50% of the rear yard setback.

Ms. Stead asked what the second story of the present building was used for because of the half-bath located inside the proposed structure, and Mr. Perkins stated it was attic storage. Ms. Stead asked Mr. Perkins to confirm that it was not living quarters and Mr. Perkins confirmed that it was not living quarters. Mr. Perkins stated he had asked the city about the half-bath and the city did not have a problem with the half-bath.

Mr. Van De Wiele asked Mr. Perkins what the square footage of the structure was currently, and Mr. Perkins stated the structure was currently 508 square feet and the new structure will cover a footprint of 647 square feet. The current structure is original to the house and is in failing condition.

Mr. Boulden asked Mr. Perkins what the nature of the workshop was going to be, and Mr. Perkins stated that he thought it was going to be a hobbyist's shop.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the maximum amount of coverage of the required rear yard by a detached accessory building permitted in the RS-2 district from 25% (Section 210.B.5.a). It is noted that the tract size is only 7,361 square feet and probably platted sometime in the 1950's or early 1960's. By testimony it is stated that the present garage, which in staff comments has been noted as a garage apartment, office space or workshop, is deteriorating to the point that new construction is needed. The new building will be larger than the existing;

however, no other relief than advertised is being asked for to accommodate the building. It will be limited in height in the required rear yard to one story and ten feet at the top plate and 18 feet total. The Board notes that the plan page 7.6 and/or 7.7 indicates a bathroom in the upper story. The applicant states the permit office for the City of Tulsa has said that a bathroom will be permitted within the unfinished attic space. The proposed detached garage will set back five feet from the rear property line and cover approximately 646.6 square feet of the subject property's required rear yard, or 32.33' x 20' which amounts to 50%. This property is legally nonconforming as to lot width and lot area. The dwelling on the lot is also legally nonconforming as to as to side yard setbacks on both sides. Legal nonconforming lots and/or dwellings do not appear uncommon in the surrounding residential neighborhood. In granting the variance the Board has found there are several 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. The Board makes the condition that there shall be no commercial or residential use of the garage space; for the following property:

**LOT-4-BLK-4, WILDWOOD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**Case No. 21221-DeShazo Group**

**Action Requested:**

Verification of the spacing requirement for a Use Unit 12a - bar use of 50 ft. from an R district, 300 ft. from a park, school, or church, and 300 ft. from any other Adult Entertainment Establishment (Section 1212a.C.3). **Location:** 3120 South Yale Avenue East

**Presentation:**

**Steve Powell**, 10830 East 45<sup>th</sup> Street, Tulsa, OK; stated he represents the building owner and the architect. There are no exceptions taken to any of the criteria presented today.

**Interested Parties:**

**Harley Hunter**, 3105 South Winston, Tulsa, OK; stated he has a retail business approximately 100 feet from the subject property, and approximately another 150 feet from an existing bar in the general area at the northwest corner of 31<sup>st</sup> Street and South Yale Avenue. The area can become quite trashy from the one bar and he is opposed to a new bar being established in the area.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirement for a Use Unit 12a - bar use of 50 ft. from an R district, 300 ft. from a park, school, or church, and 300 ft. from any other Adult Entertainment Establishment (Section 1212a.C.3). The Board finds that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing for the proposed adult entertainment establishment subject to the action of the Board being void should another adult entertainment establishment or other conflicting use be established prior to the establishment of this adult entertainment establishment, subject to the exhibits on pages 8.6 and 8.7; for the following property:

**S100 N425 W155 E205 NE SEC 21 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**Case No. 21223-A-Max Sign Company**

**Action Requested:**

Variance of the separation requirement between ground signs in a PUD (Section 1103.B.2.b.3) to permit a business sign within 100 ft. of an existing outdoor advertising sign. **Location:** 1320 South Lewis Avenue

**Presentation:**

**Brian Ward**, 9520 East 55<sup>th</sup> Place, Tulsa, OK; stated the applicant wants to install a 32 square feet monument sign to advertise the credit union business. The proposed sign has been placed as far south as possible, thus placing it in the utility easement. Now approval for installing the sign in the utility easement has been sought and received. The monument sign will also be a constant white internally-lit sign.

Mr. Van De Wiele asked Mr. Ward if the square footage of the sign complied with the size of the lot, and Mr. Ward confirmed it did comply.

Mr. Henke gave Mr. Ward a letter from Councilor Maria Barnes to read and told Mr. Ward that staff would provide him with a copy of the letter for his records.

Mr. Van De Wiele asked Mr. Ward if there was signage currently on the building, and Mr. Ward stated that two temporary advertisement banners had been installed which will come down at a later date.

Mr. White asked Mr. Ward once the two banners are removed if the monument sign will be the only sign the company would have, and Mr. Ward stated that once the banners

are removed, the monument sign would be the only sign the credit union would have, other than a three-foot directional sign on the north end of the driveway. It was noted that the PUD also allows a wall sign in addition to the proposed ground sign.

Ms. Stead asked Mr. Ward if he knew he needed approval from TMAPC for the PUD compliance, and Mr. Ward stated that he would be going to TMAPC next for their approval.

**Interested Parties:**

**Councilor Maria Barnes**, City of Tulsa, 175 East 2<sup>nd</sup> Street, 4<sup>th</sup> Floor, Tulsa, OK; stated she had a meeting with the neighborhood residents and they had told her that they did not want a monument sign erected on the lot but the credit union could install a sign on the building and/or use the billboard.

**John Fothergill**, City of Tulsa, 175 East 2<sup>nd</sup> Street, 4<sup>th</sup> Floor, Tulsa, OK; stated he is Councilor Maria Barnes's aide. If a monument sign were to be erected on the southwest corner, closer to the neighborhood, it would achieve the required 100 feet separation.

**Rebuttal:**

Brian Ward stated the purpose of a business sign is to attract customers or patrons to the business, and the practical location for the monument sign is on Lewis Avenue. The request to have the sign moved to 13<sup>th</sup> Street is not practical because it would not be on an arterial street.

**Mr. Tidwell left the meeting at 2:27 p.m.**

**Comments and Questions:**

Mr. Van De Wiele asked staff where outdoor advertising is defined as a ground sign. Mr. Boulden stated that a billboard is not defined as a ground sign because a billboard can be on a roof or a wall. This particular billboard does seem to meet the definition of ground sign because the definition stipulates "a sign that is part of a self supporting structure other than a building or a portion of a building". Mr. Van De Wiele then asked if it was to be considered a ground sign for the mere fact that it was touching the ground, or are there two types of ground signs. Mr. Boulden stated this particular outdoor advertising sign is located on the ground and therefore, by definition, is arguably a ground sign; a person can interpret the code to say it was not intended to be applicable to outdoor advertising signs.

It was noted by the Board that the case report indicates that the PUD was approved by the TMAPC and City Council acknowledging that a ground sign in addition to the existing billboard would be erected at the southeast corner of the subject property.

**Mr. Tidwell reentered the meeting at 2:30 p.m.**

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the separation requirement between ground signs in a PUD (Section 1103.B.2.b.3) to permit a business sign within 100 ft. of an existing outdoor advertising sign; finding that the hardship in this case is, amongst other things, the perception of the outdoor advertising sign and the ground sign. The fact that the PUD-762 stipulated that, in addition to, the existing outdoor advertising sign they are also allowed one double-faced sign of 32 square feet per side, and a building wall sign. The property, which is in the CS district requiring the 100-foot separation because of the PUD, actually would only require a 30-foot separation if it were still CS. The location of the ground sign would obviously be best sited at the southeast corner location shown on conceptual plan page 10.5; 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:

**LOT 1 BLOCK 1, ST. JOHN TULSA FEDERAL CREDIT UNION RSB PRT TERRACE  
DR ADD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS:**

None.

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**BOARD MEMBER COMMENTS:**

None.

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There being no further business, the meeting adjourned at 2:39 p.m.

Date approved: 3/8/11

Frank X. Harris  
Chair