

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1052
Tuesday, July 26, 2011, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

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

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, July 21, 2011, at 9:35 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.

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

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to **APPROVE** the **Minutes** of the July 12, 2011 Board of Adjustment meeting (No. 1051).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

21252—Roy Johnsen

Action Requested:

Variance of the setback requirement for a building in the IL district from an abutting R district (Section 903) from 75 ft. to 10 ft. **Location:** 1346 West 39th Street

Presentation:

Case was withdrawn.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board Action necessary on this case; for the following property:

LOT 5 LESS BG SW COR TH N 329.15' SE 250.96 S 115 W 130' TO BG FOR HWY BLK 6, INTERURBAN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21305—Kurt Dodd/Kier Masso

Action Requested:

Variance of the average lot width in the RS-3 district from 60 ft. to 50 ft. (Section 403) to permit a lot split. **Location:** 1416 East 34th Street South

Presentation:

No presentation was made. The applicant requested to have the case continued to the Board of Adjustment meeting on August 9, 2011.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Cuthbertson told the Board the applicant had asked for the continuation in a timely manner, and the reason for the request is to accommodate one additional item of relief

necessary for the proposed lot-split. This request for continuance is to permit the notice for that element of relief.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”) to **CONTINUE** the request for a Variance of the average lot width in the RS-3 district from 60 ft. to 50 ft. (Section 403) to permit a lot split to the meeting of August 9, 2011; for the following property:

LT 11 BLK 7, OLIVERS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21294—Lamar Outdoor Advertising

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **Location:** 2511 East 15th Street South

Presentation:

No presentation was made. The applicant requested to have the case continued to the Board of Adjustment meeting on August 9, 2011.

Interested Parties:

Patience McKee, 3714 South Florence Place, Tulsa, OK; stated the proposed digital advertising sign is across the street from family property that they have owned for 64 years, and she objects to the sign.

Mr. Henke told Ms. McKee that the hearing would actually be for verification of spacing, not if the sign itself would be an eyesore. Mr. Henke asked Ms. McKee if she had any knowledge of another sign within 1,200 feet of the proposed sign. Ms. McKee shook her head to signify that she did not know of another sign within 1,200 feet of the proposed sign. Mr. Henke asked Ms. McKee if she objected to the continuation of this case to the August 9, 2011 hearing and Ms. McKee stated she did not.

Comments and Questions:

Mr. Cuthbertson told the Board the applicant had asked for the continuation and the reason for the request is to adjust the survey that was submitted to reflect the new location of the proposed billboard; the billboard will shift slightly from where it is identified today.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”) to **CONTINUE** the request for Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10) to the meeting of August 9, 2011; for the following property:

LTS 11 THRU 13 LESS BEG SWC LT 11 TH E150 N APPR 15 SW151.3 TO BEG & LESS BEG NEC LT 13 W17.6 SE55.1 N APPR 10 NW APPR 50 POB BLK 6, CITY VIEW HILL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

THE FOLLOWING CASES WERE ALL SUBMITTED BY THE SAME APPLICANT AND HEARD BY THE BOARD SIMULTANEOUSLY. BOARD ACTION WAS MADE AS ONE MOTION ON ALL THREE CASES.

21295—Andrew Shank

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **Location:** NE/c of Highway 75 and West 71st Street

Presentation:

No presentation was made. The applicant requested to have the case continued to the Board of Adjustment meeting on August 23, 2011.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Cuthbertson stated the applicant has requested a continuance for Case No. BOA-21295 because a variance request is being considered, and the applicant would like to have all three cases, Case No. BOA-21295, Case No. BOA-21296 and Case No. BOA-21297, heard at the same hearing.

21296—Andrew Shank

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **Location:** North of the NE/c of Highway 75 and West 71st Street

Presentation:

No presentation was made. The applicant requested to have the case continued to the Board of Adjustment meeting on August 23, 2011.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

21297—Andrew Shank

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **Location:** North of the NE/c of Highway 75 and West 71st Street

Presentation:

No presentation was made. The applicant requested to have the case continued to the Board of Adjustment meeting on August 23, 2011.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. White asked Mr. Boulden if the Board could handle all three cases under one motion. Mr. Boulden stated in this particular case it would be appropriate.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”) to **CONTINUE** the request for a Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10) in **Case No. BOA-21295**; to **CONTINUE** the request for a Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10) in **Case No. BOA-21296**; to **CONTINUE** the request for a Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10) in **Case No. BOA-21297**; all cases to be heard at the Board of Adjustment hearing on August 23, 2011; for the following properties:

Case No. BOA-21295:

PRT LT 2 BEG 28.81NW SWC RESERVE A TH NW APR 191.19 NE193.11 NE40 CRV RT APR 69.68 SW366.77 SE APR 327.07 E265.77 POB BLK 1, OLYMPIA MEDICAL PARK I, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. BOA-21296:

LT 2 LESS BEG 28.81NW SWC RESERVE A TH NW191.19 NE193.11 NE40 CRV RT 195.56 N139.75 W206 S25 W191.72 SE702.47 E265.77 POB BLK 1, OLYMPIA MEDICAL PARK II, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. BOA-21297:

PRT NE SW BEG NEC SW TH S APR 464.78 SW371.74 SE13.47 CRV RT 370.40 NW60 CRV LF 306.90 NW85 SW60 SW352.01 W APR 135.52 NW55.10 NW APR 145.97 N APR 424.05 NE77.66 N65.62 NW77.66 N53.91 E APR 992.05 POB SEC 2 18 12, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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20226-A—Richard Morgan

Action Requested:

Modification of a previously approved plan to expand the existing facility.

Location: 17717 East Admiral Place South

Presentation:

Richard Morgan, 7798 East 24th Street, Tulsa, OK; stated the building is an existing building and has had three expansions in the past. The zoning on this particular tract is CS that had been changed from IL due to a request from another business that was in the building. Once the proposed expansion is completed, the owner will apply to have the original IL zoning reinstated.

Mr. White asked Mr. Morgan if the proposed expansion would be replacing the temporary tent that is now on the property. Mr. Morgan stated that it would; the temporary tent is currently housing equipment and it is blocking the proposed expansion.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”) to **APPROVE** the Modification of a previously approved plan to expand the existing facility; subject to conceptual plan on page 3.5. The Board has found that this modification is in keeping with the original motion of the original plan; for the following property:

LT 1 BLK 1, HALL BROTHERS SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21291—Belinda Walker

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in an RS-3 district (Section 401); and a Special Exception to extend the one-year time limit (Section 404.E). **Location:** 923 East 50th Place North

Presentation:

Belinda Walker, 1114 East 50th Place North, Tulsa, OK; stated she moved into the house as a child of 14 years, and her mother gave her the house. For the past five years she has been trying to repair the house with no success. The lot for the proposed manufactured home was her grandparents' home that she inherited six years ago. She has been to several contractors to have a site-built house for the property because that was her original preference, but none of the builders she has contacted will build in that neighborhood because they want to build in their developmental areas. One builder told her that she could have the house she desired if she would bring the builder cash.

Ms. Stead asked Ms. Walker if she had considered a modular home, and Ms. Walker stated that she had. Ms. Flannigan stepped forward and stated that the problem is an appraisal in that area. Ms. Flannigan stated that Ms. Walker qualifies for a large, beautiful, site-built home; she has the credit and she has the funds. It is just that they cannot build on the family land because of appraisal problems.

Interested Parties:

Kathy Flannigan, Oakcreek Homes, 11306 East Admiral, Tulsa, OK; presented pictures of the proposed home for the residential lot and pictures of homes in the surrounding area.

Mr. Henke asked Ms. Flannigan if she had noticed any other manufactured homes in the neighborhood while she was taking the pictures. Ms. Flannigan stated that she did not notice any manufactured homes. Mr. Henke stated that for the Board to grant a special exception to permit a manufactured home, the home would need to be within the character of the surrounding neighborhood, and as Ms. Stead stated earlier, a manufactured home is not a stick home and would be totally out of character with the neighborhood.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to **DENY** the Special Exception to permit a manufactured home (Use Unit 9) in an RS-3 district (Section 401); and a Special Exception to extend the 1 year time limit (Section 404.E); finding that the manufactured home would not be appropriate in this neighborhood of stick built homes; for the following property:

W100 E1740 N306.5 N/2 N/2 SE SEC 12 20 12, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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21299—A-MAX Sign Company

Action Requested:

Variance of the maximum number of signs permitted in the OM district (Section 602.B.4); a Variance of the maximum display surface area permitted per sign in the OM district (Section 602.B.4); and a Variance to permit a wall sign to extend above the top of the parapet on which it is located (Section 1221.C.11).

Location: 2325 South Harvard Avenue

Presentation:

Fred Lewis, Family & Children Services, 2325 South Harvard Avenue, Tulsa, OK; stated he is the Facility Director for Family & Children Services who occupies and owns the building concerned. There has been a recent major renovation of the building due to services consolidation. The proposed sign will act as a beacon for Family & Children Services because the majority of the population of Tulsa still thinks of the building as being the Doctor's Building connected with the old Doctor's Hospital.

Interested Parties:

Brian Ward, A-MAX Sign Company, 9520 East 55th Place, Tulsa, OK; stated that the existing monument sign from the original Doctor's Building and Columbia Health had been in place for a long time. The face panels of that sign have been changed to reflect the new occupant, Family & Children Services. When the designer revamped the graphics for the sign he added the eyebrow on top of the monument sign, and Mr. Ward stated that he did not know if a variance had been applied for regarding the eyebrow.

Mr. Cuthbertson stated the monument sign only plays an informative role in this application since it exists on the property and it contributes to the total number of signs permitted on this site. While the monument sign is in play because it is part of the signage and exists, it is not really what the applicant is asking for the variances to permit. The variances requested today only allow the wall signs.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to **APPROVE** a Variance of the maximum number of signs permitted in the OM district (Section 602.B.4); a Variance of the maximum display surface area permitted per sign in the OM district (Section 602.B.4); and a Variance to permit a wall sign to extend above the top of the parapet on which it is located (Section 1221.C.11). As for the extension above the parapet wall, that will be a portion of the butterfly logo only. These signs will be backlit and will be by constant light only. The monument sign of Family & Children Services, replacing the old monument sign on Harvard, is approved because the Board believes it is essential to identification of the facility within the building. The monument sign will be internally lit by fluorescent lighting. The Board approves the variance of a maximum number of signs to better

identify the building from the Broken Arrow Expressway and from the north. The Board has found that in granting these variances these 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 these 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 also believes these variances are justified because of the size of the building containing 65,000 square feet; this is to be per plan on pages 9.7, 9.8, and 9.9; for the following property:

BEG 50E & 406.16S NWC S/2 NW TH E77 SE70.65 SE64.72 NE51.66 E130 SE35.45 SE56 E29 S168 W456.38 CRV RT 47.10 N192.34 POB SEC 16 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

After the motion had been made and seconded, Mr. Lewis came forward for clarification on the Board's motion regarding the signage for the south parapet wall. Mr. Lewis stated due to the location of trees in relation to the building when driving north on Harvard Avenue, the sign will not be totally visible, so it is proposed to move the letters on the sign. The built sign will be just as depicted in the schematic but the letters and butterfly logo will be moved to a better visibility position; the butterfly must be moved because that part of the sign is one piece.

Ms. Stead asked Mr. Boulden if the Board needed to amend the presented motion, and Mr. Boulden stated that an amendment would be necessary. The motion should be amended to state the location of the lettering on the sign on the south elevation is not to be restricted by the site plan.

AMENDMENT TO MOTION for Case No. BOA-21299:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to allow the lettering and butterfly logo on the south parapet, as shown on page 9.7, to be moved toward the center to provide unobstructed visibility around the existing trees; for the following property:

BEG 50E & 406.16S NWC S/2 NW TH E77 SE70.65 SE64.72 NE51.66 E130 SE35.45 SE56 E29 S168 W456.38 CRV RT 47.10 N192.34 POB SEC 16 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS:

None.

BOARD MEMBER COMMENTS:

The Board wished Mr. Duane Cuthbertson good luck in his future endeavors. Mr. Cuthbertson had told the Board earlier that he and his family will be leaving Tulsa to pursue a future in Nashville, Tennessee, and July 29, 2011 will be his last day with INCOG.

There being no further business, the meeting adjourned at 1:50 p.m.

Date approved: 8/9/11



Chair