

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1078
Tuesday, September 11, 2012, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Snyder Tidwell, Secretary Van De Wiele White, Vice Chair	Henke, Chair	Back Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, September 6, 2012, at 1:41 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

Ms. Back read the rules and procedures for the Board of Adjustment Public Hearing.

Mr. White explained to the applicants that there were only four board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. White asked the applicants if they understood and asked the applicants if anyone would like to continue their application to the next meeting. No applicants made the request.

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 3-0-1 (Tidwell, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; Henke absent) to **APPROVE** the **Minutes** of the August 28, 2012 Board of Adjustment meeting (No. 1077).

NEW BUSINESS

21469—Tony Jordan Building Company

Action Requested:

Special Exception to increase the height of a fence in the required front yard from 4'-0" to 6'-0" (Section 210.B.3). **LOCATION:** 2141 East 30th Place **(CD 4)**

Presentation:

No presentation was made. The applicant has requested a continuance to the September 25, 2012 hearing for readvertising the case for an increase in height for the fence.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **CONTINUE** the request for a Special Exception to increase the height of a fence in the required front yard from 4'-0" to 6'-0" (Section 210.B.3), to the meeting of September 25, 2012; for the following property:

**LT 10 LESS W 25 & ALL OF LT 11 BLK 15, FOREST HILLS, CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA**

UNFINISHED BUSINESS

21459—Rudy Mancino

Action Requested:

Special Exception to allow used car sales (Use Unit 17) in a CS district (Section 701); Variance to permit open air storage and display of merchandise offered for sale within 300 feet of an adjoining R district (Section 1217.C.2). LOCATION: 9768 East 11th Street **(CD 5)**

Presentation:

Rudy Mancino, 8801 East 37th Place, Tulsa, OK; stated this is a separate business from the car sales adjacent to the property, and will be a small lot of 12 cars.

Mr. Van De Wiele asked Mr. Mancino if there were going to be any repairs performed on the automobiles, and Mr. Mancino stated there would not.

Mr. Tidwell asked Mr. Mancino if there were plans to store tire, car batteries, or any other auto accessories outside, and Mr. Mancino stated there would not any located outside.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Henke absent) to **APPROVE** the request for a Special Exception to allow used car sales (Use Unit 17) in a CS district (Section 701); Variance to permit open air storage and display of merchandise offered for sale within 300 feet of an adjoining R district (Section 1217.C.2); limiting the open air storage and display to vehicles only, provided that vehicles offered for sale will be stored and displayed north of the rear building line only. All parking and driving surfaces are to be concrete or asphalt. This approval is limited to 12 automobiles for sale at any given time. All lighting associated with the site shall be shielded down and away from the abutting properties. The hours of operation shall be 9:00 A.M. to 7:00 P.M., and six days a week. 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. In regards to the Variance, the Board finds 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:

BEG 898.61E NWC NW TH W82.63 S240 E82.63 S35 E19.9 TO W BDRY ARCH FEARS ADD TH N275 W18.66 POB LESS N65 FOR ST SEC 7 19 14 .425ACS, ARCH FEARS ADDN, B & W APTS ADDN RESUB PRT RUTH-ANNE ACRES, RUTH-ANNE ACRES AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

21468—Lou Reynolds

Action Requested:

Variance from the minimum lot width from 60 feet to 50 feet in an RS-3 district (Section 403); Variance of the land area per dwelling from 8,400 square feet to 8,200 square feet in a RS-3 district (Section 403, Table 3). **LOCATION:** 1332 East 35th Street, 1335 East 35th Place **(CD 9)**

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated the property is located west of Quincy Avenue in the Oliver Subdivision. All the residential lots were 100 feet wide with an unusual depth of 140 feet. A majority of the lots in the area have been developed into 50 feet wide lots. This area was platted in 1927 and the Zoning Code was established in 1970. This application is consistent with the Comprehensive Plan, the Brookside In-fill Study, and the prevailing development pattern of the area. The hardship is the unusual depth of the lot at 140 feet, and typical a RS-3 lot is 120 feet or less. Within the last year that Board has approved three similar lot splits from 100 feet to 50 feet on 35th Street and 35th Place.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Henke absent) to **APPROVE** the request for a Variance from the minimum lot width from 60 feet to 50 feet in an RS-3 district (Section 403); Variance of the land area per dwelling from 8,400 square feet to 8,200 square feet in a RS-3 district (Section 403, Table 3). The Board has found that the area in question

was developed and platted prior to the Zoning Code. Several lots have been split in the same manner the applicant is requesting, and this is consistent with the overall pattern of the neighborhood. The Board has found that for these reasons in granting the 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 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; for the following property:

LT 7 BLK 3, LT 10 BLK 3, OLIVERS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21470—Jason Mills

Action Requested:

Variance of the required rear yard from 25'-0" to 10'-7" to permit new construction of a house, in the RS-3 district (Section 403). **LOCATION:** 1623 South Rockford Avenue (CD 4)

Presentation:

Josh Chesney, 3026 South Boston Court, Tulsa, OK; stated he is representing Mr. Mills. Mr. Chesney stated that he has been through two sub-committee meetings for new construction and the project has been approved to proceed to the next step of the process. This project is in a preservation district and in order to maintain a similar scale that is on Rockford Avenue the house will be pushed back to the rear portion of the lot. The hardship is to be able to maintain the similar scale of the neighborhood the house had to be pushed toward the rear of the lot.

Mr. Van De Wiele asked Ms. Back about the setback. Ms. Back stated the setback in the RS-3 is 20'-0" per the code, but the applicant asked for more relief than was needed. The applicant's drawings show 20'-0" but they requested 25'-0" which is more relief than was needed. The applicant is going from 20'-0" to 10'-7" as opposed from 25'-0" to 10'-7".

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a

Variance of the required rear yard from 20'-0" to 10'-7" to permit new construction of a house, in the RS-3 district (Section 403). The approval is subject to the receipt of the Certificate of Appropriateness from the Historic Preservation District. In granting the variance the Board finds 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 11 BLK 12, ORCUTT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

20592-A—Mary Clare

Action Requested:

Modification of a previously approved site plan (BOA-20592) to add signage for Undercroft Montessori School. **LOCATION:** 3745 South Hudson Avenue **(CD 5)**

Presentation:

Mary Clare, 3745 South Hudson Avenue, Tulsa, OK; no presentation was made, but Ms. Clare was available for questions.

Mr. Van De Wiele asked Ms. Clare if the placement of the signs of the site plan signified exactly where the signs were going to be on the property. Ms. Clare stated there would be a sign on the northwest corner of the property, which is the main sign identifying the school and the other sign will be on the east side of the property, which will be a sign to identify the school when the families are on the property. The east sign will also be used as a bulletin board for the parents.

Mr. White asked Ms. Clare if the signs were illuminated. Ms. Clare stated the corner sign will be illuminated with soft flood light that is on a timer, and the bulletin board sign has future LED lights proposed but the time frame for that project is not complete.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a Modification of a previously approved site plan (BOA-20592) to add signage for

Undercroft Montessori School, subject to conceptual site plan on page 6.7 for the general location of the two new signs, indicating the main sign and the information sign, and conceptual site plan on pages 6.9 and 6.10 for the general size of the signs. Finding these signs are needed for information and directional reasons. The hours of operation, for the lighting of the sign, will be from 7:00 A.M. to 9:00 P.M. The Board at this point in time is not approving any electronic or LED message center. The Board has found that it is compatible with and non-injurious to the surrounding residential area and meets the previously granted variances to the bulk and area requirements and the zoning requirements per code; for the following property:

BEG 550S & 55E WL NW SE TH E700 S200 W700 N200 POB SEC 22 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21472—J & B Graphics

Action Requested:

Variance to allow an 8 foot by 187.8 foot illuminated roof sign (east elevation);

Variance to allow a 5.4 foot by 125.2 foot illuminated roof sign (west elevation);

Variance to allow an 8 foot by 187.8 foot illuminated roof sign (north elevation/parking garage) outside the Downtown Entertainment District, within the CBD District (Section 1221.C.10). **LOCATION:** 100 South Civic Center Avenue

(CD 4)

Ms. Snyder recused herself and left the meeting at 1:35 P.M.

Presentation:

Jackie Turner, J & B Graphics, 2130 N. W. 40th, Oklahoma City, OK; stated she is with the sign company that will be manufacturing the sign and is available for any questions regarding manufacturing of and the installation of the proposed sign.

Bryan Barnes, Ghost Advertising, 929-A North Broadway, Oklahoma City, OK; stated he is representing the client.

Ms. Turner came forward to make her presentation. There are three signs proposed for the top of the convention center, one for the east elevation, one for the west elevation, and one on top of the parking garage. The sign will be comprised of letters. The east elevation sign is 8 foot letters, west elevation sign is 5.4 foot letters and the parking garage sign is 7 foot letters. The letters will actually be perched on top of the roof line. The architecture of the building does not lend itself to allowing any type of sign below the roof line, therefore, the only way a sign can allow exposure for the client is to install the proposed sign on top of the roof. Her client has toured downtown and saw many

signs, and several of those signs were placed on top of the roofs of buildings. Her client liked that look. Currently the convention center has a sign built of aluminum channel letters with a perforated aluminum base, and her design will be replicating that design just a different name. This sign is important to her client because it will allow for great exposure for their naming rights of the building downtown.

Mr. Van De Wiele asked if the variance requests are for the size of the signs or for the locations. Ms. Turner stated the variance requests are for the location of the signs, which is the roof top. This building is close to an entertainment district in the downtown area that allows rooftop signs but it is not within that district to allow the rooftop sign without the variance request.

Ms. Back stated that it is her understanding that the roof signs within the downtown entertainment district would have been an allowed use. It is also her understanding, after a conversation with the sign plan reviewer, that it is not the size of the sign that was the challenge but it was the proposed roof sign installation because it is outside of the downtown entertainment district.

Interested Parties:

Alfred Kent Morlan, 410 West 7th Street, #925, Tulsa, OK; stated he is a retired attorney and his address is the south tower of the Central Park Home Owners Association. One of the largest populations of downtown dwellers live at Central Park, it is 397 homes. The people at Central Park suffer from a number of impacts on their quality of life, such as, sirens, fireworks being set off at Drillers Stadium, train horns, and light pollution. The east elevation sign will illuminate 80 apartments that are located in The 100 Building and The 200 Building. Every time the image on the proposed sign changes the lighting in those 80 apartments will change.

Ms. Turner came forward and stated that the sign is comprised of individual channel letters that will be LED illuminated from inside the channel; it is not one continuous sign and it is not a message center. The proposed sign is strictly and solely the name of the building. The sign is a fixed copy, it will not change.

Mr. Morlan came forward and stated that the proposal is still light and it will still add visual clutter. When the residents of The 100 Building look out their windows they see the top of Maxwell Center and other structures. Obviously the higher you live in the building the more you can see. Any lighting that is added to the area will light up the apartment. Mr. Morlan stated that he does not have a problem with the west or north facing proposed illuminated signs, but he does see a problem with the east facing proposed illuminated sign. Portions of this sign will be blocked by the Aloft Apartments and the County Courthouse. The old City Hall building is ten stories tall and it, too, will obstruct a portion of the proposed sign. There is only a small gap between the City Library and the County Courthouse where the sign will be able to be seen from the public street.

April Wood, 410 West 7th Street, Tulsa, OK; stated she is the president of the Central Park Homeowner's Association. She is in opposition to the proposed sign because of the light pollution. There are many units in the 100 Building that will be affected by the lights of the proposed sign. She thinks the proposed sign will be too large for the surrounding area.

Theodore Kachel, 450 West 7th Street, #1903, Tulsa, OK; stated he lives in The 100 Building and owns two condos in the building, one on the 19th floor and one on the 12th floor. He walked up and down the stairwell of the building to see how the sign would affect his building. His plea is that the east elevation proposed sign not be installed. The objection is placed because of the long-term developments of downtown, is because downtown needs more people willing to live in the downtown area. There are lots of things happening to bring the downtown area back but one of the crucial items is going to be attractive, affordable residential housing, such as Central Park and The 100 Building. He hopes the Board of Adjustment can reach a compromise on the east elevation sign, because it will affect their life style.

Rebuttal:

Ms. Turner came forward and stated the lights for the proposed sign are LED's, low voltage lights. These lights are going to primarily light the individual letter of the sign, contained within the letter, and they will not project light.

Bryan Barnes stated that he has been given permission to reveal the client's name, which is Cox Business Center. Cox Business Center has taken great time and care in consideration of the position of the proposed signs. They have also considered the style of the proposed sign, wanting it to blend in the architectural style of the surrounding area and the building it will be on. The style of the proposed sign illuminated letters is no different than the existing illumination of the letter forms of Tulsa Convention Center that is currently exists on the building. The current letter forms will be removed and replaced with the proposed sign letters.

Mr. Van De Wiele asked Mr. Barnes if the proposed letters would be blue in color. Mr. Barnes stated the letter forms will be perforated aluminum with a powder aluminum finish. The internal lit mechanism is still being discussed, as to whether it will be a static light or if it will feature a color change function very similar to what is currently on the BOK Center. He stated that it is the intention of his client, Cox Business Center, to have sign in a business style that honors the architectural features of the structure itself.

Ms. Turner came forward and stated that the face of the letters are metal and are all perforated. Through those holes the light will be pushed through those little holes; it will not be like an Emergency sign at a hospital. The face of the sign is 50% opaque and the holes are the only place the light is allowed to shine through, so a great deal of illumination is cut out by having this style of letter. The letters are self-contained. Cox Business Center does not want to hang the letters down from the roofline because it will destroy the architecture of the building and look terrible. There are buildings in the downtown area that currently have signs on top of buildings. Years ago that is how the

signs were designed and placed, on top of the building and they are considered classic signs today. The proposed sign is strictly to identify the building in the same way as it is being identified now; the same type of materials, the same manufacturing. The only difference is that the proposed letters will go on top of the building on the roof line.

Mr. Tidwell asked if there had been any correspondence from the Aloft Apartments, the old City Hall, or the Mayo Hotel. Ms. Back stated that staff has not received any calls or correspondence from any of those parties.

Johnny Bowen, Vice President, Cox Communications, 11811 East 51st Street, Tulsa, OK; stated his company has worked on this project for approximately two years. His company is one of the founding companies that helped finance the building of the BOK Center. Cox Communications is actively involved in everything that goes on in downtown Tulsa. From the residents perspective, if there is anything that can be done to make them happy Cox is willing to do that. The only reason Cox went with the proposed size of the sign is because anything smaller looks dwarfed. Cox wants a very tasteful sign. Cox Communications wants to make Tulsa one of the first Cox markets that are public wi-fi, so they are willing to invest money in the infrastructure to bring in more conventions. The naming rights to the building have been available for five years and Cox is the only business that has jumped into this game. From The Aloft Apartments and The Mayo Hotel perspective, along with all the other business owners, they have been consulted. Cox has even worked with the Chamber of Commerce to meet needs. If Cox is going to place their name on a building it has to look right. Cox wants to inspire the downtown growth and development residentially, commercially, and from a business traffic perspective. The light that will be produced by this proposed sign is not the same as the light produced by the sign on the 51st Street building. This sign was designed and proposed to be very tasteful. Cox Communications has been an incredible corporate citizen since their arrival in Tulsa, and Cox is proposing this sign to help rebuild downtown Tulsa for the next 20 years.

Mr. Van De Wiele asked Mr. Bowen if the Board were to continue this hearing until the next meeting in two weeks, if it would allow Cox enough time to meet with the home owners and present them with conceptual drawings. Mr. Bowen stated that the two, four or six weeks is not the important part. The Convention Center and the Chamber is delaying the printing of brochures, and they are concerned about the infrastructure of the Bass Tournament coming into Tulsa. The sign needs to be built by that time and Cox cannot do anything until approval from the Board of Adjustment is received. The signage, whether it is installed in June or July, is not important to Cox but the Bass Tournament in February is a major economical event for the City of Tulsa. The timing is not a concern for Cox but it is a major concern for the Convention Center and the Chamber of Commerce.

Mr. Morlan came forward and stated that by definition if a person can see a light there is light. If it is possible for the residents of the apartments to see the light produced by the proposed sign it will add light to their environment. How much light is the real question. If Cox is willing to come to Central Park for a meeting he will invite the 600 residents to

allow Cox to make a presentation. Mr. Morlan thinks the residents need more information than what was presented on the mailing that was received.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Tidwell, Van De Wiele, White “aye”; no “nays”; Snyder “abstains”; Henke absent) the Board **CONTINUE** the request for a Variance to allow an 8 foot by 187.8 foot illuminated roof sign (east elevation); Variance to allow a 5.4 foot by 125.2 foot illuminated roof sign (west elevation); Variance to allow an 8 foot by 187.8 foot illuminated roof sign (north elevation/parking garage) outside the Downtown Entertainment District, within the CBD District (Section 1221.C.10) to the meeting of September 25, 2012; for the following property:

ALL BLKS 125 & 126 & ALL 20 VAC ALLEY ADJ LTS 1 THRU 6 BLKS 125 & 126 & 80 VAC GUTHRIE ST ADJ BLKS 125 & 126 & N40 VAC ST BEG SECR LT 3 BLK 125 TH SE40 SW680 NW40 NE680 POB BLKS 125 & 126, ALL BLKS 129 130 154 & 155 & ALL 20 VAC ALLEYS & ALL 80 VAC GUTHRIE AV & W40 VAC FRISCO AV ADJ ON E & VAC 5TH ST BEG SWC BLK 129 TH ELY720 SLY80 WLY720 NLY80 POB & VAC 4TH ST BEG NWC BLK 129 TH NLY40 ELY680 SLY40 WLY680 POB,TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 2:23 P.M.

OTHER BUSINESS

21462—Scott Arnold

Verification of spacing for a liquor store (Section 1214.C.3). **LOCATION:** 2120 South Sheridan Road

The application has been withdrawn with no work being performed on the application. A refund of \$278.00 has been requested.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Henke absent) the Board **APPROVE** the request for a refund of \$278.00.

Discussion and approval of the 2013 Meeting Calendar.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; Snyder "abstains"; Henke absent) the Board **APPROVE** the approval of the 2013 meeting calendar.

Point of Information, Mr. Swiney stated that this review and approval of the meeting calendar is required by the Open Meeting Act. Every public body, such as the Board of Adjustment, is required to publish its schedule for the upcoming year by December.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 2:26 p.m.

Date approved: 9-25-12
Frank X. Henke, IV
Chair