

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1109
Tuesday, January 28, 2014, 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 Snyder Tidwell, Secretary Van De Wiele White, Vice Chair		Miller Back Sparger Foster	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, January 23, 2014, at 2:15 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.

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

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the January 14, 2014 Board of Adjustment meeting (No. 1108).

UNFINISHED BUSINESS

None.

OTHER BUSINESS

21680—Eller & Detrich – Andrew Shank

Action Requested:

Special Exception to allow a car wash (Use Unit 17) in the CS District (Section 701, Table 1); Variance to reduce the required street frontage from 150 feet to 125 feet in the CS District (Section 703, Table 2). **LOCATION:** 3516 East 31st Street South (**CD 9**)

Presentation:

The applicant has withdrawn this application and has requested a full refund of \$793.00.

Interested Parties:

None.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Refund of \$793.00; for the following property:

W125 E200 LT 2 LESS N15 THEREOF FOR STREET, ALBERT PIKE 2ND SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

21675—Rick Hayes

Action Requested:

Variance of the maximum height for a detached accessory building from 18'-0" to 18'-6" and the maximum height of the top of the top plate from 10 feet to 14 feet (Section 210.B.5.a). **LOCATION:** 1248 South Fulton Avenue East (**CD 5**)

Presentation:

Rick Hayes, 1248 South Fulton, Tulsa, OK; no presentation was made by the applicant but he was available for any questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Variance of the maximum height for a detached accessory building from 18'-0” to 18'-6” and the maximum height of the top of the top plate from 10 feet to 14 feet (Section 210.B.5.a), subject to conceptual plan on pages 2.8 and 2.9. The Board has found that the lot in question is a double lot and the lot that is to be tied together is sufficient size to support the Variances to be granted. 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:

LTS 8 & 9 BLK 2, SMITHVILLE 2ND ADDN SUB L4-9 B1 SMITHVILLE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21676—Danny Overton

Action Requested:

Variance of the required parking for a dance studio (Use Unit 11), retail (Use Unit 14), and accessory storage (Use Unit 23) (Section 1211D;1214D;1223.D) from 12 parking spaces to 0 parking spaces in the CH District. **LOCATION:** 605 South Peoria Avenue East **(CD 4)**

Presentation:

Danny Overton, 605 South Peoria Avenue, Tulsa, OK; no presentation was made by the applicant but he was available for any questions.

Mr. Van De Wiele asked Mr. Overton where the customers for Mr. Overton’s business would park. Mr. Overton stated the customers will have more than adequate parking in the area. The abutting properties to the north of his business are under the Form Based Code and rely on the street parking, which his customers will have access to also. He also has a written agreement with the Villlage at Central Park, and the owner has granted the use of ten parking spaces for his customers. There also be access to the surrounding neighborhood parking.

Mr. White asked Mr. Overton how his request fits with the Council's latest plan for the Pearl District. Mr. Overton stated it fits right in with the Council's latest plan for the Pearl District. Mr. Overton stated he has letters from two members of the Pearl District's Association stating support of today's request.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the required parking for a dance studio (Use Unit 11), retail (Use Unit 14), and accessory storage (Use Unit 23) (Sections 1211D;1214D;1223.D) from 12 parking spaces to 0 parking spaces in the CH District. The Board has found that the property in question is in or near the Pearl District which is providing substantial on-street parking, as well as the applicant entering into an arrangement with the property across the street to provide for overflow parking from the applicant's property. 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 7 BLK 9, FACTORY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

Staff to discuss Section 1221.C.2 pertaining to Electronic Message Centers (EMC) in residential zoning districts.

Some, or All, Use Conditions* Customarily Imposed by the Board of Adjustment in Approvals of Digital and Electronic Message Center (EMC) Signs in R Zoned Districts

1. No such Digital or EMC sign shall be operated between the hours of _____ P.M. to _____ A.M. There will be no blinking, twinkling, flashing, rolling, or animation. Scrolling will be only from right to left.
2. No such sign shall be located within fifty (50) feet of the driving surface of a signalized intersection. The fifty (50) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the signalized intersection.
3. No such sign shall be located within twenty (20) feet of the driving surface of a street. The twenty (20) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb, or edge of the traveled roadway marked or understood as such.
4. No such sign shall exceed an illumination of seventy (70) foot candles measured at a two (2) foot distance.
5. No such sign shall display an illuminative brightness exceeding five hundred (500) NITs at any time between one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise or six thousand five hundred (6,500) NITs between one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.
6. No such sign shall display an illuminative brightness of such intensity or brilliance that it impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.
7. No such sign shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light.
8. No such sign shall be permitted to operate unless it is equipped with:
 - (a) a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and
 - (b) a mechanism able to automatically adjust the display's illuminative brightness according to natural ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed.

*Includes conditions patterned after the provisions of paragraphs a, b, d, e, f, g, and h of Section 1221 C.2. of the Tulsa Zoning Code.

Received: _____ Date: _____

Ms. Back stated this actually a discussion that staff wanted to have with the Board addressing a code challenge, when the Board was placing conditions on Electronic Message Centers or digital signs in a Residential District or an AG District. In the code there are no parameters for the Board to place conditions on these signs. Staff is recommending that the document presented today and placing it with the sign applications that are taken for sign requests in the residential and AG districts. At the bottom of the document there is a place for "Received" with a date. This is so the applicant will know these are conditions that have been customarily imposed by the Board in the past and that some or all of the conditions, or some conditions that may not appear on this document, could be imposed on the case that will be taken before the Board for consideration. This document will then be placed in the agenda packet and numbered accordingly thus making it easier on the Board by having the conditions in front of them. At the time of the hearing the Board can then add onto or remove conditions as necessary.

No motion is required on this item.

NEW BUSINESS


None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 1:15 p.m.

Date approved: _____

2/11/14


Chair