

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1114
Tuesday, April 8, 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, April 3, 2014, at 9:31 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.

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, VanDeWiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the March 25, 2014 Board of Adjustment meeting (No. 1113).

UNFINISHED BUSINESS

None.

NEW BUSINESS

21692—Brandon Moydell

Action Requested:

Variance to allow an digital sign (Electronic Message Center) to be within 50 feet of a signalized intersection (Section 1221.C.2). **LOCATION:** 7035 South Memorial Drive East **(CD 7)**

Presentation:

The applicant was not present. The Board moved this item to the end of the agenda.

Board Action:

No Board action required at this time.

21693—Jane McGinnis

Action Requested:

Verification of spacing for a liquor store in the CH District from blood banks, plasma centers, day labor hiring centers, other liquor stores, bail bond offices and pawn shops (Section 1214.C.3). **LOCATION:** 9146 South Yale Avenue East, Suite 130 **(CD 8)**

Presentation:

Jane McGinnis, 1632 Saratoga Way, Edmond, OK; no presentation was made but the applicant was available for any questions.

Mr. Henke stated that the Board is in receipt of the applicant's survey.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele asked staff if the measurement was taken from door to door, or property line to property line. Mr. White stated that in this case the measurement would have taken door to door because the legal description on the application is the entire shopping center. The motion can limit the approval to specifically to the 9146 Suite 130 address, which is similar to previous liquor stores and pawn shops.

Mr. Van De Wiele asked if that meant if there was a 300 foot wide parking lot there could be a liquor store across the street. Mr. White stated if there was not a specific

address included there could be, and in essence removing all other possibilities in the shopping center. That is why the motion would need to be made to the specific store or address.

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) that based upon the facts in this matter as they presently exist to **ACCEPT** the applicant’s Spacing Verification for a liquor store, blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and another liquor store, subject to the action of the Board being void should another referenced conflicting use be established prior to this liquor store, this approval will be specifically for 9146 South Yale Avenue, Suite 130; for the following property:

BEG 660W & 50S NEC NE NE TH E262 S8 E310 SE39.60 S1100 W230 NW522.46 N680 POB LESS BEG 1100S & 60W NEC NE TH W230 NW157.80 NE108.91 N46.36 E265 POB SEC 21 18 13 11.249ACS, THE CHARTER BLK 1, CHARTER BLK 2, THE, NATIONS Banc BRANCH NO. 1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21694—Larry Langston

Action Requested:

Verification of the spacing requirement of 300 feet from a public park, school, or church for an Adult Entertainment Establishment (Bar) in the CBD District (Section 1212a.C.3.b and 1212a.C.5). **LOCATION:** 424 North Boulder Avenue West – Tenant Space: 402 North Boulder Avenue West **(CD 4)**

Ms. Back stated that in the site visit photos somebody has spray painted 408 as the address on the property, but the City of Tulsa has specifically designated it as 402 on the paperwork that staff has been tracking.

Presentation:

Larry Langston, 98093 South 4498 Road, Vian, OK; no presentation was made but the applicant was present for any questions.

Mr. Henke stated that the Board is in receipt of the applicant’s survey.

Interested Parties:

Matt Christensen, Doerner Saunders Daniel & Anderson, 2 West 2nd Street, Suite 700, Tulsa, OK; stated he represents John 3:16 Mission. John 3:16 does not want to oppose the request and does want to be a good neighbor to Mr. Langston’s business. However, there is a concern regarding the application to the extent that it implies the

entire property. He would ask the Board to not consider the entrance on the north side as a main or public entrance for the spacing verification, and limit the verification to the front doors facing Boulder. There is some concern as to whether the alley is a public right-of-way. It is his understanding through conversations with Mr. Langston that he does not intend to use the north side as a public entrance.

Mr. Henke asked Mr. Swiney for advice on the spacing verification. Mr. Swiney stated that it is his understanding that John 3:16 Mission is beyond the 300 foot radius from the building as measured according to the code. If Mr. Langston were to use the north side as a public entrance then it might be problematic for this verification. Mr. Swiney stated that it is his understanding that the north side entrance is not intended to be used as a public entrance, therefore, the verification would be valid.

Mr. Henke then stated that Mr. Langston would need to give affirmation that the north entrance was not going to be used as a public entrance.

Mr. Langston came forward and stated that he did not have a problem with not using the north side entrance as a public entrance, and that he had not planned on using the parking lot as a part of the business.

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) that based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant’s Verification of the spacing for the proposed adult entertainment establishment subject to the action of the Board being void should another conflicting use be established prior to this adult entertainment establishment. This approval is subject to Exhibit 4.15 to that which is shown as the bar area, which the address is 402 North Boulder. The entrance shown on the north side of the covered parking on Exhibit 4.15 is not to be a public entrance; for the following property:

LTS 1 THRU 8 & 20 VAC ALLEY ADJ THEREOF & N30 VAC STREET ADJ ON S BLK 9, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21695—Claude Neon Federal Signs

Action Requested:

Variance to allow for one 46 square foot wall sign in an RS-3 District for Memorial High School (Section 402.B.4.b). **LOCATION:** 5840 South Hudson Avenue **(CD 9)**

Presentation:

Bob Dale, Claude Neon Federal Signs, 1225 North Lansing Avenue, Tulsa, OK; stated he is speaking on behalf of Tulsa Public Schools Memorial High School. There has been a new arena built at Memorial High School. It is set back over 400 feet from the street. It is blocked on the south by the football field and on the north by the high school. The arena is a big building but that does not mean it can be seen. Thousands of people visit this building and they need to know that they are in the correct building. The sign is an understated sign. He would ask the Board to allow the identification be placed on the building.

Mr. Tidwell if the sign was unlit. Mr. Dale stated the sign is metal letters that are back lit.

Interested Parties:

Lloyd Hobbs, 5846 South Hudson Place, Tulsa, OK; stated the sign is already in place and it is a nice looking sign. He lives right across the street from the subject property, and he wants to know how the sign is attached to the building. Can a person with a ladder can reach the sign because there are children in the area. Mr. Hobbs stated that nothing in the notice he received states the sign will be lighted or have flashing lights. He likes the idea of a light being in place simply for security and safety reasons. He does not object to the sign but he wants to know more about the sign.

Rebuttal:

Mr. Dale came forward and stated the letters of the sign are silver metal on a grey background. They have white LED lights in the rear and they are constant. There is a metal beam over the entry and the sign is bolted on to the beam, and the sign is very secure. There is clear plastic backs on the letters of the sign so the birds cannot nest behind the sign letters.

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 to allow for one 46 square foot wall sign in an RS-3 District for Memorial High School (Section 402.B.4.b). Finding that the sign in question is needed for directional and informational purposes to direct students and visitors to the multi-purpose athletic facility at Memorial High School. This approval is subject to the sign as constructed and shown on page 5.14, and the dimensions as conceptually shown on page 5.15. 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:

**BEG 985N & 80W SECR SW TH N1865 W560 S875 W205 SWLY202 S790.63 E797.5
POB SEC 34 19 13 29.30ACS, CITY OF TULSA, TULSA COUNTY, STATE OF
OKLAHOMA**

21697—Mark Gawey

Action Requested:

Variance of the required rear yard setback from 16'-0" to 7'-3" in an RS-2 District (Section 210.B.5); Variance of required wall height from 10'-0" to 10'-10" to the top of top plate (Section 210.B.5.). **LOCATION:** 2122 South Cincinnati Avenue East (CD 4)

Mr. White recused himself at 1:26 P.M.

Presentation:

Robert Michaels, 2122 South Cincinnati Avenue, Tulsa, OK; stated he is the home owner of the subject property. In July 2013 a storm caused his neighbors 100 year old cottonwood tree fell onto his garage, thus smashing the garage and three vehicles. He wants to build the proposed new garage in the same location but making the new garage a little larger to accommodate today's vehicles. The increase in size causes the setback issue.

Mr. Van De Wiele asked if the proposed garage was going to be in the same footprint as the old garage. Mr. Michaels stated the new garage will moved 9" to the north to accommodate the sewer line.

Interested Parties:

Brian Hullman, 2134 South Cincinnati Avenue, Tulsa, OK; stated he lives in the house immediately south of the subject property. He stated that he is in favor of the new garage, and it would suit him if Mr. Michaels could place the garage where he wants. As proposed it will line up parallel with his garage, and he has a good plan.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, Van De Wiele "aye"; no "nays"; White "abstaining"; none absent) to **APPROVE** the request for a Variance of the required rear yard setback from 16'-0" to 7'-3" in an RS-2 District (Section 210.B.5); Variance of required wall height from 10'-0" to 10'-10" to the top of

top plate (Section 210.B.5.). Finding that the applicant is reconstructing a detached garage that was destroyed by a storm several months ago, and rebuilding the garage in the same place as the pre-existing 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 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:

A PARCEL OF GROUND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 IN BLOCK 1, SUNSET PARK ADDITION. TO THE CITY OF TULSA. TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECOEDED PLAT OF SAID ADDITION, DULY RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS WITHIN AND FOR TULSA COUNTY, OKLAHOMA, RUNNING THENCE IN A NORTHERLY DIRECTION A DISTANCE OF 60.0 FEET; THENCE RUNNING IN AN EASTERLY DIRECTION AND PARALLEL TO THE SOUTH LINE OF 21ST STREET A DISTANCE OF 187.0 FEET OR TO THE WEST LINE OF CINCINNATI AVENUE, RUNNING THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE WEST LINE OF CINCINNATI AVENUE A DISTANCE OF 69.14 FEET OR TO THE SOUTHEAST CORNER OF THE SAID LOT 4; RUNNING THENCE IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF LOT 4 A DISTANCE OF 150.77 FEET OR TO THE SOUTHWEST CORNER OF SAID LOT 4 TO THE PLACE OF BEGINNING, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White resumed participation in the meeting at 1:30 P.M.

21698—Alfredo Perez

Action Requested:

Special Exception to permit office and shop use for an electrical, heating, and air contractor (Use Unit 15) in a CS District (Section 701, Table 1). **LOCATION:** 1124 South 101st Avenue East **(CD 5)**

Presentation:

Alfredo Perez, 8922 South 43rd West Avenue, Tulsa, OK; stated he owns the subject property. He is a mechanical contractor and he would like to build a shop on the subject property. He will not store anything outside; all materials and parts will be stored in the building. The company is small with only three employees, his wife and himself so traffic will not be impacted. There will be a second driveway added to the property for an ingress and egress. The plans are to build a couple of storage structures on the rear of the lot and in a couple of years or so raze the existing structure.

Interested Parties:

Maria Perez, 8922 South 43rd West Avenue, Tulsa, OK; stated the plans are to install landscaping and have a very presentable and pleasing piece of property for the business.

Mr. Van De Wiele asked Ms. Back if there needed to be a sidewalk in the front of the proposed business. Ms. Back stated that a Use Unit 15 should trigger the installation of a sidewalk in front because it is in a commercial shopping district and is commercial use.

Femi Fasesin, 421 South Olympia Avenue, Tulsa, OK; stated he is the architect for the subject property. There is no single family residences near the subject property but there are other businesses in the area. There will be landscaping and any other requirements from the City on the subject property.

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 **Special Exception** to permit office and shop use for an electrical, heating, and air contractor (Use Unit 15) in a CS District (Section 701, Table 1), subject to per plan 7.20 and the change of access plan submitted today and dated March 15, 2014. 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; for the following property:

LT 3 BLK 1, Arch Fears Addn, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Back stated that Item #8 and Item #10 on today’s agenda are basically the same property, represented by the same applicant, and the applicant has asked if the Board would hear both of these cases together. Mr. Henke gave affirmation to the request and moved Item #9 up on the agenda.

21700—Southwest Baptist Church

Action Requested:

Variance to allow a 2.9 x 7.6 square foot digital sign (Electronic Message Center) in an RS-3 District for a church (Section 402.B.4). **LOCATION:** 5304 South 33rd Avenue West **(CD 2)**

Presentation:

Lyndel Hix, 7418 West 40th Street, Tulsa, OK; stated he is the Pastor of Southwest Baptist Church. The church would like to install the electronic message center on the lower portion of the existing sign. The sign would be used to communicate to the community the church's ministries and programs.

Mr. Van De Wiele asked Mr. Hix the hours of operation for the requested sign. Mr. Hix stated the church is willing to do whatever is required by the Board. Mr. Hix informed the Board that the proposed electronic message center does have a dimmer that can be used for the sign.

Interested Parties:

Steven Taylor, 5326 South 33rd West Avenue, Tulsa, OK; stated he lives in the house that is directly south of the church's parking lot, and the proposed sign will shine right into his living room window. The sign that is currently in place is not an issue because it is not that bright, but he thinks a flashing light will be very disruptive.

Mr. Van De Wiele asked Mr. Taylor if the proposed sign were turned off at a particular hour, would it be acceptable? Mr. Taylor stated that would be fine, as long as it is not flashing when he is trying to go to bed.

Zach Storm, 324 Apple Lane, Haysville, KS; stated he is from the sign company regarding the LED portion of the sign. He stated the church will be able to control the LED portion of the sign differently than the top portion of the existing sign. The LED portion can be turned off at 9:00 p.m. and turned back on at 7:00 a.m., and the sign can be dimmed down during the day so the sign is not at full brightness. His sign company has given training to church personnel so they know how to use the sign.

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 to allow a 2.9 x 7.6 square foot digital sign (Electronic Message Center) in an RS-3 District for a church (Section 402.B.4), subject to the conceptual plan on page 9.14 showing the dimensions of the sign and the sign is to be located in the same place as the existing sign as shown on page 9.13. This approval is also subject to the conditions on page 9.4, which shows no digital or EMC sign shall be operated between the hours of 9:00 P.M. to 7:00 A.M. Finding that the sign is a reasonably necessary extension of the church's messages and information to its congregation and the neighborhood. 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 35W & 88.2S NEC E/2 SE NE TH W625 S100 E625 N100 POB LESS E15 FOR ST SEC 33 19 12 1.40ACS, BEG 35W NEC SE NE TH W625 S88.2 E625 N88.2 POB LESS E15 FOR ST SEC 33 19 12 1.235ACS, VALLEY HOMES ADDN, SOUTHWEST GARDENS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

The Board made the decision to hear the following two cases (BOA-21699 and BOA-21141-A) together, as the two properties are within the same development. The Board's decisions for BOA-21699 and BOA-21141-A were made as two separate motions. Both cases were presented by Mr. Lou Reynolds of Eller & Detrich.

21699—Eller & Detrich – Lou Reynolds

Action Requested:

Variance of the six foot screening fence/wall requirement along the south lot line for an unenclosed parking area from a contiguous R District (Section 504.B).

LOCATION: 1311 South Owasso Avenue East (CD 4)

21141-A—Eller & Detrich – Lou Reynolds

Action Requested:

Modification to a previously approved parking Variance (BOA-21141) to reduce the required parking by an additional 53 spaces to 0 spaces to accommodate for a 3,368 square foot rooftop dining area (previously approved for 31 parking spaces to 0 parking spaces). **LOCATION:** 1312 – 1318 South Peoria Avenue East (CD 4)

Presentation (cases combined):

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated the parking lot was recently zoned as PK. For BOA-21699 that necessitated a screening requirement between the property zoned RS-3 and PK, and there is a Special Exception to park on the property. The hardship for BOA-21699 is that there is no purpose accomplished by placing a screening fence between two parking lots that support the same facility. For BOA-21141-A the parking was previously reduced from 31 required parking spaces to 0 parking spaces. When the application was originally files the applicant was not sure of

the exact size of the patio areas the tenants would request for the restaurant. The restaurant space has been reduced from 3,600 square feet to 2,800 square feet which resulted in a net reduced variance from 53 parking spaces to 0 parking spaces, and now it will be 36 additional parking spaces to 0 parking spaces per the presented plan. In the grand scheme if this project were to comply with zoning code there would be 67 parking spaces required. As it is shown on the plan there are 53 parking spaces. Mr. Reynolds stated that a neighborhood meeting had been held before the zoning was changed to PK, and notices were sent out twice. The Tracy Park Home Owner's Association supports what the applicant has done. The hardship for BOA-21141-A is that there are two buildings built well before the zoning code. There will be an alternative compliance landscaping applied for with the Planning Commission.

Mr. Tidwell asked if the rooftop patio was going to be on the existing one-story building. Mr. Reynolds stated there are proposed rooftops on both buildings, and an ground floor outdoor patio space is proposed.

Mr. Tidwell asked where the entrance to the rooftop area would be. Mr. Reynolds stated one entrance will be from the side in the space between the buildings.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action for BOA-21699:

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 six foot screening fence/wall requirement along the south lot line for an unenclosed parking area from a contiguous R District (Section 504.B), subject to the conceptual plan as submitted today, April 8, 2014. Finding that the south lot line to be through the middle of the parking lot as constructed and to be constructed servicing the adjoining properties such that the screening requirement would interfere with the construction of the necessary parking. 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 8 BLK 1, BROADMOOR ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Board Action for BOA-21141-A:

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 Modification to a previously approved parking Variance (BOA-21141) to reduce the required parking by an additional 53 spaces to 0 spaces to accommodate for a 3,368 square foot rooftop dining area, subject to the conceptual plan as submitted today, April 8, 2014. Finding that the proposed facility is compatible with and not injurious to the surrounding residential area, and meets the previously granted variances to the bulk and area requirements and meets the zoning requirements; for the following property:

LTS 3 & 4 LESS PRT BEG SECR LT 4 TH W17.40 NE100.14 E12.36 S100 POB BLK 1, BROADMOOR ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

Refund request for \$61.00.

21714—Eller & Detrich – Lou Reynolds

Special Exception to permit automobile sales new/used (Use Unit 17) in a CS District (Section 701, Table 1). **LOCATION:** 4510 South Peoria Avenue **(CD 9)**

The charges for this application are \$734.00 and the applicant issued a check in the amount of \$795.00. Case BOA-21714 is slated to be heard May 13, 2014.

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 Refund of \$61.00; for the following property:

LT 1 BLK 1, BROOKSIDE CENTER RESUB B1 HOLMES SQUARE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Back informed the Board that the applicant for Case BOA-21692 had arrived and that case can now be heard.

NEW BUSINESS

21692—Brandon Moydell

Action Requested:

Variance to allow an digital sign (Electronic Message Center) to be within 50 feet of a signalized intersection (Section 1221.C.2). **LOCATION:** 7035 South Memorial Drive East **(CD 7)**

Presentation:

Justin Reed, Oil Capital Neon, 4419 West 55th Place, Tulsa, OK; stated he represents Reavis Enterprises on Woodland Corner. Woodland Corner has an existing non-conforming pole sign structure which was damaged by a storm in 2013. The applicant would like to install a digital message board which would be adjusted to meet City code and wired to the existing structure. Woodland Corner is the only building on the subject lot, having occupied the space since the 1980s. There are numerous establishments on the subject property that can potentially benefit from the digital board, as the board will be located at one of the City's busiest intersections. The hardship is the existing non-conforming structure which falls within the 50 foot easement of the signalized intersection. To move the structure back to meet the new City code would require parking lot renovations as well as tens of thousands of dollars to relocate the sign.

Mr. Henke asked Mr. Reed if he knew why there was not be a sign within 50 feet of a signalized intersection. Mr. Reed stated that he had read over and it stated that a flashing sign would be a distraction. Mr. Reed stated that the requested electronic message center will be only 8'-6" off the ground.

Mr. Henke asked Mr. Reed to state his hardship for the Variance. Mr. Reed stated that it would cost tens of thousands of dollars to move the sign, and thousands of dollars to redo the parking lot in order to have the sign meet new code. Mr. Tidwell stated that is a financial hardship.

Mr. Van De Wiele stated that his concerns are that this is at one of the busiest intersections in Tulsa.

Ms. Snyder stated that she thought it would be a distraction.

Mr. Van De Wiele asked what type of information would be displayed on the proposed electronic message center. Mr. Reed stated that it would be advertising for the different tenants inside the space. Mr. Reed stated that through his conversations with Mr. Reavis he understood that Mr. Reavis would be limiting the number of tenants advertising at any one time on the sign. Not all the tenants would be running advertisement on the proposed electronic message center at the same time.

Mr. Reed stated that he would like to clarify his hardship to the Board. The hardship would be that the structure has been in place since the 1980s, and the storm came through destroying the sign. It is not the financial side of the project, but to meet code the sign would need to be moved 20 feet into the parking lot, and the entire parking lot would need to be reconfigured. The proposed electronic message center is only 8'-6" off the ground so it is not in the same view sight as the stoplight. The stoplight is 25 feet off the ground. Mr. Reed presented pictures of the intersection showing the sign and stoplight from all four directions. The sign does not align parallel to any of the streets because it is at an angle. There is a sign at 71st and Mingo that is 25 feet off the ground and closer to the street than the subject sign. The sign at 71st and Mingo is located on the southeast corner, is less than a mile from the subject sign, and is larger than the proposed sign.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele stated he thinks there are issues over the hardship, and that the proposed electronic message center would be a distraction.

Ms. Snyder stated that she also thinks the sign would be very distracting. Also, if this electronic message center is allowed then the property across the street will want one, and the property on the other corner would want one, etc.

Mr. Tidwell stated that he thinks the sign would be a distraction because of the brightness of the screen.

Mr. White stated the sign is positioned at a 45 degree angle which is great for the sign but distracting to onlookers, and he is concerned over the safety issues.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **DENY** the request for a **Variance** to allow an digital sign (Electronic Message Center) to be within 50 feet of a signalized intersection (Section 1221.C.2); for the following property:

PRT SW SW BEG 60N & 60E SWC SW TH E270 N270 W270 S270 POB LESS BEG SWC THEREOF TH N45 SE63.64 S45 POB SEC 1 18 13 1.65AC, WOODLAND HILLS MALL, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Ms. Miller announced that today will be Ms. Carolyn Back's last meeting with the City Board of Adjustment. She has taken a position with Wallace Engineering.

Mr. Henke, on behalf of the Board, expressed a thank you to Carolyn and wished her good luck on her future endeavors.

Ms. Back thanked the Board.

There being no further business, the meeting adjourned at 2:19 p.m.

Date approved: 4/22/14

Frank X. Henke, Jr.

Chair