

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1115
Tuesday, April 22, 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 Van De Wiele White, Vice Chair	Tidwell, Secretary	Miller Sparger Foster Hoyt	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, April 17, 2014, at 3:42 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. Miller read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, VanDeWiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the **Minutes** of the April 8, 2014 Board of Adjustment meeting (No. 1114).

UNFINISHED BUSINESS

None.

Mr. Henke 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. Henkey asked the applicants if they understood and asked the applicants what they would like to do. They nodded their understanding and no one requested a continuance.

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NEW BUSINESS

21702—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to allow an electronic message center (EMC) less than 200 feet from an R District (Section 1221.C.2.c). **LOCATION:** 4527 East 31st Street South **(CD 9)**

Presentation:

The application was withdrawn by the applicant.

Interested Parties:

There were no interested parties present.

Comment and Questions:

None.

Board Action:

No Board action required; for the following property:

LT 3 BLK 1, SOUTHERN ELMS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21705—Claude Neon Federal Signs – Gary Larsen

Action Requested:

Variance to allow an 1'-0" x 4'-1" electronic message center (EMC) sign in an RS-2 District (Section 402.B.4). **LOCATION:** 3745 South Hudson Avenue **(CD 5)**

Presentation:

The applicant has requested a continuance to the May 13, 2014 Board of Adjustment hearing.

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, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **CONTINUE** the request for a **Variance** to allow an 1’-0” x 4’-1” electronic message center (EMC) sign in an RS-2 District (Section 402.B.4) to the May 13, 2014 Board of Adjustment hearing; 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

21703—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to allow an electronic message center (EMC) sign in an RS-2 District (Section 402.B.4). **LOCATION:** 5502 South Harvard Avenue East **(CD 9)**

Presentation:

Brian Ward, A-MAX Sign Company, 9520 East 55th Place, Tulsa, OK; stated this request is to replace the existing monument sign at the church. The church would like the sign to communicate any messages or church functions for the community.

Mr. Van De Wiele stated that on page 3.29 it is noted that the sign is a full color LED display instead of an electronic message center. Mr. Ward stated it is a fully digital sign with all the functions that any of the modern signs have. The dwell time on the sign can be set to run 30 frames a second or to display a static message indefinitely.

Mr. Van De Wiele asked staff if this changes the applicants relief that is needed. Ms. Miller stated that a lot of the signs being seen by the Board are the same as this type, so it would not change the relief.

Mr. Van De Wiele asked Mr. Ward if his client would be agreeable to any restrictions in the display hours that the Board may prescribe. Mr. Ward stated that he was sure the client would agree to those conditions.

Mr. Ward stated that Grimes Elementary is in the neighborhood and they are utilizing a LED message center. The proposed sign is a monument style sign that is fairly low to the ground.

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 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a **Variance** to allow an electronic message center (EMC) sign in an RS-2 District (Section 402.B.4). The Board has found that the subject property is zoned RS and is not used for residential purposes, but is used as a church. The residentially zoned property that could be impacted by such sign is also used as a church and contains a similar message center. The Board has also found that the message center is a necessary tool providing information to the public and the church’s congregation. This approval is subject to the condition that the applicant obtain the necessary permits or other approvals for locating the sign in the 50 foot utility easement. The approval is also subject to the further conditions listed on page 3.25 in Board’s agenda packet, providing that the sign will not be operated between the hours of 12:00 midnight and 6:00 A.M., and subject to the conceptual site plan on pages 3.28 and 3.29 showing the location and dimensions of the sign. 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 466.69S NEC SE NE TH W466.69 S300 E466.69 N300 POB LESS E50 FOR ST SEC 32 19 13 2.87ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21704—Claude Neon Federal Signs

Action Requested:

Variance to allow two wall signs to extend above the parapet wall on the north and south elevations (Section 1221.C.11). **LOCATION:** 635 West 11th Street South – Assessor’s Address / **1055 South Houston Avenue West – City of Tulsa Address (CD 4)**

Presentation:

Brian Ward, A-MAX Sign Company, 9520 East 55th Place, Tulsa, OK; stated he is before the Board today representing Family and Children’s Services. The subject building is located at 11th and Houston and was required a couple years ago. The primary signs for the building are on the north and south elevations. There are plans to paint the building, and the proposed sign will be placed in the top red band that is

designated in the plan. There is an architectural breaks where the colors change on the building and that is where it is intended to place the sign. The Family and Children's Services logo contains a butterfly and that will be part of the sign. If the butterfly were to be restricted to stay within the red band the whole sign would substantially shrink. Therefore the request is for a Variance to be able to rise above the parapet wall two feet to properly accommodate the butterfly. The sign will consist of individually lit letters on an electrical raceway.

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 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a Variance to allow two wall signs to extend above the parapet wall on the north and south elevations (Section 1221.C.11). The Board has found that the requested signage will assist in directing the applicant's clientele to the property. The logo portion of the sign will extend above the parapet wall and will be a minimal extension of the sign. This approval is subject to the condition that the approval is for the butterfly logo portion of the sign. The approval is also subject to the conceptual plan on pages 4.6 and 4.7 showing the signage on the north and south elevations. 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 SECR LT 7 BLK 3 LINDSEY ADD TH S345.78 W273.59 TO PT ON EL LT 7 RICHARDS RESUB BLK 5 OF LINDSEY TH S4.34 W105.50 NW14.21 N180 E269 N160 W37.5 N10 E157.5 POB BLK 6 LINDSEY ADD, LINDSEY 1ST ADDN, RICHARD'S SUB B5 LINDSEY ADDN, RIVERBEND GARDENS RSB PRT B6 & 7 LINDSEY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 1:23 p.m.

Date approved: 5/13/14

Frank X. H. Tw
Chair