

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1185
Tuesday, June 13, 2017, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Van De Wiele, Chair White, Vice Chair Flanagan, Secretary Back	Bond	Miller Moye Sparger Ulmer	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, June 8, 2017, at 8:42 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Van De Wiele called the meeting to order at 1:00 p.m.

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

MINUTES

On **MOTION** of **BACK**, the Board voted 3-0-1 (Back, Flanagan, Van De Wiele, "aye"; no "nays"; White "abstaining"; Bond absent) to **APPROVE** the **Minutes** of the May 23, 2017 Board of Adjustment meeting (No. 1184).

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present at this meeting. If an applicant or an interested party 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. Van De Wiele asked the applicants and the interested parties if they understood and asked the

applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

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UNFINISHED BUSINESS

22233—Crown Neon Signs – Gary Haynes

Action Requested:

Variance from the requirement that dynamic displays not be located within 200 feet of an R District; Variance from the requirement that dynamic displays not be located within 20 feet of the driving surface of a street; Variance to allow a dynamic display within 50 feet of a signalized intersection (Section 60.100). **LOCATION:** 465 South Sheridan Road East (CD 3)

Presentation:

Gary Haynes, Crown Neon Signs, 5676 South 107th East Avenue, Tulsa, OK; stated his company has replaced the LED display in the existing sign and the sign has been at that location for quite some time. The sign replacement went down in square footage for the LED display. The LED display has been on the property before.

Mr. Van De Wiele asked Mr. Haynes if there had been an LED sign in place when he installed the LED sign that is under discussion. Mr. Haynes answered affirmatively and stated that his company took down the larger sign and replaced it with a smaller one.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele stated that he did not have an issue with the sign but the request needs a hardship.

Mr. White stated that he did not have any issues with the request because the facility has been on the property for quite awhile.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance from the requirement that dynamic displays not be located within 200 feet of an R District; Variance from the requirement that dynamic displays not be located within 20 feet of the driving surface of a street; Variance to allow a dynamic display within 50 feet of a signalized intersection (Section 60.100). The Board has found the hardship to be the replacement of the sign. The approval is per conceptual plans 2.11 and 2.12 in the agenda packet. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

W40 LT 9 ALL LT 10 & 11 BLK 4, SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

22243—Conquer Fitness, LLC – David Mainprize

Action Requested:

Variance of the required parking to permit a health club/gym in the IM District (Section 55.020). **LOCATION:** NW/c of East 6th Street South & South Troost Avenue East (**CD 4**)

Presentation:

David Mainprize, 1721 West Easton Street, Tulsa, OK; stated the subject property will be used as storage for the obstacle course racing equipment and the site will also be used as a obstacle course ninja training gym.

Mr. Van De Wiele asked Mr. Mainprize how many parking spaces his drawing shows. Mr. Mainprize stated that it shows 15 spaces including the street parking.

Mr. Van De Wiele asked staff if the case has been advertised property. Ms. Moye stated the application was advertised as stated and the mistake is actually in the staff report, and she apologized for the mistake.

Mr. Mainprize stated the gym will have 30 to 40 members because it is a small gym. The members will not be coming all at once because there is a class at 6:00 A.M. and a class at 5:00 or 6:00 P.M.

Mr. Van De Wiele asked Mr. Mainprize what will be the anticipated class size. Mr. Mainprize stated that it should be about 15 people at the very most.

Interested Parties:

Ken Reed, 1623 East 6th Street, Tulsa, OK; stated he owns the adjacent property and thinks this will be a good fit for the area.

David Cordell, 4001 Williams Center, Tulsa, OK; stated he and his sister own the subject building and it has been in the family about 70 years. He purchased the lot next door to the subject building and it will be the parking area for allowing a better use of the building. Mr. Cordell stated he is in support of this request because the planned use is consistent with the overall plan for the Pearl District.

Rebuttal:

David Mainprize came forward and stated he has no rebuttal but he would be happy to answer any questions the Board may have.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance of the required parking to permit a health club/gym in the IM District (Section 55.020), finding the hardship to be that the structures in the neighborhood are built up to the property line and there is no parking allowed for the structure, and the described use does not seem that it will impact the parking. The approval is subject to conceptual plan 3.12 in the agenda packet. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;

- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

E7 LT 17, ALL LT 18, W43 OF LT 17, and E45 OF LT 16, BLK 3, GLASS FACTORY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22246—Barry Goldstein

Action Requested:

Variance to increase the permitted building height to 40 feet; Special Exception to increase the permitted driveway width beyond 30 feet on the lot (Sections 5.030-A and 55.090-F3). **LOCATION:** 1366 East 27th Place South **(CD 4)**

Presentation:

Barry Goldstein, 320 South Boston, Suite 1800, Tulsa, OK; stated the subject custom residence is 12,000 square feet and the request for an increase in height is to allow a portion of the roof extend to 40 feet to keep the feel of the house as a custom house as seen in the residential area. Mr. Goldstein believes the hardship is the size of the residence next door. The request for the increase in the permitted driveway is because there is no parking and the owner would like to add an auto court within the property for guest parking.

Mr. Van De Wiele asked Mr. Goldstein to explain the hardship for his Variance request. Mr. Goldstein stated the house to the east is a massive house and to fit in with the architectural context of that house the requested roof line would match that. Mr. Van De Wiele asked Mr. Goldstein if he knew if there had been a Special Exception granted permitting the house to go over 35 feet. Mr. Goldstein stated that he did not, but the house will actually be about 37 feet in height. He asked for 40 feet to be safe and is trying to fit in context with the house to the east.

Ms. Miller asked Mr. Goldstein if he knew when the house next door had been built. Mr. Goldstein stated that he did not know.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back stated that she is more concerned about the house to the west and there are no Board of Adjustment cases. She is having a hard time with this request.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **DENY** the request for a Variance to increase the permitted building height to 40 feet for a lack of hardship and to **APPROVE** the request for a Special Exception to increase the permitted driveway width beyond 30 feet on the lot (Sections 5.030-A and 55.090-F3), per conceptual plan on 4.6 in the agenda packet noting the driveway width. The Board finds that the requested 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:

**BEG 1650N & 980.3E SWC OF SW TH W157.8 N330 E158.7 SLY POB SEC 18 19 13,
City of Tulsa, Tulsa County, State of Oklahoma**

OTHER BUSINESS

22246—Barry Goldstein

REFUND REQUEST

Action Requested:

Variance to increase the permitted building height to 40 feet; Special Exception to increase the permitted driveway width beyond 30 feet on the lot (Sections 5.030-A and 55.090-F3). **LOCATION:** 1366 East 27th Place South **(CD 4)**

Presentation:

The applicant was charged for a sign that was not needed and is requesting a refund for \$125.00..

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the refund for \$125.00; for the following property:

**BEG 1650N & 980.3E SWC OF SW TH W157.8 N330 E158.7 SLY POB SEC 18 19 13,
City of Tulsa, Tulsa County, State of Oklahoma**

NEW APPLICATIONS

22247—Janet Garcia

Action Requested:

Special Exception to allow an Indoor Commercial/Assembly and Entertainment use (Community Event Center) in the IL District (Section 15.020). **LOCATION:** 825 North Sheridan Road East **(CD 3)**

Presentation:

Janet Garcia, 825 North Sheridan Road, Tulsa, OK; stated the request is for a community event center for birthday parties, quinceaneras, baptisms, and handicap children events.

Mr. Van De Wiele asked Ms. Garcia if she is the same tenant that was before the Board about five years ago. Ms. Garcia stated that she is not.

Mr. Van De Wiele asked Ms. Garcia what the hours of operation for the event center would be. Ms. Garcia stated that for the children it would be noon until about 6:00 P.M. If the event is a birthday party or quinceanera it would go until about 2:00 A.M. Mr. Van De Wiele asked Ms. Garcia if any her events would go past 2:00 A.M. Ms. Garcia answered no.

Mr. Van De Wiele asked Ms. Garcia how many days a week she would be open. Ms. Garcia stated that she would only be open on weekends; Friday, Saturday and maybe Sundays.

Mr. Van De Wiele asked Ms. Garcia if there would be security provided. Ms. Garcia answered affirmatively. Mr. Van De Wiele asked Ms. Garcia if she would have trash pickup after events. Ms. Garcia answered affirmatively.

Mr. Van De Wiele asked Ms. Garcia if there was still a fence along the south and east side of the property. Ms. Garcia stated there is a fence. Mr. Van De Wiele asked Ms. Garcia if she would be the one to maintain the fence. Ms. Garcia answered affirmatively.

Mr. Van De Wiele asked Ms. Garcia if there would be any outdoor music or any outdoor activities. Ms. Garcia stated that everything will be indoors.

Mr. Van De Wiele asked Ms. Garcia how long her lease is. Ms. Garcia stated that the lease is for five years starting January 2017.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to allow an Indoor Commercial/Assembly and Entertainment use (Community Event Center) in the IL District (Section 15.020), subject to conceptual plan 5.22 in the agenda packet. The Board makes this approval subject to the previous conditions set by the Board of Adjustment in case BOA-21437. The previous conditions are closing at 2:00 A.M. on Friday and Saturday, closing at 12:00 midnight all other times. There is to be adequate security provided for all events. There is to be trash pickup at all events. The fence is required to be maintained on the east and south sides of the subject property. Any music heard outside of the building to be kept at acceptable decibel levels per City Ordinances. The Board makes this approval for a period of five years, to go through December 31, 2021. In granting a Special Exception, the Board finds that 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:

LTS 3 & 4 LESS W 5' TO CITY, VAL-CHARLES ADDN, WALTER SQUARE ADDN RESUB L1-24 NORTHEAST CENTER ADDN, POLSTON SECOND SUB, NORTHEAST CENTER ADDN RESUB L5-8 POLSTON SECOND SUB, City of Tulsa, Tulsa County, State of Oklahoma

22248—Crown Neon Signs – Gary Haynes

Action Requested:

Special Exception to permit a dynamic display for a church in the RS-2 District (Section 60.050). **LOCATION:** 5603 South New Haven Avenue East (**CD 9**)

Presentation:

Gary Haynes, Crown Neon Signs, 5676 South 107th East Avenue, Tulsa, OK; stated this request is for New Haven United Methodist Church to allow them install a LED display which is to replace the existing sign is way out of date. The church is in a residential district and the church is fully aware about turning the sign off at night and the rules of such a sign.

Mr. Van De Wiele asked Mr. Haynes if the top part of the sign was a back lit cabinet. Mr. Haynes answered affirmatively. Mr. Haynes stated there will be continuous LED lighting inside that cabinet. The display is 2'-7" x 8'-1" with a brick base around the

bottom of the sign. The sign will have an automatic dimmer and it can be programmed to shut off at a certain time of night and come back on in the morning.

Mr. Van De Wiele asked Mr. Haynes if the new sign would be in the same location as the existing sign. Mr. Haynes answered affirmatively.

Interested Parties:

Rev. James Graham, 5603 South New Haven Avenue, Tulsa, OK; stated he is the new pastor of New Haven United Methodist Church. This project started before he became the pastor of the church; he has been there three days. New Haven was created and platted in the community 50 years ago and it is a special community. It had a vision that it set to provide the community with a park, a school and a single foundational church in the center of the community in order to have a self-contained community. Tulsa has grown up around it in the years that have come since. United Methodist Church bought into the concept and came into the community and purchased the property in order to be that foundational church in the community. The church is a neighborhood church and is very active in being a part of the community, and the church wants to be good neighbors to all. The church thinks they need to have this opportunity to install a new modern sign as a way to better communicate with the community and anyone passing by. The church, along with other churches, is struggling membership wise with a decline. Part of that reason is the church fails to keep up with the times and the out of date sign does not provide the church the ability to communicate and to have a good first impression. The church is committed to dimming the proposed sign down to a low level in the evening as it gets dark and shutting it off at the appropriate time to meet the neighbors concerns. The church would use the sign to communicate community events as well as church events.

Mr. Van De Wiele asked Rev. Graham what time he thinks the sign would be shut off in the evening. Rev. Graham stated he understands it is required to have the sign off by 9:00 P.M. however the church would be flexible in that. Rev. Graham stated he is not a fan of flashy signs. The church wants to be a good neighbor of the community and they would like the flexibility to be able to come up to the times to relay the church's message to the community.

Mr. White asked Rev. Graham if he would be agreeable to meeting with the neighborhood committee periodically for a review of the sign. Rev. Graham answered affirmatively.

Rev. Graham stated the church also would like to use the sign in ways that are not connected with the church, i.e., a 50th wedding anniversary in the neighborhood.

Rebecca Hutchens, 5649 South New Haven Avenue, Tulsa, OK; stated her house is adjacent to the parking lot behind the church. Ms. Hutchens stated the church is located in the very middle of the neighborhood, Harvard to Yale and 51st to 61st. The church says it is the neighborhood church but it is not very neighborly for the installation of a bright LED sign in someone's front yard. The sign will bother people driving

through the neighborhood. LED signs are very popular for churches located on major arterial streets. The purpose of the sign is to make people aware of the church. New Haven Avenue and 56th Street are not major arterial streets, they are neighborhood streets. The majority of the people driving on those streets in the square mile are people that live there or are visiting people within that square mile, visiting Carnegie Elementary or attending services at the church. People in the area are aware of the church and they do not need an LED sign to promote the church. LED signs glare into the faces of drivers on the major arterial streets, and they can momentarily affect vision. Fleet Feet runners run through the neighborhood three nights a week and they do not wear much to illuminate their clothing or shoes and are in the street three nights a week. Ms. Hutchens stated that she is concerned that if a driver is blinded by an LED light they will not see the runners at all. Ms. Hutchens requests the Board of Adjustment deny the request.

Ken Fox, 6138 South Marion Avenue, Tulsa, OK; stated he has lived in the neighborhood for about 35 years and he has the same concerns about property values as everyone in the area. Mr. Fox stated he is a member of the church and as a member of the church he has been involved in the discussions regarding the sign. The signage discussion originally started because the parish was concerned about the health of the church. The health of the church is very important to the values of the houses in the area and he does not think that is fully appreciated. If the church is unhealthy it will adversely affect the values of the homes in the neighborhood.

Laurie Fulbright, 3851 East 56th Place, Tulsa, OK; stated she lives three doors away from the church. She loves the church being there but she is concerned about the LED sign. There are people wheeling children from the day care centers down the street and there are the runners. Ms. Fulbright feels the LED would be unsightly.

Mr. Van De Wiele asked Ms. Fulbright if the sign were dimmed at dusk and turned off around 9:00 P.M. every night does that help in her opinion. Ms. Fulbright stated that it would help a lot. Mr. Van De Wiele asked Ms. Fulbright if that were a condition would it change he opinion. Ms. Fulbright she would be less opposed but she still thinks the bright light would be blinding.

Stephen Merrick, 880083 South Cary Lane, Chandler, OK; stated he is the worship leader at New Haven United Methodist Church and he has been with the church for 2 ½ years. The one thing the church does really well is partner with the community. When the church does have events that the community is aware of they come out in droves. The church does not have the means to notify the community with a constant letter, campaign, e-mails, etc. so for this sign to be updated after 50 years would help. The current sign sends a message of this church is out of date so why would people want to come to the church. New Haven United Methodist Church does get lost a little bit and one of the reasons is the sign. The current sign cannot be seen from 15 feet away. There are too many relevant events for the community that cannot be seen posted on a regular basis.

Susan Harris, 8259 South Sandusky Avenue, Tulsa, OK; stated she does not live in the neighborhood but has been a member of the church for 22 years. The reason the church wants to change the sign is so that it will be dynamic, so they can run current events easily and that cannot be done with the current sign. The current sign sits quite a bit back from the intersection so she thinks that the LED lights will not be much of an issue for drivers.

Rebuttal:

Gary Haynes came forward.

Mr. Van De Wiele asked Mr. Haynes if the proposed sign will have the same brick base as the current sign. Mr. Haynes stated it will not be the same base because the plan is place faux brick around the base but it will be in the same location and the same size footprint. Mr. Haynes stated the current sign is a little over six feet in height and the proposed sign will be 6'-7".

Ms. Back asked Mr. Haynes if the proposed sign will be positioned the same as the current sign. Mr. Haynes stated the proposed sign will be turned so that it is facing east and west. Ms. Back asked if the proposed sign is a double sided sign. Mr. Haynes answered affirmatively.

Mr. Haynes stated the church is constantly receiving permits to have flags or banners in their yard to advertise events, and they feel the new sign would alleviate that issue.

Mr. Flanagan asked Mr. Haynes if the proposed sign were going to be moved any closer to the street. Mr. Hayne stated that it will not be moved any closer to the street because the proposed sign will be placed in the same location as the existing sign.

Comments and Questions:

Ms. Back stated that a white lighted sign will be quite bright within the neighborhood. She does not understand why it cannot be more like a message board. It is a beautiful church and she understands that the church wants to keep up with the times and attract millennials to the church, but she hears the neighbors as well.

Mr. Van De Wiele stated that churches seem to have the most animation and brightest signs. What it comes down to, for him, is when is the sign turned off? It certainly has been the trend that churches and businesses are needing to get their message out to the public but he would certainly not approve this if it were lit full tilt at dark o'clock in the winter because that would absolutely light up that corner. During the day the sign would not add to any light pollution but when it is dark outside it absolutely would add to the light pollution. So to him it is the hours of operation.

Mr. Flanagan stated that church is right in the middle of a neighborhood and is a commercial concern, so if the sign were on later than 6:00 P.M. he would not be in favor of it because in December it could be distracting.

Mr. Van De Wiele asked Mr. Swiney if the approval of the sign could be linked to the sunset. Mr. Swiney stated the Board has the discretion to set hours that they think is appropriate, i.e., sunset at one time of the year and an hour on the clock at another time of the year.

Mr. White concurred with everyone on the lighting time frame.

Mr. Van De Wiele asked Mr. Haynes if the Board were to continue this case for a couple of weeks could he and the church meet with the neighborhood. The Board would also like to have more definitive information as to the location and orientation and times of operation. Mr. Haynes stated that the top part of the sign is the portion that would have the LED lighting, and LED lighting is a very small bulb.

Rev. Graham came forward and stated if it comes down to having the sign declined or a continuance to work with the neighborhood he would like to have the continuance.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **CONTINUE** the request for a **Special Exception** to permit a dynamic display for a church in the RS-2 District (Section 60.050) to the June 27, 2017 Board of Adjustment meeting; for the following property:

BEG NE COR NE NE SW TH S 460.01 W 317.53 N 460.01 E 317.56 TO BEG SEC 33 19 13, HOLLIDAY HILLS ADDN B21-29, LOU NORTH WOODLAND ACRES 4TH ADDN, RUSTIC HILLS 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22250—Corbin Smith

Action Requested:

Special Exception to allow the driveway width to exceed 20 feet in width on the lot and in the Right-of-Way in the RS-4 District (Section 55.090-F3). **LOCATION:** 4110 South 185th Avenue East **(CD 6)**

Presentation:

Corbin Smith, 9959 East 51st Street, Tulsa, OK; stated the 27 foot driveway is for a typical three car garage which is on most of the lots in the neighborhood. The neighborhood is about eight years old and the Code changed in January 2016 thus the Special Exception request.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Special Exception** to allow the driveway width to exceed 20 feet in width on the lot and in the Right-of-Way in the RS-4 District (Section 55.090-F3), per conceptual plan 7.13 in the agenda packet. The Board finds that the requested 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 1 BLK 2, CYPRESS CREEK, City of Tulsa, Tulsa County, State of Oklahoma

22252—Sisemore Weisz & Associates – Mark Capron

Action Requested:

Variance of the side yard setback from 15 feet to 13 feet to permit an existing home in the RE District (Section 5.030-A); Variance of the setback from an interior lot line from 3 feet to 1 foot to permit an existing pool house (Section 90.090-C).

LOCATION: 2121 East 26th Place South (**CD 4**)

Presentation:

Mark Capron, Sisemore Weisz & Associates, 6111 East 32nd Place, Tulsa, OK; stated he represents the owner of the subject property. The owners of the property purchased it in the mid-1990s, lived there and raised a family, and now they are empty nesters and moving. They have potential buyers and had the property surveyed and noticed there were a couple of issues. There is a greenhouse on the east side of the house that encroaches into the setback. Also, there is a pool house that is little less than two feet off the property line. The property is zoned RE and there is RS-2 to the north and RS-1 to the east and the subject property is about two blocks from Lewis Avenue. Mr. Capron assumes the greenhouse was added on at a later date after the house was built. Mr. Capron stated that there are a lot of things his client does not know because his client purchased the subject property as it was, and they have not done any additions or anything like that. Mr. Capron stated that Crow Creek runs through the middle of the subject property and that very much adversely affects the develop ability of the property.

Mr. Van De Wiele asked Mr. Capron if the pool house was in existence when his clients purchased the subject property. Mr. Capron answered affirmatively.

Mr. Capron had photos placed on the overhead screen showing the placement of the greenhouse and the pool house on the subject property. Mr. Capron stated that he has spoken with the homeowners and they stated they have not heard from any of the neighbors, and Ms. Moye has told him that she has not heard from anyone in the neighborhood.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance of the side yard setback from 15 feet to 13 feet to permit an existing home in the RE District (Section 5.030-A); Variance of the setback from an interior lot line from 3 feet to 1 foot to permit an existing pool house (Section 90.090-C), per conceptual plan 8.13 in the agenda packet. The Board has found that the hardship is the existing structures when the property was purchased and the creek to the north. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

A TRACT OF LAND THAT IS PART OF LOTS TEN (10), ELEVEN (11), FOURTEEN (14) AND FIFTEEN (15), IN BLOCK TWO (2), OF FOREST HILLS, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 958, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT FIFTEEN (15), SAID POINT BEING TWENTY-NINE (29.00) FEET WESTERLY OF THE NORTHEAST CORNER OF LOT FIFTEEN (15); THENCE SOUTH 3°59'50" WEST FOR TWO HUNDRED TWO AND THIRTY-SIX HUNDREDTHS (202.36) FEET TO A POINT ON THE SOUTHERLY LINE OF LOT FIFTEEN (15), SAID POINT BEING TWENTY (20) FEET WESTERLY OF THE SOUTHEAST CORNER OF LOT FIFTEEN (15); THENCE NORTH 83°43'22" WEST ALONG THE SOUTHERLY LINE OF LOT FIFTEEN (15) FOR TWENTY-THREE AND TWENTY-THREE HUNDREDTHS (23.23)

FEET TO A POINT OF CURVE; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOT FIFTEEN (15) AND LOT FOURTEEN (14) ON A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 10°51'49" AND A RADIUS OF NINE HUNDRED EIGHT-FIVE (985.00) FEET FOR ONE HUNDRED EIGHTY-SIX AND SEVENTY-SIX HUNDREDTHS (186.76) FEET TO THE SOUTHWEST CORNER OF LOT FOURTEEN (14); THENCE NORTH 3°10'05" WEST ALONG THE WESTERLY LINE OF LOT FOURTEEN (14) FOR ONE HUNDRED NINETY-NINE AND SEVENTY HUNDREDTHS (199.70) FEET TO THE NORTHWEST CORNER LOT FOURTEEN (14); THENCE NORTH 0°10'36" EAST A DISTANCE OF EIGHT AND FIFTY HUNDREDTHS (8.50) FEET; THENCE NORTH 87°00'45" EAST A DISTANCE OF SIXTY-SIX AND THIRTY-THREE HUNDREDTHS (66.33) FEET; THENCE SOUTH 56°39'02" EAST A DISTANCE OF TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (23.75) FEET; THENCE EASTERLY ALONG THE NORTHERLY LINE OF LOT FOURTEEN (14) AND LOT FIFTEEN (15) A DISTANCE OF ONE HUNDRED FORTY-EIGHT AND SIXTY HUNDREDTHS (148.60) FEET TO THE POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

22253—A-Max Sign Company – Lori Worthington

Action Requested:

Special Exception to allow a dynamic display in the R District on a lot occupied by a public, civic, or institutional use (Section 60.050); Special Exception to permit a sign to project into the City of Tulsa Right-Of-Way (Section 60.020) to permit a ground sign as proposed. **LOCATION:** 8707 East 51st Street South (CD 7)

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated the existing church sign has been there approximately since 1974. The dynamic display is a programmable message board and it has been developed to replace the face panels in the typical manual change reader board. The new dynamic display does not have the flashing, strobe, or video capabilities. The reader board section will be replaced to add the Pastor's name all within the confines of the existing cabinet. The church would like to add masonry to the sign for the church name. Mr. Ward understands that if the Board should approve the Special Exception to permit the sign to project into the right-of-way there is a license agreement with the City that still needs to be obtained.

Mr. Van De Wiele asked Mr. Ward if the sign would be in the same location and that the sign will have masonry filled in down to the ground. Mr. Ward answered affirmatively.

Ms. Back asked Mr. Ward how high the existing sign is. Mr. Ward stated the existing sign is less than 17 feet.

Interested Parties:

Geoffrey Gunter, 8707 East 51st Street, Tulsa, OK; stated he is the pastor of the church located on the subject property. He has been pastor of the church for 16 years

and the sign was there when he started. Mr. Gunter stated there are about 12 different activities going on at the church during the week and more than half of them are community services which start at 7:00 A.M. and there is a Hispanic church that also meets in the building.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to allow a dynamic display in the R District on a lot occupied by a public, civic, or institutional use (Section 60.050); Special Exception to permit a sign to project into the City of Tulsa Right-Of-Way (Section 60.020) to permit a ground sign as proposed, subject to conceptual plans 9.23, 9.24 and 9.25 in the agenda packet. Subject to the City of Tulsa license agreement is granted by the City of Tulsa for the encroachment into the right-of-way. The Board finds that the requested Special Exceptions 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:

LTS 15 19 BLK 1, REGENCY PARK WEST, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

22253—A-Max Sign Company – Lori Worthington

REFUND REQUEST:

Action Requested:

Special Exception to allow a dynamic display in the R District on a lot occupied by a public, civic, or institutional use (Section 60.050); Special Exception to permit a sign to project into the City of Tulsa Right-Of-Way (Section 60.020) to permit a ground sign as proposed. **LOCATION:** 8707 East 51st Street South **(CD 7)**

Presentation:

The applicant was over charged for a sign that was not needed and requests a refund of \$125.00.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele, "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the refund for \$125.00; for the following property:

LTS 15 19 BLK 1, REGENCY PARK WEST, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

NEW APPLICATIONS

22255—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to permit the separation of two projecting signs to be less than 30 feet (Section 60.040-B); Variance to permit four projecting signs to be installed along South Boulder Avenue with frontage of 183 feet (Section 60.080-C); Variance to permit a dynamic display within 20 feet of the driving edge of the road on South Boulder Avenue (Section 60.100-E). **LOCATION:** 423 South Boulder Avenue West (**CD 4**)

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated this application is for Tulsa Parking Authority. Mr. Ward stated that out of seven locations Variance requests for four of the locations have been missed.

Mr. Van De Wiele asked Mr. Ward if today's requests were a revision of the signs that have already been before the Board. Mr. Ward stated they are not revisions but are in addition to those.

Mr. Ward had photos of the subject building and signs placed on the overhead projector and explain the sign layout. Mr. Ward stated on the one side of the building there is an existing Domino's sign and moving south along Boulder there would be Park Tulsa signs with the dynamic display.

Ms. Back asked Mr. Ward to state his hardship in this case. Mr. Ward stated the hardship is the building is sitting on the setback line and no sign could meet the setback requirements.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Bond absent) to **APPROVE** the request for a Variance to permit the separation of two projecting signs to be less than 30 feet (Section 60.040-B); Variance to permit four projecting signs to be installed along South Boulder Avenue with frontage of 183 feet (Section 60.080-C); Variance to permit a dynamic display within 20 feet of the driving edge of the road on South Boulder Avenue (Section 60.100-E), subject to conceptual plans 10.11, 10.12, 10.13, 10.14 and 10.15 in the agenda packet. The Board has found the hardship to be the space between the building and the street is not sufficient, and the sign is for informational purposes to the public. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22256—A-Max Sign Company – Lori Worthington

Action Requested:

Variance to permit two dynamic display signs on the lot (Section 60.080-E);
Variance to permit a dynamic display sign within 20 feet of the driving surface of

South Cheyenne Avenue (Section 60.100-E). **LOCATION:** 100 West 1st Street South (CD 4)

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated at the subject location the Board previously approved an identical sign on the First Street side. The sign that is being discussed now is the second sign on the lot. The one approved previously is located on First Street and this single sided sign is facing west on Cheyenne Avenue.

Ms. Back asked Mr. Ward why a dynamic display is needed for parking. Mr. Ward stated the display will advertise the parking when there are major events downtown, but he does not know what is planned to be run on the dynamic display.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Bond absent) to **APPROVE** the request for a Variance to permit two dynamic display signs on the lot (Section 60.080-E); Variance to permit a dynamic display sign within 20 feet of the driving surface of South Cheyenne Avenue (Section 60.100-E), subject to conceptual plans 11.10 and 11.11 in the agenda packet. The Board has found the hardship to be that the building is built all the way to the property line. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

PRT LTS 1 THRU 8 & VAC ALLEY ADJ THERETO BLK 91 BEG NWC BLK 91 TH NE242 SE230 NE58 SE70 SW300 NW300 POB, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Miller left the meeting at 2:50 P.M.

22257—A-Max Sign Company – Lori Worthington

Action Requested:

Variance from the requirement that no more than one dynamic display be permitted on a single CBD zoned lot (Section 60.080-E); Variance to increase the allowed display surface area of a dynamic display sign to 49 square feet (Section 60.080-E); Variance to permit a dynamic display within 20 feet of the driving surface of Main Street (Section 60.100-E). **LOCATION:** 11 East 1st Street South (CD 4)

Ms. Miller re-entered the meeting at 2:52 P.M.

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated this request is the same as the previous request, two dynamic displays on a lot. The permit for dynamic display on the building on the east elevation on the south end of the building has been applied for and granted. This sign request is for an additional one square foot on the sign because this is the biggest sign of all the Park Tulsa signs because of visibility issues.

Mr. Van De Wiele asked Mr. Ward how tall in the air is the sign located. Mr. Ward stated that it is approximately 40 feet in the air.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Bond absent) to **APPROVE** the request for a

Variance from the requirement that no more than one dynamic display be permitted on a single CBD zoned lot (Section 60.080-E); Variance to increase the allowed display surface area of a dynamic display sign to 49 square feet (Section 60.080-E); Variance to permit a dynamic display within 20 feet of the driving surface of Main Street (Section 60.100-E), subject to conceptual plan 12.10 in the agenda packet. The Board has found the hardship to be the building is built on the property line and the height of the building structure necessitates the increase in the square footage of the sign. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

BLK 72 & VAC ALLEY LESS BEG NWC LT 9 TH E300 S5.75 W300 N5.75 POB; PRT NW & PRT LTS 1 THRU 4 & PRT LT 9 BEG 5.75S NWC LT 9 TH E300 N185.75 W300 S185.75 POB BLK 72, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22258—Eller & Detrich – Lou Reynolds

Action Requested:

Variance to permit a part of an elevated deck structure to be located in the planned right-of-way of East 6th Street South (Section 90.090-A). **LOCATION:** 1109 East 6th Street South (**CD 4**)

Presentation:

Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents the Tulsa Post of the Veterans of Foreign Wars. The subject property is located on the corner of 6th and Norfolk. Mr. Reynolds had a several photos of the property placed on the overhead projector to explain the area of relief. There will be an elevated deck

erected on the existing building utilizing an existing doorway on the second floor and there will be a canvas type awning for the deck. Mr. Reynolds stated the hardship is the fact that the building is on a 60 foot right-of-way currently and the City has a planned 80 foot right-of-way with the building being on the subject property for over 100 years.

Mr. Van De Wiele asked Mr. Reynolds if the south edge of the deck would not be south of the south building line. Mr. Reynolds answered affirmatively.

Interested Parties:

There were interested parties present but none chose to speak.

Comments and Questions:

None.

Board Action:

On **MOTION of FLANAGAN**, the Board voted 3-0-1 (Back, Flanagan, Van De Wiele “aye”; no “nays”; White “abstaining”; Bond absent) to **APPROVE** the request for a **Variance** to permit a part of an elevated deck structure to be located in the planned right-of-way of East 6th Street South (Section 90.090-A), subject to conceptual plan 13.8 in the agenda packet. The Board has found the hardship to be that the structure is over 100 years old. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LTS 7 THRU 9 & S10 VAC ALLEY ADJ ON N BLK 10, CENTRAL PARK PLACE, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

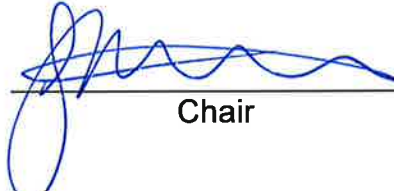
None.

BOARD MEMBER COMMENTS

The Board welcomed David White back and is happy to see that he is doing well. The Board also welcomed Mark Swiney back to the Board even if it is for only this meeting.

There being no further business, the meeting adjourned at 3:03 p.m.

Date approved: 6/27/17



Chair