

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1243
Tuesday, January 28, 2020, 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 Bond, Vice Chair Ross, Secretary Radney Shelton		Wilkerson Chapman Sparger K. Davis	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on January 23, 2020, at 9:49 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.

Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

None.

UNFINISHED BUSINESS

22835—Michael Hagan

Action Requested:

Variance of the 20-foot rear setback and 25-foot front setback in an RS-3 District (Section 5.030-A); Variance to allow a nonconforming lot to have less than 50% open space (Section 80.020-B); Special Exception to allow a carport in a street setback and street yard with modifications to allow the carport to exceed 20 feet in

width and to exceed 8 feet in height within 10 feet of a side lot line (Section 90.090-C.1). **LOCATION:** 314 East 38th Place South (**CD 9**)

Presentation:

The application was withdrawn by staff.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

LT 1 BLK 2, MICHAEL JANE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22822—Joe Puckett

Action Requested:

Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 1630 West 51st Street South – **Tenant Space:** 1618 West 51st Street South (**CD 2**)

Presentation:

Joseph Puckett, 1618 West 51st Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Van De Wiele stated the Board has the applicant's spacing exhibit on page 1.6 in the agenda packet.

Mr. Van De Wiele asked Mr. Puckett if the nearest dispensary was about 600 feet away from his subject location. Mr. Puckett answered affirmatively.

Mr. Van De Wiele asked Mr. Puckett to state his hardship for the Variance request. Mr. Puckett stated that when he applied for his license, he did not know that a Certificate of Occupancy was needed. Everything he did was done online and unfortunately there was nothing on the City of Tulsa website stating that he needed a Certificate of Occupancy before opening. If he had known that he would not have spent the money necessary to obtain the dispensary permit.

Mr. Van De Wiele asked Mr. Puckett when he first applied for his license, when did he open his dispensary, when did the other dispensary open, etc. Mr. Puckett stated

that he applied for his dispensary permit in early March 2019. He received the approval and license April 6, 2019, and he opened his dispensary about three weeks after that. Mr. Puckett thinks the other dispensary did not apply for a permit until after he opened because their license was not approved until May 2019.

Mr. Van De Wiele asked Mr. Puckett when the other dispensary opened for business. Mr. Puckett stated the other dispensary opened for business around August 2019.

Mr. Van De Wiele asked Mr. Chapman if the other dispensary had been spaced. Mr. Chapman answered affirmatively; July 24, 2019.

Mr. Van De Wiele asked Mr. Puckett how he came to know that he needed to have his dispensary spacing verification reviewed by the Board of Adjustment. Mr. Puckett stated he had a visit from a Zoning Inspector, Mr. Michael Ryder.

Ms. Radney asked Mr. Puckett when the Inspector came to his facility. Mr. Puckett stated that it was late July or early August.

Mr. Puckett stated that he has a vape shop business in the subject location since 2013, and when he had the necessary funds, he applied for his dispensary permit.

Ms. Radney asked Mr. Puckett when he first signed his lease for the subject location. Mr. Puckett stated that it was in 2013. Mr. Puckett stated he renewed his lease in early April when he opened his dispensary.

Mr. Van De Wiele asked Mr. Chapman if there had been discussion about a conflicting dispensary when the other dispensary came before the Board for spacing verification. Mr. Chapman answered affirmatively. Mr. Chapman stated the City Code Enforcement visit was based on information that was provided to them that the subject dispensary was operating without permits and that it had not been spaced.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Ross stated that she will be a no vote to be consistent because she does not hear a hardship.

Mr. Bond stated that he will be a no vote as well, this is medical marijuana. This is an important business decision and people need to do their research.

Ms. Radney stated that she will be a yes vote.

Ms. Shelton stated that she will be a no vote for the same reasons.

Mr. Van De Wiele stated that he does not see a hardship. The fact that the Board knew about the subject dispensary when the other dispensary case was being heard, there was theoretically time then to fix this problem in July or August when the City notified the applicant.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-1-0 (Bond, Ross, Shelton, Van De Wiele "aye"; Radney "nay"; no "abstentions"; none absent) to **DENY** the request for a Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) for lack of a hardship; for the following property:

PRT LT 5 BEG NWC LT 5 TH S83 SE215 E74.2 N151.17 W278.48 POB LESS BEG NWC LT 5 TH E22 SW31.02 N21.93 POB, CAMERON CLINE ACRES, City of Tulsa, Tulsa County, State of Oklahoma

22830—A-Max Sign Company, Inc.

Action Requested:

Variance to allow two roof signs to be located on a building outside of the Downtown Entertainment District (Sections 60.020 and 60.080-B.5). **LOCATION:** 110 South Hartford Avenue East **(CD 4)**

Mr. Van De Wiele recused and left the meeting at 1:10 P.M.

Presentation:

Chris Krohn, 9520 East 55th Place, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Ms. Ross asked the applicant to tell the Board more about the project. Mr. Krohn stated the request is for a roof sign and the project was approached knowing that the site is just outside of an area that would allow the roof sign. Mr. Krohn stated there is landscaping features the landlord did not want to remove, specifically a tree on the edge of the building. Due to that placing the sign on the wall was not a good option. The landlord only occupies the corner of the building where the sign would have been placed. Mr. Krohn stated that an interested party contacted him regarding lighting concerns, and he is prepared to address those issues.

Mr. Bond asked Mr. Krohn to expand on the lighting issues. Mr. Krohn stated a lawyer for the apartment complex contacted him about lighting. The concern was the south face sign shining into the apartment windows. The complex was assured that would not be a problem, but if it would make them more comfortable that sign would be externally illuminated instead of internal lighting. The light will be an LED light similar to a

landscape light, and it will be very subtle. The light will be more of an accent light than an actual beacon to shine on the sign. One of the compromises was to not illuminate the sign on that particular side.

Mr. Bond asked Mr. Krohn if he had heard from any of the other neighbors or stakeholders. Mr. Krohn stated that he has not.

Ms. Ross asked Mr. Krohn if he was stating his hardship is that the owner of the building, who also occupies a corner space, does not want to remove a tree? Mr. Krohn answered affirmatively. Ms. Ross asked Mr. Krohn if he had discussed the possibility of removing the existing tree and planting something a smaller height tree? Mr. Krohn stated that he understands that is not an option; it is either the sign is installed on the roof or there is no sign for the tenant. Ms. Ross asked Mr. Krohn if that tenant had already signed a lease. Mr. Krohn answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Ross stated that she does not think it is a hardship that the owner will not remove a tree. Ms. Ross stated that if she were a resident of the apartment complex, she would not like looking out to see a lighted sign.

Ms. Radney stated that she is in and out of the subject building frequently, and because of the way it sits on the lot she would consider the lay of the lot to be a hardship by definition because traffic can only flow in very restricted ways around the building. Without the sign it is very difficult to identify the building.

Ms. Shelton stated that she is not sure if the tree not being removed bothers her; the Board has made other decisions based on existing vegetation and topography were factors. She does not think the request would be injurious to the neighborhood.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 3-1-1 (Bond, Radney, Shelton "aye"; Ross "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the request for a Variance to allow two roof signs to be located on a building outside of the Downtown Entertainment District (Sections 60.020 and 60.080-B.5), subject to conceptual plans 2.8, 2.9, 2.10, 2.11 and 2.12 of the agenda packet; following the conditions that are outlined on page 2.11. The Board has found the hardship to be the unusual shape and setting of the building, particularly, as it relates to being in a mixed-use corridor. 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:

PRT BLK 83 & PRT VAC ST & ALLEY BEG 22NE NEC LT 1 TH SE301.20 SW242.81 NW313.68 NE157.31 SE.60 POB BLK 83, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 1:25 P.M.

22832—Femi Fasesin

Action Requested:

Special Exception to permit a duplex in an RS-3 District (Table 5.020, Table 5-2); Variance to reduce the 25-foot street setback in an RS-3 District; Variance to reduce the required 25-foot rear setback for a special exception use from an R-zoned lot (Section 5.030, Table 5-3). **LOCATION:** 310 South Louisville Avenue East **(CD 4)**

Mr. Chapman stated the Special Exception request was approved at the January 14, 2020 Board of Adjustment meeting.

Presentation:

Femi Fasesin, 421 South Olympia Avenue, Tulsa, OK; stated he has redesigned the building therefore the Variance request to reduce the required 25-foot rear setback has been eliminated. Mr. Fasesin stated that at the last meeting an interested party was concerned about the subject building being farther out than his so he staked out the subject property and it was discovered that the proposed will be five feet behind the interested party's building to the south, even after adding the porch. Mr. Fasesin stated the interested party looked at the new plans and he is now in favor of the proposed building. Mr. Fasesin stated that since the proposed has been redesigned he has kept

the 25-foot setback to the west, 20 feet to the east instead of 25 feet, and there is a 20-foot setback both on the south and the north.

Mr. Fasesin requested that the Variance to reduce the required 25-foot rear setback for a Special Exception use from an R-zoned lot be withdrawn.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-1-0 (Bond, Radney, Shelton, Van De Wiele "aye"; Ross "nay"; no "abstentions"; absent) to **APPROVE** the request for a Variance to reduce the 25-foot street setback in an RS-3 District, subject to the revised conceptual plans and elevations submitted at today's meeting. The Board has found the hardship to be the permitted use going on the existing lot lines and setbacks. In granting the Variances 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 BLK 1, UNIVERSITY HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22838—Keith Dalessandro

Action Requested:

Variance to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-2 District (Section 45.030-B); Variance to reduce the required 30-foot street setback in an RS-2 District; Special Exception to increase the allowed width of a driveway both in the right-of-way and within the street setback (Section 55.090-F). **LOCATION:** 2145 North Elwood Avenue East (CD 1)

Presentation:

Keith Dalessandro, 1112 South Kalanchoe Avenue, Broken Arrow, OK; stated this request is so his client can build living quarters for his mother-in-law. His client owns two lots in the Reservoir Subdivision. Mr. Dalessandro stated that he has designed the mother-in-law quarters to match the style and shape of the original house with the intention of keeping the integrity of the main residence. The proposed structure will match and look like it was originally built in 1935. Mr. Dalessandro stated there are two hardships for the Variance requests. The first hardship is the allowed size of the square footage for an accessory building; the proposed structure is 1,708 square feet including the two-car garage, rear patio and living quarters. The living quarters square footage is 1,021 square feet; a modest one-bedroom apartment with the amenities required for the mother-in-law to live comfortably. The second hardship is the front 30-foot setback. The placement of the quarters on the lot was arrived at for a few reasons, to preserve as many trees as possible, through the preservation of trees he will be able to maintain the look of the lot in the neighborhood as it originally was. Where the proposed quarter has been placed only two trees will be impacted. His client also wants to preserve the terrain of the lot; this portion of Tulsa has rolling hills and is very steep at some points. Due to slope of the subject lot placing the proposed structure forward, closer to the interior, preserves the terrain. Mr. Dalessandro stated that aesthetically the proposed placement will look natural and original.

Mr. Van De Wiele asked Mr. Dalessandro if the existing house is 1,700 square feet. Mr. Dalessandro answered no; the allowed size is the entire footprint of the residence. Mr. Van De Wiele asked Mr. Dalessandro if the new house was to be 1,700 square feet. Mr. Dalessandro answered affirmatively.

Ms. Shelton asked Mr. Dalessandro if the topography was causing the house to be placed closer to Elwood Avenue. Mr. Dalessandro answered affirmatively.

Mr. Van De Wiele asked Mr. Dalessandro if the project were approved today will the entirety of the driveway be either asphalt or concrete? Mr. Dalessandro answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-2 District (Section 45.030-B); Variance to reduce the required 30-foot street setback in an RS-2 District; Special Exception to increase the allowed width of a driveway both in the right-of-way and within the street setback (Section 55.090-F), subject to conceptual plans 5.11, 5.12, 5.13, 5.14, 5.15 and 5.16 of 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. The Board has found the hardship to be the topographical layout, the extreme slope and the shape of the lots. 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:

W.1/2 LT 13 BLK 18 OAK CLIFF ALL LT 15 BLK 18, OAK CLIFF ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

22842—Karl Yang

Action Requested:

Variance to reduce the required frontage requirement from 30 feet to 0 feet in a residential district (Section 5.030, Table 5-3); Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway (Section 55.090-F).

LOCATION: 13334 East 21st Street South (CD 6)

Presentation:

Karl Yang, 13302 East 37th Street, Tulsa, OK; stated when he purchased the subject property it was a wooded lot and there was a lot of illegal activity on it. He removed the trees and the cleaned up the property. Now he would like to build a house on the property. The hardship for the Variance request is that the subject property is closer to 21st Place than 21st Street. Mr. Yang stated that he spoke to the neighboring church about giving access to the property and the church gave him 40 feet for an easement. He has not filed the easement agreement with Tulsa County as of yet.

Mr. Van De Wiele asked if the existing driveway from 21st Street that goes across the church property is gravel. Mr. Yang answered affirmatively.

Mr. Van De Wiele asked Mr. Yang if he wants to extend that gravel but once it is around the house the surface will be concrete. Mr. Yang answered affirmatively. Mr. Yang stated that in the future he will make the entire driveway a hard surface, but his finances will not allow it at this time.

Ms. Radney asked Mr. Yang if he had an agreement with the church to maintain the easement. Mr. Yang answered affirmatively. Ms. Radney asked Mr. Yang if the church still owned the easement, but the agreement allows him to drive across the property. Mr. Yang answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for an Variance to reduce the required frontage requirement from 30 feet to 0 feet in a residential district (Section 5.030, Table 5-3); Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway (Section 55.090-F), subject to conceptual plan 6.11 of the agenda packet. The Board has found the hardship to be the that the property is currently landlocked. A perpetual easement is to be filed of record granting the applicant access to his property from 21st Street. The all-weather surfacing be added to the gravel portion within the next ten years; February 2030. The

portion of access connecting from 21st Street to the front part of the driveway be maintained as an all-weather dustless surface. 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:

BEG 635.746S & 1649.425E NWC TH N305.257 E304.89 S305.233 W304.885 POB SEC 16 19 14, City of Tulsa, Tulsa County, State of Oklahoma

22843—Jay Williams

Action Requested:

Variance to reduce the required frontage requirement from 30 feet to 25 feet in a residential district (Section 5.030, Table 5-3). **LOCATION:** Located West of NW/c of South Lewis Avenue East and East 48th Street South at the dead end of East 48th Street South (**CD 9**)

Presentation:

Jay Williams, 7762 South Frisco Avenue, Tulsa, OK; stated the subject property was purchased so he could build a house on it. It was intended to have 48th Street go through and at some point, the City abandoned those plans, but there is an existing utility easement. Had 48th Street gone through there would have been 220 feet of street frontage. If this were considered a cul-de-sac, he could effectively turn the property into a cul-de-sac lot; a cul-de-sac can be measured from the setback lines so there would be 203 feet of street frontage. The way the City is considering the property it is not considered a cul-de-sac lot, at least not on the initial zoning compliance permit. Now he only has the 25 feet from what is the end of 48th Street as access. The property to the south has the same limitations; it was built in the 1960s. He would like

to mirror what was done on the south property. Mr. Williams stated that his hardship for the Variance is that this is an unbuildable lot if access is not granted.

Ms. Shelton asked Mr. Williams about the concrete on the property. Mr. Williams stated that he owns half of the concrete and his neighbor to the south owns the other half. The property line runs down the center of the street.

Mr. Williams stated the City has also built a drainage at the end; there are no street sewers on 48th Street, everything flows into a creek that runs through the property.

Interested Parties:

Maurice Stahman, 2229 East 48th Street, Tulsa, OK; stated he is the neighbor directly to the east and he has lived there for 24 years. He is in favor of the proposed project; he thinks it will be an enhancement to the neighborhood.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to reduce the required frontage requirement from 30 feet to 25 feet in a residential district (Section 5.030, Table 5-3), subject to conceptual plan 7.6 of the agenda packet. The Board finds the hardship to be the unique topographical layout, as well as the connection to the city street granting access to the lot. 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:

N 203 OF S 456.82 OF E 3.33 AC. OF SW NE SE SEC 30-19-13, City of Tulsa, Tulsa County, State of Oklahoma

22844—John Wyrrick

Action Requested:

Special Exception to permit a fence in the street setback to exceed 4 feet in height (Section 45.080-A). **LOCATION:** 4141 South Zunis Avenue East (CD 9)

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele moved this case to the end of the agenda to allow the applicant time to arrive.

Board Action:

No Board action required at this time; for the following property:

LT 3 BLK 1, BOLEWOOD ACRES, City of Tulsa, Tulsa County, State of Oklahoma

22846—Rene Saindon

Action Requested:

Variance to allow a lot to have more than one sign per street frontage in an OM District (Section 60.060-B); Special Exception to allow a sign to be located inside the City of Tulsa Right-of-Way or Planned-Right-of-Way (Section 60.020-E). **LOCATION:** 4720 South Harvard Avenue East (CD 9)

Presentation:

John Saindon, 1329 South Handley, Wichita, KS; stated he is representing Ascension who is a major health care provider. They have acquisitioned 4720 South Harvard property to continue health care services to the community in the area. The Code only allows one sign per elevation, and there are two existing signs on the property. The two signs have been there for quite a long time. The existing free-standing sign is located in the easement and the Code requires a free-standing sign to sit back 50 feet. The existing free-standing sign is 43 feet back. Mr. Saindon stated the hardships for the property is that there is a multi-functioning building and it is important for patients to be able to receive treatment and to be able to understand where they need to be. Also, there is grave concern that if the free-standing sign is taken away it will send the wrong message and confuse the public of who Ascension is and that Ascension is continuing

to provide health care. Ascension would like to continue as the building has for a very long time, and the building will not be enlarged. Ascension would like to rebrand the location. This would be a simple update on the free-standing sign and an update on the wall sign. The wall sign is currently a flat metal panel and Ascension would update by making it a bit smaller and using individual letters. The free-standing sign would list the Ascension name and the services offered.

Mr. Van De Wiele asked Mr. Saindon if he knew how long there had been two signs on the subject property? Mr. Saindon stated that he knows they have been there for 15 years without issue, but he has heard it has been longer than that.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a lot to have more than one sign per street frontage in an OM District (Section 60.060-B); Special Exception to allow a sign to be located inside the City of Tulsa Right-of-Way or Planned-Right-of-Way (Section 60.020-E), subject to conceptual plans 9.7, 9.8 and 9.9 of the agenda packet. There is to be an executed of the appropriate removal or license agreement with the City of Tulsa. The Board finds the hardship to be that signage has been in place for at least 15 years and is necessary for patients to know the facility is open for business. 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. 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:

**E/2 LT 9, CLAYPOOL, CLAYPOOL 2ND ADDN RESUB PRT B9 CLAYPOOL ADDN,
City of Tulsa, Tulsa County, State of Oklahoma**

22844—John Wyrrick

Action Requested:

Special Exception to permit a fence in the street setback to exceed 4 feet in height (Section 45.080-A). **LOCATION:** 4141 South Zunis Avenue East **(CD 9)**

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a fence in the street setback to exceed 4 feet in height (Section 45.080-A) to the February 11, 2020 Board of Adjustment meeting; for the following property:

LT 3 BLK 1, BOLEWOOD ACRES, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

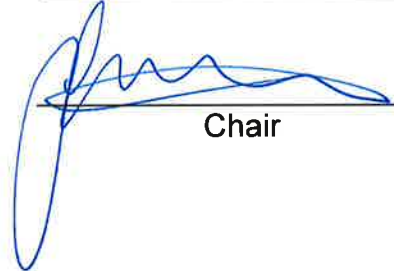
None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 2:30 p.m.

Date approved: 3/10/2020



Chair