

**BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 1308  
Regularly Scheduled Meeting  
Tulsa City Council Chambers  
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,  
March 14, 2023, 1:00 P.M.**

**Meeting No. 1312**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS</b>
Barrientos Bond, Chair Radney, Vice Chair Wallace		A. Chapman S. Tauber D. Wilkerson	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on March 8, 2023, at 2.36 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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Mr. Bond called the meeting to order at 1:00 p.m.

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

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**MINUTES**

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace “ayes”, no “nays”; no “abstentions”, to **APPROVE** the **Minutes** of January 24, 2023 (Meeting No. 1309).

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace “ayes”, no “nays”; no “abstentions”) to **APPROVE** the **Minutes** of February 14, 2023 (Meeting No. 1310).

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**UNFINISHED BUSINESS**

*Review and approval, approval with modifications, denial, or deferral of the following:*

**23435 - Josh Miller**

**ACTION REQUESTED:**

Special Exception to permit a Day Care Use in the RS-3 District (Table 5.020, Table 5-2) Variance to reduce the 12,000 square-foot minimum lot size and 100-foot minimum lot width for Special Exception uses in the RS-2 District (Sec. 5.030-A, Table 5-3); Variance to reduce the 25-foot setback for non-residential Special Exception uses from R-zoned lots (Sec. 5.030-B, Table note [4])

**Location:** 2742 N. Boulder Ave. **(CD-1)**

**Presentation:**

Applicant withdrew this request.

**Interested Parties:**

None

**Comments and Questions:**

None.

**Board Action:**

None.

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## **NEW APPLICATIONS**

### **23504 - Bill Powers**

#### **ACTION REQUESTED:**

Variance to reduce the required 20-foot rear setback and 5-foot side setback in the RS-3 District (Sec. 5.030-A, Table 5-3) **Location:** 219 E. 27th St. **(CD-4)**

#### **Presentation:**

**Bill Powers**, 6220 East 89th Street Tulsa 74137, stated that he was a building contractor with a lot of experience in the Maple Ridge area. This homeowner has contacted me stating that their garage is in a state of disrepair. The slab of the garage is right after grade, so when it rains, it floods. They want to remedy that situation like so many of the garages that are in this neighborhood, they were just placed as an afterthought to the original structure. Our application is to prepare a new garage that better suits the driveway and access, and it also adds a quarters or another bedroom to the upstairs of the new garage.

Mr. Bond asked if he or the owners had a chance to talk to the neighbors about this good, bad, or indifferent.

Mr. Powers stated that he sent a letter to the neighbors about six weeks ago explaining what we were doing. He has found in 40 years of applying for variances that helps because the city letter is often like what are they talking about? He sends a letter that explains an offer to send plans or to visit with anybody. He did have one neighbor contacted him and he stopped by, and she was fine with what they were trying to do.

Mr. Barrientos asked if the new garage is going to be in the same location as the existing one.

Mr. Powers stated that it moves just a little bit to better facilitate access to the garage with a normal sized garage door. He thought it moves about one foot is all. It is very close to the existing location.

#### **Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated that the house predates the comprehensive zoning code. It is already a non-conforming status.

Ms. Radney asked if there was any historical overlay in this area .

Mr. Bond stated that it was close, but it was not in one.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace “ayes”, no “nays”; no “abstentions”) to **APPROVE** a Variance to reduce the required 20-foot rear setback and 5-foot side setback in the RS-3 District (Sec. 5.030-A, Table 5-3); finding the hardship to be the non-conformity of the property and the pre-dated zoning code; per the Conceptual Plans shown on pages 4.11 through 4.17 in the Agenda packet.

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:

**LT 15 BLK 14,SUNSET TERRACE , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## 23506 - Nathalie Cornett

### **ACTION REQUESTED:**

Variance to increase the allowed sign area of 48 square feet for a dynamic display sign in the Central Business District (CBD) (Section 60.080-E) **Location:** 301 N. Boston Ave **(CD-4)**

### **Presentation:**

**Nathalie Cornett**, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma, 74114, stated that her client was requesting a Variance to allow a 175 square foot dynamic display sign wall sign in the CBD district. The subject property is the Channel 6 building located on a 301 North Boston. That is really the Griffin Media building, and in addition to Channel 6, there are also two other television stations, five radio stations and two multimedia companies. She pointed to the south facade of the building. The proposed sign must be located on this facade. This photo is facing east from North Boston Avenue. The next one is facing west from Martin Luther King Boulevard, looking again down Cameron Street. The next one is facing south from the subject property, the property faces that rear pergola of the Guthrie Green, and then that is the backside of the Guthrie Green. The next is a picture facing northerly on MLK Boulevard, you could see the I-244, and the very background. The Guthrie Green is to the west. Then behind the Guthrie Green is the Channel 6 building. This building is approximately 60,000 square feet. And it is located on a piece of land that is three and a quarter acres. On the zoning map, so here is the subject property. It is about a one and a half city blocks of old Tulsa. And it is a significantly larger tract than any other tract of land in this part of downtown; probably in all downtown except for some government buildings like the BOK Center, the stadium, or the county jail. Based on my eyeball, it is the largest tract of privately owned land in downtown Tulsa. It is also located in the freeway sign corridor, which gets a little bit special treatment for signs in the zoning code, except for this instance. The last photo which shows both sides. We are requesting a Variance to permit the proposed dynamic display sign shown on this photograph. The sign will be 175 square feet, or about nine and a half feet by 18 feet. The code caps all dynamic displays at 48 square feet, regardless of the size of the building wall the size of the property, or the intensity of commercial zoning district. In this case, the size of the property itself and the size of the building, result in a hardship; the cap results in a hardship. Those are unique circumstances to the property. Additionally, its location and the freeway sign and corridor, which otherwise allows more signs, larger signs, things of that nature. In this case, there's no leeway. We are requesting a Variance to increase the sign area. She did have some mathematical calculations, but she would not go into those unless the board is interested in some ratios of what 48 square feet is to the building wall, etc.

Mr. Bond stated that are we sort of capped at 48 square feet. What are you wanting to go to?

Ms. Cornett stated 175 square feet. That will allow the sign to be visible to the public. It will advertise for the media companies only in the building. It is not going to be you off premise advertisements, and then also time and temperature.

Ms. Radney asked at what distance away will you be able to make out this site, or at least the images that would be projected onto this site.

Ms. Cornett stated that at 175 feet. At this size, they will be readable from the street. At 48 square feet, it is going to be difficult to see that sign from Martin Luther King or from Cameron.

Ms. Radney asked if it will be visible from Guthrie Green.

Ms. Cornett stated that in her walking of it, it will not be visible from the Guthrie Green. The Guthrie Green slopes downward. When she stood in the middle of Guthrie Green, the Guthrie Green building entirely blocks the Channel 6 building.

Ms. Radney stated that Ms. Cornett had an exhibit that it appears to have been photographed from underneath the pavilion.

Ms. Cornett stated that is Exhibit 1 and it is from the railing of the pavilion.

Ms. Radney asked if there be live streamed content on the site.

Ms. Cornett stated that the zoning code does not permit that. It is going to be subject to eight second dwell time, and static digital images.

Ms. Radney stated she was curious because this is not a major cross street. What is going on this sign that requires it to be 18 feet in length?

Ms. Cornett stated that the size of the sign is necessary to be visible, to be readable, not visible. That it is to be readable.

Ms. Radney asked what important content is going on the sign beyond what we already see.

Ms. Cornett stated that it would be content that is promoting or showing all of the tenants in the building, which currently do not have any signage, only CW and Channel 6 have signage. 106.9 is there 98.5, and 99.5. There are five radio stations to two television stations, and two media companies. The property does not have any tenant signage.

Mr. Barrientos asked if the sign will be operating 24/7.

Ms. Cornett stated that it would be. We would probably be willing to put some time limits on this if that would make the Board more comfortable.

Ms. Radney stated that she had never heard of the freeway sign corridor.

Ms. Cornett stated that it was a 400-foot radius around the freeways in Tulsa. In those corridors, that code allows greater sign budgets and a greater number of signs. It also allows outdoor advertising and signs which are not an issue in this case.

Mr. Bond stated that looking at street view here he did not think it is going to be that visible from the Guthrie Green unless you are on the backside.

Ms. Radney stated most of the lanes on MLK at that juncture are all one way going south so they are not really going to see it. Cameron is not a major arterial street through the district. There is not that much intensity of traffic there.

Ms. Cornett stated that she thought there was intense foot traffic. When she was out there taking photographs on a relatively chilly day, there was lots of pedestrian activity and bicycles and non-automobile traffic going on.

Ms. Radney asked if there were public activities going on inside of this office.

Ms. Cornett stated that she did not know the answer to that question. It is a media building. There may be things associated with those activities, such as news interviews, newscasts, interviews for the radio stations, she thought that makes it important to be able to identify that building.

Mr. Bond asked what would this do if you wanted to put a billboard here instead of a sign. What did you do the sign budget because he was looking at two large signs.

Ms. Cornett stated that from a practical standpoint, a billboard would not be allowed here because there is a billboard, across MLK. They are too close in proximity to put an off-premises advertising sign. There is a billboard on the east side of MLK. Billboards are not permitted within 1200 feet of one another. From a practical standpoint, we could not put a billboard say on the rear side of our property to face the highway. From a sign budget standpoint, wall signs are not subject to a sign budget. We are actually on this wall permitted 550 square feet of wall signage, and only 48 of that can be dynamic display under the code, which is only eight and a half or 9% of our permitted wall signage.



Mr. Bond stated that if we add in 175 square feet to the existing wall signs that are what we're looking at budget wise, because the reason why he asking is that dynamic display signs have changed over the years. Now they can use as billboards, they often are. And this is a large sign will be treated as a wall sign. What does this sign budget look like?

Ms. Cornett stated that they are permitted three feet of wall signage per linear foot of building wall. So, we have 185 feet of building wall. We would be allowed times that by three, 555 square feet of wall signage that is exclusive of and is not counted towards any freestanding signs. The Griffin media sign out in the parking lot is not counted against that at all. That sign and any other projecting signage, if you will, would be subject to the same budget.

Ms. Radney asked where is that 185 feet measured from?

Ms. Cornett stated that it is every all of the building wall that south facing. It is all the wall along East Cameron Street.

Mr. Bond asked if this were not a dynamic display sign, just a sign, we would not have an issue with going to use by right.

Ms. Cornett stated that if this was a static sign, we need no relief. It would be well within that 300 square feet to go through before we busted our wall sign budget. The size of the sign, in proportion to the size of the building will be appropriate. She knew that 175 square feet sounds quite large in a vacuum when you just say that, but there are almost 8000 square feet of wall. So, 175 square feet of sign on that amount of wall, really will be the appropriate scale or the size of the building and the size of the site. The code fails to contemplate that in any meaningful way. If we had a small building wall, we could have our 48 square foot dynamic display sign and it could take up a third of the building wall and that would be fine. But in this case, because we have a large wall there that is the hardship is that there is no distinction between this and a CS lot in 21st and Lewis.

Ms. Radney asked what the logic is behind putting it on the south wall rather than the East facing wall.

Ms. Cornett stated that was a decision made by the client and she did not know what the reasoning was. Most of the traffic comes in that way and it really is traffic flow. She imagines that folks coming in to visit the property come down Martin Luther King. If they miss their access here, they probably go around Cameron Street. This is the main entryway to the parking lot.

Ms. Cornett stated that she did think the size of the property is unique enough. A standard size city block in Tulsa is two acres. They are an acre and a half over that. It is not typical even in the most intense zoning district in the city, this lot is unique.

Ms. Radney stated that she was stunned that there was no one here from Guthrie Green to complain about potential sort of light pollution. She did think that it is going to be very visible from the Green. In the evening hours, when there is a lot of activity on the green, that flashing screen, even if it is not a live stream, she thought it is going to be intrusive.

I could see it better if it were facing the major traffic light, which is going to be MLK, but I don't think it's necessary for wayfinding. She thought that it is going to be intrusive in terms of the light pollution that comes from it. She did not see that it serves the public purpose that is that rises to the to the requirement to as Mr. Brown would say, changing the law. She would be not inclined to support it. She might have a different opinion if it were on the back of the building facing the freeway, but that is not what we are presented with.

Ms. Cornett stated that she would to Ms. Radney's point, she would submit that we are in the entertainment district of downtown Tulsa. There is a lot of light and there is a lot of noise. There is a lot of commotion in the best sense possible. She thought of that sense of intrusiveness from the sign is going to be minimal based on where we are located in Tulsa. We are not at 51<sup>st</sup> and Yale, or near any residential properties, even downtown residential properties. We have warehouses to our west, a coffee shop and parking and right of way to our east. The Guthrie Green is sacred to all of us and Tulsa, herself included. She walked through the Guthrie Green, and it was very difficult for me to catch glimpses of the building walk through the pavilion, but it was for the most part, very difficult for her to see that building face when walking around in the Guthrie Green. If the discussion of the Board goes a certain way, we may request a continuance to you know, talk about perhaps a different placement, but the client really has expressed this is where they want to place it for their business purposes.

Mr. Bond asked if she had any renderings of what it would look like at 48 square feet.

Ms. Radney stated that when she looked at this transitional section of CBD. We have a park, which is much appreciated as a downtown park, as well as being an entertainment venue. Then on the south side, you have the Arts District, which has a kind of context itself that she just did not see as compatible with a really large LED sign. At least not in terms of sort of the comprehensive vision for the Arts District. The Boston Avenue context maybe is a little bit more compelling and certainly, maybe the Highway 412 vantage point. But a dynamic sign is for her, is not doing anything more for wayfinding, for a building that is predominantly got daytime use, at least in terms of its engagement with the public, then with this, the current law signs or to add static wall

signs that are providing, especially since there's plenty of sign budget, to be able to put something really, really big to be able to be visual, or to be able to visualize it from Martin Luther King and other streets. She is always open to be persuaded. She just thought it was a radical departure. And radical depending on this is, this is not a precedent. But she thought it was a radical departure.

Mr. Wallace stated that he agreed with Ms. Radney. It is a park and Arts District. He was not trying to say that this would set precedents but if we do this, it is not in line with the character. If there was something else that there was some public interaction, or it was bringing the people in, but there is the Channel 6 sign up on the radio tower, which is awesome and vibrant, and it is a landmark in the downtown area. He did not see why this needs to be added.

Mr. Bond stated that there is a big difference between just looking at it side by side. But he did think the code says something different for dynamic display signs, potentially.

Mr. Wallace stated that the code appropriate sign if it is for pedestrians and bicyclists, as you said, they can be located at a different elevation. It does not have to be three stories in the air.

Ms. Cornett stated that if she was hearing the board correctly, it sounds like if this was perhaps facing Martin Luther King or Boston, that may change your opinion. It may make more sense as to why, in the Board's mind, it needs to be larger to be more visible to the traveling public. The dynamic display is what we are asking the relay for. So

Mr. Bond stated that is what is problematic for him. A larger Channel 6 or CW or something like that, with a square footage based on what we have done before. He thought that would be fair to ask.

Ms. Cornett stated that if the Board would entertain a continuance, we would certainly request one to the next board meeting, and we can go back and discuss it.

Mr. Barrientos stated that he would be in favor of a continuance.

Ms. Radney stated that she would be in favor of a continuance also. When we look at the difference between what we are looking at on the screen, and then what we have here in our packet, she believed that this is what would be allowed by right. That the difference aesthetically is meaningful.

Ms. Cornett stated that from a readability sign point, someone standing on the street, just from size of font on a 48 square foot sign that it would not be readable. That is the relief is being requested. Now,

Ms. Radney stated that there is a dynamic sign on the BOK center for a reason. It has a lot of stuff going on with it, but it's not on the side of the building.

Mr. Bond stated that he would like Staff to include the BOK case in our packets next time. And

Mr. Bond stated that we are in the middle of two separate zoning code that should be in harmony.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **Wallace**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace "ayes", no "nays"; no "abstentions") to **CONTINUE** the request for a Variance to increase the allowed sign area of 48 square feet for a dynamic display sign in the Central Business District (CBD) (Section 60.080-E) until March 28, 2023, Board of Adjustment hearing for the following property:

**A tract of land that is Lots One (1) thru Seven (7), inclusive, Block Twenty (20), together with the alleyway running Northerly and Southerly in said Block 20 and the South Half of Davenport Street adjacent to said Block 20 on the Northerly boundary thereof, and a part of Lot One (1), all of Lot Two (2), and a part of Lot Three (3), Block Six (6), together with the alleyway running Northerly and Southerly in said Block 6 lying South of the Southerly right of way line of Interstate 244 and the North Half of Davenport Street adjacent to said Block 6 on the Southerly boundary thereof, all in the Original Town, now City of Tulsa, Tulsa County, State of Oklahoma, according to the official plat thereof, said tract of land being described as follows:**

**Beginning at the Southwesterly comer of Block 20; thence North 24°24'24" West along the Westerly line of Block 20 for 300.00 feet to the Northwesterly corner of said Block 20; thence continuing North 24°24'24" West along a Northwesterly extension of said Block 20 for 60.00 feet to the Southwesterly comer of Lot 2, Block 6; thence continuing North 24°24'24" West along the Westerly lines of Lots 2 and 3, Block 6 for 152.90 feet to a point on the Southerly right of way line of Interstate 244; thence North 80°14'59" East along said Southerly right of way line for 310.09 feet to a point on the Easterly line of Lot 1, Block 6; thence South**

**24°24'24" East along said Easterly line for 74.50 feet to the Southeasterly comer of said Lot 1, Block 6; thence continuing South 24°24'24" East along a Southeasterly extension of said Block 6 for 60.00 feet to the Northeasterly comer of Block 20; thence continuing South 24°24'24" East along the Easterly line of said Block 20 for 300.00 feet to the Southeasterly comer of said Block 20; thence South 65°36'17" West along the Southerly line of said Block 20 for 300.00 feet to the point of beginning of said tract of land. IN THE CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.**

**OTHER BUSINESS**

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**NEW BUSINESS**

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**BOARD MEMBER COMMENTS**

Mr. Bond asked if we could discuss appointing a new secretary at the next meeting.

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There being no further business, the meeting adjourned at 1:57 p.m.

Date approved: 3/28/23

Adam Bond  
Chair