

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1095
Tuesday, June 11, 2013, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Henke, Chair Tidwell, Secretary Van De Wiele	Snyder White, Vice Chair	Miller Back Sparger Walker	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, June 6, 2013, at 2:51 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions"; Snyder, White absent) to **APPROVE** the **Minutes** of the May 28, 2013 Board of Adjustment meeting (No. 1094).

Mr. Henke explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the

application would be denied. Mr. Henke asked the applicants if they understood and asked the applicants if there was anyone wanting to continue their case. Applicants nodded that they understood and no one requested a continuance.

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NEW BUSINESS

21575—Bill LaFortune

Action Requested:

Special Exception to allow new and used auto sales (Use Unit 17) in the CS District (Section 701, Table 1). **LOCATION:** 4714 South Peoria Avenue East (CD 9)

Presentation:

The applicant was not present and has requested a continuance to June 25, 2013 for additional relief needed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele, “aye”; no “nays”; no “abstentions”; Snyder, White absent) to **APPROVE** the request for Special Exception to allow new and used auto sales (Use Unit 17) in the CS District (Section 701, Table 1) to the meeting of June 25, 2013; for the following property:

LT 2 LESS E15 THEREOF FOR ST, EVERGREEN SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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UNFINISHED BUSINESS

21568—Barron & McClary

Action Requested:

Variance to reduce the required side yard from 10 feet to 5 feet to permit an addition to the house (Section 403). **LOCATION:** 1366 East 25th Street South (CD 4)

Presentation:

Bert Pohl, Barron & McClary, 1424 South Harvard, Tulsa, OK; no presentation was made.

Mr. Henke stated the Staff had provided the requested map for the neighborhood and it had provided a lot of helpful information for this case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions"; Snyder, White absent) to **APPROVE** the request for a Variance to reduce the required side yard from 10 feet to 5 feet to permit an addition to the house (Section 403.A, Table 3). This approval will be subject to conceptual plan on page 2.15. The Board has found that the home that was built in the 1920s, prior to the zoning code, is in an area where several homes in the neighborhood whether approved by the Board of Adjustment or otherwise have similar encroachments into the side yard setbacks, including several in the immediate vicinity, and the impact of this encroachment from the street view will appear to be minimal. As such, the Board has found that these conditions constitute extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 6, TRAVIS HGTS SECOND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

21570—Lamar Outdoor Advertising

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); Verification of spacing requirement for a digital outdoor advertising sign

1,200 feet from another digital outdoor advertising sign on the same side of the highway, or across the highway facing the same traveled way (Section 1221.G.9 and Section 1221.G.14). **LOCATION:** 405 North Cincinnati Avenue East (CD 4)

Presentation:

Larinda Elizondo, Lamar Outdoor Advertising, 7777 East 38th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele “aye”; no “nays”; no “abstentions”; Snyder, White absent) to **ACCEPT** the request for a **Verification** of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); **Verification** of spacing requirement for a digital outdoor advertising sign 1,200 feet from another digital outdoor advertising sign on the same side of the highway, or across the highway facing the same traveled way (Section 1221.G.9 and Section 1221.G.14), based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant’s verification of spacing between outdoor advertising signs, subject to the action of the Board being void should another outdoor advertising sign be constructed within 1,200 feet prior to this sign; for the following property:

LT 7 LESS RY & W/2 VAC ALLEY ADJ ON E BLK 21, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21564—Bert & Andrea Parsons

Action Requested:

Special Exception to allow locksmithing (Use Unit 14) as a Home Occupation in an RS-1 district (Section 402.B.6.b); **Variance** to allow 2 separate parking areas in the front yard (Section 1301.C). **LOCATION:** 8132 East 9th Street South (CD 3)

Presentation:

Bert Parsons, 8132 East 9th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. Van De Wiele asked Mr. Parsons if the metal building located on the property was being used to store his equipment. Mr. Parsons stated that currently it was not being used for the storage of equipment, but he has plans to use it as a garage to house the locksmithing truck, the equipment needed for locksmithing and the shop itself.

Mr. Van De Wiele asked Mr. Parsons if the drive was to be used to strictly move the truck and equipment on and off the property. Mr. Parsons confirmed that was correct.

Mr. Van De Wiele asked Mr. Parsons if he had customers coming into the business which would require them to park. Mr. Parsons stated that he does have people that come to the business, but it is mainly delivery services dropping off items or picking items up to be shipped out.

Mr. Tidwell asked Mr. Parsons if he planned on an asphalt or concrete driveway to the building. Mr. Parsons stated that was his plan.

Mr. Henke asked Mr. Swiney if the Board were inclined to approve the applicant's request would the code be a valid hardship, since the code requires a hard surface. Mr. Swiney stated the fact that the building is not accessible from the street and its position on the lot is an extraordinary circumstance creating a hardship if the driveway were not allowed. Ms. Miller stated that the subject property is surrounded by non-residential uses on three sides.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; Snyder, White absent) to **APPROVE** the request for a Special Exception to allow locksmithing (Use Unit 14) as a Home Occupation in an RS-1 district (Section 402.B.6.b); Variance to allow 2 separate parking areas in the front yard (Section 1301.C), subject to conceptual plan 4.7 as well as the conditions for home occupation by special exception in Section 404.B of the Zoning Code. Finding that the property in question, which is surrounded on three sides by non-residential use along with location of the detached building in the rear yard, which will serve as the primary facility for the home occupation has created an exceptional condition, such to justify the granting of the variance. In connection with the special exception the Board has found 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. In connection with the variance the Board has found that by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 1 LESS E138.50 & LESS S150 THEREOF BLK 5, CLARLAND ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21571—City of Tulsa Parks – Jack Bubenik

Action Requested:

Special Exception to permit a public park (Use Unit 5) to be located in an RS-3 zoned district (Tracy Park). **LOCATION:** 1134 South Peoria Avenue **(CD 4)**

Ms. Back informed the Board that the subject City Park was dedicated to the City before the code was enacted, therefore, the special exception is being requested to allow the City to perform the necessary work.

Presentation:

Lucy Dolman, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated the Parks Department is requesting the Board of Adjustment see the new sign standard as replacement as an allowable improvement in the park. The new sign will be placed in the same general location as the sign that is being removed. The new sign standard will bring continuity and be a good impression for the park. It will also provide a unique design that will be specific to the Park Department. The old sign standard was unsightly and confusing. The Parks Department master plan directed the Tulsa Parks to repurpose, replace and remove outdated structures and this will be done with the new sign standard.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele “aye”; no “nays”; no “abstentions”; Snyder, White absent) to **APPROVE** the request for a Special Exception to permit a public park (Use Unit 5) to be located in an RS-3 zoned district (Tracy Park), subject to conceptual plan 5.6, 5.7 and 5.8. In making this motion to approve this special exception per the conceptual plan and to replace existing signage for Tracy Park and is to include future modifications and improvements commensurate with park amenities with no further Board of Adjustment approval required. Finding that the proposed improvements will be compatible with the neighborhood and 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:

**TRACY PARK & PRT VAC 11TH PL BEG SECR PARK TH S30 W300.3 N30 E300.3
POB, RIDGEWOOD ADDN OF TRACY PARK ADDN, CITY OF TULSA, TULSA
COUNTY, STATE OF OKLAHOMA**

21572—City of Tulsa Parks – Jack Bubenik

Action Requested:

Special Exception to permit a public park (Use Unit 5) to be located in an AG/CS zoned district (Savage Park). **LOCATION:** 17800 East 21st Street (CD 6)

Presentation:

Lucy Dolman, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated this park is the same as the previous park presented, and she was available for any questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele “aye”; no “nays”; no “abstentions”; Snyder, White absent) to **APPROVE** the request for a Special Exception to permit a public park (Use Unit 5) to be located in an AG/CS zoned district (Savage Park), subject to conceptual plan 6.13, 6.14 and 6.15. In making this motion to approve this special exception per the conceptual plan and to replace existing signage for Savage Park and is to include future modifications and improvements commensurate with park amenities with no further Board of Adjustment approval required. Finding that the proposed improvements will be compatible with the neighborhood and 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:

W/2 W/2 NW SEC 13-19-14, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

14205-A—City of Tulsa Parks – Jack Bubenik

Action Requested:

Modification to a previously approved site plan (BOA-14205) to replace existing identification sign for Hunter Park. **LOCATION:** 5804 East 91st Street South (CD 8)

Presentation:

Lucy Dolman, City of Tulsa, 175 East 2nd Street, Tulsa, OK; no presentation was made but Ms. Dolman was available for any questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele “aye”; no “nays”; no “abstentions”; Snyder, White absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-14205) to replace existing identification sign for Hunter Park, subject to conceptual plan 7.12, 7.13 and 7.14. This approval is to include future modifications and improvements commensurate with park amenities, with no further Board of Adjustment approval required; finding the proposed improvements to be compatible with the neighborhood; for the following property:

NW NE & SW NE LESS BEG SWC SW NE TH N450.37 NE74.37 NE298.15 NE100.12 NE100.50 NE736.51 NE23.83 TH S SECR SW NE TH W POB SEC 22 18 13 63.49ACS,DARLINGTON SOUTH, SHERIDAN SOUTH, WOODHILL, WOODHILL HEIGHTS, WOODHILL HOLLOW, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21573—Claude Neon Federal Signs

Action Requested:

Variance of projecting sign height, abutting a major street, from 25'-0" to 36'-2" on the north side of the building; Variance of projecting sign height, abutting a major street, from 25'-0" to 40'-4" on the south side of the building in the CBD District (Section 1221.E.1). **LOCATION:** 116 East Brady Street North **(CD 4)**

Presentation:

Ed Horkey, Claude Neon Federal Signs, 1225 North Lansing, Tulsa, OK; stated there are two signs for the subject property. One is on the north side of the building that a variance is being requested for the height, with a proposed sign on the south side of the building for future use. The height requirement variances are being requested because of the unique nature of the subject property. The signage will meet all other requirements of the Central Business District. The sign for the north side of the subject building is south of the new Guthrie Green project. The subject property is in the middle of the block, and will be accessed from Detroit Avenue. There is a lot of city street scaping that just recently was planted, and most of it is in the 20 to 30 foot height range. On the south face of the subject building there is an elevator tower and that is where the signage will be placed and not be any taller than the existing elevator tower. The

proposed sign is designed to be seen over the railroad tracks so the building location can be identified. There are two sign designs presented to the Board because the plan, at this point in time, is very conceptual. The subject building is a historical building and nothing is to penetrate the old paintings on the building because those are being preserved for history. Care has been taken not have any penetrations or anything hanging into the old paintings on the building.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; Snyder, White absent) to **APPROVE** the request for a Variance of projecting sign height, abutting a major street, from 25'-0" to 36'-2" on the north side of the building; Variance of projecting sign height, abutting a major street, from 25'-0" to 40'-4" on the south side of the building in the CBD District (Section 1221.E.1), subject to the as constructed plan on page 8.5 and the conceptual plans on 8.14 and 8.15. The Board has found that the topography of the area in question along with the building's position in the district in connection with the neighboring streets provides an extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LTS 1 THRU 4 BLK 42, LTS 5 THRU 7 & VAC ALLEY ADJ ON E BLK 42, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21574—Greg Helms

Action Requested:

Special Exception to allow off-street parking to be located on a lot other than the lot containing the use (Section 1301.D). **LOCATION:** 1705 South Boston Avenue East (CD 4)

Presentation:

Greg Helms, 424 East Main Street, Jenks, OK; stated subject lot where the building is located is on Boston Avenue and there is an approximate eight foot grade change between the street and the lot. The building is moved as close to Boston Avenue to have stair access up to the property and that allows for five parking spaces on site. The

owners of the building also own the lot to be considered off-street parking on a lot other than the lot containing the use. It is currently a parking lot and is already paved so the owner would like to use six spaces on that lot for employee parking allowing the five spaces on the lot with the building to be used by clients.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele “aye”; no “nays”; no “abstentions”; Snyder, White absent) to **APPROVE** the request for a Special Exception to allow off-street parking to be located on a lot other than the lot containing the use (Section 1301.D), subject to conceptual plan 9.9 and 9.10. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 2 BLK 3, TOWNLEY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

Election of Officers for 2013-2014 Board of Adjustment year.

2012-2013 Officers

Frazier Henke, Chair

David White, Vice Chair

Michael Tidwell, Secretary

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Tidwell, Van De Wiele “aye”; no “nays”; no “abstentions”; Snyder, White absent) to **MAINTAIN** the same slate of officers for 2013-2014 Board of Adjustment year as it is currently – Frazier Henke, Chair; David White, Vice Chair; and Michael Tidwell, Secretary.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 1:45 p.m.

Date approved: 7/9/13

Francis X. Hernandez
Chair