

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1180
Tuesday, March 28, 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 Back Bond	Flanagan, Secretary	Miller Moye Sparger Ulmer	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Friday, March 23, 2017, at 9:40 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, Bond, Van De Wiele "aye"; no "nays"; White "abstains"; Flanagan absent) to **APPROVE** the **Minutes** of the March 14, 2017 Board of Adjustment meeting (No. 1179).

NEW APPLICATIONS

21265-B—Gregory S. Helms

Action Requested:

Amendment of a previously approved site plan (BOA-21265-A) to permit the construction of a bell tower (Section 70.120). **LOCATION:** 4901 South 177th Avenue East (CD 6)

Presentation:

The applicant has withdrawn the case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No action required of the Board; for the following property:

**LOT 1 BLOCK 1, OPEN ARMS CHILD DEVELOPMENT CENTER, City of Tulsa,
Tulsa County, State of Oklahoma**

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Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present at this meeting, and 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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NEW APPLICATIONS

22213—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to increase the permitted display surface area from 70 square feet to 88.7 square feet for a freestanding sign with a dynamic display in the OL District (Section 60.060-C). **LOCATION:** 4520 South Harvard Avenue East (CD 9)

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated the request is for an existing small monument sign located in an office zone, and the owner would like to add a dynamic display to it. By doing so it will go over about 18.2 square feet over what is allowable. The display will be an LED display and has all the features for dimming.

Mr. Van De Wiele asked Mr. Ward to tell the Board his hardship for this request. Mr. Ward stated the hardship is that there are existing tenants listed on the monument sign and they cannot be removed to add the dynamic display.

Mr. Van De Wiele stated that the tenant placards could be made smaller. Mr. Ward agreed but stated that if the placards are made smaller then the names will not be visible from Harvard.

Mr. Van De Wiele stated that he is struggling with the stated hardship.

Mr. Van De Wiele asked Ms. Miller if the address component of the sign counted against the square footage of the sign. Ms. Miller stated that she is not sure if the Permit Office included that portion. Ms. Moyer stated that she thinks the Permit Office included the whole entire sign which includes the address. Mr. Ward stated that it is his understanding that the address is not advertising so it typically not counted in the display surface area.

Mr. Van De Wiele stated that he believes the tenant panels could be reorganized to allow for the dynamic display. Mr. Van De Wiele asked Mr. Ward if he would like to continue this case to see if there was a way the sign could be reorganized or to give more thought to the hardship. Mr. Ward requested a continuance.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back stated that she too is having a hard time with the hardship as well. She does not see any hardship whatsoever that would allow the Board to approve the Variance.

Board Action:

On **MOTION of BACK**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Flanagan absent) to **CONTINUE** the request for a Variance to increase the permitted display surface area from 70 square feet to 88.7 square feet for a freestanding sign with a dynamic display in the OL District (Section 60.060-C) to the April 11, 2017 Board of Adjustment meeting; for the following property:

N. 1/2 OF LT 2 BLK 3; S117.6 LT 1 BLK 3, VILLA GROVE PARK, City of Tulsa, Osage County, State of Oklahoma

22214—It’s All Good Construction – Mary Christian

Action Requested:

Special Exception to permit a 720 square foot carport in the required street yard with a modification to increase the permitted height from 8 feet to 9 feet at the

perimeter for a carport (Section 90.090-C). **LOCATION:** 536 South Zurich Avenue East (CD 5)

Presentation:

Paul Christian, 1873 East 46th Street North, Tulsa, OK; stated the carport will be attached to the existing garage and it will be open on all sides.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 3-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to **APPROVE** the request for a **Special Exception** to permit a 720 square foot carport in the required street yard with a modification to increase the permitted height from 8 feet to 9 feet at the perimeter for a carport (Section 90.090-C), per the conceptual plans 3.8, 3.9, 3.10 and 3.11 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; for the following property:

LOT 1 BLK 22, WHITE CITY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22216—Eller & Detrich – Andrew Shank

Action Requested:

Variance to allow 2 signs on the South Lewis Avenue frontage and to increase the allowable display surface area for signs from 150 square feet to 253.86 square feet along the South Lewis Avenue frontage; **Variance** to allow 2 signs on the East 81 Street South frontage and to increase the allowable display surface area for signs from 150 square feet to 606.86 square feet along the East 81 Street South frontage (Section 60.060-B&C). **LOCATION:** 2408 East 81st Street South (CD 2)

Mr. Bond recused and left the room at 1:18 P.M.

Presentation:

Andrew Shank, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents Oklahoma Surgical Hospital. The request is for two logo signs over 300 feet in the air on the west tower, and a 453 square foot sign on the north face of fourth floor west tower. The Board previously approved for Oklahoma Surgical Hospital's activities on the out parcel. The request is to place the signs on the southern portion of the diagram

as shown on the overhead projector. The two logos that are approximately 154 square feet will be at the top of the west tower.

Mr. Van De Wiele asked Mr. Shank if he was referring to the circular logo. Mr. Shank answered affirmatively.

Mr. Shank stated the hardship remains the same in this case as it was in the first two cases the Board addressed. There is a tremendously sized tract of land, and it is set back over 800 feet from 81st and Lewis.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-1 (Back, Van De Wiele, White “aye”; no “nays”; Bond “abstains”; Flanagan absent) to **APPROVE** the request for a Variance to allow 2 signs on the South Lewis Avenue frontage and to increase the allowable display surface area for signs from 150 square feet to 253.86 square feet along the South Lewis Avenue frontage; Variance to allow 2 signs on the East 81 Street South frontage and to increase the allowable display surface area for signs from 150 square feet to 606.86 square feet along the East 81 Street South frontage (Section 60.060-B & C), per the conceptual plans 4.19, 4.20, 4.21 and 4.22 of the agenda packet. Finding the hardship to be the volume of square footage of the towers exceeding two million square feet and the setback of the towers from the arterial street, coupled with the sheer size of the towers both in square footage and height, the Board believes it is an unnecessary hardship to the owner that the strict letter of the sign regulations be carried out. 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:

Part of Lot One (1), Block One (1), ORAL ROBERTS UNIVERSITY HEIGHTS 2ND ADDITION, an addition to the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Starting at the Northwest corner of said Lot 1, thence S 89°48'06" E along the Northerly line of Lot 1 for 939.90 feet to the Point of Beginning; thence continuing S 89°48'06" E along said Northerly line for 558.08 feet; thence S 00°11'54" W for 30.29 feet to a point of curve; thence Southerly and Southwesterly along a curve to the right with a central angle of 45°00'00" and a radius of 217.87 feet for 171.12 feet to a point of reverse curve; thence Southwesterly along a curve to the left with a central angle of 38°21'41" and a radius of 191.83 feet for 128.44 feet to a point of compound curve; thence Southwesterly, Southerly and Easterly along a curve to the left with a central angle of 96°38'19" and a radius of 18.83 feet for 31.77 feet to a point of tangency; thence S 89°48'06" E along said tangency for 50.01 feet; thence S 00°11'54" W for 254.33 feet; thence N 89°48'06" W for 41.82 feet to a point of curve; thence Westerly, Southerly and Southeasterly along a curve to the left with a central angle of 101°10'31" and a radius of 18.83 feet for 33.26 feet to a point of compound curve; thence Southeasterly and Easterly along a curve to the left, with a central angle of 78°49'29" and a radius of 511.83 feet for 704.16 feet to a point of tangency; thence S 89°48'06" E along said tangency for 656.38 feet to a point on the Easterly line of said Lot 1, said point being 1008.29 feet Southerly of the Northeast corner thereof; thence S 00°24'38" W along said Easterly line for 598.22 feet; thence N 89°53'47" W along an extension of and along the Northerly line of Lot 1 in Block 1 of UNIVERSITY VILLAGE, an addition to the City of Tulsa, Tulsa County, Oklahoma, for 2538.15 feet to the Northwest corner of said Lot 1 of UNIVERSITY VILLAGE; thence N 00°01'32" W for 0.00 feet to a point of curve; thence Northerly along the Westerly line of Lot 1 of ORAL ROBERTS UNIVERSITY HEIGHTS 2ND ADDITION on a curve to the right with a central angle of 00°00'58" and a radius of 350.00 feet for 0.10 feet to a point of tangency; thence N 00°00'34" W along the Westerly line of said Lot 1 on said tangency for 602.32 feet; thence S 89°48'06" E for 546.16 feet to a point of curve; thence Easterly and Northeasterly along a curve to the left with a central angle of 78°49'29" and a radius of 511.83 feet for 704.16 feet to a point of compound curve; thence Northeasterly, Northerly, and Westerly along a curve to the left with a central angle of 101°10'31" and a radius of 18.83 feet; for 33.26 feet to a point of tangency; thence N 89°48'06" W along said tangency for 41.82 feet; thence N 00°11'54" E for 254.33 feet; thence S 89°48'06" E for 50.01 feet to a point of curve; thence Easterly, Northerly, and Northwesterly along a curve to the left with a central angle of 96°38'19" and a radius of 18.83 feet for 31.77 feet to a point of compound curve; thence Northwesterly along a curve to the left with a central angle of 38°21'41" and a radius of 191.83 feet for 128.44 feet to a point of reverse curve; thence Northwesterly and Northerly along a curve to the right with a central angle of 45°00'00" and a radius of 217.87 feet for 171.12 feet to a point of tangency; thence

N 00°11'54" E along said tangency for 21.30 feet to a point of curve; thence Northerly and Northwesterly along a curve to the left with a central angle of 22°01'21" and a radius of 24.00 feet for 9.22 feet to the Point of Beginning, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Bond re-entered the meeting at 1:23 P.M.

22217—Kevin Braughton

Action Requested:

Variance of the required Build-to Zone (BTZ) to permit a building setback of 91 feet; Variance of the minimum parking area street setback from 30 feet to 23 feet to permit an AT&T retail store in the CS/RDO-3 District (Section 20.050-C)

LOCATION: North of the NE/Corner of Riverside Parkway and South Delaware Avenue East (CD 2)

Presentation:

Mike Mellinger, 3000 Alta Mesa Boulevard, Fort Worth, TX; stated when he purchased the property it was before the overlay zone was initiated. He met with the City last year but unfortunately had some delays pending the approvals with AT&T. During the meeting with City he was told that if he didn't get the plans in by a certain date the case would need to come before the Board. The building cannot be placed where the Code requires it to be because there is an easement benefitting the two property owners on either side of the subject property. The building is placed close to where the easement area allows. His company tries not to have a situation where parking is incurred on anyone else's property, but he owns and operates the store in the rear of the mall and he is moving out to the street primarily for better public viewing.

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, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to **APPROVE** the request for a Variance of the required Build-to Zone (BTZ) to permit a building setback of 91 feet; Variance of the minimum parking area street setback from 30 feet to 23 feet to permit a commercial structure in the CS/RDO-3 District (Section 20.050-C), per conceptual plans 5.11 and 5.12 of the agenda packet. Finding the hardship to be the size, the shape and the site is a remainder parcel from a previously developed site with existing concrete drives and shared access easements making it difficult to develop with the current RDO overlay.

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 LT 2 BEG 307.60W &154.61SE NEC LT 2 TH SE68.55 SW246.24 CRV RT 202.68 E269.21 POB BLK 1, QUIKTRIP COMMERCIAL CENTER #96, City of Tulsa, Tulsa County, State of Oklahoma

22218—Crown Neon Signs – Gary Haynes

Action Requested:

Variance to permit a dynamic display sign to be located within 200 feet of an R District (Section 60.100-F). **LOCATION:** 585 North Memorial Drive East (CD 3)

Presentation:

Gary Haynes, Crown Neon Signs, 5676 South 107th East Avenue, Tulsa, OK; stated he represents Golden Eagle Credit Union located on Memorial Drive. The sign will not be a full color display but a monochrome text only display sign. The display cabinet will be placed in the existing structure. The sign is within 200 feet of a residential area but neither side of the sign faces the residential area.

Mr. Van De Wiele asked Mr. Haynes if he would agree to time limitations on the sign if the Board were inclined to approve the request. Mr. Haynes answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Flanagan absent) to **APPROVE** the request for a **Variance** to permit a dynamic display sign to be located within 200 feet of an R District (Section 60.100-F), subject to conceptual plans 6.10 and 6.11 of the agenda packet. Finding that the hardship to be the proximity to the residential district. The sign is to be turned off between the hours of 10:00 P.M. to 6:00 A.M. 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:

BG SWC LT 3 BLK 1 MINGO HGTS ADD TH W384.9 NW318.17 W169 N74 NELY ON CRV RT152.99 SELY ON CRV RT277.43 SE152.89 SE ON CRV LF227.25 S208.23 POB & PRT S VAC INDEP ST A/K/A SCENIC DR LESS W51.5 FOR ST SEC 36 20 13 4.27ACS, MINGO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

22219—Pat White

Action Requested:

Special Exception to allow a carport in the required street setback on an RS-3 zoned lot with a modification to allow the area of the carport to exceed 20’ x 20’ or 400 square feet (Section 90.090-C).. **LOCATION:** 3132 South Owasso Avenue East **(CD 9)**

Presentation:

The applicant was not present. The Board chose to continue the case to the next Board of Adjustment meeting.

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, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to **CONTINUE** the request for a Special Exception to allow a carport in the required street setback on an RS-3 zoned lot with a modification to allow the area of the carport to exceed 20' x 20' or 400 square feet (Section 90.090-C) to April 11, 2017 Board of Adjustment meeting; for the following property:

LTS 1 & 2 LESS S15 LT 2 BLK 2, BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

None.

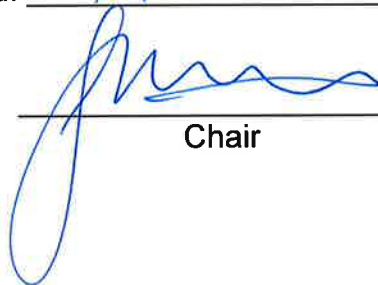
BOARD MEMBER COMMENTS

Mr. Van De Wiele welcomed Mr. White back and the Board is glad to see him on the road to recovery.

Ms. Miller stated that the Zoning Code amendments were approved last week by City Council. Ms. Miller believes they are on the Mayor's signing agenda tomorrow and should be published. The amendments should be effective the beginning of May. The language to clarify government social services was not included in the approved packet.

There being no further business, the meeting adjourned at 1:37 p.m.

Date approved: 4/11/17



Chair