

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 457  
Thursday, February 6, 1986, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Clugston White Wilson		Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections Smith, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 4, 1986, at 12:10 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-1 (Chappelle, White, Wilson, "aye"; no "nays"; Clugston, "abstaining"; Bradley, "absent") to APPROVE the Minutes of January 9, 1986.

Ms. Wilson pointed out that the notice and agenda of the January 23 meeting were posted in the Office of the City Auditor on Tuesday, January 21, 1986, and not on February 21, 1986, as the minutes reflect.

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no, "abstentions"; Bradley, "absent") to APPROVE the Minutes of January 23, 1986, as corrected.

NEW APPLICATIONS

Case No. 13913

Action Requested:

Variance - Section 1221 - Business Signs and Outdoor Advertising - Use Unit 1221 - Request a variance to allow 2,400 square feet of outdoor advertising in an IL zoned district. Applicant plans to remove the 2 existing signs which total 3,058 sq. ft.

Presentation:

The applicant, Bill Stokely, 8921 South 70th East Avenue, Tulsa, Oklahoma, submitted an article (Exhibit A-1) from Tulsa City Magazine, a copy of Sign Erection Permits and proposed signage (Exhibit A-2) and photographs (Exhibit A-3). Mr. Stokely explained

2.06.86:457(1)

Case No. 13913 (continued)

that he has received earlier approval to construct a heliport-restaurant and is before the Board to request the removal of existing signs on his property and the installation of new ones. He informed that he now has permits for 4 wall signs, 20' by 80', which were issued in 1985. Mr. Stokely stated that he would like permission to remove 2 existing signs with a total of 3,058 sq. ft. and replace them with 2,400 sq. ft. of off-premise advertising signs.

Comments and Questions:

Ms. Bradley asked the applicant to state the size of the lot where the restaurant will be located and he replied that it is on a 2-acre tract.

Ms. White asked Mr. Stokely if the 2 existing billboards have advertising on both sides. The applicant replied that the existing signs have advertising on both sides, but that he is proposing to remove them and install two faces on the restaurant, each containing 1,200 sq. ft.

Ms. Wilson inquired as to the distance between the 2 existing signs and asked if they are illegal at this time. Mr. Stokely answered that they are 500' apart and are illegal now, but were acceptable when the permits were issued.

Mr. Jackere asked if the signs were approved and Mr. Stokely reiterated that they were acceptable when the permits were issued.

Mr. Jackere informed that a maximum of 672 sq. ft. is allowed and pointed out to Mr. Stokely that he is asking for 4 times that amount of signage.

Mr. Jackere asked the sign inspector to explain why a sign permit was issued for the 4 existing signs.

Ray Green, Protective Inspections, explained that the signs in question were issued before the change in the Code. He pointed out that the height, size and spacing of the proposed signs would not be permitted under the new Code.

Mr. Clugston asked Mr. Green when the Code was changed and he replied that the Code was amended December 13, 1985.

Ken Bode, Protective Inspections, pointed out that if the existing billboards are removed, the new signage will be required to be located at least 1,200 ft. from other billboards.

Protestants:

Larry Gass, 1409 South Main, Tulsa, Oklahoma, reminded the Board that when the heliport-restaurant was approved, Mr. Stokely had stated that he did not want signs.

Case No. 13913 (continued)

Mr. Clugston asked Mr. Gass if he is an employee of Tulsa Security Patrol, who was previously before the Board to ask for the approval of a heliport, and why he is objecting to the signs on this project.

Mr. Gass replied that he has been before the Board to request permission to operate a heliport, and that he is appearing at this meeting to point out the inconsistency of the Board.

Mr. Clugston pointed out that the he would not agree that the Board is inconsistent, because the locations of the 2 heliports are very different. He remarked that the variance request before the Board today is a signage issue.

Allen Kraft, 4512 South 102nd East Avenue, Tulsa, Oklahoma, stated that he objects to the removal of the existing signs. He informed that a helicopter landed on the subject tract on October 28, 1986 and the noise of the engine was so loud that he was unable to use the phones in his office next door.

Ms. Bradley pointed out to Mr. Kraft that the heliport has been approved and only the sign issue is being decided today.

Mr. Kraft stated that he wants the record to reflect that he is opposed to the noise and unsafe conditions the landing of the helicopter presents.

Interested Parties:

Ross Flood, 2500 South Delaware, Tulsa, Oklahoma, stated that he owns a business in the area and endorses the proposed project.

Additional Comments:

Mr. Chappelle suggested that it may be necessary to continue this case in order to allow the applicant sufficient time to advertise for additional relief of the height and spacing of the signs.

There was discussion concerning the non-conforming signs in the area and their proximity to the subject signs.

Board Action:

Ms. Wilson's motion for denial of the variance request died for lack of a second.

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-1-0 (Bradley, Chappelle, Clugston, White, "aye"; Wilson, "nay"; no "abstentions"; none "absent") to CONTINUE Case No. 13913 until March 6, 1986, to allow the applicant to advertise for additional relief.

Ms. Wilson pointed out to the Board that Mr. Stokely has been given permission to construct a heliport and asked them to consider that the sign is 3 times as high as is permitted and that spacing and size is not in accordance with the Code.

**Case No. 13914**

**Action Requested:**

Special Exception - Section 910 - Principal uses permitted in Industrial Districts - Use Unit 1219 - Request a special exception to permit an indoor recreation use in an IL district, located at 10909 East 56th Street.

**Presentation:**

The applicant, Valley Properties, was represented by Richard Richards, 4129 South Peoria, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-2) for an indoor recreation center.

**Comments and Questions:**

Ms. Bradley asked the applicant if he intends to make any changes in the building. Mr. Richards replied that he has a building permit to increase the size of the warehouse, adding a 50' by 80' portion to the west.

Mr. Clugston asked Mr. Richards to state the exact nature of the proposed business. He answered that the operation will be soccer only and will be open from 5 p.m. to 11 p.m., Monday thru Friday and on the weekend. It was pointed out by the applicant that there are 71 parking spaces, which is ample parking for the business.

Mr. Jackere asked the applicant if there will be professional exhibition games played at the facility and he replied that the size of the building will not allow these type matches.

Mr. Jones informed that there is 1 other indoor soccer facility located in a corridor zoned area about 1 mile away.

Mr. Dukes, 304 South Burr, Broken Arrow, Oklahoma, owner of the business, stated that the business will have 6 eight-week seasons and the remainder of the year will be a repair period for the facility.

Mr. Gardner asked Mr. Dukes to state the amount of spectator seating that will be available in the building and he replied that a maximum of 80 people could be accommodated in the facility.

Mr. Clugston asked if there will be alcoholic beverages served and the owner answered that only 3.2 beer will be sold inside.

Ms. Wilson asked if both children and adults will use the soccer facility and Mr. Dukes answered in the affirmative.

Case No. 13914 (continued)

Protestants:

Gene Womble, 2527 East 32nd Street, Tulsa, Oklahoma, stated that he represents a landowner in the complex and presented letters (Exhibit B-1) stating that they are not opposed to a soccer field, but are opposed to concert halls, massage parlors and billiard parlors being located in the area. He stated that he was not aware that added warehouse space was being constructed. Mr. Womble stated that he is concerned that the soccer patrons may park in the spaces allotted to other tenants, therefore, creating a problem. He voiced a concern that beer will be served at the games.

Charles Ewing, 2908 East 37th Street, Tulsa, Oklahoma, pointed out that he does not object to the soccer idea unless there is a conflict in parking. He stated that he has multi-tenant warehouses and would object to excessive traffic that would interfere with these tenants.

Additional Comments:

Mr. Clugston asked how many playing fields will be in the building and Mr. Richards stated that there will be only one field.

Mr. Clugston asked Mr. Richards to state the size of the building and he replied that the building has a total of 16,000 sq. ft., including the addition.

Mr. Richards explained that the 78 parking spaces will be adequate for the size of the building.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal uses permitted in Industrial Districts - Use Unit 1219) to permit an indoor recreation use in an IL district; subject to the building being used for soccer only, with spectator seating being a maximum of 80; on the following described property:

Lot 6, Block 1, Carter Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13915

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow an identification sign within 10' of a freeway or highway right-of-way, located at 4455 East 31st Street.

Presentation:

The applicant, Cecil Jones, 1100 West Edgewater, Broken Arrow, Oklahoma, stated that he is property manager for Wright Properties.

Case No. 13915 (continued)

He informed that Wright Properties owns the Heritage Apartments which are located at the above stated address. Mr. Jones explained that the sign is small, 3' by 6', and when his company purchased the property, they re-covered the face of the existing sign which was considered to be a new sign by Protective Inspections. He pointed out that the property in question has an address on 31st Street, but does not have frontage on that street. Mr. Jones stated that the sign is used only for property identification on the expressway, but does not set 10' from the right-of-way as required.

Comments and Questions:

Ms. Bradley inquired as to the height of the sign in question and Mr. Jones replied that it is approximately 6' tall.

Mr. Jones stated that the 5' chain link fence in the photograph (Exhibit C-1) is the boundary line for the expressway right-of-way.

Ms. Wilson asked if the sign meets state requirements and Mr. Jones replied that he is not familiar with those requirements. The applicant stated, as he understands it, the problem is that the sign is on private property but not 10' from the right-of-way.

Ms. Wilson asked the applicant to address the hardship. Mr. Jones replied that the sign would be in the middle of the parking lot if moved back 10' from the boundary line of the expressway right-of-way.

Ken Bode, Protective Inspections, informed that the Sign Inspector went out to make the final check and found that the sign is located on the boundary line. He stated that the maintenance of this area is the responsibility of the City, according to the State Highway Inspector.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221) to allow an identification sign within 10' of a freeway or highway right-of-way; finding that, if the sign in question was placed 10' from the boundary line as required, it would be in the center of the row of parking spaces; on the following described property:

Lot 3, Block 1, Georgian Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13916

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted in Commercial districts - Use Unit 1226 - Request a use variance to allow a

Case No. 13916 (continued)

portable ready mix concrete facility on a temporary basis in a CS zoned district within PUD 128-D, located on the SW/c of 71st Street and Peoria.

Presentation:

The applicant, Tom Hines, was represented by Lou Reynolds, 909 Kennedy Building, Tulsa, Oklahoma, who submitted a plot plan (Exhibit D-1) and asked the Board to allow a temporary concrete mixing facility at the above stated location. Mr. Hines explained that the use would be needed during the construction of the Riverside Parkway. He pointed out that the nearest residence is approximately 400' to the south of the facility.

Comments and Questions:

Mr. Chappelle asked the applicant how long the concrete mixing facility will be needed on the site. Mr. Hines replied that the land is leased for a 4 month primary term.

Mr. Jackere asked if the concrete will be mixed off-site and the applicant stated that Mid-Continent Concrete Company is the subcontractor to supply concrete on the Riverside Parkway and the concrete will be mixed at this location.

Mr. Gardner informed that the proposed use is under Use Unit 2, Temporary Open Air Activities, 1202.3(b) Use Conditions.

Mr. Clugston commented that, if legal does not object, the request is for a special exception and not a use variance.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial districts - Use Unit 1202) to allow a portable ready mix concrete facility on a temporary basis in a CS zoned district within PUD 128-D; subject to a time limitation of 6 months; on the following described property:

Part of Government Lot 1, Beginning 326' South and 26.97' West of the NE/c of Government Lot 1, thence west 324.36', northwest 268.59', east 371.21', southeast 254.61' to POB, Section 12, T-18-N, R-12-E, 2.016 acres.

Case No. 13917

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 5 - Request for special exception to permit a childrens youth care home in an RS-2 zoned district, located at 590 North Country Club Drive, Tulsa, Oklahoma.

Case No. 13917 (continued)

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he represents Christopher Youth Center, contract purchaser of the property under application. The center will be a residential facility for 10 boys who are emotionally disturbed. He informed that the tract in question contains approximately 1 acre and pointed out that there are 9 residences and multi-family dwellings in the area. Mr. Johnsen noted that there is a similar operation at 7th and Delaware which is functioning in the residential neighborhood without incident. He pointed out that the center will be properly managed, with qualified staff and therapists on duty. Mr. Johnsen noted that the children are full time students and have no behavioral problems where they have attended classes. He further informed that there will be no smoking or alcoholic beverages allowed at the center. A list of Proposed Use Standards was submitted (Exhibit E-1).

Comments and Questions:

Mr. Chappelle asked Mr. Johnsen to state the ages of the boys that will live in the home. He replied that the average age is 13 1/2 years, with a minimum of 11 and a maximum of 16.

Ms. Bradley questioned whether a request of this nature would be involved in the group home study.

Mr. Jackere informed that this request is under Use Unit 5 and would require a special exception regardless of the study.

Ms. Wilson asked what necessitates a decision on this case today and Mr. Johnsen replied that the property is in the process of being purchased and reminded the Board that this case should be determined by the Code that is in effect now and not a future one.

There was discussion as to spacing between centers of this nature.

Mr. Gardner pointed out that the new ordinance that addresses spacing between youth care homes has not been adopted and suggested that the Board should determine whether the proposed center is appropriate or inappropriate for the area, based on today's ordinance.

Ms. White asked Mr. Johnsen how many adult supervisors would be on duty. He replied that there will be 4 or 5 adults on duty at all times.

Protestants:

William Elliott, 2418 West Newton Court, Tulsa, Oklahoma, informed that he has contacted property owners in the area and many of them think that there are too many operations of this nature already in the area.



Case No. 13917 (continued)

Richard Deslrey, 628 North Country Club Drive, Tulsa, Oklahoma, a representative of Tulsa Community Youth Homes, stated that their organization has a similar home in the area and that he feels 2 youth care centers in the neighborhood would have an adverse effect.

Charles West, 506 West Fairview, Tulsa, Oklahoma, stated that he has lived in the area since 1968 and is opposed to more than one youth care home in the neighborhood.

H. W. Gilbert, 564 North Country Club Drive, Tulsa, Oklahoma, informed that he lives to the south of the proposed center and feels that its presence in the neighborhood will cause a depreciation in the property value. Mr. Gilbert remarked that there is not sufficient parking to accommodate the facility.

Applicant's Rebuttal:

Mr. Johnsen stated that he is amazed that the Tulsa Community Youth Home would be opposed to a similar center in the neighborhood. He pointed out that the area is in transition and asked the Board to grant the special exception request. Mr. Johnsen explained that there is enough parking in the 2 existing driveways to accommodate approximately 11 vehicles.

Ms. Wilson asked if the 16 year old residents were allowed to drive cars and Mr. Johnsen replied that they are not.

Ms. Wilson inquired of the applicant if any of the boys are drug addicts and he answered that they are not on drugs, but rather, only have emotional problems. He stated that they are kept in the center for approximately 1 year and either returned to their homes or placed in foster homes.

Ms. Bradley remarked that she supports the concept, but is concerned about the impact the center will have on the single family dwellings in the area.

Mr. Clugston stated that, even though he is supportive of the use, he is concerned with the concentration of similar facilities in the area and feels the neighborhood has enough.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON the Board voted 3-1-0 (Bradley, Clugston, Wilson, "aye"; Chappelle, "nay"; no "abstentions"; White, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 5) to permit a children's youth care home in an RS-2 zoned district; finding that the area already has a concentration of special housing facilities and that the granting of the special exception request would be detrimental to the neighborhood; on the following described property:

Case No. 13917 (continued)

Lot 6 and the north 15' of Lot 7, Block 6, South Osage Hills Addition, City of Tulsa, Osage County, Oklahoma.

Case No. 13919

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to permit a mobile home in an RS-1 zoned district.

Variance - Section 440.6(c) - Special Exception Uses In Residential Districts, Requirements, request a variance to waive the one year time limitation to permanently, located at 17110 East 11th Street.

Presentation:

The applicant, Barbara Storjohann, 10411 East 43rd Place, Tulsa, Oklahoma, asked the Board to allow her to move her mobile home from a mobile home park to a lot at the above stated location.

Comments and Questions:

Mr. Clugston asked the applicant if she intends to move her mobile home to a vacant lot next door to an existing mobile home and Ms. Storjohann answered in the affirmative.

Protestants:

Richard Johnson, 17006 East 11th Street, Tulsa, Oklahoma, stated that he lives 2 lots down from the existing mobile home and owns the property west of the proposed location of the applicants mobile. Mr. Johnson stated that there is no access to the lot without entering across adjoining property.

Mr. Johnson informed that on December 5, 1986 his daughter asked the Board to allow a mobile to be located on his property at 17108 East 11th Street for a period of 5 years and at that time, the owner of the subject tract opposed the application, stating that it would devalue the property.

Ms. Bradley asked Mr. Johnson if he is opposed to the placement of the mobile on the property and he replied that he is opposed to the granting of the variance request, and not the mobile home location.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to permit a mobile home in an RS-1 zoned district; and to DENY a Variance (Section 440.6(c) - Special Exception Uses In Residential Districts, Requirements,) to waive the one year time limitation to permanently; subject to a time limitation of 1 year; and subject to removal bond; on the following described property:

Case No. 13919 (continued)

The east 79.5' of Lot 5, Block 1, Lynn Lane Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13920

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RS-3 zoned district.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request a variance to allow 2 single-family dwellings per lot of record, located at 4033 West 55th Place.

Presentation:

The applicant, Jerry Hine, 3724 South Evanston, Tulsa, Oklahoma, submitted a location map (Exhibit F-1) and photographs of the area (Exhibit F-2). Mr. Hine informed that he is the owner of Hinesite Reconstruction, which provides low cost housing with garden and yard space. He stated that in June he purchased and restored 2 deserted houses in South Haven Addition. Mr. Hine stated that there are many unkempt lots in the neighborhood and he would like to buy them and place mobile homes on the property for rental purposes.

Comments and Questions:

Mr. Gardner asked Mr. Hine if the mobile home in question is directly behind the existing house on the lot and if the house is rental property. Mr. Hine replied that the house is a rental unit.

Mr. Gardner pointed out to the Board that the applicant has 2 dwellings on one lot of record and asked Mr. Hine why he has 2 on the tract. He replied that he was trying to make this an economical operation and improve the area.

Mr. Chappelle asked if there are any properties in the area with 2 residences on 1 lot and he answered in the affirmative.

Ms. Bradley asked if the applicant could obtain a lot split. Mr. Jackere commented that the lot would not meet the bulk and area requirements.

Protestants:

Essie Bohannon, 4032 West 55th Place, Tulsa, Oklahoma, submitted a petition (Exhibit F-3) in opposition to the application and stated that she is representing the community. She pointed out that the area is predominately older residents and they are annoyed by the tenants that live in the rental units. Ms. Bohannon asked the Board to deny the request for a mobile home in the neighborhood.

Case No. 13920 (continued)

Mr. Chappelle stated that Code Enforcement has received a complaint (Exhibit F-4) that a trailer was being moved on the property.

Mr. Clugston remarked that the applicant has not presented a hardship for the variance request.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 zoned district; and to **DENY** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record) to allow 2 single-family dwellings per lot of record; finding that the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; and finding that the applicant did not demonstrate a hardship that would warrant the granting of the variance request; on the following described property:

Lots 18 - 20, Block 26, South Haven Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13921

Action Requested:

Special Exception - Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1208 - Request a special exception to allow 5'4" height fencing of a steel tube type construction within the required front yard, located on the SE/c of 53rd Street and 54th Street South.

Presentation:

The applicant, Jim Hill, was represented by Steve Turner, Turner and Associates, Suite 267 Williams Center, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1). Mr. Turner explained that a security system is proposed for an apartment complex at approximately 5400 South Yale, which includes a security fence and gate. He informed that a 4' fence is allowed by the Code and asked the Board to permit the installation of a stone and wrought iron type fence that will be 5' 4" high.

Comments and Questions:

Ms. Bradley asked if the fence will be on the City right-of-way and Mr. Turner stated that the fence will be approximately 2' off the property line and on City right-of-way.

Mr. Gardner informed that if the fence is on the City right-of-way, the case will also need to be heard by the City Commission.

Mr. Chappelle read a letter (Exhibit G-2) from the District 18 Planning Team which stated that they oppose the type of fencing to be used for the project.

Case No. 13921 (continued)

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1208) to allow 5'4" height fencing of a steel and stone type construction within the required front yard; per plans submitted; subject to a City Commission approval and a removal contract being executed with the City, stating that the owner will remove the fence at his expense in the event that the right-of-way is utilized by the City at some future date; on the following described property:

Lot 2, Block 2, Lafortune Park Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13922

Action Requested:

Variance - Section 1221.3(f) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of setback from centerline of Utica from 50' to 35' to allow for sign. Variance of setback from 11th Street from 50' to 35' to allow for sign. Variance of setback from 11th Street and from Utica Avenue from 50' to 35' to allow for sign, located at 11th and Utica.

Presentation:

The applicant, David Page, 500 One Oak Plaza, Tulsa, Oklahoma, submitted sign plans (Exhibit H-1) and stated that he represents Hillcrest Medical Center. He informed that the hospital is proposing to spend 1.2 million dollars in improving the landscaping around its facilities. He explained that a part of this process is replacing signage, which involves three signs requiring variances.

Comments and Questions:

Mr. Gardner asked Mr. Page if any of the signs in question are on public property and he replied that they are not on public property, but a removal contract will be needed.

Ms. Wilson asked why a removal contract would be required if the signs are not located on city right-of-way. Mr. Jackere informed that they are located in the proposed right-of-way of the Major Street and Highway Plan.

Mr. Clugston asked if the location of any of the 3 signs would be changed. He replied that the sign on 12th and Utica will be moved south approximately 5', but the setback from Utica will be the same. The 11th and Utica sign will be closer to the street, approximately 40' from centerline.

Case No. 13922 (continued)

Ms. Wilson asked the heights of the current signs as opposed to the new signs that will be installed and if they are on columns. The applicant replied that the current sign at 12th and Utica is 16 1/2' tall with 1 column and the proposed one is 17 1/2' and will have 2 columns.

Ms. Wilson asked the height of the columns and Mr. Page informed that the width of the proposed sign is 7 1/2', an increase of 2 1/2' in width and 1' in height, and the distance from the ground to the bottom of the sign is approximately 6'. Ms. Wilson voiced a concern for the safety of motorists if the larger sign is installed and stated that, in her opinion, the 3 existing signs are adequate. Mr. Page commented that most of the additional size of the sign will be toward the building.

Mr. Clugston remarked that he, too, is concerned that the sign will block visibility at the intersection.

Ms. Bradley asked the applicant to address the hardship for the variance requests. He replied that the building is built on the boundary line and, for the most part, the enlarged signs would be moving away from the street.

Mr. Gardner informed that the existing signs are cubes, or 4 faced, and the new signs will have 2 faces, therefore, decreasing the total bulk of the signage structure.

Ken Bode, Protective Inspections, informed that the applications for permits of the 3 signs were denied on the basis of the setback and the fact that the solid bases cause a vision problem. He pointed out that 50% of the width of the signs is enclosed with the pillars.

Mr. Page stated that these sign locations are necessary in order that the public can read the information on the signs as they drive along the street.

Mr. Gardner pointed out that a portion of the hospital building is apparently on the property line at the southeast corner on Utica and if so, some relief is needed.

Mr. Clugston stated that he has no problem with the proposed sign at 11th and Trenton, but is opposed to the other two which will be closer to the street and block visibility.

Mr. Page pointed out that the sign on 12th and Utica would only be 6" closer to Utica than the existing one and the sign at 11th and Utica has a variance for 35', but it was not placed that close to the street. He stated that the sign would move approximately 5' closer to 11th Street, but 5' farther away from Utica.

Case No. 13922 (continued)

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to DENY a Variance (Section 1221.3(f) General Use Conditions for Business Signs - Use Unit 1221) of setback from centerline of Utica from 50' to 35' to allow for sign; to APPROVE a Variance of setback from 11th Street from 50' to 35' to allow for sign; and to DENY a Variance of setback from 11th Street and from Utica Avenue from 50' to 35' to allow for a sign; finding that the applicant failed to demonstrate a hardship that would justify moving the 1 proposed sign closer to 11th Street and 1 sign closer to Utica Avenue; on the following described property:

Lot 10, Block 1, McNulty Addition; Lot 7, Block 1, Forrest Park Addition; Lot 1, Block 2, Perryman Heights II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13923

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of front yard setback from 35' to 30' and a variance of the rear yard setback from 25' to 20' to allow for construction of a new house, located on the NW/c of 63rd Street and Oswego Avenue.

Presentation:

The applicant, Jon Vrooman, 6138 South Louisville, Tulsa, Oklahoma, stated that he is president of Vrooman Construction Company. He submitted a plot plan (Exhibit 1-1) and asked the Board to allow construction of a new house on an irregular shaped corner lot. He informed that the property owners in the area are in agreement with the project.

Comments and Questions:

Ms. Bradley asked if the house fronts on Oswego and the applicant answered in the affirmative.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front yard setback from 35' to 30' and a variance of the rear yard setback from 25' to 20' to allow for construction of a new house; per plot plan; finding a hardship demonstrated by the irregular shaped corner lot; on the following described property:

Lot 8, Block 3, Braeswood Addition, City of Tulsa, Tulsa County, Oklahoma.

## OTHER BUSINESS

### Case No. 13932

#### Action Requested:

The applicant, Charles Norman, requests a refund of filing fee for Case No. 13932.

#### Comments and Questions:

Mr. Jones informed that the case has not been processed and a refund of the entire fee of \$125.00 is in order.

#### Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a refund of \$125.00; finding that the application has not been processed.

### Case No. 13849

#### Action Requested:

Request for a revision of the BOA conditions previously approved with a revised site plan.

#### Presentation:

The applicant, Ken Alexander, was represented by Dave Miller, 6130 South Maplewood, Tulsa, Oklahoma, who submitted a revised site plan (Exhibit J-1). He informed that he is a contractor, doing work for Mr. Bill Babb at 6144 South Oswego.

#### Comments and Questions:

Mr. Chappelle commented that, if the revised plot plan is substantially changed from the previous submitted plan, a new hearing should be scheduled.

Mr. Miller informed that the only difference on the plan is the cabana. He informed that Mr. Babb noticed that the attic space is very large and asked if a workroom and a restroom could be added in this area.

Ms. Hubbard informed that a second floor has been added which deviates from the conditions previously imposed by the Board.

#### Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to DENY a request for a revision of the BOA conditions and site plan previously approved; finding that



Case No. 13849 (continued)

there are substantial changes in the site plan and a new public hearing will need to be scheduled in order that the Board can consider the changes.

Discussion and Consideration of Board of Adjustment Rules of Procedure and Code of Ethics.

Mr. Clugston suggested that in Item 8 the meeting place for the BOA could read 'in a designated place' instead of City Commission Room. He pointed out that in case of a change in meeting places, the Code would remain correct.

There was discussion on rehearing cases and whether there should be a 6 month waiting period before they can be heard a second time. Also, Mr. Clugston suggested that the conflict of interest issue be stated differently. Ms. Wilson asked if there should be some mention in the rules concerning the private meeting of a Board member and an applicant prior to the hearing date.

Mr. Gardner stated that Staff and the Legal Department will discuss these items prior to putting the policies back on the Board meeting at a later time.

There being no further business, the meeting adjourned at 4:50 p.m.

Date Approved

2-20-86

*Carl J. Agnello*  
Chairman

