

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 595  
Tuesday, September 24, 1991, 1:00 p.m.  
City Council Room, Plaza Level  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle, Chairman Doverspike Fuller White	Chappelle	Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections Northcutt, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, September 23, 1991, at 11:37 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Bolzle called the meeting to order at 1:02 p.m.

**MINUTES:**

On **MOTION** of FULLER, the Board voted 3-0-0 (Bolzle, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** the Minutes of September 10, 1991.

**UNFINISHED BUSINESS**

**Case No. 15820**

**Action Requested:**

Variance of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs** - Use Unit 16, located 9101 South Memorial Drive.

**Presentation:**

The applicant, **Terry Howard**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Lynn Tucker**, Oklahoma Neon, Inc., who explained that Texaco is proposing to install new wrap around back-lighted awnings on all Star Mart facilities. He pointed out that similar requests have been granted to Blockbuster Video, Texaco Star Lube and Circle K stores. Mr. Tucker stated that only the signage on the front wall exceeds the permitted amount, since the awning does not extend the entire length of the side walls. He informed that the Planning Commission has recommended to the City Council that the Code be amended to include only that portion of the sign containing graphics in the total display surface area. Mr. Tucker pointed out that the Texaco signs would comply with the Code if this amendment, which was recommended approximately one year ago, had been approved by the Council.

**Comments and Questions:**

Mr. Bolzie inquired as to the wattage of the lighted awning and if it is in compliance with the proposed amendment, and Mr. Tucker replied that the proposed awning has the same illumination as the previously approved Star Lube awning, but he is not sure of the wattage.

Mr. Bolzie pointed out that the proposed amendment states that buildings or structures that are illuminated at 25 foot candles or greater, measured at a 2' distance, will be considered a sign even if it does not contain words or characters. He added that it is important for the Board to know the amount of illumination.

Mr. Bolzie asked if the total amount of the lighted awning exceeds the permitted display surface area, and Mr. Tucker replied that the total of the three walls does not surpass the permitted amount of signage.

Mr. Gardner clarified that the Code addresses the signage on each individual wall; however, if it chooses to do so, the Board could consider the accumulated signage in deliberating this case.

In response to Mr. Doverspike, Mr. Tucker stated that Texaco's previously approved Star Lube signs are the same type of awnings and the same wattage as the proposed Star Mart awnings.

**Councilor Richard Polishuk** stated that TMAPC has forwarded the sign amendment to the City Council for approval, and the Council has been awaiting a recommendation from the Sign Advisory Board. He stated that the Council has decided to support the TMAPC recommendation on the lighted awning issue.

Mr. Fuller asked Councilor Polishuk when the amendment regarding lighted awnings will be adopted, and he replied that all hearings on the issue should be completed by December 1, 1991.

Mr. Doverspike noted that similar variances have been previously approved, and suggested that the requested signage be permitted, per TMAPC recommendation for illumination. He stated that in the interim between this date and the City Council's hearing on the subject, he would not be inclined to grant further variances of this nature.

Ms. White stated that she is in agreement with Mr. Doverspike's suggestion.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs - Use Unit 16**; subject to the internal illumination of the awning being less than 25 foot candles measured at a two foot distance, as specified in the proposed amendment to the Zoning Code, **Section 292. ILLUMINATION STANDARDS**; finding that similar variances have been granted to other business in the Tulsa Area; on the following described property:

Case No. 15820 (continued)

Lot 1, Block 1, Starr Center Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15822**

**Action Requested:**

Variance of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 28.5' - Section 1221.D. - CS District Use Conditions For Business Signs - Use Unit 16, located 3105 South Garnett.

**Presentation:**

The applicant, **Terry Howard**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Lynn Tucker**, Oklahoma Neon, Inc., who explained that Texaco is proposing to install new wrap around back-lighted awnings on all Star Mart facilities. He pointed out that similar requests have been granted to Blockbuster Video, Texaco Star Lube and Circle K stores. Mr. Tucker stated that only the signage on the front wall exceeds the permitted amount, since the awning does not extend the entire length of the side walls. He informed that the Planning Commission has recommended to the City Council that the Code be amended to include only that portion of the sign containing graphics in the total display surface area. Mr. Tucker pointed out that the Texaco signs would comply with the Code if this amendment, which was recommended approximately one year ago, had been approved by the Council.

**Comments and Questions:**

Mr. Bolzie inquired as to the wattage of the lighted awning and if it is in compliance with the proposed amendment, and Mr. Tucker replied that the awning in question has the same illumination as the previously approved Star Lube awning, but he is not sure of the wattage.

Mr. Bolzie pointed out that the proposed amendment states that buildings or structures that are illuminated at 25 foot candles or greater, measured at a 2' distance, will be considered a sign even if it does not contain words or characters. He added that it is important for the Board to know the amount of illumination.

Mr. Bolzie asked if the total amount of the lighted awning exceeds the permitted display surface area, and Mr. Tucker replied that the total of the three walls does not surpass the permitted amount of signage.

Mr. Gardner clarified that the Code addresses the signage on each individual wall; however, if it chooses to do so, the Board could consider the accumulated signage in deliberating this case.

In response to Mr. Doverspike, Mr. Tucker stated that Texaco's previously approved Star Lube signs are the same type of awnings and the same wattage as the proposed Star Mart awnings.

Case No. 15822 (continued)

**Councillor Richard Polishuk** stated that TMAPC has forwarded the sign amendment to the City Council for approval, and the Council has been awaiting a recommendation from the Sign Advisory Board. He stated that the Council has decided to support the TMAPC recommendation on the lighted awning issue.

Mr. Fuller asked Councillor Polishuk when the amendment regarding lighted awnings will be adopted, and he replied that all hearings on the issue should be completed by December 1, 1991.

Mr. Doverspike noted that similar variances have been previously approved, and suggested that the requested signage be permitted, per TMAPC recommendation for illumination. He stated that in the interim between this date and the City Council's hearing on the subject, he would not be inclined to grant further variances of this nature.

Ms. White stated that she is in agreement with Mr. Doverspike's suggestion.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Boizie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs** - Use Unit 16; subject to the internal illumination of the awning being less than 25 foot candles measured at a two foot distance, as specified in the proposed amendment to the Zoning Code, **Section 292. ILLUMINATION STANDARDS**; finding that similar variances have been granted to other business in the Tulsa Area; on the following described property:

Lot 1, Block 1, Briarglen Center, a resubdivision of Blocks 1 - 4, Briarglen Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15823**

**Action Requested:**

Variance of the permitted wall signage to permit four wall signs which exceed the permitted display surface area by a total of 60.6 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs** - Use Unit 16, located 9606 East 71st Street.

**Presentation:**

The applicant, **Terry Howard**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Lynn Tucker**, Oklahoma Neon, Inc., who explained that Texaco is proposing to install new wraparound, back-lighted awnings on all Star Mart facilities. He pointed out that similar requests have been granted to Blockbuster Video, Texaco Star Lube and Circle K stores. Mr. Tucker stated that only the signage on the front wall exceeds the permitted amount, since the awning does not extend the entire length of the side walls. He informed that the

Case No. 15823 (continued)

Planning Commission has recommended to the City Council that the Code be amended to include only that portion of the sign containing graphics in the total display surface area. Mr. Tucker pointed out that the Texaco signs would comply with the Code if this amendment, which was recommended approximately one year ago, had been approved by the Council.

**Comments and Questions:**

Mr. Bolzie inquired as to the wattage of the lighted awning and if it is in compliance with the proposed amendment, and Mr. Tucker replied that the proposed awning has the same illumination as the previously approved Star Lube awning, but he is not sure of the wattage.

Mr. Bolzie pointed out that the proposed amendment states that buildings or structures that are illuminated at 25 foot candles or greater, measured at a 2' distance, will be considered a sign even if it does not contain words or characters. He added that it is important for the Board to know the amount of illumination.

Mr. Bolzie asked if the total amount of the lighted awning exceeds the permitted display surface area, and Mr. Tucker replied that the total of the three walls does not surpass the permitted amount of signage.

Mr. Gardner clarified that the Code addresses the signage on each individual wall; however, if it chooses to do so, the Board could consider the accumulated signage in deliberating this case.

In response to Mr. Doverspike, Mr. Tucker stated that Texaco's previously approved Star Lube signs are the same type of awnings and the same wattage as the proposed Star Mart awnings.

Councilor Richard Polishuk stated that TMAPC has forwarded the sign amendment to the City Council for approval, and the Council has been awaiting a recommendation from the Sign Advisory Board. He stated that the Council has decided to support the TMAPC recommendation on the lighted awning issue.

Mr. Fuller asked Councilor Polishuk when the amendment regarding lighted awnings will be adopted, and he replied that all hearings on the issue should be completed by December 1, 1991.

Mr. Doverspike noted that similar variances have been previously approved, and suggested that the requested signage be permitted, per TMAPC recommendation for illumination. He stated that in the interim between this date and the City Council's hearing on the subject, he would not be inclined to grant further variances of this nature.

Ms. White stated that she is in agreement with Mr. Doverspike's suggestion.

Case No. 15823 (continued)

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs** - Use Unit 16; subject to the internal illumination of the awning being less than 25 foot candles measured at a two foot distance, as specified in the proposed amendment to the Zoning Code, **Section 292. ILLUMINATION STANDARDS**; finding that similar variances have been granted to other business in the Tulsa Area; on the following described property:

Lot 1, Block 1, Wembly Station, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15824**

**Action Requested:**

Variance of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs** - Use Unit 16, located 2109 South Sheridan.

**Presentation:**

The applicant, **Terry Howard**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Lynn Tucker**, Oklahoma Neon, Inc., who explained that Texaco is proposing to install new wrap around back-lighted awnings on all Star Mart facilities. He pointed out that similar requests have been granted to Blockbuster Video, Texaco Star Lube and Circle K stores. Mr. Tucker stated that only the signage on the front wall exceeds the permitted amount, since the awning does not extend the entire length of the side walls. He informed that the Planning Commission has recommended to the City Council that the Code be amended to include only that portion of the sign containing graphics in the total display surface area. Mr. Tucker pointed out that the Texaco signs would comply with the Code if this amendment, which was recommended approximately one year ago, had been approved by the Council.

**Comments and Questions:**

Mr. Bolzie inquired as to the wattage of the lighted awning and if it is in compliance with the proposed amendment, and Mr. Tucker replied that the proposed awning has the same illumination as the previously approved Star Lube awning, but he is not sure of the wattage.

Mr. Bolzie pointed out that the proposed amendment states that buildings or structures that are illuminated at 25 foot candles or greater, measured at a 2' distance, will be considered a sign even if it does not contain words or characters. He added that it is important for the Board to know the amount of illumination.

Case No. 15824 (continued)

Mr. Bolzle asked if the total amount of the lighted awning exceeds the permitted display surface area, and Mr. Tucker replied that the total of the three walls does not surpass the permitted amount of signage.

Mr. Gardner clarified that the Code addresses the signage on each individual wall; however, if it chooses to do so, the Board could consider the accumulated signage in deliberating this case.

In response to Mr. Doverspike, Mr. Tucker stated that Texaco's previously approved Star Lube signs are the same type of awnings and the same wattage as the proposed Star Mart awnings.

Councilor Richard Pollshuk stated that TMAPC has forwarded the sign amendment to the City Council for approval, and the Council has been awaiting a recommendation from the Sign Advisory Board. He stated that the Council has decided to support the TMAPC recommendation on the lighted awning issue.

Mr. Fuller asked Councilor Pollshuk when the amendment regarding lighted awnings will be adopted, and he replied that all hearings on the issue should be completed by December 1, 1991.

Mr. Doverspike noted that similar variances have been previously approved, and suggested that the requested signage be permitted, per TMAPC recommendation for illumination. He stated that in the interim between this date and the City Council's hearing on the subject, he would not be inclined to grant further variances of this nature.

Ms. White stated that she is in agreement with Mr. Doverspike's suggestion.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs** - Use Unit 16; subject to the Internal Illumination of the awning being less than 25 foot candles measured at a two foot distance, as specified in the proposed amendment to the Zoning Code, **Section 292. ILLUMINATION STANDARDS**; finding that similar variances have been granted to other business in the Tulsa Area; on the following described property:

A part of the east 185.00' of the west 235.00' of the south 280.00' of the north 330.00' of Section 14, T-19-N, R-13-E, of the IBM, Tulsa County, Oklahoma, being more particularly described by metes and bounds as follows, to-wit: Commencing at the NW/c of Section 14, T-19-N, R-13-E, said point being the centerline intersection of East 21st Street South and South Sheridan Road; thence due east along the north line of Section 14 a distance of 235.00'; thence S 0°07'42" W a distance of 50.00' to the POB; thence continuing S 0°07'42" W parallel with the west line of Section 14 a distance of 280.00'; thence due

Case No. 15824 (continued)

west parallel with the north line of Section 14 a distance of 185.00' to a point on the east R/W line of South Sheridan Road; thence N 0°07'42" E along said R/W line and parallel to and 50.00' perpendicularly distant from the west line of Section 14 a distance of 245.0'; thence N 45°03'51" E a distance of 35.39'; thence due east parallel to and 60.00' perpendicularly distant from the north line of Section 14 a distance of 48.50'; thence N 0°07'42" E a distance of 10.00' to a point on the south R/W line of East 21st Street South; thence due east parallel to and 50.00' perpendicularly distant from the north line of Section 14 a distance of 111.50' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15825

Action Requested:

Variance of the permitted wall signage to permit one wall sign which exceeds the permitted display surface area by a total of 18.8 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs - Use Unit 16, located 5108 South Peoria.**

Presentation:

The applicant, **Terry Howard**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Lynn Tucker**, Oklahoma Neon, Inc., who explained that Texaco is proposing to install new wrap around back-lighted awnings on all Star Mart facilities. He pointed out that similar requests have been granted to Blockbuster Video, Texaco Star Lube and Circle K stores. Mr. Tucker stated that only the signage on the front wall exceeds the permitted amount, since the awning does not extend the entire length of the side walls. He informed that the Planning Commission has recommended to the City Council that the Code be amended to include only that portion of the sign containing graphics in the total display surface area. Mr. Tucker pointed out that the Texaco signs would comply with the Code if this amendment, which was recommended approximately one year ago, had been approved by the Council.

Comments and Questions:

Mr. Bolzle inquired as to the wattage of the lighted awning and if it is in compliance with the proposed amendment, and Mr. Tucker replied that the proposed awning has the same illumination as the previously approved Star Lube awning, but he is not sure of the wattage.

Mr. Bolzle pointed out that the proposed amendment states that buildings or structures that are illuminated at 25 foot candles or greater, measured at a 2' distance, will to be considered a sign even if it does not contain words or characters. He added that it is important for the Board to know the amount of illumination.

Mr. Bolzle asked if the total amount of the lighted awning exceeds the permitted display surface area, and Mr. Tucker replied that the total of the three walls does not surpass the permitted amount of signage.



Case No. 15825 (continued)

Mr. Gardner clarified that the Code addresses the signage on each individual wall; however, if it chooses to do so, the Board could consider the accumulated signage in deliberating this case.

In response to Mr. Doverspike, Mr. Tucker stated that Texaco's previously approved Star Lube signs are the same type of awnings and the same wattage as the proposed Star Mart awnings.

Councilor Richard Polishuk stated that TMAPC has forwarded the sign amendment to the City Council for approval, and the Council has been awaiting a recommendation from the Sign Advisory Board. He stated that the Council has decided to support the TMAPC recommendation on the lighted awning issue.

Mr. Fuller asked Councilor Polishuk when the amendment regarding lighted awnings will be adopted, and he replied that all hearings on the issue should be completed by December 1, 1991.

Mr. Doverspike noted that similar variances have been previously approved, and suggested that the requested signage be permitted, per TMAPC recommendation for illumination. He stated that in the interim between this date and the City Council's hearing on the subject, he would not be inclined to grant further variances of this nature.

Ms. White stated that she is in agreement with Mr. Doverspike's suggestion.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Boizle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs - Use Unit 16**; subject to the internal illumination of the awning being less than 25 foot candles measured at a two foot distance, as specified in the proposed amendment to the Zoning Code, **Section 292. ILLUMINATION STANDARDS**; finding that similar variances have been granted to other business in the Tulsa Area; on the following described property:

Lot 3, Block 1, Jen-Ash Park Addition to the City and County of Tulsa, Oklahoma, according to the recorded Plat thereof and a portion of the NE/4 NE/4 Section 36, T-19-N, R-12-E, Tulsa County, Oklahoma, being more particularly described as: Beginning at a point 207' south of the north line of said Section 36 and 50' west of the east line of said Section 36; thence south parallel with the east line of said Section 36 a distance of 125' to a point; thence west parallel to the north line of said Section 36 a distance of 125' to a point; thence north parallel to the east line of said Section 36 to a point on a straight line described as follows: Beginning at a point 207' south of the north line of said Section 36 and 50' west of the east line of said Section 36; thence in a northwesterly

Case No. 15825 (continued)

direction a distance of 359.9' to a point which is 123' south of the north line of said Section 36; thence in a southeasterly direction along said described straight line to POB, said tract also being more particularly described by metes and bounds as follows: A tract of land in the NE/4 NE/4 NE/4 Section 36, T-19-N, R-12-E, Tulsa County, Oklahoma, described as follows, to-wit: Commencing at the NE/c of said Section 36; thence due south along the east line of Section 36 a distance of 207.00' to a point; thence S 89°57'03" W and parallel with the north line of Section 36 a distance of 50.00' to the POB; thence due south and parallel with the east line of Section 36 a distance of 125.00' to a point; thence S 89°57'03" W a distance of 125.00' to a point; thence due north 155.00' to a point on the southerly R/W line of I-44 Highway, said point being 177.00' south of the north line of said Section 36; thence S 76°33'03" E along the southerly R/W line of I-44 Highway a distance of 128.52' to POB, City of Tulsa, Tulsa County, Oklahoma.

#### MINOR VARIANCES AND EXCEPTIONS

Case No. 15834

##### Action Requested:

Minor Variance of the required front yard from 35' to 28' -  
**Section 403.A. BULK AND AREA REQUIREMENTS** - Use Unit 7, located 6108 South Louisville.

##### Presentation:

The applicant, Jon Vrooman, 6138 South Louisville, Tulsa, Oklahoma, submitted a site plan (Exhibit F-1) and that he is proposing to move the proposed dwelling slightly toward the front of the lot. He explained that there are large trees on the rear portion of the lot and also a 12' grade differential, which limits construction in that area.

##### Comments and Questions:

Mr. Bolzie stated that he has viewed the site and found the rear portion of the lot to be sloping with mature trees, as presented by the applicant.

Protestants: None.

##### Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Minor Variance** of the required front yard from 35' to 28' - **Section 403.A. BULK AND AREA REQUIREMENTS** - Use Unit 7; per plot plan submitted; finding a hardship demonstrated by the steep slope on the rear portion of the irregular shaped lot; and finding that moving the house further back would require the removal of several mature trees; and finding that similar request have been approved in the area, and the granting of the minor variance will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 24, Block 2, Braeswood, City of Tulsa, Tulsa County, Oklahoma.

09.24.91:595(10)

## NEW APPLICATIONS

### Case No. 15828

#### Action Requested:

Variance of the required 50' setback from the centerline of East 51st Street South to 35' to permit a new pole sign - Section 1221.C.6. Use Conditions For Business Signs - Use Unit 14, located 5050 South Lewis Avenue.

#### Presentation:

The applicant, **David Grooms**, 901 North Mingo Road, Tulsa, Oklahoma, submitted a site plan (Exhibit G-1) and stated that the QwikTrip sign currently located on the property is not visible because of the nearby trees. He requested permission to relocate the sign on the corner of the property. Mr. Grooms stated that a removal contract can be executed that will insure removal of the sign if the intersection is improved in the future.

#### Comments and Questions:

Mr. Bolzie inquired as to the location of the existing sign, and Mr. Grooms stated that it is located on the southwest corner of the property.

In response to Mr. Fuller, the applicant informed that the new sign will be 50' from the centerline of Lewis Avenue.

Mr. Bolzie asked why the sign cannot be moved 50' to the north, and Mr. Grooms replied that the sign would then be in the driveway and would interfere with access to the gas pumps.

Mr. Doverspike inquired as to the reason the sign cannot be placed further to the west, and the applicant stated that it would be in the driveway if moved in that direction.

In response to Mr. Bolzie, the applicant stated that the distance from the top of the sign to the ground will be 18.4' and the bottom of the sign will be about 5' from the ground.

Mr. Bolzie noted that, when exiting the site and going west on 51st Street, it is very difficult for motorists to see oncoming traffic entering 51st Street from Lewis.

Mr. Jones stated that compliance with the 50' required setback would not create a visibility problem at the intersection or prohibit internal circulation on the lot.

Ms. Hubbard informed that the bottom of the proposed sign is 5' from the ground.

Case No. 15828 (continued)

Mr. Fuller asked the applicant if the 40' sign at the southwest corner of the lot will be removed, and he answered in the affirmative. He advised that the new sign was designed to meet the conditions of the proposed sign amendment.

In response to Mr. Doverspike, Mr. Gardner stated that the sign would interfere with the gas pumps if moved to the west; however, all of the area has been paved up to the east property line, a part of which could have been reserved for green space or the sign location.

Mr. Jones remarked that the hardship in this case seems to be self imposed, since there is nothing physically unique about the property that would prevent compliance with the required 50' setback from the centerline of both streets.

In response to Mr. Doverspike, Mr. Jones advised that the lower sign could create a potential sight problem for motorists in the area if moved closer to 51st Street, and should be reviewed by Traffic Engineering.

Mr. Bolzie stated that he is familiar with the intersection and feels that the approval of the variance request would create an additional traffic hazard for the overcrowded intersection.

**Applicant's Rebuttal:**

Mr. Grooms stated that the existing sign is useless, since it is blocked by the trees. He stated that he can raise the bottom of the sign 6' from the ground, which would permit motorists to see under the sign.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the required 50' setback from the centerline of East 51st Street South to 35' to permit a new pole sign - **Section 1221.C.6. Use Conditions For Business Signs** - Use Unit 14; finding the applicant failed to present a hardship that would warrant granting the variance request; on the following described property:

The south 240' of the east 220' of the SE/4, Section 30, T-19-N, R-13-E, Tulsa County, Oklahoma, less the east 40' and south 35' thereof and being located in a CS zoned district.

**Case No. 15830**

**Action Requested:**

Special Exception to permit a retirement living complex - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 8, located northwest corner of 21st Street and 129th East Avenue.

**Presentation:**

The applicant, F. L. Swanson, 7529 South Braden, Tulsa, Oklahoma, submitted a site plan (Exhibit H-1) for the proposed construction, and stated that he is planning to build a 100-unit retirement complex on the subject property. Mr. Swanson explained that the common area inside the building will have a kitchen, dining room, beauty shop, barber shop, craft room, exercise room and whirlpool room.

**Comments and Questions:**

Mr. Jones informed that Ms. Hubbard has reviewed the plot plan since the applicant first filed the application, and he has complied with all Code requirements.

Mr. Swanson stated that his neighbors have requested that the existing fence remain, in lieu of the required solid screening.

Mr. Bolzie informed the applicant that the screening fence cannot be considered at this time, since a variance of that requirement will be needed.

**Interested Parties:**

John Eighner, 12644 East 19th Street, Tulsa, Oklahoma, stated that he is basically in support of the project. He pointed out that the decline in the economy and numerous neighborhood problems have caused his property value to diminish, and voiced a concern with any use that might have a negative impact on the area. He requested that the proposed use not be allowed to change under new ownership, and that the building be restricted to one story only.

Mr. Gardner informed that retirement living is a relatively new use in the Zoning Ordinance and does not require as much parking as regular apartment use. He pointed out that there would not be sufficient parking at this location for standard apartment development.

Ms. White pointed out that the use cannot change without another hearing before the Board.

**Protestants:** None.

**Board Action:**

On **MOTION** of FULLER, the Board voted 4-0-0 (Bolzie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Special Exception to permit a retirement living complex - Section 701. **PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 8; and to **CONTINUE** the portion of the application concerning a waiver of the screening requirement (will require readvertising); per plot plan submitted; subject to the structure being limited to one story only; finding the use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

**Case No. 15830 (continued)**

A part of Stacey Lynn Third Annex to the City and County of Tulsa, Oklahoma, being more particularly described as follows, to-wit: Beginning at the NE/c of Lot 1, Block 1, Stacey Lynn Third Annex; thence due west along the north line of Lot 1, Block 1, a distance of 379.12' to a point; thence S82°00'00"W a distance of 220.22' to a point, said point being the NW/c of said Lot 1, Block 1; thence due south a distance of 431.90' to a point; thence S89°47'00"E a distance of 150.00' to a point; thence due north a distance of 40.00' to a point; thence S89°47'00"E a distance of 150.00' to a point; thence due south a distance of 190.00' to a point, said point being on the south line of Lot 1, Block 1, Stacey Lynn Third Annex, thence S89°47'00"E a distance of 97.20' to a point; thence due north 200.00' to a point; thence S89°47'00"E a distance of 50.00'; thence due north a distance of 150.00' to a point; thence S89°47'00"E a distance of 150.00' to a point on the east line of Lot 1, Block 1, Stacey Lynn Third Annex; thence due north to the POB, less and except, beginning 115' south of the NE/c of Lot 1; thence west 200', south 150', east 200', north 150' to POB; City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15831**

**Action Requested:**

Special Exception to permit Christmas tree sales on seasonal basis in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located northeast corner South Memorial and East 27th Street South.

**Presentation:**

The applicant, **Scott Enyart**, 36252 South Kropf Road, Woodburn, Oregon, was represented by **Eric Dahl**, PO Box 164, Silverton, Oregon, who requested permission to sell Christmas trees on the subject property for four years. He stated that he has previously received permission to sell trees for two years at another location.

**Comments and Questions:**

Mr. Jones pointed out that, although the proposed use may be compatible with the surrounding area at this time, it could become inappropriate if the area should begin to redevelop.

Mr. Jackere advised that the Code specifies under Use Unit 2 that temporary open-air activities may continue for a period not to exceed 30 days for each application. He pointed out that the use is temporary in nature and should be reviewed by the Board each year. Mr. Jackere stated that permanent open-air sales are addressed under another use unit in the Code, (Use Unit 15).

Mr. Doverspike pointed out that, although the residents in the area do not object to the application at this time, these properties could be sold, and the new property owners may be opposed to the use.

**Protestants:** None.

Case No. 15831 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit Christmas tree sales in a CS zoned district during the 1991 Christmas season only - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; finding the temporary use to be compatible with the surrounding area at this time; on the following described property:

Lot 1, Block 1, Tri Center Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15832**

**Action Requested:**

Special Exception to permit a Use Unit 2 (temporary off-site construction facility) in RS-1 and RS-3 zoned districts - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 2520 South 67th East Avenue.

**Comments and Questions:**

Mr. Jones informed that Staff has received a letter (Exhibit J-1) requesting withdrawal of the application. He stated that the site is to be used temporarily by a construction company that is completing work for the City, and the requested relief is not necessary.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bolzie, Doverspike, Fuller, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **WITHDRAW** Case No. 15832, as requested.

**Case No. 15833**

**Action Requested:**

Variance of the required 20' setback on the west property line to 6', and a variance of the required 45' setback from the centerline of 30th Street to 30' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3002 South Boston Place.

**Presentation:**

The applicant, **Steve Cowan**, Box 3465, Tulsa, Oklahoma, submitted a packet (Exhibit K-1) containing a plot plan, review of the application, photographs and a location map. Mr. Cowan stated that he is remodeling an existing dwelling and adding approximately 862 sq ft of floor space. He informed that the west building wall will align with the garage across 30th Street to the north, and the dwelling will be set back the same distance as other homes along 30th Street.

**Protestants:** None.

Case No. 15833 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required 20' setback on the west property line to 6', and a variance of the required 45' setback from the centerline of 30th Street to 30' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the remodeled dwelling will have the same setback as other homes in the area; and finding that approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 1 and north 10' of Lot 2, Block 11, Travis Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15835

Action Requested:

Special Exception to permit a sexually-oriented business in an I1 District - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12, located 15727 East Admiral Place.

Presentation:

The applicant, **John Street**, 201 West 5th Street, Suite 555, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Jones stated that, during a brief phone conversation, the applicant stated that he is requesting withdrawal of the case, since it has been determined that residentially zoned property is near the business location.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** Case No. 15835, as requested by the applicant.

Case No. 15836

Action Requested:

Special Exception to permit a day care center - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 10884 East 33rd Street South.

Presentation:

The applicant, **Margaret Washington**, 10858 East 33rd Street, Tulsa, Oklahoma, informed that she has operated a day care home for approximately two years, and cared for approximately 10 children (five in the morning and five in the evening). Ms. Washington explained that she is now proposing to open a day care center in a nearby duplex, which will care for children in the evenings and on weekends, as well as during the week. She informed that the children are transported by van, which is stored in the garage.



Case No. 15836 (continued)

Comments and Questions:

Mr. Bolzie asked the applicant how many children will be cared for at this location, and she replied that the center has a license for 30, but will have a maximum of 15.

Ms. White inquired as to the hours of operation, and Ms. Washington stated that the center will be open every day from 7:00 a.m. to 3:00 p.m., and from 3:00 p.m. to 11:00 p.m.

Mr. Doverspike asked if there are other day care centers in the area, and the applicant replied that there is one on the corner of 31st and Garnett.

In response to Mr. Bolzie, the applicant stated that the 15 children will be divided between the two shifts, and the total number will never be on the premises at the same time. Mr. Bolzie stated that he viewed the site and found that one vehicle was parked on the grass, and pointed out that the vacant apartment complex across the street from the subject property could generate a lot of traffic if it is reopened. He further noted that the duplexes have been constructed close to the street, with very little driveway space for parking or drop-off.

Mr. Gardner pointed out that the applicant will not live in the duplex, and the day care center would be a business in the duplex. He stated that this could create a potential problem for adjoining property owners.

Mr. Doverspike and Ms. White voiced a concern with a nighttime child care operation in the residential duplex.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** to permit a day care center - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5**; finding that the operation of a day care center from 7:00 a.m. to 11:00 p.m. would be detrimental to the residential neighborhood, and violate the spirit and intent of the Code; on the following described property:

Lot 13, Block 1, Valley Glen South, a resubdivision of Block 3, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15837

Action Requested:

Special Exception to allow a day care center in a residentially zoned area - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5**, located 1224 East 50th Street North.

Case No. 15837 (continued)

Comments and Questions:

Ms. White advised that she will abstain from hearing Case No. 15837.

Presentation:

The applicant, **Loretta Coleman**, 5924 North Gillette Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1), and requested permission to operate a day care center for 27 children in a residentially zoned dwelling.

Mr. Bolzle inquired as to the proposed drop-off area, and the applicant stated that she will install a circular drive in the future. She informed that there is adequate parking for four cars in the existing driveway, and additional parking space is available on the west side of the dwelling.

In response to Mr. Fuller, the applicant stated that the days and hours of operation are Monday through Friday, 7:00 a.m. to 5: p.m., and the entire yard is fenced.

Mr. Gardner informed that the proposed center complies with the a recent amendment to the Zoning Code which requires that each day care have 100' of street frontage and 12,000 sq ft of lot area.

Mr. Jones advised that the site is only two lots from Peoria Avenue.

Mr. Doverspike asked the applicant if she will care for the maximum amount allow, and Ms. Coleman stated that she is proposing to have 25 children in attendance.

In response to Mr. Doverspike, the applicant stated that she lives at another location.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-1 (Bolzle, Doverspike, Fuller, "aye"; no "nays"; White, "abstaining"; Chappelle, "absent") to **APPROVE** a **Special Exception** to allow a day care center in a residentially zoned area - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; subject to days and hours of operation being limited to Monday through Friday, 7:00 a.m. to 5:30 p.m., with a maximum of 27 children; finding that the use is compatible with the residential area, and granting of the special exception request will not violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 2, Buenos Vista Subdivision, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15838**

**Action Requested:**

Variance of the permitted display surface area for three wall signs to exceed by a total of 34.7 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs** - Use Unit 16, located 5 North Yale Avenue.

**Presentation:**

The applicant, **Terry Howard**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Lynn Tucker**, Oklahoma Neon, Inc., who explained that Texaco is proposing to install new wrap around back-lighted awnings on all Star Mart facilities. He pointed out that similar requests have been granted to Blockbuster Video, Texaco Star Lube and Circle K stores. Mr. Tucker stated that only the signage on the front wall exceeds the permitted amount, since the awning does not extend the entire length of the side walls. He informed that the Planning Commission has recommended to the City Council that the Code be amended to include only that portion of the sign containing graphics in the total display surface area. Mr. Tucker pointed out that the Texaco signs would comply with the Code if this amendment, which was recommended approximately one year ago, had been approved by the Council.

**Comments and Questions:**

Mr. Bolzie inquired as to the wattage of the lighted awning and if it is in compliance with the proposed amendment, and Mr. Tucker replied that the proposed awning has the same illumination as the previously approved Star Lube awning, but he is not sure of the wattage.

Mr. Bolzie pointed out that the proposed amendment states that buildings or structures that are illuminated at 25 foot candles or greater, measured at a 2' distance, will be considered a sign even if it does not contain words or characters. He added that it is important for the Board to know the amount of illumination.

Mr. Bolzie asked if the total amount of the lighted awning exceeds the permitted display surface area, and Mr. Tucker replied that the total of the three walls does not surpass the permitted amount of signage.

Mr. Gardner clarified that the Code addresses the signage on each individual wall; however, if the Board chooses to do so, it could consider the accumulated signage in deliberating this case.

In response to Mr. Doverspike, Mr. Tucker stated that Texaco's previously approved Star Lube signs are the same type of awnings and the same wattage as the proposed Star Mart awnings.

**Councillor Richard Polishuk** stated that TMAPC has forwarded the sign amendment to the City Council for approval, and the Council has been awaiting a recommendation from the Sign Advisory Board. He stated that the Council has decided to support the TMAPC recommendation on the lighted awning issue.

**Case No. 15838 (continued)**

Mr. Fuller asked Councilor Polishuk when the amendment regarding lighted awnings will be adopted, and he replied that all hearings on the issue should be completed by December 1, 1991.

Mr. Doverspike noted that similar variances have been previously approved, and suggested that the requested signage be permitted, per TMAPC recommendation for illumination. He stated that in the interim between this date and the City Council's hearing on the subject, he would not be inclined to grant further variances of this nature.

Ms. White stated that she is in agreement with Mr. Doverspike's suggestion.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Boizie, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs - Use Unit 16**; subject to the internal illumination of the awning being less than 25 foot candles measured at a two foot distance, as specified in the proposed amendment to the Zoning Code, **Section 292. ILLUMINATION STANDARDS**; finding that similar variances have been granted to other business in the Tulsa Area; on the following described property:

Lot 7, less beginning SW/c Lot 7, thence north 170', south 120', southeast 70.74', west 55' to the point of beginning, and W/2 Lot 8, Block 2, White City Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15839**

**Action Requested:**

Variance of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 43.9 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs - Use Unit 16**, located 4970 South Harvard.

**Presentation:**

The applicant, **Terry Howard**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Lynn Tucker**, Oklahoma Neon, Inc., who explained that Texaco is proposing to install new wrap around back-lighted awnings on all Star Mart facilities. He pointed out that similar requests have been granted to Blockbuster Video, Texaco Star Lube and Circle K stores. Mr. Tucker stated that only the signage on the front wall exceeds the permitted amount, since the awning does not extend the entire length of the side walls. He informed that the Planning Commission has recommended to the City Council that the Code be amended to include only that portion of the sign containing graphics in the total display surface area. Mr. Tucker pointed out that the Texaco signs would comply with the Code if this amendment, which was recommended approximately one year ago, had been approved by the Council.

Comments and Questions:

Mr. Bolzle inquired as to the wattage of the lighted awning and if it is in compliance with the proposed amendment, and Mr. Tucker replied that the proposed awning has the same illumination as the previously approved Star Lube awning, but he is not sure of the wattage.

Mr. Bolzle pointed out that the proposed amendment states that buildings or structures that are illuminated at 25 foot candles or greater, measured at a 2' distance, will to be considered a sign even if it does not contain words or characters. He added that it is important for the Board to know the amount of illumination.

Mr. Bolzle asked if the total amount of the lighted awning exceeds the permitted display surface area, and Mr. Tucker replied that the total of the three walls does not surpass the permitted amount of signage.

Mr. Gardner clarified that the Code addresses the signage on each individual wall; however, if it chooses to do so, the Board could consider the accumulated signage in deliberating this case.

In response to Mr. Doverspike, Mr. Tucker stated that Texaco's previously approved Star Lube signs are the same type of awnings and the same wattage as the proposed Star Mart awnings.

Councillor Richard Polishuk stated that TMAPC has forwarded the sign amendment to the City Council for approval, and the Council has been awaiting a recommendation from the Sign Advisory Board. He stated that the Council has decided to support the TMAPC recommendation on the lighted awning issue.

Mr. Fuller asked Councillor Polishuk when the amendment regarding lighted awnings will be adopted, and he replied that all hearings on the issue should be completed by December 1, 1991.

Mr. Doverspike noted that similar variances have been previously approved, and suggested that the requested signage be permitted, per TMAPC recommendation for illumination. He stated that in the interim between this date and the City Council's hearing on the subject, he would not be inclined to grant further variances of this nature.

Ms. White stated that she is in agreement with Mr. Doverspike's suggestion.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Varience** of the permitted wall signage to permit three wall signs which exceed the permitted display surface area by a total of 29.5 sq ft - **Section 1221.D. - CS District Use Conditions For Business Signs - Use Unit 16**; subject to the internal illumination of the awning being less than 25 foot candles measured at a two foot distance, as specified in the proposed amendment to the Zoning Code, **Section 292. ILLUMINATION STANDARDS**; finding that similar variances have been granted to other business in the Tulsa Area; on the following described property:

Case No. 15839 (continued)

Part of Lot 17, beginning at the northeast corner; thence west 250', south 140.56', northeasterly 250.59', north 118.57' to POB, less the east 15' thereof, Block 2, Villa Grove Addition to the City and County of Tulsa, Oklahoma.

**Case No. 15840**

**Action Requested:**

Variance of the required 50' setback from the centerline of Peoria to 40' to permit a pole sign - **Section 1221.C.6. - Business Signs and Outdoor Advertising** - Use Unit 14, located 4129 South Peoria.

**Presentation:**

The applicant, **Barry Moydell**, 1221 Charles Page Boulevard, Tulsa, Oklahoma, submitted a sign plan (Exhibit P-1), and requested permission to install a sign for Peoria Plaza. He submitted photographs (Exhibit P-2) of other signs in the area, and pointed out that there are numerous signs that encroach into the required setback because of the existing buildings, with some being only 30' from the centerline of the street. The applicant stated that the sign in question will align with the one in place at Arby's restaurant. He informed that his client is proposing to install the sign over the canopy and as far back as possible.

**Comments and Questions:**

In response to Mr. Doverspike, the applicant informed that the canopy has been on the building since 1956.

**Tim Clark**, 4129 South Peoria, Suite 200, Tulsa, Oklahoma, stated that the property has been renovated and the proposed location seems to be the best place to install the sign.

Mr. Bolzle asked if the sign can be installed to align with the canopy, and Mr. Clark stated that Arby's is opposed to that location, since it would block their sign.

**Protestants:** None.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of Peoria to 40' to permit a pole sign - **Section 1221.C.6. - Business Signs and Outdoor Advertising** - Use Unit 14; per plan and drawings submitted; subject to the execution of a removal contract; finding that the buildings in the older area have been constructed close to the street, and there are numerous signs that extend into the required setback; and finding that the granting of the variance will not violate the spirit, purpose and intent of the Code; on the following described property:

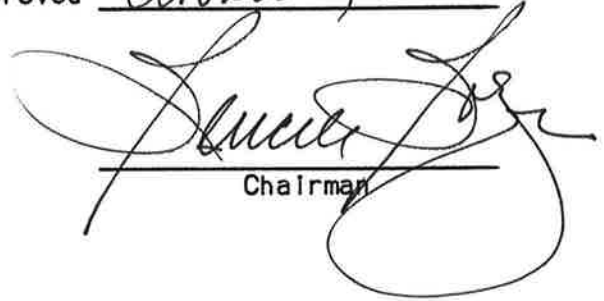
Case No. 15840 (continued)

Lot 1, Block 4, Jennings-Robards, City of Tulsa, Tulsa County,  
Oklahoma.

There being no further business, the meeting was adjourned at 3:00 p.m.

Date Approved

October 8, 1991

  
Chairman

