

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 1022**  
**Tuesday, April 13, 2010, 1:00 p.m.**  
**Tulsa City Council Chambers**  
**One Technology Center**  
**175 East 2<sup>nd</sup> Street**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Henke, Chair	<b>None</b>	Alberty	Boulden, Legal
Stead, Vice Chair		Cuthbertson	
Tidwell, Secretary		Zezulka	
Van De Wiele			
White			

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, April 7, 2010, at 12:21 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

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**MINUTES**

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the **Minutes** of March 23, 2010 (No. 1021).

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**UNFINISHED BUSINESS**

**Case No.19659-A**

**Action Requested:**

Amendment to a previously approved site plan to permit a women's locker room addition to an existing softball facility. Location: SE/c of East 6<sup>th</sup> Street and South Columbia Avenue.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma, on behalf of the University of Tulsa. Mr. Reynolds explained that the locker room would be just for the University of Tulsa women's softball team; currently, there is no women's locker room. Mr. Reynolds

stated that the building is 280 feet east of Columbia Ave. This request amends a previously-approved site plan for the west of Delaware campus, which was established by the Board in 1999. Mr. Reynolds referred to the letter dated July 27, 1999, which contained the previous agreements: Item No. 1 "The paved pedestrian walkway between South Delaware Avenue and South Columbia Avenue at approximately East 7<sup>th</sup> Street shall be closed..." during events to discourage parking to the west of these facilities. Mr. Reynolds provided the walkway has been closed on a permanent basis because the University has had a problem with theft. Closely related to this is the bus parking along Columbia Avenue. The University thinks that the bus parking is problematic and the University has agreed in a letter dated April 13, 2010; Item No. 7 "Buses will not be permitted to park on South Columbia and west of South Columbia and East 6<sup>th</sup> Street." An additional issue previously talked about was media trucks. To cover special events there is a single media truck that is required to produce these events; at most, the University will need to broadcast an event five times a year. The Public Works Department has no objection to temporarily suspending the no parking along Columbia Avenue to allow that truck to be parked. Item No. 2 "There shall be no business signs or outdoor advertising within the west of Delaware campus, particularly upon the fences of the softball field, except that of a corporate sponsor for the softball field scoreboard." Closely related is the issue related to the sign from the tennis facility that was left on, casting a red glow around the neighborhood. The sign has been on overnight on two occasions: First, when it was originally turned on to allow the LED digits to burn in, in order to achieve the proper color/contrast. Second, there was a malfunction and the sign defaulted to red and was left on. The University has agreed to Item No. 8 "The scoreboard at the Tennis Center will be turned off no later 11:00 p.m." The third item that was addressed was the use of outdoor sound amplification. There was a special limitation put on the sound on Sundays except between the hours of 1:00 p. m. and 6:00 p.m., on Wednesday after 7:00 p.m. and upon notice and request to the Athletic Department during funerals and weddings. There was a misunderstanding from a 2003 hearing to amend the site plan where Mr. Norman was quoted as saying that there would be "no events between 10:00 a.m. and 12:00 p.m., on Sunday." While he said that he misspoke, he was addressing the items that were agreed to in 1999. The limitation is not on events it is on the use of sound amplification. The fourth item is that this Board would retain jurisdiction to hear complaints and to discuss issues. Five, beginning August 15, 2000, the issuance of parking permits for the parking lot on the southwest corner of Delaware and 6<sup>th</sup> Street so that parking lot would be used for the residents of Lottie Jane Mabee Dormitory and the staff of the Mike Case Tennis Center. This was to ensure there would be parking available for people wanting to see events. Sixth, the outdoor recreation and sports field lights were to be turned off no later than 11:00 p.m. In addition, to facilitate communications contact information has been given to the churches and the neighborhood organizations with regard to the University's west of Delaware Campus Development; the churches and neighborhood organizations have been given a cell number to contact the person in charge of the athletic event.

Mr. Reynolds further discussed previously agreed upon items related to the Board retaining jurisdiction to hear complaints and discuss issues, the issuance of parking permits for the parking lot on the south west corner of Delaware Avenue and 6<sup>th</sup> Street,

and the outdoor recreation and sports field lights being turned off no later than 11:00 p.m.

**Comments and Questions:**

Mr. Henke asked if the media truck could be located somewhere other than on the street. Mr. Reynolds responded that it was not achievable.

Ms. Stead asked if the buses were parking on the churches' parking lots. Mr. Reynolds responded that he could not address that; however, he did say the churches are happy about what has been done.

Mr. Tidwell confirmed the media truck would only be needed for five days. Mr. Reynolds responded affirmatively.

Mr. Boulden asked how the University was going to control parking on Columbia, which is a public street. Mr. Reynolds responded that there would be no University-related buses parked on Columbia. The majority of buses that come to the University are from TPS. The University will tell the buses where to park. Mr. Boulden recommended that the University meet with Traffic Engineering regarding the possibility of placing signs that state no bus parking.

**Interested Parties:**

**Paul Strokey**, 2639 E. 8<sup>th</sup> St., Tulsa, Oklahoma 74101; contacted the University last week and spoke with Mr. Shipley and they have worked out some of the issues. There are a couple of items mentioned that he would like to correct. (1) The scoreboard was on Sunday night until about 3:00 p.m., Monday afternoon; therefore, the scoreboard could still be an issue. Mr. Strokey expressed concern about the use of the facility on Sunday morning; he stated he did not understand why Mr. Norman would say no athletic events between 10:00 a.m. and 12:00 p.m., on Sunday. Now, the representative is saying that was not what Mr. Norman meant. (2) On March 23, there was a ball game and there were 60 to 75 cars in the neighborhood. The west gate was open and admission was collected as people entered the game; on March 28, there was another game. The gate was closed and there were no buses; on March 31, there was another ball game. The gate was open but there were no buses that night; on April 3, there were two buses on Columbia parked in a no parking zone on the north side of 6<sup>th</sup> Street and two buses in the College Hill Church parking lot and the west gate was open. On April 6, there was one bus on Columbia and one bus on 6<sup>th</sup> Street in a no parking area and the west gate was closed. Mr. Strokey stated that he realized that a lot of this has nothing to do with the building proposed; however, he thinks there should be some accountability for promises made in the past by the University. Mr. Strokey stated that he thinks a buffer zone needs to be put in place between the University and the (west) neighborhood. There are buffer zones on the east and 150 feet of buffer on the east side of Harvard.

**Comments and Questions:**

Mr. Henke inquired as to the identity of the buses. Mr. Strokey responded that they were private school buses and that they were not TPS or cross-country buses.

Ms. Stead stated that the locked west gate makes a difference. Mr. Strokey responded that it makes a big difference.

**Applicant's Rebuttal**

Mr. Reynolds responded that the (west) gate will remain locked. The accountability for the agreement will be taken care of by Mr. Bob Shipley and Mr. Nick Salis from the University. The University will police the area and make sure buses are parked where they have been told to park.

**Comments and Questions:**

Ms. Stead stated that the neighborhood is being encroached upon and that the neighborhood needs relief. Mr. Reynolds responded that he would make sure everything is followed through with as agreed.

Ms. Stead asked Mr. Boulden how someone would file a complaint. Mr. Boulden stated that Neighborhood Inspections would be notified that there has been a violation of the special exception and then there would be an appeal to this Board.

Mr. Alberty explained that there would be two steps that would have to take place before any issues regarding today's discussion would come before the Board. (1) Going to the University with their complaint, and should that fail, (2) then the next level would be going to Neighborhood Inspections. If these two avenues failed, then someone could appeal to the Board for an interpretation of the code. This Board has no enforcement authority.

**Board Action:**

On **MOTION** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the amendment to a previously approved site plan to permit a women's locker room addition to an existing softball facility. Finding that with the previous and new conditions offered by the University dated April 13, 2010, to alleviate problems with parking and lights, as per plan 2.6 (Exhibit B).

LT 1 BLK 1, UNIVERSITY OF TULSA B1-2&3 RSB PT HIGHLANDS & HGLNDS 2ND & COLLEGE, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19710-A**

**Action Requested:**

Amendment to a previously approved plan to permit additional structures accessory to an existing communications tower. Location: 16901 E. 41<sup>st</sup> St.

**Presentation:**

**Denise Cardinal**, 1519 Magnolia, Norman, Oklahoma 73072 representing Flo TV was present.

**Comments and Questions:**

Ms. Stead asked if all of the new and old facility would be located within the same chain link fencing and gates that exist there now. Ms. Cardinal responded affirmatively. Ms. Stead asked if the height would be increased. Ms. Cardinal stated the current tower is a 480-foot tower and the new antennae will be at 422 feet.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **MOTION** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** an amendment to a previously approved plan to permit additional structures accessory to an existing communications tower. Finding that there will be no additional height to the tower; subject to the plans submitted on pages 3.6, 3.7, 3.8, 3.9, 3.10; in granting this amendment the Board finds that the amendment will be in harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SW SE SEC 23 19 14, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21043**

**Action Requested:**

Special Exception to permit a single-family or duplex dwelling (Use Unit 6 or 7) in the CS district (Section 701); a Variance of the 25 ft. setback requirement from East 6th Street and South Xanthus Avenue (Section 703); a Variance of the maximum permitted floor area ratio from .50 to .587 (Section 703); and a Variance of the building setback from an abutting R district (Section 703) all to permit a dwelling with a guest quarters in existing buildings in the CS district. Location: 2202 East 6<sup>th</sup> Street South.

**Presentation:**

**David Rogers**, 1850 S. Boulder, Tulsa, Oklahoma 73104, representing the owner of the subject property; the owner has purchased the existing structure for a single-family dwelling. The property would stay with the same fabric of the neighborhood as it is today. There would be no massive demolition or addition to the existing property. The existing exterior would remain as it is today.

**Comments and Questions:**

Ms. Stead stated the plan provided shows a partial demolition of two building in the back; however, the applicant is leaving a portion that encroaches on the lot next door. Mr. Rogers responded that the owner of the subject property would be speaking with abutting property owners about the purchase of the property to accommodate the encroachments.

Mr. Van De Wiele asked about the accessory building's uses. Mr. Rogers responded the buildings would be part of the residence. The quonset hut would be a play area for the owner's children and the brick building would be for storage of gardening tools.

Ms. Stead stated that the application also included a provision for a duplex. Mr. Rogers responded that there is a guest or a caretaker's quarters on the northeast corner on the property; presently, it is two stories and will be left as the caretaker's quarters.

Ms. Stead stated that the special exception would not prevent the property from being used commercially. Mr. Rogers replied that it was rezoned from IM to CS in order to keep in character with what is happening along 6<sup>th</sup> Street. Ms. Stead asked what the reasons for the variances are. Mr. Rogers responded the owner is trying to keep with the neighborhood and not detract from how the neighborhood is at this time.

Mr. Van De Wiele asked if the fence along the railroad would remain barbed wire. Mr. Rogers responded that the owner is looking at different types of fencing; however, it may remain barbed wire for security reasons.

Mr. Alberty commented that there is a need for a mixed-use zoning district although we do not have that type of zoning currently in the City of Tulsa. However, it is planned to have it in the immediate future. This is the type of use that the neighborhood is telling us they desire. Currently, staff is caught between the changes this owner is trying to accomplish through this rezoning and bringing the special exception before the Board.

**Interested Parties:**

**Christine Booth**, 702 South Utica, Tulsa, Oklahoma 74104, current Board Member, Pearl District. This request is consistent with the 6<sup>th</sup> Street Infill Plan, of the Pearl District, PLANiTULSA and updates to the Comprehensive Plan. This project would be consistent with reuse, using what is there and keeping the neighborhood character, and mixed-use. Ms. Booth is in support of the request.

**K. Rahhal**, 4363 E. 72<sup>nd</sup> Street, Tulsa, Oklahoma 74136, is in support of the request.

**Phyl Wilton**, 542 S. Yorktown, Tulsa, Oklahoma 74104, is making a request that the property owner comply with residential noise laws. On occasion, the applicant has had parties; otherwise, she supports the applicant's request.

**Comments and Questions:**

**Mr. Cuthbertson** clarified that the subject property is not in the Pearl District.

Ms. Booth stated that the subject property is not within the Pearl District. However, the Pearl District is collaborating closely with the Kendall Whittier Neighborhood Association and they agree.

Mr. Tidwell asked for the boundaries of the Pearl District. Ms. Booth responded they are I-244 on the north, 11<sup>th</sup> Street on the south, Utica to the east and the inner dispersal loop on the west.

Mr. Boulden stated that there are no residential noise laws; however, there are provisions in the criminal code regarding disturbance of the peace.

**Applicant's Rebuttal:**

Mr. Rogers stated he knew nothing regarding the parties.

**Comments and Questions:**

Ms. Stead asked the applicant about the frontage on 6<sup>th</sup> Street. The plan is showing a new curb, gutter and sidewalk while the area is currently asphalt. Mr. Rogers responded that the property owner does plan to remove the asphalt and the area upgraded with the curb, gutter and sidewalk. Ms. Stead asked about the area in the rear between the building and the railroad (south of the main building). Mr. Rogers stated this is for future parking and there is going to be a pool with outdoor landscaping in this area. All of applicant's parking will be in the garage by the alley.

Mr. Van De Wiele asked if the garage is accessed from the alley. Mr. Rogers answered affirmatively.

**Board Action:**

On **MOTION** of **Stead**, the Board voted 4-0-1 (Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; White "abstaining") to **APPROVE the Special Exception** to permit a single-family or duplex dwelling (Use Unit 6 or 7) in the CS district (Section 701); a Variance of the 25 ft. setback requirement from East 6th Street and South Xanthus Avenue (Section 703); a Variance of the maximum permitted floor area ratio from .50 to .587 (Section 703); and a Variance of the building setback from an abutting R district (Section 703) all to permit a dwelling with a guest quarters in existing buildings in the CS district, finding that this recently approved CS zoning and the nearby Infill plans are in accord with the proposed Comprehensive Plan; that this reuse will be in keeping with the wishes of the neighborhood and the future Comprehensive Plan as the Board understands it, that this being in an interim status, any recourse to reuse this property is through this Board. As per plan submitted, 4.7 and 4.8 the structures involved were constructed in Approximately 1920. This is a particular circumstance, which would result in an unnecessary hardship if strict interpretation of the code were used. These extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. In granting this special exception, the Board finds

that it will be in harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

W126.67 LTS 1-5 & ALL LTS 6 7 & 8 BLK 3, ABDO'S ADDN; LT 1 BLK 1, CENTRAL PLACE SUB, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21051**

**Action Requested:**

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). Location: 10710 E. 41<sup>st</sup> St. S.

**Presentation:**

**Pudge Roberts**, 115 E. California Ave, Suite 370, Oklahoma City, Oklahoma 73104, represented the verification

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **MOTION** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). Based upon the facts in this matter as they presently exists, the Board accepts the applicant's verification of spacing between digital outdoor advertising signs subject to the action of the Board action being void should another digital advertising sign facing the same traveled way be constructed prior to this sign.

PRT LT 4 BEG NWC TH S568.39 SE51.50 TH ON CRV RT 94.75 S16.04 E630.83 N328.06 TH ON CRV RT 145.40 NE63.83 W416.49 N200 W400 POB BLK 2 , TOWNE CENTRE II, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21052**

**Action Requested:**

Variance of the 75 ft. building setback from an abutting R district boundary line to the south (Section 903); a Variance of the building setback from the centerline of an abutting non-arterial street to the east from 50 ft. to 25 ft. (Section 903); and a Special Exception to remove the screening requirement on the south boundary of the subject property abutting the alley (Section 212.C); all to permit a new building on an IL zoned parcel. Location: SW/c of South Rockford Avenue and East 1<sup>st</sup> Street.



**Presentation:**

**Luis Flores**, 6380 E. 31<sup>st</sup> St., Tulsa, Oklahoma 74135, on behalf of Eduardo Rodriguez, provided that the applicant is planning to expand his business onto the subject property. Mr. Rodriguez has an iron ornamental business and plans to construct a new building on the subject property.

**Comments and Questions:**

Ms. Stead asked if the applicant planned to use the alley to access the property. Mr. Flores explained that the work vehicles were small and would be parked on the property or inside the building. The large vehicles would enter from the north or the south ends of the property. Ms. Stead stated that the apartment building to the south screens itself and the existing building also screens the property. Ms. Stead asked if the applicant does any manufacturing. Mr. Flores responded affirmatively, he does iron work (i.e., gates, fences). Mr. Tidwell asked if he does the work on-site. Mr. Flores responded affirmatively. Ms. Stead asked how much noise would be created. Mr. Flores explained that most of the work is welding. Ms. Stead asked what type of parts and pieces would be stored on the lot. Mr. Flores answered that everything would be stored inside. Mr. Tidwell asked if there would be any welding outside. Mr. Flores answered negatively, that is why the applicant wants to maximize the building size so there is no work done outside. Mr. Tidwell asked if there would be painting outside. Mr. Flores answered there would not.

**Interested Parties:**

**Christine Booth**, 702 S. Utica, Tulsa, Oklahoma 74104, inquired if the Board had received an e-mail from Dave Strader, the current President of the Pearl District Association. It is an e-mail in support. This is similar to the earlier case as far as using more of the property and more in line with a dense urban environment. Ms. Booth is the current owner of the property and if the business is successful, then the property will be sold. The way the property is sized it is difficult to do anything with it and because it is consistent with more density building closer to the street it is in accordance with what they are trying to accomplish. Ms. Booth supports the applicant.

**Comments and Questions:**

Mr. Van De Wiele asked if the number of parking spaces was sufficient. Mr. Cuthbertson responded affirmatively and that required parking can be in a building.

**Board Action:**

On **MOTION** of Stead, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the 75 ft. building setback from an abutting R district boundary line to the south (Section 903); a Variance of the building setback from the centerline of an abutting non-arterial street to the east from 50 ft. to 25 ft. (Section 903); and a Special Exception to remove the screening requirement on the south boundary of the subject property abutting the alley (Section 212.C); all to permit a new building on an IL zoned parcel, finding that the lot is extremely narrow, such that if the exact requirements of the zoning code were honored

there would be almost no building space, that this area falls in that portion of the Comprehensive Plan, which encourages Infill, that the special exception to remove the screening required on the south boundary will create no additional problems; that the screening will be furnished by the apartment building itself, which has no windows on the north and by the existing building on the property. There will be no outside storage of parts, pieces, steel, iron et cetera used for the manufacture of items; there should be no outside manufacturing, painting or other activities concerning the manufacturing of their product; that all parking and driving surfaces will be asphalt or concrete; that the sidewalks on Rockford Avenue and on 1<sup>st</sup> Street, to the extent of the property line, will be maintained by the applicant. In granting the variances the Board finds that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. In granting the Special Exception, the Board finds that the Special Exception will be in harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

LT 1 BLK 14, LYNCH & FORSYTHE'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21053**

**Action Requested:**

Variance to permit more than one single-family dwelling on a lot of record (Section 207); and a Variance of the rear yard requirement in the RM-1 district from 20 ft. to 6.5 ft. (Section 403); both to permit the replacement of a second dwelling on the subject property. Location: 840 North Columbia Avenue.

**Presentation:**

**Charles Clayton**, 705 S. 131<sup>st</sup> East Ave., Tulsa, Oklahoma 74108, the applicant is requesting the variances to remove an existing dwelling and replace it with a modular home, which will increase the floor space by approximately 150 square feet .

**Comments and Questions:**

Ms. Stead asked if the applicant could explain the difference between a modular home compared with the plan submitted, which appears to be a manufactured home. Mr. Clayton responded that a modular is considered anything that is brought to the site in one or more pieces.

Mr. Alberty commented that the applicant is not asking for a manufactured home if he cannot comply with the permitting process. The applicant must meet the requirements

of a modular home based upon the building code and zoning code and if it can be permitted.

Mr. White asked if they build onto the existing two-story house and remove the existing second dwelling, it would be a tie-contract. Mr. Alberty responded that the permitting office would require a lot combination.

Mr. Clayton stated that if they were unable to find the modular home that a "stick home" would be used.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **MOTION** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance to permit more than one single-family dwelling on a lot of record (Section 207); and a Variance of the rear yard requirement in the RM-1 district from 20 ft. to 6.5 ft. (Section 403); both to permit the replacement of a second dwelling on the subject property, noting that it is zoned RM-1, finding that the replacement dwelling shall be a modular home under the City of Tulsa definition or in the alternative, "stick home," that this dwelling and lot were well established before the Zoning Code in 1970; that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan. The Board finds that the RM-1 zoning factored into their finding to allow more than one single-family dwelling on a lot of record.

LT 4 BLK 11, LT 5 BLK 11, MCLANE ADDN, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21054**

**Action Requested:**

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the RS-3 district (Section 402.B.4); and a Variance of the maximum display surface area permitted for a non-residential sign in the R district (Section 402.B.4) to permit a replacement ground sign with a new LED element. Location: 821 East 46th Street North

**Presentation:**

**Kevin Burr**, 706 N. Redbud, Jenks, Oklahoma, the applicant, stated he would be able to answer any question the Board might have.

**Comments and Questions:**

Ms. Stead asked if the sign is going to set back 50 feet, which is more than the present sign that is vacant. Mr. Burr responded affirmatively. Currently the sign is at 45 feet and the code requires that a sign be set back 50 feet.

Ms. Stead asked if the sign would have only one line of copy. Mr. Burr responded that it would hold up to two lines. Ms. Stead asked if the top of the sign will be as the plan shows and have no LEDs. Mr. Burr responded affirmatively; it would not be LED. Ms. Stead asked how it is lighted. Mr. Burr responded with HO lamps (florescent lamps). Ms. Stead asked if the sign is to be backlighted to see from the east and the west. Mr. Burr responded affirmatively.

Mr. Van De Wiele asked the applicant to explain the note on page 8.7; he understands that the name and address will be removed from the actual sign and applied to the pole cover. Mr. Burr responded that at one time they had planned to place vinyl-style lettering on the pole cover with the name of the pastor and the church address.

Mr. Cuthbertson stated that, that would add to the display surface area.

Mr. Boulden asked if the church owns the adjoining lot. Mr. Burr responded affirmatively; the church owns five of the lots that adjoin to the east and the west. Mr. Boulden stated that those properties could be sold off and used as residential properties and are not tied to this particular church lot.

Mr. Henke stated that if someone purchased lots from the church planning a residential development, the church sign would have to be taken into consideration.

Mr. Cuthbertson stated the reason for not combining them is the lots, which contain the bulk of the parking spaces are platted, while the lot containing the church structure is not. Legally the Board cannot combine them and that is why this parcel is separated.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **MOTION** of Van De Wiele, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the RS-3 district (Section 402.B.4); and a Variance of the maximum display surface area permitted for a non-residential sign in the R district (Section 402.B.4) to permit a replacement ground sign with a new LED element, finding that the lot in question and the adjoining lots that the Church owns are of sufficient size to permit the sign; that by reason of extraordinary or exceptional conditions or

circumstances which are peculiar to this land involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan; as per plan 8.8 and conceptually to 8.7 with no signage on the pole cover, no flashing, rolling or animation from top-to-bottom or bottom-to-top only right-to-left or left-to-right; LED is limited to two lines.

W80 S268 SE SW SE LESS S40 FOR RD SEC 12 20 12 .419AC, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21055**

**Action Requested:**

Verification of the spacing requirements for an adult entertainment establishment in a building in the CBD district from an R district, church, school, or park (Section 1212.a.C.3). Location: 114 S. Elgin Ave.

**Presentation:**

**Shelby Navarro**, 418 S. Peoria, Tulsa Oklahoma, the applicant, stated that he has submitted the required documents and would answer questions from the Board.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **MOTION** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirements for an adult entertainment establishment in a building in the CBD district from an R district, church, school, or park (Section 1212.a.C.3). Based upon the facts in this matter as they presently exist, the Board accepts the applicant's verification of spacing for the proposed adult entertainment establishment; subject to the action of the Board being void should another conflicting use be established prior to this adult entertainment establishment.

S41.5 OF N76.1 LT 2 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21056**

**Action Requested:**

Variance of parking requirement from 10 spaces to 5 to permit a chiropractic office in an existing building in an OL district (Section 1211.D). Location: 4942 East 73<sup>rd</sup> Street South.

**Presentation:**

**Chad Craig**, 8312 S. Quebec, Tulsa, Oklahoma, the applicant, recently purchased the subject property for his office.

**Comments and Questions:**

Ms. Stead asked if the applicant planned to live in this facility. Mr. Craig responded negatively. It is for business purposes only.

Mr. Van De Wiele asked how many employees would be in this facility. Mr. Craig responded a couple of employees and himself. Mr. Van De Wiele asked how many appointments are taken at a time. Mr. Craig responded that approximately five appointments are seen with a stacked period. Mr. Van De Wiele asked if Mr. Craig and his employees were using any of the parking spaces. Mr. Craig responded employees would park off site.

Ms. Stead asked if there were any parking available in the rear of the building. Mr. Craig responded negatively.

Mr. Cuthbertson stated that there are dimension requirements for parking in the zoning code.

Mr. Cuthbertson stated he wanted to clarify for the record that this property is located in an OM district.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **MOTION of Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of parking requirement from 10 spaces to 5 to permit a chiropractic office in an existing building in an OM district (Section 1211.D), finding that the low volume of one medical provider the parking should be adequate. As it exists, the Board finds that these are extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code on this property originally built as a home and now zoned for office use would result in unnecessary hardship; that these exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

PRT LT 8 BEG NEC TH S77.06 NW244.20 NE28.53 SE202.46 POB BLK 2, NOB HILL,  
City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21058**

**Action Requested:**

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). Location: 5154 E. Skelly Drive South

**Presentation:**

**Daxton Neal**, 2123 E. 18<sup>th</sup> Street, Tulsa, Oklahoma, the applicant, notified the Board that he had a survey and everything appears to be in order.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **MOTION** of White, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; Van De Wiele "Absent") to **ACCEPT** the Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). Based upon the facts in this matter as they presently exist, the Board accepts the applicant's verification of spacing between outdoor advertising signs, subject to the action of the Board being void should another advertising sign be constructed prior to this sign.

PRT BLK 1 BEG 5SE NEC BLK 1 TH SE156.64 SW9.6 SWLY CRV LF 128.45 S36.55  
SW159.77 NW241 NE APR 121.73 SE5 NE184.87 POB, ADMIRAL BENBOW ADDN  
RESUB, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21059**

**Action Requested:**

Minor Special Exception to reduce the required front yard from 30 ft. to 25 ft. (Section 403) to permit a covered porch in front of a proposed dwelling. Location: 2535 East 26<sup>th</sup> Street South.

**Presentation:**

**John Wyrrick**, 7516 E. 97<sup>th</sup> Street, Tulsa, Oklahoma, the applicant, notified the Board that he would be glad to answer any questions.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **MOTION** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the Minor Special Exception to reduce the required front yard from 30 ft. to 25 ft. (Section 403) to permit a covered porch in front of a proposed dwelling, finding that the special exception will be in harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare as per plan submitted 12.6, 12.7, 12.8 with regards to the elements that deal with the extension into the required front yard by the covered porch on the aforementioned plan.

LT 12 BLK 2, EASTWOOD ADDN RESUB L3 J P HARTER'S SUB, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21061**

**Action Requested:**

Minor Variance of the side yard abutting a public street from 15 ft. to 13 ft. (Section 403) to permit an existing house. Location: 3305 South. Toledo Place.

**Presentation:**

**Robert Nichols**, 601 South Boulder Avenue, Tulsa, Oklahoma, appearing on behalf of Mr. and Mrs. Hooper said that this is an application to cure a title requirement. Mr. and Mrs. Hooper purchased the property as an income-producing home and the title evidence proves that the property was built over the property line sometime before 1970; this application would cure the title requirement.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **MOTION** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the Minor Variance of the side yard abutting a public street from 15 ft. to 13 ft. (Section 403) to permit an existing house. This property was platted and built before 1970. Actually, the assessor's records shows in 1955 that the subject property extends beyond the property line. In order to clear title, this Board has found that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan.

LT 11 BLK 1, CONWAY PARK THIRD ADDN, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 21066**



**Action Requested:**

Minor Variance to reduce the 15 ft. required side yard in the RE district (Section 403) by 2.5 ft. to permit an addition onto the southeast side of the existing dwelling. Location: 2652 East 38th Street South.

**Presentation:**

**Marge Armstrong**, 2652 East 38th Street, Tulsa, Oklahoma, the applicant, requested a minor variance to add a covered patio on the southeast side of the existing dwelling. The applicant intends to follow the existing roofline, which is 12.5 feet from the property line.

**Comments and Questions:**

Ms. Stead stated that the dwelling was constructed prior to 1992; and the zoning has changed. This property is made legally nonconforming as a result of the rezoning to RE.

**Interested Parties:**

There were no interested parties.

**Board Action:**

On **MOTION** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** the Minor Variance to reduce the 15 ft. required side yard in the RE district (Section 403) by 2.5 ft. to permit an addition onto the southeast side of the existing dwelling, finding that the problem was created since the original dwelling was constructed prior to 1992; and its 12.5-foot side yard was made legally nonconforming as a result of rezoning to RE; per plan 14.6 that these are extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

E100 N274.08 E/2 W/2 SE SW LESS S25 W30 THEREOF &LESS N25 THEREOF  
FOR ST SEC 20 19 13, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting adjourned at 3:32 p.m.

Date approved: 4/27/10

  
Chair

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