

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1064
Tuesday, February 14, 2012, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Henke, Chair Stead Tidwell, Secretary Van De Wiele White, Vice Chair		Alberty Back Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, February 9, 2012, at 9:06 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the January 24, 2012 Board of Adjustment meeting (No. 1063).

UNFINISHED BUSINESS

21357—Andrew Shank

Action Requested:

Variance from the requirement that a sign in the Residential Multifamily (RM-1) District be lit by constant light for existing sign to accommodate for an electronic message center (Section 602.B.4.f); Variance to reduce setback from 20 feet to 18 feet from the driving surface on South 91st East Avenue and setback from 19 feet from driving surface on East 61st Street to allow for the overhang of an Electronic Message Center added to an existing sign (Section 1221.C.2.b). **Location:** SW/c of East 61st Street and South 91st East Avenue **(CD 7)**

Presentation:

No presentation was made. The applicant has requested a continuance to the next Board of Adjustment meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance from the requirement that a sign in the Residential Multifamily (RM-1) District be lit by constant light for existing sign to accommodate for an electronic message center (Section 602.B.4.f); Variance to reduce setback from 20 feet to 18 feet from the driving surface on South 91st East Avenue and setback from 19 feet from driving surface on East 61st Street to allow for the overhang of an Electronic Message Center added to an existing sign (Section 1221.C.2.b) to the meeting of March 27, 2012; for the following property:

LT 1 BLK 1, WOODLAND VALLEY OFFICE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21372—Shelby Navarro

Action Requested:

Variance of the number of required off-street parking spaces for a restaurant (Use Unit 12) from 95 to 26 spaces in a CH zone. (Section 1212). **Location:** 3415 South Peoria Avenue East **(CD 9)**

Presentation:

The applicant has withdrawn the case, and requests a refund of \$122.00.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a refund of \$122.00; for the following property:

E95 LTS 1 & 2 & N50 W70 LT 2 BLK 2, OLIVERS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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NEW BUSINESS

21382—Scott Deierlein

Action Requested:

Variance from extending 20 feet into the required front yard to 23 feet (Section 210.B.10.c); Special Exception to permit carport in the required front yard in an RS-3 district (Section 210.B.10.g). **Location:** 1524 South Indianapolis Avenue East (**CD 4**)

Presentation:

No presentation was made. The applicant has requested a continuance to the next Board of Adjustment meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance from extending 20 feet into the required front yard to 23 feet (Section 210.B.10.c); Special Exception to permit carport in the required front yard in an RS-3 district (Section 210.B.10.g) to the meeting of March 13, 2012; for the following property:

LT 16 BLK 1, SUNRISE TERRACE ADDN, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA

21383—Lou Reynolds

Action Requested:

Variance for off-premise sign in an Industrial Light (IL) district to permit a project identification sign (Section 1221.F.1); Variance from sign orientation being primarily visible from the freeway (Section 1221.F.7). **Location:** 5644 South Garnett Road East **(CD 7)**

Mr. Henke asked Mr. Swiney if the Board can address this issue. Mr. Swiney stated that after careful review of the case and after speaking with Mr. Reynolds and his colleagues, the Board does have jurisdiction in this case and does have the ability to make a decision on this case.

Ms. Stead asked how the Board could have jurisdiction in hearing this case when in the past there was a case for a motel on 21st Street that had no property on 21st Street where they wanted to place a sign. Although the Board heard the case, the Board did not rule that a sign could be placed on 21st Street. The motel even offered to rent a small space on 21st Street for the sign and the Board was advised that they could not render a decision on that suggestion either, so why can the Board have jurisdiction in this case when they did not have jurisdiction in the case for the motel? Mr. Swiney stated this is a business type sign more so than a sign that advertises a business at a different location. The intent of the law is to prevent signs from advertising a business on the other side of town. This sign is immediately next to the lot; therefore, the spirit of the law is to allow the Board to render a decision.

Mr. Henke stated that this case would then be put back in place on the agenda and called in respective order.

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OTHER BUSINESS

Request for Interpretation:

In September 2011, the Office of Development Services made a **Request for Interpretation** regarding crematories as an accessory use. Specifically, can a crematory be considered an accessory use, customarily incidental and subordinate to a funeral home (Use Unit 11)?

The Board provided the interpretation about a crematory as an accessory use to a funeral home, but they did not provide an interpretation on the **Request for Interpretation** regarding an animal (small animal/pet – 200 lb or less) crematory being considered as an accessory use to a funeral home (Use Unit 11), a kennel (Use Unit 15), or a veterinarian clinic (Use Unit 11).

The issue has come up again and staff needs to make a **Request for Interpretation** regarding an animal (small animal/pet – 200 lb or less) crematory being considered as an accessory use to a funeral home (Use Unit 11), a kennel (Use Unit 15), or a veterinarian clinic (Use Unit 11).

According to the zoning code a crematory as a principal use is classified within Use Unit 2 – Area Wide Special Exception Uses.

In comparison:

Incineration, Reduction of Dead Animals, Garbage, Refuse as a principal use is classified as Use Unit 27 – Heavy Manufacturing.

Rendering Plant as a principal use is classified as Use Unit 27 – Heavy Manufacturing.

Abattoir (slaughter house) as a principal use is classified as Use Unit 27 – Heavy Manufacturing.

Relevant Case History:

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”) to **APPROVE** the Request for Interpretation from the Office of Development Services stipulating that human crematories be adopted as an accessory use to a collocated primary funeral home; that they are in compliance with the state statute requirements, particularly Title 59 and the Office of Administrative Code Chapter 252:100-25.

BOA-21094; on 6.8.10 the Board ***approved*** a *Special Exception* to permit a crematory (Use Unit 2) use in the CS district (Section 701); to permit a crematory in coordination with an existing funeral home on property located at 1916 South Sheridan Road.

Please refer to the January 17, 2012 letter from Mr. Luke Wright, Serenity Funerals and Crematory.

Presentation:

Luke Wright, 4170 East Admiral Place, Tulsa, OK; no presentation was made. Mr. Wright stated nothing has changed in this request since the last Board of Adjustment hearing but is willing to answer any questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Swiney stated that he had called his family veterinarian and inquired about crematory uses accessory to veterinary offices. The veterinarian stated he is aware of the market for cremation services for pets; however, he did not think it would be cost effective to have a crematory as an accessory use. The veterinarian did advise Mr. Swiney that City of Tulsa Dead Animal Pick-up did come to his clinic to remove expired pets with a fee assessed depending on the size of the animal.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the Request for Interpretation the Board interprets the code whereby animal crematories, small animals of 200 pounds or less, may be cremated as an accessory use to a funeral home. The Board is excluding a crematory as an accessory use to kennels and veterinarian clinics.

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UNFINISHED BUSINESS

21378—James Boswell

Action Requested:

Variance of minimum lot size from 12,000 square feet to 7,500 square feet (Section 404.F.2); Variance of minimum lot frontage of 100 feet to 50 feet (Section 404.F.3); Variance of the required setback from an abutting property within an R district from 25 feet to 0 feet (Section 404F.4); Variance of required setback from a non-arterial street from 25 feet to 4 feet (Section 603, Table 3); and a Variance from required setback from an abutting freeway service road from 50 feet to 10 feet (Section 603, Table 3). **Location:** 1402 South Trenton **(CD 4)**

Presentation:

James Boswell, 1305 East 15th Street, Tulsa, OK; no presentation was made. Mr. Boswell stated nothing has changed in this request since the last Board of Adjustment hearing but is willing to answer any questions.

Mr. Henke stated that the Variance requests presented at today's meeting are what was carried forward from the January 24th Board of Adjustment meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a **Variance** of minimum lot size from 12,000 square feet to 7,500 square feet (Section 404.F.2); **Variance** of minimum lot frontage of 100 feet to 50 feet (Section 404.F.3); **Variance** of the required setback from an abutting property within an R district from 25 feet to 0 feet (Section 404.F.4); **Variance** of required setback from a non-arterial street from 25 feet to 4 feet (Section 603, Table 3); and a **Variance** from required setback from an abutting freeway service road from 50 feet to 10 feet (Section 603, Table 3). The Board has found that this property and building, a building that was constructed in approximately the 1930s, and the difference in non-requirements and the requirements in 1970 will allow the reconstruction and re-use of this building. The Board requires that any sidewalks damaged will be repaired and the sidewalks shall be maintained by the new owner. This is made per conceptual plan on page 4.20. In granting these variances the Board has found that there 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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LTS 21 & 22 & VAC W10 TRENTON ON E BLK 12, FOREST PARK ADDN RE-AMD,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

NEW BUSINESS

21379—Eric Peaden/Crest Homes

Action Requested:

Variance from 35 feet front yard building setback to 20 feet (Section 403.A, Table 3); **Variance** of maximum 25% driveway coverage in the RS-1 district (Section 1303.D). **Location:** 3157 East 42nd Street South **(CD 9)**

Presentation:

Greg Clary, 1712 South Gary Place, Tulsa, OK; stated he will be the owner of the home that Mr. Peaden will be building. Mr. Clary stated that Mr. Peaden has been delayed and is not present, and asked to have this case placed further down the agenda, allowing Mr. Peaden time to arrive.

Mr. Henke agreed to place this case further down the agenda, and asked Mr. Clary to notify Ms. Back of Mr. Peaden's arrival.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action at this time.

21381—Sherwood Construction

Action Requested:

Special Exception to TEMPORARILY remove screening requirement from an RS-3 District for a timelimit not to exceed 2 years (Section 212.C); Special Exception to allow a TEMPORARY Construction Facility/Batch Plant (Off-site) for a timelimit not to exceed 2 years (Section 1202.C.4.a). **Location:** 11710 East Tecumseh Street North, 2045 North Garnett Road East, 2055 North Garnett Road East **(CD 3)**

Presentation:

Brian Casement, Casement Engineering, LLC, P. O. Box 688. Owasso, OK; stated he is the civil engineer for Casement Engineering and he is actively working on the project before the Board today. Mr. Casement presented a revised conceptual plan for the project. Mr. Casement explained that the previous drawing, that the Board has, was based on a floodplain study of Mingo Creek, and Eagle Creek is the tributary that comes through the subject property. The study was performed in the early 1970s, prior to the elevation data changing from 1929 to 1988. The floodplain has not been modified, and there are some additional changes that need to be done because of the data, which is approximately .4 feet difference between the two sources of information. Due to this the batch plant and sedimentation pond were moved south approximately 100 feet to avoid the flood plain area.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a **Special Exception** to TEMPORARILY remove screening requirement from an RS-3 District for a timelimit not to exceed two years (Section 212.C); **Special Exception** to allow a TEMPORARY Construction Facility/Batch Plant (Off-site) for a timelimit not to exceed 2 years (Section 1202.C.4.a). This is in accordance with conceptual plan submitted today, dated January 25, 2012, being sheet number C-1. The batch plant will be located just north of the rock and sand pile. It is clear that this special exception is for two years and if another project is in the general area an extension would need to be approved by the Board of Adjustment. In granting these special exceptions the Board has found that they will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

ALL BLK 1; and N/2 OF SE SW NW LYING S OF SL & SF RR R/W SEC 29 20 14 (AUO 2.8 AC) N/2 OF SE SW NW LYING S OF SL & SF RR R/W SEC 29 20 14 (AUO 2.8 AC); and SE SW NW LYING S OF SL & SF RR R/W LESS N/2 THERE OF SEC 29 20 14 (AUO 2.81 AC) SE SW NW LYING S OF SL & SF RR R/W LESS N/2 THERE OF SEC 29 20 14 (AUO 2.81 AC), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Back announced that Mr. Peaden had arrived. Mr. Peaden's delay was due to an automobile accident and he is fine. Mr. Henke stated that his case could now be heard.

21379—Eric Peaden/Crest Homes

Action Requested:

Variance from 35 feet front yard building setback to 20 feet (Section 403.A, Table 3); **Variance** of maximum 25% driveway coverage in the RS-1 district (Section 1303.D). **Location:** 3157 East 42nd Street South **(CD 9)**

Presentation:

Eric Peaden, 555 East 113th Street South, Jenks, OK; stated that currently there is a tie-wall located on the property, and depending on the location of the house on the lot that wall could be an issue but at this time it is not.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for **Variance** from 35 feet front yard building setback to 20 feet (Section 403.A, Table 3); **Variance** of maximum 25% driveway coverage in the RS-1 district (Section 1303.D). Finding that the hardship in this case is a most unusual lot and is not necessarily the shape or topographical considerations. The conceptual plan submitted on page 5.6 may be the only way the house can be located and built. Finding 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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 7 LESS N110 E25 BLK 1, QUADRANGLE ADDN, SUNNYBROOK ACRES ADDN, SUNNYBROOK ACRES ADDN RESUB L8-11 B1, SUNNYBROOK ACRES 2ND ADDN RESUB L2-3 B1 SUNNYBROOK ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21383—Lou Reynolds

Action Requested:

Variance for off-premise sign in an Industrial Light (IL) district to permit a project identification sign (Section 1221.F.1); **Variance** from sign orientation being primarily visible from the freeway (Section 1221.F.7). **Location:** 5644 South Garnett Road East **(CD 7)**

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated the applicant has requested a variance from Sections 1221.F.1 and 1221.F.7 to construct this project sign identifying a project in an IL district. It will be a 66 square foot sign located in a recorded easement agreement benefitting all the properties in this project, and they will be the only entities that will be allowed to advertise on the sign. The sign will not change the character of the neighborhood because there are signs just like the subject sign up and down Garnett Road, south of 61st Street to the expressway. Additionally the project sign will be limited to the names of the businesses on the benefited property and the products and services offered thereon. It will not be used for any other purpose. The sign will also comply with setback and other use conditions of a business sign. The hardship for the variances request is the lots served by this sign have no frontage on a dedicated

public street. The businesses are removed approximately 200 feet from the dedicated street; therefore, traditional on-site advertising is not affected nor available to the businesses.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Swiney advised the Board they do have the authority to render a decision in this case.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** for off-premise sign in an Industrial Light (IL) district to permit a project identification sign (Section 1221.F.1); **Variance** from sign orientation being primarily visible from the freeway (Section 1221.F.7), subject to the comments by the applicant on page 8.9 in that the hardship is no frontage on a dedicated public street. The approved sign will contain no more than 66 square feet and will never be replaced by an outdoor billboard. The property is contiguous to property frontage on Garnett Road. The applicant is to provide a copy of the recorded easement to INCOG staff. In granting these variances the Board has found there 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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

A part of the North Half (N/2) of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4), Section Thirty-One (31), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Commencing at the Northeast Corner (NE/C) of said N/2 SE/4 NE/4 SE/4, thence S 89°59'13" W along the north line of said N/2 SE/4 NE/4 SE/4 for a distance of 50.00 feet to the point of beginning; thence continuing S 89°59'13" W along the north line of said N/2 SE/4 NE/4 SE/4 for a distance of 270.15 feet; thence S 00°03'45" E for a distance of 122.35 feet; thence S 25°03'45" E for a distance of 229.76 feet to a point on the south line of said N/2 SE/4 NE/4 SE/4; thence N 89°59'13" E along the south line of said N/2 SE/4 NE/4 SE/4 for a distance of 172.86 feet to a point, said point being 50.00 feet westerly of the Southeast Corner (SE/C) of said N/2 SE/4 NE/4 SE/4; thence N 00°03'45" W parallel with the east line of said N/2 SE/4 NE/4 SE/4 for a distance of 330.49 feet to the point of beginning, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21385—Waid Sign Design

Action Requested:

Variance to allow a sign with an electronic message center to be located less than 200 feet from a designated residential area or district (Section 1221.C.2.c).

Location: 7717 East 21st Street (CD 5)

Presentation:

Larry Waid, 4714 South 69th East Avenue, Tulsa, OK; stated he represents Ross Clark, D.V.M. requesting a variance for an electronic display to be added to an existing sign. Dr. Clark is refurbishing the existing veterinarian center and has contracted Waid Sign to refurbish the existing sign. The sign will meet the needs of the three separate but related businesses within the building, which are Animal Aid of Tulsa, the animal hospital and the grooming facility.

Ms. Stead asked Mr. Waid in which area of the sign are the LEDs going to be placed. Mr. Waid stated the second cabinet from the bottom will be replaced and that is where the LEDs will be placed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a sign with an electronic message center to be located less than 200 feet from a designated residential area or district (Section 1221.C.2.c). The Board has found that the sign will be oriented so as to be seen from the east and west with the residential area south of East 21st Street which is a wide street. The variance is being allowed so that the various entities in this reconstructed pet facility will have advertising space along 21st Street, and this is subject to per plan on page 9.12 with the electronic display being outlined in black. The LED portion of the sign shall not be a flashing or animated sign; scrolling will be right to left; and the NITS shall be in accordance with the sign code. In granting the variance the Board has found there 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; for the following property:

**E150 SW1/4 SW1/4 SE1/4 SE1/4 LESS 150 FT SEC 11 19 13E, CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA**

21386—CBC Renovations, LLC

Action Requested:

Variance from Bulk and Area Requirements for two (2) RS-2 lots from 75 feet to 67.5 feet and 70.5 feet respectively (Section 403); Variance from Bulk and Area Requirements for side yard setback from 5 feet to 3.88 feet (Section 403).

Location: 2647 East 25th Street South **(CD 4)**

Mr. Henke recused himself and left the meeting at 1:50 P.M.

Presentation:

Bob David, 4605 East 91st Street, Tulsa, OK; stated he represents CBC Renovations which has contracted to purchase the subject property. The property configures exactly the same size as two lots in the existing sub-division. CBC desires to have a lot split to create two lots. The reason for the difference in size, rather than two 69'-0" lots, is to save and renovate the existing house on the property. Overall distance from north to south is 138 feet which would, if split evenly, create two 69'-0" by 140'-0" lots, but due to the location of the house it is not possible to split the property evenly. CBC has structured the property so that the south lot would be 70.5 feet wide, creating in excess of three feet setback from the property line which is required by the building code, otherwise the entire side of the house would need to be fire protected. The only request for the setback variance is between the new lot to the north and the existing house lot on the south. As for creating the new lot on the north, the required ten and five foot side yards would be adhered to and any new construction would be required to have a ten foot side yard and a five foot side yard on that particular lot. Again, the entire request is presented because of the actual location of the existing house. The part of the existing house that would be removed is an addition thus allowing a 3.88 foot side yard and creating a 10 foot side yard on the new lot with a five foot side yard on the other side. The request creates a building separation of more than the standard neighborhood condition is currently. There is an existing free-standing garage that would be removed if this request is approved today with a new home constructed on that lot sometime in the future.

Interested Parties:

Sandra Goodson, 2334 South Columbia Avenue, Tulsa, OK; stated she lives next door to the subject property. She would like to have the Board deny this request because of the following issues and concerns with the property. A lot of the older homes in the neighborhood are being demolished and new homes built in their place with very little

clearance between existing homes. Her first concern is changing zoning codes through variances that set a precedent for future construction in the neighborhood. There are concerns for increased density in the neighborhood. The neighborhood already has apartments, duplexes, and garden homes as well as single residential homes. The original home owners bought and preserved these lots with the existing zoning codes, and they expect those codes to be followed. Changing these codes regarding lot sizes, by using variances puts these codes into doubt. A further concern is the arbitrary changes by investors hurts the property rights of home owners. There are also safety concerns for the area, i.e., runoff and slipping roof ice that can damage a home because they are built too close together. The home owners are also concerned about emergency vehicle accessibility. There are accessibility and placement of utilities and easement issues. There would be very little room for meter readers, electric and telephone wires, lawn maintenance workers, and home maintenance service technicians. Ms. Goodson asks the Board to conserve the spirit of the neighborhood by denying the request for a variance.

Mr. Van De Wiele told Ms. Goodson he did not understand her objection to making the subject property look like every other lot in the neighborhood, because he supposed that originally all the lots in the neighborhood were larger. Ms. Goodson stated that the subject property was the original farm house of the area and Quinlans sold off lots of the original farm. The lots sold by the Quinlans were all the same size except for the original farm house property. Mr. Van De Wiele then asked what the major issue was in having two lots that are to become basically 69'-0" x 140'-0". Ms. Goodson stated if the variance were to be granted the current owner would be changing it to 67.5'-0", and in the original variance request there was 2.5 feet instead of 3.88 feet between houses. Mr. Van De Wiele stated that the applicant has changed his request to what is before the Board today, which is done by applicants on many occasions.

Ms. Back stated that when the original application was submitted the owner had submitted to have both lots at 69'-0" wide. By wanting to save the original farm house, and speaking with City staff, due to fire code regulations the applicant had to move the interior lot line to be able to save the farm house. That is why the application changed from 69'-0" to what was advertised and is being heard today.

Ms. Goodson stated that no one was given that change and she is basing her arguments on the original variance request. Mr. Van De Wiele stated that the variance being heard by the Board is 67.5'-0", thus making the properties further apart from one another. This is being attempted to save the house. Ms. Goodson stated that the owner is not really saving the house because the addition that will be removed has been there since she moved into the neighborhood almost 40 years ago.

Ms. Stead stated that she has been a licensed real estate broker for over 55 years and she has never seen a new house downgrade a neighborhood. This case is presenting a double lot. Everyone who has signed the petition that has been presented to the Board has a 69'-0" x 140'-0" lot. Ms. Stead does not understand the outpouring of resistance to change. Ms. Goodson stated it is not resistance to change. It is the

density in the neighborhood that is being dealt with, and what is being requested is 67 feet not 69 feet.

Mr. White advised Ms. Goodson that the five foot and ten foot side yards would still need to be adhered to. Mr. Van De Wiele advised Ms. Goodson that the applicant is not suggesting that the side yards would be four feet apart. It is a setback of three feet plus on one side and ten foot on the other side. Ms. Goodson stated that she is still concerned about safety issues.

Mr. Van De Wiele asked Ms. Goodson to please explain to him how a 67.5'-0" wide lot, when all the other lots are 69'-0" wide, is a safety concern or meter reading concern. Mr. Van De Wiele had heard the list of concerns Ms. Goodson expressed earlier but he does not follow the lead of splitting this lot to all of these terrible things happening. Ms. Goodson stated that she said they could happen not that they would happen.

Susan Ott, 2337 South Columbia Avenue, Tulsa, OK; stated she lives across the street from the subject property. She objects to this variance request because the original variance request had 2.5 feet between properties, which the neighborhood feels is an extreme fire hazard. When people in the neighborhood called to see if there had been a revision, even as late as yesterday, they were told there was not. The neighborhood has subsequently received communication from the building company with veiled innuendos if this was not approved then original farm house, which was the Quinlan farm, which is what the subdivision is named for, would be demolished because of the neighborhood refusal or resistance to this variance request. Ms. Ott stated that she considers that to be a scare tactic. It is the neighborhood's knowledge that the estate and trust states that as long as Anne Kenning, who has Alzheimer's disease and is fairly young, is still alive, the subject property cannot be demolished. Now the neighborhood is being told if this variance is not approved the house will be demolished, that is objectionable. There is also a problem with the fact that her neighborhood, Ms. Goodson's, is the one who is receiving the majority of the reduction in side yard from ten feet to five feet. In our neighborhood there above ground utilities; i.e., last year PSO had to bring in large equipment to replace electric poles behind the property and that large equipment was taken between and behind the houses.

Ms. Stead asked Ms. Ott where she had called concerning this case, and Ms. Ott stated "here". Ms. Goodson stood up and from the audience stated she had called the Board of Adjustment and spoke to Carolyn. Ms. Stead told Ms. Goodson that Carolyn is the lady in the booth announcing the cases today.

Ms. Back stated that she had spoken to Ms. Goodson and had explained what was going on and explained the difference in the lots and when the change had happened but did not know how or why the miscommunication happened.

Ms. Stead stated that what the Board renders decisions on is what is presented in their agenda packets and the Board did not receive the 2.5 feet. What the Board has is all the Board has to work with. Ms. Stead stated there has to be over 50 or 60 lots that are

69'-0" wide and yet there is such an outcry over the subject property being split when it is twice the size.

Ms. Ott stated that what is happening to the original home is going to make it look strange and that sets a precedent, by chopping off the back porch of this home, the utility room, leaving this home with very little back yard. Mr. Van De Wiele asked Ms. Ott if she realized that is what the Quinlans did 60 years ago. They took their entire property and chopped off 69'-0" x 140'-0" lots and sold them off to individuals. Ms. Ott stated that was correct. Mr. Van De Wiele stated that is no different from what is being discussed today. Ms. Ott stated that her problem is not with what is being said as it is with the second variance between the two properties. She is positive the Board will approve the 69'-0" variance and chop the utility room off this beautiful old farm house. Her main concern is with the setbacks on either side. Yes, it needs to be a total of five and ten, but up until yesterday the neighborhood was told it was two and a half and two and a half even though documents were received from the builder stating 3.88. Ms. Ott stated she does object to this new house being constructed so close to her neighbors fence line because they do have huge roofs that let loose everything. Mr. Van De Wiele stated that the closest a house would be constructed to Ms. Goodson is ten feet. Ms. Ott stated the information says five feet. The existing property on the north side is the concern.

Ms. Back stated her apologies to Ms. Goodson if she and Ms. Goodson did not communicate clearly. Any applicant can change their application and they can advertise their application in time in the newspaper and in the mailings. Ms. Back thought she and Ms. Goodson had had a good communication. Mr. Van De Wiele asked Ms. Back what the mailing had conveyed. Ms. Back asked for time to look in the file before answering. Mr. White asked for the next person wanting to speak to come forward.

Mark Goodson, 2845 East 32nd Place, Tulsa, OK; stated he is the son of Ms. Sandra Goodson and he is the owner of the trust to her house so he has a financial interest in this case. It was stated that a new house has never decreased the value of an existing home. If his mother's house had 20 or 30 feet between the next house and now she is going to have a two-story house with five feet in between, that would impact the saleability of her house.

Mr. Van De Wiele stated that the owner of the larger lot could build something within five feet of Ms. Goodson's lot. Mr. Alberty stated that it could be done by right. Mr. Van De Wiele stated that the five foot setback on the north edge of the larger lot does not have a request to change that. Every lot has a five foot setback so Ms. Goodson has a five foot setback on her lot also. Mr. Goodson stated that is correct, now making a five foot setback on his mother's lot and a 3.88 foot setback on the neighboring lot, not making a ten foot setback. Mr. White stated there would be 13.88 feet between the older farm house once the utility room is removed and the side of a new house when it is constructed if it is built to the maximum. Mr. Goodson stated that he spoke to his City Councilor and the Councilor stated that Tulsa does not necessarily have a plan to

increase density in neighborhoods. Mr. Goodson stated that Tulsa's plan is to increase density on frontage roads and he does not think that by putting more homes in neighborhoods is necessarily the way the planning should be for Tulsa. Mr. White stated there had been an in-fill study performed a few years ago where increased density was the basis of the study.

Mr. Van De Wiele asked Ms. Back to display the Notice of Hearing notification that was mailed to the home owners within 300 feet of the subject property, which Ms. Back did. The Notice of Hearing confirmed that the home owners were notified that the setback requested is 3.88 feet not the 2.5 feet requested on the hand written original application and the copy that Ms. Goodson possessed.

Ms. Stead stated that Mr. Goodson or his mother should have received the letter, the Notice of Hearing notification, showing what the Board is being asked to be approved today. That notification would have read exactly as the application being presented today. Mr. Goodson stated that there was not a lot of communication until the neighborhood signed the petition.

Mr. Goodson stated that another problem his mother has with her property is that her air conditioning unit is one foot from the fence. The existing property owner made a removable panel in the fence so that her air conditioner could be serviced by a technician. If there were a wall to be placed where the existing fence is, then his mother would find it necessary to replace the existing unit with a new unit, which could be a financial burden.

Mr. Tidwell left the meeting at 2:19 p.m.

Vincent Chapman, 2315 South Birmingham Place, Tulsa, OK; stated he objects to the 3.88 foot variance. He does commend the builder for attempting to save the farm house but he does not like the precedent that the 3.88 foot variance will set. In the neighborhood there are a few empty lots, but that is only because the houses have been demolished and the lot has not been sold. Given today's economy almost all double lots will be split allowing two houses to be built. Mr. Chapman reiterated that he would like to see the old farm house saved but does not like the precedent that could be set for the neighborhood.

Joan Pringle, 2504 South Birmingham Place, Tulsa, OK; stated that she is wary of the precedent that will be set for the neighborhood, so she opposes the request for the variance. She commends Mr. David because he was willing to meet with the neighborhood and talk to the residents about the project. Unfortunately the meeting did not happen but there were many e-mails sent between her and Mr. David. She commends Mr. David for treating the neighbors respectfully and it was a welcome

change for her based on her personal experiences. Mr. White stated that each case is cited on its own merit so this Board does not set a precedent.

Ms. Stead stated that in this case the overriding factor to her, personally, is the fact that the owner of the farm house gave 69'-0" lots throughout the area. Now the neighborhood is upset because the Board is asked to approve one 67.5 foot lot and the other lot is 70.5 feet. She does not understand the turmoil.

Mr. Tidwell re-entered the meeting at 2:24 p.m.

JoAnne Deaton, 2306 South Columbia Avenue, Tulsa, OK; stated she is on the corner of 23rd and Columbia, and not all lots in the neighborhood are 69'-0" because her lot is considered a lot and a half. The aesthetics of the neighborhood would be lost if this variance request is approved. To lose the Quinlan farm house diminishes the neighborhood. When houses are torn down to in-fill repeatedly and repeatedly character is being lost from the neighborhoods that will never be recaptured.

Rebuttal:

Mr. David stated that he had tried to meet with all the neighbors on several different occasions but they were not able to make the dates work. If the meetings would have happened a lot of the questions and concerns posed today could have been resolved. Mr. David feels he is presenting a good proposal for the neighborhood rather than the alternative of two 69'-0" lots. That would involve the demolition of the farm house. There were no threats or veiled threats submitted to the property owners in the two mailings sent out. One of the mailings described the 3.88 foot variance and described it from Mr. David's perspective, not just from INCOG. Mr. David thought that by trying to save the farm house instead of trying to replace it with two new houses was a great idea. He likes the old farm house and it makes sense to save it. But if this becomes two 69'-0" lots, there is no way to save the old farm house.

Mr. Vincent Chapman came forward and stated that since the Board has adamantly said that they do not set precedents he would like to withdraw his objection to this variance.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; Henke "abstaining"; none absent) to **APPROVE** the request for a Variance from Bulk and Area Requirements for two (2) RS-2 lots from 75 feet to 67.5 feet and 70.5 feet respectively (Section 403); Variance from Bulk and Area

Requirements for side yard setback from 5 feet to 3.88 feet (Section 403), as shown on the site plan submitted by the applicant to INCOG on February 13, 2012 at 9:48 A.M., also, subject to the site plan showing the location and size of the setbacks on both the south lot and the new northern lot. The Board has found that the majority of the lots in the subject neighborhood are approximately 69 feet wide and the resulting lots in this lot split will be in harmony with the remainder of the lots in the neighborhood. The Board has found that by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LOT-8-BLK-1, QUINLAN ADDN OF W/2 L7 J P HARTERS SUB, QUINLAN 2ND ADDN OF E/2 L7 J P HARTERS SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 2:33 P.M.

21387—Steve Olsen

Action Requested:

Variance of building setback from centerline of Atlanta Street from 50 feet to 40 feet (Section 703, Table 2); Variance of side yard setback from RS-3 zone from 40 feet to 36 feet (Section 703, Table 2). Location: 2448 East Admiral Boulevard South, 2444 East Admiral Boulevard South, 2438 East Admiral Boulevard South, 2436 East Admiral Boulevard South **(CD 4)**

Mr. White recused and left the meeting at 2:34 p.m.

Mr. Tidwell left the meeting at 2:34 p.m.

Mr. Henke explained to the applicant that there are only three board members now present at this meeting, because Mr. Tidwell had to leave and Mr. White has recused from the case. If an applicant would like to postpone his hearing until the next meeting he could do so. If the applicant wanted to proceed with the hearing today, it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the application would be

denied. Mr. Henke asked the applicant if they understood and asked the applicant what they would like to do. The applicant stated that he would like to proceed with the hearing today.

Presentation:

Steve Olsen, 3803-A South Harvard Avenue, Tulsa, OK; stated he is the architect for the project. The new proposed San Miguel school building will be replacing two old existing frame houses that are inefficient. It will also be opening up an area for a playground that will improve the neighborhood. The school is directly west of and across the street from St. Francis Catholic Church.

Joe O'Connor, President of San Miguel School, 2444 East Admiral Boulevard, Tulsa, OK; no presentation was made but he was available for questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 3-0-1 (Henke, Stead, Van De Wiele "aye"; no "nays"; White "abstaining"; Tidwell absent) to **APPROVE** the request for a Variance of building setback from centerline of Atlanta Street from 50 feet to 40 feet (Section 703, Table 2); Variance of side yard setback from RS-3 zone from 40 feet to 36 feet (Section 703, Table 2), subject to the conceptual plan submitted on page 11.7. Noting that there are sidewalks on both South Atlanta Avenue and Admiral Boulevard which shall be maintained in good walking condition. If the sidewalks are damaged during construction they will be replaced. In granting this variance the Board has found that these old structures, built before the zoning code in 1970, and the age of these structures 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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 1 BLK 5, LT 2 BLK 5, LT 3 BLK 5, LT 4 BLK 5, EAST HIGHLAND ADDN RES B1,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. White re-entered the meeting at 2:39 p.m.

21388—Jeremy Perkins

Action Requested:

Variance of the side yard setback in the RS-4 zone from 5 feet to 0 feet (Section 403, Table 3). **Location:** 1606 South Quincy Avenue East **(CD 4)**

Presentation:

Jeremy Perkins, 2200 South Utica Place, Suite 216, Tulsa, OK; stated he is the architect for the project. There is an extensive proposed remodel for this home. The home is in the Swan Lake area and the remodel has received approval from the Tulsa Preservation Historic Commission.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **APPROVE** the request for a Variance of the side yard setback in the RS-4 zone from 5 feet to 0 feet (Section 403, Table 3). The Board has been advised by the applicant that this house is in a historic preservation area and has been issued a Certificate of Appropriateness which will be furnished to INCOG staff. The Board has found that this extremely narrow lot, only 50 feet in width, creates a hardship for any construction or reconstruction; subject to conceptual plan on page 12.7. In granting this variance the Board had found that these are reasons of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 2 BLK 10 & 10' VAC ALLEY, ORCUTT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21389—Turbo Nitro, Inc.

Action Requested:

Spacing Verification for a bar (Use Unit 12a) in the CBD district (Section 1212a.C.3).

Location: 13 East Brady Street North **(CD 4)**

Presentation:

Tony DeLesdernier, 928 South Vandalia Avenue, Tulsa, OK; no presentation was made but was available for questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) based upon the facts in this matter as they presently exist to **ACCEPT** the applicant's request for a Spacing Verification 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; for the following property:

LT 3 BLK 28,TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

Request for Interpretation

INCOG requested the Office of Development Services make a **Request for Interpretation** regarding the definition of a sign and the definition of art. (The code does not provide a definition for "art".)

The staff of Inspection Services respectfully requests a determination of the definition of Sign in the Zoning code as it applies to the Ridgeway's sign installed on the East wall of a building located at 324 E 1st Street (photographs attached).

Upon the relocation of the downtown business known as Ridgeway's, their sign was purchased by another downtown business owner, Michael Sager. Mr. Sager had the sign installed on the East wall of his building, facing the parking lot for that business without a permit. Mr. Sager contends the sign does not need a permit because he believes it is art work and not a sign.

The previous Sign & Site supervisor, Margot Heyne-Bell believed the sign is advertising a business elsewhere than the lot on which it is located. She pursued an investigation where she determined the sign could not be at that

location for the following reasons: The business known as Ridgeway's is still open and still uses the same type of sign at their new location (photograph attached).

Definitions:

Sign, Outdoor Advertising: A sign which directs attention to a business, commodity, service, or entertainment, sold or offered elsewhere than the lot on which it is located.

Sign: Any object, device, structure or part thereof used to advertise, identify, display or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Signs as defined herein do not include the flag or emblem of any nation, organization of nations, state, city or any fraternal, religious or civic organizations; one corporate flag; works of art which in no way identify a product; temporary holiday decorations; or landscape features which display no words or symbols.

City of Tulsa Zoning Code Title 42 Section 1221 C. 6

Signs that have not been issued a sign permit shall not be located in any district.

Presentation:

Bob Kolibas, City of Tulsa, Sign and Site Inspection Services, 175 East 2nd Street, Tulsa, OK; stated the City of Tulsa is requesting the interpretation is because this is a unique situation. The sign was acquired and installed on an office building in downtown Tulsa in the CBD district. Since there is another business of the same company name in another location, on East 41st Street, the City of Tulsa cannot permit this sign as it is now. The City has requested this interpretation to clarify the issue for future situations similar to this one that may arise.

Interested Parties:

Michael Sager, 328 East 1st Street, Tulsa, OK; stated the Ridgway Company that was in downtown Tulsa for decades elected to move farther south onto Detroit Avenue between First and Second Streets. They were in that location for five years. The Ridgway Company was purchased in a national acquisition, and that is when Ridgway approached Mr. Sager, their landlord, concerning a mandate to reduce their budget and advised him that the company would no longer exist as Ridgway but would become ARC, the parent company, under consolidation. Ridgway vacated the building and offered to sell Mr. Sager the sign, because he is an adaptive re-use historic preservation type person. Mr. Sager acquired the sign and had it removed from the building it was on. The sign is a very unique sign as it is a neon stainless steel sign with porcelain finishes. The Board some time earlier approved the roof top signage in the Blue Dome District attempting to attract and preserve the imagery of the early iconic signs. The

neon Ridgway sign was attached to a west wall of the building on a one-way street, and the sign does not face the street. The sign does not have any marketing value whatsoever, because the Ridgway website now stipulates that they are now ARC. After purchasing the sign Mr. Sager installed the sign as a piece of art in downtown Tulsa. Mr. Sager is requesting the Board to approve this sign as a historic piece of art.

Ms. Stead stated that she has read information in the agenda stating that there is still a Ridgway store still open and uses the same type of sign on their current location. Ms. Stead asked Mr. Sager if that was a fact. Mr. Sager stated it is a fact, but asked to clarify the statement. The Ridgway sign was on their first location in downtown Tulsa and when they moved the sign was put into a warehouse for storage. Ridgway does not operate under the Ridgway name any longer, which is confirmed by their website. Is this sign an off premise sign that generates commerce and intended to do so, Mr. Sager thinks it is not and considers it to be a piece of Tulsa's history.

Mr. Van De Wiele asked Mr. Sager if Ridgway sold him the sign knowing what he was going to do with it. Mr. Sager gave affirmation. Mr. Van De Wiele asked Mr. Sager if there were any issues regarding the sign. Mr. Sager stated that Ridgway would never have sold their corporate logo to another entity. Mr. Van De Wiele asked Mr. Sager if, on the purchase of the sign, he had bought any intellectual rights with the sign. Mr. Sager stated that he had not, it is just the physical element of the thing.

Mr. Swiney asked Mr. Sager if he had an agreement with Ridgway regarding the copyright or trademark. Mr. Sager stated that he would not have ever anticipated that for \$500.00 he was acquiring copyrights or any right to do business as or anything else to a company that has been in Tulsa for 50 to 60 years.

Mr. Van De Wiele asked staff if the Board could limit their interpretation to this particular sign on this particular building, because it is a sign but it has taken on another meaning. Mr. Alberty stated that by the Board's interpretation they can limit it to this specific situation. This is clearly, as Mr. Sager has indicated, to him it is a work of art and to many people it is a work of art. The fact that Ridgway is no longer in existence says a lot. Mr. Swiney stated that the request from the Inspection Services applies only to this one sign. However, once the decision is made regarding this sign he surmises that the Inspection Services will use the decision as a model for future cases.

Ms. Stead stated that she would not want Inspection Services to use the decision as a model unless it is under the same conditions, i.e., that the sign does not identify a product, and does not generate commerce. Mr. Sager told the Board that he would not have acquired the sign if it represented a product or brand that was ongoing.

Mr. Alberty reminded the Board that any decision that city permitting would make is always appealable. As in this case, it could have been, but the City elected to pursue under this circumstance. Assuming that someone is aggrieved by a decision, either way, it still can be appealed to this Board. Just because this decision is made today and possibly used in future considerations does not mean that is the way it will end.

Comments and Questions:

Ms. Stead stated that she considers the sign to be a piece of historical work of art. It does not identify a product nor generate commerce.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) the City of Tulsa Inspection Services has requested a determination from the Board of Adjustment of the definition of a sign in the zoning code as it applies to the Ridgway sign installed on the east wall of a building located at 324 East 1st Street. Whereas the Board in investigating this agrees with the applicant, Mr. Sager, that the Ridgway sign on his building is a historic work of art which does not identify a product nor generate commerce as a sign would do. In fact, according to Mr. Sager, Ridgway is no longer in business under that name. The Board's interpretation is intended for this specific site.

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NEW BUSINESS

None.

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BOARD MEMBER COMMENTS

The Tulsa Metropolitan Area Planning Commission (TMAPC) is currently considering changes to the sign code. Ms. Stead suggested the Board visit their website to read through the proposed changes and offer comments before the changes are finalized.

Mr. Alberty stated that the Sign Advisory Board has proposed amendments to the sign code, and they will be presented in work session tomorrow to TMAPC. It will then possibly be modified and some of those could be revised. Then a public hearing will be held before TMAPC and will be advertised, so any comments the Board has can either be delivered in person or mailed.

Ms. Stead stated that after viewing the proposed changes, there is one thing that has never been answered that she would like to have answered is the attachment of message boards on signs. She would like to have a clarification on that in these changes.

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There being no further business, the meeting adjourned at 3:07 p.m.

Date approved: 2/28/12

Frank P. Hernandez
Chair