

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1071  
Tuesday, May 22, 2012, 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<br>Stead<br>Tidwell, Secretary<br>Van De Wiele<br>White, Vice Chair |                       | Alberty<br>Back<br>Sparger | Swiney, Legal         |

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, May 17, 2012, at 1:24 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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Ms. Back 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 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the May 8, 2012 Board of Adjustment meeting (No. 1070).

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**UNFINISHED BUSINESS**

None.

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## NEW BUSINESS

### 21418—Andrew Shank

#### Action Requested:

Appeal the determination of an Administrative Official concerning a business sign (Section 1605). LOCATION: 4703 South 103<sup>rd</sup> East Avenue (CD 7)

#### Presentation:

**Andrew Shank**, 2727 East 21<sup>st</sup> Street, Suite #200, Tulsa, OK; stated the applicant is working with the City of Tulsa Legal Department and the Sign and Site Inspections Division to reach an amicable solution regarding the sign on site. The applicant needs more time to continue working with the Legal Department, and he hopes the case can be withdrawn before the Board of Adjustment hearing. This is a case where the applicant does not file his case when he is ready; it is a function of notice giving him ten days. To preserve the applicant's rights he is working the City Legal, Bob Edmiston, and Sign and Site, Bob Kolibas. Therefore, the applicant requests a continuance and neither city parties object to this request for a continuance.

#### 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 an Appeal of the determination of an Administrative Official concerning a business sign (Section 1605) to the meeting of June 26, 2012; for the following property:

**LTS 1 THRU 12 & S30 VAC 47 ST ADJ ON N N7.5 VAC ALLEY ADJ ON S & W25 VAC 104 EAST AVE ADJ ON E BLK 18, ALSUMA, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

### 21426—Michael Lane

#### Action Requested:

Special Exception to increase height of a screening wall in the required front yard from 4 feet to 6 feet 6 inches (Section 210.B.3). LOCATION: 2908 South Quaker Avenue (CD 4)

#### Presentation:

**Tony Jordan**, Jordan & Sons Building Company, 10139 Bonney Bridge Road, Owasso, OK; no presentation was made but Mr. Jordan was available for questions.

Mr. White asked Mr. Jordan how far forward the brick wall sat from the building line. Mr. Jordan stated there is 40 feet from the street curb to the brick wall.

**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 **Special Exception** to increase height of a screening wall in the required front yard from 4 feet to 6 feet 6 inches (Section 210.B.3), this will be per conceptual plan 2.8 and 2.9 which has a 2'-6" wrought iron extension added onto the top of a 4'-0" brick wall. Finding 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; for the following property:

**ALL LTS 1 2 & N 15' LT 3 BLK 2, LORRAINE TERRACE AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21427—Roy Johnsen**

**Action Requested:**

**Variance** of the 100 feet of separation between ground signs within a PUD (Section 1103.B.2.b.3). **LOCATION:** 9258 South Delaware Avenue (**CD 2**)

**Presentation:**

**Roy Johnsen**, 1 West 3<sup>rd</sup> Street, Suite #1010, Tulsa, OK; stated this sign request is for a development that was submitted as a Planned Unit Development known as 9200 Delaware. The PUD was approved. This is a mixed use development. The building to the west is an apartment complex and everything else going toward Delaware is commercial and retail. There is a tract in the rear that is approximately 300 feet and the access to it is a private drive to Delaware. When the property was purchased from the developer an agreement was reached that a sign could be placed in the median, and this is reflected in the PUD. The proposed sign would be a monument sign, approximately 64 square feet in display area, and would be very modest in design. The code does provide that there is to be a 100 foot separation between signage in a PUD. Since this PUD has been approved there was a provision for a 230 square foot ground sign, and there was a provision for another sign of 75 square feet at a lesser height. What is being proposed today does not increase the overall square footage of signage, it is a matter of location. In this instance, the first user in place was the apartment complex and then Patriot Bank, which has the most northern lot fronting Delaware. Patriot Bank is very limited, a 64 square foot monument sign. Where the bank is

placing their sign it is approximately 70 feet to the median. It is anticipated that a similar sign will be on the opposite corner of the bank sign, and each sign would not meet the 100 feet separation requirement. There would be three small signs in place, one sign on the south lot, one on the north lot, and one sign in the median. These signs are why the request for a variance of 65 feet is being brought to Board today.

Ms. Stead asked Mr. Johnsen to explain his hardship.

Mr. Johnsen stated his hardship is the mixed use, the depth running east and west, the unusual circumstance created by the code in regards to a monument sign not being mentioned in the code, and the fact that the sign is in a PUD.

**Ricky Jones**, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, OK; stated he represents the developer of the overall 9200 Delaware, and who is also the owner of Lots 1 and 5 and the remainder of Lot 2. At this specific time there is no specific user for Lots 1, 2 or 5. The developer knows he is subject to a PUD detailed sign plan review by the Planning Commission.

**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, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the 100 feet of separation between ground signs within a PUD (Section 1103.B.2.b.3). This large development contains mixed uses and additional signage is necessary for identification. The Board is approving a 65'-0" foot, instead of a 100'-0", separation from the sign the sign that is in the median as shown on page 4.7. In granting this variance 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 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:

**ALL OF LOTS ONE (1) THROUGH SIX (6) AND RESERVE 'A', BLOCK ONE (1), "9200 DELAWARE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6181), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21428—Scott Pohlenz**

**Action Requested:**

Variance of the side yard requirement, on the west side, from 15 feet to 8 feet for an addition to align with existing structure (Section 403). **LOCATION:** 2685 East 37<sup>th</sup> Street (CD 9)

**Presentation:**

**Scott Pohlenz**, Architect, 3402 South Peoria Avenue, Tulsa, OK; stated that he is available for any questions the Board might have. He also presented additional information to the Board for their review.

**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 the side yard requirement, on the west side, from 15 feet to 8 feet for an addition to align with existing structure (Section 403), subject to the conceptual site plan on page 5.24. Finding that this large lot with estate residential zoning is adequate to support the addition. The addition will not protrude further than the existing house. In granting this variance 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 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; all for the following property:

**PRT LT 2 BEG SWC LT 2 TH N220 E TO PT 237N SECR LT 2 TH S237 W145.88  
POB BLK 1, OAKVIEW ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF  
OKLAHOMA**

**17111-A—Gary Schellhorn (City of Tulsa)**

**Action Requested:**

Modification to previously approved site plan (BOA-17111) to permit demolition of dilapidated structures and construction of new facilities for Turner Park. **LOCATION:** 3503 East 5<sup>th</sup> Place (CD 4)

**Presentation:**

**Gary Schellhorn**, City of Tulsa Parks Department, 2317 South Jackson, Tulsa, OK; stated there will be a future water playground for the park that is not funded and not in the planning stages currently, but is in the master plan for the park.

**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 **Modification** to a previously approved site plan (BOA-17111) to permit demolition of dilapidated structures and construction of new facilities for Turner Park, subject to the conceptual site plan on page 6.7 and as described in the status report dated April 20, 2012. This modification of proposed park amenities are compatible with and are non-injurious to surrounding residential area, and meets the previously granted special exception. Subsequent approved modifications meets the current zoning requirements per code; for the following property:

**THAT PORTION OF THE E ½ OF THE SW ¼, SEC. 4, T-19-N, R-13-E, AS FOLLOWS: BEGINNING AT A POINT 25' S OF THE NW/C OF SAID QUARTER AND 959.4' E AT AN IRON PIPE; THENCE N81°50'E, 260' TO AN IRON PIPE; THENCE S8°05'E, 791' TO AN IRON PIPE; THENCE S20°35'W, 80.6' TO AN IRON PIPE; THENCE S39°30'E, 280.20'; THENCE S81°20'W, 150.88'; THENCE N39°35'W, 640.47' TO A PC; THENCE CURVING TO THE RIGHT ALONG A CURVE OF RADIUS 716.34' A DISTANCE OF 389.20' TO A POINT; THENCE N7°55'W, 75.16'; THENCE N81°50'E, 234.38'; THENCE N7°55'W, 146.03' TO THE P.O.B. AND ALL OF BLOCK 4, CHULA VISTA 1<sup>ST</sup> AN ADDITION TO THE CITY OF TULSA; AND THAT PORTION OF A STREET VACATED BY ORDINANCE NUMBER 4845 ON MAY 5, 1944, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21433—Andrew Shank**

**Action Requested:**

Approval of license agreement to locate awnings/signs within right-of-way (Section 1221.C.14). **LOCATION:** 1523 East 15<sup>th</sup> Street (CD 4)

**Mr. White recused himself and left the meeting at 1:33 p.m.**

**Presentation:**

**Andrew Shank**, 2727 East 21<sup>st</sup> Street, Suite #200, Tulsa, OK; stated that the information contained in the Board's packet shows that this case is for Board of Adjustment approval. The City of Tulsa has approved the location of the awnings/signs for La Madeline. In the process with the City of Tulsa a plan is submitted to Engineering Services, and that is sent out to all the franchise utility holders and several departments within the City for approval. Once all objections are resolved the plan comes back to the Engineers, an agreement is generated for the land owner's signature, and it is then presented to the Board for approval. If the Board approves the license agreement it will continue on through the proper chain of command stopping at the Mayor's office for final approval.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; White "abstaining"; none absent) based on the facts in this matter as they presently exist to **APPROVE** the request for an Approval of license agreement to locate awnings/signs within right-of-way (Section 1221.C.14). Making this motion based upon the facts in this matter as they presently exist, the Board approves this license agreement to locate awnings/signs within the right-of-way; for the following property:

**LTS 12 & 26 THRU 28 BLK 11, FOREST PARK ADDN RE-AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. White re-entered the meeting at 1:37 p.m.**

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**OTHER BUSINESS**

**None.**

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**NEW BUSINESS**

**None.**

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**BOARD MEMBER COMMENTS**

None.

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There being no further business, the meeting adjourned at 1:38 p.m.

Date approved: 6/12/12

Frank V. Harris, Jr.  
Chair