

CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level
One Technology Center
Tuesday, July 11, 2023, 1:00 PM

Meeting No. 1319

If you wish to present or share any documents, written comments, or exhibits during the hearing, please **submit them by 9:00 a.m. the day of the hearing**. Remember to reference the case number and include your name and address.

Email: planning@cityoftulsa.org

Mail or In Person: City of Tulsa BOA c/o Austin Chapman, 175 East 2nd St. Suite 480 Tulsa 74103

MINUTES

1. Approval of **Minutes** of April 25, 2023 (Meeting No. 1315).
2. Approval of **Minutes** of May 9, 2023 (Meeting No. 1316).
3. Approval of **Minutes** of May 23, 2023 (Meeting No. 1317).

UNFINISHED BUSINESS

4. 23530 - Nathalie Cornett

Action Requested:

Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CS District serving alcohol within 150-feet of a residential zoning district (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K) **Location:** 1330 E. 15th St. **(CD 4)**

5. 23541 - Twister Concrete Work

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** South of the SE/c of E. Tecumseh St. and N. Xanthus Ave. **(CD 1)**

NEW APPLICATIONS

6. 23542 - Dodson Building Group INC

ACTION REQUESTED:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 4339 S Atlanta Ave **(CD 9)**

7. 23544 - Chris Stevens

Action Requested:

Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the IL District (Sec.15.020, Table 15-2) **Location:** 6504 E. 44th St. **(CD 5)**

8. 23545 - Raul Cisneros, Jr.

ACTION REQUESTED:

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 1746 S. Jamestown Ave. **(CD 4)**

9. 23548 - Joseph L. Hull, IV

ACTION REQUESTED:

Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C) **Location:** 35 E. 18th St. **(CD 4)**

10. 23549 - Criminal Justice and Mercy Ministries of Oklahoma, Inc.

ACTION REQUESTED:

Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2); **Location:** 5707 S. Memorial Dr. **(CD 7)**

11. 23550 - Cyntergy/ Linda Waytulsa

ACTION REQUESTED:

Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2) **Location:** NE/c of S. Braden Ave. and E. 51st Street S. **(CD 5)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: tulsaplanning.org **E-mail:** esubmit@incog.org

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-596-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained by the Tulsa Planning Office at the City of Tulsa. All electronic devices must be silenced.

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1315
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
April 25, 2023, 1:00 P.M.

Meeting No. 1315

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS
Barrientos		A. Chapman	A. Blank, Legal
Bond, Chair		S. Tauber	
Radney, Vice Chair		D. Wilkerson	
Stauffer		J. Banes	
Wallace			

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on April 19, 2023, at 2:33 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Bond called the meeting to order at 1:02 p.m.

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

MINUTES

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace "ayes", no "nays"; no "abstentions") to **APPROVE** the **Minutes** of April 11, 2023 (Meeting No. 1314).

* * * * *

UNFINISHED BUSINESS

Review and approval, approval with modifications, denial, or deferral of the following:

23507 – Oscar Garcia

Action Requested:

Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-A) **Location:** 12430 E. 11th St. S. **(CD 6)**

Presentation:

Ahmed Davila, 56 East Place, Tulsa, Oklahoma 74105, stated that they were on several things in this site plan. We have been informed multiple times that there is a flood zone in that area. We are going to be working with not just a site plan, but an actual engineer to make sure that this is a safe space not just for ourselves, but for the neighborhoods. We need more time for engineering, this is not something that we can just draw on the board, we need to make sure that everything is done accordingly. He has been informed that the site plan needs more detail and of course we are still working on that as well.

Mr. Bond asked if he was requesting a Continuance at this time. We will hear from interested parties and entertain that.

Interested Parties:

Christian Bengal, 175 East 2nd Street, Tulsa, Oklahoma, 74103, stated that he was here again, on this application. It is no small task to create a small business model that one determines as their path to success. They also must traverse the bureaucratic process for permitting and along with property acquisition. As you can tell, this was a simplistic application, there was not much planning or thought process behind the application. At the last hearing it was incorrectly identified this property location as being part of the Route 66 Overlay. As I indicated during the initial hearing, he was confident the Board will determine this intended development does nothing more than we did individual interests and deny its implementation. It does not elevate anything associated to the overlay, nor the vibrance of the community. Additionally, he was not aware of any community engagement that has been done on this application. As this Board is aware of the Route 66 Commission has invested significant resources and time to elevating Tulsa to being the capital of this historic Route. Through facade neon sign grants and

advocacy for the reconstruction of Avery Cyrus Ridge. This commission is tirelessly promoted through marketing, to entice business owners and developers to take part in preserving and memorializing the historic significance that Tulsa owns. It is our responsibility as elected officials, boards and commission members to respect the work being done by these preservationists, but also as Tulsans to validate the reference, my colleagues of the council who are here with me today, along with the Route 66 commission members, along with Mr. Ken Busby, Executive Director and CEO of the Route 66 Alliance stand united to make sure that developments along this corridor continually meet a higher standard of approval and cater to developments that foster mutual benefit to not only historic preservation, but to the more localized community. That is a beautiful, undeveloped green space intended to duplicate two other businesses, less than a quarter of a mile away. One failed, which he suggested the applicant pursue ownership of and the other still operates. Clearly there is no need to establish with this application, no intent to create a significant economic impact, nor intended to create employment. The exception this application intends to bring is towing service while the board has already established that this is not allowed. He submitted respectfully that at some point, this will be implemented and left for the community to abate. If the applicant's intent were to exclusively sell classic cars with neon signage, this would be an application worth serious consideration. He wants the applicant to understand that even if our mayor were here today with the same proposal, he would be standing here speaking against him. He wants the applicant to understand this is not personal in a way, he sees no hardships being presented. Unfortunately, East Tulsa has suffered from a free reign and closed eye approach, where issuance of partial license has led to liberties that have decimated aesthetic inviting thoughtful and regulated business practices. So again, he stands here today hoping you will deny this application, because again, it does nothing for the community.

Mr. Bond asked the Councilman if he would prefer that we hear this matter today or would you be agreeable to a continuance like the applicant's request.

Mr. Bengal stated that he would appreciate you just rejecting this application. The green space is beautiful. We have two developments that are already within a quarter mile of this intended development, and he did not think you would be doing a disservice by ruining this green space that is undeveloped right now. 11th Street does not mean another car lot.

Ms. Radney stated that she would make that Motion.

Mr. Bond stated that no matter what the revised plans say, especially for the sake of the applicant, it sounds like they are spending a lot of time and capital on this. He would prefer to hear this today. He would give the applicant the outcome that would give them the benefit of the doubt on whatever plans might come back.

Christa Patrick, 175 East 2nd Street, Tulsa, Oklahoma, 74103, stated that she is the Chair of the City Council. She is on the Route 66 Commission, and we have issued a letter previously in the planning to INCOG to plead that no more car related industry be allowed on the Route 66 Corridor unless it is specifically targeting the tourism or vintage aspect. We are overpopulated with especially used cars and car-related industry in that corridor. We are putting so much investment into creating tourism. It is a detriment to the area. On top of that, as the applicant pointed out, it is a floodplain and car lots require concrete, which would not be an option for a floodplain. If you concreted over that green space, it would cause detrimental flooding to the areas around it because there is no place for the flooding to go. There are lots of empty car lots along that corridor. So, if he really wants to put in a car lot, she will also suggest that he seek someplace that is already designed and set up for that so that we are not creating more dead concrete than we already have on that Route. She would respectfully ask that you take into consideration that Route 66 official letter on record asking to please not allow any additional car lots on the road.

Grant Miller, 175 East 2nd Street, Tulsa, Oklahoma, 74103, stated he is the City Council for District Five. Right now, you are trying to get whether people object to continuing this. So, with that in mind, he would object to continuing the matter.

Mr. Bond stated that they were trying to take the bull by the horns. We are going to go on and hear the matter today.

Mr. Grant stated that with that being said, just what my colleagues have mentioned, there are some things that people cannot agree on within neighborhoods, but something that most people can agree on as far as Route 66 goes, is that there are too many car dealerships already in place, and that adding additional car dealerships will not be a benefit to the communities that are along that Route.

Jeannie Cue, 175 East 2nd Street, Tulsa, Oklahoma, 74103 stated as someone that helped initiate the Route 66 Overlay who started the Route 66 Commission with Mayor Dewey Bartlett, she wanted to say we want to improve Route 66. We are the capital of Route 66, the home of where it started, and 11th Street is a key factor. She supports citizens. She does not want them to spend a lot of time and money and continue cutting back and it is something that will not pass anyway. There are so many open car sales lots on 11th Street that they could do things. That is why we put that overlay in because we do not want people coming into Tulsa, the thousands, and hundreds of thousands with the new Route 66, 100 Year Celebration to see car lots. We want great development. We want signage, we want beautification along there. She could not support this, and she hoped you did not.

Rebuttal:

Ahmed Davila, 56 East Place, Tulsa, Oklahoma 74105, stated that he thanked everyone for being there. He too loves Route 66, as well as anybody else in this place. The owners want to develop this area. Regardless of if this is going to be a car lot, or something in the future, the purpose of this empty lot is to redevelop, we need to grow as a city and expand the city. A lot of times, to grow, you need to invest money, and we are willing to invest money in this property. He did not understand why this lot had not been developed in the past. This is one of the reasons; there are many car lots on Route 66. There are plenty of them. In fact, which is one of the main reasons why 11th Street has been famous, and a lot of folks keep forgetting that. If you go to Route 66, and you go through Tulsa, the first thing you see is the car lots, perhaps some of them are classics, some of them are old, and some of them are new. We need more development in this area. They would love to redevelop this area, making sure that development is not just safe for the neighbors, but for the whole community. We need to make sure that this new facility is not just a car lot, it is a space for him to grow once that development has been implemented safely, we could be something else that would be a commercial shop, we can develop something else. The bottom line is it needs to be developed. That is what we are saying here before you, letting the Board know that we are new in this development process, and we are learning from the Board. Please tell us what we need to do to make sure that this development is not just safe for the next-door neighbors, but for the future as well.

Mr. Bond stated that we in the City appreciate your willingness to work with them on that. Can you articulate a hardship?

Mr. Davila stated that the hardship that we are facing right now is the flooding. For the Variance of course, we want to do a car lot and now the car lot is facing a hardship and in that specific Variance. Well, thank you all for your patience. This hardship has multiple reasons, one is the location where it is at, and 11th street. It is three hundred feet from the neighborhood. We would like to put cars in the front of the street so we can present those cars in that way.

Ms. Radney asked the applicant had done some investigations that relate to the floodplain that crosses the lot.

Mr. Davila stated that they have been speaking with some engineers who have told us that there is something called a slow process that does it from what had been formed is that it slows down the flow of water and thus does not create overflow in that area. We need to make sure that the back area is secure for that specific location.

Ms. Radney asked what percentage of the lot you would say is usable.

Mr. Davila stated that the front part. The back area is going to be a flood area. An example would be that there is a Starbucks Mingo Creek. That area is next to a flood zone. What they did is redevelop that area, and make sure that the water of the flooding area is secure for that specific space. There is plenty of space in the front for it to be used for commercial zoning. We will need some digging. We need to make further investigations into that, there is plenty of space in the front to develop.

Ms. Radney stated that on the 11th street side of the property she saw that you are in the adjacent properties have driveways that come across, that come off 11th Street and go to the south. Is that an open trench there or how difficult would it be to create an entrance into this property that we are looking at opposite 11th Street?

Mr. Davila stated that it was not difficult at all, because the trench goes through the backside of the area. The water flow will go through the back area into the creek that is there. We just need to make sure that development in that back area will work properly forward for that sector. Slowing down the flow of water will also help that area. There is an entrance on we can use the 11th Street as a main entrance.

Ms. Radney asked if they would not need the 124th East Avenue entrance.

Mr. Davila stated not necessarily.

Ms. Radney stated that she apologized. She was multitasking, and not paying attention to when you were talking about the portion of the land that would remain with the vegetation on it. Could you remind me a little bit more about what that would look like or what you were talking about?

Mr. Davila stated that they had not presented the Board with more details, but what our vision is in that area is something more of a space for parking, for starters. There will be plenty of space for a building as well, a small building that could be rentable, in the future for commercial business. The front part area is very stable, and very usable for the commercial lots.

Comments and Questions:

Mr. Wallace thanked the applicant for coming that day and for asking for a continuance. with asking for a variance and a special exception. He did not see that this was being in harmony with the neighborhood. We have several councilors here representing their communities. From his perspective, he did not want to continue this and have the applicant spend more dollars. Hopefully, the councilors have some ideas that what can be utilized for this property that can generate some growth here. He was going to be voting nay today.

Mr. Barrientos stated that he thought he would vote the same way. Although he appreciated the willingness to develop the area. This is not the right location to have another car lot.

Ms. Stauffer stated that she felt the same way. She did not see the hardship. She did not see that it meets the standards for reasons.

Ms. Radney stated that she did not necessarily concur with those arguments. She thought that this commercial lot has not been developed because it is difficult to develop. There are times that incremental development can at least begin to move you in a direction towards being able to have something that is at a greater, higher, or better use of the future. She was just going to say that she is agnostic about whether we have too many or not too many car lots. 11th Street has that reputation because car culture is embedded in the Route 66 narrative, we might not necessarily like all the locations that the car lots are sitting on. All up and down the Route, they may or may not be the best and highest use in those locations, but she did not know that she was able to say that that there are too many, if the market will bear them, then the market bears them. We are only looking at this site. She was setting aside that part, and she was appreciative of the importance in the work of a commission, specifically one that wants to elevate its historical asset of the city. That having been said, she did agree that we have not actually had a good hardship that has been described for us, although she did actually think that the topography of this lot does make it very challenging, and to a certain degree, at a relatively low impact, commercial use, like a car lot, does not seem terribly inappropriate for this location. So in for that reason, she would have been inclined to support it, and she would vote accordingly.

Mr. Bond stated that at the risk of being redundant here, we do our best here not to interpret policy. That is the sole purview of the City Council, we simply have a left and right limit to make decisions based on the limited allowances that they give us. Two of the most important things here are first the hardship, and although there are some unique things to this property, he did not see a hardship which is tied to the proposed use. That would be different than the ability to not simply just have a car lot but would be something which will be tied to geographic uniqueness. He did not see that here. Secondly, the thing that prevailed is almost a third rail and that is getting into trying to interpret the Comprehensive Plan. That is the full purview of the City Council and the Mayor to pass. In the event that this goes on to any other venues that the Comprehensive Plan, which goes over completely, the idea that we as a city can pass overlays, and the idea that it is up to the City to legislate overlays and to protect them, he found that this application would be very much violative of that event. Since no clear hardship has been articulated for this matter, and because he did find this to be violative of the City's Comprehensive Plan, as well as harmful to the surrounding neighborhood, given its intended use, he would vote nay as well.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 4-1-0 (Barrientos, Bond, Stauffer, Wallace all “ayes”, Radney “nay”, no “abstentions”) to **DENY** Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-A).

Mr. Bond thanked everyone for their time as well as the applicant for their interest. He knows that the City of Tulsa goes out of its way to try to work with people with applications.

For the following property:

LT 2 BLK 1, EAST CENTRAL PLAZA, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23510-WAGONER - August Wakat

Action Requested:

Appeal of the Administrative Decision by a Neighborhood Inspector in Case 69279-2023 that the subject property is in violation of sections 60.020-A, 70.080-A, 80.040-B.2, and 80.040-F of the City of Tulsa Zoning Code, in accordance with Section 70.140. **Location:** 23780 E. Admiral Pl. **(CD 6)**

Presentation:

Mike Rider, 175 East 2nd Street, Tulsa, Oklahoma, 74103, stated that he was the Zoning and Sign Official with the City of Tulsa, Working in Neighborhoods (WIN) Department and he wanted to begin by pointing out, in discussion with City Legal, we are going to drop section 80.040 from the Notice, which would also include the sentence on the Notice that says any new non-conforming uses such as the recycling use must also be approved through the Special Exception process. That section conflicts with a little further down in the same section and should not have been on there.

Mr. Rider wanted to run the Board through a quick summary of the case. We initially received a complaint about this property, which is found to be a nonconforming salvage use around the end of November 2020. The aerial images that we researched of this property revealed that there had been a significant expansion of the property since they had been annexed into the City of Tulsa, in 2001. We found no permits as a part of any of those expansions. We explained this to the owner, Mr. Wakat, and subsequently to his legal counsel. This is a big issue. In one sense, Mr. Wakat has painted himself in a corner by expanding the nonconformity. Our objective was to try to work with him recognizing that this did not occur overnight, and it is not going to be solved overnight and trying to get him on a path towards compliance outside of an official notice. We tried to work with him on that and then subsequently his legal counsel. We were not able to get anywhere through those means.

Then Mr. Wakat contacted us, and then began to reassert that he did not believe that his property was within the City of Tulsa. At that point, we issued a Notice so that he could come here before you all and make that case. There is a time lapse video that kind of shows how the property progressed for you. While that is playing, Mr. Rider wanted to explain to you some of the background. He and his supervisor, Tim Cartner, first investigated this property and the original complaint. We were met by the property owner, Mr. Wakat, who showed us around the exterior of the property. We found nonconforming salvage use there and in an Agricultural Zoning District. We found the property and salvage to be tidy. It consists of several buildings and there was a metal processing area near the southeast of the property in the central south part of the property, and a dynamic display sign had been installed along the north property line. When asked, Mr. Wakat admitted to having expanded this salvage used to the new areas of the lot and constructing new buildings since he had purchased the property many years prior. He also stated here to establish this new recycling use involving the

processing of scrap metal, and that was the bar taking place near the south central and southeast portion of the lot. He mentioned he attempted to establish a medical marijuana use at the property that had been denied by the planning office. He was asked if he had any building permits, sign permit, or zoning clearance permits. Mr. Wakat stated that he did not and that is when he first mentioned that he did not feel like his property was within the City of Tulsa. He was asked to double-check that as best he could as part of my investigation. Mr. Rider invited Mr. Wakat to send him anything he had on that matter that in theory, then send it to City Legal, but he never received anything. Mr. Rider did try to research the issue, found the ordinance, and certainly was satisfied himself that Mr. Wakat was within the City of Tulsa as best he could tell. He explained to Mr. Wakat that these expansions of his property violated the City Ordinance because they had not been permitted, and they were they jeopardized his non-conforming status of the property. He answered Mr. Wakat's questions and asked him for a plan to voluntarily return his salvage to the scope it had in 2001 when the property had been annexed.

After many months, Mr. Rider finally received a phone call from an attorney, Martha Blackburn. This was September 2022. He updated her on our previous discussions, provided her with aerial images from the Planning Office from 2001 to 2022, and referred to Section 80.040 as what he had been looking at. He explained to her in the email, and he quoted "These photos show demolitions of old structures, additions of new structures, and expanded non-conforming use towards the east and southeast. He did not believe there had been any issued permits for any of these demolitions, additions, or the digital sign. He had also welcomed her thoughts on anything that might support the position of nonconformity, anything that we may have missed. She let me know she would follow up with me after she reviewed, but he did not hear back from her at all.

Then February of 2023, is when Mr. Wakat had reached back out to us and stated he was not being represented any longer, wanted us to close our case, and send out a letter that it was resolved. Mr. Rider told him that he could not do that, and that we were going to send him a Notice. If Mr. Wakat believed that his property is not in the City of Tulsa, he could appeal against it and see if the Board will hear that. So accordingly, a Notice was issued, and it included Section 60.020-A, a sign for which no permit has been issued as a prohibited sign, we did not have any sign permits. 70.080 A is the requirement that any property owner obtain a Zoning Clearance Permit before moving, structurally altering any building, or before establishing or changing the use of any building or the lot. Then 80.040-B-2 through F clearly prohibits the expansion on to the other parts of the lot.

Mr. Rider would save you from reading that verbatim, but it was clear that a pattern of expansion had occurred. In this next slide, he had placed the two photos side by side just so you can see this was what we are going off, and there were quite a few changes.

On the next slide is just a larger photo from 2001. He asked our communications department to enhance this and try to sharpen it just a little bit. It is slightly better and the same thing on the following slide from 2022. He also highlighted the changes that would require some kind of permit somewhere along the way. There are fourteen different sections on the property where changes occurred from 2001 to the present. That would have required, at the very least, a Zoning Clearance Permit. Often more, a Building Permit, a Right-of-Way Construction Permit, or a Curb Cut Permit those, but it all is rooted in the expansion without authorization and without any permits. There are fourteen expansions.

There are a few relevant ordinances that Mr. Rider has covered. The ones in the notice, and he had referred as well to Ordinance 20244, which annexed the subject property into the City of Tulsa and was signed by the Mayor on November 13, 2001. In addition to those ordinances, there is section 70.140G-3, which empowers you as the Board to affirm, reverse, or modify the decision to issue that Notice to Mr. Wakat by a vote of at least three members. There is subsection G-4 in the same section that places the burden of persuasion on the appellant to show that an error occurred. 140HH, same section requires that the Board affirm the official's decision, absent any finding of error. Also included is section 85.070, which discusses how notices are to be given when there is a zoning violation, because that was one of the few things that had been included in the Appeal.

Mr. Bond asked if he could backtrack a moment at your beginning. Was it at 80.040? Was it B or F?

Mr. Rider stated that it was B that needed to be stricken. It conflicts with F, which is the more restrictive and he wished he could explain to you how that happened. He had a presumption of correctness. But he did not mind telling you, he cannot make sense of that at this point. He had a copy of the Notice in here, as well as the Wagoner County Treasurer screenshot, showing the property owner.

Then to just respond to the arguments that are contained in the Appeal, and Mr. Rider would follow the same format of the Appeal. The argument responses are kind of difficult because the appeal is kind of vague. It does not clearly say here is what Inspector Rider did that violated the ordinance, it even questions in the document that we have tried to answer many times. On Section 1.1, the City would submit that on November 5, 2019, the subject property had been in the corporate limits of the City of Tulsa for 18 years. Obtaining a sign permit from Wagoner County does not satisfy the requirements of the Tulsa Zoning Code. The City of Tulsa should have issued any sign permit. The Wagoner County Permit does not help comply with Tulsa's ordinance. Under 1.2, the Oklahoma Jury Instruction 3-1 that was referenced, we submit as irrelevant. This is not a court hearing. This is on the appellant to show that the official erred in issuing the notice. In Item 2-1, there was no argument asserted. We have no

response for that. In 2.2 they are the document that has marked as Wakat Exhibit Three, it is a receipt from the City of Tulsa Permit Center. That was associated with attempting to establish a Marijuana Dispensary or medical marijuana use. It is not a permit. It is an application, and that application was denied by the Permit Center because that use was prohibited in the AG Zoning District and since that application has expired in our system. No permits have been issued at the property by the City of Tulsa since its incorporation into the City Limits. On 20244

three, returning the property to the scope it had when it was accidentally tucked into the City is not impossible, ridiculous, or sublime. It is very possible, and we work things like this out all the time, voluntarily.

Mr. Wallace asked when was the annexation or the incorporation?

Mr. Rider stated that they believe it to have been on November 13, 2001.

Mr. Wallace asked if there was any way to verify that.

Ms. Blank stated that their officer looked at the Annexation Ordinance and the Statute and we believe it was all in order.

Mr. Rider stated that argument number three of the Appellate Court of Appeal. We are aware that this property has been salvage use for a long time that it held a non-conforming status with Wagoner County prior to him being annexed into the City of Tulsa, but no violation would exist if it stayed exactly like it was at that time and not been expanded. Also was submitted February the 20, 2023, the date that the Notice was issued is not a City of Tulsa holiday. Our offices were open. So that was issued on a city workday. We have an issued Annexation Ordinance to Mr. Wakat as well as two different attorneys that have represented him over the life of this case.

Finally, we would submit we are not aware of any alleged fraud related to the abstract. We did not view the abstract or amended it in issuing this notice in any way. He included for you our permit search results; this is a screenshot that he took that shows the permits that we have on file in the system for the property. One was voided. The other two are expired. None of them had an issue date; that column is blank. The next slide is the permit from that permit receipts submitted by the Appellate with the highlighted areas showing the permit status has expired and showing that the next step in the workflow would have been for the applicant of the permit to resubmit their plans. On the next slide is a screenshot from the city website. It covers the period showing that Presidents Day is not observed holiday and we were there working. The following slide is an email to Mr. Wakat and emailed to his previous attorney and then a letter to his next and most recent attorney all where we had included the photographs, along with that Annexation Ordinance attempting to achieve a voluntary resolution. In conclusion, we would submit that no error occurred in the issuance of the Notice. We would submit

the Notice was issued lawfully pursuant to Section 85.070, on non-emergency matters, and only after all attempts to achieve voluntary compliance have been exhausted. We respectfully request that the appeal be denied and that the notice issued on February 20, be upheld as modified.

Appellant:

Ronald Durbin, 1602 South Main Street, Tulsa, Oklahoma, 74119, stated that he was the privileged person to be the third attorney for Mr. Wakat on this matter. He did not know why that was relevant, but there were two prior attorneys. He was here the last time just to point out to the Board, interestingly, as in the last hearing, when the City asked for additional time to investigate the zoning issue, he provided his information to the City. Nobody contacted us from the City to discuss any of these, including the gentleman who just spoke. He found it disingenuous that they have tried to work this out with my client when they did not bother to reach out in the last couple of weeks regarding their decision and opinion on this case. Unfortunately, he did not know if you depend on City Legal for your legal advice, but if you do, you are getting bad legal advice. He was going to walk you through why that is the case. They want to keep talking about the ordinance that incorporated and brought this property by Mr. Wakat into the City of Tulsa. Ordinance number one, that is what they keep talking about, this is the Zoning Ordinance, and you have it in your packet.

Mr. Durbin stated he would ask you to direct your attention to it and look at it. He will show you how they are wrong. It is very, very simple. If you look at Ordinance One, the first page of it looks like this. He will show it to you. You see this, you got this so everybody can see. All right. So, if we go to Ordinance One and we go to Exhibit A. Let us look at Exhibit A, we will all agree that Ordinance One is the ordinance which the City of Tulsa alleges brought Mr. Wakat's property into the City of Tulsa. That is not an argument, and everybody is on the same page there, right? Ordinance One is what they are saying gives them authority over Mr. Wakat's property. If we look at Exhibit A, that document we are going to see Section Four, we see that it says Section Four, it says 1, 2, 3, and 4. In section four, it says quote, "All of Section Four, except the west one half of lot one. That is Mr. Wakat's property, it is excluded in this ordinance number one, which created the town of Fair Oaks from being owned by the town of Fair Oaks. Mr. Wakat's property is that excluded west half of lot one. Now, if we go and look at when the City of Tulsa annexed Fair Oaks, which is Ordinance number 2024.4, the City messed up. They put in Section Four of what they were adopting from the City of Fair Oaks, they put, quote, "All of Section Four." What is a very simple legal concept that somebody cannot grant something that they do not own. The Town of Fair Oaks did not have Mr. Wakat's property as a part of it and began to look at Ordinance Number One that created the town of Fair Oaks.

There is nothing presented to you that is shown apart from that they annexed Mr. Wakat's property. When the City of Tulsa adopted it, they incorrectly stated that they were getting all the Section Four. The town did not have that to grant to the city. If you look, my client has tried to explain this to the city more times than he cares to try to explain it. Mr. Wakat provided you with two separate legal opinions on this issue. If you look at the first one, it is from an attorney named Amy Collins. Ms. Collins conducts an independent examination of the title of this property. Ms. Collins, an attorney licensed in the State of Oklahoma and provided to you, concluded that this property was not part of the Town of Fair Oaks and therefore not parts of the adoption of the town or the incorporation of the Town of Fair Oaks into the City of Tulsa. Ms. Collins stated that very clearly. You have a copy of that, that Mr. Wakat did not rest on that, because he wanted you to have a bunch of attorney's opinions. So, he goes to Richard L. Gary and Associates and asks him for an independent title opinion related to his property. This has been provided to you. But if you look at page number four that it says at pages 205 - 212 of the abstract of title appears ordinance number one filed of record in the office of the Wagoner County Clerk on the 13th day of February 2023 and book 2886 pages 689 through 6396, reciting the annexation of property to the town of Fair Oaks, Oklahoma, however, does not appear that the abstracted property is included in the annexation. Again, it is a very simple legal concept, he could you a document that says he grants you all of New York City, even if I own a tiny little part of it. That does not mean you can use that document to claim that you own the entire city.

Mr. Bond asked if he meant you as an individual or you as a government actor.

Mr. Durbin stated me as an individual or government actor, either one. A government actor can grant you something, but they cannot grant you something that they do not have title to it. One of the fundamental concepts in the law is to grant somebody an interest in something, you have the first step title of it.

Mr. Bond asked again, for transfers of title you as an individual, or you as a government actor.

Mr. Durbin stated both. The town of Fair Oaks cannot grant the power of the City of Tulsa to take over its annexed territory when it did not annex that territory, and it does not have authority over it. Additionally, if you go and look and he did, this is the last hearing, and you go to the State Library Archives and pull the 1971 Statutes and we did this of what it takes to create a town. He could also tell you that the Town of Fair Oaks and if you look at Ordinance Number One does not comply in any way, shape, form, or fashion how you create a town. There is no proof of Notice, there is no Notice Clerk signature, there is no independent authorization on that. They don't meet any of the 1971 requirements of creating a town and he wanted to point out to you that there's no grants of property for many of the property owners contained in the Ordinance Number One that he referenced and this Mr. W.W. Repschlaeger, both sides is the only person

other than an alleged town clerk signed it.. There is no ordinance approving this. There is no ordinance or records of that in the Town of Fair Oaks establishing who this gentleman was. There is nothing in the State Archives that has been turned over to them. He has been told that the City still maintains records with a private individual, but that is not a government record being properly maintained in the Oklahoma Open Records Act.

Mr. Bond stated that there is there is no clear title for this property.

Mr. Durbin stated that there is clear title for this property, and it is held by Mr. Wakat, under Wagoner County.

Mr. Bond asked what the title of Mr. Wakat's property says, and which city does it say.

Mr. Durbin stated that the title does not list the city. Wagoner County is listed.

Mr. Bond asked if the title is completely ambiguous as to which town is located.

Mr. Durbin stated that he would have to go back and look at the title, but it would not matter what the title says with regards to the city. The city cannot have a piece of property even if the title said it was City of Tulsa. The City of Tulsa must go through a proper process to annex something. He thought as an attorney, you would understand that, but there is a process regarding that. They did not follow that if they did not have the authority to annex a piece of property. So, you, sir, as an attorney should certainly understand the way you grant property and be interested in a property.

Mr. Bond stated to Mr. Durbin that he did, and he looked forward to an appellate opinion on this, which is about to affirm his own opinion on this.

Mr. Durbin asked if Mr. Bond was indicating that he had already made up his mind before he came into this hearing. Did you have a discussion regarding that?

Mr. Bond stated that they had not discussed this case prior to this hearing. If you stick to your presentation, you have about three and a half minutes left.

Mr. Durbin stated he did not have anything else unless you have questions. This is a simple issue of the City of Tulsa did not properly annex this property. They need to go through that process. They should not have issued a Change Order, a Notice or anything regarding signs or anything on the property because they do not have jurisdiction over the property due to faulty annexation.

Mr. Bond asked if he was saying that they have no jurisdiction over this property, but you are here for them today.

Mr. Durbin stated that because they sent him a violation. So, we had to appeal to the process. So, we filed an appeal.

Mr. Bond stated that you filed that appeal here, not to the district court claiming that we had to go through knowing that we have no jurisdiction or venue for this matter. Instead, you came here voluntarily, correct?

Mr. Durbin stated that no, you made us. There is no voluntary thing, which was and there it was a violation issued. So, there is a proper process for coming here, sir. You should understand your rules.

Interested Parties:

Mark Swiney, 175 East 2nd Street, Tulsa, Oklahoma, 74103, stated that he was Senior Assistant City Attorney in the City of Tulsa Legal Department. With the rest of the City of Tulsa Legal Department, he had been asked to review these documents and he would like to comment. First, he would like to say he objected, and he took affront at Mr. Durbin's comment that the City of Tulsa Legal Department does not know what we are talking about. He presented Ordinance Number One of Fair Oaks annexing a certain property. That is irrelevant to what we are talking about today. The City of Tulsa went and annexed the property that Mr. Wakat owned into the City Limits. He had the Annexation Ordinance. The City of Tulsa did not annex Fair Oaks Town. In fact, Fair Oaks is only mentioned once in this ordinance and it is the Fair Oaks Ranch, which was the owner of a majority acreage in that area, and we had the consent of that owner. Fair Oaks Town is irrelevant. Ordinance Number One that Mr. Durbin has shown us is irrelevant. It does not matter whether Mr. Wakat was within the Town of Fair Oaks or not. What you see here is Ordinance Number 20244 of the City of Tulsa, not Ordinance One of Fair Oaks, which has nothing to do with the City of Tulsa. What you see here is an ordinance by the City of Tulsa passed in 2001, annexing certain property. The fourth page has a legal description. The legal description of the areas that are being annexed and they are identified by sections, township, and range as is proper for legal description. If you look on this fifth page, it says all of Section Four the City of Tulsa is annexing into the City Limits. It does not say anything about Fair Oaks, and it does not have to say anything about Fair Oaks. Fair Oaks town is irrelevant. The City of Tulsa lawfully annexed what Mr. Wakat's land is included in that section. That is the basis. Mr. Durbin and Mr. Wakat are simply mistaken. They think that the Ordinance of Fair Oaks town annexing or not annexing certain property has anything to do with the annexation by the City of Tulsa. It does not. We in the legal department are satisfied that we do have jurisdiction over Mr. Wakat. Why? Because his land is clearly within the City Limits of the City of Tulsa. This board has the jurisdiction to rule on that appeal. Thank you.

Christian Bengal, 175 East 2nd Street, Tulsa, Oklahoma, 74103, as the councilor for District Six, he has met and spoken to Mr. Wakat since he has taken office and even

before, and he has tried to represent him as a Council Member. He thought about the issue here and again, it is a contentious issue for him specifically. He thought he advised him multiple times what he thought when he has a legal representative, and the City has its legal view. The challenge here is on the annexation that may have occurred in 1971. Whether that was legal or whether the one in 2001 was legal, it is a challenge for the District Court. This is not a fight that he can take up for Mr. Wakat specifically with the Council, but I am not sure who advised him that he could bring it before the Council and we can resend or reverse an ordinance, it has already been passed. He just wants this gentleman to finally get the resolution that he needs and understand where his path of resolution is.

Joe Robson, 23515 East 31st, Catoosa, Oklahoma, 74014, stated that he is the manager of Fair Oak Ranch LLC. He has been involved with this situation for several years, we own the property on three sides of Poe Boy's Salvage. He presented to the Board a list of documents. This property has been a non-conforming use, not just since 2001 but since 1981, when Wagoner County passed their ordinance. He gave you the three non-conforming use statutes, which is Wagoner County, the City of Tulsa from 2001, until the latest revision and he cannot remember whether that was 2016 and from 2016 to today. All three of them are the same thing. You cannot expand a non-conforming use, period. There's very little language change in all three ordinances that have been affected since 1981. He also included some pictures from 2001 to 2023. The first picture in your packet is from 1981. So there have been abuses on the non-conforming use side since 1980. When you compare 1981 to what it is today, it has expanded, it has grown. You know, there are benefits that people get when they have a non-conforming use. You do not have to have setbacks, you can use it the way you have done it, you just cannot expand it. It is simple. That is what has happened in this case. He would just encourage the Board to support Staffs recommendation.

Rebuttal:

Mr. Rider stated the Board heard from the best source on annexation legal department. He could not give you a legal opinion or conclusion. There really was not any alleged error in anything that he could explain to you. But if you have any questions for me, he would be happy to answer.

Ms. Radney asked what would be the remedy that you propose to the property owner.

Mr. Rider stated that they would ask Mr. Wakat to return the property to the state that it was in 2001 or apply for permits to change the zoning and try to make what he has done there lawful some other way. There will be some demolition permits that will be needed, just because of the nature of construction and having to take it down.

Ms. Radney asked Mr. Chapman if he could show us again what that condition was in 2001.

Mr. Rider stated that the highlighted slide was a better one to show. These are the fourteen separate things that have changed over that course. The one benefit of waiting to do it, you can do it all under one permit now rather than having to do fourteen permits. They can just submit this and answer any letters of deficiency that may come. There will be a little bit of overlapping ordinances, like curb cut permit, which may also be applicable that compliance is also required with those things. That is what we will be looking for is to either make all that lawful or to return the property and keep it as it was in 2001.

Ms. Radney asked Mr. Chapman where this was in our packet.

Mr. Chapman stated that this was sent out as an addendum.

Ms. Tauber stated that he should have it on your table.

Mr. Barrientos asked what kind of business activity is happening on those metal buildings.

Mr. Rider stated that as best he knew, it is an extension of the salvage operation. If it is not that, then it is an unpermitted new use that has been established that we do not know exactly and we are not aware of. He knew one of the structures, he did not know if it was new, but the marijuana use was set to go in that structure on the northwest corner of the lot. That is where that was. That is the only thing that we remotely had on file. But again, that was not finalized.

Mr. Bond stated that the applicant will give you three minutes and 45 seconds.

Mr. Rider stated no, sir, he would agree with you that they recorded it says section four. Absolutely. It says section four correctly.

Respondent:

Mr. Durbin stated that he said it the last time and he was going to say it again. You are getting terrible legal advice from the City of Tulsa Legal Department, and quite frankly, as an attorney, he gets very upset when attorneys argue positions that they know are incorrect. Because to me, there is this rule as an attorney of Candor to the Tribunal, and he thought that arguing something that you know is incorrect.

Mr. Bond stated that there is also an equal rule that you will conduct yourself as a professional and not insult individuals and fellow members of the bar.

Mr. Durbin stated that they are lying, sir, to you, and if you look at the request for action ordinances, the problem is that they are willing to lie to you even though they had the documents. If you look at this document, this is requests for ordinance, this is the request for ordinance that was that Tulsa's zoning ordinance that the city attorney just talked about lied to you about.

Mr. Bond asked what the date of that was.

Mr. Durbin stated that it is filed, stamped, and approved by the City Council on November 8, 2001. It is dated 11/10/2001 on the bottom of the page is request for action ordinance city of Tulsa. It is what precipitated 20244. He was going to read this a section to you. Going back to what I said about you can't annex something you don't have, or can grant something you don't have in the summary section it says, quote, in response to a request from Fair Oaks Ranch LLC, and upon research and evaluation, the Mayor has requested the legal department prepare the necessary documents to annex the town of Fair Oaks. It annexed the town of Fair Oaks as it existed in 2001 at the request of Fair Oaks Ranch, LLC. It cannot annex property the City of Fair Oaks did not own. It is that simple. It did not own it. Mr. Wakat was not a party to this. The gentleman who just got up and spoke Fair Oaks Ranch, LLC is the one who requested this. So again, he would urge you to make the correct decision that the City of Tulsa should not have issued any notices regarding this property because the city did not annex.

Mr. Bond stated that was on November 8 of 2001, and a month later, in December of 2001, in Book 1183, page 361 as Mr. Swiney pointed out the recording deed states, all those sections four. Do you dispute that it was recorded?

Mr. Durbin stated that no, sir, he would agree with you that they recorded in said section four. Absolutely. It says section four.

Mr. Bond stated that in totality, without exception did your client or anyone who had an interest in the land at that time dispute the recording of that document.

Mr. Durbin stated they had no notice, sir, which is the problem.

Mr. Bond asked if this was filed with the respective county clerks correct.

Mr. Durbin stated that but when you go through the adoption of a city and the way the city did this by ordinance, as opposed to a normal. Just a second, let me answer the question before you interrupt because these people might not know the answer, or might not have the predisposition to this issue that you do. When you annex a piece of property and when you bring it in through an ordinance, you can take it into an ordinance if the people agree with it, which is what the City of Tulsa was doing here.

Fair Oaks, LLC, wanted the city to adopt this property, Fair Oaks represented all the property that it owns in Fair Oaks. The problem is that when the city took that grant from the people that had the legal authority to do it, they also took all of Section Four. For the people who granted the City of Tulsa the entire power to do this did not have the authority and the city did not give anybody like the person who owned the property, proper notice to annex their property because they did not intend to annex anything other than what Fair Oaks Ranch LLC had the authority to grant them.

Mr. Bond asked if he was not disputing that it was filed with by Wagoner County, correct?

Mr. Durbin stated that for the 50th time we are not disputing that it was filed. You have a copy of the file.

Mr. Bond stated that on the one hand they have no notice, but you are also telling the other hand that it was filed.

Mr. Durbin stated that they have no proper notice under annexation statutes, or they would have noticed that they did a title opinion search. Those two attorneys concluded the same thing. You are the only person that does not conclude that, well, you and the City Attorney incorrectly conclude the same thing. You all do what you are going to do, but it is an incorrect annexation.

Mr. Durbin stated totality, without exception. Did your client or anyone who had an interest in the land at that time dispute the recording of that document?

Comments and Questions:

Mr. Bond stated that the idea that someone would come here and raise their voice to the Board and wave their arms and insulting members of the City of Tulsa, he found repugnant, but looking past that to their legal argument, which is because the City of Tulsa did not properly annex this. That there is no jurisdiction there and things like that. He agreed with the Councilman and that is properly a matter for the District Court. Before us, we give the city a presumption of correctness until that has been rebutted. We saw someone voluntarily appealing products in this matter, which is something which is a book and page recorded by the County of Wagoner, plainly stating that they annexed all of section four. He thought this argument is not mentioned by any standard to be valid, and it is not recorded, which moves us on to the actual issue and that is whether the City Inspector did this and acted appropriately and has shown us evidence. Let me back up a little bit that the evidence that the City Inspector has given us has not been shown to be incorrect by the applicant in this case. He thought it is clear for anyone to look at one or any standard of law that this has been a massive expansion, almost doubling from what it appears to me and the size that was originally made. There was a non-conforming use that that is what was expanded. He thought that is all that is

an issue today is whether the use expanded from the solid photos that we had or whether it did not expand it. So that is where he was putting his vote on. He thought except for Section 80, that the City Inspector pointed out that he wishes to withdraw, he thought they acted appropriately under the circumstances. The idea that we simply do not have jurisdiction over this because proper title was not conveyed, is bluntly nonsense. It is nonsensical. It is just nonsensical to me, and it is to anyone else that is going to look at this at a future date.

Mr. Wallace stated that to stay on topic for the items that are presented today, whether the City Inspector, everything was shown to for him to affirm the administrative decision by the neighborhood inspection to move forward with affirming that. The property is in violation.

Ms. Radney asked Mr. Wallace, in that you have been that the expansion of the use of a non-conforming use has been demonstrated by WIN through their presentation today to occurred.

Ms. Radney stated to Mr. Chair that his assertion is that the argument that the violation cannot occur where there is no jurisdiction is outside the scope of this Board.

Mr. Bond stated that he thought that it was recorded, even if it is not outside the scope of this board, it was recorded. In a recording state, which is notice. We can get into the legal complexities of it, but if you had a jurisdictional issue with this, that should have been filed in the District Court. It was not and they are here speaking with us. If we want to use that analogy, going back, ad infinitum, to the idea that a governmental actor must convey clear title to something else. If that is the case, then he needed to write in my taxation check to the to the Sovereign Creek Tribe. Whether it is a Scriveners error...

Mr. Durbin stated Point of Order, sir.

Mr. Bond said, "No Sir. We are in discussion."

Mr. Durbin stated Point of Order again. It is improper for a chairperson to give are making legal advice per Robert's Rules of Orders are pointed.

Mr. Bond stated that the Board was in discussion and not going to recognize Mr. Durbin.

Mr. Durbin stated "Point of Order" several times and said you are providing legal advice improperly. Point of Order. Deny my Point of Order.

Mr. Bond asked the City Staff to get a security guard for us, he would appreciate it. As he was saying, even if it is a Scriveners Error, which would have been a plausible argument, it was recorded. For him, that would not matter. That is not an issue. This is

obviously going to be appealed. The jurisdictional issue like this, he thought that the City Council is correct, it needs to be decided by a District Judge. We are a quasi-judicial body. We are simply here to help interpret the narrow left and right limits of the zoning code. That zoning code, simple, non-conforming use that was expanded, there has been no evidence that it was not expanded. He simply has a jurisdictional and venue argument here.

Ms. Radney stated that she was abstaining from a discussion about that aspect of it. What she was really getting at is that from a procedural standpoint because they received a notice from the city that they were not in compliance, which escalated to the point where we are now. There was a question about why the applicant had appealed to this Board. She thought that was just an administrative step that is required to the City's process as it relates to these violations. Right? She thought that coming before our Board really does not have any bearing at all on the process that they would take about whether the city has any jurisdiction.

Mr. Bond stated that would be something that would appeal to the District Court. He thought that is something which is a moot point for him. If you would like to entertain that he has an opinion on it. He thought that the relevant portion of this is whether this is an expansion nonconforming use or not.

Ms. Radney stated that to your point is that as far as we are concerned as a Board for this particular matter that is presented in front of us, do we believe that the city's agent through WIN made an error in judgment, and in terms of the his process, as an inspector, in terms of the activities, legal or otherwise, that were happening at this property. If we are just looking at his actions, they seem reasonable and appropriate, if they had jurisdiction to do to make them.

Mr. Bond stated that was correct.

Ms. Radney asked if it factored into our thinking at all, given the councilor's point, whether the City did or did not have jurisdiction in the first place? For the portion of this matter of this conflict that we have in front of us at this Board. She would be inclined to say that it makes a difference whether the WIN Department had standing to even have risen, gotten to this point. She did not think that was moot. She did not think that is not a question. She just does not think we can address it, because then he is in front of us administratively, because this is where you come when you appeal, the decision to WIN right?

Mr. Bond stated that we have five or six lawyers in the room and may get five or six different opinions. He did not think this was properly before us, because of the jurisdictional issue. It needs to be taken up with the District Court.

Ms. Radney stated that is what she just wanted to make sure she understood because this is not going to be the last time that a case like this comes before us. She just was thinking in her mind about how we think about questions of jurisdiction, because there are a lot of areas around the city that have been incorporated into the city recently. And there are lots of areas in the city that have been bypassed. She wanted to think about that, because what she is charged to do is to think about the administration of the city's ordinances. Having said that, her thoughts have been since we have been sitting in the room, she has heard all sides and she has an opinion, and she would be inclined to agree that WIN has acted appropriately and has not made an error.

Mr. Bond stated that the point was well taken.

Board Action:

On **MOTION of Wallace**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace all “ayes”, no “nay”, no “abstentions”) to **AFFIRM THE DECISION** by a Neighborhood Inspector in Case 69279-2023 that the subject property is in violation of sections 60.020-A, 70.080-A, and 80.040-F of the City of Tulsa Zoning Code, in accordance with Section 70.140. Finding that the neighborhood inspector acted appropriately in the administrative decision by a neighborhood inspector and 69279-2023 case and subject property is in violation of Section 60.02-A, 70.08-A, and 80.040-F. For the following property:

04-19-15 A TRACT OF LAND BEING A PORTION OF THE W 10.14 AC OF L-1 DES C COMM FROM THE NW CORNER OF SD TRACT ON A BEARING OF S 01 DEG 35'25" E A DIST OF 283.13' TO POB - N 88 DEG 45'34" E A DIST OF 660.91' TO A PT ON THE EAST LINE OF TH EW 10.14 AC OF SAID L-1 -S-01 DEG 32'28" EA DIST OF 385 64' TO PT ON THE S LINE OF SD L 1 - S 88 DEG 40'38" W A DIST OF 660.57' TO PT BEING THE SW COR OF L-1 - N 01 DEG 35'25" W DIS OF 386.59' TO POB CONT 5.86 AC (W2 OF L-1 CONT 10.14 AC), CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.

* * * * *

NEW APPLICATIONS

23518 - Christian Vaughn

Action Requested:

Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to reduce the required 50% open space for a non-conforming lot (Sec. 80.020-B); Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings/Dwelling Units (Sec.90.090-C, Table 90-2): **Location:** 1508 E. 20th St. (CD 4)

Presentation:

Christian Vaughn, 1508 East 20th St., Tulsa, Oklahoma, 74120, stated that this is my first time going through a process like this, but from what he understood, one point was to point out a hardship, and also to consider the intent of the zoning code, which is to promote the general welfare of the city. As far as the hardship. The first matter at hand is expanding the existing residence, which is a two bed, one bath, 1,211 square foot house built in 1921. When the house was built, it was before the current zoning code was enacted, in the late sixties, early seventies. That house is becoming obsolete. While it is very charming, and we have worked closely with the Historical Commission to preserve the historical nature of it, it is becoming impractical for a family living today to live in a house of the size of this age, without improving it. What we have done is we have taken the historical materials and created a plan to add a third bedroom, and second bathroom to the main residence by expanding out towards the south side of the property. It does not change any to the elevation of from the front side of the street. That was important to the Historical Commission, to just maintain the historical character of the neighborhood. With the accessory dwelling unit, there is an existing single car garage, and single bathroom and bedroom in that structure. To allow for a car that has manufactured in the last 20 to 30 years to fit in there, it is going to need to be expanded it was built her car in the 1920s. Cars have gotten a lot bigger. He is unable to fit my Chevrolet Silverado in there by any shot. Our idea was to preserve the existing bathroom that is there by extending it to the second story while allowing space for a modern car to be parked in the garage. He wrote hardship down just for you to articulate here. The hardship with the Accessory Dwelling Unit is that it already exists, it is an existing structure that has functional use for the property. Without it being moved to the second story, we are going to eliminate that if there is ever going to be a car parked in that garage. The hardship is twofold, and we are either getting rid of the Accessory Dwelling Units, or we are not allowing a car of modern standards to be parked in a

garage. With the extension of the house, the hardship is the home is becoming obsolete at over one hundred years old, with no renovations to the exterior. We wanted to invest in the house and make sure a family could live there for the next one hundred years.

Mr. Bond asked if he had a chance to speak with neighbors about this.

Mr. Vaughn stated that he had spoken with a neighbor directly south of him right before this meeting. She had some questions about what the construction process would look like, how long it would take, as well as the extent of the plans. We had a great conversation after he told her the expected construction would be around four months and exactly what we are doing she had no concerns. He also had conversations with the neighbors on 20th Street directly to each side of the property. His neighbor just to the west had gone through this process with the Board last year about their Accessory Dwelling Unit. He asked them questions about their process and if they had any qualms about this and did not hear any concerns for any neighbors.

Interested Parties:

No interested parties were present.

Comments and Questions:

Ms. Stauffer stated that she found it very compelling and would be in favor.

Mr. Wallace stated that he agreed. An Accessory Dwelling Unit, the house and the existing garage predates the comprehensive zoning code and he thought that was something that we see in this area.

Ms. Radney stated that she was not super excited about the height but I think that the applicant makes a valid point that if we consider at a modern residence the ability to park a modern vehicle goes with being a good neighbor robust and sustainable living on a city lot the size of this one that there really is no other direction to go in but it is we are talking about a pretty tall structure. She was surprised that they did not have any comments from neighbors, but she did want to stamp the fact that she agreed that taking the least intrusive step, but it is quite a step. This is tall.

Mr. Bond stated that he agreed that it was tall. It gives me less heartburn because it is really in keeping with the design of the house.

Mr. Barrientos stated that he liked that it does not have any windows facing to the neighbors. He said he was inclined to support it.

Ms. Stauffer stated to correct me if she was wrong, but the house is on either side are both two stories.

Board Action:

On **MOTION** of **Wallace**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace all “ayes”, no “nay”, no “abstentions”) to **APPROVE** a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to reduce the required 50% open space for a non-conforming lot (Sec. 80.020-B); Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings/Dwelling Units (Sec.90.090-C, Table 90-2), per the Conceptual Plans shown on pages 4.13 through 4.23.

The Board finds that the requested 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.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*

For the following property:

**LT-2, BURNS SUB L5-6 B28 PARK PLACE, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

Mr. Wallace left the meeting at 2:39 p.m.

Mr. Bond stated before we began the next case, we are an all-volunteer board. We certainly do our best because one of our members had to leave for preexisting engagement you need three affirmative votes. For your requested relief to pass, we will grant liberally Continuances if you feel like you would like the full member, full member panel to be here. Otherwise, we are happy to hear your case. today.

23519-WAGONER - Grady W. Whitaker, Jr.,

Action Requested:

Variance to reduce the required 75-foot setback in the IM zoning district from abutting AG Zoning Districts (Sec.15.020, Table 15-2). **Location:** 19504 E. 6th St. (CD 6)

Presentation:

Grady Whitaker, with Whittaker Architects, 316 North Lincoln Avenue, Sand Springs, Oklahoma, 74063, stated that they are here representing our clients, DMV Processing. Our client purchased this property with all its improvements in 2018. It was originally for metal processing. One of his colleagues was a mentor. He purchased the property from them, and then used it for the same purpose. The property was at some point, and it is from Wagoner County into the City of Tulsa. It was zoned agricultural by Wagoner, and it was a non-conforming use what it was annexed in by the City of Tulsa it was again agricultural non-conforming use. We find ourselves at a point where our client needs to expand some of his operations in this area. All this property is adjacent to this less except the southern property, which is truly still used for agriculture. Everything else along 6th Street is a small to midsize Industrial Park for lack of a better term. All these properties that are adjacent to it are all zoned agricultural and they all are non-conforming uses. At any rate, because he wants to do expand, there are two buildings on the property. He is wanting to expand the property, the building on the east portion of the property is to handle some additional machining tools. He could not go through that process because he is a non-conforming use. We went to the planning commission, applied for a change in zoning to IM, was granted that and just recently was approved by the City of Tulsa and is now zoned as IM property. In the zoning ordinance, it says that if you are an IM property, you must be 75-foot setback from an AG zone property. They understand the intent, but in this case, all of these are non-conforming. The hardship would be that the line is 253 feet wide, which would mean that only 103 feet would be developed under this 75-foot setback restrictions. We do not necessarily have any issue with the setback on the southern border, but the eastern and western borders boundaries would be a significant issue. In effect, the building that is built that is currently built on the east side of the property is approximately six feet from the property line. So, again, they ended with a non-conforming use. The request is that there be a Variance to 75-foot setback rule from AG zone properties. Considering the existing conditions, the fact that all the other adjacent properties for the exception of the south are non-conforming uses as well.

Mr. Bond asked if they had issues with any of the surrounding neighbors.

Mr. Whitaker stated they had not. We only had discussions with the neighbor immediately to the east, and he has no issues with the application.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that the Board has itself headaches over this before when an action in the city does not mean which creates a nonconformity. This one is easier not because it is not so does not necessarily create one. But he is asking now for relief from something which would have been the issue it is now. In his mind, which was a hardship. We go along with a spirit of zoning change on this to IM. He would be inclined to grant relief on this.

Mr. Barrientos stated he was inclined to agree with Mr. Bond.

Mr. Wilkerson stated that he had one thing he would just like to add that when we started working with the applicant on this at the Planning Commission, and through City Council, we went through that process with our eyes wide open, knowing that the zoning remedy really needed to happen probably for the entire subdivision there. But since we are only dealing with one lot, that we felt like the best solution, the only solution was a two-step process, and that was to go through the zoning, knowing that he would need to come here for some relief for the existing structures that are there. That is not a surprise to anyone who has been involved in this in the last six months.

Mr. Bond stated that he thought the hardship issues solve the questions, is this harmful to the neighborhood or the Comprehensive Plan and he did not it was.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Stauffer, all “ayes”, no “nay”, no “abstentions”, Wallace “absent”) to **APPROVE** a Variance to reduce the required 75-foot setback in the IM Zoning District from abutting AG Zoning Districts (Sec.15.020, Table 15-2), per the Conceptual Plan shown on page 5.8 of the Agenda packet. Finding the hardship to be to either existing or non-conforming industrial use and a lot size.

In granted the variance the Board finds the following facts fall to the property owner has been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;*

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”

For the following property:

The West 253.25 Feet of Lot thirteen (13) Port Area Industrial Park a subdivision of Part of Lot Ten (10) and part of the northeast quarter of the southwest quarter (NE/4 SW/4) of Section Six (6) Township Nineteen (19) North, Range Fifteen (15) East of the Indian Meridian, Wagoner County, State of Oklahoma, according to the recorded plat thereof.

23521 - Tyler Choate

Action Requested:

Special Exception to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5). Request is to allow up to six duplexes. **Location:** six lots located on E. 81st Pl. S., South and East of S. Evanston Ave. **(CD 2)**

Presentation:

Tyler Choate, 99855 Highway 82, Vian, Oklahoma, 74962, stated that these lots are zoned for duplexes now. He would like to continue the development of these six available lots we would like to purchase and build new housing for new people.

Mr. Bond asked if he could explain more about how it is zoned for duplexes already.

Mr. Choate stated that it is zoned RS-3, which allows for duplexes and the current neighborhood is all duplexes. There is no housing in it.

Mr. Bond asked if he had any comments or issues from the neighbors.

Mr. Choate stated that he was not aware of any. They would come to him directly.

Ms. Radney asked if it was currently held as one parcel that you are going to build a six. Tell me a little bit about what we are looking at.

Mr. Choate stated that there are six separate lots.

Mr. Chapman stated that add just a point of context on this. The entire subdivision was approved for a Special Exception for duplexes, in 1979. These six lots were not built on. The request is there were six individual lots that are left in that subdivision that are currently undeveloped.

Interested Parties:

David Turnbull, 2911 East 81st Place, Tulsa, Oklahoma, 74137, stated that he is a neighbor in the area. He saw the big yellow signs and was curious about it. He was interested in seeing the plan. He is all about development himself. We want something that will foster growth, enhance the neighborhood, and add value. He was curious to see what the houses would look like. He would like to see conformity with the neighborhood.

Comments and Questions:

Mr. Bond stated that the normal heartburn for him is whether these duplexes are going to be in keeping with an existing neighborhood. He thought the interested party Mr. Turnbull had a good point. He wanted to make sure it is in keeping with the overall

character of the neighborhood. He thought that what is before us is whether putting into place itself there would be permissible or not. In his mind, this is one of the easier ones that they have seen in a while for a duplex. He would be inclined to support this.

Mr. Barrientos stated that this is a fine design. The whole street has duplexes, so he did not have any issues with it.

Ms. Radney stated that when she was looking at 6.4, she does not know why she is so thrown by the fact that it is showing just as though it was one parcel. But she guessed to the extent that it is all vacant land. It had been previously platted, but she saw the legal description. What are we voting on is to allow the construction of up to six lots within this boundary or up to six duplexes within this boundary?

Mr. Chapman stated that he would take some blame for that, because he did not have our mapping department draw the parcel lines for those lots. He just connected it as just gave them that legal and they boundary around the property, but it is for six duplexes, which would be a total twelve units across six lots.

Ms. Radney stated that when we are looking at these, the application can be made for a bundle of lots at one point in time.

Mr. Chapman stated that in the original subdivision, which is how it happened. It was the legal description was all of it was Southwood Terrace, and it was treated as one exception. Just as internal policy, we take applications like this. It is the same request and our adjacent properties, we can bundle it and if we make it clear in our Notice, what has been approved.

Ms. Radney stated that the last one that we did was one that had not yet been split, or something like that.

Mr. Chapman stated that there were some townhouses several weeks ago, that they still had a preliminary plat and they had to get them, the townhouses approved before they would go through the state split the lot.

Ms. Radney stated that she thought that when she looked at this, she thought it was one parcel that we would approve the use of, and then it would be moving forward with the subdivision plan. You were saying, although it is not drawn here, the underlying lots are platted. We are just going to go ahead and give him approval for all the six lots.

Ms. Radney stated that if you look at the zoning map, you can see where those lot lines are.

Ms. Stauffer stated that she thought that this Special Exception had already been approved but had expired. She would be inclined to approve of this.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace all “ayes”, no “nay”, no “abstentions”) to **APPROVE** a Special Exception to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5). Request is to allow up to six duplexes, per the Conceptual Plan shown on pages 6.8 through 6.10 of the Agenda packet.

The Board finds that the requested 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:

LT 6-11 BLK 2, SOUTHWOOD TERRACE RESUB PRT ORU HGTS 3RD CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

* * * * *

OTHER BUSINESS

* * * * *

NEW BUSINESS

Election of Secretary for City of Tulsa Board of Adjustment

On **MOTION** of **Radney**, the Board voted 3-0-1 (Barrientos, Bond, Radney, Stauffer, all “ayes”, no “nay”, Barrientos “abstained”, Wallace “absent”) to **APPROVE** Tomas Barrientos as the Secretary for the City of Tulsa Board of Adjustments.

* * * * *

BOARD MEMBER COMMENTS

Ms. Radney stated that she wanted to welcome our new Board member, Whitney Stauffer, and she looks forward to working with her in the coming term.

Mr. Bond stated that he wanted to thank City Staff and the Board for their professionalism. He did not think that anyone, whether it is volunteer or civil servant, should be subjected to rudeness. Being yelled at was not that for which any of us have signed up. He thanked everyone for their patience and professionalism.

* * * * *

ADJOURNMENT

There being no further business, the meeting adjourned at 2:58 p.m.

Date approved: _____

Chair

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1315
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
May 9, 2023, 1:00 P.M.

Meeting No. 1316

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS
Barrientos Bond, Chair Radney, Vice Chair Stauffer Wallace		A. Chapman S. Tauber D. Wilkerson J. Banes	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on May 3, 2023, at 3:25 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Bond called the meeting to order at 1:00 p.m.

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

MINUTES

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace "ayes", no "nays"; no "abstentions") to **APPROVE** the **Minutes** of April 11, 2023 (Meeting No. 1314).

* * * * *

NEW APPLICATIONS

23520 - Trisha W. White

Action Requested:

Special Exception to permit a duplex in the RS-4 district (Sec.5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit in the RS-4 District (Sec. 5.030, Table 5-3)

Presentation:

Trisha W. White, 1447 North Boston Avenue, Tulsa, Oklahoma, 74106, stated that she came before them months ago and asked that we rezone this from an RS3 to RS4 to build these duplexes. She was back with the second part of this process is to ask that we get permission to construct these duplexes on this lot. But in doing so we need to get a Variance to deal with the open space requirements. We are also asking for a Variance for that reason.

Mr. Bond asked if she had the chance to talk with your neighbors to this lot.

Ms. White stated that when we initially sent out notifications to us to make the change for the zoning, we notified them that we would be coming back asking for this special exception to do the duplex.

Mr. Barrientos asked if she could please explain the hardship is for the Variance.

Ms. White stated that the hardship in this area is that older neighborhood and these lots are small. We want to maximize this space because the Unity Heritage Neighborhood Plan is asking for several types of units. We want to put this duplex there. To do that, we would not be able to meet the open space requirement because of the size of the lot. This is an in lot, so it is not a corner lot where we have any extra room. This is all with which we must work.

Mr. Barrientos asked what the square footage for the duplex is.

Ms. White stated that the square footage is two thousand square feet.

Ms. Radney asked if are vintage duplexes that were built around the time that the rest of these houses were built in this neighborhood. Do you know approximately where they are in relation to where this lot is?

Ms. White stated that there was one that was across the street. It has been torn down recently. She did not know what they were going to do with that lot, but there were several within a mile of there. There is one on Ute Street in the 500 block, and it was rehabbed. So, it is a nice new-looking structure. It is a duplex as well. The address is 517. There are several closer to Martin Luther King.

Ms. Radney stated that your thesis is that this is not necessarily something that is unusual for this neighborhood. It is just that the size of the lot and the modern restrictions of the code would make it difficult for you to be able to build something that is already organically in the neighborhood.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Wallace stated that he did not have any issues with this application. This looks like a great project for the neighborhood.

Ms. Stauffer stated that she agreed.

Mr. Bond stated that in this neighborhood he thought it is something which is with the character and spirit of the neighborhood. There were historic duplexes here. There is even one in Zion and Cincinnati too. It is a large one as well. He did not have an issue with this.

Mr. Barrientos stated that he did not have any issues with this one.

Mr. Bond stated that before we had a Motion, Ms. White had been through the wringer of applications and got a whole civics lesson on it and we thank her for patience.

Board Action:

On **MOTION** of **Wallace**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace “ayes”, no “nays”; no “abstentions”) to **APPROVE** the Special Exception to permit a duplex in the RS-4 district (Sec.5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit in the RS-4 District (Sec. 5.030, Table 5-3), per the Conceptual Plans shown on pages 2.9 through 2.12 of the Agenda packet. Finding the hardship to be the duplex being in character historically with the existing neighborhood and the lot line.

The Board finds that the requested 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.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

For the following property:

LOT-3-BLK-2, RESERVOIR VIEW ADDN SUB B3 ACRE GARDENS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23523 - Terrell Ellison

Action Requested:

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); **Location:** 2206 North Main St. and 2/2142 North Denver Blvd.

Ms. Radney stated that before the applicant begins his presentation, she wanted to make a quick disclosure. She had absolutely no foreknowledge about this item that is in front of us on the agenda today, but she was familiar with Mr. Ellison's development efforts in the city of Tulsa. She wanted to disclose that she was not going to recuse, but she did want to make that clear. Thank you.

Presentation:

Terrell Ellison, 8120 East 112 Street North, Owasso, Oklahoma, 74055, stated that the purpose of this hearing is to get a Variance on a lot. One of the four lots that he purchased was all one lot. It was sale lot 12, 11, 10 and 9. Lot 9, which is in question is going to be a duplex, a three-story duplex, all modern. For lots 12 and 11, he has distributed exhibits. He wanted to open by saying that he understands the concerns that my neighbors had. My signs say Ellison Development, E.I.G, but he plans on living in that. He is a developer trying to build in North Tulsa, creating homes that young professionals can move to. He has partnered with TDA and other sources to develop these properties. He and his wife make up E.I.G. We purchased this land, getting intent on building our family home, which is going to be on lots 12 and 11. It is a three story, and it is one of the exhibits is going to be 5000 plus square feet and a multi-million-dollar project. We sold Lot 10 to Charles Harper, to build a similar modern three-story home, which you will see in the exhibit as well. It will be a 5000 plus square feet structure as well. These projects are going to undermine or compromise this neighborhood. It is going to increase home value, and it is going to change that whole corner. That corner has been an eyesore. It has been woods, and with rodents. He has gotten approval for the two homeowners that will be directly affected. One would be Charles Harper, who is going to build a million-dollar house. Then the other homeowner next door who is directly affected, Brian Hopkins, sent a letter of approval as well. On the duplex, one side would be my daughter, who currently works for Visa and there is executive program in San Francisco will live in one and the other one will be designated for corporate living. He currently works for Williams. They moved us here six years ago, and they had to live in an apartment for six months. He saw a need. The need is for a larger home, which has good proximity to downtown. Where, executives can move temporarily for four to six months while they build or find somewhere else. They can permanently stay. The intent is to keep that property within our family. We are trying to create a legacy. His company wants to move him back to Houston. He said no thank you because Tulsa is a unique place. The hills are beautiful. He cannot wait to build our home on that property.

Mr. Bond asked him to use the pointer to point out which one is 9, 10, and 11, and which one is going to be the duplex in your proposal.

Mr. Ellison pointed to lots 12 and 11, which is this is going to be his house, and this is ten and then this is nine and a half acre that I will do the duplex on. All these structures will be modern. He did not think that he would get any objections as far as creating a multimillion-dollar property that has created tax income for Tulsa. He saw the emails, he wanted to make sure that his neighbors understood that we were moving to this neighborhood. If he were an investment company building multifamily homes and living somewhere else, he would understand. He is building his own personal home, he has no plans to derogate the neighborhood, bringing affordable housing, or any of that. In this process of building in North Tulsa, he is trying to address those issues as well. Because it is a need, and that is a whole other story. He has quite a few neighbors of support and he has neighbors who do not understand our vision in creating this. The development group is he and his wife. The supporters are Katie, and Derrick Carpenter, who sent in emails. Brian Hopkins and Charles Harper are the neighbors who would be directly affected. In that area there are several duplexes. He used the pointer to show where the other duplexes were located. He spent a lot of money clearing the lots. Once he started clearing it Mr. Hopkins thanked me for clearing it. He has talked to the neighbors, and he responded to their concerns. The single-family home and the duplex will be three stories. The floor plan is in the package. You can see the garage is on the backside.

Mr. Bond asked that on page 3.8 there is the topographic overlay, could you tell me what the vertical gain is from the top of the three-story roof. Where is that going to be in reference to the height of the house and the lot above you?

Mr. Ellison stated that the topography is a 210-foot variance.

Mr. Wallace asked what the end is when you get to the top of the property. You are thirty-two feet from the top of your property to the finished floor, but he did not know how tall the building was. Also, how tall are you proposed duplexes?

Mr. Ellison stated that it is going to be within the requirements of thirty-five feet.

Interested Parties:

Joyce G. Smith Williams, 14 East Woodrow Place, Tulsa, Oklahoma, 74106, stated that her property is kitty corner to where this duplex is supposed to be. She has lived there for 44 years. She observed when the trees were cut down and the brush was taken down, but that patch that had been spoken about was not a dumping ground and there was no observable trash in it and had lived there for 44 years. She has not had a problem with rodents either. And there has been no attempt for anyone to speak with her. Mr. Ellison said he had a letter from Mr. Hopkins, but Sunday Mr. Hopkins spoke

about opposition to this duplex being built next to him. Jarrell Key also spoke against it. Rashida Caldwell at 2125 which is directly across the street from it, spoke in opposition. Valerie Pervy, who owns the house at Seven East Woodrow Place, opposed it and there are other neighbors in the area who have also spoken of opposition. She is not in any way opposed to a single-family home being built there. She had not talked to Charles Hoffer, but she would be curious to talk with him about his position on this property and she does not live in the area now. Be curious about that. When we welcome development, even though we all hate to see the additional trees being torn down, that is all that was a tree line bushy area. It was not a dumping ground. In terms of Mr. Ellison's desire to build single family housing. He could take and have that even though that three story right there on that corner, you know that this is designed, I do not know how that would fit. For my interest, but a single-family home versus a duplex situation is a whole other story and these addresses that he is given as it relates to this area. When you talk about duplexes on North Denver St., you are going around the corner and down the street, away and closer to Pine with most of those duplexes, which he is referencing. All the neighbors she has spoken are in total opposition, including Brian Hopkins, from whom he says he has a letter.

Charles David Crisp, 2303 North Osage, Ave., Tulsa, Oklahoma, 74106, stated that he wanted to clarify the record a little bit here. A little misleading. It is not an approved complex that he could find anybody has ever had noticed that was a special exemption or anyway. It was a current complaint with the city of Tulsa that it is in non-compliance with the City Code. Another thing that clarifies the record, nobody lives in these properties. The fact that property talked about first time he heard that name with an individual it is under United Kingdom Investments, LLC. He did not even know who that was. These properties are empty. Now, the intent of this is it in the spirit of this property? This property is in Oak Cliff, plat edition. That is where my property's located. It is all RS2 on top of the hill. It is not subject to duplex Special Exemption per the 380-page codebook state that. The first two lots are RS2 demarcation RS3 is right in the middle. This is RS3, yet the RS3 as you read your code to stay in the spirit of harmony and intent of the zoning code. RS2 is bigger and wider lots versus RS3 zone codes. RS3 codes are a half-acre lot. Where is the RS2 is quarter acre lot. He did not know when this was developed but the intent of the neighborhood was single family. If he wants to build a single-family property, he is all for it. He has been in this business too. It is all about cash flow. You make an investment you must get cash flow. Two revenue streams are better than one. Everyone knows that especially when you are making a major investment. He wanted to remind you that he currently has a building permit and is building a new house on this hill.

Stanford Pape, 2422 North Denver Place, Tulsa, Oklahoma, 74106, stated that he thought one of the things that has come out is the duplex thing. But where this property is located, to get up to where it is flat, you have, you are talking almost 15 to 20 feet. The driveway will have to be about a 30-degree angle going up. Second, when you add

thirty-five feet onto another twenty feet, now you have a fifty-five, tall foot building. Anybody who lives a little above that, now looking at the top of it of a roof, they did not want to look back. Now, if you live in New York City, he could certainly understand that looking at someone else's roof. But when you live on Reservoir Hill, you tend to want to look out at the view, not at someone else's roof. He thought one of the considerations which is coming, which has not been addressed is the fact of how tall this thing is going to be. Once it is set up on a piece of property, that is already going to be about 15 to 20 feet above the street. You are not going to level it to street level and then build a three story. The second thing is all the duplexes that have been mentioned are all single-story duplexes on the flat layer. We are not talking about it, a 35-foot story or a 35-foot duplex set, going straight up, blocking other people view.

Jenny Roby, 2109 North Main Street, Tulsa, Oklahoma, 74106 stated that the northwest portion of my property is across the intersection from Mr. Ellison's proposed project. She has had the privilege to live in this community for 14 years, which is a shadow of the amount of time of many of my neighbors here. The homes in this neighborhood are single family homes. These owners have lived in this neighborhood for twenty plus years, they have enjoyed living in this tight knit, single family home community. We take pride in our homes; we take care of our properties. She could say that she is wholeheartedly in favor of developing these vacant lots that are across the street from me. She was very hesitant to feel good about a duplex.

A big part of her hesitation is as you look at this property, she agrees with what Mr. Crisp said, and she agrees with what my other neighbors have said about the elevation change and what that means to the development of a house. The way that the star intersection is set up, if you are going to have multiple families with multiple independent cars coming and going, there is no safe way for street parking to occur. There are already blind spots. If the driveway and the garage are not amenable to, you know, multiple individuals coming in and out independently of each other. That is going to be a large problem in that intersection that already has plenty of blind spots. It could be a dangerous situation. There are a few things that Mr. Ellison has said that make me feel hopeful. The fact that he has said that he wants to live there and that he needs to develop it for his own family and his daughter to live in part of the duplex. She loved all of that, but she agreed with Mr. Crisps here, that if he were to turn around and sell this property and this exemption go with the property and we end up with a with a duplex that is not in keeping with the other homes with the desired continued progress of this neighborhood. She thought they were going to regret it. As we look at this neighborhood, and as you are making this decision, she wanted them to consider that Oak Cliff neighborhood is one of the few historical neighborhoods remaining in North Tulsa. We want to preserve and protect the integrity of that neighborhood.

Ms. Radney asked what exactly a duplex represents to you that you feel is so disturbing.

Ms. Roby stated that she was concerned specifically about the amount of traffic that will happen at an already complicated type of intersection. She was a little bit concerned about the idea of it being rented out with a lot of change and a lot of turnovers. That does not happen a lot in our neighborhood. We have people that move there, live there, stay there. She did appreciate Mr. Ellison's transparency; she had not had the chance to hear what his plans were. It does give me a little bit of hope. She would want strict guidelines as to what he can and cannot do. She would really hate it if this could travel with the property if he just been determined he did not want to build and decided to sell.

Kim Dixon, 2416 North Denver Place, Tulsa, Oklahoma, 74106, stated that she agreed with what everybody has said. If he wants to build a home and live there that is great. If you can build a five thousand square foot house, you will have plenty of room for your daughter to live.

Bruce Ketchum, 2211 North Denver Place, Tulsa, Oklahoma, 74106, stated that he also sent an email in opposition to this duplex. He is directly west, adjacent to the subject He would look directly down upon a three-story rental property if it were to be built. He spent 30 years growing the forest down below me. It is expensive to build in these areas. That is why there was hesitancy to build on a hillside. Everything wants to go down the hill. He did not hear from Mr. Ellison regarding any of this. He just picked it up on the yellow side and word spread. That is why so many people from Reservoir Hill in the Oak Cliff tradition are here. The people there would not have the pride of ownership that he had when he bought the house three, four years ago. That is why the neighborhood is in such tip top shape.

Chris Kallenberger, 221 W. Woodrow Place, Tulsa, Oklahoma, 74106, stated that he had been a homeowner there at the Oak Cliff neighborhood since 1988. This neighborhood has retained its desirability and distinctiveness since it was first developed in the 1920s due in large part to its distinctive architecture. More importantly to the fact that it is single-family owner-occupied residences. It stands in stark contrast to the surrounding areas of North Tulsa. It has maintained healthy property values and new construction in recent years has included exceptional single-family residences, not rental infill. The residents of Reservoir Hill have worked for decades to maintain and improve this unique neighborhood. It would be a tragedy to have those efforts undermined by the city if there were to be a careless decision about this. He had no doubt that the developer Mr. Ellison intends to make the best project that he can. But what we all learn after living in our homes or in any building for a long time is that we are one person. The decisions that you all make today not only exceed his lifetime, or the lifetime of his residence in that duplex, it is available for him to sell. But by then the toothpaste is not going back in the tube. He would welcome his building his own home on that lot. He drives by it all the time and wonders why somebody has not built there,

but there are implications for the long term. He hoped we could all consider those and decline this request.

Rebuttal:

LaShawn Ellison, 8120 East 112 Street North, Owasso, Oklahoma, 74055, stated that the common theme is our soon to be neighbors are concerned that we are going to undermine the integrity of this neighborhood. We plan to move into this neighborhood, and we have the utmost desire to improve upon, at the very least maintain the integrity of the neighborhood. We are at the top of the hill with our single-family dwelling within walking distance would be temporary housing along with housing for my daughter. She underscores temporary housing, there is a difference between temporary housing for professional corporate residents versus what she believed her future neighbors understand this to be as a rental property. She does not want any riffraff within walking distance from my home as well as they do not. We have every intention of moving into this property. All we want to do is move in and continue to preserve the integrity of this neighborhood. We have zero intention to do anything less.

Terrell Ellison, 8120 East 112 Street North, Owasso, Oklahoma, 74055, stated that Charles Harper who lives next door to this property was with him.

Charles Harper, 1125 East 30th Street North, Tulsa, Oklahoma, 74100, stated that he was always for great things that full of great things that is going to be happening in North Texas, and he would not get a house built there if he thought it was going to be any things that will be going on it will not be suitable. He had trust in him and what he was trying to do to ensure that neighbors and the community and everyone were okay, and what we would be doing there.

Terrell Ellison stated that he wanted to address a couple of comments. The height code, we are in compliance. He is building into for the view as well. Directly behind me is woods. He does not have a neighbor behind me.

Mr. Bond stated that when he heard regulated height, which is not something that is being asked for today. The people behind you when they look out are they going to see your house and your roof?

Mr. Ellison stated that there is no one behind me, it is hills. It is all wooded. So that that That means a house that is the back of that up on top of the hill. He is concerned that do they maintain their yard maintain the trees? So that is my concern, if we are if anyone is going to have concerns about what is going to come off those woods and are they going to maintain and cut down trees, but he was not here to dispute that right now. Another thing Mr. Crisps states that he has a building the house and with a secondary house for his daughter would not be considered you know, to occupancy

help home. To him, building a second residents on one lot, how is that any different? You want to have two residents on one lot. We have addressed the height. As for the driveway, and as far as that corner he would agree that that corner creates an area where there's blind spots, but that is regarding if it is one driveway, with one home or one driveway with two homes. You are still going to have that issue. His proposal is to make sure that the driveway is twenty feet wide. So that will accommodate two cars going out or in. In conclusion, he really hoped that after seeing the plans and hearing about the vision that my neighbors, you know, would support what we are trying to do on this acre and a half tract of land, which is highly wooded, and overgrown. And to address when we were cleaning that lot. We pulled out tires and, and parts of cars, and everything else in there. He was just trying to address all the questions and concerns. Thank you.

Mr. Bond stated that the principal thing that we hear, and this is what I want everyone to be clear, we are not devoid of taste that no one wants that. We are not here to decide what looks good, what does not, things like that. It is that such as actually was with the harmony and spirit intended to code, and it is not injurious to the neighborhood or otherwise detrimental to the public welfare. The central question he is hearing is Reservoir Hills and Oak Cliff, is this something where a duplex would be out of character?

Mr. Ellison stated that if it were a one thousand square foot duplex that was going to create the word income for that area, he would agree. A \$750,000 house or duplex, he has no intent on bringing anything less than professionals, executive professionals on one side, and my daughters on the other side. It is not about the money. It is about making sure that that whole block is family oriented. That ties into the neighborhood. That is the intent.

Comments and Questions:

Mr. Bond stated that he loved this neighborhood. It is eclectic, and in a great way. The views are great, and the history of the neighborhood is amazing, too. This is a tough one for me because does he think this would be right for any duplex because he wished we had more left and right limits on here other than deciding what is injurious to the neighborhood or not. Because it would be an easy case for me if this were a small duplex or something which was not in keeping with the spirit of Oak Cliff, you bet. That would be an open and shut case, in his mind, that Oak Cliff would not be the place for that. What gives me pause and where he can truly not decide on this is the magnitude of this project. We have a large, nice house, which in and of itself, any one of these three houses, duplex or not, would be something which I think anyone would think would be a good contribution to the neighborhood. We also have a stakeholder here. It also gives me pause that this does run with the land. Once it is sold, you will have a

duplex. You would have a large duplex though. He was interested to see if anyone had an opinion on the board to see if they could pull me one way or the other.

Mr. Barrientos stated that he sees that it is going to be injurious to the neighborhood. That is what we are voting for. On a duplex. This might be a question to the city. By right can you build a single family with an ADU on it?

Mr. Chapman stated that it would require a Special Exception If they wanted to, this lot is well beyond the size limits of RS2 that they could split it if they chose to do two single family homes on it.

Mr. Wallace stated that he thought the terrain limits that unless you have separate structures for one reason, they went up too.

Ms. Radney stated that this is the least injurious way to accomplish what you are getting at Mr. Barrientos. She had thoughts on this. Those who know me will know that she advocates strongly for historic preservation. She believes in the integrity of neighborhoods. She believes in the necessity for style guides, which we do not have outside of historical overlays in the City of Tulsa. She says that as a person who grew up in California. When people talk about Thousand Oaks, it is because you cannot cut the oak trees down. When you go to Santa Barbara, you see the red clay tile, but that is a style guide. As a child of Ventura County, she has always referred to the new construction at the top of Reservoir Hill as the mountain style houses. She calls them that, because as a realtor, when people from out of town come here and they are having a good time downtown, they look up and they see those mountain style houses. One of the things that she also known as a Californian, is that when you are building on steep banks and she is a geophysicist by training, a geotechnical engineer, specifically, when you are building on steep banks like this, oftentimes you do have to build vertically. And it is not just because you want the height, sometimes it is because that is what you need to get a good stable footing for that structure on a steep hill, and it is quite steep here. She had asked the applicant about a different property. And it turns out it is not on this section, but it is down near where Elwood comes up, and it hits Victoria. The way that property that is sits there, it has a garage on the ground floor and has a walkout deck and then two-story house above it. It is quite different from the bungalow style houses that are just below it on Elwood, and she imagines that the folks in those bungalows were not ecstatic about it. This is Oklahoma, where property rights reign, king or queen, for better for worse. She would also say that typology, like the type of structure, does not make for a neighborhood. As an African American person sitting on this Board, she was keenly aware of the ways in which we have used the zoning code and the categories in the zoning code to include or exclude people, as opposed to matters of living. She wanted to say that, and then add that a duplex is still a home to somebody. The fact that one might live in a home for six months versus 60 years does not make it any less of a home to them. She thought that we as Tulsans, are

envisioning the growth and development of North Tulsa where there is a huge abundance, often not for the good, of buildable land. It is a mere happenstance that there is as much raw land and vacant lots in this part of the city. That is also by design. As we look at the development of that has old and new citizens of the district, we must consider the fact that we do not want to repeat the same mistakes that we made before. She says that to say that there's real estate, and then there's housing, which is a category of a structure. And then there are homes and neighborhoods made by the people who live in the houses in a neighborhood. She does not agree with the idea that duplexes by nature degrade a neighborhood. I live in a neighborhood that is extremely eclectic and has always been eclectic. It is near Parkside. One of the things that we have always understood about our eclectic neighborhood, which is made up of all diverse kinds of typologies. You know, she lives in a single-family home, they are duplexes in quad plex's and its historic. We welcome all the people, and the rest of the city probably appreciates the fact that we are very gracious to many of the people who would otherwise be homeless or suffering from some kind of chronic mental illness who have who live in housing has contracted by many of the mental health associations and those neighborhoods are perfectly fine. She loves her neighborhood and would not want to live anyplace else. Whether the house is five thousand square feet, a million dollars, one thousand square feet, or \$10. The question in this case is does it suit the land? Is it a good plan in terms of the kind of construction that they are proposing? She did hear the question about the safety issues. Those who follow this board know that she does have a concern about congestion when we are putting duplexes, and small neighborhoods. But outside of that, the massing of this duplex is going to look so much and so like the houses that are actually adjacent to it, that are being built by the same developer. They are going to be complementary in design. If we were to really zoom out and look up at the hill, they are going to be more in keeping with what has been new construction, that does not comport to the interesting bohemian style of construction at the top of the hill. We are not here to judge the aesthetics of it. She still does not see that it is detrimental to the neighborhood. Then lastly, yes, we have approved a large, second building. That was a structure that was housing for a family member, not far away from here, but she thought the ADU was bigger than the house. What we recognized in that discussion, and what we recognize here is just like we have all watched the HGTV show where you know out of Canada, where people have the income property in the basement, and everyone thinks it is great. The millennials of this day, who are often unable to buy a house, because of the way in which we build houses and price houses today would probably be here, if we had invited them saying I would love to buy a house with an income property attached to it, because that is the wave of the future for housing. Again, when she asked herself, does it, even in terms of the way that people would live in the neighborhood, does a duplex, even if it were sold to a non-family member, is that still by definition of changing the character of the neighborhood? She is back at No. And then as variants were pointed out, week after week, we approve mother-in-law suites, and ADU because that is the direction that the city has suggested to us that makes sense in a modern city where we would have more density, not in

small measure to sort of overturn the legacy of single family residence zoning. So that is my opinion about all of that, Mr. Chair.

Mr. Wallace asked if the renderings that we had a chance to see had been shown to the public.

Mr. Chapman stated that he thought that the only thing in here that really was not included in your packet was the actual floor plans. The rendering was included in what was available for the public model, but not the single-family homes.

Mr. Wallace stated that kind of changed my perspective a little bit, personally. Because that is one thing that he struggled with, because we talk about ADU's, and we talk about duplexes. At the end of the day, they are the same thing, but it is terminology and buzzwords here, and it is a large unit or residence. He did not know what the square footage was on this, but it was three- or four-bedroom, with a garage. The rent is not going to be low. He thought by saying all those things and in a different way that were presented. It is the perceptions of what multifamily resident, residential duplexes, and accessory dwelling units' how that lean is just perceived differently. There is nice contemporary modern architecture around it, and he does have any issues with that. That is not what we are here to look at. He still honestly was on the fence on this, but because he was not hearing support from the neighborhood from one side, this is something that Tulsa desperately needs right now. We need a movement in this direction. And we need people to see how it is going to benefit our city. That is where he was standing now.

Ms. Stauffer stated that she felt like Tyler and felt a little bit on the fence about it. The fact that the plot of land is so large, and that two houses to two separate houses could easily fit on it in her mind helps her think that a duplex is fine. She did not think that the duplex was injurious to the neighborhood in and of itself. We are not talking about multifamily here. How they intend to use the duplex is not what we are here to talk about today, which is mostly where we heard the opposition. But that is not really what we are here to discuss.

Mr. Bond stated that the vice-chair, as she often does, has made a persuasive argument to me. He lives in an over 100-year-old house, he knows all your pain of remodeling what it takes to keep one of those going. We are under HP. He can think of five duplexes in my neighborhood, that they do not really notice, because they have been tastefully maintained. He would not support something which would be out of character for the size, the trajectory of this house in this neighborhood. If something comes up here, that would not be to the scale and character that this design is he would not support that. On this board. We have seen what the City Council has wanted, but as was pointed out, more infill. One of the ways we have seen that is through the code being modified to allow for accessory dwelling units, and people live there. We can sit

here imagine how not trying to be in any way insensitive to the kinds of concerns of the neighborhood something which could really be worse here. That would not come in front of us that they could do by right. He thought compared to what someone else can do. It makes sense to me, and he thought it was a great plan. He did want to note it in the minutes that he would view any kind of future proposals for Oak Cliff, Reservoir Hill, very skeptically when it comes to any type of multifamily housing, for duplexes. He did think for this case, the applicants put work in here. There is time, investment, and he did not think it would be injurious to the neighborhood. He hoped in a few years after a couple of Fourth of July barbecues with the neighbors he hoped you all agree with me too.

Someone in the audience said out of order that there is just not a single duplex on top.

Mr. Bond asked him politely to stop talking and ask for Staff to see security please.

Ms. Radney stated that she was a yes, but she was going to defer to someone else on the board to make a Motion.

Mr. Bond stated that people are enthusiastic about this because it is a great neighborhood. It really is. The thing to worry about would be if people were not here. Given it is a great neighborhood he wished nothing but the best for you whatever this vote turns out to be.

Mr. Wilkerson stated that before it gets to the actual motion, he thought that including the basic idea that the site plan shown on 3.9 is okay. He liked where you are headed with that, but he would like to just raise caution to the idea that the grading concept as shown here, is not likely to be actually accurate for what could be built there. If part of this conversation is to define the finish for the first floor, and then let them figure out how to deal with grading and retaining walls and all that there is detail that is not accurately shown on 3.9. He would just throw that out there. He was happy to dig deeper if the Chair would like to, but he thought the idea of not allowing a finished floor above what is shown on the conceptual plan, and then ignoring the rest of the grading illustrations that are shown would be helpful to the Building Permit Office.

Mr. Bond stated that he thought it was a great point. He said that his vote is tied to the magnitude of this project, and the level of investment on this project. If you can help us encapsulate that in a Motion, for what exhibits to include conceptually at least, would you have any suggestions on how to include that?

Ms. Radney asked Mr. Wilkerson she was assuming that that was why we do not actually have a site plan showing all three on it.

Mr. Wilkerson stated that he thought the idea of the site plan for all three lots is not really part of this conversation, we need to keep our focus on the site where the duplex is shown. That site plan is in your packet in the packet on page 3.9.

Mr. Wallace asked if Mr. Chapman would pull up page 3.8.

Mr. Wallace asked Mr. Wilkerson if he was basing it off this finished floor.

Mr. Wilkerson stated that the idea of referencing a site plan that illustrates the footprint of the building is fine. Showing the driveway and that kind of stuff was super important for this concept. The finished floor elevation that is shown here is good. But he would hate to see the building permit office or developer, or anybody look at this grading plan, and think that is how it is going to be built. Maybe if you want to reference 3.8 and identified the floor elevation but exclude any concept illustration of the finished grading. I do not want the building permit off to think that the grading must look like that. There could be less grading. We do not like you just mentioned, we do not do a lot of hillside development. He did not want to put the perception that this is the grading plan that is going to happen. The retaining walls can be taller, like how multiple retaining walls there are solutions that can be integrated into the site that I just to be careful about how we do that.

Ms. Radney asked to let her make sure that she understands this. On 3.3, this is the boundary just for lot nine, or is this the boundary for the other lines as well?

Mr. Chapman stated that it was for only lot nine.

Board Action:

On **MOTION** of **Wallace**, the Board voted (Bond, Stauffer, Wallace, all “ayes, Barrientos’s “nay”, Radney “abstained”) to **Approve** a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); per the Conceptual Plans shown on pages 3.7 and 3.9 of the Agenda packet of which the site plan on 3.8 illustrates the approximate footprint and elevation of the new structure.

The Board finds that the requested 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:

LT 9 BLK 3, OAK CLIFF ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23524 - Lorena Medrano

Action Requested:

Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the IL District (Sec.15.020, Table 15-2)

Presentation:

Lorena Madrona, 5833 21st, Tulsa, Oklahoma, stated that they did not know what happened or why they were there or why the facility was closed. Victor Gaitan and she are coaches, and he also rents the facility. The only thing that we do in that facility is play soccer. We help the kids to get off the streets to come in and play soccer. She thought that the most concern was that there were other people going through them to the other neighbors. But we did not know that was happening until the lady brought it up. She came over and told us that that was happening. That is when she brought it up to you here to the City of Tulsa. That is when they came to shut it down. Now we are waiting for the approval if we can come back and play in the facility. The biggest concern was that somebody was going through the back. She thought it was the people beside us. There are people hanging around there. She did not know if it was homeless going back there. To be honest with you, it is not us. We come in we park, we get dressed, and we go to the field. It is not just the kids that come but also adults who come out there and we just play soccer. That is all we do there. We do not cause any trouble. We do not do anything else or people stay inside the facility, which is 250 capacity that can be in there. We only have sometimes probably like sixty people less maybe. She is coaching on one side, and then the other coaches on the other side, or we all divide up, or half of the field we have half of the field just depends on the other days, because sometimes it rains. We use the facility. When it gets cold outside, we use the facility. Whenever the time changes, we use the facility. It is really affecting us when all these rainy days, or kids have slowed down. They are playing video games again. We are also trying to help them to get out of the streets and fight against obesity. We are not doing anything wrong. We are playing soccer, trying to stay healthy, trying to get our stress out. We just want to help the Hispanic community. There are a lot of kids that play at high school, and they come out there and just have fun. We had a case that one of the kids that he was doing drugs, somewhere else. We try to help them. He was a great soccer player. Then he started doing drugs that we brought him back. Now he is doing great. Now he is staying away from the games and all other things from crimes and stuff like that. We are trying to help the kids to just stay away from trouble, stay away from doing bad things out for them, and to stay in good shape and everything.

Mr. Bond asked if they regularly have more than 250 people.

Ms. Medrano stated that they did not. Sometimes they get like twenty-three kids or less, it just depends on their parents too. The other coach sometimes gets about fifteen kids,

and then maybe the parents. Sometimes the parents come, sit there and watch. Nobody else is going back there. She did apologize for what was going on. We are trying to help. The neighbor said that she loves what we are doing with the kids. She has had conversations with this neighbor. She said she approves of what we are doing with the kids around there. If we do get the approval again, we are going to try our best to help with what is going on in the back, we can put a thicker fence or something to prevent them going back there. It has a gate they just keep jumping over it. We are going back there.

Ms. Radney asked if she could show us on the map where that activity is that you think has caused the problem.

Ms. Medrano pointed to the building and stated that it was in the back. There are only two houses and a gas station behind the facility. There were homeless people at the gas station asking for money. We cannot prevent from them jumping. We can try to do our best to put something on the top or we can produce something. It is not the kids jumping.

Victor Gaytan, 1166 North Birmingham Pl., Tulsa, Oklahoma, 74110 was there speaking with Ms. Medrano.

Interested Parties:

Katie Morgan, 1443 North College Avenue, Tulsa, Oklahoma, 74110, stated that the house belongs to her mother, and she has health issues, and she was her Power of Attorney. She came to speak on both of their behaves because this is directly behind this and really, she was not understood what they were asking. She did not want to 250 people directly on this property straight up to our backyard. Her concerns were vehicle traffic and crime. If there is going to be a large group there, it is an invasion of our privacy to be that close to this and have that many people.

Mr. Bond asked if she could show him with the pointer where your house is located. Are you aware that your back fence line borders RS3, and on the east side of your back fence line is Light Industrial.

Ms. Morgan stated that she did understand that zoning. She did not understand any of it. Our biggest concern is the number of people going back there. It is quite right there. Next to this building is a John 3:16. There is the riffraff on the corner with the gas station. But we do not want to be affected by noise and traffic. Anytime you have a large group of people, you there is a potential for violence. She just was saying one of the kids was on drugs. She did not want that behind my house either. She understood that they were trying to help the kids.

Rebuttal:

Ms. Medrano stated that we have helped all these kids. The kids that she coaches are small. They are not doing drugs. We did help this kid, but it was just one kid. He is no longer doing all any of that stuff. We helped to get him away from bad things like thinking about doing bad things. We are a very healthy club. None of the other kids do any drugs. She and Victor Gaytan have been in this for a long time. She has been playing soccer for almost 16 years. She also is a referee, so she gets background checked, he gets background checks and to work around the kids is like a serious thing with the State of Oklahoma and she thought she understood where Ms. Morgan was coming from, that she does not want 250 people around her. We never have 250 people, which is just the capacity for that building. We randomly have 36 to 37 people there. If she is concerned about the noise, we just come in, we play inside the building, and there is no noise. There are a car lot there, and they do play music, but it is not us.

Mr. Wallace stated you are doing is great with the kids, and we really appreciate it. We understand your perspective on that, or at least I do. To follow the story, you all have been playing in here and then got a citation or how did that work? How did you all end up here?

Mr. Gaytan stated that the last time we came here was for the capacity building, because we play with only a few players. He thought needs to change to set what most people will want can proceed. We usually do not have twenty people there; we play with only a few people.

Mr. Bond asked if the City could weigh in on this. We understood it, is there a reason they need 250?

Mr. Chapman stated it is zoned industrial. They will require a Special Exception whether the capacity is above or less than 250-person capacity. This building, just by the size of it, the capacity is rated for over 250-persons. Commercial Assembly Entertainment use requires a Special Exception industrial.

Ms. Blank asked Mr. Wallace if he was asking whether you could condition, and she thought that would be possible.

Mr. Chapman stated that it is awkward, but he thought that would be fine.

Mr. Wallace stated that if they ever do, they come back.

Ms. Radney asked how long you have been playing soccer at this location.

Ms. Medrano stated that they had been there about three years. We started at Springdale, the one that was over here, and then we moved to max Maxwell Park. Then

he decided to get this building so we can have it for the winter, and for all other occasions.

Ms. Radney stated the biggest reason that this was this building itself was attractive is that it was big enough to play in. There are not a whole lot of parks or other facilities that you would have access to that are big enough for soccer that these kids could walk to, is that correct? Would you feel comfortable if we were to limit the period for your Special Exception to say 10 years where at the end of a decade, you would have to come back and ask again? She was not necessarily as concerned about a few people as she was the type of use because you could have a nightclub. You do not want a nightclub. We specifically talked about youth and young adult sports.

Ms. Medrano stated that yes, she would agree to 10 years. We play against other teams, which are recreational from Mannford and all-around Oklahoma. This weekend, we are going into a tournament. We are trying to get prepared. But those rainy days affected us. People have asked when are you open indoors?

Ms. Radney asked if they will be trying to have tournaments there where you might have other teams come into play or is it just going to be a practice?

Ms. Medrano stated that it is just a practice facility.

Comments and Questions:

Mr. Bond stated that he would be highly inclined to support it if they did not have tournaments there. He had to say, the irony is not lost on the air. If you talk to the homeless folks that are at issue right now, on the corner or behind you, he could almost guarantee you that they did not have a Coach Medrano or Coach Gaytan in their lives and that is why they are there. He had no problem at all voting for something that is saving kids' lives, it is great. Youth competitive sports is what is lacking in this country, and he could not thank you enough for doing what you are doing. He did not see that this would be larger than the 250-person capacity. If you look to the south, that looks like there is a very large-scale industrial facility everywhere here to the south, and the southeast. This would be less invasive to the back of a neighborhood there and would be something which would be great for that neighborhood to give those kids an outlet. If we tie it to the use of a Youth Sports Complex, he will support this.

Mr. Barrientos stated that he was in support of this and appreciated what you all do.

Ms. Stauffer stated that she would agree. She was supportive of this. She thought that industrial buildings that are not being used are perfect for this type of use. We have seen it in gymnastics gyms and other places and other industrial areas that she has taken her kids to. She did not think this was out of character. It would be prohibitive cost wise to build a similar facility. That is not lost on me.

Ms. Radney stated that she wanted to make one more comment, because in the packet, it does outline the building that they are in. It would apply to the whole property. She would not be inclined if we were all in agreement not to limit it to this building per se, but to limit it to youth and amateur sports uses commonly. Are they required to screen the back?

Mr. Chapman stated that they are required to screen with a six-foot privacy fence at the minimum.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, and Wallace all “ayes”, no “nays, no “abstentions”) to **APPROVE** a Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the IL District (Sec.15.020, Table 15-2), per the Conceptual Plans shown on page 4.8 of the Agenda packet. The conditions are that it will be a 10-year term and it is for a Youth and Amateur Sport complex.

The Board finds that the requested 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:

E10 N166 W331.24 & S240.5 W331.24 BLK 1, HAW INDUSTRIAL SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23525 - Jason Mills**Action Requested:**

Special Exception to allow a college or university use in the RM-1 District (Sec.5.020, Table 5-2) **Location:** 8408 S. Delaware Ave.

Presentation:

Jason Mills, 8903 South 39th West Avenue, Tulsa, Oklahoma, 74132, stated that he was representing Oral Roberts University. We have an existing 27,000 square foot vacant building on the south end of campus, just southeast of City Plex Towers. It is bound on the south and west by multifamily. It is just an extension of campus. That is looking forward to the future. We are repurposing this for the biology department, relocating them from basement facilities in the General Learning Center, and bringing them across the street so that they can have their own building. It has five lecture labs, and one large lecture environment with a shared area. They are going to be bringing students across by bus on a day-to-day basis to fit their schedules. It is just a combination of faculty and student space and reusing this building. It was previously an Early Learning Center, and then two business uses. By building code, we are not changing the use is a zoning code issue where we are just trying to allow it. This piece of property is not yet part of the campus zoning, if you will. It is still part of the multifamily that was originally planned to grow north.

Mr. Bond asked if there has been any progress made on the zoning change for the campus.

Mr. Mills stated that they have worked on, but he did not know anything about the timeline. They have gotten processes underway, but this project has come before unfortunately, they got everything taken care of.

Mr. Wilkerson stated that this site is outside of the boundary of the Master Plan Development, that City Council have approved that Master Plan Development. They are the last part of that is the subdivision compliance part. Now they are working through that process now that the zoning is in place for the primary campus footprint that was not part of that.

Interested Parties:

No interested parties were present.

Comments and Questions:

Ms. Radney stated as a former Natural Sciences major it is always wonderful to get out of the basement to be able to be able to see the sun. Like the philosophy majors and English majors. It is a wonderful thing.

Mr. Wallace and Ms. Stauffer both stated that they had no objections to this matter.

Mr. Wilkerson stated that he kept going back to page 5.8, he thought it would be best if we excluded it from the Motion. The reason is there is a large PSO power station that is included on that site plan, and we are not trying to approve that are only. So, 5.7 shows the area about which we are talking.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, and Wallace all “ayes”, no “nays, no “abstentions”) to **APPROVE** a Special Exception to allow a college or university use in the RM-1 District (Sec.5.020, Table 5-2), per the Conceptual Plans shown in the agenda packet.

The Board finds that the requested 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:

PRT LT 1 BEG 663W & 986.05N SECR TH E320 S500 W320 N500 POB BLK 1; PRT LT 1 BEG SECR TH W663 N986.05 E663 S986.05 POB LESS BEG 663W & 986.05N SECR TH E320 S500 W320 N500 POB BLK 1, ORAL ROBERTS UNIVERSITY HGTS 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23526 - Conner Von Holten

Action Requested:

Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2) **Location:** 924 S. Boulder Ave. **(CD 4)**

Presentation:

Corey Taylor, 924 South Boulder Avenue, Tulsa, Oklahoma, 74119, stated that they to convert this historic 100-year-old property into a venue. We have 126 parking spaces and there is a 14,000 square foot facility. We have spoken with all our neighbors in the area. They are excited about what we plan to do. We have a large, unhoused population in the area. This property has kind of been sitting, not necessarily vacant, but the church was only using it one day out of the week. They see opportunities to increase that amount of activity in the area and the traffic in the area with what we plan to do, which is to convert it into a venue. venue space.

Mr. Bond stated that they were saving the building.

Mr. Taylor stated that they were saving the building, keeping all its architectural integrity, nothing is changing inside. We are just adding technology, repainting it, bringing in new flooring and bringing it up to code.

Mr. Bond asked if they thought there would be any issue with parking.

Mr. Taylor stated that our events will be happening after business hours, and we have 126 spaces in the other parking lot and parking lots in the area that we would also be able to utilize.

Ms. Radney asked if all the activities would be inside.

Mr. Taylor stated that the activity would be inside.

Mr. Bond stated that like the discussion on the previous item if we grant relief to use this for the venue there will be other additional permits per event if you do something outside or something else like that.

Ms. Stauffer stated that we do two letters in favor.

Interested Parties:

No interested parties were present.

Comments and Questions:

Ms. Radney asked if they wanted to do this in perpetuity.

Mr. Bond stated that he thought it was a church and whatever use they have with that will continue. He did not have a problem with it being in perpetuity. Anything less than 10 years would give him heartburn.

Ms. Stauffer stated that she did not have any issues with it being in perpetuity.

Mr. Barrientos stated that he would not either.

Mr. Wilkerson stated that indoor and outdoor gathers, the only reason he would bring it up is that there is a distinction in our zoning code between the two and it is helpful to be clear that it is either one or both. The concept plan referenced both.

Mr. Bond asked Mr. Taylor if there was an outdoor portion to this.

Mr. Mills stated that there was an outdoor portion to this. Outside we have an area for pre-hosting and post-hosting. We would like to be able to do both if it is well within our business plan to do both.

Mr. Bond stated that he did not have any objections to this matter. He would support outdoor use of this as well.

Ms. Blank stated that she and Mr. Wilkerson were discussing the outdoor portion being noticed.

Mr. Chapman stated that it was noticed it as a as a 250+ person capacity.

Ms. Radney stated that we do not approve of the parking lot area for an outdoor assembly. We are just approving the boundary that was noted that was included in the grassy area, but not the parking lot itself.

Mr. Chapman stated that it was just the lot with the building. They noted that they have access to the other lot. They are under the same ownership, but they are two separate lots.

Board Action:

On **MOTION** of **Stauffer**, the Board voted, 4-0-1 (Barrientos, Bond, Radney, Stauffer all "ayes", no "nays", Wallace "abstained") to **APPROVE** a Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2), per the Conceptual Plans shown on page 6.5 of the Agenda packet.

The Board finds that the requested 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:

LTS 3 & 4 LESS ST BLK 192, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

DRAFT

OTHER BUSINESS

None

NEW BUSINESS

None

BOARD MEMBER COMMENTS

Ms. Radney stated that the Board really do appreciate that the public cares about these matters that impact their neighborhoods and the city. We do want to acknowledge we hear all their voices. We do not always agree with them, but without having heard them we would not be able to form their decisions.

There being no further business, the meeting adjourned at 3:17 p.m.

Date approved: _____

Chair

OTHER BUSINESS

NEW BUSINESS

DRAFT

**BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1317
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
May 23, 2023, 1:00 P.M.**

Meeting No. 1317

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS
Barrientos Bond, Chair Radney, Vice Chair Stauffer Wallace		A. Chapman S. Tauber D. Wilkerson J. Banes	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on May17, 2023, at 3:30 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Bond called the meeting to order at 1:00 p.m.

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

Mr. Bond stated that we are losing our beloved Staff member Dwayne Wilkerson to retirement and today will be his last Board of Adjustment meeting. As a lawyer in this town, when it comes to the city that is a BOA related project, one of the first people you will hear from is Dwayne. There are few people in a professional setting who have more of a consummate professional, maxed out with a great attitude all the time and professional acumen. He is going to be missed. We want him to know how much we have appreciated it and he is always on point. Mr. Bond presented Mr. Wilkerson with a giant trophy.

MINUTES

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace “ayes”, no “nays”; no “abstentions”) to **CONTINUE** the **Minutes** of April 25, 2023 (Meeting No. 1316) to the next BOA meeting on June 13, 2023.

NEW APPLICATIONS

23528 - Joel Collins

Action Requested:

Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one in the rear setback (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b)

Location: 1207 E. 21st St. **(CD 4)**

Presentation:

Joel Collins, 2626 South Troost Avenue, Tulsa, Oklahoma, 74114, stated that we did solar studies on it only to realize that there was a five-foot utility easement within the back, which he absolutely did not want to try to impede. We revised everything on the owners list, which was three items. Jennifer Simmons is going to back us up that the owner is happy. Secondly, the drawings he submitted on Friday brought us out of that five-foot easement. We are now five feet off the back line. We also revised the height of the building to be eighteen feet so that we did not impede any shadows or anything into his back pool area. We are still asking for three things that are a two-story building unit as a guest quarter to be within ten feet of the back of the house just because of the home itself being built in 1926. There is just a tiny backyard which he had noted on the site plan. The other request was to have entrance on the east side which does face the people to the east. Their current building/garage is on the property line. He did not think there would be any reason that entry on the side was affected.

Interested Parties:

Jennifer Simmons, 1212 East 20th Street, Tulsa, Oklahoma, 74120, stated that she thought their biggest concern really was after he made the changes just the utility easement. He said it was moved back five feet that that easement is used for about six or seven houses. In 2020, they had bucket trucks in this driveway to service. They put in new overhead power lines. If that is still accessible, we agree to the changes.

Rebuttal:

Mr. Collins stated the reason we are asking for it is because the home is one of the most historic types of houses and it is called the Irish Capital of Tulsa. It was built in 1926. And it is just pushed all the way to the north of the property line. Getting it in and out of the garage is absolutely a catastrophe. The idea was just to put a nice easy in and out garage in the back. It is just the only space we had and that is really our hardship.

Comments and Questions:

Mr. Bond stated that your fun fact for the day is, from what he understands this was one of the early zoning fights in the city because there was potential for the thatch roof on this house that the original owners took up with the city.

Ms. Stauffer stated that it all seemed fine and reasonable to her.

Mr. Barrientos stated that he did not have any issues with this, and he was inclined to support it.

Mr. Bond stated that he appreciated the neighbor, the builder, and the property owner all working together. It is always the best solution. We see the worst.

Ms. Radney asked what hardship it was.

Mr. Bond stated that it was a non-conforming lot built prior to the Comprehensive Zoning Code.

Mr. Bond stated that Staff might just add the lot is conforming. It is non-conforming in a modern sense of the actual lot as far as zoning standards that it conforms to the zoning code to the best of my knowledge.

Ms. Radney asked what we mean by non-conforming in the modern sense.

Mr. Chapman stated that what he was saying if you are using the term non-conforming to say that the placement of a house is not consistent with how it normally would be. That is for the board to decide. As far as the actual conforming to the zoning code, there is not anything about that house that he was aware of that is not conforming to the zoning code.

Ms. Radney stated that it is primarily the citing of the existing structure is non-conforming.

Mr. Bond stated that on pages 2.08 and 2.4 you can see where it is pushed back to the back.

Ms. Radney asked if we have plans.

Mr. Chapman stated that the revised plans were given to you today.

Ms. Blank asked along the same lines, Mr. Chapman, could you just confirm which Variances are still looking at. Because it sounds like the last one about accessory dwelling to be less than 10 feet behind the house. Was that that one still necessary?

Mr. Chapman stated that the only one that would be modified is on the height and it is a variance to allow two stories. The top plate is less than 10 feet, and the height of the overall building is eighteen feet and so it does not need relief for the height. But still technically it is about two stories.

Ms. Blank stated that then the entrance they need that and then also the dwelling unit to be less than 10-feet behind the house.

Ms. Radney asked in the sample motion, do we need to read the second part about the eighteen feet in height.

Mr. Chapman stated that portion could be stricken.

Mr. Wallace asked if this is another one of those where if they would have connected it would have been allowed by right.

Mr. Chapman stated that no because it would have been encroaching on the rear setback, and so accessory buildings can encroach on the setback of the principal buildings.

Board Action:

On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace “ayes”, no “nays”; no “abstentions”) to **APPROVE** a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story in the rear setback (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b), per the Conceptual Plans that were submitted at today’s meeting.

The Board finds that the requested 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.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

For the following property:

**LT 5 & W 25 OF LT 6 BLK 4, MAPLE HGTS ADDN, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

23529 - Tanner Consulting, LLC

Action Requested:

Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2) **Location:** 2123 W. 91st St. **(CD 2)**

Presentation:

Erik Enyart, with Tanner Consulting, 5323 South Louis, Avenue, Tulsa, Oklahoma 74105 stated that they are preparing the application on behalf of our donor, Dr. Schiesel, and his wife. They acquired the property in September of last year. At the time there were two tracks in this area, the one two-acre tract that existed before contained a house, that two-acre tract had been in existence since 2012. It was an understanding of the buyer, my client, that they had two tracks when they ended up with this transaction. The property was legally described around the entire boundary, and it was assumed that the two-acre tract and that contract status was lost. That is the hardship that they find trying to get their two-acre tract back. Albeit with a more appropriate configuration is more befitting of the house as it is situated on land. The fundamental purpose of requiring street frontage is to ensure that alongside legal access to the property, it has an existing driveway, all the way down to 91st Street South. It is also secured by an access easement. Furthermore, it does have a panhandle that extends physically down to 91st South. If the driveway were to be moved, they would have their own physical access route too, to do that. To make sure that we are doing this the right way. We want the Staff to make sure we are on the right track in this approach. We would appreciate your thoughtful consideration.

Ms. Radney asked if he could explain a little bit more about what you are referring to by the former two-acre tract.

Mr. Enyart stated that on the first page of the narrative that we put together there is in red a rectangular two-acre tract that is deep and contains the dwelling about half of. That tract of land was created by conveyance from time to trust the two individuals' spouses, and that two-acre tract was lost when the property was described as one singular 20-acre parcel.

Ms. Radney asked if he was saying that these parcels existed as an example from the assessor's record, there were two parcels here and there were two tax IDs.

Mr. Enyart stated that was correct. There was until September of 2022, that was when the last conveyance from an entity called The Stables to Tulsa Hills LLC, conveyed the entire twenty-eight-acre tract continued that two-acre tract within it as one metes and bounds description of the entire perimeter. That caused the trigger tract to be subsumed by the larger 20-acre tract and that status was lost.

Mr. Bond stated the only relief you are asking for from us is to reduce the street frontage.

Mr. Enyart stated that was correct. The zoning requirement that depends on having this report.

Ms. Radney asked if he could say a little bit more about the hardship. The hardship is they did have a two two-acre tract tracks total and that has been lost by no fault of the current owner. There are also benefits to having a separate smaller track containing a dwelling whether that be for real estate tax purposes, other tax purposes, insurance and he would not know all the different thing's reasons that it would be beneficial to have two tracks rather than one, the smaller track containing the dwelling. The house was built around early 2010.

Ms. Radney stated that there might have been a requirement if there was a mortgage.

Mr. Bond asked if there were a lot of flight lots in this in this neighborhood. Is this a standard lot layout for this neighborhood or was this one unique?

Mr. Wallace stated that there are others.

Ms. Radney asked if there is something about the topography of the land, separate and apart from the fact that that is a boundary that was recognized previously as a separate parcel. Is there anything going on with the topography of the land that would justify the dimensioning of this parcel?

Mr. Enyart stated that he was not aware of the topography of the land, but he did know that the house is situated at more of an angle. It is not true South. It is facing southeast. The proposed track with your approval, street frontage Variance, would be proposed when we do lot split is that the tract respect the angle of the dwelling, the front lot line face the front of the dwelling in the rear lot one facing the rear.

Ms. Radney stated that you are not suggesting that what is on the screen now would be the boundary for the new lot. You are just asking for relief to be able to legally create a lot split.

Mr. Wallace stated that the other line is it is an easement. For the front entrance, there is no frontage for the property.

Mr. Bond asked if the frontage is right to the south on West 101st Street.

Mr. Enyart stated that the current 28-acre tract putting an acre tract does have a Panhandle. You can see it ends at the yellow boundary, it does extend down to 91st Street South and that portion of the balance tract will remain.

Mr. Bond asked if he could tell him how big is that frontage on 91st Street.

Mr. Enyart estimated that to 6C, 50 to 60 feet.

Mr. Bond stated that the way the Board of Adjustment looks at these is all we can really do for you is to reduce the minimum required frontage. There would be other things that you may or may not need from the Planning Commission, or a group like that.

Mr. Bond asked if he had spoken with any neighbors or Neighborhood Association.

Mr. Enyart stated that he had not had communication with anybody joining this property or heard of any concerns about this.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Wilkerson asked Mr. Chair if they could bring Mr. Enyart back up because first, he wanted to make sure we understand because the lot split is in process. The access easement that you have shown here is the written document that allows access knowing that the driveway is not within that easement. Is that only for personal use or does it include emergency access? Do you know what the purpose of that easement included?

Mr. Enyart stated that when he read it in the 2012 deed from the trust to the individuals, all it says was access easement through the larger parcel to the two-acre tract that they contain at the time to the individuals. He did not know that it would be for anybody else, it does not say that it is. But like any driveway regardless of length, if you need emergency access, emergency responders will use your driveway. So as this comes forward through the lot split process, there will be discussion about fire protection and those other things. Have you had any conversations with any of the engineering groups about how access is going to be? He did not know that was necessarily important to the Board, but it is something that is in a lot split process, he thought we were going to want to know some more details about it. As you move forward, it would be helpful for us to have a look at the actual easement document.

Mr. Enyart stated that he did not disagree. He has not had any communication. It was premature until we knew that we were safe and had a track that did not have frontage

but had access from consistent driveway and access easement. The lot split would not have any new material change on access requirement.

Mr. Wilkerson stated that a Motion from the Board might be if you are inclined to agree with no access, with the provision that the appropriate access easement is there. That is a vague term, but he was thinking probably overthinking the idea of post office deliveries, and all that stuff that access also includes.

Mr. Enyart stated that he would agree with that, thank you.

Mr. Bond stated that he was not sure how it would be appropriate to condition it there. Maybe the discussion is the frontage requirements exists for the intent to not stack houses on top of each other. Those are important to whatever type of setting a house is in some type of limited language to where in the future a house could not be built within that area to the south? It would be fair to neighbors to make sure that someone could not come along after your client put a house right there. That is think that is what the spirit and the character the neighborhood.

Ms. Radney stated that she was not sure she understood. Were you saying that they would be prohibited from putting another house?

Mr. Bond stated that where the frontage is right here on 91st, his concern would be that if we did approve this, that we also would not later cause give someone the ability to put a house there. That would not be congruent with the spirit of the intent of the frontage requirements for this area.

Ms. Radney stated that it made sense now. Does the applicant have any intention in terms of further development of this land?

Mr. Enyart stated that he had not heard that from them at this point. They have no plans to my knowledge to further develop any portion of this property. He does think that they would have concerns about that. That access is managed through the lot split process to make sure that both tracks have adequate access to utilities.

Ms. Radney stated that what the Chair is suggesting is that if we granted this parcel as it currently exists, the relief to create lots within this parcel with zero frontage then you could put twenty-eight houses in here. They all would get the same deference in terms of their not having frontage to the road. He is asking is this just a relief for the current occupant of the proposed two-acre tract. Are we talking about some others, like decimation of this land into additional smaller other parts?

Mr. Enyart stated that as long as both tracks were allowed to be split, he did not believe the client would have any concerns with there being the ability to have two dwellings on

two legal, separate tracks that have been approved for lot split through the vetting process. He understood the concern that it can be further subdivided, but there are controls in place that would prevent that.

Mr. Wallace stated that it kind of looks like it could be a subdivision, but that if that was the case, which is a whole other set of issues. It is a public right away, not at easement.

Mr. Bond stated that the bigger question that he had is if this is right for us right now for a lot split to be made? He could support this. It just feels like that this is the last determination should be made before we do that.

Mr. Chapman asked Mr. Chair if he could, he would say that we cannot approve a lot split until this relief is granted.

Mr. Enyart stated that an application had not been submitted yet. We are waiting for this to be secured before we invest more time and certainly resources.

Mr. Chapman stated that if the board is trying to make sure that there are not further splits, if you tied it towards this conceptual site plan, there are lot split processes, we would allow turning one lot into two per this diagram. Any further splits would have to go through unless theoretically, there was another way to make another lot out of a flag that would meet this subdivision and development regulations. If you said you do not want any further splits, he would put that in your motion.

Ms. Radney stated that there is a reference at the bottom of 3.10 that she had never seen before. She was wondering if maybe Staff can explain what is meant by "the land division, creating the track was too large to be subject to the requirement for lots of approval. But it was reviewed and approved as an exempt land division application." What is that referring to?

Mr. Chapman that per state statute, if you are dividing a property, and all the laws created are above five acres, they are not subject to last split approval in the Tulsa metro area. That is covered by the Tulsa Metropolitan Area Planning Commission, we require what is called an Exempt Land Division, which is they make an application in our office. What we do is verify that all the tracks are above five acres, you are not splitting the land, and the number of times that we would trigger a subdivision plat. We stamp that is saying buyer beware this has been reviewed as an exempt land division. It is not required to go through a formal lot split process. We would not guarantee that you can get building permits. That is a process just because we have had issues with wildcat subdivisions in the past where people have bought property that was 5.01 acres with an access easement and then later down the road, they got held up in permitting because they do not meet the zoning requirements.

Ms. Radney asked that this two-acre division was reviewed and still found to be exempt even if it did not meet that five-acre minimum.

Mr. Chapman asked if she was talking about the original two-acre tract, he did not believe it ever went through a formal lot split process and unless Mr. Enyart knew differently it was not stamped. They just deeded it to themselves outside of that process.

Ms. Radney stated that she would like to see the proposed lot split before approving this.

Mr. Bond stated that they need our approval before they can do that.

Mr. Wallace asked if it was the difference between 3.6 and 3.12 or is it something else.

Mr. Chapman stated this two-acre tract was on its own deed which again, from the knowledge that he has, the previous owners it was deeded, and it was recorded. The County just processed a new parcel number and never went through a formal lot split process. Essentially, that is gone. The current figuration of a lot is this right here. They are asking to create this track down here.

Mr. Wallace stated that is not in front of us. We are just looking at the frontage of the current flag lot as it is.

Mr. Chapman stated that they are looking at creating this track right here is what is being requested and it has no frontage. That is why they need a variance.

Mr. Bond stated that for the record, he just wanted to make sure that what we are going to do today will have a future effect on that. They will get granted relief for what we have in front of us not at attention and radically for things down the road.

Ms. Radney stated that her concern is less whether those divisions would be burdensome in general, it is more are they burdensome to the people around them. They would be impacted by this landlocked development.

Ms. Stauffer asked if could say what the hardship was to the current lock configuration.

Mr. Enyart stated that the hardship is that the tract used to have two tracks within it and now they have lost that status. They only have one. There are also benefits that come with the flexibility of having two different tracts of land: real estate taxes, other property taxes, and insurance.

Ms. Stauffer stated that the former was just deeded to themselves. It was not through legal channels.

Mr. Enyart stated that he did not see any TMAPC approval certificate on that date.

Mr. Bond stated that this being topographically unique as opposed to not getting into the weeds here. What would be compelling for his vote would be that this was based on the uniqueness of this lot, as opposed to the fact that the lot was going to be unique no matter what.

Ms. Radney stated the applicant has not presented anything that makes this particularly unique to her, accepting the fact that there was a house built in the middle of it, that means a two-acre tract attached to it. for financial reasons, which are not a hardship that we can consider. We must have something that is more compelling.

Mr. Barrientos stated that was why he was not there yet.

Mr. Wallace stated that he was trying to think back to when we flipped the flag properties like this, how we have done them, and they have subdivided, moms moved into the back and they would give them access and reduce the frontage, but they had frontage. He was really trying to understand the access easement, and they must get this approval to get that. That is where he was just struggling with a landlocked property that then they could go sell. It sounds like they own everything right now, but they could go sell the surrounding property.

Ms. Radney stated that she had a question for Staff. If this land had been conveyed separately then the previous parcel that was recognized at least by the assessor's office would have persisted, is that right? Is it really gone just because of the convenience? The convenience treated it as though we it can all be conveyed in one because it What strikes me as being weird about this is that we are talking about a conveyance, but it feels like it must have already been owned by the same owner. If there were two parcels already that were owned by the same owner and then she took it from my right-hand pocket and put it in my left pocket and then somehow because of the instrument that I use, she dissolved my two-acre parcel. Is that what happened?

Mr. Chapman stated that is my understanding.

Ms. Radney stated that is self-imposed. She could acknowledge that maybe one did not realize that that was going to happen and so she could get there by the fact that because it was it ownership was transferred from one entity to another entity that this has occurred through no fault of the property owner of the house and that as such this is the minimum amount of relief that could be requested to re-separate the these two parcels. They could not be merged unless they were the same owner in the first place.

You cannot just deed you something that does not belong to you. They had an attorney write this up and then convey all is one big parcel so that is self-imposed.

Mr. Bond stated that it is still a unique flag property.

Ms. Blank asked Mr. Chair, she would like to suggest that, if you are working on a Motion there that make it clear that the only piece that we're granting the zero frontage is for that two-acre piece depicted on the exhibit, because the application is legal description that goes with this applications for the entire 20 acres, but we are not granting that all parts of that 28 acres doesn't have to have frontage. It really needs to be specified that it is only that and we also do not have a legal description of that two-acre tract.

Mr. Bond asked if they needed a legal description for the two-acre tract to give it relief.

Ms. Blank stated that it would be better just for clarity purposes, and for the people in the future who are going to have to decipher for this stuff.

Ms. Radney stated that Ms. Blank was saying that we are giving relief to the entire twenty-eight acres based on the legal disclaimer used.

Ms. Blank stated that is the legal description that and it is the big parcel. Technically, the doughnut hole piece the two acres is not a flag lot. She thought it was inaccurate to describe it as a flag lot.

Mr. Wallace stated that would trigger if they were to do anything in the future that they would have to come back. outside of that.

Mr. Bond asked that if we are inclined to do that, then the question is, do we need, do we need to be comfortable doing this.

Ms. Radney stated that she thought that because we will be granting it for the entire parcel, that we do need a legal description as an exhibit for the Variance that we can refer to as a legal description.

Mr. Bond asked Mr. Enyart if he had a legal description for this two-acre tract.

Mr. Enyart stated that they did not at this time. If the approval of the application on the 28-acre works to be restricted to one tract of two-acres that should cover it for him. If the Board would like the legal description and the Staff is willing to work with us after today to get that put it in the record, we can certainly do that.

Mr. Bond stated that the zero-frontage requirement would only apply to these two acres within the square within the flag. What he was uncomfortable with would be granting zero lot line or zero frontage to entire flag lot.

Ms. Radney asked if the Board would be comfortable with language that just said, an area of land not to exceed two acres that contains this existing pool and house that is built on the property. Would that be sufficient to describe what we are specifically referring to? As depicted on 3.1 to cover in this case.

Mr. Wilkerson stated that he thought from the Staff's perspective that he must have two-acres because it is an AG zoned property. He liked the idea of putting some kind of throttle on that but not to exceed 2.1 acres or two and a half, something that is conceptual enough in nature that he thought they needed a little bit of room for flexibility there.

Ms. Radney asked what we do have now for the hardship.

Mr. Bond stated that just the uniqueness of this lot.

Board Action:

On **MOTION** of **Radney**, the Board voted 3-2-0 (Bond, Radney, Wallace, all "ayes", Barrientos, Stauffer "nays", no "abstentions") to **APPROVE** a Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2) per the Conceptual Plans found on page 3.12 of the Agenda packet. Subject to the following condition that the zero-frontage relief shall apply to an area of land no less than 2.0 and no more than 2.5 acres in a boundary that surrounds the existing pool and house. This relief shall only apply to smaller parcel within this boundary. Acknowledging that this Variance does not endorse any additional relief related to any other City of Tulsa subdivision or development regulations of City of Tulsa Ordinances

Finding the hardship to be the uniqueness of this circumstance a large agricultural parcel with a newly constructed home that does not exist with frontage onto the arterial street.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

For the following property:

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FIFTEEN (15), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4; THENCE SOUTH 88°52'36" WEST AND ALONG THE SOUTH LINE OF SAID SE/4 FOR A DISTANCE OF 1653.58 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°52'36" WEST AND CONTINUING ALONG SAID SOUTH LINE FOR A DISTANCE OF 76.28 FEET; THENCE NORTH 1°11'43" WEST FOR A DISTANCE OF 477.40 FEET; THENCE SOUTH 88°53'58" WEST FOR A DISTANCE OF 252.45 FEET; THENCE NORTH 1°13'14" WEST FOR A DISTANCE OF 852.05 FEET; THENCE SOUTH 88°52'36" WEST FOR A DISTANCE OF 660.00 FEET TO A POINT ON THE WEST LINE OF SAID SE/4; THENCE NORTH 1°13'14" WEST AND ALONG SAID WEST LINE FOR A DISTANCE OF 869.39 FEET; THENCE NORTH 88°46'46" EAST FOR A DISTANCE OF 990.52 FEET; THENCE SOUTH 1°13'14" EAST FOR A DISTANCE OF 772.08 FEET TO A POINT ON AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE FOR THE FOLLOWING EIGHTEEN (18) COURSES; ALONG A 88.41 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 45°50'23" EAST, A CENTRAL ANGLE OF 46°51'32", A CHORD BEARING AND DISTANCE OF SOUTH 22°24'37" EAST FOR 70.31 FEET, FOR AN ARC DISTANCE OF 72.31 FEET; THENCE SOUTH 1°01'11" WEST FOR A DISTANCE OF 67.24 FEET; THENCE SOUTH 6°46'19" WEST FOR A DISTANCE OF 59.88

FEET; THENCE ALONG A 157.61 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 7°00'58" WEST, A CENTRAL ANGLE OF 45°17'46", A CHORD BEARING AND DISTANCE OF SOUTH 15°37'55" EAST FOR 121.38 FEET, FOR AN ARC DISTANCE OF 124.60 FEET; THENCE SOUTH 23°16'25" EAST FOR A DISTANCE OF 42.88 FEET; THENCE SOUTH 16°28'36" EAST FOR A DISTANCE OF 57.14 FEET; THENCE SOUTH 6°39'39" EAST FOR A DISTANCE OF 28.87 FEET; THENCE ALONG A 411.51 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 2°31'31" EAST, A CENTRAL ANGLE OF 19°05'29", A CHORD BEARING AND DISTANCE OF SOUTH 7°01'14" WEST FOR 136.48 FEET, FOR AN ARC DISTANCE OF 137.12 FEET; THENCE SOUTH 16°33'58" WEST FOR A DISTANCE OF 50.79 FEET; THENCE ALONG A 60.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 82°25'47" WEST, A CENTRAL ANGLE OF 135°57'50", A CHORD BEARING AND DISTANCE OF SOUTH 14°26'52" WEST FOR 111.25 FEET, FOR AN ARC DISTANCE OF 142.38 FEET; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 54°16'55", A CHORD BEARING AND DISTANCE OF SOUTH 26°23'35" EAST FOR 22.81 FEET, FOR AN ARC DISTANCE OF 23.69 FEET; THENCE ALONG A 592.13 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 4°30'35", A CHORD BEARING AND DISTANCE OF SOUTH 1°30'25" EAST FOR 46.59 FEET, FOR AN ARC DISTANCE OF 46.61 FEET; THENCE SOUTH 3°45'47" EAST FOR A DISTANCE OF 83.39 FEET; THENCE ALONG A 183.88 FOOT RADIUS CURVE NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 8°33'31" EAST, A CENTRAL ANGLE OF 23°38'24", A CHORD BEARING AND DISTANCE OF SOUTH 3°15'41" WEST FOR 75.33 FEET, FOR AN ARC DISTANCE OF 75.87 FEET; THENCE SOUTH 15°04'53" WEST FOR A DISTANCE OF 88.57 FEET; THENCE ALONG A 166.70 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 16°26'34" WEST, A CENTRAL ANGLE OF 32°35'10", A CHORD BEARING AND DISTANCE OF SOUTH 0°08'59" WEST FOR 93.54 FEET, FOR AN ARC DISTANCE OF 94.81 FEET; THENCE SOUTH 16°08'35" EAST FOR A DISTANCE OF 73.60 FEET; THENCE ALONG A 460.45 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 9°51'04" EAST, A CENTRAL ANGLE OF 12°46'42", A CHORD BEARING AND DISTANCE OF SOUTH 3°27'43" EAST FOR 102.48 FEET, FOR AN ARC DISTANCE OF 102.69 FEET; THENCE SOUTH 1°56'40" WEST FOR A DISTANCE OF 48.82 FEET; THENCE ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 86°55'59", A CHORD BEARING AND DISTANCE OF SOUTH 45°24'39" WEST FOR 41.28 FEET, FOR AN ARC DISTANCE OF 45.52 FEET; THENCE SOUTH 1°07'24" EAST FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

SUBJECT TRACT CONTAINS 1,215,374 SQUARE FEET OR 27.901 ACRES.

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83). CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.

DRAFT

23530 - Nathalie Cornett

Action Requested:

Special Exception to permit a Large (>250-person capacity) Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K) **Location:** 1330 E. 15th St. **(CD 4)**

Presentation:

Applicant has requested a **CONTINUANCE** until the next BOA meeting of June 13, 2023.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace “ayes”, no “nays”; no “abstentions”) to **CONTINUE** the requested Special Exception to permit a Large (>250-person capacity) Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K) until the next BOA meeting on June 13, 2023.

Lots Three (3), Four (4), Five (5) and Six (6), Block Six (6), AMENDED PLAT OF MORNINGSIDE ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof; -AND-Lots One (1) through Sixteen (16) inclusive, Block Eight (8), and the vacated alley lying within said Block Eight (8), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof;-AND The West Half (30') of Vacated Quaker Avenue lying adjacent to the East line of Block Eight (8) from 15th Street to 16th Street, ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof;-AND- The West Fifteen (15) feet of Lots Nine (9), Ten (10) and Eleven (11), Block Seven (7), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, AND the East Half (E/2) of Vacated South Quaker Avenue between 15th Street and 16th Street lying adjacent to the West line of said Lots 9, 10, and 11, Block 7.

23531 - Luke Gaylor

Action Requested:

Special Exception to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A) **Location:** 4106 W. 57th Pl. (CD 2)

Presentation:

Ken Kennedy, 12547 Skelly Drive, Tulsa, Oklahoma, 74128, stated that he was there on behalf of Oakwood Homes and the property owner, Jonathan Cherry. He is the general manager at Oakwood Homes in Tulsa. Mr. Cherry had contracted with us to get a manufactured home on his lot which is on a dead-end street that is not maintained by the city. He was surprised when told him that manufactured homes are not approved there, because there are others in the same neighborhood. The valuation of the manufactured home is more consistent with the site-built homes in the area. He asked us to come down and see if we could talk the Board into it. The hardship that the lots are not conducive to do a site-built home. There is no way that they were not value at what it costs to site-built home.

Mr. Bond stated is a uniquely shaped plot.

Mr. Kennedy stated that there is an old camper on the back of the property that somebody had taken up as a residence at one point in time. We are improving go the lot.

Mr. Bond asked if he could give us an idea of how many manufactured homes are in this neighborhood.

Mr. Kennedy stated there are a few of them down on 39th Street. They are in the main area it just passed the Tulsa Housing Authority.

Mr. Bond asked if they had any photos or drawing of the manufactured home that has been selected.

Mr. Kennedy stated that they have photos with them. The home is a residential construction. You have a shingled roof, vinyl siding, and it will have metal skirting around the crawlspace. The neighbor next to him was for the neighbor next to him sold him these lots many years ago and so this is the only person who is going to even see these considering the location.

Mr. Bond asked if this was in a floodplain.

Mr. Kennedy stated that the very back of the property there is but where he is putting the house. There is a little shed back there.

Ms. Radney stated that it would impact the viability of like traditional sticks and bricks new construction.

Mr. Barrientos stated that we are curious about what is on 5.6.

Mr. Kennedy stated that was an is an old that is a camper. That is the neighbor's camper.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Barrientos asked how long they wanted to approve it for.

Ms. Radney stated that we should have asked if it was going to be financed.

Mr. Kennedy stated that it is being financed this lender went for 25 years on this one is.

Mr. Bond asked if they wanted to say I do want to say 26 years.

Board Action:

On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace "ayes", no "nays"; no "abstentions") to **APPROVE** a Special Exception to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A), per the Conceptual Plan presented to the Board today and subject to the following conditions: this relief will last for a term of 26 years for this particular unit, must meet the requirements of tie downs, skirting, and parking requirements of 55.090.

The Board finds that the requested 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:

LTS 5 & 11 THRU 13 BLK 12, DOCTOR CARVER, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

Ms. Radney stated that she wanted to dovetail Mr. Chairs comments about Mr. Wilkerson's retirement. She said that they would definitely miss him. She was privileged to share a few minutes with him at this retirement party where she told him that he had really left a mark on the City during this time and his contributions had been appreciated.

Mr. Wilkerson stated that it was a great experience, and he has enjoyed working with all the Board members.

Mr. Chip Atkins stated that he wanted to thank Mr. Wilkerson for all he has done. He stated that Dwayne had been a great advocate for the neighborhood, explaining what was going on, and how it works. That is a rarity in this city and thanking him for all his hard work. Good luck in retirement.

Mr. Wilkerson thanked everyone.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:20 p.m.

Date approved: _____

Chair



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23530

Hearing Date: 07//2023 (Continued
from 6/13/2023)

Case Report Prepared by:

Austin Chapman

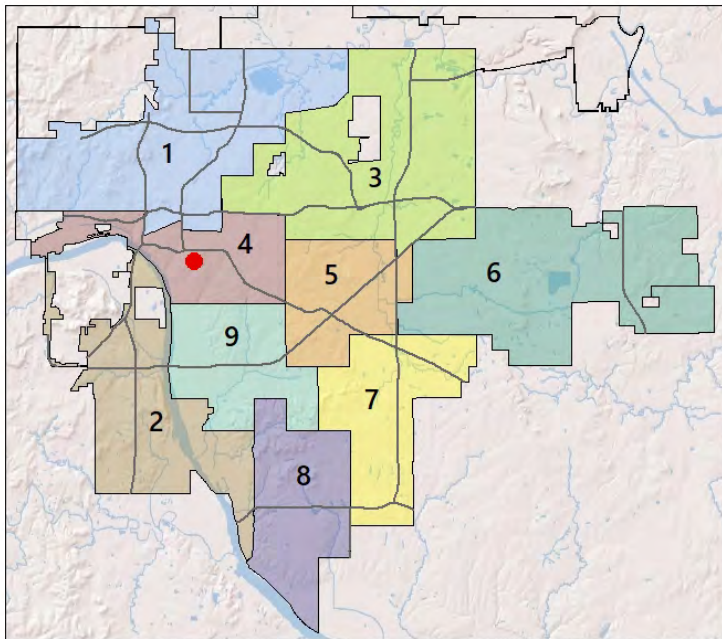
Owner and Applicant Information:

Applicant: Nathalie Cornett

Property Owner: Irmas Ahwatukee LLC

Action Requested: Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CS District serving alcohol within 150-feet of a residential zoning district (Sec.15.020, Table 15-2) Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K)

Location Map:



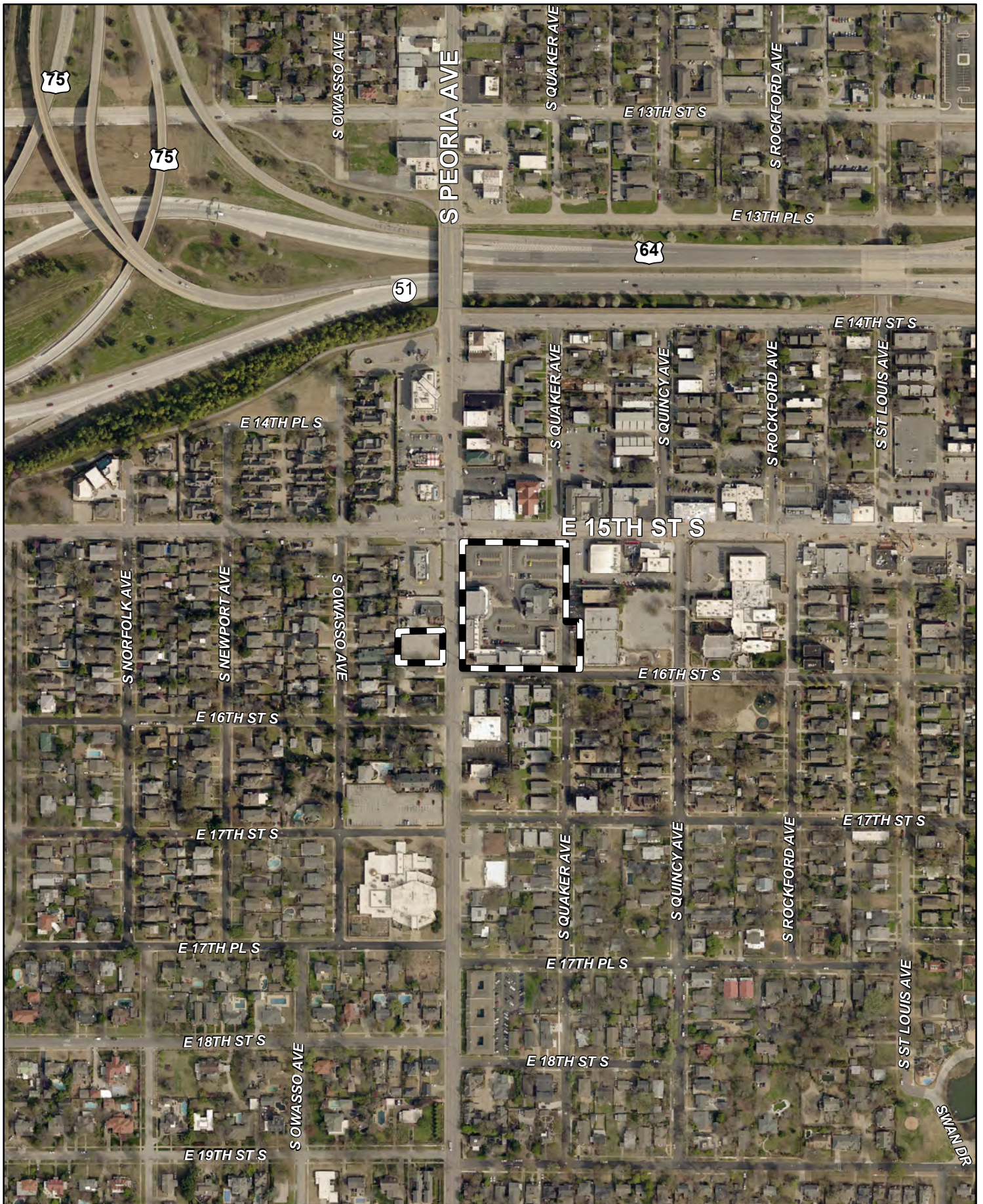
Additional Information:

Present Use: Commercial

Tract Size: 3.18 acres

Location: 1330 E. 15 St. S.

Present Zoning: RM-2,CS



0 Feet 200 400



Subject Tract

BOA-23530

19-13 07
19-12 12

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



4.2

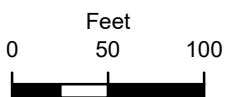


E 15TH ST S

E 16TH ST S

S PEORIA AVE

S QUAKER AVE



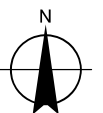
Subject
Tract

BOA-23530

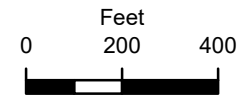
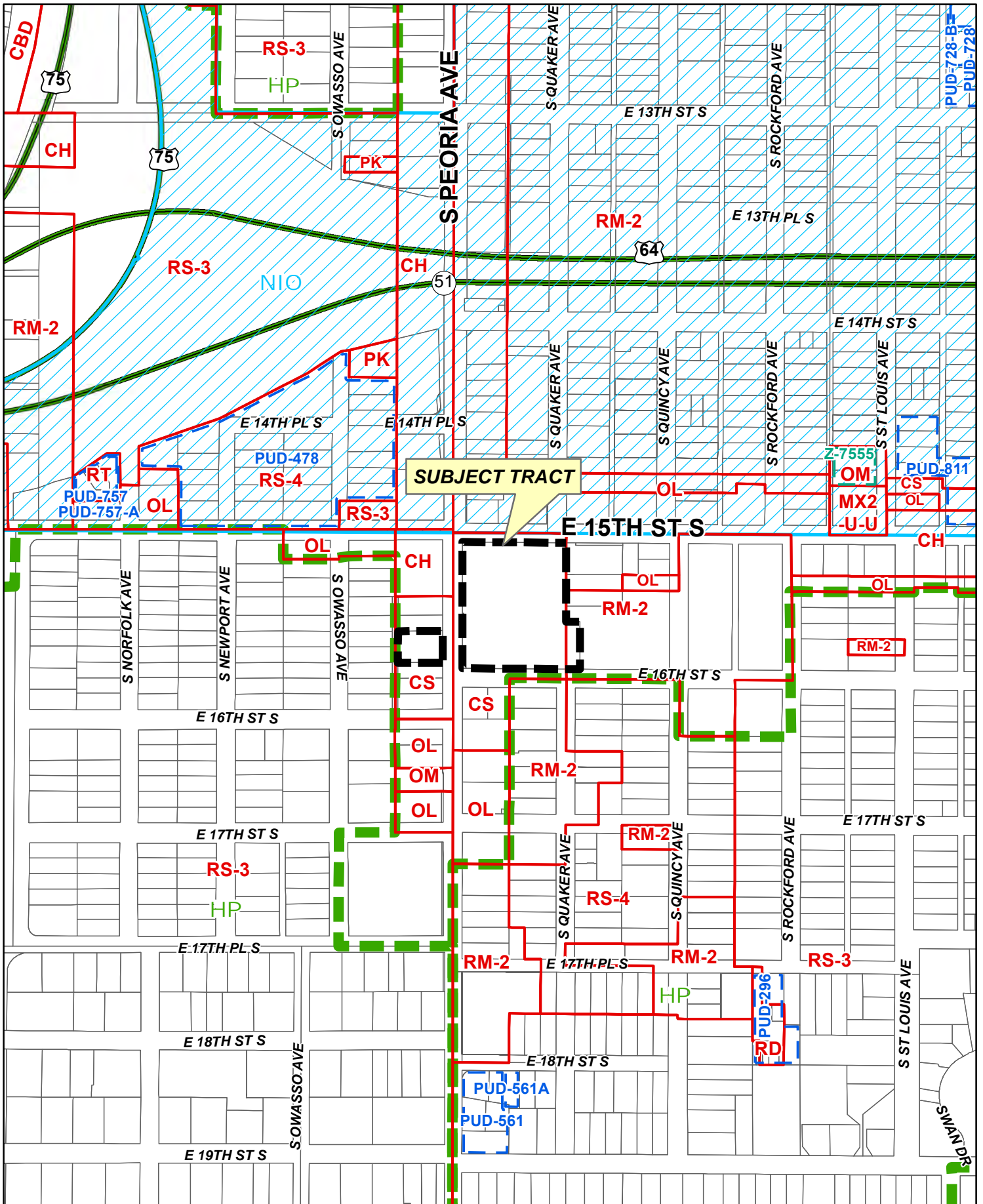
19-13 07
19-12 12

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

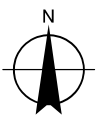


4.3



BOA-23530

19-13 07
19-12 12



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: BOA-23530

CD: 4

HEARING DATE: 07/11/2023 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K)

LOCATION: 1330 E 15 ST S

ZONED: RM-2,CS

PRESENT USE: Commercial

TRACT SIZE: 138613.58 SQ FT

LEGAL DESCRIPTION: Lots Three (3), Four (4), Five (5) and Six (6), Block Six (6), AMENDED PLAT OF MORNINGSIDE ADDITION to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof; AND Lots One (1) through Sixteen (16) inclusive, Block Eight (8), and the vacated alley lying within said Block Eight (8), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof; AND The West Half (30') of Vacated Quaker Avenue lying adjacent to the East line of Block Eight (8) from 15th Street to 16th Street, ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof; AND The West Fifteen (15) feet of Lots Nine (9), Ten (10) and Eleven (11), Block Seven (7), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, AND the East Half (E/2) of Vacated South Quaker Avenue between 15th Street and 16th Street lying adjacent to the West line of said Lots 9, 10, and 11, Block 7.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21091; 05.25.10 the Board **approved** a Special exception to allow a Cigar Shop within 150-feet of R zoned property.

BOA-16927; On 02.14.95 the Board **approved** a Special Exception to permit parking in an RM-2 zoned lot.

BOA-16384; On 07.13.93 the Board **approved** a Variance of the required off-street parking spaces from 224 to 170, a Variance of the setback requirement from E. 15th and S. Quaker Ave. and Variance of the screening requirement along E. 16th St. and S. Quaker Ave.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Main Street" and an "Area of Growth".

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents

will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

STAFF ANALYSIS: Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K)):

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
Assembly and Entertainment												Section 40.040
Indoor gun club	-	-	-	-	S	S	S	S	S	S	S	
Other indoor												
Small (up to 250-person capacity)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	
Large (>250-person capacity)	-	-	-	-	S	S	S	S	S	S	S	

[2] Use requires special exception approval if alcoholic beverages are sold or served, and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way (see [Figure 15-1](#)).

55.050-K Alternative Compliance

The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of [Section 70.120](#) only if:

1. The board of adjustment determines that the other allowed parking reduction alternatives of [Section 55.050](#) are infeasible or do not apply; and
2. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

The applicant provided an exhibit labeled “Exhibit B” explaining their request in more detail, but they are requesting the current number of 222 parking spaces to serve the entire 42,381 square feet of commercial space on the lot. Current code would require them to provide 275 spaces including the proposed Assembly and Entertainment use. That ratio is equal to approximately 5.238 spaces per every 1,000 square feet.

SAMPLE MOTION:

Use:

Move to _____ (approve/deny) a Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CS District **serving alcohol within 150-feet of a residential zoning district** (Sec.15.020, Table 15-2);

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
_____.

The Board finds that the requested 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.

Parking Reduction:

Move to _____ (approve/deny) a Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K);

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
_____.

The Board finds that the requested 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, that the other allowed parking alternative of Section 55.050 are infeasible or do not apply and the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.



Subject Property

Exhibit "A"

Lots Three (3), Four (4), Five (5) and Six (6), Block Six (6), AMENDED PLAT OF MORNINGSIDE ADDITION to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof;

-AND-

Lots One (1) through Sixteen (16) inclusive, Block Eight (8), and the vacated alley lying within said Block Eight (8), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof;

-AND-

The West Half (30') of Vacated Quaker Avenue lying adjacent to the East line of Block Eight (8) from 15th Street to 16th Street, ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof;

-AND-

The West Fifteen (15) feet of Lots Nine (9), Ten (10) and Eleven (11), Block Seven (7), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, AND the East Half (E/2) of Vacated South Quaker Avenue between 15th Street and 16th Street lying adjacent to the West line of said Lots 9, 10, and 11, Block 7.

Exhibit "B"

The Applicant requests (1) a Special Exception pursuant to Table 15-2 of the Tulsa Zoning Code (the "Code") to permit a large indoor (>250-person capacity) Assembly and Entertainment use in the CS district; and (2) a Special Exception pursuant to Section 55.050-K of the Code to permit an alternative compliance parking ratio, all on the subject property located at 1330 E. 15th Street (the "Property").

The Property is the Lincoln Plaza on Cherry Street located at the southeast corner of E. 15th Street and S. Peoria Avenue. The Property is comprised of approximately 3.2 acres with approximately 42,381 square feet of commercial buildings, including Chimi's, Jason's Deli, Nola's, and various offices and retail stores. The property owner desires to put an indoor event center/banquet hall in the currently vacant 6,900 SF space located on the second story above Nola's Restaurant.

The current Code requires approximately 275 parking spaces for the Property - inclusive of an additional 26 parking spaces for the proposed banquet hall. The Property currently has 222 existing parking spaces which serve the entire commercial center. Multiple parking Variances have been granted over the past 35 years for the Property, with each request tied to a specific tenant or use in the center. The Applicant is requesting the alternative compliance parking ratio to establish the existing 222 parking spaces as the required minimum off-street parking for the entire Property.

Given the variety of uses which serve customers at different times throughout the day and evening, the existing 222 parking spaces adequately serve the actual and expected parking demand. Additionally, the availability of on-street parking along Cherry Street and its pedestrian-oriented nature encourage and result in the public parking on street and walking to the various amenities offered on and off the Property.

Based on the foregoing, the requested Special Exceptions 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.

PROJECT NUMBER
22.034

DRAWN BY
JTS

CHECKED BY
JTS

DRAWING TITLE
FLOOR PLAN
SECOND LEVEL PLAN

SHEET NUMBER

From: [Nathalie M. Cornett](#)
To: [Chapman, Austin](#)
Cc: [Siers, Dylan](#)
Subject: BOA-23530 Request for Continuance
Date: Monday, May 22, 2023 3:26:28 PM
Attachments: [image002.png](#)

Austin,

The Applicant requests a continuance of this case to the June 13, 2023 Board of Adjustment meeting in order to amend the relief requested.

The current application requests a Special Exception to permit large (>250) assembly and entertainment for an event center. The architect for the project has informed me that the occupancy load of the building is only 240. Accordingly, the use qualifies as small assembly and entertainment which is permitted by right in the CS district. However, a special exception will be needed to serve alcohol in the event center as the building is within 150' of an R district.

The request for a Special Exception for the alternative compliance parking ratio remains.

Sincerely,

Nathalie M. Cornett

Attorney at Law

Eller & Detrich

2727 E. 21st Street, Ste 200
Tulsa, Oklahoma 74114-3533
(918) 747-8900 phone
(866) 547-8900 toll free
(918) 392-9427 e-fax
NCornett@EllerDetrich.com

 www.EllerDetrich.com

CONFIDENTIALITY STATEMENT Information contained in the accompanying transmission is or may be protected by the attorney-client and/or the attorney work product privilege and is confidential. It is intended only for the use of the individual or entity identified above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of the accompanying communication is prohibited. No applicable privilege is waived by the party sending the accompanying documents. If you have received this communication in error, please notify us immediately by telephone at (918) 747-8900 and delete this message from your server. Thank you.

Please be advised that e-mail is not necessarily a secure method of communication, that it may be copied and held by any computer through which it passes, and that persons not participating in the communication may intercept the communication. While this risk may be small, it is real. Should you wish to discontinue this method of communication, please so advise, and no further e-mail communication will be sent.

From: [Lynne Tucker](#)
To: [esubmit](#)
Subject: Case 23530
Date: Monday, May 22, 2023 6:42:04 PM

I am opposed to granting this special exception. The Cherry Street area already has parking problems. The residents in the surrounding area have had to deal with increased activity over time, and the addition of this type of facility will only make matters worse and could have a negative impact on established businesses in the area. People will give up and go elsewhere when unable to find parking. Residential property values could also be negatively impacted.

Please do not grant this special exception.

Lynne Tucker
3136 South Florence Place

Eller & Detrich
A Professional Corporation

Philip J. Eller
Kevin H. Wylie
R. Louis Reynolds
Daniel C. Cupps
Andrew A. Shank
Shanann Pinkham Passley
Mac D. Finlayson
Steven P. Flowers
Kenneth E. Crump Jr.
Sloane Ryan Lile
Nathalie M. Cornett
Natalie J. Marra
Jacob W. Purdum

Telephone
(918) 747-8900

Toll Free
(866) 547-8900

Facsimile
(918) 747-2665

Of Counsel
Donald L. Detrich, *Retired*
Jerry M. Snider
Katherine Saunders, PLC
Heidi L. Shadid
Joshua M. Tietz

June 5, 2023

10918 E 55th Place LLC
1138 S. Elgin Ave.
Tulsa, OK 74120-4242

Re: 1330 E. 15th Street – Bellview Event Center (the “Project”)
Board of Adjustment Case BOA-23530

To: 10918 E 55th Place LLC

If you have not already, you will be receiving a new notice in the mail from INCOG (Tulsa’s Planning Office) regarding an *amended* request for two Special Exceptions in Case BOA-23530, which will be heard by the Tulsa Board of Adjustment on Tuesday, June 13, 2023 at 1:00 p.m.

The amended request is for a Special Exception to permit a **Small** (<250 person capacity) Commercial Assembly and Entertainment venue, to be located on the second story of the old Lincoln school building, above Nola’s Restaurant, to serve alcohol within 150 feet of a Residential District. A small event center is a use permitted **by right** in the CS (Commercial Shopping) District. However, the Tulsa Zoning Code requires a Special Exception for small event centers to serve alcohol when located within 150 feet of a Residential District. In this case, the only residentially-zoned district within 150 feet is the Marquette School to the east which is zoned RM-2.



www.EllerDetrich.com

2727 East 21st Street, Suite 200, Tulsa Oklahoma 74114-3533

Originally, the Applicant requested a Special Exception to permit a Large (>250 person capacity) Commercial Assembly and Entertainment venue. However, the architect for the Project determined that due to the historical layout and age of the structure, the space is better suited for smaller events. Accordingly, the Applicant has *withdrawn* this request.

The total area of the proposed event space is approximately 7,367 square feet and, of that, 2,505 square feet will be used to host events such as wedding receptions, corporate functions, and private parties. The maximum event size will be 120 people and any event over 50 people will be required to have valet parking. Events may be booked between the hours of 8:00 a.m. and 12:00 a.m, seven-days a week.

The Applicant is also requesting that the existing 222 parking spaces that currently serve Lincoln Plaza be established as the required parking ratio for the Center. Just as all residents and business owners in Cherry Street, the operator of the Project is well aware of the fluctuation of available parking in the area as it also operates Nola's in the Center, as well as Kilkenny's and Hemingway's on Cherry Street. In order to alleviate parking needs during peak hours, the Bellview Event Center has an agreement with Marquette Catholic School and Early Childhood Development (ECDC) to use their parking lot for valet parking during events.

We believe this Project will be a wonderful additional amenity offered in Cherry Street and we look forward to being a good neighbor. If you have any questions about the center, please do not hesitate to call me at (918) 747-8900 or email me at NCornett@EllerDetrich.com

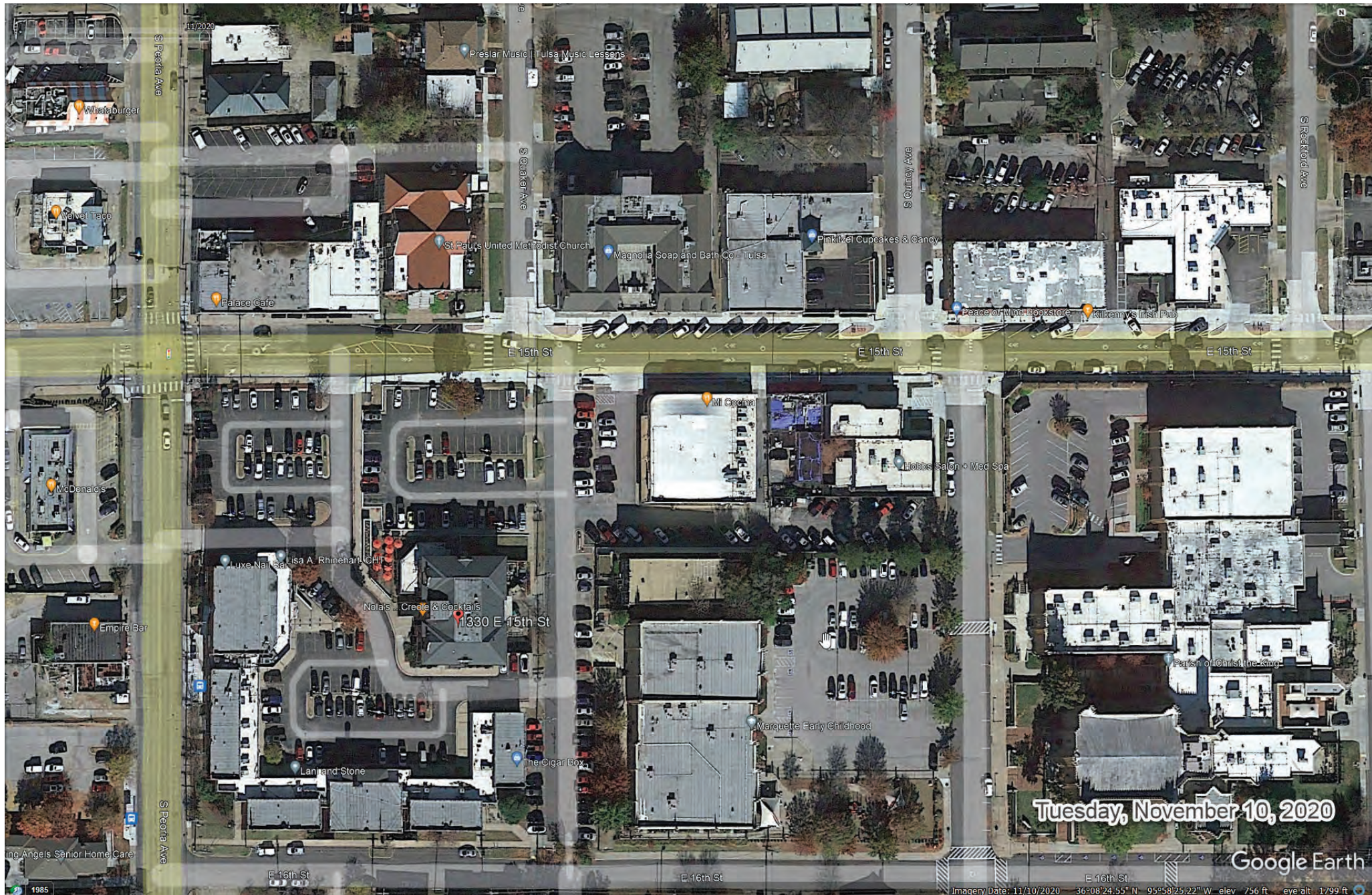
Sincerely,

ELLER & DETRICH
A Professional Corporation

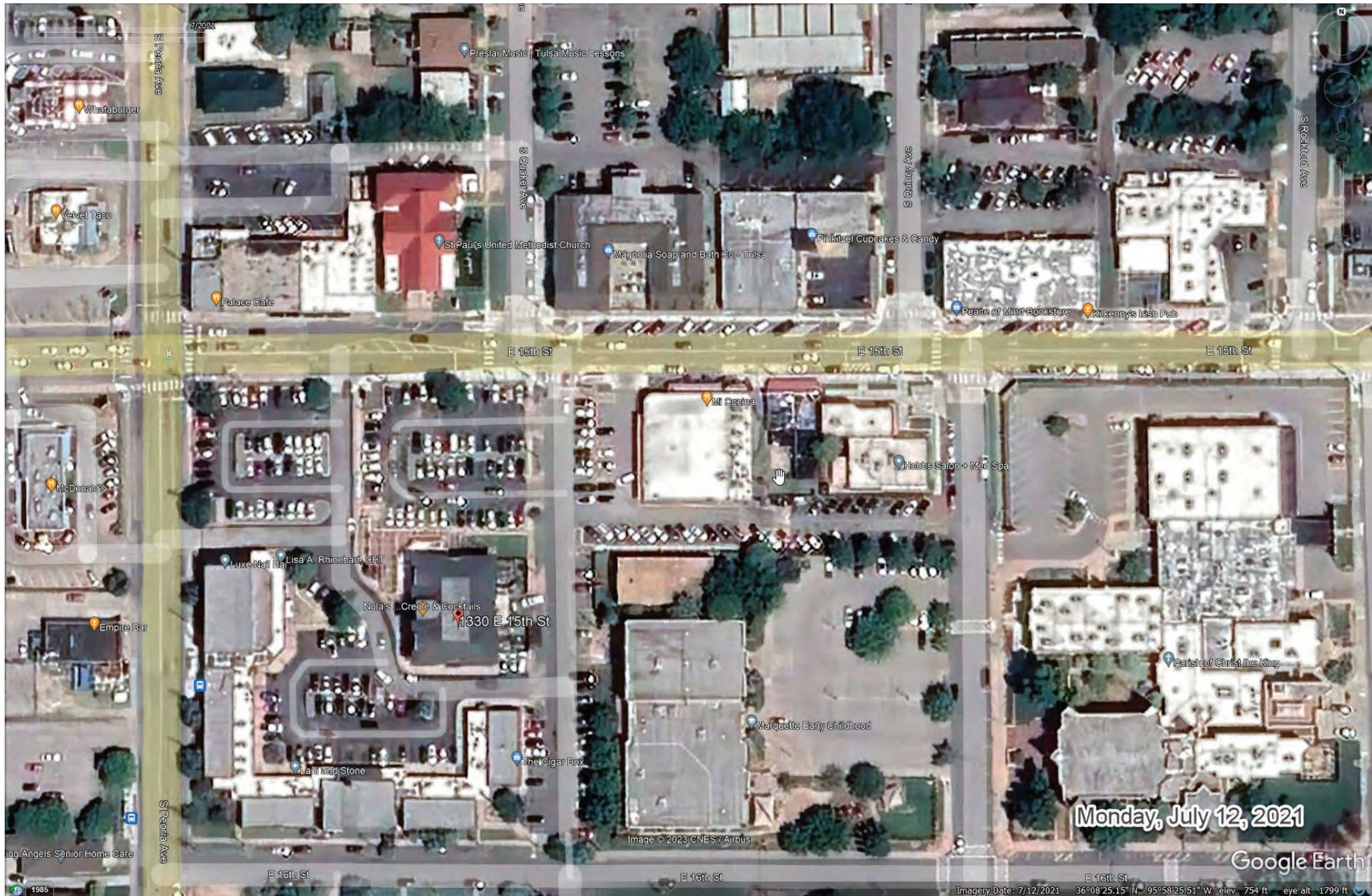


Nathalie M. Cornett
Attorney for Bellview Event Center

Tuesday, November 10, 2020



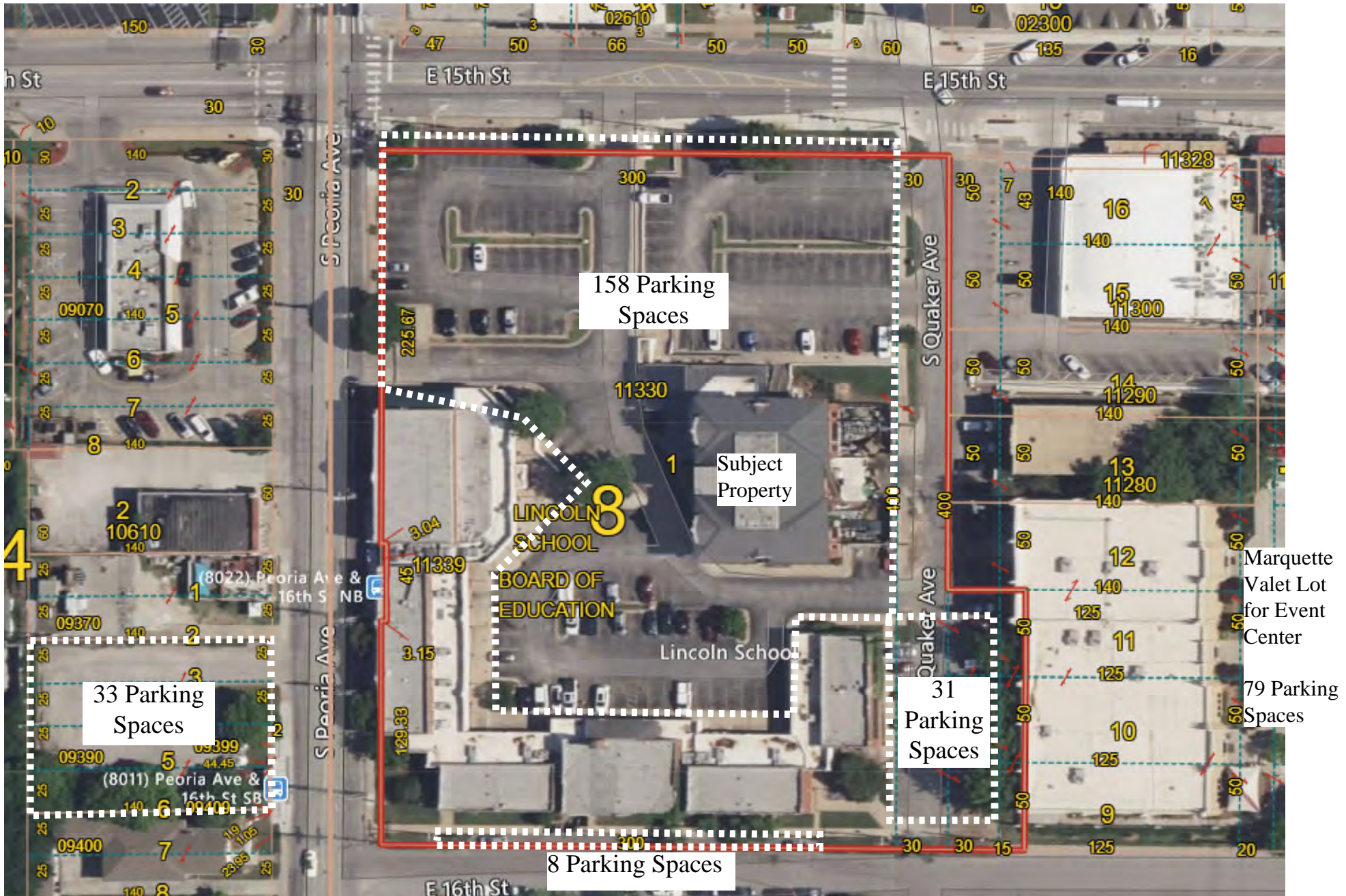
Monday, July 12, 2021



Thursday, May 5, 2023



BOA-23530 Parking Diagram



Total Existing Parking: 230 Parking Spaces



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23541

**Hearing Date: 07/1/2023 (Cont. from 6/13,
applicant not present)**

Case Report Prepared by:

Austin Chapman

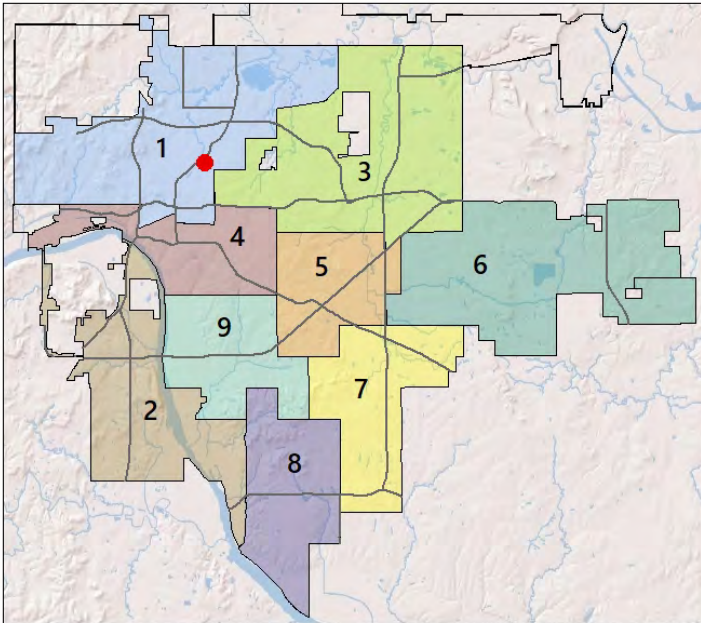
Owner and Applicant Information:

Applicant: Twister Concrete Work

**Property Owner: Bernal, Leopoldo
Esparza**

Action Requested: Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

Location Map:



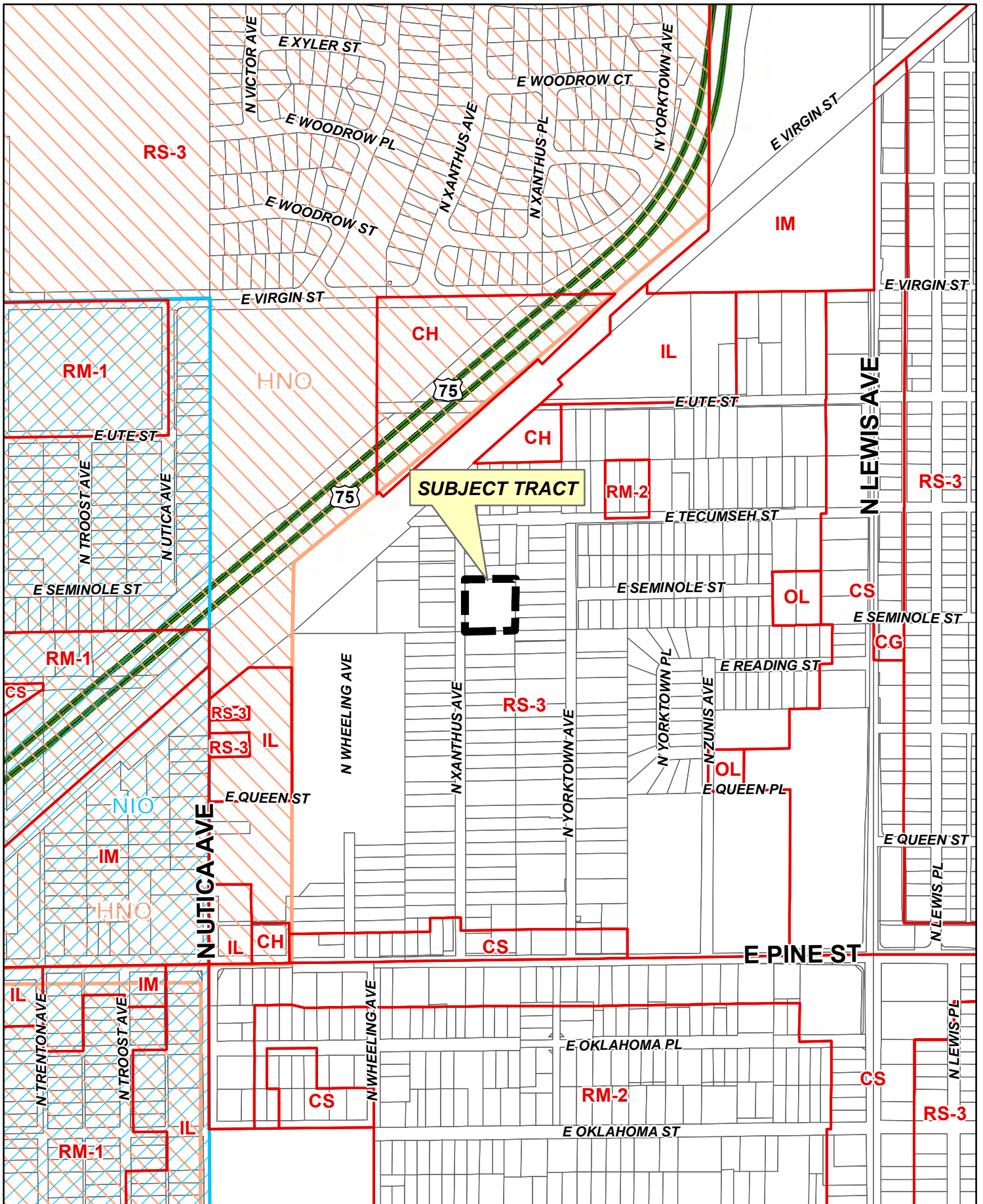
Additional Information:

Present Use: Residential

Tract Size: 0.92 acres

**Location: South of the SE/c of E.
Tecumseh St. and N. Xanthus Ave.**

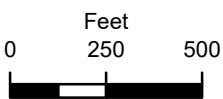
Present Zoning: RS-3



BOA-23541

20-13 30

5.2



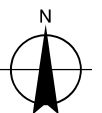
Subject
Tract

BOA-23541

20-13 30

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



5.3



E TECUMSEH ST

N XANTHUS AVE

N YORKTOWN AVE



0 Feet 50 100



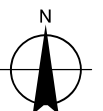
**Subject
Tract**

BOA-23541

20-13 30

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



5.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 0330

Case Number: BOA-23541

CD: 1

HEARING DATE: 07/11/2023

APPLICANT: Twister Concrete Work

ACTION REQUESTED: Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

LOCATION: South of the SE/c of E. Tecumseh St. and N. Xanthus Ave.

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 40001.31 SQ FT

LEGAL DESCRIPTION: W 140 OF S 200 LT 8 & E 60 OF S 200 LT 9 BLK 5, CONSERVATION ACRES SUB CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Existing Neighborhood” and an “Area of Stability”.

An **Existing Neighborhood** is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

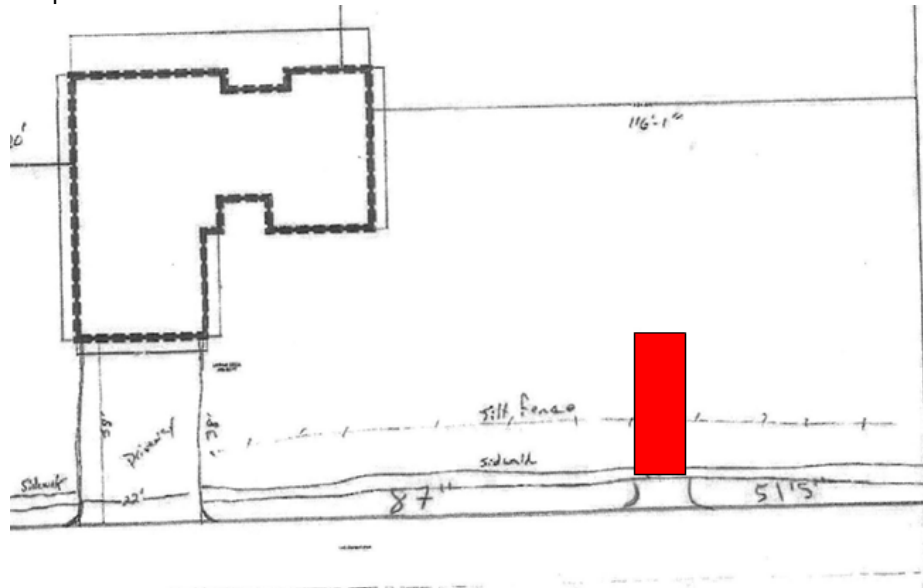
STAFF ANALYSIS: The applicant is requesting a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of [Section 70.120](#), or, if in a PUD, in accordance with the amendment procedures of [§30.010-1.2](#). (Refer to the [City of Tulsa Standard Specifications and Details for Residential Driveways #701-704](#)).

Maximum Driveway Width

Lot Frontage	75'+	60' – 74'	46' – 59'	30' – 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

The applicant requesting an additional curb-cut at this time to serve as an entrance to a future detached garage, bringing the total width requested inside the right-of-way to 38-feet. The applicant's intent is for the curb-cut to serve a future entry into a detached garage. The board may wish to grant the ability to lengthen the driveway into the lot at this time as staff has depicted below:



SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
_____.

The Board finds that the requested 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.

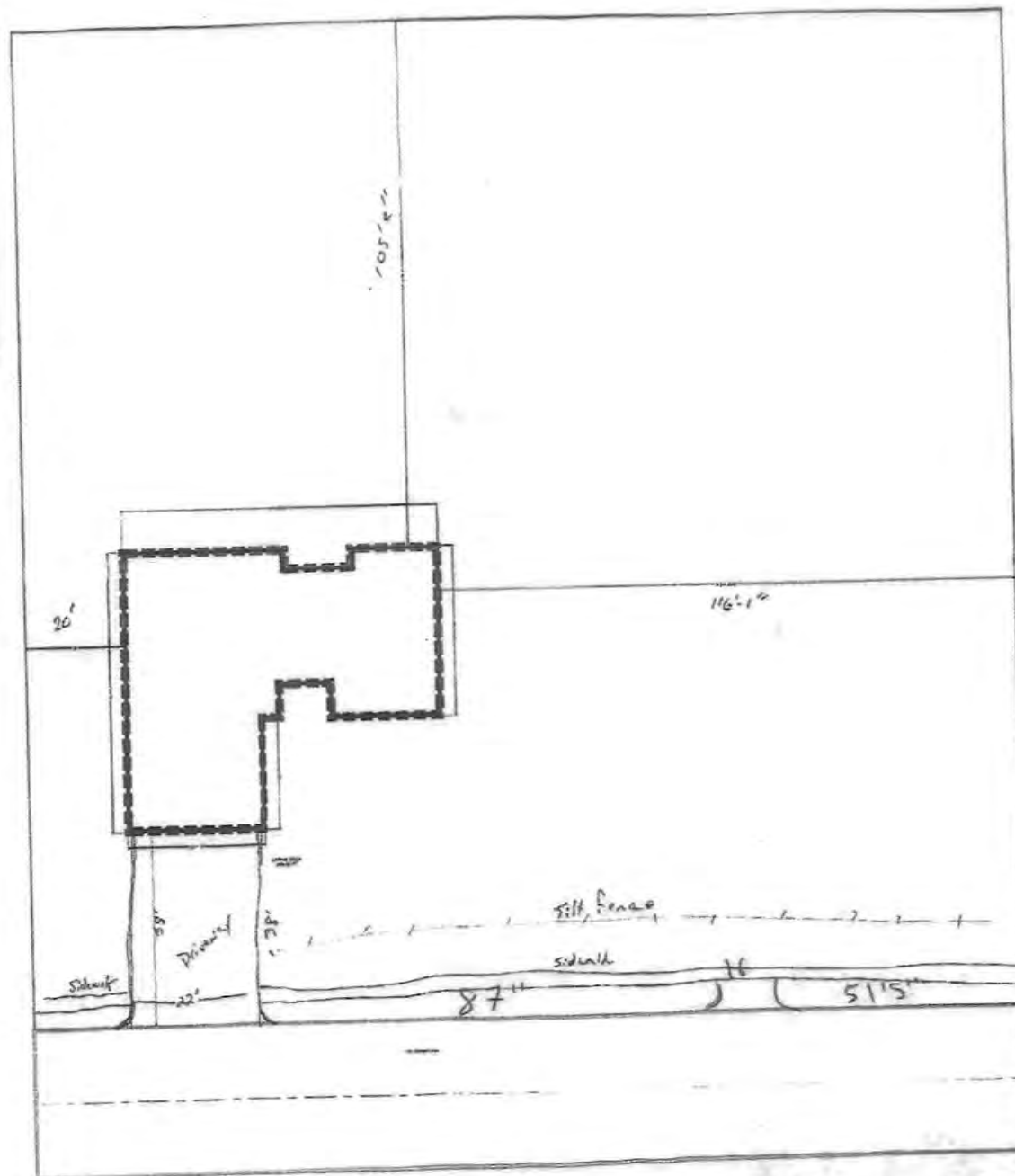


Subject Property

- The City of Tulsa Building Code requires that this set of approved plans shall be kept at the building site, open to inspection of the Building Official or His authorized representatives at all Reasonable Times. Plans are generally approved for issuance of a Building Permit. This approval does not constitute a waiver of any provisions of the Building Code, nor should it be construed that this approval constitutes a certification that all details shown are in compliance with the Code.

DATE 3/23/2022

Plans are generally approved for issuance of a Building Permit. This Approval does not constitute a waiver of any provision of the Building Code, nor should it be construed that this approval constitutes a certification that All Details shown are in compliance with the Code.





CITY OF Tulsa

Board of Adjustment

Case Number: B0A-23542

Hearing Date: 07/11/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

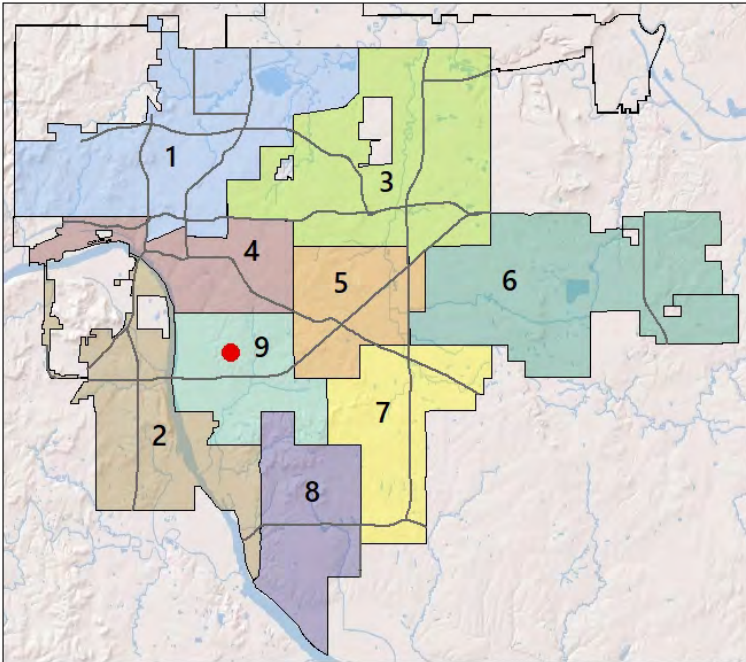
Owner and Applicant Information:

Applicant: Dodson Building Group INC

Property Owner: Manley Family Trust

Action Requested: Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

Location Map:



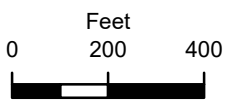
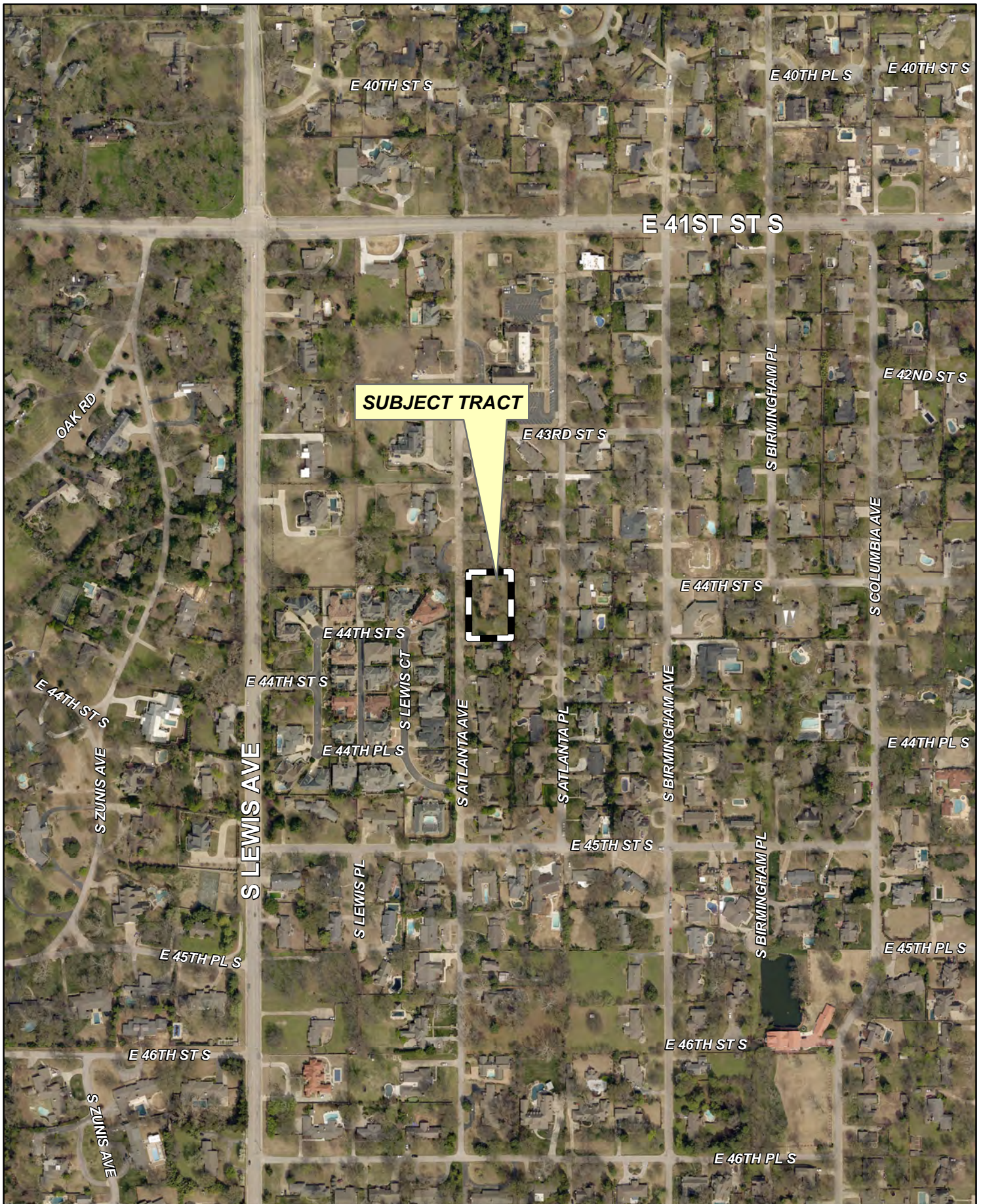
Additional Information:

Present Use: Residential

Tract Size: 0.66 acres

Location: 4339 S. Atlanta Ave.

Present Zoning: RS-1



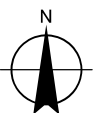
Subject
Tract

BOA-23542

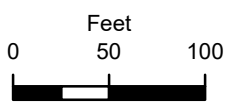
19-13 29

Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: 2023



6.2



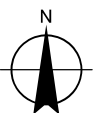
Subject
Tract

BOA-23542

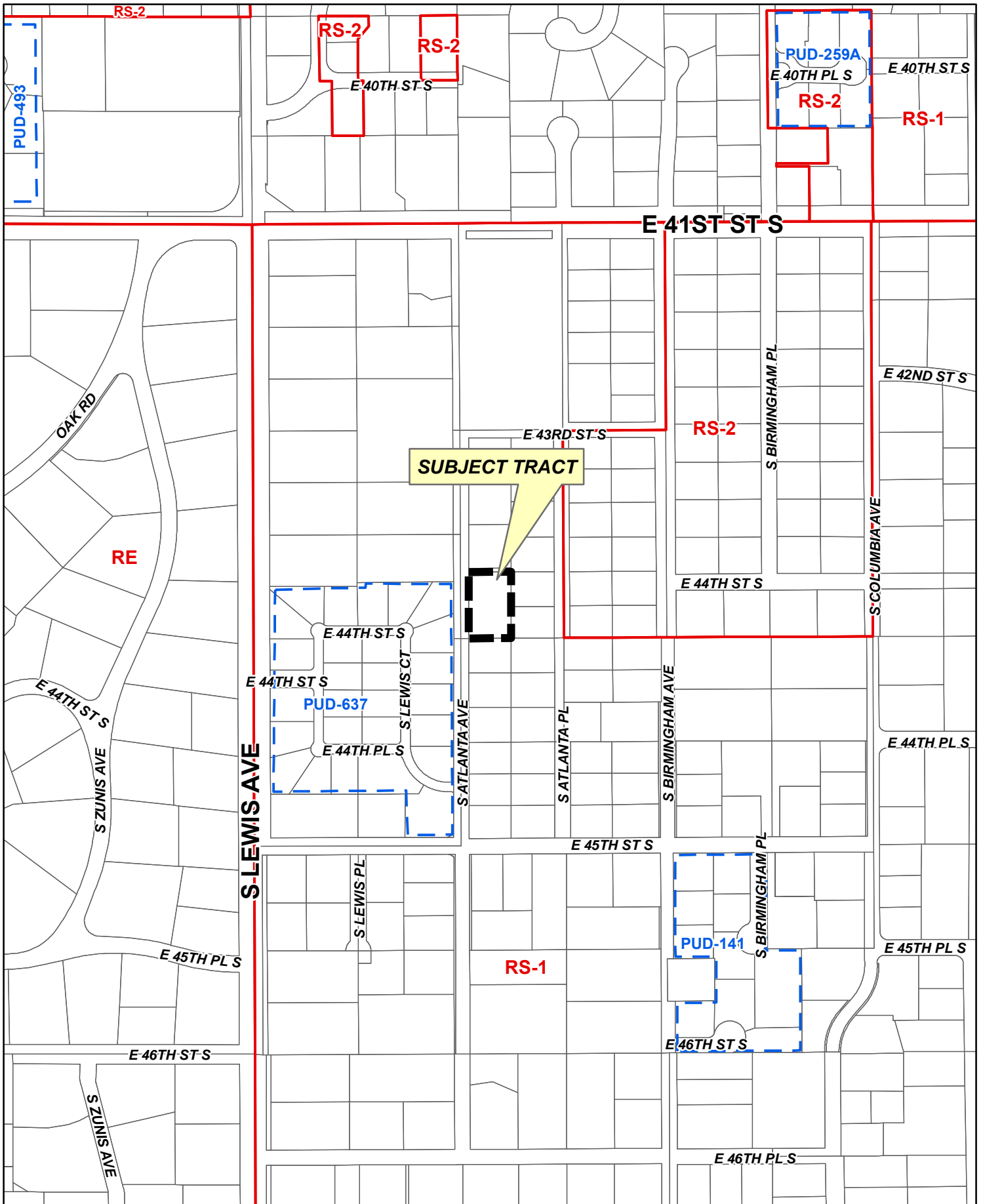
19-13 29

Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: 2023

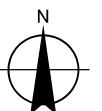
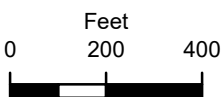


6.3



BOA-23542

19-13 29



6.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9329

Case Number: BOA-23542

CD: 9

HEARING DATE: 07/11/2023 1:00 PM

APPLICANT: Dodson Building Group INC

ACTION REQUESTED: Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

LOCATION: 4339 S ATLANTA AV E

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 28632.11 SQ FT

LEGAL DESCRIPTION: LTS 7 8 BLK 1, SKYVIEW ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

STAFF ANALYSIS: Applicant is requesting a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of [Section 70.120](#), or, if in a PUD, in accordance with the amendment procedures of [§30.010-1.2](#). (Refer to the [City of Tulsa Standard Specifications and Details for Residential Driveways #701-704](#)).

Maximum Driveway Width

Lot Frontage	75'+	60' - 74'	46' - 59'	30' - 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

Applicant is requesting two 18-foot wide curb-cuts equaling 36-feet wide in the aggregate.

SAMPLE MOTION: Move to _____ (approve/deny) a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3).

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
_____.

The Board finds that the requested 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.



Subject property

Jeff S. Taylor
Zoning Official
Building Plans Review
Supervisor
TEL(918) 596-7637
jtaylor@cityoftulsa.org



DEVELOPMENT SERVICES
175 EAST 2ND STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

Kevin Schultz

2/27/2023

APPLICATION NO: ROWSR 137850 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 4339 S ATLANTA AVE E
Description: Driveway Expansion

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2ND STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.TULSAOK.ORG OR AT INCOG OFFICES AT 2 W. 2ND ST., 8TH FLOOR, TULSA, OK, 74103. PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT

Note: Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project. Requests for variances from the Board of Adjustment require proof of a hardship per Section 70.130.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online. The zoning review will resume after these modified plans are submitted.

	Maximum Driveway Width				
Lot Frontage	75' +	60' - 74'	46' - 59'	30' - 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

55.090-F Surfacing. Based on your lot width you are allowed a combined driveway width of up to 27' in width in the ROW.

Review Comments: The submitted site/plot plan proposes a combined driveway width of more than 27' wide in the ROW which exceeds the maximum allowable composite of all driveway widths within the ROW. Revise plans to indicate the combined driveway widths shall not exceed the maximum allowable widths in the table or apply to the BOA for a special exception for the proposed combined driveway widths within the ROW

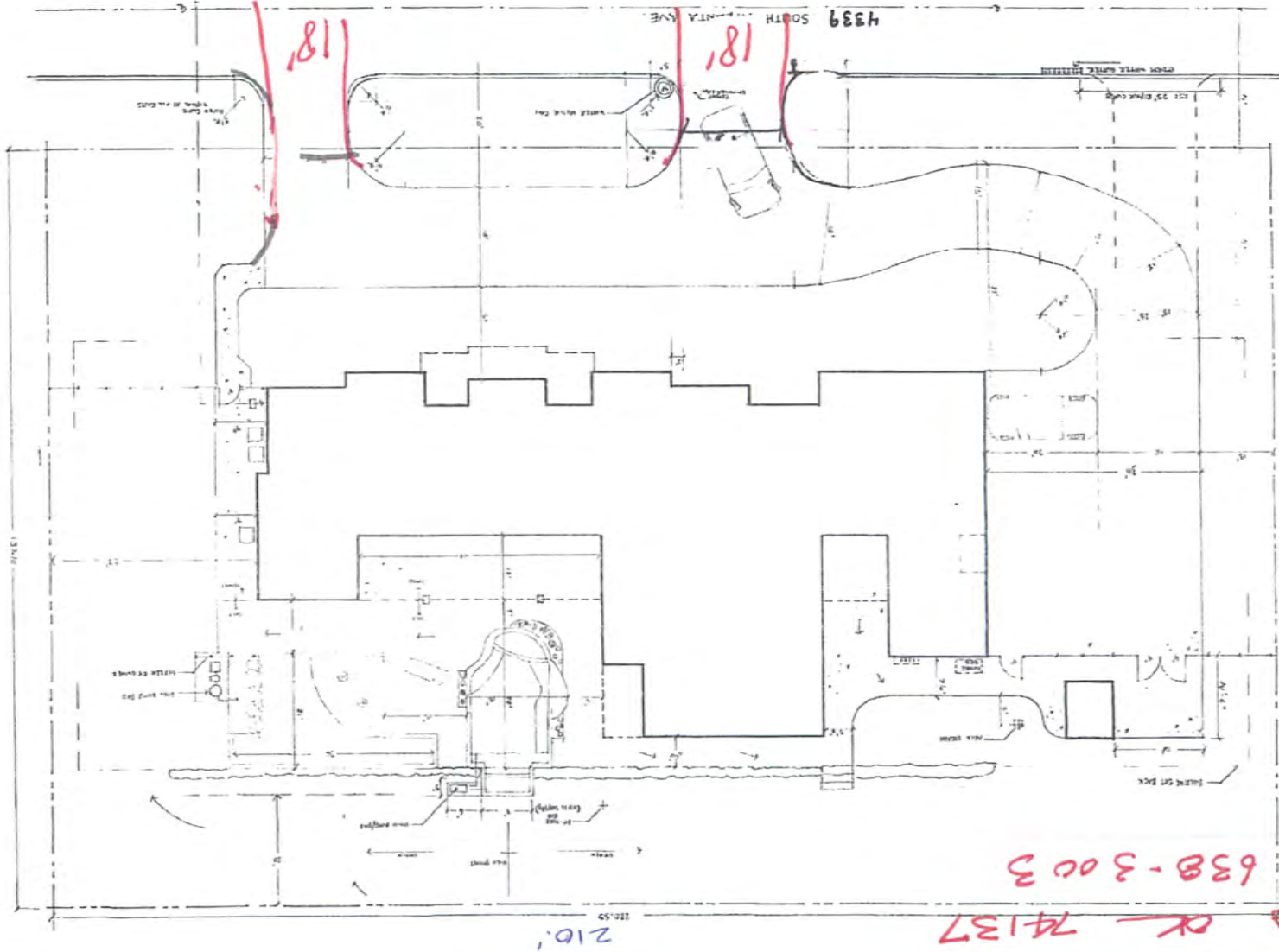
END -ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

Builder
Rick Dodson.
Dodson Building Group.
5929 E 106th Pl.
Tulsa OK 74137
918 638-3003

Owner
Michael Mankey
Plot Plan
Block 1 Skyview Addition Address Below -
Ct 7+8



* Revised *
4339 S. ATLANTA AVE



CITY OF Tulsa

Board of Adjustment

Case Number: B0A-23544

Hearing Date: 07/11/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

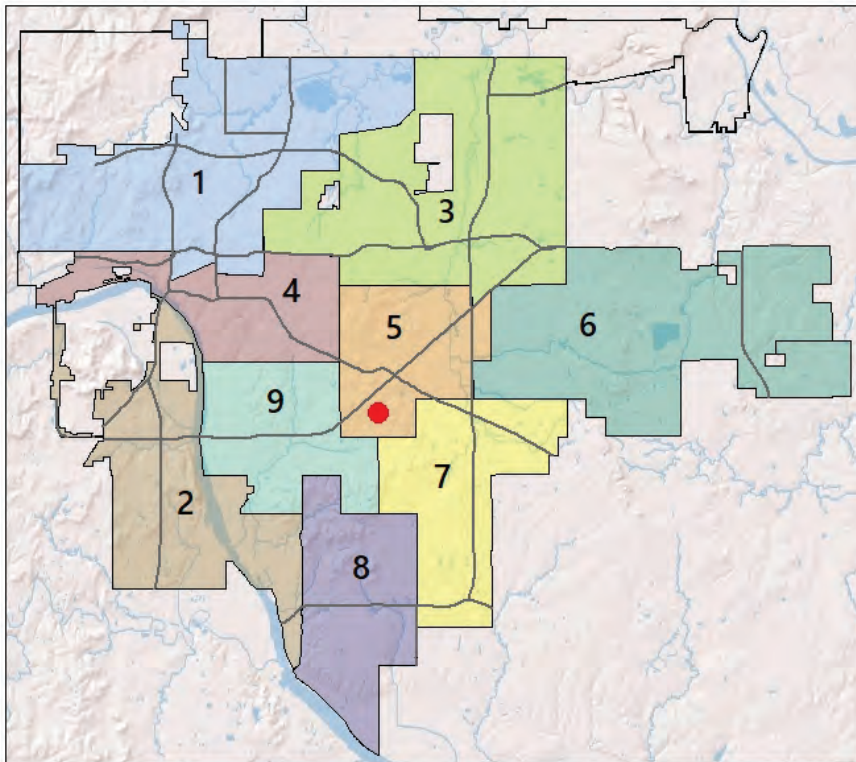
Owner and Applicant Information:

Applicant: Chris Stevens

Property Owner: Harm T Holdings LLC

Action Requested: Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the IL District (Sec.15.020, Table 15-2)

Location Map:



Additional Information:

Present Use: Industrial

Tract Size: 4.59 acres

Location: 6500 E. 44 St. S.

Present Zoning: IL



E 41ST ST S

S 68TH E AVE

S 70TH E AVE

E 42ND ST S

SUBJECT TRACT

E 43RD ST S

E 44TH ST S

S LAKEWOOD AVE

S MAPLEWOOD AVE

E 45TH ST S

S SHERIDAN RD

E 46TH ST S

E 46TH ST S

E 46TH PL S

E 47TH ST S

E 47TH PL S

S 66TH E AVE

S 67TH E AVE

S 69TH E AVE

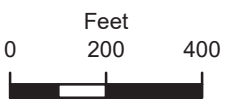
S 70TH E AVE

S LAKEWOOD AVE

S MAPLEWOOD AVE

S NORWOOD AVE

S OXFORD AVE



Subject
Tract

BOA-23544

19-13 26

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2023



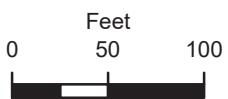
7.2



S SHERIDAN RD

E 44TH ST S

SUBJECT TRACT



BOA-23544

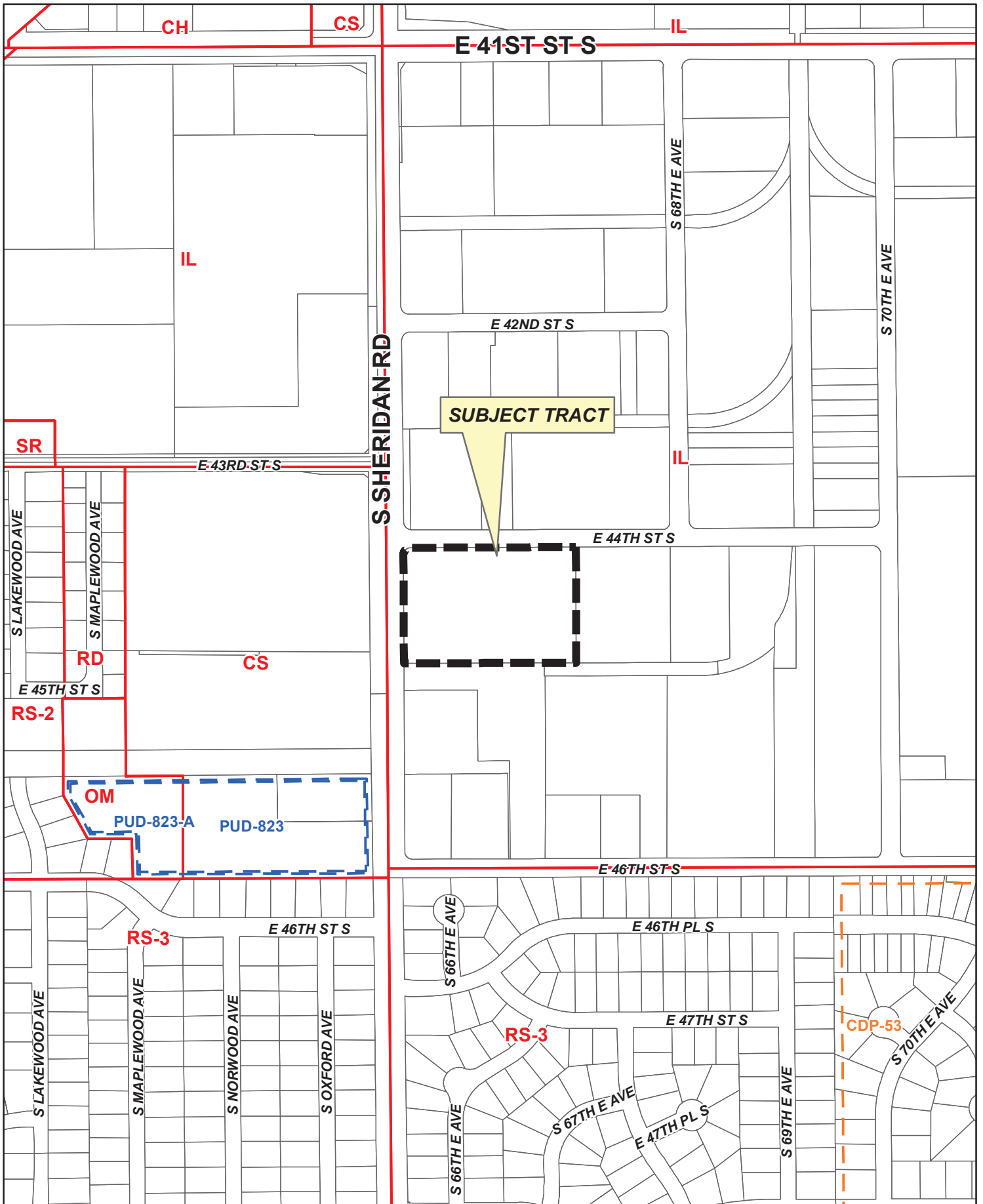
19-13 26

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2023



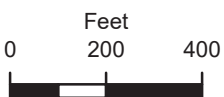
7.3



BOA-23544

19-13 26

7.4



BOARD OF ADJUSTMENT CASE REPORT

STR: 9326

Case Number: BOA-23544

CD: 5

HEARING DATE: 07/11/2023 1:00 PM

APPLICANT: Chris Stevens

ACTION REQUESTED: Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the IL District (Sec.15.020, Table 15-2)

LOCATION: 6500 E 44 ST S

ZONED: IL

PRESENT USE: Industrial

TRACT SIZE: 200106.75 SQ FT

LEGAL DESCRIPTION: LTS 58 THRU 68 BLK 1, KATY FREEWAY INDUSTRIAL PARK ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment" Land Use Designation" and is considered "More Suitable" for Industrial Activity.

The employment designation is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The "Industrial Site Suitability" map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the IL District (Sec.15.020, Table 15-2) to permit an indoor archery range.

The applicant has provided supplemental information in your packet further explaining the proposed use.

SAMPLE MOTION: Move to _____ (approve/deny) a Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the IL District (Sec.15.020, Table 15-2)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
_____.

The Board finds that the requested 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.



Subject Property

CHRIS STEVENS PATRIOT ARCHERY

6504 E. 44th St. Tulsa, OK. 74145

General			
Sheet Number	Sheet Name	Author	Current Revision Date
000	COVER SHEET		
010	GENERAL NOTES AND A/C		
020	REFLECTED CEILING		
Architectural			
Sheet Number	Sheet Name	Author	Current Revision Date
A10	1ST FLOOR		
A11	OVERALL FLOOR PLAN		
A12	OVERALL REFLECTED CEILING		

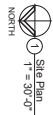
Note

Sec.15.020 Table 15-2: Your proposed location is considered an Event Center, designated a Commercial/Assembly & Entertainment/Other Indoor/Small (up to 250-person capacity) Use. This facility is in an IL zoned district and will require a Special Exception approved by the Board of Adjustment (BOA).

Review comment: Submit an approved BOA Special Exception, reviewed and approved per Sec.70.120, to allow a Commercial/Assembly & Entertainment/Small (up to 250-person capacity) Use in the IL district. Contact the Tulsa Planning Office at 918-584-7526 for further information and next steps.

nblar architects
NORTH BLADE ARCHITECTS, PLLC, P.C.

AMSTER ARCHITECTS
P.O. BOX 2446
112 S.E. GENTRY AVE. PRIME TOWER
SUITE 100
BARTLESVILLE, OKLAHOMA 74003
PHONE 918.334.2572



A100

JOB NUMBER 000000

REVISION NUMBER

DRAWN BY: SEM
CHECKED BY: JNE

CHECKED BY: JNE

SITE PLAN

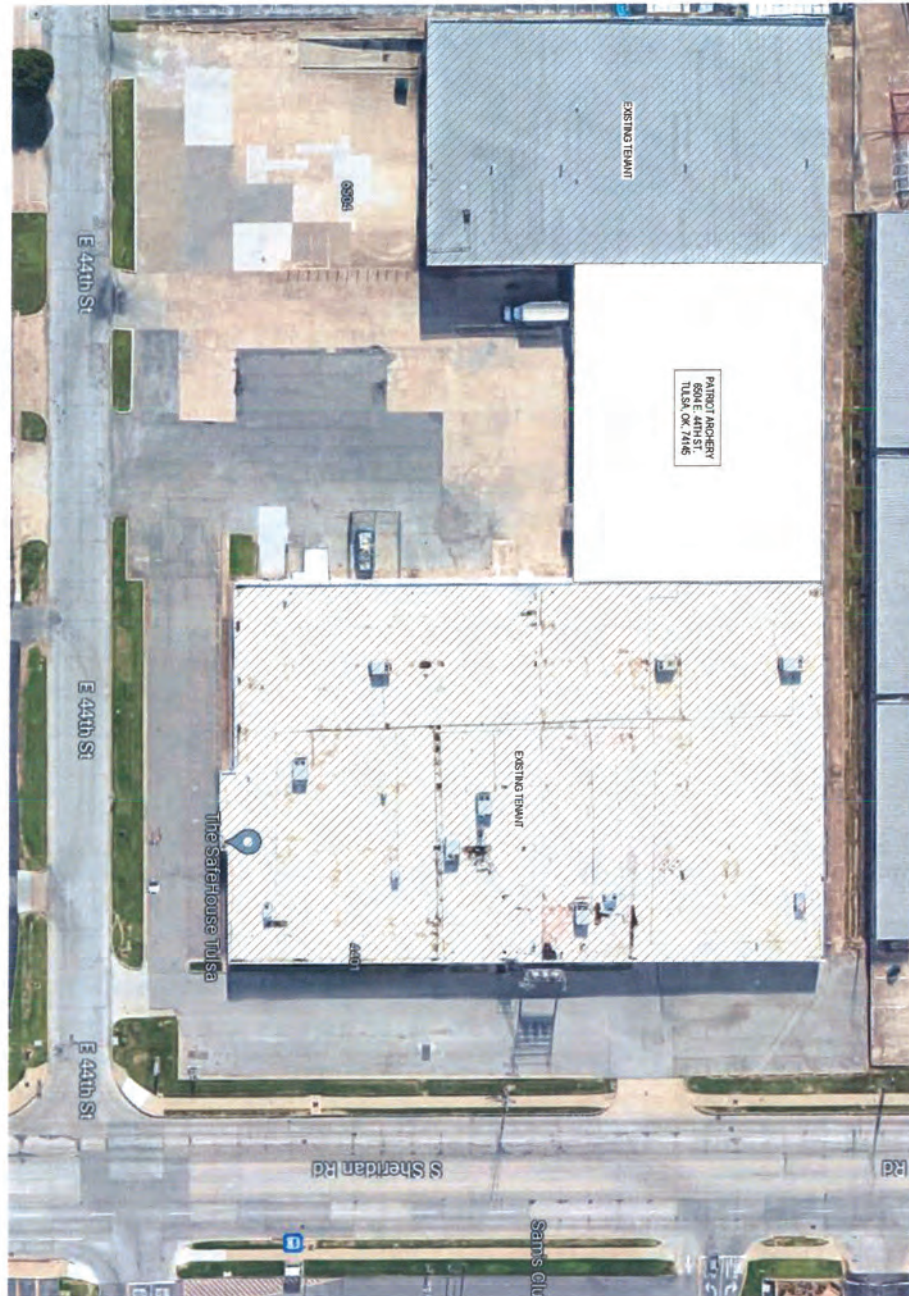
ORIGINAL ISSUE:	05/19/2023
REVISED ISSUE:	

REVISED ISSUE

CHRIS STEVENS
PATRIOT ARCHERY
6504 E. 44th St. Tulsa, OK. 74145

PERMIT REVIEW





A100

1000000 1000000

DRAWN BY: SEM
CHECKED BY: JAE

SITE PLAN

ORIGINAL ISSUE	05/190023
REVISED ISSUE	

CHRIS STEVENS
PATRIOT ARCHERY
6504 E. 44th St. Tulsa, OK. 74145

PERMIT REVIEW

ambler | architects

www.amberarchitects.com





To whom it may concern,

We plan to open an indoor archery and sports facility at 6504 E 44th St Ste B Tulsa, OK 7145 this summer. We will be open for business Tue-Fri 9am – 9pm, Sat 8am - 9pm, and Sun noon to 6pm. Our daily operation will be open to customers interested in shooting on our archery ranges and simulators. We will also have billiard tables, cornhole, and concessions available to our customers. We will eventually hold a monthly indoor archery tournament and a monthly cornhole tournament at the facility. These tournaments will occur on weekends as not to interfere with or obstruct the operation of surrounding businesses. Our patrons will park in the parking lot on the north side of the building during daily operations.

Respectfully,

Christopher Stevens

Owner/Operator



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23545

Hearing Date: 07/11/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

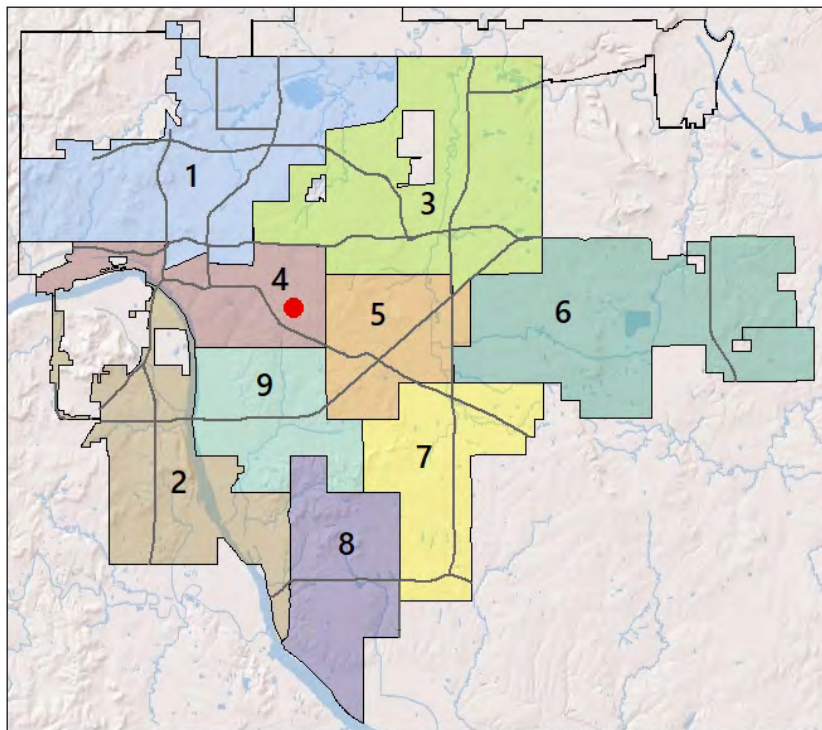
Owner and Applicant Information:

Applicant: Raul Cisneros

Property Owner: Marcela Homes LLC

Action Requested: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5);

Location Map:



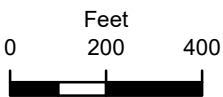
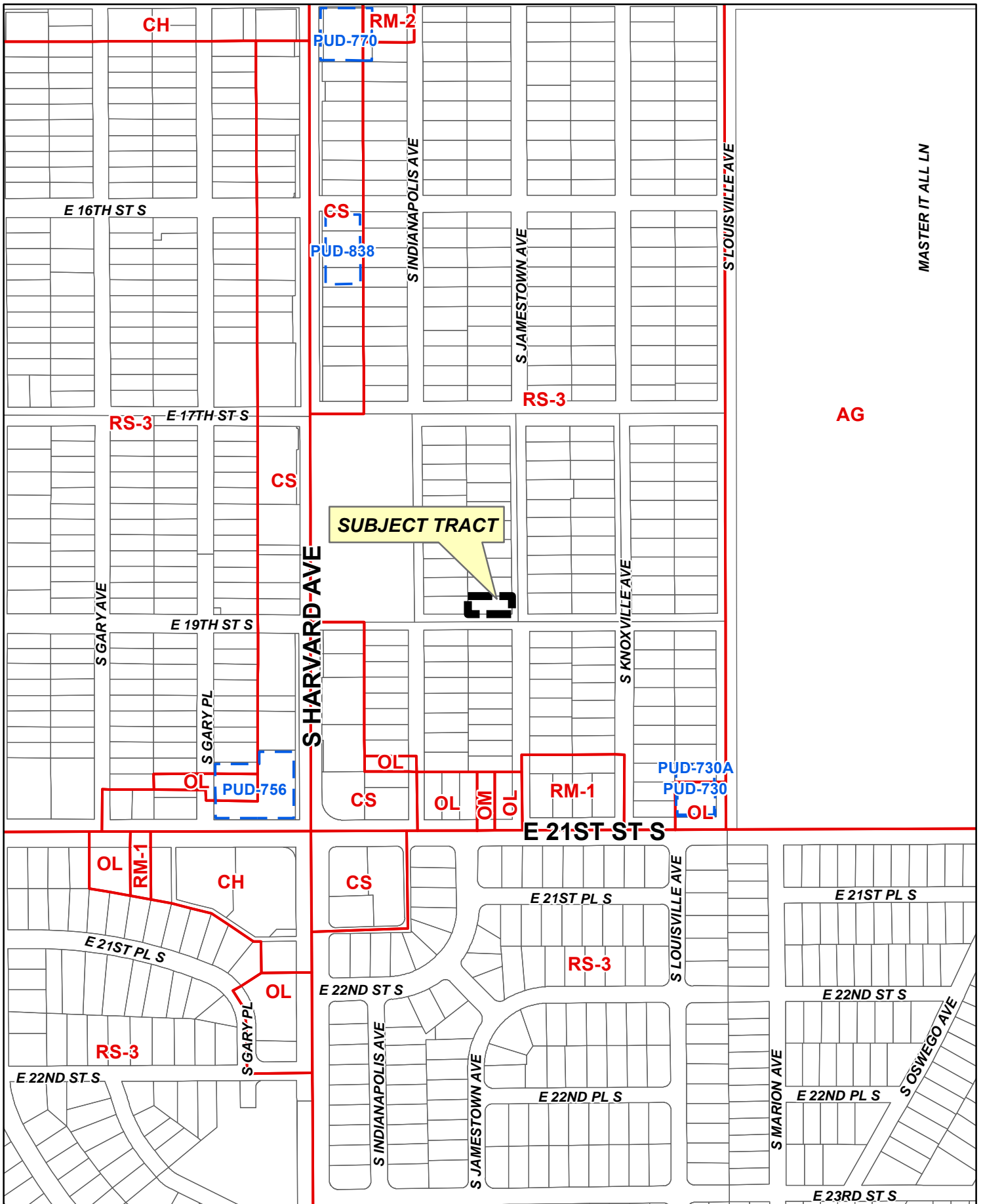
Additional Information:

Present Use: Single-family Residence

Tract Size: 0.18 acres

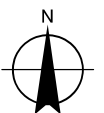
Location: 1746 S. Jamestown Ave.

Present Zoning: RS-3



BOA-23545

19-13 09



8.2

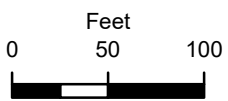


SUBJECT TRACT

E 19TH ST S

S INDIANAPOLIS AVE

S JAMESTOWN AVE



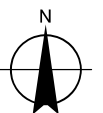
Subject
Tract

BOA-23545

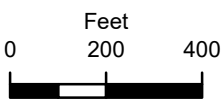
19-13 09

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2023

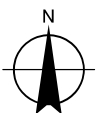


8.3



BOA-23545

19-13 09



8.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9309

Case Number: BOA-23545

CD: 4

HEARING DATE: 07/11/2023 1:00 PM

APPLICANT: Raul Cisneros

ACTION REQUESTED: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5);

LOCATION: 1746 S JAMESTOWN AV E

ZONED: RS-3

PRESENT USE: Single-family Residence

TRACT SIZE: 7980.22 SQ FT

LEGAL DESCRIPTION: LT 11 BLK 1, SUNRISE TERRACE SECOND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject Property:

Z-7700; On 04.05.23 the TMAPC recommended *denial* of a rezoning from RS-3 to RT (Residential Townhouse).

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood" .

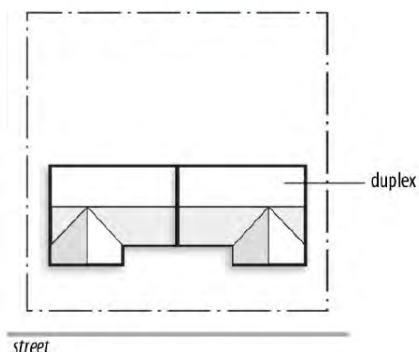
Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5):

35.010-E Duplex

A duplex is a principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The 2 dwelling units are attached and may be located on separate floors or side-by-side.

Figure 35-5: Duplex



SAMPLE MOTION: Move to _____ (approve/deny) a _____

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
_____.

The Board finds that the requested 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.



Subject property



CITY OF Tulsa

Board of Adjustment

Case Number: B0A-23548

Hearing Date: 07/11/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

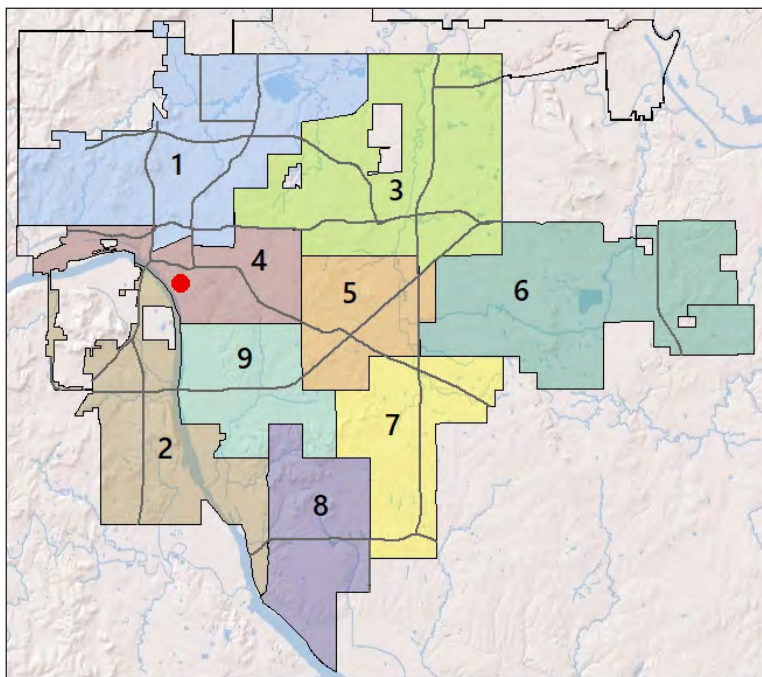
Owner and Applicant Information:

Applicant: Joseph L. Hull IV

Property Owner: Boston Avenue Realty LLC

Action Requested: Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot(Sec. 50.030-F.2.C)

Location Map:



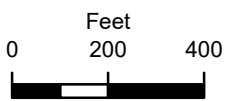
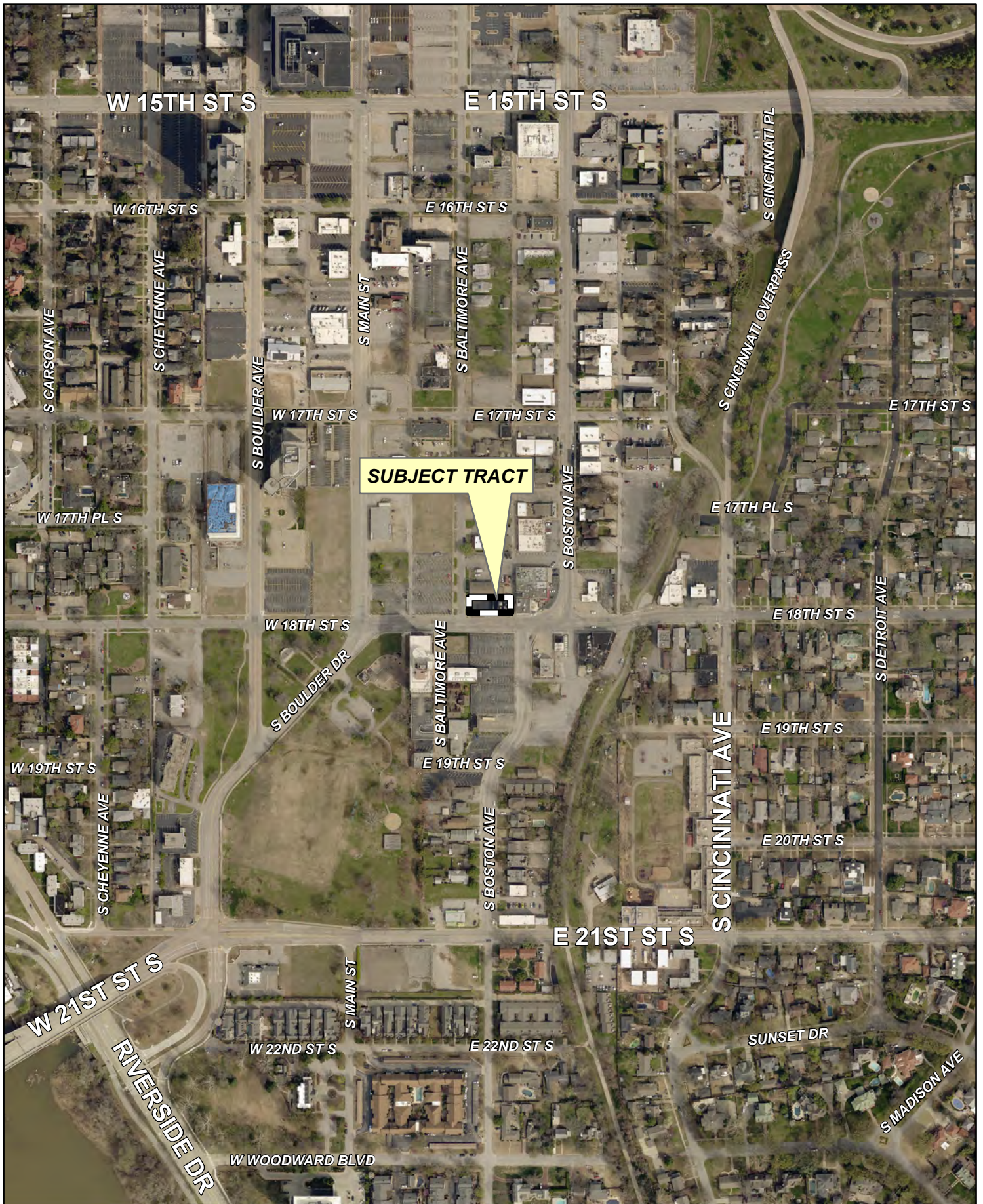
Additional Information:

Present Use: Parking Lot

Tract Size: 0.15 acres

Location: 35 E. 18 St. S.

Present Zoning: CH



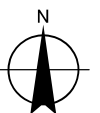
Subject
Tract

BOA-23548

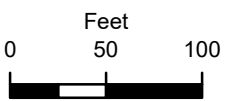
19-12 12

Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: 2023



9.2



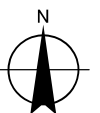
Subject
Tract

BOA-23548

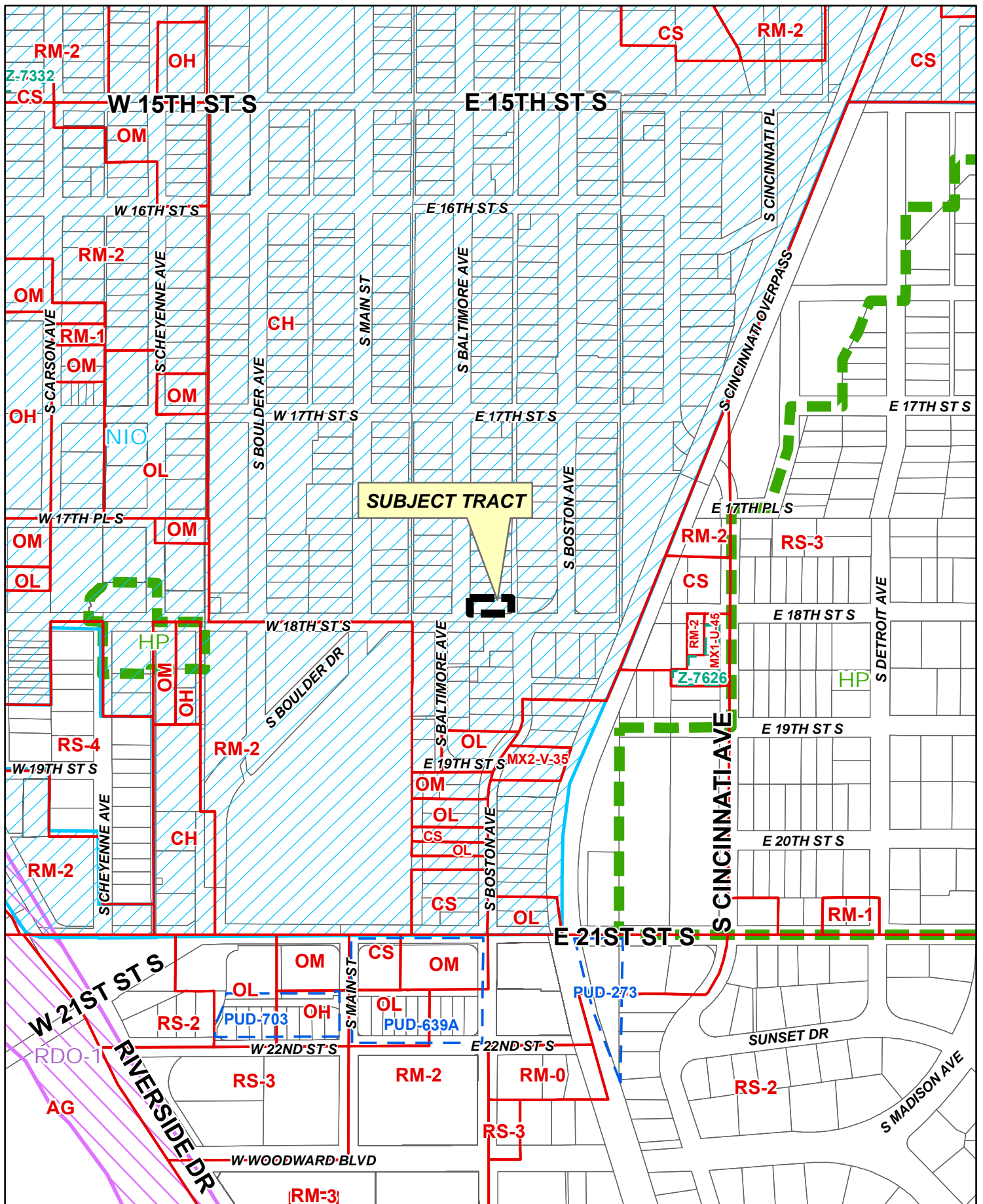
19-12 12

Note: Graphic overlays may not precisely align with physical features on the ground.

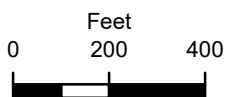
Aerial Photo Date: 2023



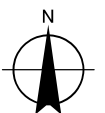
9.3



BOA-23548



19-12 12



9.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: BOA-23548

CD: 4

HEARING DATE: 07/11/2023 1:00 PM

APPLICANT: Joseph L. Hull IV

ACTION REQUESTED: Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot(Sec. 50.030-F.2.C)

LOCATION: 35 E 18 ST S

ZONED: CH

PRESENT USE: Parking Lot

TRACT SIZE: 6499.18 SQ FT

LEGAL DESCRIPTION: LT 7 BK 2, STUTSMAN ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Multiple Use" Land Use designation.

Multiple Use areas are "Mostly Commercial or Retail Uses" which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

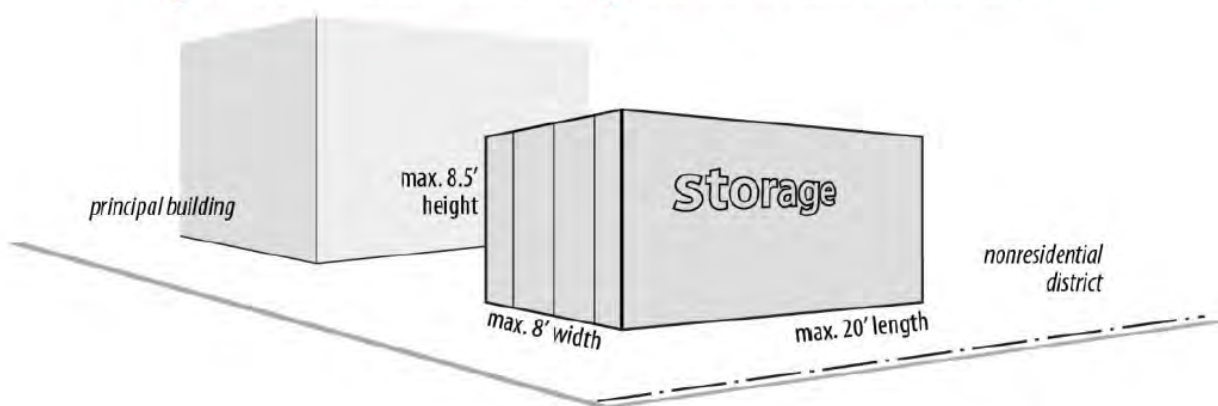
STATEMENT OF HARDSHIP:

Applicant has provided a separate exhibit included in you packet describing their hardship.

STAFF ANALYSIS: The applicant is requesting a Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot(Sec. 50.030-F.2.C):

- c.** Temporary mobile storage units may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See [Figure 50-2](#).

Figure 50-2: Maximum Mobile Storage Unit Size in Nonresidential Districts



The applicant is requesting permission to allow 2 storage units that are both 8-feet wide and 40-feet long.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The property would be allowed 3 storage units at a size of 20-feet x 8-feet by right. The applicant has not provided reasons why that would not be adequate toward the needs of the property owner.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*



Subject Property

Permit Number: TMH-148583-2023

Report History | Specifications | Map/Memo

Type:	Manufactured/Mobile Temp Use: Commercial	Status:	In Review	Project Name:	
IVR Number:	249396	Applied Date:	05/10/2023	Issue Date:	
District:	Council District 4	Assigned To:		Expire Date:	
Finalized Date:					
Description:	40' shipping container will be used for temporary storage and office space for adjacent food truck business.				

Temporary Use Review

Submission Status	Received Date	Due Date	Completed Date
Requires Re-submit	05/15/2023	06/28/2023	06/02/2023

❗ Planning/Zoning • Requires Re-submit • Bush Jeff • Completed : 05/25/2023

Due Date	Completed Date
06/28/2023	05/25/2023

Comment

Exceeds length. Marked plan 5/25/23

HARDSHIPS

In Feb 2022, the largest unit within the shopping center (1738 S Boston Ave) was destroyed in a fire. Proposed variance will allow for the efficient construction process that will significantly expand the shopping center's gross area leading to substantial increases in annual gross taxable revenues. The expansion of the gross area is a requirement for the feasibility of the project due to the current market and cost of construction conditions.

The adjacent shopping center will be undergoing a \$5.9MM re-development beginning in July 2023, with material procurement beginning immediately requiring storage. . Applicant is the owner of the surrounding and adjacent shopping center properties at 1734,1738,1740,1742 S Boston, 1735-1739 S Baltimore, and 39 E 18th, and as such has no objection to the variance(s) sought.

In January 2023 applicant/owner/developer demolished the derelict improvements atop the subject real estate at 35 E 18th St., with the purpose that the lot be used as a construction staging and storage site, in preparation for adjacent shopping center re-development project.

The proposed variance(s) in 50.030-f.2c (a-g) will allow for the temporary use of 35 E 18th for construction staging and storage during the 9-14 month construction period. The primary purpose of the proposed variances sought by applicant would to allow for the temporary use of (2) 40' shipping containers, to be situated at the NE corner of 6,500 SF asphalt parking lot at 35 East 18th Street. The 40' containers will be occupied within footprint left by the former 35 E

18th building, at the North and East perimeter walls. Approval of the proposed variance will help applicant surmount practical difficulties related to the volume and size requirements of the construction materials that will need to be stored in close proximity to the construction site.

1. That the physical surroundings, shape, or topographic conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

The physical surroundings of the subject 35 East 18th Street lot make it a part of an assemblage of properties that compose the 18th and Boston Ave shopping center, and is the only lot suitable for the dual use of construction storage and close proximity storage for operating restaurants that will be effected during new construction and shopping center renovation.

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

The intended purpose of 50.030-f.2c (a-g) collectively is to limit the size and term of use of temporary manufactured storage buildings in residential and commercial zones. The subject property is CH zoned, and is located in a historic business district that is undergoing historic levels of investment and re-development. The variance would allow for the proper storage of several large construction components within close proximity to the construction site, which can be achieved without the need for enforcement of the stated provisions.

3. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

The mixed purpose of the variance(s) requested are 2-fold, 1) to act as storage for contractors during construction on adjacent 1738 S Boston Ave lot, 2) to act as storage for the operating businesses that will be effected by shopping center construction and renovations, which is a unique when compared to existing completed properties within the same zoning classification.

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

The hardship was not intentionally created by owner.

5. That the variance to be granted is the minimum variance that will afford relief;

Affirmed.

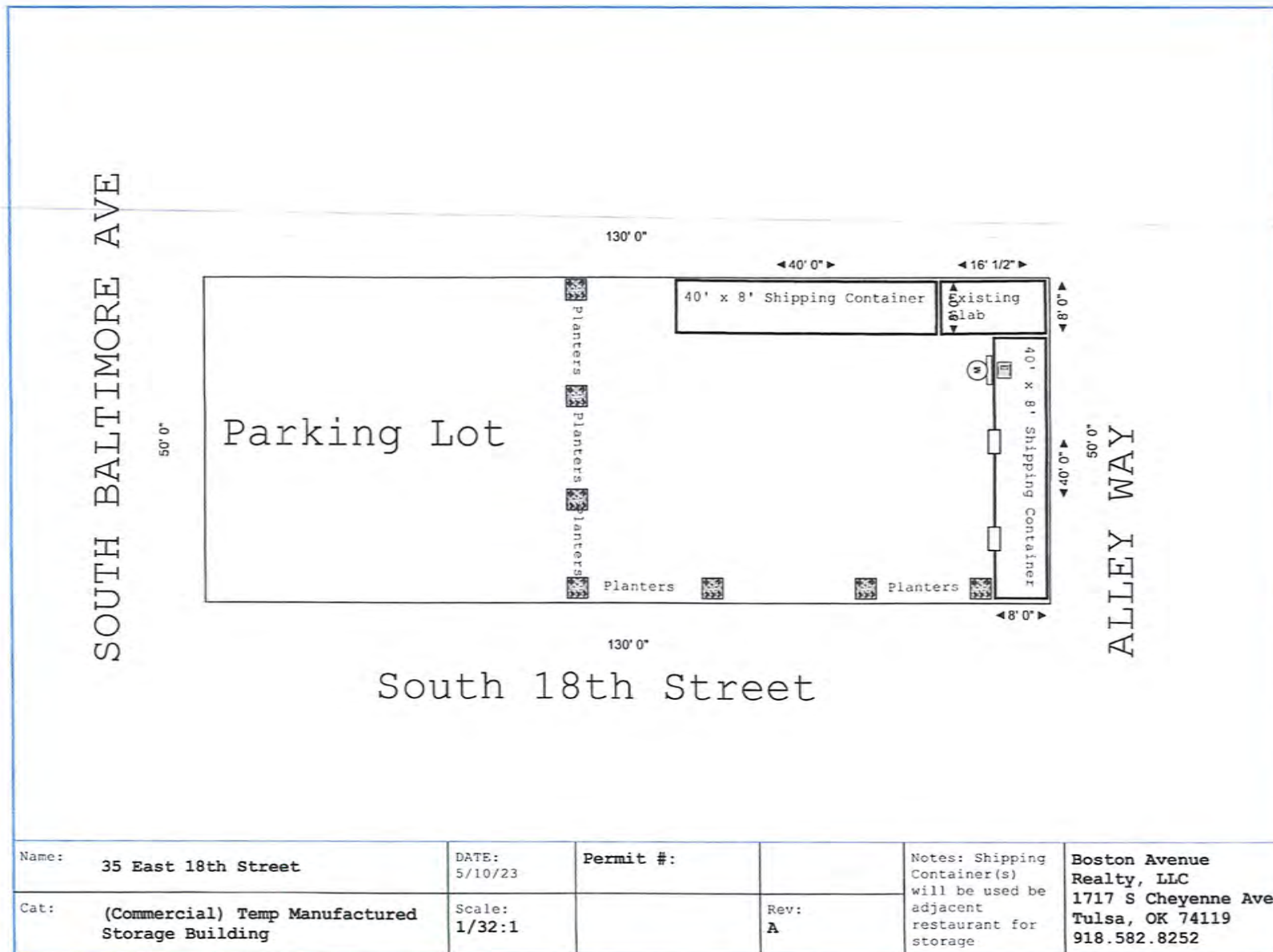
6. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property;
and

Affirmed. The temporary variance to be granted will only serve to facilitate the restoration of the essential character of adjacent historic fire ravaged property while enabling the efficient

operation of the existing businesses during the re-development of the shopping center as a whole.

7. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.

Affirmed.



Markups

Text	Added By	Page
50.030-F.2.a- Temporary mobile storage units are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 180 days or until the permit expires, whichever occurs first. If the principal building on the subject lot has been damaged by natural disaster act of God, the development administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits. Review Comment: Temporary mobile storage unit not to exceed 180 days.	Jeffrey Bush	1
50.030-F.2.c. Temporary mobile storage units may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See Figure 50-2. Review Comment: Please submit plans indicating storage units no longer than 20' in length.	Jeffrey Bush	1



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23549

Hearing Date: 07/11/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

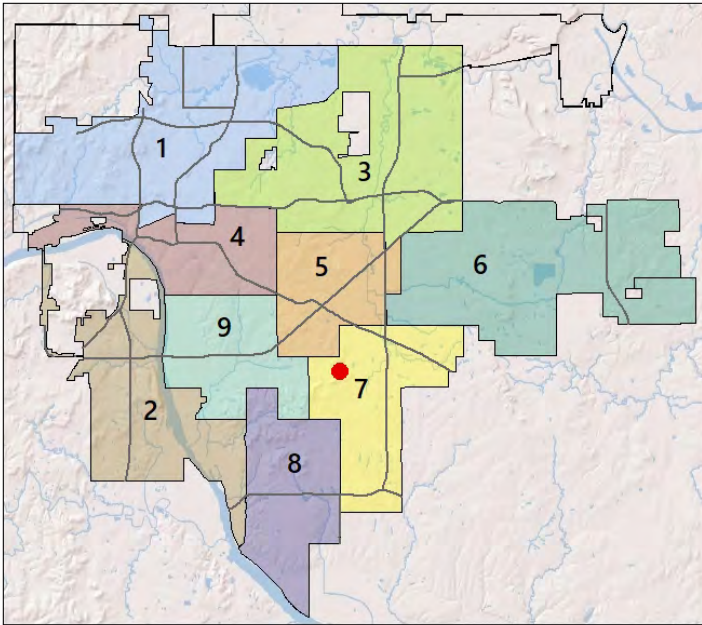
Owner and Applicant Information:

Applicant: Criminal Justice and Mercy Ministries of OK, Inc.

Property Owner: Southtown Holding Company LLC

Action Requested: Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2);

Location Map:



Additional Information:

Present Use: Former Retirement Home/
Nursing Home

Tract Size: 2.65 acres

Location: 5707 S. Memorial Dr.

Present Zoning: RS-3



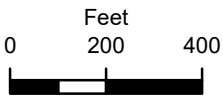
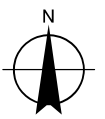
SUBJECT TRACT

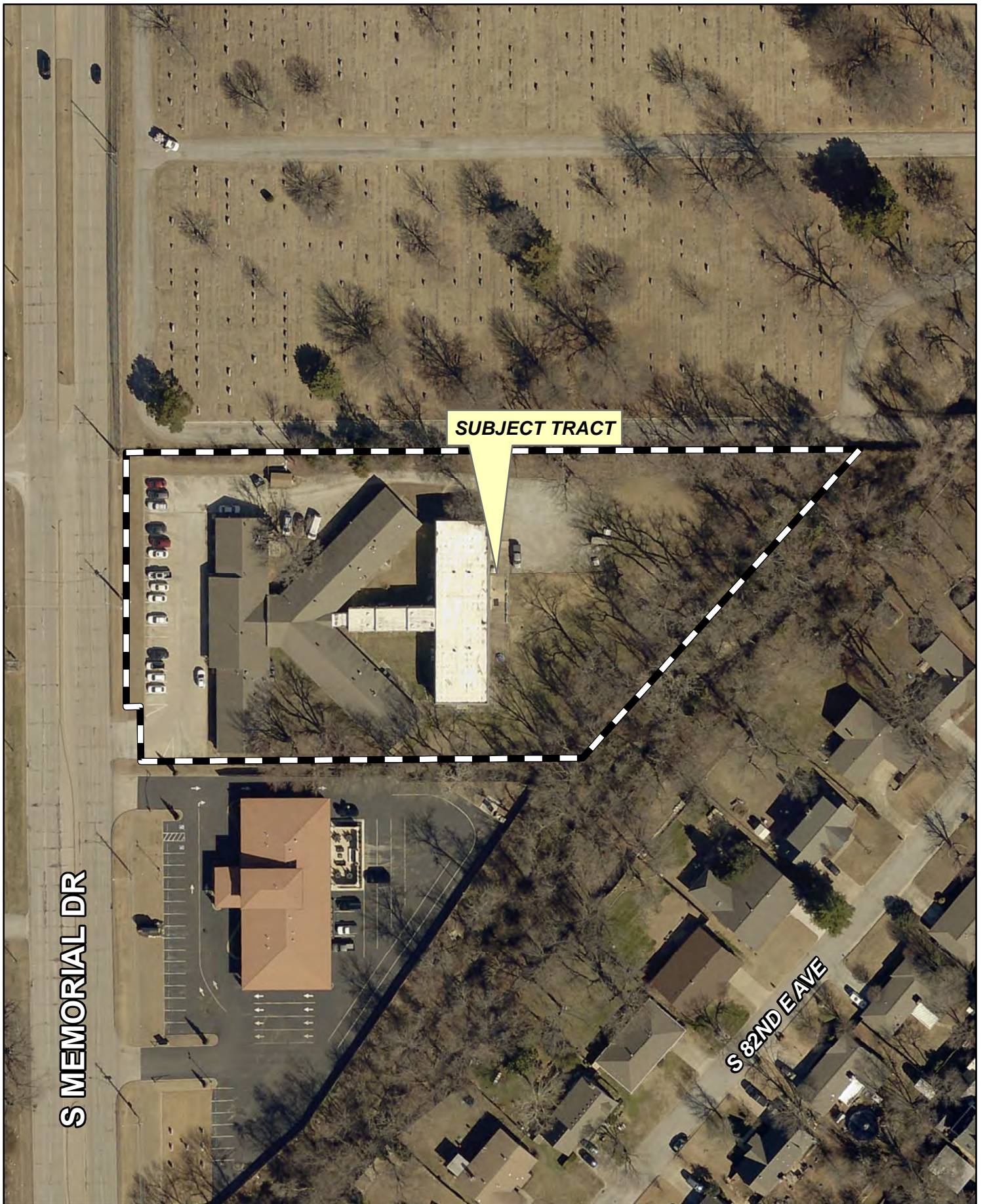
BOA-23549

19-13 36

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2023

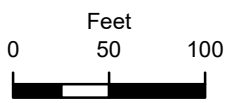




S MEMORIAL DR

S 82ND E AVE

SUBJECT TRACT



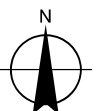
 Subject Tract

BOA-23549

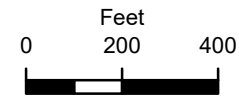
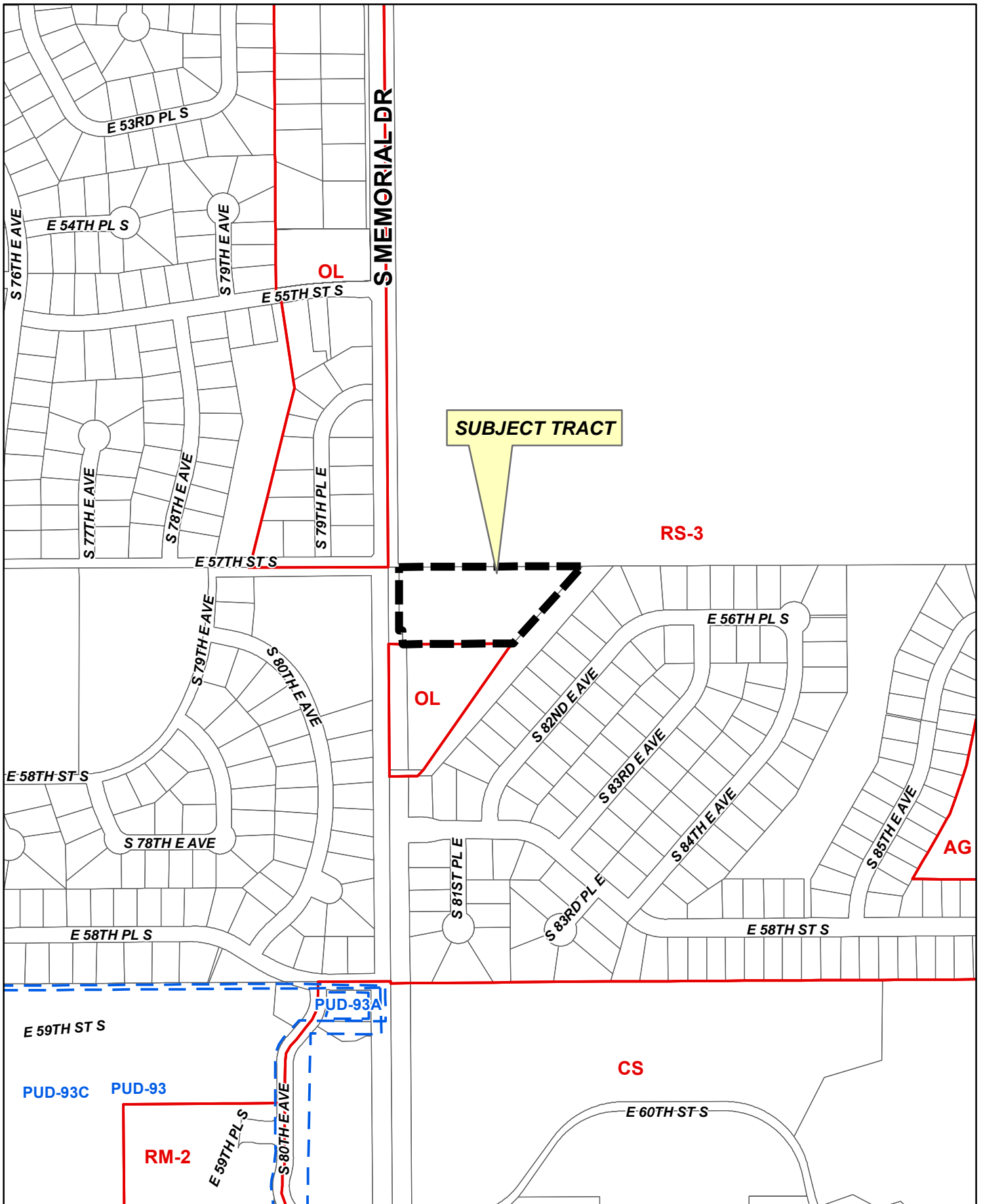
19-13 36

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2023



10.3



BOA-23549

19-13 36



BOARD OF ADJUSTMENT CASE REPORT

STR: 9336

Case Number: BOA-23549

CD: 7

HEARING DATE: 07/11/2023 1:00 PM

APPLICANT: Criminal Justice and Mercy Ministries of OK, Inc.

ACTION REQUESTED: Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2);

LOCATION: 5707 S. Memorial Dr.

ZONED: RS-3

PRESENT USE: Former Retirement Home/ Nursing Home

TRACT SIZE: 115530.31 SQ FT

LEGAL DESCRIPTION: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB SEC 36 19 13 2.65ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Multiple Use" Land Use Designation.

Multiple Use areas are "Mostly Commercial or Retail Uses" which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2);

Transitional Living Center

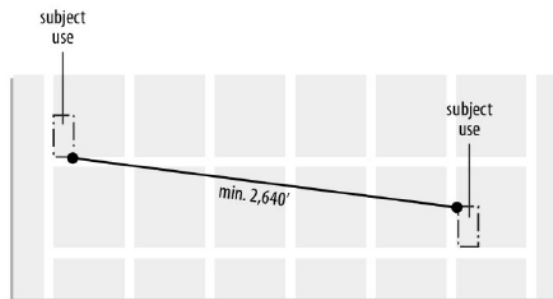
A community-based residential facility that provides room and board, a supervised living environment, counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or drug abuse for a continuous period of no more than 120 consecutive days.

Transitional living uses are subject to the following supplemental regulations:

Section 40.130 Dispersal Standards for Specified Land Uses

- 40.130-A** The supplemental use regulations of this section apply to all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses.
- 40.130-B** To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses (see [Figure 40-6](#)). The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.

Figure 40-6: Dispersal Standards Measurement



Staff would recommend approving the the exception per conceptual plan showing the footprint and location of the exisitng structures. Additonal parking may need to be added to meet code.

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
_____.

The Board finds that the requested 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.



Subject Property



Facing North on Memorial



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY

ZCO-149727-2023 (5707 S MEMORIAL DR E Tulsa, OK 74145) Markup Summary #1

Note (3)



Subject: Note
Page Label: 1
Author: danabox
Date: 5/30/2023 8:40:07 AM
Color: ■

Sec. 40.130-B To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses (see Figure 40-6). The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.

Review Comment: Clearly identify the radius measurement, measure the distance from your property to the closest facility near your property. Identify on the map. Your facility can be no closer than 2,640 feet to the next facility.



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY



Subject: Note
Page Label: 2
Author: danabox
Date: 5/30/2023 8:42:17 AM
Color: ■

Sec.70.080-C: Applications for Zoning Clearance must be accompanied by a legal description of the lot and plans, drawn to scale.

Review comment: Submit a site plan with the following information:

- Actual shape and dimensions of the lot;
- Location and dimensions of all easements;
- Lot lines and names of abutting streets;
- The location, size and height of any existing buildings or structures to be erected or altered, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures to be erected or altered;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

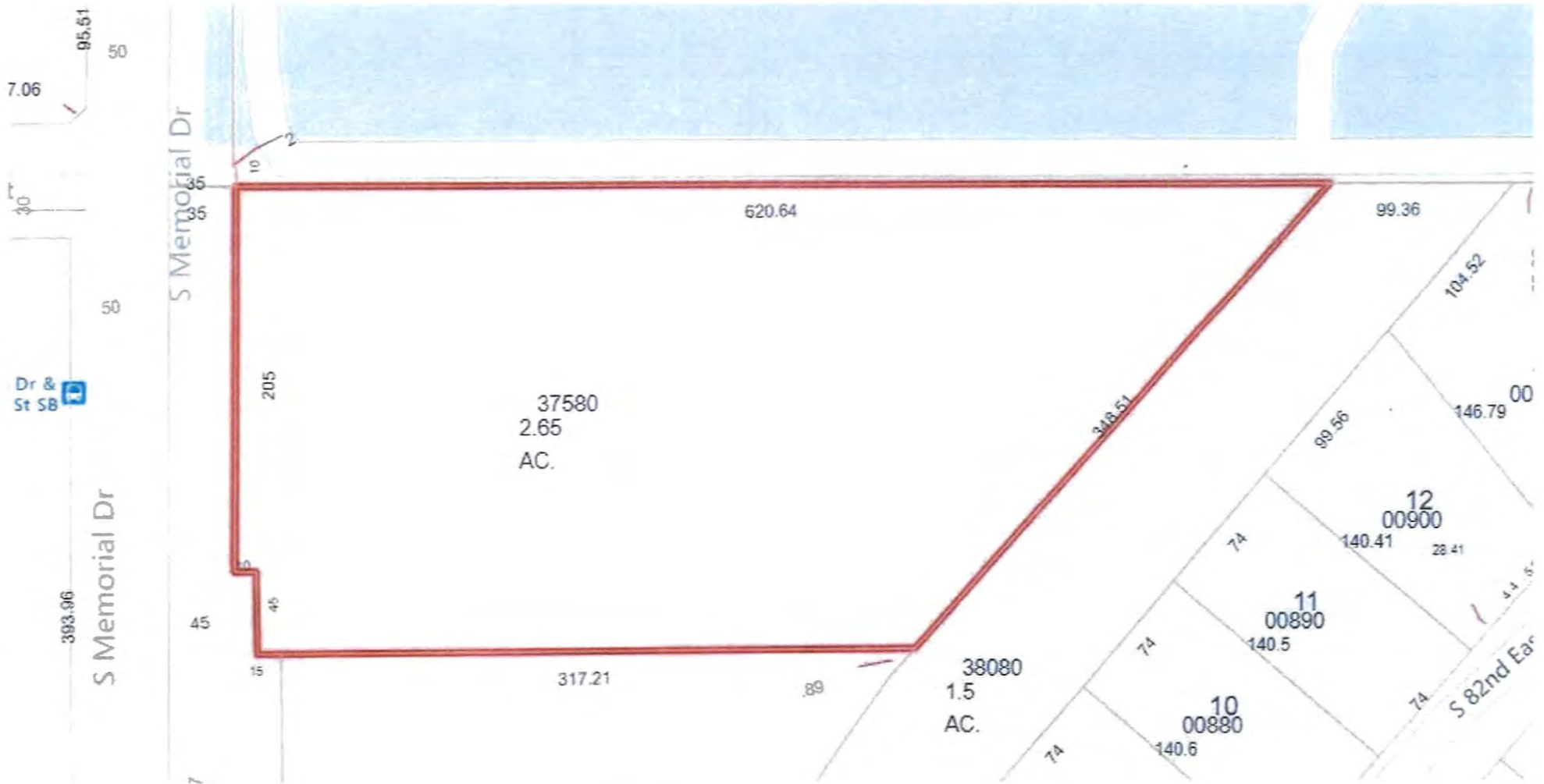


Subject: Note
Page Label: 1
Author: danabox
Date: 5/30/2023 8:47:12 AM
Color: ■

Sec.5.020 Table 5-2: Your proposed facility is designated a Residential/Group Living/Transitional Living Center use and is located in an RS-3 zoning district.

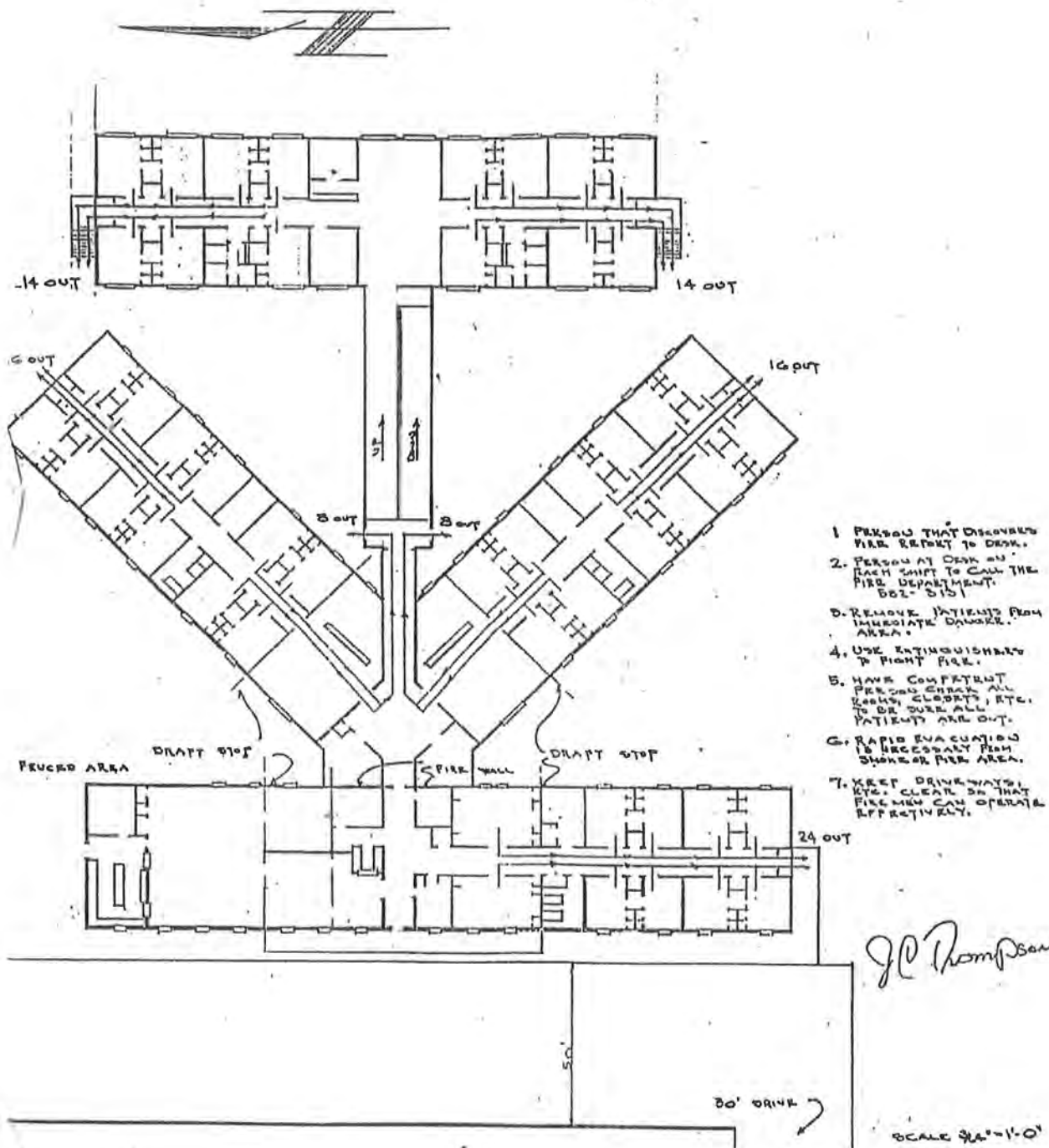
Review Comments: Transitional Living Center uses are only allowed in an RS-3 zone by Special Exception. Submit a Special Exception reviewed and approved per Sec.70.120 to allow a Transitional Living Center use in a RS-3 zoned district. Contact the Tulsa Planning Office at 918-584-7526 for next steps and further instruction.

Actual shape and dimensions of the lot with lot lines and names of abutting streets.



5707 S. Memorial Dr. E., Tulsa, OK 74145

Legal: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB SEC 36 19 13 2.65ACS



Intended Use: Transitional Housing

These are all the existing and proposed buildings, structures or portions of the lot. There are no plans to erect or alter proposed buildings or structures. Parking spaces and entries and exits are shown.

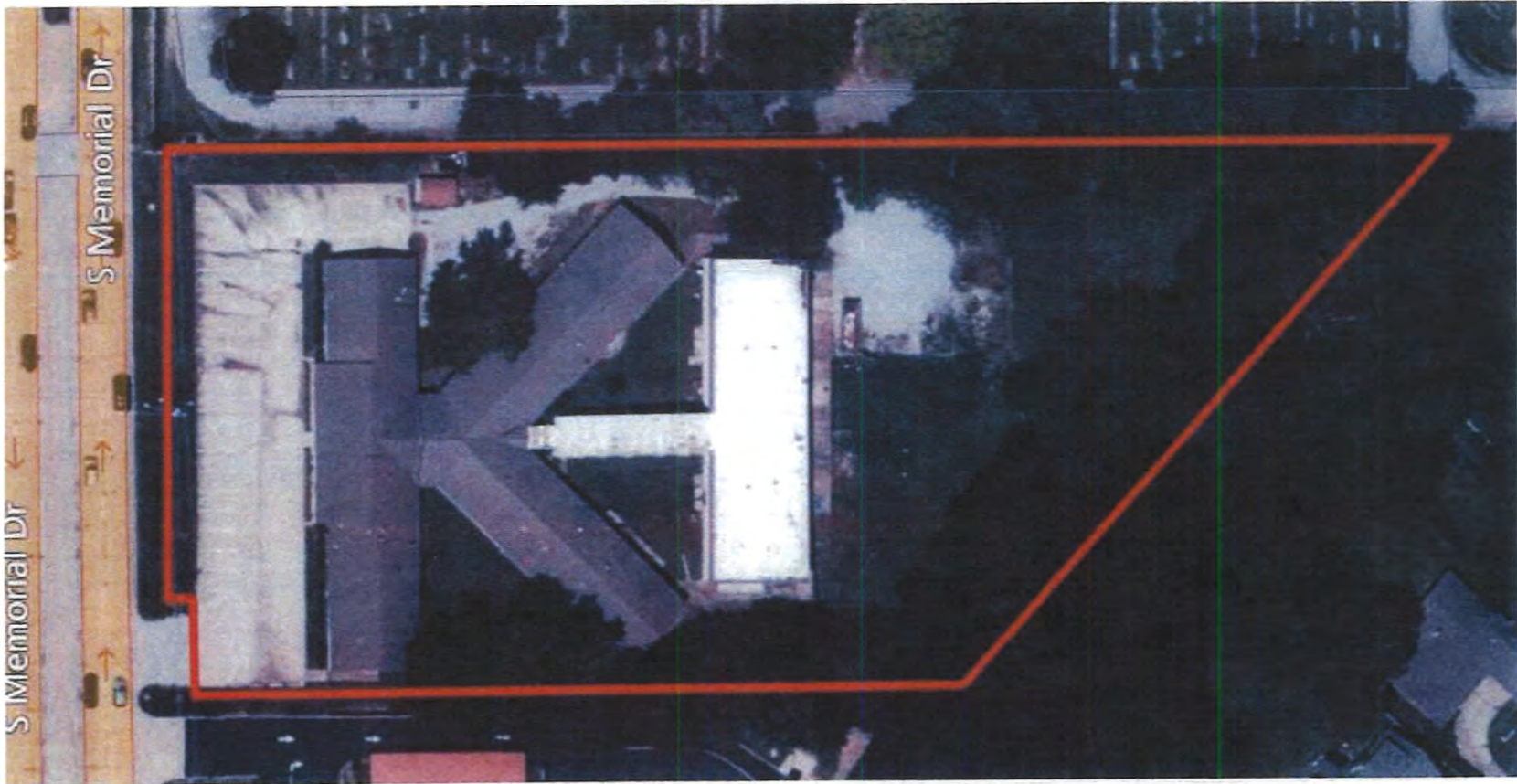


5707 S. Memorial Dr. E., Tulsa, OK 74145

Legal: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG
NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E
& 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB
SEC 36 19 13 2.65ACS

Intended Use: Transitional Housing

These are all the existing and proposed buildings, structures or portions of the lot. There are no plans to erect or alter proposed buildings or structures. Parking spaces and entries and exits are shown.



5707 S. Memorial Dr. E., Tulsa, OK 74145

Legal: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG
NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E
& 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB
SEC 36 19 13 2.65ACS

calcmaps.com

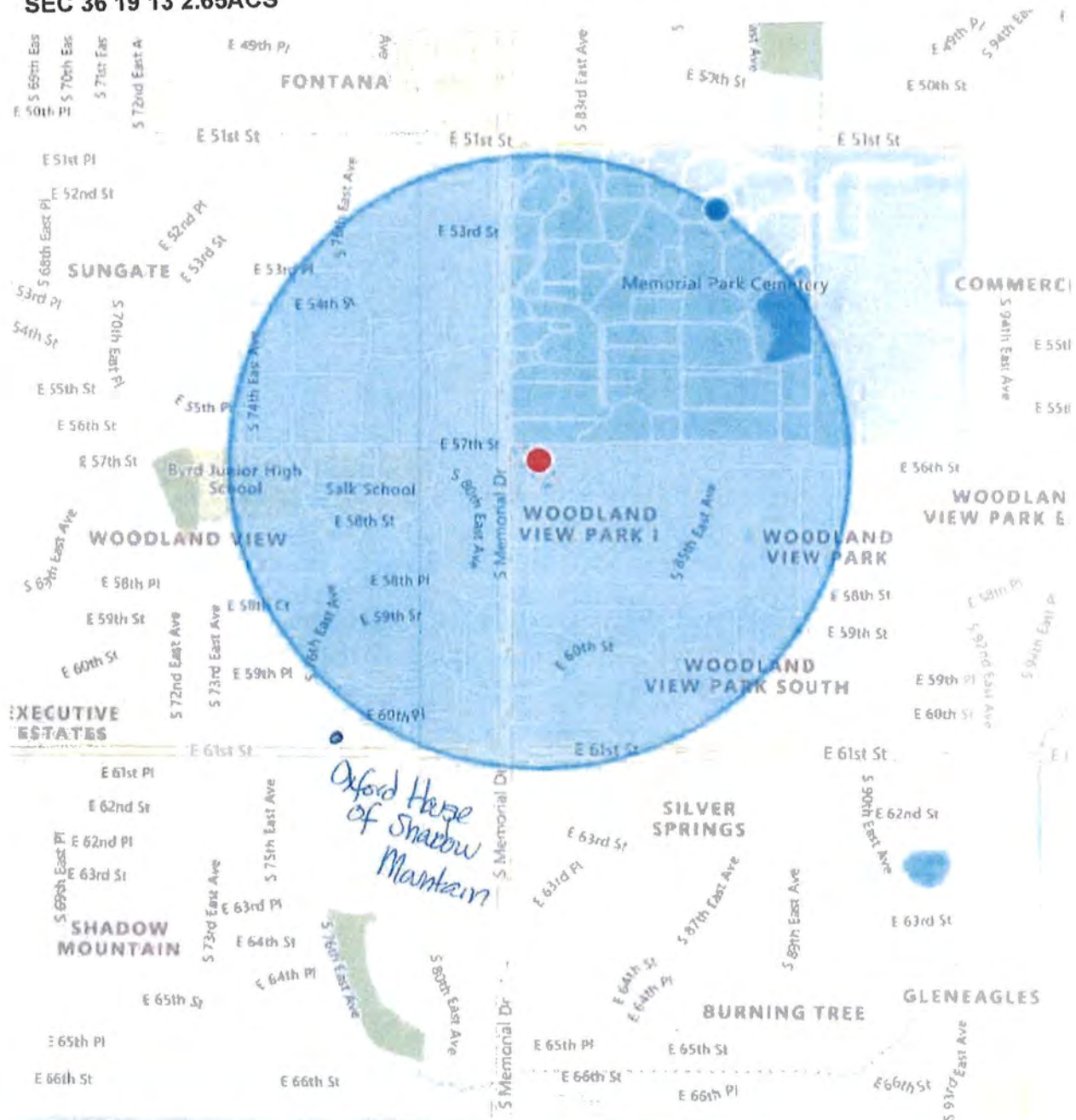
Radius: 805.67 m | 0.81 km | 0.50 mi | 2643 ft | 881.1 yd | 0.44 nm

Circle Area: 2039217 m² | 2.04 km² | 0.79 mi² | 21949951 ft²

Lat, Lon: 36.08232, -95.88549

5707 S. Memorial Dr. E., Tulsa, OK 74145

Legal: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG
 NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E
 & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB
 SEC 36 19 13 2.65ACS



No detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living centers are located within a 2,640 foot radius of the location.





CITY OF Tulsa

Board of Adjustment

Case Number: B0A-23550

Hearing Date: 07/11/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

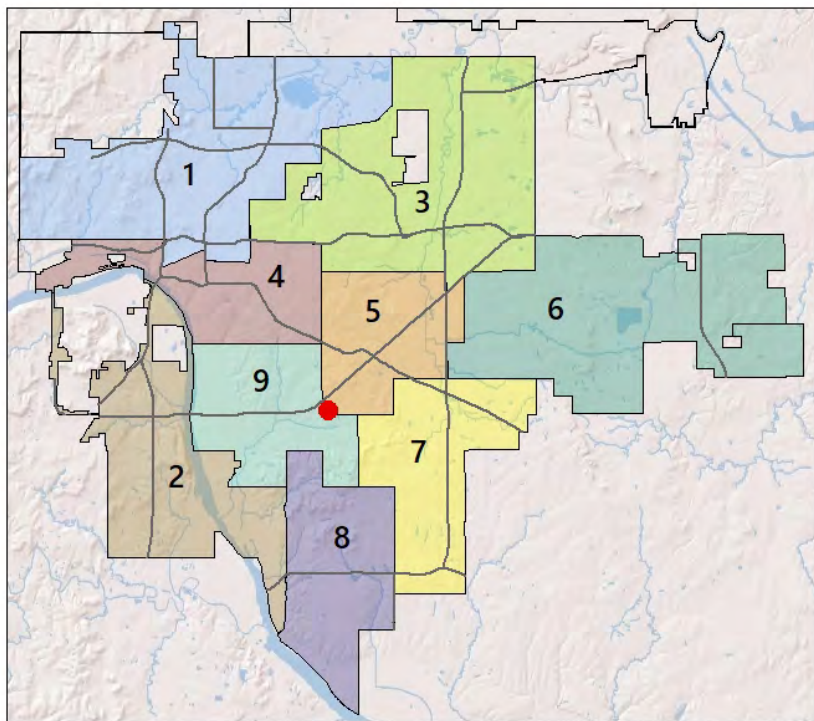
Owner and Applicant Information:

Applicant: Linda Waytula

Property Owner: Jeff McCoy

Action Requested: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

Location Map:



Additional Information:

Present Use: Vacant lot

Tract Size: 1.1 acres

Location: 5115 E. 51 St.

Present Zoning: CS



0 200 400
Feet



Subject
Tract

BOA-23550

19-13 27

Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: 2023



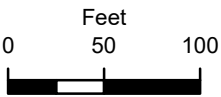
11.2



E 49TH ST S

S BRADEN AVE

E 51ST ST S



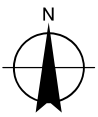
Subject
Tract

BOA-23550

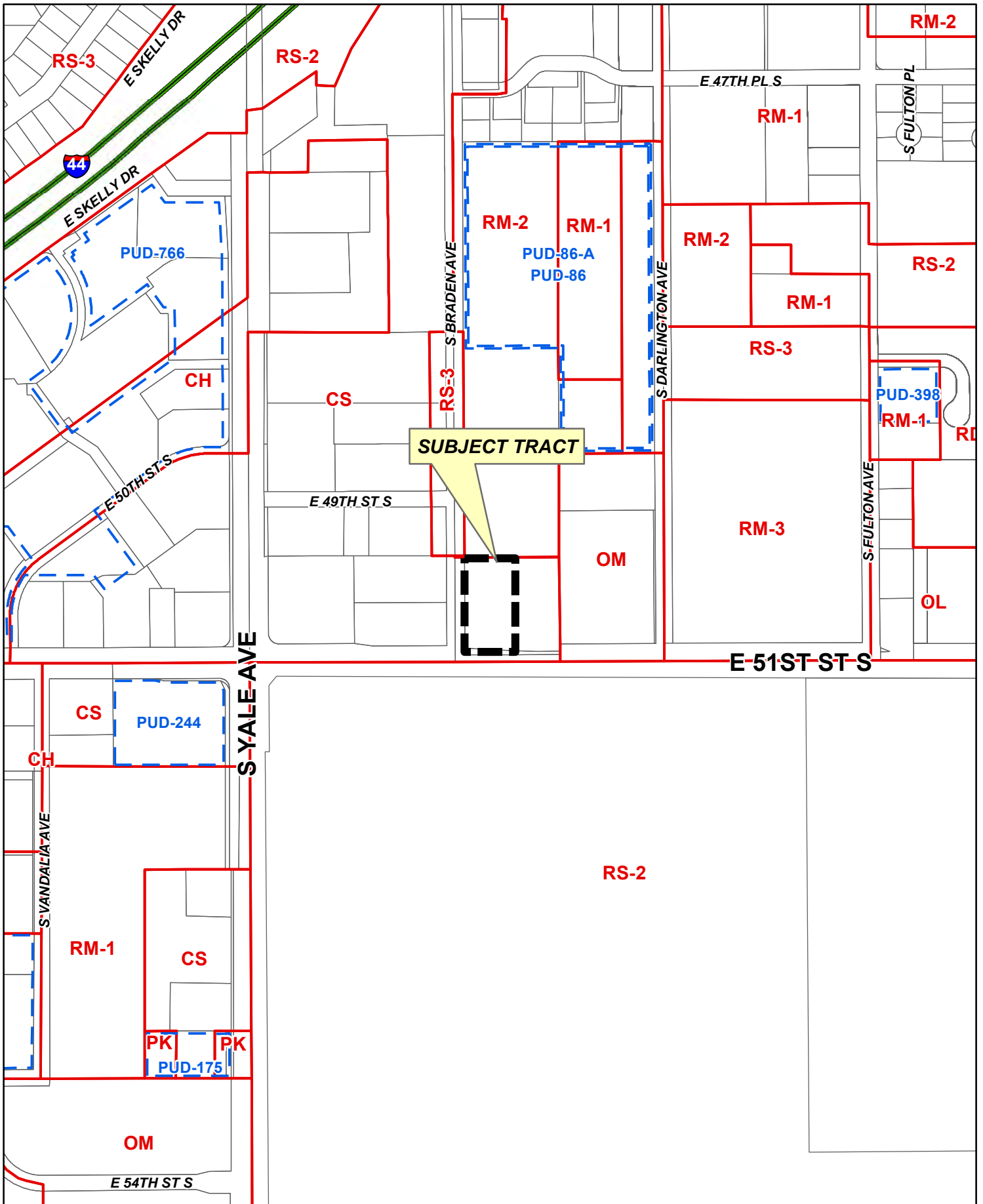
19-13 27

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2023



11.3



BOA-23550

19-13 27

11.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9327

Case Number: BOA-23550

CD: 5

HEARING DATE: 07/11/2023 1:00 PM

APPLICANT: Linda Waytula

ACTION REQUESTED: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

LOCATION: 5115 E. 51 St.

ZONED: CS

PRESENT USE: Vacant lot

TRACT SIZE: 47835.61 SQ FT

LEGAL DESCRIPTION: PRT LTS 17 & 18 BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB; LTS 17 & 18 LESS PRT BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB, CANFIELD SUB CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood" Land Use designation.

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP: Please see attached exhibit.

STAFF ANALYSIS: The applicant is requesting a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.
2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R- zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.

Applicant is proposing a drive through restaurant with lanes and windows facing Braden Ave.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The applicant has not provided any physical constraints on the property other than it being a corner lot.
- Property is currently vacant and it is unclear why a drive-through cannot be designed to meet code.
- As of the writing of this staff report the applicant has not provided any alternative to show what hardship would be created if the drive through were to meet the zoning code.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

- Finding the hardship(s) to be_____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."

Statement of Hardship:

VARIANCES:

The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please describe how your request satisfies each of these conditions at the hearing. (You may include a separate page)

1. That the physical surroundings, shape, or topographic conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

The physical surroundings of our site creates a hardship and practical difficulties of laying out this site for the owner. The property is located with streets on the south and west sides of the property and a residential area to the north. This restricts being able to have a drive-thru and meet the full restrictions of Sec. 55.100-C of the Zoning Code.

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

Our proposed layout minimizes the impact of the existing surrounding area. We are proposing to place the quietest part of the drive-thru process to face S. Braden Ave (the pickup window) and the residential area to the north (cars idling). We feel this is a benefit to not have the order point or the pickup window facing the residential area.

3. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

See attached Exhibit A which contains a list of restaurants located within the City of Tulsa that are commercial properties that have a similar layout to what we are proposing that do not comply with Sec. 55.100-C of the Zoning Code.

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

While working on splitting the lot, the buyer of the East side of the property determined they wanted to be on the East side leaving us with the West portion of the property.

5. That the variance to be granted is the minimum variance that will afford relief;

We have worked on multiple site layouts to try to get this site to work. All layouts don't comply due to the nature of a drive-thru flow requiring three sides of a building to be able to complete the process. The pick-up window faces a Residential Collector. What we are proposing keeps all of the drive-thru associated services from facing any Arterial streets.

6. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property;

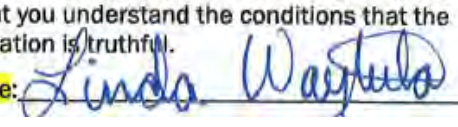
and

the adjacent properties to the east/west are currently zoned Commercial. We will not impair any streets due to this layout keeping all queueing internal to the site.

7. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.

We feel the proposed solution is best for the public as well as the owner.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions. Please sign to acknowledge that you understand the conditions that the Board must find to grant your request and that the information included in this application is truthful.

Applicant Signature: 



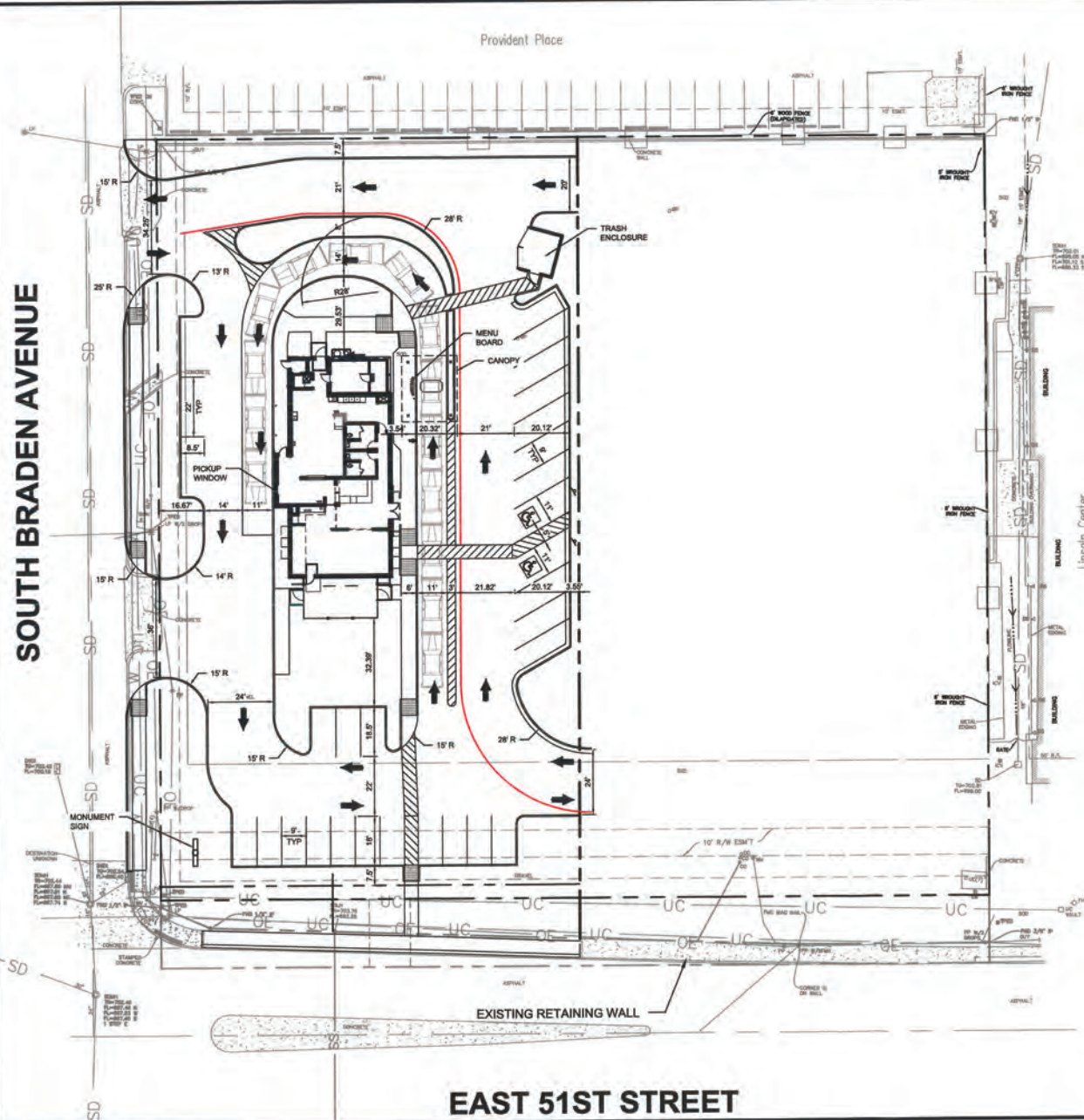
Facing North on Braden Ave.



Subject property

SOUTH BRADEN AVENUE

Provident Place



NOTE:

THIS DRAWING IS CONCEPTUAL IN NATURE AND SHOULD NOT BE CONSIDERED A FINAL DRAWING FOR CONSTRUCTION OR PERMITTING PURPOSES. BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT BEEN FULLY VETTED AT THIS TIME.

- LANDSCAPING REQUIREMENTS
- SITE DETENTION REQUIREMENTS
- BUILDING SETBACKS AND EASEMENTS
- ACCESS REQUIREMENTS / RESTRICTIONS

PARCEL SIZES

OVERALL	85,269 S.F. (1.95± ACRES)
SLIM CHICKENS PARCEL	43,351 S.F. (0.99± ACRES)
REMAINDER	41,918 S.F. (0.96± ACRES)

PROTO

JOURNEY (2,194 NET S.F., 410 S.F. PATIO, 309 S.F. COOLER AREA)

PARKING COUNT

REQUIRED (8.5 SPACES / 1000 S.F.)
22 STANDARD SPACES INCLUDING 2 ADA SPACES
PROVIDED
29 SPACES INCLUDING 2 ADA

STACKING

REQUIRED
3 SPACES FROM MENU BOARD PER LANE
PROVIDED
5 SPACES FROM MENU BOARD PER LANE

CYNTERGY



SLIM CHICKENS

CONCEPTUAL SITE PLAN - OP 2h

1 TULSA, OK - 51st & YALE

SCALE: 1" = 40'-0"

05.18.2023

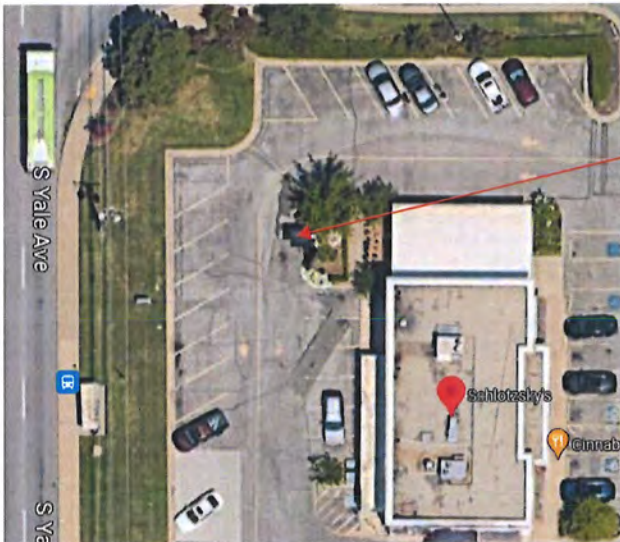
EXHIBIT A

1. Carl's Jr. - 4994 E. 41st St, Tulsa, OK 74135 (Drive-Thru window faces S. Darlington Ave)



Drive-Thru pick up window

2. Schlotzsky's - 4905 E. 41st St, Tulsa, OK 74135 (Order Point faces S. Yale Ave)



Menu board/order point

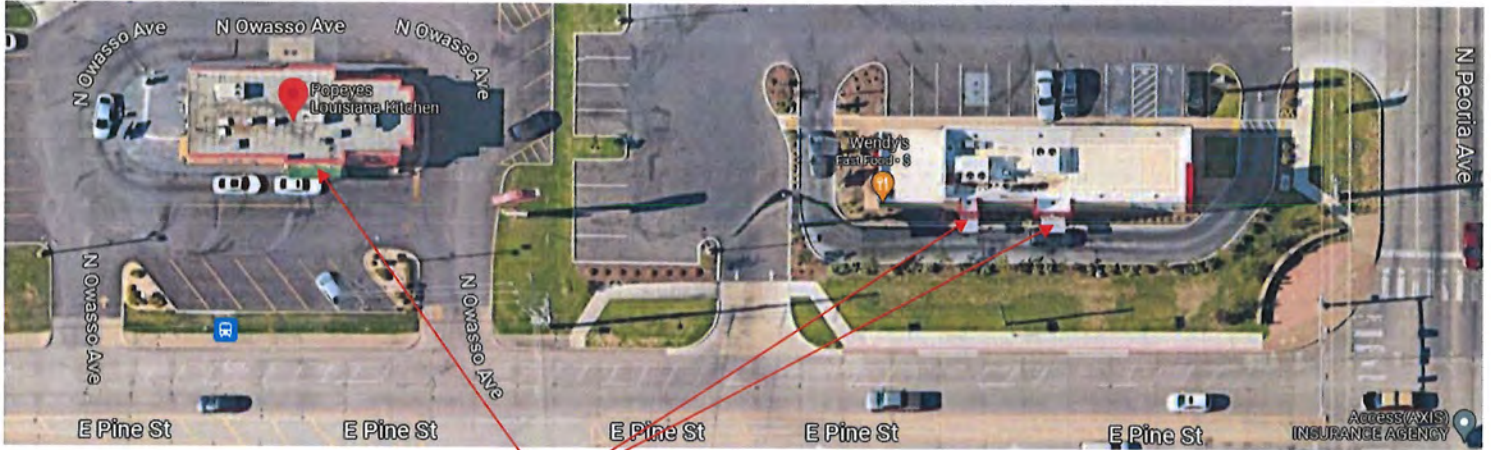
3. Wendy's - 2098 S Wheeling Ave, Tulsa, OK 74104 (Drive-Thru window faces S. Wheeling Ave)



Drive-Thru pick up window

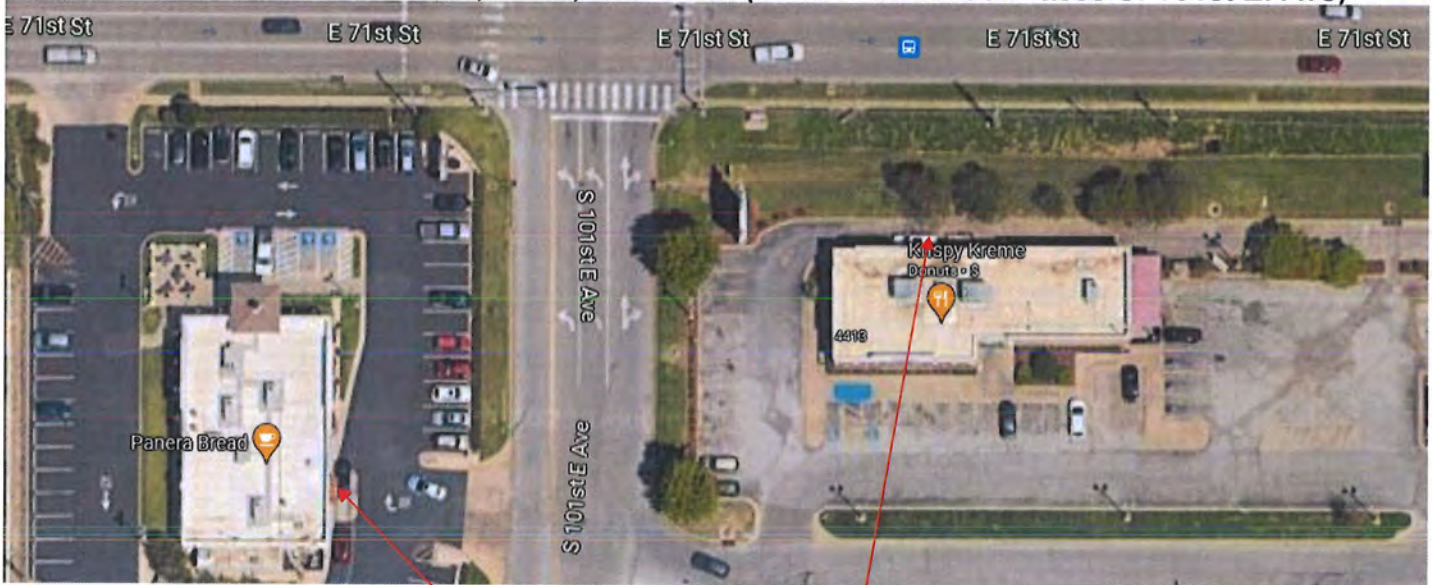
EXHIBIT A

4. Wendy's - 1209 E. Pine St., Tulsa, OK 74106 (Drive-Thru window faces E. Pine St)
5. Popeyes - 1117 E. Pine St., Tulsa, OK 74106 (Drive-Thru window faces E. Pine St)



Drive-Thru pick up window

6. Krispy Kreme - 10128 E. 71st St., Tulsa, OK 74133 (Drive-Thru window faces E. 71st St)
7. Panera Bread - 10027 E. 71st St., Tulsa, OK 74133 (Drive-Thru window faces S. 101st E. Ave)



Drive-Thru pick up window

8. Velvet Taco - 144 S. Peoria Ave, Tulsa, OK 74120 (Drive-Thru window faces E. 15th Street)
9. McDonald's - 1216 E. 15th St, Tulsa, OK 74120 (Drive-Thru window faces S. Peoria Ave)



Drive-Thru pick up window

EXHIBIT A

10. Whataburger – 4888 E. 21st St., Tulsa, OK 74114 (Drive-Thru window faces E. 21st St and the Order Point faces S. Yale Ave)



Drive-Thru pick up window

Menu board/order point

11. McDonald's - 7010 S Zurich Ave, Tulsa, OK 74136 (Drive-Thru window faces S. Yale Ave and the Order Points face S. Zurich Ave)



Menu board/order points

Drive-Thru pick up window

12. Chick-fil-A - 7129 S Olympia Ave, Tulsa, OK 74132 (Order Point faces Tulsa Hills Drive)
13. Arby's - 7117 S Olympia Ave, Tulsa, OK 74132 (Order Point faces W. 71st St. S.)
14. McDonald's - 8952 S Memorial Dr, Tulsa, OK 74133 (Drive-Thru window faces E. 71st St.)
15. Freddy's Frozen Custard - 10305 S Memorial Dr, Tulsa, OK 74133 (Drive-Thru window faces E. 103rd St. and the Order Point faces S. 82nd E. Ave)
16. Burger King - 3242 E. 11th St., Tulsa, OK 74104 (Drive-Thru window faces S. Harvard Ave)