BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1277
Tuesday, July 27, 2021, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bond, Chair		Wilkerson	Blank, Legal
Radney, Vice Chair		Chapman	
Brown, Secretary		Sparger	
Barrientos		K. Davis	
Wallace			

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on July 21, 2021, at 2:47 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

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The City Board of Adjustment was held by videoconferencing and teleconferencing via, an online meeting and web conferencing tool. Members of the public were allowed to attend and participate in the Board of Adjustment's meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone using the following link:

https://us02web.zoom.us/j/85118574551
312-626-6799 Meeting ID: 851 1857 4551

The Board members and staff members attending in person are as follows:

Mr. Austin Bond, Chair	Ms. Audrey Blank, City Legal
Ms. Burlinda Radney, Vice Chair	Mr. Dwayne Wilkerson, Tulsa Planning Office
Mr. Steve Brown, Secretary	Mr. Austin Chapman, Tulsa Planning Office
Mr. Tomas Barrientos	Mr. Kendal Davis, Tulsa Planning Office
Mr. Tyler Wallace	Ms. Janet Sparger, Tulsa Planning Office

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UNFINISHED BUSINESS

23146—Wallace Engineering – Mike Thedford

Action Requested:
Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Section 15.020, Table 15-2). **LOCATION:** 305 South Detroit Avenue East **(CD 4)**

Presentation:
Mike Thedford, Wallace Engineering, 123 North Martin Luther King, Jr. Boulevard, Tulsa, OK; stated there is 20 feet of property that was originally part of the platter property that is subject to the Special Exception. The closure process was gone through, and it turns out that it is a closure process for an easement that was granted from TDA to the City of Tulsa in the 1980s. Now he is attempting to track down TDA and with all the transitions there have been administrative changes and it is unknown if TDA is aware they own the property. There have been phone calls made in an attempt to reach John Hartley, the attorney, to speak to him about the acquisition of the property. Originally it was thought the property was right-of-way or considered right-of-way, but now that it is ready to go through the judicial process it turns out that there are other complications.

Interested Parties:
There were no interested parties present.

Comments and Questions;
None.

Board Action:
On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Section 15.020, Table 15-2) to the October 26, 2021 Board of Adjustment meeting with the condition that the applicant is to pay all re-notification fees; for the following property:

LT 8 BLK 116, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

23160—Hall Estill – Stuart Van DeWiele

Action Requested:

Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions use for a family justice center in an RS-3/OL/IL/CH District (Section 5.020, Table 5-2 & Section 15.020, Table 15-2). **LOCATION:** 2821 South Sheridan Road East **(CD 5)**

Presentation:

The applicant was not present, but a continuance has been requested for additional relief needed.

Interested Parties:

There were no interested parties present.

Comments and Questions;

None.

Board Action:

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions use for a family justice center in an RS-3/OL/IL/CH District (Section 5.020, Table 5-2 & Section 15.020, Table 15-2) to the August 10, 2021 Board of Adjustment meeting; for the following property:

A tract of land in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Fourteen (14), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and being more particularly described as follows, to-wit: BEGINNING at the Northeast Corner of Lot One (1), Block Forty-five (45), South Sheridan Acres; THENCE, S88°43'53"W for a distance of 120.00 feet; THENCE, S01°18'42"E for a distance of 100.00 feet; THENCE, S88°43'53"W for a distance of 492.71 feet; THENCE, N01°15'07"W for a distance of 295.26 feet; THENCE, N88°41'18"E for a distance of 612.40 feet; THENCE, S01°18142"E for a distance of 195.72 feet to the Point of Beginning; Said Tract containing 3.88 acres more or less, City of Tulsa, Tulsa County, State of Oklahoma

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UNFINISHED BUSINESS

23142—Una Vang

Action Requested:

Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 12911 East 31st Street South **(CD 6)**

Presentation:
Una Vang, 2400 East 570 Road, Rose, OK; stated when she committed to the lease the other business, which is about 650 feet away, committed to a lease in the same time frame thus the Variance request. When she committed to her lease the opposition was not an established dispensary and she was not either, and that is what she believes to be the hardship in this case.

Mr. Bond asked Ms. Vang if she received a Certificate of Occupancy. Ms. Vang stated that she did not because she saw that the other dispensary was opening, and she knew she had to have a Variance approved to be able to open.

Mr. Bond asked Ms. Vang if she knew if the other dispensary has received their Certificate of Occupancy. Ms. Vang answered affirmatively stating that at that time it was not an established dispensary.

Interested Parties:
Alex Shayya, 2628 North 21st Street, Broken Arrow, OK; stated he is a co-owner of the other dispensary. Mr. Shayya stated that the applicant stated she had a lease and had started renovation, but when he visited the subject property on July 9th, he called the property manager for Legacy Commercial and was told the property was still available.

Mr. Bond asked Mr. Shayya if he had a Certificate of Occupancy. Mr. Shayya answered affirmatively. Mr. Bond asked Mr. Shayya for the date it was issued. Mr. Shayya stated that his brother has the paperwork. Mr. Bond asked Mr. Shayya if he went through the OMMA requirements. Mr. Shayya answered affirmatively stating that he is only waiting for his license to arrive, and he does have a temporary license. Mr. Bond asked Mr. Shayya if he had certified with the City that he was not within a 1,000 feet of another dispensary. Mr. Shayya answered affirmatively.

Matt Shayya, 2628 North 21st Street, Broken Arrow, OK; stated the Certificate of Occupancy was transferred to his dispensary on April 14, 2021. Mr. Shayya stated that he is co-owner of the opposing dispensary. He has signed a five-year lease and invested quite a bit of money into the property and have hired new managers, so he is just waiting to open the dispensary once the license arrives. Mr. Shayya stated he thinks if the Board approves the Variance request, they will be setting a precedent for other dispensaries to come before the Board and fight their case and dispensaries are already becoming very concentrated.

Ms. Radney asked Mr. Shayya to state the date he received his Certificate of Occupancy again. Mr. Shayya stated that it is April 14, 2021 and the reference number is #COC0876402021. Ms. Blank stated that a copy of the Certificate of Occupancy is in the agenda packet on page 1.22. Ms. Radney stated this is an update of an existing Certificate of Occupancy for a dispensary. Mr. Shayya answered affirmatively.

Ms. Radney asked if this is to be considered a new application or if it is an update of an existing Certificate of Occupancy. Mr. Chapman stated that it is his understanding that it

would be an update of an existing Certificate of Occupancy because the COC is in reference to a Certificate of Compliance, the Shayya was just trying to clear OMMA to get everything in their name.

Mr. Bond asked if there would be no lapse between the Certificate assumed and a new Certificate. Mr. Chapman stated that in terms of the Zoning Code the Certificate of Occupancy never ceased, it was just updated to a new name at which point the Permit Center would have a process where Mr. Shayya would fill out the Certificate of Compliance which is necessary to receive a dispensary license through OMMA.

Alicia Nolen, 10125 South Sheridan Road, Suite G, Tulsa, OK; stated she is in attendance today on behalf of the landlord, the building owner.

Mr. Brown asked Ms. Nolen if it was for the new dispensary. Ms. Nolen stated she is representing Buzzing, the old dispensary.

Ms. Nolen stated would ask the Board to deny the Variance request. The owners of the building are in their 80s and thousands of dollars were spent to prepare the location for the dispensary. This will cause a hardship for the tenants in the building as well as the landlord if the Variance was approved. If the Variance is approved Buzzing will not be able to open. Ms. Nolen stated she has Counsel also present if the Board has any questions of the attorney.

Ms. Radney asked Ms. Nolen how long the previous dispensary was out of business before this tenant? Ms. Nolen stated it was not even one day. Ms. Nolen stated that Dr. Green had been evicted so they had to go through the Court process for that, and the property was already leased to Buzzing before going to Court.

Shannon Taylor, Kivell, Rayment & Francis, 766 East 61st Street, Suite 550, Tulsa, OK; stated she represents Ms. Alicia Nolen as the landlord. When the Board looks at a hardship in a Variance request, she believes this hardship would be toward her client because of the way the properties are situated. The tenant has signed a five-year lease and presented paperwork to prove what has been spent to date. The literal enforcement of the subject Zoning Code provision is not necessary to achieve the provisions of the intended purpose. She thinks this is exactly what the Ordinance is for. Because it does set a precedent this is a situation where it is going to be a detriment to this business. She has not seen any evidence of a signed lease for the other dispensary space. One of the hardship requirements is 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 of development of adjacent property and she absolutely does think it impair the adjacent property which is her client.

Ms. Radney asked Ms. Taylor if she knew whether Dr. Green's OMMA license was in force at the time of the eviction. Ms. Taylor stated this is an ongoing litigation matter that is now in District Court. It started in Small Claims Court for an FED eviction and the eviction was based not on monetary obligations but on other conduct. She does believe

that all the paperwork as far as occupancy was proper. Ms. Taylor stated that Dr. Green Dispensary was compliant with laws of Oklahoma so she would assume that his license was current.

Ms. Radney asked Ms. Taylor if Dr. Green was open for business prior to the eviction. Ms. Taylor answered affirmatively.

Rebuttal:

Una Vang came forward and stated that the regulations state a dispensary cannot open within 1,000 feet from another dispensary. If she was going to open a dispensary near another dispensary that was established and has a license, she understands that she cannot do that. But the simple fact is that the other dispensary does not yet have a license, so they are not a dispensary yet.

Mr. Bond asked Ms. Vang if she called the City at any point to ask if there was another dispensary within a 1,000 feet of the site she had chosen. Ms. Vang answered no because she assumed Dr. Green was out of business. They were not there any longer and the sign had been taken down.

Mr. Bond asked Ms. Vang if she had initiated the City application process to receive a Certificate of Occupancy. Ms. Vang answered no because she saw the new sign for Buzzing. She is not going to press forward if she is not granted this Variance. But she feels this is a different case because neither party has their license, and the opposition is not an established licensed dispensary yet.

Ms. Radney stated that she thinks the complicating fact in this case is that there was a Certificate of Occupancy for a prior tenant that was still considered to be durably in force at that time even though there wasn't an actual transacting business in the location. Because the previous COO was already issued the Board is tasked with spacing between locations that have been approved as dispensary locations. In this case it is about spacing in between a location that has a Certificate of Occupancy that is recognized by the City.

Comments and Questions:

Mr. Bond stated that he does not hear a valid hardship from the applicant in this case. The Board has been willing to listen to these based on confusion with the law and based on enactment with the law and he does not this is the case, so he is a hard no.

Mr. Barrientos agreed with Mr. Bond.

Mr. Brown stated the rules are established and he does not think enough homework was done, so he will say no.

Mr. Wallace thinks it is unfortunate, but this body is here to enforce City of Tulsa rules and regulations and he thinks that having a COO changes that.

Board Action:
On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **DENY** the request for a Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) due to the lack of a hardship; for the following property:

LT 1 LESS BEG SECR TH W194.96 CRV RT 47.17 N5 SE41.74 E194.97 S6 POB BLK 1, SOONER ACRES, City of Tulsa, Tulsa County, State of Oklahoma

23154—A-Max Sign Company

Action Requested:
Variance to permit a freestanding sign in an OL District to exceed the permitted 32 square feet of display surface area by 78.37 square feet (Section 60.060-C).
LOCATION: 4538 South Harvard Avenue East **(CD 9)**

Presentation:
Chris Krohn, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated the sign has been downsized from the last meeting. Mr. Krohn stated that he did physically go check the old sign and it is 11'-0" tall by 9'-0" wide and this proposed sign is now smaller than that.

Mr. Bond asked Mr. Krohn if he had spoken to the neighbors. Mr. Krohn stated that he did speak with one neighbor that he had worked with in the past. A-Max did not build the existing monument sign and the neighbor that did e-mail in the opposition does have a smaller sign, but he had not spoken with anyone else.

Mr. Bond asked Mr. Krohn to state his hardship for this request. Mr. Krohn stated the hardship is that 32 square feet is small, and the setback is 50 feet from Harvard. This will be a multi-tenant building and from the 50-foot distance he is trying to have panels on the sign that are visible from Harvard.

Mr. Barrientos asked Mr. Krohn how the sign would be lit. Mr. Krohn stated that it will be an internally illuminated sign. The size also comes from working with the existing base that has power to it so it would not be necessary to deal with utility easements.

Mr. Barrientos asked Mr. Krohn about the size of the new sign being requested. Mr. Krohn stated the new sign will be 70 square feet, which is 38 square feet over what is allowed.

Ms. Radney asked Mr. Krohn how the new sign compares to the protestant's sign. Mr. Krohn stated that the interested party's sign, not including the base, is a little larger than 32 square feet so their small is small.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to permit a freestanding sign in an OL District to exceed the permitted 32 square feet of display surface area up to 38 square feet in excess (Section 60.060-C), subject to conceptual plans 3.30 and 3.31 of the agenda packet. The sign is to conform to the exhibits presented today and that it is a static sign. The Board has found the hardship to be that the change in use of the Legacy building from single to multiple occupancy and the difficulty of clear visibility of the sign due to a 50-foot setback from the 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:

LT 1 BLK 1, PROFESSIONAL PARK RESUB S/2 L2 & N/2 L3 B3 VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

23157—Pearl Cannabis, LLC

Action Requested:
Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2). **LOCATION:** 1717 East 11th Street South **(CD 4)**

Presentation:
Alexander King, 28 East 5th Street, Suite 750, Tulsa, OK; stated his client purchased the subject building, it was a former tire shop. The building is about 5,000 square feet and is zoned CH. His client would like to use about 2,500 square feet of the building for an indoor medical marijuana grow facility. All growing will be done on the interior with a substantial number of filters and purifiers to eliminate escaping odor. Security will include monitored cameras, alarm system, multiple steel doors with commercial grade locks, and the building does not share a wall with any neighboring properties. The waste disposal will be through an OMMA licensed waste contractor. To the extent that dumpsters are used for that process they will be locked and secured pursuant to the waste contractor or best practices. The neighboring facilities are a physical therapy facility, a gravestone entity, and an apartment complex which is separated by two fences.

Mr. Brown asked about the access to the building. Mr. King deferred to his client.

Francisco Olmos, 1717 East 11th Street, Tulsa, OK; stated the parking will be in the front of the building. Mr. Brown asked if the access to the parking would be from 11th Street or from the side street. Mr. Olmos stated there is only the front parking.

Mr. Brown asked Mr. Olmos if there would be deliveries. Mr. Olmos stated, “not really”.

Mr. Wallace asked if there was a shared entrance with the neighbor from 11th Street. Mr. Olmos answered no. Mr. Wallace asked if the parking lot behind the building was the applicant’s parking lot? Mr. Olmos stated the parking lot behind the building is for the therapy facility.

Mr. Bond asked Mr. Olmos how he would receive deliveries and how deliveries would leave the building. Mr. Olmos stated that would be through the front.

Mr. Brown asked Mr. Olmos about the roll-up doors. Mr. Olmos stated there are roll-up doors both in the front and in the back of the building. He will not be using those doors; he plans to cover one of them up and the other will be used by a future restaurant.

Mr. Brown asked Mr. Olmos if there would be any signage. Mr. Olmos answered no.

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Mr. Bond asked Mr. Olmos if he had spoken with the neighbors. Mr. Olmos answered no.

Mr. Bond asked Mr. Olmos about the filtration system to be used. Mr. Olmos stated that it will be a carbon monoxide air filter system.

Mr. Bond asked Mr. Olmos what type of extraction process would he be using. Mr. Olmos stated that he will only be growing, there would be no processing.

Mr. Brown asked Mr. Olmos how many employees he would have. Mr. Olmos stated that in the beginning there will be two or three employees.

Mr. Wallace asked if the facility would be operated 24/7. Mr. Olmos stated that there will only be people on the property during the day, it is not a 24/7 operation but there will be 24/7 security.

Interested Parties:

Mykey Arthrell, City of Tulsa City Council, 175 East 2nd Street, Tulsa, OK; stated as City Councilor he receives a lot of telephone calls about the smells. It is extremely difficult to get Working In Neighborhoods out to smell the odors and write citations.

Mr. Bond asked Mr. Arthrell if he had any concerns about this request. Mr. Arthrell stated he does not think the City can properly monitor the smells. It is an issue, an ongoing issue. A lot of business owners have struggled with it because of the timing issue. He does not know if filtration is the solution. Sealing the garage doors is a tall order and he knows from his perspective as a City Councilor that it is a struggle. There are neighbors that have physical challenges in the area and the time limit option is a very expensive prospect.

Ms. Radney asked Mr. Arthrell if he thought there were enough enforcement personnel in place to police this type of request adequately and is Mr. Arthrell advocating for or advocating against a time limit to this request? Mr. Arthrell stated that he would advocate against the time limit at this point in time because he does not think that enforcement can keep up with the citizens and their demands.

Ms. Radney asked Mr. Arthrell if he was against the Special Exception request. Mr. Arthrell stated that this seems very problematic to have this corridor be given a Special Exception to have a grow operation, so he would be against the request.

Rebuttal:

Alexander King came forward and stated that if his client does not control odors that would be addressed by complaints from the neighbors, and by not passing the Certificate of Compliance regulations. Mr. King stated the garage doors will not be used. This is a 2,500 square foot grow facility and there will be no need to roll trucks in and out of the building, this will be a situation where there is 25 – 30 pounds of harvested product at a time that would be transported by a car.

Comments and Questions:
Mr. Bond stated that he would be inclined to approve this request with a condition that there be a Board review in the future.

Ms. Radney stated she would go along with a time constraint, but she would want it to be lengthy. She agrees there are neighbors nearby, but this is a hard commercial corner. The multi-story building is set apart from the subject property and the multi-story building does not have windows that open, and it is going to be an enclosed filtration system in the subject building. She is surprised that no one from the Route 66 Commission had any input about this proposal. There is complexity in this part of Kendall Whittier, there is a substantial amount of manufacturing to the north, so she actually does not see it as being inconsistent with the industrial uses in the industrial part of the neighborhood. Ms. Radney stated that she could support this with a five-year review time though she has been persuaded not to support a time limit in that this is ar a crossroads of some very active neighborhood associations. The silence of the neighborhood is persuading her more that the neighborhood is indifferent to this particular use, concerns being valid.

Mr. Brown stated Ms. Radney has made some good points. He would tend to support the Special Exception without a time limit for continued review.

Mr. Wallace stated that he is struggling with this request. A dispensary has a far less infrastructure and a grow operation is a very substantial entity.

Mr. Bond asked how is it decided that something is injurious to a neighborhood, that is really the parameters the Board uses? He personally decides that something is injurious, unless it is obvious, he bases that opinion on who attends a meeting and voices a concern. There is a City Councilor in attendance that has voices his opinion, there are physically limited citizens in the area, there is a corridor that the City and the State is investing a lot of time and effort to revitalize the area, it is adjacent to a hospital, it is adjacent to an extremely trafficked convenience store and there is a lot in the area. But this is a horticultural operation and the Code states that is akin to light manufacturing. He needs to support a request that has a quicker review time than five years.

Board Action:
On **MOTION** of **RADNEY**, the Board voted 3-2-0 (Barrientos, Brown, Radney "aye"; Bond, Wallace "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2), subject to conceptual plan 4.9 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 1 2 & 3 LESS S4.5 LT 1 BLK 1, FERRELL ADDN L15 B3 CLOVER RIDGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23158—Encinos 3D Custom Products & Signs

Action Requested:
Special Exception to allow a dynamic display sign in an RS-3 District for a Religious Assembly Use and to be located within 200 feet of a Residential District (Sections 60.050-B.2.c & 60.100-F); Variance to allow a dynamic display sign within 20 feet of the driving surface of East 4th Place South (Section 60.100-E).
LOCATION: 4739 East 5th Street South **(CD 4)**

Presentation:
Christian Ortiz, Encinos 3D, 9810 East 58th Street, Tulsa, OK; stated he would like to be able to replace a LED message center for a church located at 4th and Yale. The hardship for this request is the topographical conditions of the property and there is not enough land to set any farther back. The closest commercial property is a convenience store on the corner of 4th and Yale which also makes it difficult to move the sign back in the parking lot. If the sign were to be moved back into the parking lot, it would interfere with the congregates having ample parking. There is an existing pole that is located 17 feet from the street. There has been one concern brought to his attention, the LED portion of the sign being bright at night, but the church only intends to use it for messages during the day. The LED board would allow the church to communicate more effectively to the community about the services they provide.

Mr. Brown asked Mr. Ortiz if the sign was two sided. Mr. Ortiz answered affirmatively.

Mr. Barrientos asked Mr. Ortiz how many hours a day would the sign be operating. Mr. Ortiz stated that it would come on at 7:00 A.M. and shut off at 9:00 P.M.

Mr. Barrientos asked Mr. Ortiz about the size of the sign. Mr. Ortiz stated that it is about 3’-0” x 10’-0”.

Ms. Radney asked Mr. Ortiz if there would be graphics on the sign or just text on the sign. Mr. Ortiz stated that he would need to speak with the person that will be operating the sign, but churches tend to stay with text only.

Mr. Bond asked Mr. Ortiz if he had heard any thing from any of the neighbors. Mr. Ortiz stated the only thing he heard from the neighbors was concern about the brightness of the sign at night. There is a photocell on the sign that will adjust the text to the darkness and the ambient light of the area.

Interested Parties:
David Dryer, 5110 South Yale Avenue, Suite 430, Tulsa, OK; stated he is the Vice President of Operations of the People’s Pantry of Tulsa, and the organization utilizes space at the church. This sign will be a great benefit for the organization. The church has a Hispanic congregation, and the main sign was a sign that was on the side of the building to inform the public of hours of the food giveaway during the pandemic. The sign was a very limited way of informing the public. A sign such as the one being

proposed will be instrumental in informing the public and the church does not want to have a blaring sign. The food distribution is done in the evenings when people are going home from work and the sign would be a great benefit for that.

Ms. Radney asked Mr. Dryer if it would be necessary to use the sign in the evening hours. Mr. Dryer stated the food pantry is operated in the evening hours because the food distribution is set up by appointments because it is a small pantry. The only way people become aware of the pantry right now is by dialing 211 and the Food Bank.

Ms. Radney asked Mr. Dryer about his thoughts for the optimal times for the operation of the sign. Mr. Dryer stated that it would be during the day, and the convenience store is no longer open, and people catch the bus at that bus stop. The sign would help get the pantry's name and number out to the public, like the people standing at the bus stop. The pantry serves the neighborhood and the foods served are neighborhood specific.

Ms. Radney asked Mr. Dryer if the hours of 6:00 A.M. to 10:00 P.M. to operate the sign be acceptable. Mr. Chapman stated the Code restricts the sign operation in residential districts from 7:00 A.M. to 9:00 P.M.

Mr. Brown asked Mr. Dryer if there were hot meals prepared at the food pantry. Mr. Dryer answered no stating the pantry is a grocery give away to people that are in need. Prior to the pandemic there was a sandwich give away and that may come back on Wednesdays after COVID.

Mykey Arthrell, City Council District 5, 175 East 2nd Street, 4th Floor, Tulsa, OK; stated he did have a couple of constituents that contacted him about the sign, and a lot of what has been said today will alleviate the concerns from the neighbors. Mr. Arthrell did ask if the dimming mechanism was for both sides of the sign. Mr. Ortiz answered affirmatively.

Mr. Bond asked staff if there was a dwell time for a sign stipulated in the Code. Mr. Chapman stated that it is eight seconds; static images, no animation, no sound, and the sign must stay static for eight seconds before moving to a different screen and there is to be no transitions.

Ms. Radney asked for the hardship in this case. Mr. Bond thinks the hardship is the topographical layout and there is no other place a sign can be placed, and the pole is existing. For him, he does not find a sign for community information to be a self-imposed hardship for the property owner.

Comments and Questions:

Mr. Brown thinks the church has good intentions, but a "winkin', blinkin' and nod" sign is not appropriate for a location across the street from a residential neighborhood. He would very much dislike living near such a sign. If this were a static sign, he would be

more inclined to vote for it. As it stands, he does not agree with this type of sign near a residential neighborhood.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Barrientos, Bond, Radney, Wallace "aye"; Brown "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow a dynamic display sign in an RS-3 District for a Religious Assembly Use and to be located within 200 feet of a Residential District (Sections 60.050-B.2.c & 60.100-F); Variance to allow a dynamic display sign within 20 feet of the driving surface of East 4th Place South (Section 60.100-E), subject to conceptual plans 5.16 and 5.17 of the agenda packet. The dynamic display dwell time will have a swell time of no less than 10 seconds. The sign is to have static images only and the sign is to abide by all City Ordinances as it relates to dimming, timing, and no use of moving graphic images. The sign is to have automatic dimming as defined by the City Ordinance. 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. The Board finds the hardship to be the topographical layout and there is no other place a sign can be placed, and the pole is existing. 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:

S44.3 OF LT 2 & ALL LTS 3 THRU 6 & LTS 21 THRU 26 BLK 1, KENDALL VIEW ADDN, City of Tulsa, Tulsa County, State of Oklahoma

DRAFT

23159—Kimberly McCoy

Action Requested:

Special Exception to allow an accessory dwelling unit in an RS-3 District (Sec.45.031); Variance to allow a detached accessory building in the side setback and to allow more than 30% coverage by a detached accessory dwelling unit and garage in the rear setback in an RS-3 District (Section 90.090-C, Table 90-1 & Table 90-2); Variance to allow the aggregate floor area of detached accessory dwelling units/accessory buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Sections 45.030-A.2 & 45.031-D.6). **LOCATION:** 1518 South Norfolk Avenue East **(CD 4)**

Presentation:

Kimberly McCoy, 1522 South Norfolk Avenue, Tulsa, OK; stated there is an existing accessory building in the back yard that is very close to the back and to the side, it was built in the 1970s and not well maintained. She would like to remove that building and remove a lot of the concrete that is in the back yard to make a lawn. Then she would like to build a mother-in-law house with a two-car garage in the back yard.

Mr. Bond asked Ms. McCoy if she needs permission from the Historic Preservation Commission to do what she wants. Ms. McCoy stated everything is in the back yard, so it is okay to do. There are a few maintenance items, and a sidewalk will be added in the front and that has cleared the Historic Preservation Commission.

Mr. Bond asked Ms. McCoy if she had heard anything from any of the neighbors. Ms. McCoy stated she has not received any negative comments from anyone.

Mr. Brown asked Ms. McCoy why the proposed building is so large. Ms. McCoy stated that it is to be a mother-in-law house, so she had accessibilities features added, i.e., more room in the kitchen, a larger bathroom and she did not realize the garage would be counted as part of the square footage.

Mr. Brown asked Ms. McCoy if the building was all new construction. Ms. McCoy answered affirmatively.

Mr. Bond asked Ms. McCoy what is typical for the neighborhood. Ms. McCoy stated that on one side of her there is a port cochere, garage with quarters that is two-story. The next house has a renovated single person dwelling in the back yard. There are all kinds of different conditions in the neighborhood.

Interested Parties:

Kelly McCoy, 1522 South Norfolk Avenue, Tulsa, OK; stated this neighborhood is historic and this house is a key prominent house in the neighborhood, it was built first and built on a larger lot. The house is a little grander, has finer details, and is larger. The house has only had improvements done to it in the 1970s, so it has dilapidated over time. If this house gets improvement the neighborhood gets improvement. It is typical for the accessory dwelling units throughout the neighborhood to have zero lot lines. This will not be used for a rental unit; it is for family. The building was formerly used as an engineering office and the yard was gravel only for a long time, and at one point in time the back yard was concreted; the only grass to the property exists in the front. If this proposal is approved there will be grass added, landscaping added and fencing to improve the property.

Mr. Brown asked Mr. McCoy if there was an alley easement for the property. Mr. McCoy stated there is a small easement and he does not think it is divided as easement, he thinks it is a utility easement.

Mr. Chapman stated he did receive a call; he believes there is a sanitary sewer running in the rear of the yard and possibly on the north end.

Comments and Questions:
None.

Board Action:
On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow an accessory dwelling unit in an RS-3 District (Sec.45.031); Variance to allow a detached accessory building in the side setback and to allow more than 30% coverage by a detached accessory dwelling unit and garage in the rear setback in an RS-3 District (Section 90.090-C, Table 90-1 & Table 90-2); Variance to allow the aggregate floor area of detached accessory dwelling units/accessory buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Sections 45.030-A.2 & 45.031-D.6), subject to conceptual plans 6.19, 620, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28 and 6.29 of the agenda packet. The Board finds the hardship to be that the property lies within a historic district with platting that predates the current Code, and the need to update and replace an existing ADU and to provide garage storage allowing parking off the street. 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 BLK 21, MORNINGSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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23161 – Hall Estill – Amanda Lowe

Action Requested:
Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM District (Section 15.020, Table 15-2). **LOCATION:** 1011 North Lewis Avenue East **(CD 3)**

Mr. Brown left the meeting at 2:52 P.M.

Presentation:
Amanda Lowe, 320 South Boston Avenue, Suite 200, Tulsa, OK; stated her client intends to process medical marijuana on the property using a hydro-carbon extraction method. This process uses butane, propane, and natural gas to isolate certain components from the medical marijuana. This method is often perceived dangerous because of the natural gas component but it is relatively safe because the natural gas has a low boiling point. Hydrocarbon extraction is used in food processing and the FDA has rated it as safe.

Mr. Brown re-entered the meeting at 2:54 P.M.

Ms. Lowe stated that this processing method involves machinery that is compliant with the National Electrical Code, National Fire Protection Code and International Boiler Code which was rated by the American Society of Mechanical Engineers the same as welding. The machinery utilized is almost silent and the building and machinery are equipped with safety mechanisms including sprinklers, fans, leak protection, and an automatic shut off mechanisms. The building will be outfitted with a carbon filter odor mitigation systems. The operation will be a small operation with three to five employees. There will be no signage, no foot traffic, and it will not be noticeable to the neighbors.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM District (Section 15.020, Table 15-2), subject to the conceptual plan 8.9 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code

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and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

A certain tract of land situated in the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section 32, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States government survey thereof, more particularly described as follows:
Beginning at a point 1935.27 feet North and 30.00 feet East of the Southwest corner of Section 32, said point being the point of intersection of the new East line of North Lewis Avenue (30 feet East of the center line) and the South line of the old St. Louis and San Francisco Railway Company main track right of way (100 feet South of the center line of the Northernmost main track); from said Point of Beginning, thence along the said South right of way line North 66°57'00" East 309.73 feet to a point; thence South 60°43'40" East a measured distance of 61.98 feet to a point on the West line of an 18 foot railroad right of way dated June 30, 1923, as recorded in Book 471, Page 171; thence along the said West right of way line on a curve to the left in a Southwesterly direction 229.36 feet, more or less, to a point in the North line of King Street (said curve has a central angle of 20°20'03", a radius of 646.275 feet and subtends a chord which bears South 18°04'14" West a distance of 228.16 feet); thence along the said North line of King Street South 66°57'00" West 291.34 feet to a point in the new East line of Lewis Street (30 feet East of the center line); thence along the said new East line of North Lewis Avenue (30 feet East of the center line) North 0°30'00" West 240.00 feet to a point in the said South right of way line of the old Frisco Railroad, the true Point of Beginning AND That part of the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section 32, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States government survey thereof, more particularly described as follows:
Commencing at a point 1695.36 feet North and 30.00 feet East of the Southwest corner of said Section 32, said point also being the Northeast corner of North Lewis Avenue and East King Street; thence North 66°57'00" East along the North line of East King Street, 312.44 feet to a point on the East line of an Industrial Railroad Right of Way conveyed to the St. Louis and San Francisco Railway Company, recorded in Book 471, Page 171, for the Southwest corner of the property therein conveyed and the true Point of Beginning; from said Point of Beginning, thence continuing North 66°57'00" East along the said North line of King Street, 170.82 feet to a point located in the West line of a 23.00 foot exception described in the Bankoff Pipe and Supply, Inc., Deed dated January 10, 1962 (Book 3292, Page 554); thence North 23°03'00" West 160.00 feet to a point of curve; thence continuing along the West line of said exception on a curve to the left 18.08 feet to a point on the East line of the said Railroad Right of Way (said curve has a central angle of 36°59'33", a radius of 28.00 feet and subtends a chord which bears North 41°32'46" West a distance of 17.77 feet); thence with said right of way along a curve to the left, 243.52 feet to a point in the said North line of East King Street, the Point of Beginning (said curve has a central angle of 22°12'27", a radius of 628.275 feet and subtends a chord which bears South 19°59'45" West a distance of 241.99 feet)., City of Tulsa, Osage County, State of Oklahoma

23162—M & P Advocates

Action Requested:
Variance to reduce the minimum lot width in the RS-3 District to permit a lot split (Section 5.030, Table5-3). **LOCATION:** 1020 East 34th Street South **(CD 9)**

Presentation:
Jessica Shelton, 1801 Wells Branch Parkway, Austin, TX; stated she represents Star City Homes, and they are the owner of the subject property in the Brookside area. There are a number of unique challenges on the lot. They are proposing a lot split of one big lot into two smaller lots for two single-family owner-occupied homes. These are what she calls remainder lots, they are original parts of the Burgess Acres Addition whereas the rest of the neighborhood has been replatted into something that is very uniform as shown on page 9.1 of the agenda packet. There are a number of different sized lots, and it is due to the different replats that have happened. That is not the case with the subject property, it is pieces of what were once really large lots. The subject property is the largest parcel on the entire street west of Peoria, yet it is not big enough to work with the Zoning Code to split it into two lots because it does not have enough frontage thus the request for the Variance. The Zoning Code does allow for multiple units on the subject property as it is except for the frontage. The subject property could be rezoned which would allow for a smaller lot width, but she does not want to disrupt the uniformity of the area and create spot zoning. Current development patterns have narrow houses and have gone vertical. For those unique reasons the Variance has been requested because her client wants to continue the current development patterns of the area, do not want to disrupt the zoning and there is a unique hardship in the way the subject property is currently shaped. Ms. Shelton stated she was proactive and went to the neighbors and the feed was mostly positive.

Mr. Brown asked Ms. Shelton if the existing utilities would support splitting the lot. Ms. Shelton answered affirmatively stating the water, gas and sewer lines are where they need to be, and that would be confirmed through the lot-split application process; this is the first step in the lot-split process.

Interested Parties:
Sophia Noshay, 253 East 34th Street, Tulsa, OK; stated she has lived on the street for 11 years. She spoke with several of the neighbors and the subject property is near The Gathering Place. Ms. Noshay stated she is in a unique position from her position with Star City Homes real estate development and she also lives in the neighborhood and wants to keep and maintain the beauty of why people live there. Ms. Noshay stated she has several signatures from the neighbors showing support of the application. There was a concern about retaining as many of the mature trees as possible, which is part of the beauty of the property which she wants to maintain as well.

Jennifer Kisamore, 137 East 34th Street, Tulsa, OK; stated she has lived in the neighborhood for 15 years and her husband has lived in the neighborhood for 22 years. The last few years has seen an exponential increase in the size of houses on this street

and nearby streets. If this is approved, it will set a precedent that will lead to further harm of the neighborhood. If this is approved future applicants will use this case to further reduce the minimum lot size. This presents a hardship to long time residents and removes their privacy. It increases congestion on the street and reduces the canopy of trees. It is her understanding that this hearing is to approve or disprove the split of the lot and there is no guarantee that any statements made about what will be built on the lots is binding. Anything can be said, any promises can be made about what will happen to trees or what the property will look like but there are no guarantees that it will actually happen. There is a new house being built right next to her and that person said they wanted to keep the charm of Brookside, but it has become a major issue of what is actually being built and a picture of the house next to hers was projected on the overhead screen. This is an example of what can happen on the subject property. Ms. Kisamore stated this request sets a bad precedent that is going to drastically alter the neighborhood on 34th Street and the surrounding streets because it will be used as support to make smaller lots and bigger houses.

Rebuttal:

Jessica Shelton thinks request does match the current development patterns in the area. Long before this request today smaller lots existed and even at replatting they existed, which would have been decades ago. The large homes have also existed long before today's request. She would hate to commit to saving all old growth trees because it is unknown where the trees sit on the lot, but she thinks it could be a question for the property owner and builder. Also, the Board can place conditions on the approval if this were to be approved.

Sophia Noshay stated she has actually spoken with Ms. Kisamore about the house that is proposed to be next door to her, and she does not know that her concerns have been a sore spot and also for many of the residents of the neighborhood. The Board can place conditions on the approval for the peace of mind for the neighbors, but the strong is history. She has lived on the subject street for 11 years and in that time, she has purchased a number of houses on the street. She has maintained and updated all her houses, and one of her houses did have to have a tree removed because it was not in good health. Her history in the neighborhood has been different than some of the concerns of Ms. Kisamore. There are trees that may not be able to be maintained on the subject property, but even the existing house were to be renovated with the condition that it is in and the size of that house there would be trees removed regardless.

Ms. Radney asked Ms. Noshay about the size of the subject property. Ms. Noshay stated she is not sure.

Mr. Barrientos asked Ms. Noshay about the square footage of the proposed house. Ms. Noshay, she does not have current plans because she would like to have the lot split approved first.

Ms. Radney asked Ms. Noshay about the diversity of the house sizes in the neighborhood. Ms. Noshay stated the houses range from two-bedroom, one bath up to about 7,000 square feet.

Ms. Radney asked Ms. Noshay if the neighborhood was mostly postwar construction, or does it predate that era? Ms. Noshay stated the houses started being built in the 1940s with the large majority of them built in the 1950s.

Comments and Questions:
None.

Board Action:
On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce the minimum lot width in the RS-3 District to permit a lot split (Section 5.030, Table5-3), subject to conceptual plan 9.9 of the agenda packet. The Board finds the hardship to be the existing lot size that is in place prior to current zoning standards. 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:

E 23 LT 47 & W 82 LT 48 BLK 1, BURGESS ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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23163—Tom Neal

Action Requested:
Special Exception to permit a carport in the street setback and the street yard with modifications to its allowable height (Sections 45.030-B & 90.090-C1); Variance of the 25-foot street setback in an RS-3 District (Section 5.030-A, Table 5-3).
LOCATION: 4347 South Braden Place East **(CD 5)**

Presentation:
Tom Neal, 2507 East 11th Place, Tulsa, OK; stated the subject property is a 1960s ranch style house and his client has a severely disabled brother. His client wants to renovate the house for her brother who is in a wheelchair and to add a carport for his caretakers to have a place to park out of the weather. The existing garage will be renovated into a second master suite so his client will be on the premises but yet allow her brother privacy. The relief for the height of the carport is to keep the carport the same height as the existing eave of the hip roof making it more appropriate to the house. The relief for coming into the required street yard is to accommodate the ramp cover.

Mr. Bond asked Mr. Neal if he had heard from any of the neighbors. Mr. Neal stated he has depended on his client to speak with the neighbors, and she has not alerted him to any opposition.

Mr. Bond asked Mr. Neal if there were other carports in the neighborhood. Mr. Neal stated that most of the Braden neighborhood does not have carports but there is a general precedent for that whole part of the City for carports.

Mr. Wallace asked Mr. Neal about the distance between the curb and the carport. Mr. Neal stated that it is about 17 feet.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a carport in the street setback and the street yard with modifications to its allowable height (Sections 45.030-B & 90.090-C1); Variance of the 25-foot street setback in an RS-3 District (Section 5.030-A, Table 5-3), subject to conceptual plans 10.8, 10.9, 10.10, 10.11 and 10.12 of the agenda packet. The Board finds the hardship to be the large lot size. 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 8 BLK 8, MAX CAMPBELL FIFTH ADDN B7-11, City of Tulsa, Tulsa County, State of Oklahoma

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23164—M. Scott Pohlenz, AIA, NCARB

Action Requested:
Special Exception to increase the permitted driveway width within a street setback from 30 feet to 45 feet to allow a parking/turnaround space off of driveway in an RS-3 District (Section 55.090-F-3). **LOCATION:** 3136 South Utica Avenue East **(CD 9)**

Presentation:
Scott Pohlenz, 6920 South Columbia Avenue, Tulsa, OK; stated he is the Architect for the subject property. The increase in the driveway width would allow one additional off-street parking space and provide a turn around so the parked vehicle can enter onto Utica nose first instead of backing onto Utica, which is a busy street.

Mr. Bond asked Mr. Pohlenz if he had spoken to the neighbors. Mr. Pohlenz stated the property that is immediately to the south of the subject property is the cemetery, the property that is immediately to the north of the subject property is a property that is being constructed, and on either side of the subject property there is no issue. Mr. Pohlenz stated he has not heard from any of the neighbors, and his client has not heard from any of the neighbors.

Mr. Brown asked about the property line extending into the west neighborhood. Mr. Pohlenz stated there is a 30-foot access easement in that area that was granted to the development directly behind the subject property to allow them to have a turn around space pushing the property forward toward Utica as a result.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to increase the permitted driveway width within a street setback from 30 feet to 45 feet to allow a parking/turnaround space off of driveway in an RS-3 District (Section 55.090-F-3), subject to conceptual plan 11.5 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:

PRT NW BEG 375S & 25E NEC NE NW TH S62.50 W158.40 N62.50 E158.40 POB SEC 19 19 13 .22AC, City of Tulsa, Tulsa County, State of Oklahoma

23165—Kristen M. Saxon & Thomas M. Kelley

Action Requested:
Variance of the minimum lot width in the AG District to permit a lot split (Section 25.020-D, Table 25-2); Variance of the minimum lot area and lot area per dwelling unit in the AG District to permit a lot split (Section 25.020-D, Table 25-2).
LOCATION: 4920 South 177th East Avenue **(CD 6)**

Presentation:
Thomas Kelley, 17520 East 49th Street, Tulsa, OK; stated he purchased the subject property, and he lives in the neighborhood called The Boulevard, which is north of the subject property. The subject property is a usual property, and he has been to the Board in opposition of s storage facility going in on the property. The subject property is four acres and long and skinny. His daughter would like to build on the back portion of the subject property, and currently there is regulatory flood plain on the back portion of the lot that will need to be dealt with. St. John Ascension owns property that borders the subject property on two different sides. He has contacted people in the neighborhood and heard no opposition from anyone. There is an existing house on the front portion of the subject property. The lot is only 170 feet wide, and the right-of-way situation has been worked out with 30 feet of entry way that faces Lynn Lane.

Mr. Brown asked Mr. Kelley if there was access to the utilities. Mr. Kelley stated that the existing house has access to all the utilities, but those utilities would need to be extended in the future.

Mr. Chapman stated that he has received a copy of the survey and it shows the right-of-way dedication and the owner will need to dedicate 50 feet of right-of-way off Lynn Lane; the lot will be the same shape.

Interested Parties:
There were no interested parties present.

Comments and Questions;
None.

Board Action:
On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the minimum lot width in the AG District to permit a lot split (Section 25.020-D, Table 25-2); Variance of the minimum lot area and lot area per dwelling unit in the AG District to permit a lot split (Section 25.020-D, Table 25-2), subject to conceptual plans 12.8 and 12.9 of the agenda packet. The Board has found the hardship to be the narrowness of the existing lot and the other impediments including the flood way and the requirement to dedicate a right-of-way. 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 IN SECTION SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19), NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING 416 FEET SOUTH OF THE NORTHEAST CORNER OF THE SE/4 OF THE SE/4; THENCE SOUTH 171 FEET TO A POINT; THENCE WEST 1040 FEET TO A POINT; THENCE NORTH 171 FEET TO A POINT; THENCE EAST 1040 FEET TO A POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

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OTHER BUSINESS

None.

..*.*.*.*.*.*.*.*.

NEW BUSINESS

None.

..*.*.*.*.*.*.*.*.

BOARD MEMBER COMMENTS

Mr. Bond stated there will be a light agenda for the August 24th meeting, so a Work Session has been planned after that meeting. In the past the Work Session has been very helpful.

Mr. Chapman requested the Board members e-mail him with any subject they would like discussed at the Work Session. He will request a representative from the Permit Office attend the Work Session if there are questions for them as well.

..*.*.*.*.*.*.*.*.

There being no further business, the meeting adjourned at 4:04 p.m.

Date approved: _____

_____
Chair

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