

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1290
Tuesday, March 8, 2022, 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 Radney, Vice Chair Barrientos Wallace Brown, Secretary		Wilkerson Kelvington Davis Chapman	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on March 4, 2022, at 11:20 a.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.

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

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

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

MINUTES

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 **Minutes** of the January 11, 2022, Board of Adjustment meeting No. 1286.

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 **Minutes** of the January 25, 2022, Board of Adjustment meeting No. 1287.

UNFINISHED BUSINESS

23268-Jennifer Gleason

Action Requested:

Variance to allow the floor area of Detached Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2)

LOCATION: 4404 N. Main St. W. (CD 1)

Presentation:

Nathan Sweats- 4641 S Braden Ave

Mr. Sweats is the owner of Anthem Construction and represents the homeowner who is unable to attend due to his work. Mr. Sweats has returned with an updated statement and drawings that the Board requested at the last meeting. The new renderings that have been submitted show the composite siding and asphalt shingles.

Mr. Bond asks more about the hardship since he was not present at the last meeting. Mr. Sweats replies that the hardship for his client is that he needs the accessory building for his storage and maintenance area for his personal vehicles.

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Bond tends to give latitude with hardships on properties when they abut an AG area. This property borders AG and residential, but he feels it is more AG.

Ms. Radney explains that it was previously discussed that the owner purchased the property beside his residential home with the intention of building the detached garage,

but this request of a variance is due to the size of the accessory building in comparison to the modest size of the home, even though the lot size would allow for a building this size.

All board members support the request.

Board Action:

On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent,) to **APPROVE** a **VARIANCE** to allow the floor area of Detached Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2)

Finding the hardship to be that the existing home is of modest size and the proposed accessory building is of a size and scale that would be more appropriate for the lot and maintenance of this size in this location. Per the conceptual plans in the agenda packet and the addendum plans submitted at the meeting. 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

LTS 12 & 13 BLK 28, VALLEY VIEW ACRES

23271- Lori Worthington / AMAX Sign Company

Action Requested:

Variance to allow free standing signs within 30-feet of other freestanding signs (Sec. 60.040-B-2) **Variance** to allow more than one free standing sign and more than one dynamic display sign per street frontage in the RD District (Sec. 60.050-B-2.b;c.1) **Special Exception** to permit a Dynamic Display sign in an Residential District containing a Church Use (Sec. 60.050-B.2.c); **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) **LOCATION:** 7100 E. 31st Street (CD 5)

Presentation:

Lori Worthington- 9520 E 55th Place

Ms. Worthington works for AMAX signs and is representing their clients. They are seeking to keep the design of the proposed LED signs as aesthetic and minimal as possible by using an existing brick structure in the front of the church, rather than installing a pole sign. They propose placing two smaller signs on each corner of an existing brick structure. Each sign will be a total of 27sq ft in size and will be street facing.

Interested Parties:

Angela Powers- 9305 E 94th Ave.

Ms. Powers is a here to speak on behalf of the church. She has spoken to one of the church's neighbors, specifically one individual that had concerns, and she was able to address those concerns. Ms. Powers states that as a church in the community they want to serve their community through coat drives, daycare, etc. The signs enable them to inform those in need of the services and events that are being offered.

Jane Wheeler- 3015 S 69th East Ave

Ms. Wheeler is a neighbor of the church, and she lives to the south of their property. She states that the church building sits above Sheridan, and their home sits below Sheridan. Ms. Wheeler is concerned that the church has their lights on all night and the lights shine in their windows. Ms. Wheeler feels the proposed lights would be an additional nuisance to them. They do not want any additional lights and believes that church's large banner and flags are adequate for communication to the community. Ms. Wheeler adds that the church did not reach out to them.

Rebuttal:

Ms. Powers would like to say that the technology of the new signs allows for them to have a dimmer and timer so they can dim at 9:00 pm. Ms. Powers would also like to

reiterate that the signs are not just signs to display service times, but to show the various services offered to the community such as food drives, blood drives, day care, coat drives, etc.

Mr. Barrientos asks if the signs are animated or static? Ms. Worthington replies that the signs will meet with code and have an 8 second hold between each frame.

Mr. Brown asks what are the hours that the signs will be turned on. Ms. Worthington replies that they will run from a.m.. – 9 p.m., but they will also have a dimmer that will adjust 30 minutes prior to sunrise and 30 minutes after sunset.

Ms. Radney asks if they currently have a lighted sign at the church? Ms. Worthington replies that there is a sign on the brick wall that has The Embassy on it, but it does not illuminate. However, they have a light that shines straight towards the wording.

Mr. Bond asks where are they in terms of the overall sign budget? Ms. Worthington responds that they are at 70 sq. ft. total for all signs, including The Embassy sign on the brick. Mr. Bond asks about a pole sign? Ms. Worthington replies that there is not a safe area to install a pole sign.

Ms. Wheeler asks to speak again, and Mr. Bond allows. She states that they have mentioned turning off the lights at 9 p.m. but in the winter it is dark at 6pm. In the morning it is not light out until 8 a.m. Ms. Wheeler adds that the Embassy lights are on all night and these signs would just further add to the light pollution.

Mr. Brown asks Ms. Wheeler to show the Board where she lives on the map. She uses the pointer and shows the Board and people in chambers the location.

Comments and Questions:

Ms. Radney asks the applicant if they would be willing to exchange the approval of the signs with the condition that they dim the existing lights. She would like to see a continuance to address all issues at the next board meeting on 3/22/22.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Bond, Barrientos, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the requested **VARIANCE** to allow free standing signs within 30-feet of other freestanding signs (Sec. 60.040-B-2) **VARIANCE** to allow more than one free standing sign and more than one dynamic display sign per street frontage in the RD District (Sec. 60.050-B-2.b;c.1) **SPECIAL EXCEPTION** to permit a Dynamic Display sign in an Residential District containing a Church Use (Sec. 60.050-B.2.c); **SPECIAL EXCEPTION** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) to the March 22, 2022 meeting.

LT 1 BLK 1, WOODLAKE VILLAGE B1

23273-Nathan Cross

Action Requested:

Special Exception to permit the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface (Sec. 55.090-F-2)

LOCATION: 1320 North 105th East Ave (CD 3)

Presentation:

Nathan Cross- 2 West 2nd Street Suite 700

Submitting the application for the developer of the industrial park. The property was platted in 2006 and has been used for industrial development. They are building a parking lot for an existing tenant to establish a storage area for their trucks as an overflow lot. The reason they are seeking the special exception is due to wanting to use gravel for this parking lot. The industrial park intends to build a building on this property in the future, and using gravel is the best option for now. If they paved this area, it would make it more difficult to build on it in the future.

Mr. Brown asks the applicant about the volume of traffic. Mr. Cross responds that this is for the business to use, it will not increase the amount of traffic going in and out of the area. That is simply for use as an overflow parking area for the tenant.

Mr. Bond asks the applicant if they have heard from neighbors. Mr. Cross responds that they have not, the immediate area is an industrial park. Mr. Cross adds that they will also have a 6-foot chain link fence with plastic slats for security and aesthetic purposes.

Interested Parties:

No interested Parties.

Comments and Questions:

Mr. Bond has no issues.

Ms. Radney and Mr. Wallace are inclined to support.

Ms. Radney asks about an expiration date? She will not support this open ended. Mr. Cross responds that they have a 7-year lease with the tenant.

Ms. Radney proposes a 10-year time limit. And she acknowledges that the Board is hard on using gravel surfaces within the city limits and believes this sets a precedence

and should have a time limit attached to the approval. Mr. Cross replies that the tenant does not have an issue with the 10-year time limit.

Board Action:

On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent,) to **APPROVE a SPECIAL EXCEPTION** to permit the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface (Sec. 55.090-F-2). Per the conceptual plans 5.9 – 5.11 of the agenda packet and subject to an expiration date of 10-years from the date it is granted. 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 7 BLK 1,PINE STREET PARK

NEW APPLICATIONS

23275- Gary Haynes, Crown Neon

Action Requested:

Variance to increase the allowable display area for a dynamic display sign from 48 square feet to 67.42 square feet in the IL district (Sec. 60.080-E); **Variance** to permit a dynamic display sign within 20 feet of the driving surface of a street (Sec. 60.100-E) **Variance** to permit a dynamic display sign within 200 feet of an R district and Residential Development area (Sec. 60.100-F)

LOCATION: 9909 E 61 ST S (CD 7)

Presentation:

Justin Moydell- 10101 E 46th Place

Their client has an existing sign in place but would like to update it with an LED display. They are within 200ft of a residential area, but that area is behind the building to the north and will not be visible. The sign is double-sided that faces both East and West of 61st street.

They have not had any feedback from neighbors.

Mr. Wallace asks if the sign is the same size as the existing sign. Mr. Moydell replies that it will be smaller in size.

Ms. Radney asks what the hardship is for the variance request? Mr. Moydell replies that the business has been there for over 20 years with the existing sign and the road has been expanded in that time which is causing the need for a variance. It would not be cost effective to relocate the pole.

Interested Parties:

No Interested Parties.

Comments and Questions:

Mr. Bond states that before the city added the zoning code the signs were much more of an issue, but in his opinion is when the city introduced the code for auto dimming and the 8 second hold time, the signs are now much nicer and less obtrusive. He feels this is a tough decision because of the hardship requirement, but to be consistent he is inclined to support.

Mr. Chapman would like to point out that in the staff report it is noted the business is in a school zone for Union Junior High School and he would like the board to be aware of that fact and have it on the record. Mr. Bond asks if that gives the board any extra requirements on their decision? Mr. Chapman replies that it does not per code, but he wanted to make it that clear to the board, so they have all the information presented to them.

Mr. Moydell replies that Union does have an LED Sign on their property as well. Mr. Chapman apologizes that staff is interjecting again, but he believes the existing sign is not within 20ft of the surface, and he believes it would be helpful for them to have a physical reason for not moving the sign. He does believe the existing sign is conforming because it does not have the LED board on it. He feels this is a self-imposed hardship since they would like to upgrade the sign to LED.

Ms. Radney states that she has been on the record about her belief that all business-related variance requests are self-imposed and financial, but they would not be asking for it if it was not financially beneficial to the business. However, in this case it seems the existing sign is conforming in the current condition, but in keeping with the time and updating to modern signage she sees that it would impose a hardship on the business to not have a contemporary sign.

Mr. Wilkerson would like to say that the Tulsa Public Schools signs on the agenda have been moving signs at their own expense to make sure they are compliant with code and that city wide context is just as important as any single business along an arterial street. Ms. Radney acknowledges that, and she appreciates Mr. Wilkerson's comment, and it is noted, however she feels that this particular case does have a hardship.

Mr. Brown and Mr. Wallace support due it being an existing sign and they just want to upgrade it into an LED sign.

Board Action:

On **MOTION** of **Radney**, the Board voted 5-0-0 (Bond, Brown Radney, Wallace, Brown, "aye"; "nays"; one Radney "abstentions"; none absent,) to **APPROVE** a **VARIANCE** to increase the allowable display area for a dynamic display sign from 48 square feet to 67.42 square feet in the IL district (Sec. 60.080-E); **VARIANCE** to permit a dynamic display sign within 20 feet of the driving surface of a street (Sec. 60.100-E); **VARIANCE** to permit a dynamic display sign within 200 feet of an R district and Residential Development area (Sec. 60.100-F) Finding the hardship to be the existing sign predates the specifications for a modern display sign and predates the existing code. Per the conceptual plans 6.21 of the agenda packet. In granting the Variances 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 7 BLK 2, GUY COOK SUB

23277- Ryan Neuhor, Image Builders

Action Requested:

Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) **LOCATION:** 7625 E 58th St. S (Salk Elementary School) **(CD 7)**

Presentation:

Walter Moore- 204 East 5th Ave

Mr. Moore is the Director of Operations for Image builders and is there on behalf of the applicant, Ryan Neuhor. They are seeking a special exception for a dynamic display for Salk Elementary. Tulsa Public schools has an initiative to replace all their signs to dynamic displays, so their messages are easily displayed in multiple languages to meet their community's needs, to quickly share emergency information as needed and to share school events. The new displays will be able to be controlled across the district by the Education Service Center technology department. The new displays will have an automatic timer and dimmer that will function with in the city code and operate from 7 a.m. – 9 p.m. They will be installing the new LED sign on an existing pole.

No comments from neighbors.

Interested Parties:

No interested parties.

Comments and Questions:

No additional comments or questions.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Bond, Barrientos Wallace, Radney, Brown "aye"; "nays"; no "abstentions"; none absent) to **APPROVE a SPECIAL EXCEPTION** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **SPECIAL EXCEPTION** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans 7.7 - 7.13 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:

NW NW SE & NE NW SE & W/2 NW NE SE SEC 35-19-13,

23278- Ryan Neuhor, Image Builders

Action Requested:

Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c)

LOCATION: 931 S. 89th E. Ave. (Lindbergh) **(CD 3)**

Presentation:

Walter Moore- 204 East 5th Ave

Mr. Moore is the Director of Operations for Image builders and is there on behalf of the applicant, Ryan Neuhor. They are seeking a special exception for a dynamic display for Lindbergh Elementary. Tulsa Public schools have an initiative to replace all their signs to dynamic displays, so their messages are easily displayed in multiple languages to meet their community’s needs, to quickly share emergency information as needed and to share school events. The new displays will be able to be controlled across the district by the Education Service Center technology department. The new displays will have an automatic timer and dimmer that will function with in the city code and operate from 7 a.m.- 9 p.m.

Interested Parties:

There were no interested parties.

Comments and Questions:

Ms. Radney states that she would like to thank TPS for their attention to detail in meeting the requirements per code for their sign projects.

Board Action:

On **MOTION Barrientos** of ,the Board voted 5-0-0 (Bond, Barrientos Wallace, Radney, Brown "aye"; "nays"; no "abstentions"; none absent) to **APPROVE** a **SPECIAL EXCEPTION** to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) per the conceptual plans 8.6 – 8.12 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:

BLK 19 LESS S15 THEREOF & LESS BEG 15N SWC BLK 19 TH N28.87 SE45.06 W34.58 POB,CLARLAND ACRES B17-19 & PRT B21-22

23279- Ryan Neuhor, Image Builders

Action Requested:

Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) **LOCATION:** 1740 N. Harvard Ave. (Celia Clinton Elementary School) **(CD 3)**

Presentation:

Walter Moore- 204 East 5th Ave

Mr. Moore is the Director of Operations for Image builders and is there on behalf of the applicant, Ryan Neuhor. They are seeking a special exception for a dynamic display for Celia Clinton Elementary. Tulsa Public schools have an initiative to replace all their signs to dynamic displays, so their messages are easily displayed in multiple languages to meet their community's needs, to quickly share emergency information as needed and to share school events. The new displays will be able to be controlled across the district by the Education Service Center technology department. The new displays will have an automatic timer and dimmer that will function with in the city code and operate from a.m.. – 9 p.m.

Interested Parties:

There were no interested parties.

Comments and Questions:

Ms. Radney asks for a reminder of the hours the signs will operate. Mr. Moore replies it is 7am-9pm and it has the auto dimming set to begin at sunrise and sunset.

Mr. Brown states he tends to be in support.

Board Action:

On **MOTION** of **Wallace**, the Board voted 5-0-0 (Bond, Barrientos, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent to **APPROVE** a **SPECIAL EXCEPTION** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **SPECIAL EXCEPTION** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans 9.7 – 9.13 of the agenda packet. The Board finds that 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. For the following property:

NE SE SE LESS E50 & N25 THEREOF FOR RD SEC 29 20 13 8.89ACS,

23280- Ryan Neurohor, Image Builders

Action Requested:

Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c))

LOCATION: 1105 E. 33 St. N. (Hawthorne Elementary School) **(CD 1)**

Presentation:

Walter Moore- 204 East 5th Ave

Mr. Moore is the Director of Operations for Image builders and is there on behalf of the applicant, Ryan Neuhor. They are seeking a special exception for a dynamic display for Hawthorne Elementary. Tulsa Public schools have an initiative to replace all their signs to dynamic displays, so their messages are easily displayed in multiple languages to meet their community’s needs, to quickly share emergency information as needed and to share school events. The new displays will be able to be controlled across the district by the Education Service Center technology department. The new displays will have an automatic timer and dimmer that will function with in the city code and operate from 7 a. m. – 9 p.m.

Interested Parties:

There were no interested parties.

Comments and Questions:

No additional comments or questions.

Board Action:

On **MOTION** of **Radney**,the Board voted 5-0-0 (Bond, Barrientos Wallace, Radney, Brown "aye"; "nays"; no "abstentions"; none absent) to **APPROVE** a **SPECIAL EXCEPTION** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c). Per the conceptual plans 10.6 – 10.12 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:

BEG 20N OF SECR NE NE TH W872.96 N712.50 E872.96 S712.50 TO POB SEC 24 20 12,

23281- Ryan Neurohr, Image Builders

Action Requested:

Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) **LOCATION:** 2510 E. Pine St. (Springdale Elementary School) **(CD 1)**

Presentation:

Walter Moore- 204 East 5th Ave

Mr. Moore is the Director of Operations for Image builders and is there on behalf of the applicant, Ryan Neuhor. They are seeking a special exception for a dynamic display for Springdale Elementary. Tulsa Public schools have an initiative to replace all their signs to dynamic displays, so their messages are easily displayed in multiple languages to meet their community’s needs, to quickly share emergency information as needed and to share school events. The new displays will be able to be controlled across the district by the Education Service Center technology department. The new displays will have an automatic timer and dimmer that will function with in the city code and operate from 7am-9pm. The existing sign is near a signal crosswalk and intersection, so they are moving the sign back 7ft to a new location which it will satisfy the required setback from the intersection.

Interested Parties:

No interested parties.

Comments and Questions:

No additional comments or questions.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** a **SPECIAL EXCEPTION** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **SPECIAL EXCEPTION** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans 11.8 – 11.4 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:

BEG 660E NWC NW TH S660 E330 N660 W330 POB LESS N35 FOR RD SEC 32 20 13 4.735ACS

23283- Larry L. Vorba

Action Requested:

Variance to permit a carport to be less than 3-feet of a side lot line (Sec. 90.090-C, Table 90-1, Table Note [2])

LOCATION: 1915 S. Gary Ave. **(CD 4)**

Presentation:

Larry Vroba- 1915 S. Gary Ave.

Mr. Vroba is the owner of the residence and is seeking the variance so he can install a carport. The home was built in 1926. He is trying to make the design as unintrusive as possible. It will be made from stretch fabric, with two stainless steel poles. He will be installing a gutter along the driveway for proper drainage.

He has not had any comments from his neighbors.

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Bond is in support and can easily see the hardship.

Ms. Radney has no objections and appreciates the unique design.

Board Action:

On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** a **VARIANCE** to permit a carport to be less than 3-feet of a side lot line (Sec. 90.090-C, Table 90-1, Table Note [2]) Finding the hardship to be the timing of the platting of the lot, location, and site conditions in terms of the location of the garage and driveway that predates the modern day code. Per the conceptual plans 12.7 – 12.10 of the agenda packet. 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 16 BLK 3, FLORENCE PARK ADDN

23285- Jeremy Perkins

Action Requested:

Variance to reduce the required 15-foot side street setback in the RS-3 District on a corner lot (Sec. 5.030-B, Table Note 3); **Special Exception** to permit a carport inside the street yard and street setback with modifications of the allowable dimensions (Section 90.090-C.1)

LOCATION: 4971 S. Detroit Ave. **(CD 9)**

Presentation:

Jeremy Perkins- 20 South Lewis Ave.

Mr. Perkins is with Perkins Architecture. They are proposing a room addition and covered parking to the south of the property and are seeking relief to the current 15-foot easement requirements. The lot was originally an interior lot, but due to the creation of 15th street it is now a corner lot. The house was built and designed as an interior lot and the existing garage does not work well with modern cars.

They have not had any discussions with neighbors

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Bond does not have an issue and feels that the hardship speaks for itself.

Ms. Radney comments that they are beautiful renderings.

Board Action:

On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** a **VARIANCE** to reduce the required 15-foot side street setback in the RS-3 District on a corner lot (Sec. 5.030-B, Table Note 3); **SPECIAL EXCEPTION** to permit a carport inside the street yard and street setback with modifications of the allowable dimensions (Section 90.090-C.1) Finding the hardship to be the house was built and set initially originally as an interior lot and that with the expansion of Interstate

44 and the removal of the adjacent lots the house was platted as a interior lot and is now a corner lot. Per the conceptual plans 13.10 - 13.15 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. 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-17-BLK-2,RIVERVIEW VILLAGE AMD

23286- Deborah K. Stowers, PD, CFM

Action Requested:

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

LOCATION: 10249 E. 41st St. (CD 7)

Presentation:

Deborah Stowers- 6660 S. Sheridan Rd.- Suite 210

Ms. Stowers is an engineer for Sisemore & Associates, and she is representing their client in seeking a variance for a drive thru facility due to the layout and configuration of the lot.

Mr. Bond asks for a reminder from the board on previous applications they have received for drive-thru variances. He asks city staff if they have any concerns about the lay out of the project and the stacking drive-thru lanes.

Mr. Chapman says that the original curb cut did not align with the allowed access for the plat and the applicant has gone through the proper measures to have it approved by city engineers, which includes the dual access point for both businesses on the land and that is the only allowed access point.

Ms. Radney clarifies with Ms. Stowers that the proposed stacking of the drive thru lane is the only configuration that will work on the site and will cause the least amount of disruption due to the approved mutual access point. Ms. Stowers replies, yes.

Mr. Wallace asks if the drive-thru window is North facing? Ms. Stowers replies yes and adds that the ordering area is on the east side of the building and the outside lane of the drive thru is only for mobile order pickup.

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Brown comments that having the drive thru lanes where they are in the conceptual plans is a preferred layout, but he cannot speak to continual use, but he feels it is reasonably placed.

Mr. Bond is inclined to support due to the entrance and exit point because the backside of the drive-thru is not visible from the main street.

Ms. Radney is inclined to support.

Mr. Wallace is inclined to support and likes the proposed landscaping that is shown. He feels this is a nice design and site.

Board Action:

On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** a **VARIANCE** to allow drive-through facilities to be located on the street-facing side of the property (Section 55.100-C. 2) Finding the hardship to be the topographical limitations of the property and the limitations by the allowed access points to the property. Per the conceptual plans 14.6, 14.10 – 14.16 of the agenda packet. 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 LESS BEG SWC TH N143.86 CRV RT 449.94 NE59.45 SE219.97 CRV RT
156.51 S17.57 W APR 280.28 S180 SW41.93 W116.38 POB BLK 1,KOGER
EXECUTIVE CENTER II**

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Ms. Radney would like to thank staff for their help and guidance with nuisances in cases that occurred at today's meeting.

Mr. Chapman would like to notify the board that the April 12th hearing may go late due to the number of cases being heard on that day.

There being no further business, the meeting adjourned at 2:50 pm.

Date approved: 04/12/2022



Chair

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. _____
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 04/12/2022
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

