BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1247
Tuesday, March 24, 2020, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT
Van De Wiele, Chair
Ross, Secretary
Radney
Shelton

MEMBERS ABSENT
Bond, Vice Chair

STAFF PRESENT
S. Miller
Wilkerson
Chapman
Sparger
N. Foster
Blank, Legal

OTHERS PRESENT

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on March 23, 2020, at 12:17 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Van De Wiele called the meeting to order at 1:10 p.m.

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

The City Board of Adjustment was held by videoconferencing and teleconferencing via GoToMeeting, an online meeting and web conferencing tool. Board of Adjustment members and members of the public will be 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://global.gotomeeting.com/join/571980757

The staff members attending remotely are as follows:

Ms. Briana Ross, Secretary
Ms. Burlinda Radney
Mr. Dwayne Wilkerson, Tulsa Planning Office
Ms. Audrey Blank, City Legal
The staff members attending in person are as follows:

Mr. Stuart Van De Wiele, Chair
Ms. Jessica Shelton, Board Member
Ms. Susan Miller, Tulsa Planning Office
Mr. Austin Chapman, Tulsa Planning Office
Mr. Nathan Foster, Tulsa Planning Office,
Ms. Janet Sparger, Tulsa Planning Office

MINUTES

On MOTION of SHELTON, the Board voted 3-0-1 (Ross, Shelton, Van De Wiele "aye"; no "nays"; Radney "abstaining"; Bond absent) to APPROVE the Minutes of the February 11, 2020 Board of Adjustment meeting (No. 1244).

On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the Minutes of the February 25, 2020 Board of Adjustment meeting (No. 1245).

On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the Minutes of the March 10, 2020 Board of Adjustment meeting (No. 1246).

NEW APPLICATIONS

22873—Carina Garcia

Action Requested:
Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210). LOCATION: 3811 South 27th West Avenue (CD 2)

Presentation:
The district City Councilor has requested a continuance to April 28, 2020, and the applicant has agreed to the continuance.

Interested Parties:
There were no interested parties present.
Comments and Questions:
None.

Board Action:
On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210) to the April 28, 2020 Board of Adjustment meeting; for the following property:

S 1/2 LT 4 BLK 30, RED FORK, City of Tulsa, Tulsa County, State of Oklahoma

22877—Stephen Pedmia

Action Requested:
Special Exception to allow a small (< 250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2). LOCATION: 6622 South Lewis Avenue East (CD 2)

Presentation:
The district City Councilor has requested a continuance to April 28, 2020, and the applicant has agreed to the continuance.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Special Exception to allow a small (<250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2) to the April 28, 2020 Board of Adjustment meeting; for the following property:


03/24/2020-1247 (3)
22879—J. R. Donelson

**Action Requested:**
Variance of the parking area design standards to permit an existing gravel parking lot (Section 55.090). **LOCATION:** 5866 South 107th East Avenue (CD 7)

**Presentation:**
The applicant has requested a continuance to April 28, 2020.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **CONTINUE** the request for a Variance of the parking area design standards to permit an existing gravel parking lot (Section 55.090) to the April 28, 2020 Board of Adjustment meeting; for the following property:


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**UNFINISHED BUSINESS**

22864—Charles Okyere

**Action Requested:**
Special Exception to increase the maximum driveway width within the right-of-way and on the lot in an RS-2 District (Section 55.090-F.3). **LOCATION:** 2518 East 26th Street South (CD 4)

**Presentation:**
Charles Okyere, 2518 East 26th Street, Tulsa, OK; (attended remotely) stated his General Contractor is the person who represented him at the previous meeting and he vaguely updated him on the previous meeting. Mr. Okyere stated that it is his understanding that the three-car driveway is allowed because there are other three-car driveways throughout the neighborhood. Mr. Okyere stated he is new to this process and do not what the next step should be.
Mr. Van De Wiele stated that it is not necessarily the number cars wide the driveway is, each driveway is only allowed so many feet of driveway width and the subject property exceeds that width. The Board needs a good rationale as to why the driveway exceeds the width. Mr. Van De Wiele informed Mr. Okyere that the Board asked the General Contractor to go back to the drawing board to see what modifications could be made to the current driveway to either bring the driveway into compliance so there is no relief needed, or to bring the driveway close to the allowable width. Mr. Okyere stated that he understood, but his General Contractor did not convey that to him.

**Interested Parties:**

**Chris Cox,** 2536 East 25th Place, Tulsa, OK; (attended in person) stated this request is a continuation of something that should never have been there, and he feels there is no need for a Special Exception or a Variance. The driveway requirements are very strict and straightforward. Mr. Cox stated he does not understand why the driveway cannot be compliant. There is no compelling reason for a driveway larger than it should be in this neighborhood. Mr. Cox believes it is the Board’s duty to have the owner provide a driveway that falls within the requirements.

**Rebuttal:**

**Charles Okyere** stated that he went through the neighborhood and saw other properties that have three-car driveways; there are about seven. Mr. Okyere stated the General Contractor told him that as long as there are other properties in the area that have circle drives and three-car driveways then should not be a problem. Mr. Okyere stated that when he and the General Contractor saw the other driveways the General Contractor said he would go to the City and apply for a permit, and apparently that did not happen. Mr. Okyere stated that based on what he saw in the Bryn Mawr and Woody Crest neighborhoods he thought the three-car driveway would fit into the area.

Mr. Van De Wiele stated that it sounds like what is being said by the General Contractor, and the time line of events of going around looking at properties, him telling you that he was going to apply for a permit, is absolutely different from the Board was told at the previous meeting. The General Contractor did not apply for a permit, came to the Board acting as though he had no idea that there were any restrictions on driveway widths, and Mr. Van De Wiele wants everyone to know that it is not necessarily a prohibition against certain driveways or three-car wide driveways it is the total amount of driveway width at the curb line, at the property line, and at the street line.

**Comments and Questions:**

Ms. Ross stated she is still a no vote on this issue. The General Contractor had no idea that there were requirements for the driveway width. This driveway needs to be fixed. This driveway does not fit the neighborhood.

Ms. Radney stated that at the previous meeting she had asked the General Contractor to find out what the property owner wanted as a resolution, because the current driveway is a no go. Ms. Radney asked the General Contractor to ask the property
owner which driveway was the most important and how could the current plan be reformed to make the driveway conform with the City’s standards.

Mr. Okyere stated he could separate the driveway and the circle drive and add planters, but this none of this was conveyed to him, but this is not the first house in the neighborhood that has a circular drive with three-car driveway.

Mr. Van De Wiele stated that he wants Mr. Okyere to understand, that from the Board collectively, it was made abundantly clear to the General Contractor at the previous meeting what was being asked of him, who the Board wanted him to speak with, and it was to come back with a revised plan to either bring the driveway into compliance or close to compliance so the amount of relief being sought was minimal. That is not what the General Contractor has done, it sounds like he has tried to find surrounding properties as a reason or excuse for what he has done.

Ms. Shelton stated that she would be a no vote on this request.

Ms. Radney stated that it makes sense to give the property owner the opportunity to advocate for himself so she would be inclined to continue this request, but she would not be interested in looking at this any further without an actual diagram making the driveway more compliant. Ms. Radney stated that the driveway on the west side is 29’-6” and that already exceeds the 27’-0” limit that the land owner is entitled to, so adding the additional curb cut which is 14’-10” is really excessive and excessive for the neighborhood. She would like to a plan keeping the driveway within the legal boundaries at the curb, and she would want to see that.

Mr. Van De Wiele stated that he will support a continuance to the April 28th meeting, but he wants it to be clear that what the Board needs to see is a plan that reduces the overall driveway width to either within the bounds provided by the Code or something very, very close to that so the amount of relief given is very minimal.

**Board Action:**
On **MOTION** of **SHELTON**, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **CONTINUE** the request for a Special Exception to increase the maximum driveway width within the right-of-way and on the lot in an RS-2 District (Section 55.090-F.3) to the April 28, 2020 Board of Adjustment meeting; for the following property:

**PRT LT 6 BEG 90.2E NWC TH SLY115.8 E105 NLY113.6 W105 POB BLK 1, WOODY-CREST SUB, City of Tulsa, Tulsa County, State of Oklahoma**
Action Requested:
Special Exception to permit carports in the street setback and street yard with modifications to the allowable height, width and length for carports in an R District (Section 90.090-C.1). LOCATION: 2302 & 2303 South 137th East Avenue (CD 6)

Mr. Van De Wiele recused and left the meeting 1:35 P.M.

Presentation:
Amanda Lowe, 320 South Boston, Suite 200, Tulsa, OK; (attended in person) stated she represents Gold Wynn Metroplex for this request. The subject property is an apartment complex that has 12 carports providing covered parking for apartment residents. All carports are detached and open structures; all are used for the storage of motor vehicles. It was recently discovered that the carports were in the street setbacks, in the street yards, as well as the dimensions of the carports were in violation of the Zoning Code. Specifically, seven of the carports are in the street setback, all 12 carports are in the street yard, all 12 carports exceed 20'-0” in length and width requirement. For the length there is 112.9 feet to 196.6 feet and the width ranges from 20.1 feet to 21.7 feet. There are 11 carports that exceed 8'-0” in height at the perimeter with a range of 7.3 feet to 9.9 feet. None of the carports are in excess of the 18 feet at the peak requirement. The carports have been on the property since 2013.

Ms. Radney asked Ms. Lowe if there was any intention of modifying the existing carports in any way. Ms. Lowe answered no and stated her client is just wanting to come into compliance.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 3-0-1 (Radney, Ross, Shelton "aye"; no "nays"; Van De Wiele "abstaining"; Bond absent) to APPROVE the request for a Special Exception to permit carports in the street setback and street yard with modifications to the allowable height, width and length for carports in an R District (Section 90.090-C.1), subject to “as built” on pages 5.5, 5.9 and 5.10 of the agenda packet. The carports are to remain the same as currently built. 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:
Mr. Van De Wiele re-entered the meeting at 1:41 P.M.

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NEW APPLICATIONS

22872—Amberlynn Reyes

Action Requested:
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

LOCATION: 317 South 49th Avenue West (CD 1)

Presentation:
Amberlynn Reyes, 317 South 49th West Avenue, Tulsa, OK; (attended remotely) no formal presentation was made by the applicant but was available for any questions from the Board.

Mr. Van De Wiele state the Board is in receipt of the applicant’s spacing exhibit on page 6.1 in the agenda packet.

Mr. Van De Wiele asked Ms. Reyes if she was aware of any other dispensaries that are open or permitted within 1,000 feet of the subject site. Ms. Reyes answered no.

Ms. Radney asked Ms. Reyes if this was a verification of spacing in advance of completing the application for the license. Ms. Reyes states she has already applied for the license and she needs this approval to proceed with the license.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; "nay"; no "abstentions"; Bond absent) I move that based upon the facts in this matter as they presently exist, we ACCEPT the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void.
should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**LT 8 BLK 8, HAYDEN-LEWIS ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22874—Premium Cannabis Plug, LLC – Brandie White**

**Action Requested:**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

**LOCATION:** 5264 North Peoria Avenue East (CD 1)

**Presentation:**
Brandie White, 5264 North Peoria Avenue, Tulsa, OK; (attended remotely) no formal presentation was made by the applicant but was available for any questions from the Board.

Mr. Van De Wiele stated the Board is in receipt of the applicant’s spacing exhibit on page 7.1 in the agenda packet.

Mr. Van De Wiele stated the Board is in receipt of the applicant’s license on page 7.7 of the agenda packet.

Mr. Van De Wiele asked Ms. White if she was aware of any other dispensaries that are open or permitted within 1,000 feet of the subject site. Ms. White answered no.

Ms. Ross asked Ms. White if she had taken the necessary steps to get her license renewed because it expires at the end of this month. Ms. White answered affirmatively and stated she is waiting on this approval for the renewal.

Mr. Van De Wiele stated for the record that the Board received an e-mail from Mrs. Phyllis Wilson expressing opposition to this request, stating the desire to have no more dispensaries in the subject area; he read the e-mail. Mr. Van De Wiele stated these actions are only a spacing verification and the Board is only verifying that there is or is not another dispensary within a 1,000 feet of the proposed location. The Board is not giving an opinion of the ethics or morality or the business need for another dispensary in any particular location.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.
Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; "nay"; no "abstentions"; Bond absent) I move that based upon the facts in this matter as they presently exist, we ACCEPT the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

E. 130' N.180.01' RESERVE A., SHARON HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22878—KKT Architects

Action Requested:
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

LOCATION: 1430 East 71st Street South (CD 2)

Presentation:
Nicole Watts, 2200 South Utica Place, Tulsa, OK; (attended remotely) no formal presentation was made by the applicant but was available for any questions from the Board.

Mr. Van De Wiele stated the Board is in receipt of the applicant’s spacing exhibit on pages 8.1, 8.7, 8.8 and 8.9 in the agenda packet.

Mr. Van De Wiele asked Ms. Watts if she was aware of any other licensed or open dispensary within 1,000 feet of the subject location. Ms. Watts answered no.

Mr. Van De Wiele if this application was in connection with an existing license or a renewal or is this a new license. Ms. Watts stated this is a new license; she needs approval of today’s request to receive the license.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; "nay"; no "abstentions"; Bond absent) I move that based upon the facts in this matter as they presently exist, we ACCEPT the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void.
should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

PRT LTS 1 & 2 N290 W44.3 LT 1 & N290 E35.7 LT 2 LESS N35 THEREOF, VALLEY BEND SUB, City of Tulsa, Tulsa County, State of Oklahoma

22881—Donyale Stancle

Action Requested:
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

LOCATION: 6125 East 31st Street South (CD 5)

Presentation:
Donyale Stancle, 6125 East 31st Street, Tulsa, OK; (attended in person) no formal presentation was made by the applicant but was available for any questions from the Board.

Mr. Van De Wiele stated the Board is in receipt of the applicant’s spacing exhibit on pages 9.1, 9.8 and 9.9 in the agenda packet.

Mr. Van De Wiele asked Mr. Stancle if he was aware of any other licensed or open dispensary within 1,000 feet of the subject location. Mr. Stancle answered no.

Mr. Van De Wiele if this application was in connection with an existing license or a renewal or is this a new license. Mr. Stancle stated this is a new license; he needs approval of today’s request to receive the license.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; "nay"; no "abstentions"; Bond absent) I move that based upon the facts in this matter as they presently exist, we ACCEPT the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

BEG 50N & 1164.5W SECR SE TH N265 E227 S265 W227 POB LESS W40 S140 THEREOF SEC 15 19 13 1.252ACS, City of Tulsa, Tulsa County, State of Oklahoma
**Action Requested:**
Modification of a previously approved Special Exception (BOA-21850) to allow a manufactured housing unit permanently (Section 40.210-A). **LOCATION:** 408 South 39th West Avenue (CD 1)

**Presentation:**
Blendia Warden, 408 South 39th West Avenue, Tulsa, OK; (attended remotely) stated her name was formerly Clark but it is now Warden. She and her husband had planned on purchasing a newer mobile home, but he has since passed away, and now she does not have the funds for such a purchase.

Mr. Van De Wiele asked if this was the mobile home she came before the Board for in 2015, and there was a five-year approval. Ms. Warden answered affirmatively.

Mr. Van De Wiele stated the Board has a site plan and pictures on pages 11.5, 11.6 and 11.7 of the agenda packet.

Ms. Radney asked Ms. Warden how old her manufactured home is. Ms. Warden stated it is a 1974 or 1975 unit. Ms. Radney asked Ms. Warden if she had the manufactured home since it was new. Ms. Warden stated she purchased the manufactured home used.

Mr. Van De Wiele stated that in the 2015 meeting that same question was asked and at that time it was stated that the manufactured home was a 1975 model.

Ms. Radney asked Ms. Warden if she has had any issues, violations or citations from the City. Ms. Warden stated that she has not.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
Mr. Van De Wiele stated that he can remember only one mobile home he approved to go permanent. He is not inclined to support a permanent approval, but he would approve another five-year time period. This does not seem to be an issue for Ms. Warden’s neighbors, and he does not think the Board has heard anything that is an issue over the last five years.

Ms. Ross agreed with Mr. Van De Wiele.

Ms. Radney stated she would be leery of permanently, but she could approve a five-year term maybe even a ten-year term. The mobile home looks like it has been properly maintained.
Ms. Shelton stated she could approve a ten-year term, but not less than five years.

**Board Action:**
On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Modification of a previously approved Special Exception (BOA-21850) to allow a manufactured housing unit permanently (Section 40.210-A), subject to conceptual plans of pages 11.5, 11.6 and 11.7 of the agenda packet. There is to be a seven-year time limit on the approval, March 2027. 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-3-BLK-2, PARK VIEW PLACE, City of Tulsa, Tulsa County, State of Oklahoma**

22880—Eller & Detrich – Lou Reynolds

**Action Requested:**
Special Exception to allow Outdoor Equipment and Storage in a CS District (Section 15.020, Table 15-2). **LOCATION:** 9955 East 21st Street South (CD 9)

**Presentation:**
Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; (attended remotely) stated the subject property is the former Dean’s RV & Campers Super Store that was approved in 1982. The site has been used for the storage of camper trailers and the property is now being purchased by Ahearn Equipment Rental and they desire to have an outdoor storage of construction equipment on the site. They will store the equipment north of the south boundary of the existing building; Dean’s RV did not do that.

Mr. Van De Wiele asked Mr. Reynolds if the equipment being stored on the site would be for rental or would this be an equipment yard. Mr. Reynolds stated the equipment is primarily for rental, but they do sell equipment, but it is not a yard.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of BOND, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Special Exception to allow Outdoor Equipment and Storage in a CS District (Section 15.020, Table 15-2), subject to photo pages 14.10, 14.11, 14.12, 14.13, 14.14 and 14.15 of the
agenda packet. There is to be no storage of equipment south of the south wall of the existing building. 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 LESS W447.79 LT 1 BLK 2, MAGIC CIRCLE SOUTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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OTHER BUSINESS
None.

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NEW BUSINESS
None.

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BOARD MEMBER COMMENTS

Mr. Van De Wiele congratulated the INCOG staff, the City IT personnel and everyone else involved in the production of today’s virtual meeting, this was less painful than everyone anticipated.

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There being no further business, the meeting adjourned at 2:10 p.m.

Date approved: 4/28/2020

Chair