

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1282
Tuesday, October 12, 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 Radney, Vice Chair Brown, Secretary Barrientos	Wallace	Wilkerson N. Foster Sparger K. Davis	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on October 7, 2021, at 9:44 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. Foster read the rules and procedures for the Board of Adjustment Public Hearing.

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/81054331737>

312-626-6799

Meeting ID: 810 5433 1737

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

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

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Mr. Bond explained to the applicants and interested parties that there were only four board members present today. Motions from the Board will require an affirmative vote of three members. When there is less than a full Board, the Board will entertain a request to continue agenda items to a later meeting date, at which all five members of the Board may be present. Mr. Bond asked if there were any applicants that would like to postpone his or her hearing until the next meeting he or she could do so. The audience nodded their understanding and no one came forward to request a continuance.

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MINUTES

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** the **Minutes** of the August 24, 2021 Board of Adjustment meeting No. 1279 for additional comments on the work session.

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** the **Minutes** of the September 14, 2021 Board of Adjustment meeting No. 1280 for additional comments on the work session.

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UNFINISHED BUSINESS

23182—Jack In The Box – Dawn Bennyhoff and Shaun Steen

Action Requested:

Variance to allow a drive-through facilities to be located on the street-facing side of the property (Section 55.100-C. 2); Variance to allow drive-through signs that exceed the maximum area of 36 square feet for the primary signs and 15 square feet for the secondary signs and to allow two secondary drive-through signs (Section 60.030-B.2).

LOCATION: 8112 East 11th Street South (CD 5)

Presentation:

Dawn Bennyhoff, Jack In The Box Corporate Construction Manager, 2804 Crooked Creek Drive, Carrollton, TX; stated at the last meeting Item #1 was discussed she will summarize the request today. Currently the proposed site plan and scope of work includes two menu boards for a double drive-thru lane as well as the two preview boards. The question at the last meeting was the square footage of the signs, the cabinets. The menu boards are allowed 36 square feet and the preview boards are allowed 15 square feet. The Jack In The Box is a closed cabinet system and they come to 42 square feet per menu board and as well as for the preview boards with the extenders on both of them; 168 square feet. The request is for an additional 66 square feet of signage for the proposed double drive thru. The main focus of the building is the drive-thru; it is a walk-up building so it will be the first without a dining room. The clientele that come through the drive-thru is about 95% so they want to capitalize on that. One of the lanes will be an Uber express lane which allows for on-line pick up orders to have food brought out and there will be a couple of parking spaces for pick up orders as well. Regardless of how the building is going to be built, the two drive-thru lanes do not change, but what could possibly change is there is an express lane; the express lane does not have any signage.

Mr. Wilkerson stated that the many design considerations are for a large parking lot, and they are not required by the Zoning Code, and he would like to hear thoughts about that because he thinks it would be helpful.

Ms. Bennyhoff stated that initially with the proposed site this is the first walk-up, drive-thru only facility. However, it is the intent that the building the larger space on the site plan is left open to potentially accommodate a future dining room. This is a test store and Jack In The Box wants to see how well it does, and if the feedback is that the public prefers dining room seating, they want the option to put in a dining room thus the ample proposed parking. There is also a consideration given to people who want to eat in their car because people will do that.

Mr. Bond stated that he is having a hard time considering the hardship that would allow the change of a position of a business. He understands there are different business models, but it is still the concept that has this business with its back to a thoroughfare. Good or bad is the implication of allowing a new line of exceptions to the City's rules.

David Gregory, DCG Engineering, Inc., 1668 Keller Parkway, Suite 100, Keller, TX; came forward and stated there was a package of slides submitted yesterday. The hardship is the property is longer in an east/west direction that it is in a north/south direction. Geometrically it is extremely difficult to get a site that meets the Code and will meet the drive-thru stack requirements, will provide good circulation, parking and building position. Mr. Gregory stated he has submitted multiple different alternate site plans with pros and cons to each. What he has found in the studies, keeping in mind that this is a test building that is designed to be drive-thru with a walk-up window. At some point in the future the business may need to expand and if it is expanded what affects would that have on the site? There is a lot of image on the building,

especially on the front corner. Because a drive-thru operates in a counterclockwise method it pushed the drive-thru to run along the street; he understands that the drive-thru lanes are why this is before the Board of Adjustment. The enhanced landscape package is being proposed to soften the area, which is similar to what has been approved by the Board in the past. The plan is allowing the drive aisles and the parking spaces to be farther away for the intersection, which is in compliance with the City of Tulsa Access Management Policy. It is anticipated that there will be a large percentage of walk-up patrons so there is an order for them to sit while waiting for their order or sit and eat a meal. The other benefit to the site plan is where the trash facility is located. Mr. Gregory explained alternate site plans to the Board.

Mr. Brown asked Mr. Gregory about the use of accessing the site from the neighbor's property on the south side. Mr. Gregory stated that is a proposed common access which is a common practice. The reason for the job in the access is that ONG has a very large gas main, one of the largest in the City of Tulsa, that runs through the property, on three sides, and it was very tricky to figure running a sanitary sewer to the site.

Mr. Brown asked Mr. Gregory about placing the trash enclosure where the shared access is proposed. Mr. Gregory answered no, stating that the trash enclosure needs to be on the subject property.

Ms. Bennyhoff came forward and stated there is an easement agreement to install the access at the front of the property but not at the rear, there will be no agreements for the rear.

Ms. Radney asked if the siting of the building has anything to do with the easements that must be respected as it relates to ONG? Mr. Gregory answered affirmatively stating the lines are on the south, east, and west. Mr. Gregory stated there are a lot of utilities crossing all the frontages.

Mr. Barrientos asked about the number of employees at the restaurant. Ms. Bennyhoff came forward and stated there could be up to 30 employees. Mr. Barrientos asked if that was 30 employees per shift.

Mark Holmes, Franchise Operator, 20008 Champion Forrest Drive, Spring, TX; came forward and stated that in the busy hours there will be five employees per shift, and it would be 30 employees total for the location.

Mr. Brown asked about the hours of operation. Mr. Holmes stated this will be a 24 hour, 7 days a week store.

Ms. Bennyhoff came forward and presented elevation slides for the Board to view and explained the building layout.

Mr. Gregory came forward and explained the landscaping in relation to the building.

Ms. Radney asked Ms. Bennyhoff if she could state a hardship for the signage size. Ms. Bennyhoff deferred to Mr. Gregory.

Mr. Gregory came forward and stated that part of the reason for the larger signage request is that Jack In The Box has a very diverse menu and it is available all day. The diversity of the menu with late night options the menu boards need to be larger to properly offer the food options.

Ms. Bennyhoff stated there is also a late-night menu that is offered from 9:00 P.M. to 5:00 A.M. The basic menu board cabinet is a regular square box with extenders on each side of that box; one extender displays the late-night menu, and the other extender displays the breakfast menu. The cabinet meets the city requirements, it is the extender portion of the sign that is not being allowed because they push the sign over the allowable 36 square feet. The preview boards are duplicates of the menu boards, but the preview board does not have an ordering speaker.

Mr. Brown asked about the three Jack In The Box signs that are on the building. Ms. Bennyhoff stated there is a large 8 x 8 pylon sign at the front of the building and they would be willing to reduce that to 6 x 6, and there are two branding panels on the front and a third on the drive-thru side of the building, and they want to have the signs. Ms. Bennyhoff stated she would concede to losing a building sign in order to have the menu board. But she would also offer to reduce the pylon cube sign to keep the building signs.

Ms. Radney asked if the existing menu boards at other Jack In The Box restaurants are in compliance with the Code or did, they require a Variance? Ms. Bennyhoff stated that she did not know, but she knows they all currently have the set up as described in place.

Mr. Bond asked if the alternative site plans had been noticed to the public or are they just for demonstration purposes today? Mr. Wilkerson stated is that staff has started asking applicants that are requesting a Variance based on a hardship to put together a site plan that matches the Code, and Jack In The Box has done that with the exception of parking. In a CH District there is no parking required for a building less than 5,000 square feet. It does not mean there is no parking needed it just means that the City does not require it. The idea is to give the Board members something to review to see if the Code is strictly followed what it would like, or if the Variance is granted how does it affect the presentation on the site.

Ms. Radney asked Ms. Bennyhoff to state the hardship for the signs. Ms. Bennyhoff stated the hardship that per Code they are only allowed to have the two menu boards without the extenders, and they do not have 15 square foot preview board. Ms. Radney stated the hardship cannot be self-imposed and it cannot be financial. Ms. Bennyhoff stated that it basically comes down to the menu offerings needing the signage. Ms. Bennyhoff stated another thing is that this site will be the first time Jack In The Box is installing double drive-thru lanes thus needing double signage.

Mr. Brown stated the hardship for this request would be the new concept store needing expanded signage.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Bond stated his issue is allowing a rear facing business with a front facing drive thru. He understands there is a lot of work that has gone into this presentation, and he understands the business needs, but he defaults back to the Zoning Code, the literal enforcement of the subject zoning code provision is not necessary to achieve the provisions intended purpose. The intended purpose of the Code is to have front facing businesses. He is sympathetic to the signage Variance.

Ms. Radney stated that in looking at the site, especially with the information that was highlighted today about the right-of-way issues and the utility easements, what makes this site increasingly more unique is that the buildable is getting increasingly constrained and in thinking about what is the best and highest use for the compromised subject site, this type of business might in fact be the best use. She does not like any of the alternate layouts that are more conforming with the Code. She is sympathetic with the comments about the inefficiency on layout #2, it reminds her about the Arby's across from Tulsa University because their long access is on the narrow width of the lot. Ms. Radney stated she can get to an approval on the layout, but she is less convinced by the signage, but she understands the concept does require more signage to be able to have maximum auto-based throughput. She would like to have a better enunciated hardship on the signage.

Mr. Barrientos stated that he too did not like any of the alternative plans. Also, this will be vital to the 11th Street and Memorial area. Mr. Barrientos stated he is inclined to support this request.

Mr. Brown stated that he agrees, this site has the City of Tulsa restrictions on it and that makes it difficult.

Ms. Blank reminded the Board that the Variance on the signage only involves the menu boards, not the pylon or any other signage on the building; the only thing before the Board today is the menu boards. The Code portion that the Variance is relating to is on page 3.3 of the agenda packet at the bottom. The applicant is allowed to have 36 square foot sign and one 15 square foot sign per order station. Ms. Blank stated there are two drive-thru lanes, so the applicant is allowed two 36 square foot signs and two 15 square foot signs, so the calculation is short 33 square feet per each drive-thru lane.

Mr. Foster stated that for a point of clarification, the way the Code reads related to drive-thru signs is that the applicant is allowed two 36 square foot primary menu boards for the two drive-thru lanes. However, the applicant is limited to only one secondary drive-thru sign per lot. The applicant needs to ask for a Variance for a second secondary sign and a Variance from the square footage for the primary signs.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 3-1-0 (Barrientos, Brown, Radney "aye"; Bond "nay"; no "abstentions"; Wallace absent) to **APPROVE** the request for a Variance to allow a drive-through facilities to be located on the street-facing side of the property (Section 55.100-C. 2); Variance to allow drive-through signs that exceed the maximum area of 36 square feet for the primary signs and 15 square feet for the secondary signs and to allow two secondary drive-through signs (Section 60.030-B.2), subject to the conceptual site plan submitted at today's meeting and conceptual plans 3.12 through 3.41 for the signs. The Board has found the hardship to be that the constraints that are imposed on the developable area on the lot that are created due to the City right-of-way as well as existing easements and utility services that cross the property limit the ability to allow the applicant to install an efficient counterclockwise rotating drive-thru in a manner that can't avoid the street facing services and acknowledging that this is a very unique geographic layout. The additional square footage allowed for the signage is not to exceed 90 additional square feet. The hardship for the signage is related to the uniqueness of this particular drive-thru model, and due to the wind and weather conditions there has to be a particular rugged set of drive-thru signs. The landscaping is to adhere closely to today's submission. 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 Part Of Lots Seven (7) And Eight (8), Block Two (2), Amended Plat Of Lots One (1) To Eight (8) Inclusive, In Block One (1) And Lots One (1) To Eight (8) Inclusive, Block Two (2) Forest Acres Addition To The City Of Tulsa, Oklahoma, According To The Recorded Plat No. 1 063:

Tract A

Commencing At The Northeast Corner Of Lot 7; Thence South 01°17'06" East Along The East Line Of Lot 7 A Distance Of 137.47 Feet To The Point Of Beginning; Thence South 01°17'06" East Along The East Line Of Lot 7 A Distance Of 45.00 Feet; Thence South 88°44'27" West Parallel With The South Line Of Lot 7 And Lot 8 A Distance Of 290.04 Feet; Thence North 01°09'43" West A Distance Of 93.49 Feet: Thence Along A Non Tangent Curve Turning To The Right With An Arc Length Of 106.65 Feet, With A Radius Of 155.90 Feet, With A Chord Bearing Of North 43°46'53" East , With A Chord Length Of 104.58 Feet; Thence North 88°43'14" East A Distance Of 175.91 Feet; Thence South 01°17'06" East Parallel To The East Line Of Lot 7 A Distance Of 122.72 Feet; Thence North 88°21 '14" East A Distance Of 39.89 Feet To The Point Beginning; City Of Tulsa, Tulsa County, State Of Oklahoma

23187—Omar Ahmadieh

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3). **LOCATION:** 5508 South 30th West Avenue (**CD 2**)

Presentation:

The applicant was not present.

Mr. Bond stated the Board continued this case because the applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; "nays"; no "abstentions"; Wallace absent) to **CONTINUE** the request for a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) to the October 26, 2021 Board of Adjustment meeting; for the following property:

LT 1 BLK 8, MOUNTAIN MANOR ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

23190—AAB Engineering, LLC – Ryan Graff

Action Requested:

Special Exception to permit an animal boarding facility in a CS District (Section 15.020, Table 15-2). **LOCATION:** 9191 South Mingo Road East (**CD 7**)

Presentation:

Alan Betchan, AAB Engineering, 200 North McKinley, Sand Springs, OK; stated this request is for a boarding facility. This will be a canine resort, luxury boarding facility for dogs. It is going to be a combination doggy daycare and extended traditional boarding facility. The board is usually three to seven nights and there will be pick up and drop off for the day care; check in the morning and check out the same day. There is an exterior and an interior play yard; two of them, one for large dogs and one for small dogs. The exterior play yard will be fully screened with an eight-foot PVC fence that is specifically designed as a sound barrier. This site is abutted on the west by a detention facility and on the south by a creek buffering it from surrounding uses. No dogs will ever be outside by themselves. If there is an unusually loud pack, they will transition to the interior play yard. This spot is tucked back in a commercial portion of the CS District that is still in the process of developing.

Mr. Brown asked Mr. Betchan if this is small animal boarding, no horses, no goats, etc. Mr. Betchan answered affirmatively.

Mr. Brown asked Mr. Betchan how will the waste be disposed of? Mr. Betchan stated the applicant has an exterior yard that is not grass, it is actually a manufactured material that specifically designed for dog parks; the waste is picked up and disposed of daily.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** the request for a Special Exception to permit an animal boarding facility in a CS District (Section 15.020, Table 15-2), subject to conceptual plans 5.15 and 5.17 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:

A Part Of Government Lot One (1), Section Nineteen (19), Township Eighteen (18) North, Range Fourteen (14) East Of The Indian Base And Meridian, City Of Tulsa, Tulsa County, State Of Oklahoma, According To The U.S. Government Survey Thereof And More Fully Described As Follows:

Commencing At The Northwest Corner Of Said Government Lot One (1); Thence South 01°10'47" East Along The West Line Thereof, A Distance Of 355.00 Feet; Thence North 88°56'55" East, A Distance Of 58.00 Feet To The Point Of Beginning; Thence Continuing North 88°56'55" East, A Distance Of 421.50 Feet; Thence South 01°10'47" East, A Distance Of 456.00 Feet; Thence South 88°56'55" West, A Distance Of 429.50 Feet; Thence North 01°10'47" West, A Distance Of 166.10 Feet; Thence North 88°49'17" East, A Distance Of 8.00 Feet; Thence North 01°10'47" West, A Distance Of 289.88 Feet To The Point Of Beginning. Containing 193,532.39 Square Feet Or 4.44 Acres.

Legal Description Basis Of Bearings Is The West Line Of Government Lot One Being North 01°10'47" West., City Of Tulsa, Tulsa County, State Of Oklahoma

23191—AAB Engineering, LLC

Action Requested:

Variance to reduce the required arterial street setback from 35-feet to 20 feet in an RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 1242 East 27th Place South (**CD 4**)

Mr. Bond recused at 2:29 P.M. and left the meeting.

Presentation:

Alan Betchan, AAB Engineering, 200 North McKinley, Sand Springs, OK; stated this is a redevelopment of five lots and it is a very unique tract of land. The original development was turned inward from the outlying streets to provide access to the lots. Now the driveway along the rear of the property is essentially the front yard for what would be the tracts that are Peoria. The problem that comes with that is that there is still a 35-foot arterial building line because technically the front yard for the two lots on Peoria is Peoria; that is not a private street that it is going derive its access from. The relief being requested is to go down to 20 feet which is a normal rear yard to get an actual buildable pad within the project. There is an existing masonry wall that had a Variance approved by the Board of Adjustment along Peoria so there will not be access to Peoria for the two lots with the Variance request. These lots have not been replatted, these lots still are as they were in the original plat for the area, which is certainly not contemplating Peoria in the size it was or necessarily how things have developed around it now. That is the reason for this application.

Mr. Wilkerson stated that this development is not affecting any planned right-of-way or anything that may happen in the future along Peoria.

Mr. Brown asked Mr. Betchan if he had spoken with any of the neighbors. Mr. Betchan stated he has not been in communication with any of the neighbors, but the project has been in extensive communication with the adjoining neighbors and there has been no feedback other than one neighbor would like to sell the developer her house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-1 (Barrientos, Brown, Radney "aye"; no "nays"; Bond "abstaining"; Wallace absent) to **APPROVE** the request for a Variance to reduce the required arterial street setback from 35-feet to 20 feet in an RS-3 District (Section 5.030, Table 5-3), subject to conceptual plan 6.12 of the agenda packet. The Board has found the hardship to be the existing planning from the early 1900s and the initial shape of the existing lots. 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 32 & 33 BLK 19, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Bond re-entered the meeting at 2:53 P.M.

23192—Jesse Bucelluni

Action Requested:

Variance to increase the allowable display area for free standing signs in the CS District by 37.4 square feet (Section 60.080-C.3.b.1). **LOCATION:** 16415 East Admiral Place (**CD 6**)

Presentation:

Jesse Bucelluni, CNF Signs, 1225 North Lansing, Tulsa, OK; stated the request is to increase the allowable square footage of a pole sign for Arby's. There are two poles signs that are technically listed on the same property. When two signs are on the same property it reduces the allowable square footage. The property has approximately 370 linear feet along I-44 and that only allows 370 square feet of total signage since there are two signs on the property. The neighbor to Arby's is All Signs and they have used 200 square feet of signage, making the two signs competing for square footage. The Arby's sign is approximately 68 feet tall, and the new pylon sign will be less than the existing sign by about 30 square feet. Mr. Bucelluni stated these are two distinct businesses, but they are technically on the same property and that causes the hardship for the allowable square footage.

Mr. Brown asked Mr. Bucelluni why the sign has to be so tall because there is nothing around it that is near that height and size. Mr. Bucelluni stated Arby's is using the existing pole for the rebranding cabinet and he presumes the pole is that height because it is next to I-44.

Mr. Bond asked Mr. Bucelluni if there had been any comments or concerns expressed by the neighbors. Mr. Bucelluni answered no.

Ms. Radney asked Mr. Bucelluni if these were two separate business properties would the new sign conform? Mr. Bucelluni stated that if they were separate properties Arby's would have about 270 linear feet of space which would allow 400 square feet of signage, and the new sign is about half of that.

Mr. Brown asked Mr. Bucelluni if the new sign will be lighted. Mr. Bucelluni answered affirmatively stating that it will be internally lit with LEDs.

Mr. Brown asked Mr. Bucelluni if the application included the sign that is down lower on the property. Mr. Bucelluni answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** the request for a Variance to increase the allowable display area for free standing signs in the CS District by 37.4 square feet (Section 60.080-C.3.b.1), subject to conceptual plan 7.22 if the agenda packet. The Board has found the hardship to be the uniqueness of the platting with two businesses that are considered to be along the same frontage and having a reduced allowed square footage because of the need to share that footage. 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:

BEG 501.50E & 40N SWC LT 4 TH N313.89 SE162.85 CRV LF 122 E85.56 TO W R/W 164TH E AVE TH S242.50 TO N R/W E ADMIRAL PL TH W358.01 POB LESS S10 FOR ST SEC 2 19 14 2.097ACS, City of Tulsa, Tulsa County, State of Oklahoma

23193—Jim Beach

Action Requested:

Special Exception to modify a previously approved site plan for a university in a residential district (Section 5.020, Table 5-2 & Section 70.120); Variance to increase the maximum permitted height of 35 feet in an RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 7777 South Lewis Avenue East **(CD 2)**

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; "nays"; no "abstentions"; Wallace absent) to **CONTINUE** the request for a Special Exception to modify a previously approved site plan for a university in a residential district (Section 5.020, Table 5-2 & Section 70.120); Variance to increase the maximum permitted height of 35 feet in an RS-3 District (Section 5.030, Table 5-3) to the October 26, 2021 Board of Adjustment meeting; for the following property:

BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY HGTS, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Mr. Bond extended a thank you to Janet Sparger for getting the additional comments added to the August 24th minutes quickly.

Mr. Brown stated that he thinks the special meeting minutes were very well done also.

There being no further business, the meeting adjourned at 3:08 p.m.

Date approved: 11-9-21


Chair