

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1283
Tuesday, October 26, 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 Barrientos Wallace	Brown, Secretary	Wilkerson Chapman Sparger	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on October 21, 2021, at 9:41 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 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/84318109026>
312-626-6799 Meeting ID: 843 1810 9026

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

- Mr. Austin Bond, Chair
- Ms. Burlinda Radney, Vice Chair
- Mr. Tomas Barrientos
- Ms. Audrey Blank, City Legal
- Mr. Dwayne Wilkerson, Tulsa Planning Office
- Mr. Austin Chapman, Tulsa Planning Office
- Ms. Janet Sparger, Tulsa Planning Office

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.

MINUTES

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace "aye"; no "nays"; no "abstentions"; Brown absent) to **APPROVE** the **Minutes** of the September 28, 2021 Board of Adjustment meeting No. 1281 for additional comments on the work session.

UNFINISHED BUSINESS

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 has withdrawn the request.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

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

NEW APPLICATIONS

23199—Eller & Detrich – Lou Reynolds

Action Requested:

Appeal of the Administrative Decision issued in Case No. ZONV-050120-2021 (the “Decision”) pursuant to Section 70.140 of the Tulsa Zoning Code (the “Code”) for property located at 2667 S. Trenton Ave. The Decision found that an art sculpture on the Property (1) constitutes a sign; (2) is advertising a home occupation on the Property; (3) requires a permit; and (4) is located in the front building setback.

LOCATION: 2667 South Trenton Avenue East (CD 4)

Presentation:

Staff has requested a continuance.

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, Radney, Wallace "aye"; Bond "nay"; no "abstentions"; Brown absent) to **CONTINUE** the request for an Appeal of the Administrative Decision issued in Case No. ZONV-050120-2021 (the “Decision”) pursuant to Section 70.140 of the Tulsa Zoning Code (the “Code”) for property located at 2667 S. Trenton Ave. The Decision found that an art sculpture on the Property (1) constitutes a sign; (2) is advertising a home occupation on the Property; (3) requires a permit; and (4) is located in the front building setback to the November 9, 2021 Board of Adjustment meeting; for the following property:

LT 16 N.30 VAC. AT 26TH PL. BK 15, TERWILLEGGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

23146—Wallace Engineering – Mike Thedford

Action Requested:

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

Presentation:

Mike Thedford, 123 North Martin Luther King, Jr. Boulevard, Tulsa, OK; stated this case was previously requested to be continued to work on some property issues along the right-of-way on the north side of the subject site. Since that time the issues have been resolved, the closure has been processed and approved and the Ordinance is in effect. The goal of the proposal is to have some improvements on the property. The property has been in operation for over 30 years as it is today. With the acquisition of the property to the north adds another 15 or 20 feet to the project, which gives the opportunity to possibly construct a new building. The goal is to become compliant with the operation as it is today. The Zoning Code places this request under governmental services. The services provided are food and clothing to those in need. The improvements of the new facility will provide a way to better serve the public. The goal is to provide improved operations which will enhance the area and move people through the facility.

Bruce Henley, Dewberry Architects, 1350 South Boulder, Tulsa, OK; stated the proposed building will double in size. The aesthetic of the building will be the resemblance of the new addition of First Baptist Children's Building. The purpose in the increased capacity of the building is to store and move items to and from for the consumption through the ministry.

Interested Parties:

Erica Uppert, 401 South Elgin Avenue, Tulsa, OK; stated she is before the Board on behalf of Mark Larsen who is the owner of East End Village and owns the property where Greyhound is located and the parking lot behind that. She is here today to oppose the proposition. The center and its needs do not treat the homeless population's needs and as the project and center grows it will attract more and more of the homeless community. The City is trying to beautify downtown Tulsa, obviously with the stadium and taxes that have been paid for many years. The population that visits this center, specifically, have been a nuisance to the residents of East End Village Apartments, and they frequent the facilities as passersby after they receive the items from the care center. Those items are disposed of at the East End Village property, and it has become a problem in the last several years. If this were a shelter that were to treat or prevent the homeless population would be one thing, but she is under the impression that this will attract more and more of that community, and Mr. Larsen does not want that in and around his businesses.

Casey Bradford, 314 East 3rd Street, Tulsa, OK; stated he is the next-door neighbor to the caring center. He is in the process of purchasing the two-story brick building between Juniper and the caring center. He has a second floor full of tenants and the first floor will soon be the same way. He has been able to spend a lot of time in the building over the last five months and during some of the modifications his daughter saw a grown man defecate in the alley after receiving goods from the caring center. Mr. Bradford stated his son asked him why there were needles in the alley as he was walking down the alley. Mr. Bradford stated he has called the Tulsa Police Department (TPD) on numerous occasions on the loitering that happens as a direct result of the caring center. Mr. Bradford stated he has story after story of drug abuse, alcohol abuse, people rummaging through dumpsters, littering, throwing trash all about, and spraying urine from the side of the building or washing away the piles of feces. It is a continuing problem, and it is not being addressed, and if anything it is drawing more people to the area. If this request is approved, it is going to perpetuate a really bad problem. This is not in the best interest of Tulsa, and it is not in the best interest of the safety of the citizens, especially as the City continues to grow with the new development next to the PAC. This will degrade the property values if this continues.

Ms. Radney asked Mr. Bradford if he thinks if the center could contain their clients on their site if that would make a difference, or is the seen behavior happening outside of the hours of operation? Mr. Bradford stated this will perpetuate the problem because people sleep there until they receive the next meal, they do not leave. These people need facilities to use so if this is made bigger more people will come to it and then there will be a need for more places to go to the bathroom or lay their head at night, and that place is his doorstep which causes a problem. Mr. Bradford stated that he likes what the church is doing, and he feels terrible saying what he has to say today, but for the sake of his business and the safety of his patrons and the people that lease from him, it is a problem that needs to be stopped.

Ms. Radney asked Mr. Bradford if he preferred that the use not be allowed in the subject location at all? Mr. Bradford answered affirmatively.

Rebuttal:

Mike Thedford came forward and stated that the use that is going on today will continue without the improvements, and this is an attempt to make improvements to the current operation and speak to the goal of building a new facility. It is to operate the facility in a more efficient way and to handle people appropriately. What should not be lost is the global issue of what is seen downtown is not necessarily concentrated to one area. He would ask the Board to remember that. Mr. Thedford deferred to Mike Hart who operates the facility.

Mike Hart, 420 South Detroit, Tulsa, OK; stated what is being done at the site currently is to provide food and clothing to those in need. Most of the people that are served are housed and come from North Tulsa. He thinks what a lot of people see is that the church has allowed other organizations to use the parking lot for feeding the homeless. The church does not serve meals out of the caring center, and those organizations will

go away because if the new building is allowed to be built it will move forward to the corner and the alley will be different. The feedings that happen on Thursday evenings and Friday mornings will not happen because there will be no space to allow those groups to come in to feed the homeless. What is done inside the center is to provide groceries and clothing to anyone that comes in. The building that the center is currently in was a former gas station and it is very compartmentalized, and what is being proposed a larger structure with one waiting room and streamline the process allowing people to shop for clothing and groceries rather a member pack the bags and hand the bags out. The center is currently opened Monday through Thursday from 10:00 A.M. to 12:00 noon. Mr. Hart stated the center does not have any control over what happens outside of the center. The church has called the police as well when people are seen camping out.

Mr. Barrientos asked Mr. Hart if there was any type of security for the facility. Mr. Hart answered affirmatively stating there are cameras, and there is security when the center is open as well.

Ms. Radney asked for someone to come forward to explain the site plan to the Board.

Bruce Henley came forward and stated the entry will be on the northwest corner at 3rd and Detroit, entering into a vestibule into a large open area which will be a clearing house where people be directed for their needs. Normally when clients come into the building they would wait until their name is called and then they are processed through a counseling room, and then they are allowed back into the clothing area or the grocery area. The client would then be directed to exiting to the east going out the back. All of the storage and processing area is on the east side of the building, trucks making deliveries would enter from the alley as they do now, there is a proposal for handicapped parking spaces from the alley on the church property on the east side the building and west side of the alley. The southwest corner would contain the administrative offices. The building has been pushed to the north and to the west and there will be a landscape barrier on the north side, parking will be on the east, and there is a parking lot to the south of the building.

Ms. Radney asked Mr. Henley how the new construction will alleviate the neighbor's concerns? She can see some of the efficiencies that have been discussed, but what about the queuing and the disposal of personal goods off site. Mr. Henley stated the dumpsters are currently in the southeast corner and because the building is being moved to the west there will be more room on the east side of the building for dumpsters. This project is a focus on the clientele today, the church is not trying to expand the clientele they just want to better serve the existing clientele.

Ms. Radney asked about the clientele. Mr. Henley stated the clients are allowed to come once a month, or twelve times a year. The pandemic has construed the numbers because before the pandemic the center was serving about 100 clients a day, which could be individuals or could be families.

Ms. Radney stated she did not see a kitchen in the new site plan. Mr. Henley stated there is no kitchen because the center does not serve meals. Mr. Henley stated an outside group is allowed to serve a meal in the parking lot currently, but the group has been notified that if this approved there will be nowhere to serve meals.

Ms. Radney asked Mr. Henley if the clients are registered with the center. Mr. Henley answered affirmatively.

Mr. Bond asked Mr. Henley about the operating hours for the new facility. Mr. Henley stated the hours will continue to be 10:00 A.M. to 12:00 noon, Monday through Thursday. If the hours were to be expanded, it would be a minimal amount because there would be a need for more volunteers.

Ms. Radney stated that she believes that services should be delivered where services are needed, so clearly this serves a community purpose because services are utilized at the subject site, but the concerns of the neighbors are valid. It sounds like the site is not well suited for the activity that is currently happening, mission notwithstanding.

Mike Hart came forward and stated the center does what it can, they lock the dumpster. There is a restaurant nearby that has an open dumpster and he thinks that is where a lot of the problems come from. As for people using the alley as a restroom, the alley will become wider so it will not be as narrow and not as concealed, and he hopes that would be alleviated. There is no one on site outside of business hours and just like any other lot in downtown things happen that the center has no control over.

Ms. Radney stated that if the center really wants to expand their services and the capacity it strikes her that neighborhood relationships would need to be something that is a little bit more firmly imbedded in the plan.

Bruce Henley came forward and stated that the expansion of services is not the intent. The center does not have enough storage for the incoming, so the larger building is not to increase the capacity of the number of clients, it is to handle the inventory that is within the building. As for the alley, it is conceivable that fences could be erected at the alley to prevent people from getting on to the site, but the alley to the east is a public right-of-way.

Ms. Radney asked if regardless of this expansion moving forward is it the center's intention to continue to operate at the subject site? Mr. Hart answered affirmatively.

Comments and Questions;

Mr. Bond stated the Board has struggled over these issues before. He tries to guide the Board in the strict business of hearing administrative appeals, of granting Variances, of granting Special Exceptions, those are all fact-based inquiries. Here the relief requested has a standard to meet and that is the Board finds 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. Is this injurious to the neighborhood? He thinks it is overwhelmingly yes and he is torn because if this function

is not going to be at this site it will be somewhere. He does not think a lot of these issues can be mitigated; he does not know if it is possible . Is this detrimental to the public welfare? It is going to be detrimental wherever it is, so his problem is what is the intent of the City Code? His issue is that he does not having any guidance. Essentially Archer, Guthrie and Lawton by the Daniel L. Moss Center has been turned into a combat zone. He does not have any answer about this request, the Board needs guidance from the City about where they want these centers and where they do not want them. These are issues that he firmly believes are left up to elected officials. Ms. Radney stated from the standpoint of the Code, this is in the CBD District but the poor and the displaced are also residents of the downtown area and increasingly every where else in the City as well. She would be inclined to say that it might be detrimental to the public welfare to displace this activity that has been in place for so long. She does think there is the potential for an impact to valuations of the adjacent properties, but the Board has to ask what is meant by neighborhood. Does that just mean property value, or does it mean the fabric of society? This is a tough call. But for the fact that the center is already operating there she thinks she would not be inclined to support this expansion. She thinks in good faith, in this case the church, is providing a public service and charity and is asking to be able to continue to do that work in a more effective way.

Mr. Wallace agrees, this is a complicated discussion. He has been driving down Detroit for ten years and he parks in the adjacent parking lot, and he often sees people on the sidewalk. Obviously, people need these services but at some point, the community has to help out with these people and these neighborhoods because it is becoming a combat zone.

Mr. Barrientos stated he is in the same position. Although he supports services that help people, he knows that increasing the building size will likely attract more homeless people. The last time he was downtown he was amazed at the number of homeless and the amount of trash. He is not inclined to support this request.

Mr. Bond stated that the people that are paid to sit in the City Council seats, the City government, the Board needs an answer on this. The Board is not comfortable making these decisions and the Board should not be, because there are massive holes in what the City does and does not do to mediate this problem. Deciding whether this is a proper area for this activity, without any guidance is devastating. The Supreme Court has said time and time again that it is not legal to ghettoize one area of a city, and he has a hard time believing that has not been done.

Ms. Radney stated she would be inclined to support this request with limitations in the motion.

Casey Bradford came forward and stated if the Board were to approve this request, the parking lot structure they have is where everyone is going to loiter, and that is directly next to his building. He would ask the center to do some kind of decorative fencing with a gate where no one is allowed into the site so the site can be cleaned up. The reason

the fences are being erected in the area is because the homeless are becoming a really bad problem in the area, the businesses are trying to stop the illegal activity.

Ms. Radney asked Mr. Bradford if he was suggesting that by hardening the property line on the east would make a difference? Mr. Bradford answered affirmatively stating that if the homeless cannot get onto the property, if there is one point of ingress and egress on the northwest corner and the dumpsters are fenced and there is no place for loitering it would help.

Mike Hart came forward and stated the current building has an alcove which is a place to hide, and the proposed building has a straight front so there would be no place for anyone to hide; the alcove will go away.

Mr. Bond asked Mr. Hart if there had been any discussion about adding a fence to the parking. Mr. Hart stated that is not sure how that could be done because the parking spaces need to be pulled in to off the alley.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 3-1-0 (Bond, Radney, Wallace "aye"; Barrientos "nay"; no "abstentions"; Brown absent) to **APPROVE** the request for a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Section 15.020, Table 15-2), subject to the conceptual plan submitted today. There is to be no prepared meal distribution on the site. There is a five-year time limit on the request, October 26, 2026. 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 8 BLK 116, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

23193—Wallace Design Collective – 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:

Jim Beach, Wallace Collective Design, 123 North Martin Luther King, Jr. Boulevard, Tulsa, OK; stated this request is the next in a series of projects at Oral Roberts University (ORU) that needs approval of a Special Exception to amend the previously site plan and a Variance of the RS-3 District building height of 35 feet. Today's request is the next project in line and is similar to the application brought to the Board in August.

Mr. Bond asked Mr. Beach to state the hardship for the Variance request. Mr. Beach stated the hardship for the Variance request is RS-3 zoning and posed height limit which is uncharacteristic for this use. This use has been allowed in the RS-3 District by Special Exception the height limit does not apply.

Mr. Beach stated to the top of the roof top unit screen it is about 53 feet, and the top of the parapet on the building is approximately 46 feet.

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, Radney, Wallace "aye"; "nays"; no "abstentions"; Brown absent) to **APPROVE** 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), subject to conceptual plans 4.26, 4.27, 4.28 and 4.29 of the agenda packet. The Board finds the hardship to be the current zoning classification limits the heights of the 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. 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:

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

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NEW APPLICATIONS

23194—Encinos 3D Custom Products & Signs

Action Requested:

Variance to permit a dynamic display sign within 20 feet of the driving surface (Section 60.100-E); Variance to permit a dynamic display sign within 200 feet of a residentially zoned lot (Section 60.100-F). **LOCATION:** 4424 East 11th Street South & 1116 South Toledo Avenue East (**CD 4**)

Presentation:

Christian Ortiz, Encinos 3D Custom Products, 9810 East 58th Street, Tulsa, OK; stated this request is for an electronic message center. This will be a LED board that will be incorporated with a Route 66 neon sign grant. The sign will incorporate neon and the vintage look. The church is registered with the Route 66 Historical Commission; it is one of the oldest churches along Route 66. Across the street are used car dealerships and behind the dealerships is a residential zone, which is encroached upon by about 15 feet. The sign will not be obstructing the main thoroughfare, which is 11th Street, and the secondary street is Toledo. The sign will face the parking lot.

Mr. Bond asked how far back the proposed sign will be located. Mr. Ortiz stated the sign will be placed on the existing pole and the leading edge of the sign will be 57 feet from the center of 11th Street. There are also bike lanes on 11th Street so the sign will be 22 feet from the curb on 11th Street and 18 feet from the curb on Toledo.

Mr. Barrientos asked Mr. Ortiz if there would be any animation on the proposed sign. Mr. Ortiz answered no stating the sign is for information, the main purpose of the LED board is for effective communication to community.

Mr. Chapman informed the Board that he spoke with the staff of the Route 66 Commission, the sign is receiving funding through the neon sign grant, but that funding does not fund the dynamic display. The commission is not funding any portion of the dynamic display.

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, Radney, Wallace "aye"; no "nays"; no "abstentions"; Brown absent) to **APPROVE** the request for a Variance to permit a dynamic display sign within 20 feet of the driving surface (Section 60.100-E); Variance to permit a dynamic display sign within 200 feet of a residentially zoned lot (Section 60.100-F), subject to conceptual plans 5.8, 5.9, 5.10 and 5.11 of the agenda packet. The Board has found the hardship to be the topographical conditions of

the subject lot. 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 22 23 & 24 LESS 20X20 IN NWC BLK 4; LTS 1 2 3 & 4 BLK 4; LT 21 BLK 4, BEVERLY HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23195—Seth & Jenni Hutchins

Action Requested:

Special Exception to permit an accessory dwelling unit in an AG District (Section 45.031). **LOCATION:** 4953 East 113th Street South (**CD 8**)

Presentation:

Joanna Ford, 501 South Aspen Avenue, Broken Arrow, OK; stated she is representing Seth and Jenni Hutchins. The Hutchins would like to raze the large structure on the property, which was a former shed, and replace it with an accessory dwelling. The dwelling would match the principal house; same roof line, same color. There is an existing driveway that leads to the old shed. The new dwelling would be used by Ms. Hutchins elderly mother, and then in the future use the ADU as a pool house. There are other houses in the area that have ADUs. Ms. Hutchins did contact the neighbors and did not receive any negative responses. Ms. Ford stated the lot is two acres in size.

Mr. Bond asked staff if this would be different if the property were zoned a residential classification instead of AG. Mr. Chapman stated there is not a size limitation for detached buildings as there is in residential zoning. The only limitations are the setbacks and the height.

Mr. Barrientos asked Ms. Ford if there was an easement on the rear of the property. Ms. Ford stated the new building will be erected in the same place as the old shed on the existing concrete.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace "aye"; no "nays"; no "abstentions"; Brown absent) to **APPROVE** the request for a Special Exception to permit an accessory dwelling unit in an AG District (Section 45.031), subject to conceptual plans 6.12, 6.13 and 6.14 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 3 BLK 1, STONEBRIDGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23196—Vincent Travis Thornton

Action Requested:

Special Exception to permit an alternative compliance parking ratio for a Medical Marijuana Dispensary in an IM District to reduce the minimum parking requirements from seven parking spaces to zero parking spaces (Section 55.050-K & Section 55.020, Table 55-1). **LOCATION:** 1217 East Admiral Boulevard **(CD 1)**

Presentation:

Ryan Kuzmic, Viridian Legal Services, 1602 South Main Street, Tulsa, OK; stated he represents Mr. Travis Thornton and his business. This request is born out of the uniqueness of the site. There is effectively no parking for the dispensary except for the on-street parking. There is a parking lot next door, but that owner has been unwilling to lease the parking lot. The lanes on Admiral in that area are already used for on-street parking. Mr. Thornton has been in business at his location for about 2 ½ years and has received many different permits from the City. The only other business that has street frontage on Admiral is Topeca Coffee, and they receive a Special Exception for the parking in 2015; the parking ratios were reduced to zero. Mr. Thornton's business averages 36 customers per day and averages 2.2 customers per hour. The opposite side of the street is the down ramp from the freeway so there is the possibility of using that side of the street for on-street parking. The street is routinely used for on-street parking in the area. Mr. Kuzmic presented a slide showing the area for on-street parking showing an abundance of parking for the area. Mr. Kuzmic stated that effectively he is asking for the same Special Exception that was granted to Topeca Coffee about six years ago on the same block.

Ms. Radney asked Mr. Kuzmic about the original use of the building. Mr. Kuzmic thought the building was used for wine and liquor storage.

Mr. Bond asked Mr. Kuzmic if he knew the age of the building. Mr. Kuzmic stated that the earliest date he found for the building was in the 1950s, but it is a very old building.

Mr. Wallace asked staff if the City had approved the on-street parking. Mr. Chapman stated that he had e-mailed City Streets and Storm Water and has not received a clear answer, but he is also not sure that the area is not controlled by ODOT since it is an access street. Mr. Chapman stated there are not any No Parking signs but he was unable to receive an answer.

Mr. Kuzmic came forward and stated that he has not received guidance from the City, but he would note that the City approved parking for Topeca in 2015. At the very least it is being used in this manner already.

Mr. Chapman stated that just pulling from the Code there should be some type of study for the Board to reference in terms of demonstrating that the applicant does not need the parking. However the Board wants to deal with that whether they would like the

applicant to provide any written statements on the actual clientele numbers are, but there should be something on record on why the applicant does not need parking.

Mr. Bond asked Mr. Kuzmic if he would be able to provide a parking study, and if he would object to continuing this request to the next meeting. Mr. Kuzmic agreed.

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, Radney, Wallace "aye"; no "nays"; no "abstentions"; Brown absent) to **CONTINUE** the request for a Special Exception to permit an alternative compliance parking ratio for a Medical Marijuana Dispensary in an IM District to reduce the minimum parking requirements from seven parking spaces to zero parking spaces (Section 55.050-K & Section 55.020, Table 55-1) to the November 9, 2021 Board of Adjustment meeting for additional information; for the following property:

LTS 25 THRU 30 BLK 4, BERRY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23197—Raul Cisneros

Action Requested:

Variance to reduce required 25-foot street setback to permit an addition to an existing structure (Section 5.030, Table 5-3). **LOCATION:** 1446 South 157th Avenue East **(CD 6)**

Presentation:

The applicant was not present.

Mr. Bond moved this item to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

S/2 LT 5 BLK 7, RADIO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

23198—Keith Robertson

Action Requested:

Special Exception to permit a Commercial Service / Building Service Use in a CS District (Section 15.020, Table 15-2). **LOCATION:** 8310 East 11th Street South (CD 5)

Presentation:

Keith Robertson, Architect, 4073 Southwest Boulevard, Tulsa, OK; stated he represents the client for the subject property. What is proposed is a business services use which requires a special use permit. The premises is designed to allow a construction office and store construction equipment and building materials. To the north is 11th Street and to the east is a vacant lot that is owned by the City of Tulsa. There is another lot east of the vacant lot that is also being used for storing construction materials. His client understands that screening will be necessary and agrees to installing that. Mr. Robertson stated there is a drainage ditch behind the property.

Mr. Bond asked Mr. Robertson if his client had received any comments from the neighbors. Mr. Robertson stated that he knows of one.

Mr. Robertson stated the City is willing to allow his client to start erecting fencing around the property based on today's decision.

Interested Parties:

Becky Junk, 8311 East 15th Street, Tulsa, OK; stated that she has lived in the neighborhood all her life. She opposes this request. She spoke to Mr. Cardoza, the property owner, on June 30th because he had come to the property and dumped several truckloads of screening and started working the corner lot without a permit. Mr. Cardoza stated at that time that he planned to bring all his construction equipment to the property for storing. Ms. Junk informed Mr. Cardoza that this property came to the Board before for a car lot and that was denied. Ms. Junk stated that she also informed Mr. Cardoza that there was no City sewer or water on the property, and that because of the creek it was in a flood zone. Ms. Junk stated that the subject property is also on Route 66 and there is a lot of traffic on that route. Currently there are several mounds of dirt blocking the view when people are egressing onto 11th Street from 83rd. This property abuts a residential neighborhood and as soon as you turn off 11th Street onto 83rd you are in the residential neighborhood. Ms. Junk stated that there are many elderly in the Forest Acres community and the majority oppose this type of development on the subject lot.

Steve Hahn, 8323 East 12th, Tulsa, OK; stated he is speaking on behalf of his parents who live at 1140 & 1141 South 83rd, and his sister who lives at 8303 East 12th Street. Mr. Hahn stated the concerns are the noise, the fact that there is no sewer, there is a bike lane on Route 66 and where will the driveway for the subject property be located. He was under the impression that the property would be used for storing construction equipment, not build an office or a business there.

Rebuttal:

Keith Robertson came forward and stated the access to the site will enter from East 83rd Street as it shown on the site plan. There will be no noise because it is a privately owned construction storage facility for when the equipment is not in use. There will not be high traffic for the facility. As for the pile of dirt that is located on the property, the City has issued a cease-and-desist order until the proper approvals are given.

Steve Hahn stated that Camper Land is across the street from the subject property and Camper Land stores campers, they do not store construction equipment. The neighborhood is concerned about the noise and the vehicles blocking the road. What he does not understand is that this is the second time the subject property has come before the Board of Adjustment, he thinks the buyers of the property expect the neighborhood to cowl down to them just because they brought the property. He does not see how a company can have an office on a piece of property that does not have sewer or water.

Becky Junk came forward and asked the Board to take into consideration the noise because the neighborhood is immediately behind the property, and there is no city sewer to the property. There are nice homes and elderly in the area, and those people have lived there for a long time.

Keith Robertson came forward and stated his client has been approved to start on a septic system, and he is pursuing an attempt to tie into the City services because there are city utilities in the area.

Mr. Bond asked Mr. Robertson if he would be willing to a continuance to give him time to speak with the neighbors. Mr. Robertson stated a continuance would cause a financial hardship on his client. Mr. Robertson stated that Camper Land is to the north of the subject property but to the east two blocks away there is a construction facility similar to what is being requested. This will not be a construction site; it is for equipment storage only. There will not be a lot of high impact traffic at the intersection, and it is not a highly traveled area at this point in time. Mr. Robertson stated that his client wants to be a good neighbor and plans a contemporary office building. The neighborhood has had time to respond, the notices were mailed accordingly.

Comments and Questions:

Mr. Bond stated that he has concerns about this request and he would hope the applicant would take time to discuss the plan with the neighborhood.

Ms. Radney stated that she realizes there is commercial at the entrance to the neighborhood, but there is a lot of variability, so she understands the residents' concerns. She cannot say at this point that she would support this request, but there is also not a full panel today. A little more detail beyond what is shown on page 9.5 in the agenda packet would be helpful so the Board could have a better understanding of what the site would look like.

Mr. Wallace agreed, more information would be helpful.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace "aye"; no "nays"; no "abstentions"; Brown absent) to **CONTINUE** the request for a **Special Exception** to permit a Commercial Service / Building Service Use in a CS District (Section 15.020, Table 15-2) to the November 9, 2021 Board of Adjustment meeting; for the following property:

LT 4 LESS BEG SECR TH N162.75 W138.10 S162.75 E138.17 POB BLK 2, FOREST ACRES, City of Tulsa, Tulsa County, State of Oklahoma

23200—Eller & Detrich – Nathalie Cornett

Action Requested:

Variance to reduce the required setbacks; Variance to allow a home and carport to be located in the planned right-of-way of West Edison Street to permit an addition to an existing, non-conforming home on a non-conforming lot (Section 5.030-A, Table 5-3 & Section 90.090-A); Special Exception to allow a carport to be located in the street yard and street setback (Section 90.090-C.1). **LOCATION:** 1314 West Edison Street North

Presentation:

Nathalie Cornett, 2727 East 21st Street, Tulsa, OK; stated she represents the property owner. Ms. Cornett stated that the list of requests all stems from one issue, and that issue is the planned right-of-way of West Edison Street. Ms. Cornett had pictures placed on the overhead projector and explained the orientation of the subject property. Her clients purchased the house in April, and they plan to renovate the property; it is an old historic house that was built in 1925. Ms. Cornett stated that Edison is categorized as secondary arterial street, so it has 100 feet of planned right-of-way. Today there is 50 to 60 feet of actual right-of-way, and there is more right-of-way on the north side; there is 29 feet from the center line of Edison to the property line. Edison currently has a bike lane, and it is a three-lane road with a center turn lane and a sidewalk on the south side of Edison. The Zoning Code requires the setbacks be measured from the planned right-of-way line so there is 29 feet of actual right-of-way and an additional 22 or 21 feet of planned right-of-way. Ms. Cornett stated the owners intend to restore the original house and use as much of the existing structure as they can; the footprint of the house is not being changed. The second story loft is being added and an attached carport that will match all the materials of the house. The front of the house is oriented toward Edison currently and the plan is to reorient the house to face the long shape of the lot or face west. The detached garage is being removed and the attached carport will sit in that area using the existing driveway. The lot and the house are non-conforming, the lot is actually two platted lots totaling 44 feet in width, and because the lot is lawfully non-conforming the owner has the benefit to reduce the setback to 5 feet. The owners understand they will need a removal agreement and they have been working with the City for that.

Mr. Barrientos asked Ms. Cornett about the square footage of the existing house versus the finished house. Ms. Cornett stated the second level living area will be an additional 500 square feet, the footprint of the house will remain the same which is 1,100 square feet; the square footage will be added vertically, and the attached carport is 20 x 20.

Mr. Bond asked Ms. Cornett if she had heard any issues from the neighbors. Ms. Cornett answered no and stated that the City Councilor has also been engaged to look at the broader issue of the Major Street and Highway Plan which went into place after this property was existing.

Ms. Radney asked Ms. Cornett if there was a structure that also faced Edison in the past on the portion of the lot that is closer to Rosedale. Ms. Cornett stated that she has not seen any evidence of that in the historical records, she thinks how it will be reoriented makes more sense and this is how most of the houses are configured on the last lots in the subdivision.

Ms. Radney asked Ms. Cornett if the lot had ever been split. Ms. Cornett answered no stating that an additional ten feet has been added to the lot to the south, so there are less than two full platted lots.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Wilkerson stated the Major Street and Highway Plan was adopted long after this area was constructed. Ms. Cornett has understated her efforts on this project in dealing with the City Engineering Department and working with the staff at INCOG. It has been recognized that the Major Street and Highway Plan is never going to be fully developed, so as part of the updated Comprehensive Plan efforts and looking forward he thinks there will be changes coming to the Major Street and Highway Plan. This has not been a blind application submitted without any background discussion.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace "aye"; no "nays"; no "abstentions"; Brown absent) to **APPROVE** the request for a Variance to reduce the required setbacks; Variance to allow a home and carport to be located in the planned right-of-way of West Edison Street to permit an addition to an existing, non-conforming home on a non-conforming lot (Section 5.030-A, Table 5-3 & Section 90.090-A); Special Exception to allow a carport to be located in the street yard and street setback (Section 90.090-C.1), subject to the conceptual plan submitted today. The Board finds the hardship to be a non-conforming lot abutting a street and highway planned right-of-way. 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:

N 20' OF LT 29 & ALL OF LT 30 BLK 1, PARK HILL ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

23201—Wallace Design Collective – Mike Thedford

Action Requested:

Variance of the parking area design regulations to reduce the required drive aisle width from 24 feet (Section 55.090-D, Table 55-5). **LOCATION:** NW/c of East Cameron Street North & North Detroit Avenue East (**CD 4**)

Presentation:

Mike Thedford, 123 North Martin Luther King, Jr. Boulevard, Tulsa, OK; stated this is a redevelopment of a site south of I-244, the former Safeway. The site will be primarily residential use, so while maximizing the parking on the site within the parking garage there are limitations which cause limitations on the clearances and parking geometry. The Zoning Clearance Review classifies the drive aisle width from 22'-0" down to 19'-3", but that is not on a consistence basis, it is just where the columns are located. The parking spaces in question are not required spaces they are just trying to maximize the use of the building. There is also outdoor parking as well.

Mr. Wallace asked staff to explain the need for a Variance request in this case because he does not see the need for a Variance. Mr. Chapman stated there are parking design standards and what a parking space should look like. If the applicant wanted to just have those and stripe them out and not call them parking spaces, he believes they could do that, but they are looking at the hard words of the Code that says if there is a parking space it should meet certain standards whether it is required or not.

Mr. Thedford had a site plan displayed on the overhead projector and explained the parking spaces and the maneuverability within the garage.

Interested Parties:

Nathan Williams, 203 North Main Street, Tulsa, OK; stated that what the Board is looking at is the basement level of the garage and there is another level above that. Mr. Williams explained the site plan from the ramp entering into the basement level and going into the surface parking. Ms. Radney asked about the height of the structure. Mr. Williams stated that in the basement floor to floor is 12 feet and about 15 feet in level one.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace "aye"; no "nays"; no "abstentions"; Brown absent) to **APPROVE** the request for a Variance of the parking area design regulations to reduce the required drive aisle width from 24 feet (Section 55.090-D, Table 55-5), subject to conceptual plans 12.7, 12.8 and 12.9 of the agenda packet. The Board finds the hardship to be the redevelopment requires the existing structure steel use. 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:

Tract A: Part Of Lots One (1), Two (2), Five (5) And Six (6), Block Twenty-One (21), Original Town, Now City Of Tulsa, Tulsa County, State Of Oklahoma, According To The Official Plat Thereof, Being More Particularly Described As Follows, To-Wit: Commencing At A Point On The Westerly Line Of Lot 7 Of Said Block 21, Said Point Being Marked By A Railroad Company Steel Rail And Being 2.66 Feet North 24°28'38" West Distant From The Southwest Corner Of Said Lot 7; Thence South 24°28'38" East Along The Westerly Line Of Said Block 21 A Distance Of 2.66 Feet To The Point Of Beginning; Thence North 65°31'22" East Along The North Line Of Said Lot 6 A Distance Of 10.76 Feet To The Northerly Line Of Said M-K-T Right-Of-Way; Thence Easterly Along A Curve To The Right (Tangent Bears North 79°35'21" East), Said Curve Having A Radius Of 1,960.08 Feet And A Central Angle Of 3°55'46", For An Arc Distance Of 134.43 Feet To A Point On The East Line Of Said Lot 6; Thence South 24°28'38" East Along Said East Line A Distance Of 62.88 Feet To The Southeast Corner Of Said Lot 6; Thence South 24°28'38" East Along The East Line Of Said Lot 5 A Distance Of 19.70 Feet; Thence South 84°14'25" West A Distance Of 147.74 Feet To A Point On The Westerly Line Of Said Lot 6, Said Point Being 74.95 Feet South 24°28'38" East Distant From Aforementioned Steel Rail; Thence North 24°28'38" West Along Last Said Westerly Line A Distance Of 72.29 Feet To The Point Of Beginning. And Beginning At A Point On The Westerly Line Of Detroit Avenue, Said Point Being Marked By A Railroad Company Steel Rail On The East Line Of Said Lot 1 Being 3.11 Feet North 24°28'38" West Distant From The Southeast Corner Of Said Lot 1; Thence South 24°28'38" East Along The Easterly Line Of Said Lots 1 And 2 A Distance Of 77.0 Feet; Thence South 84°14'25" West A Distance Of 147.74 Feet To A Point On The Westerly Line Of Said Lot 2; Thence North 24°28'38" West Along The Westerly Line Of Lot 2 And Lot 1 A Distance Of 82.74 Feet To The Northerly Line Of Said M-K-T Right-Of-Way Line; Thence Easterly Along A Curve To The Right (Tangent Bears North 84°08'04" East), Said Curve Having A Radius Of 1,960.08 Feet And A Central Angle Of 04°22'36", For An Arc Distance Of 149.72 Feet To The Point Of Beginning.

And

Tract B: A Tract Of Land That Is A Part Of Lots Six (6) And Seven (7), Block Twenty-One (21), Original Town, Now City Of Tulsa, And A Part Of Lot Eight (8), Block Nineteen (19), North Tulsa Addition, Tulsa County, State Of Oklahoma, According To The Recorded Plat Thereof, Being More Particularly Described As Follows, To-Wit: Beginning At The Southwest Corner Of Said Lot 8, Said Point Also Being The Northwest Corner Of Said Lot 7; Thence North 82°31'53" East For 146.48 Feet (Said Distance Calculates 146.28 Feet) To A Point On The Easterly Line Of Said Lot 8, Said Point Being 19.68 Feet Northwesterly Of The Southeast Corner Of Said Lot 8; Thence South 24°24'24" East Along Said Easterly Line And Along The Easterly Line Of Said Lots 7 And 6 For 93.40 Feet To A Point That Is 62.88 Feet Northerly Of The Southeast Corner Of Said Lot 6; Thence South 83°35'21" West For 0.00 Feet To A Point Of Curve; Thence Southwesterly On A Curve To The Left With A Radius Of 1960.08 Feet And A Central Angle Of 4°15'12" For 145.51 Feet To A Point On The Westerly Line Of Said Lot 7, Said Point Being 2.66 Feet Northwesterly Of The Southwest Corner Of Said Lot 7; Thence North 24°24'24" West Along Said Westerly Line For 96.24 Feet To The Point Of Beginning.

And

Tract C: A Tract Of Land That Is Part Of Lot Seven (7), Block Twenty-One (21), Original Town, Now City Of Tulsa, Tulsa County, State Of Oklahoma, According To The Official Plat Thereof, Being More Particularly Described As Follows, To-Wit: Beginning At The Southwest Corner Of Said Lot 7; Thence North 24°24'24" West Along The Westerly Line Of Said Lot 7 For 2.66 Feet; Thence Northeasterly Along A Curve To The Right With A Radius Of 1960.08 Feet And A Central Angle Of 00°19'26" And A Chord Bearing Of North 79°29'52" East With A Chord Distance Of 11.08 Feet For An Arc Length Of 11.08 Feet To A Point On The Southerly Line Of Said Lot 7; Thence South 65°35'36" West Along Said Southerly Line For 10.76 Feet To The Point Of Beginning.

And

Tract D: The Vacated Portion Of The Alley In Block Twenty-One (21), Original Townsite, Now City Of Tulsa, Tulsa County, State Of Oklahoma, According To The Official Plat Thereof, Abutting A Portion Of Lots One (1), Two (2), Five (5) And Six (6), In Said Block, Being More Particularly Described As Follows, To-Wit: From The Southwest Corner Of Block 21 On The East Line Of Cincinnati Avenue Measure North On Said Line 222.67 Feet To An Angle Point; Thence Southeasterly, Deflecting An Angle Of 108 Degrees 46 Minutes To The Right

From The Last Course 147.8 Feet To The West Line Of The Alley For The Point Of Beginning; Thence Continuing Southeasterly On Same Course 21.15 Feet To The East Line Of The Alley; Thence North On Said East Line Of The Alley 82.73 Feet To A Point On The East Line Of Lot 1; Thence Northeasterly On The Same Course 20.95 Feet To A Point On The West Line Of The Alley, Said Point Being Approximately 37.12 Feet South Of The Northeast Corner Of Lot 6; Thence Southerly On The West Line Of The Alley Approximately 82.58 Feet To The Point Of Beginning.

And

Tract E:

The Westerly Half Of The Following Described Land: A Parcel Of Land That Is Part Of The Alley Adjacent To Lot One (1), Lot Six (6) And Lot Seven (7), Block Twenty-One (21), Original Townsite, Now City Of Tulsa, According To The Official Plat Thereof, And Part Of The Alley Adjacent To Lot Six (6), Lot Seven (7) And Lot Eight (8), Block Nineteen (19), North Tulsa Addition, Tulsa County, State Of Oklahoma, According To The Recorded Plat Thereof, Now Vacated And Being More Particularly Described As Follows, To-Wit: Beginning At The Southeast Corner Of Lot 7, Block 21, Original Townsite, Now City Of Tulsa; Thence North 24°24'24" West And Along The East Line Of Said Lot 7, Block 21, A Distance Of 56.28 Feet; Thence North 74°19'38" East A Distance Of 20.23 Feet To The Northwest Corner Of Lot 7, Block 19, North Tulsa Addition; Thence South 24°24'24" East And Along The West Line Of Lot 7, Block 19, North Tulsa Addition And Lot 1, Block 21, Original Townsite, Now City Of Tulsa, A Distance Of 96.96 Feet; Thence On A Nontangent Curve To The Left Through An Angle Of 02°55'23" Having A Radius Of 1,960.08 Feet A Distance Of 21.07 Feet, And Whose Long Chord Bears South 83°53'46" West For A Distance Of 21.07 Feet; Thence North 24°24'24" West And Along The East Line Of Said Lot 6, Block 21, A Distance Of 37.13 Feet To The Southeast Corner Of Lot 7, Block 21, Original Townsite, Now City Of Tulsa And The Point Of Beginning.

And

Tract G:

Part Of Lots Two (2) Through Six (6), Block Twenty-One (21), Original Town Now City Of Tulsa, Tulsa County, State Of Oklahoma, According To The Recorded Plat Thereof, More Particularly Described As Follows: Beginning At A Point In The Westerly Line Of Detroit Avenue Distant 77 Feet Southeast From The Steel Rail Marking The Railroad Company's Property Line, Said Rail Marking The Northeast Corner Of A 200 Foot By 155 Foot Tract Of Land In The East One-Half Of Block 21, Conveyed To M.K.&O. Ry. Co., April 26th, 1905 By O.F. Staff, And Recorded In Book 5, Page 573 On September 9, 1905, In Tulsa County Deed Records, Thence Southerly Along The Westerly Line Of Detroit Avenue 121.9 Feet To A Stake For Corner Set 9.23 Feet Northwesterly From The Center Line Of Tract I.C.C. No. 28; Thence Westerly, Deflecting An Angle Of 112°53' To The Right From Last Course, Parallel With And 8.5 Feet Northwesterly From The Center Line Of Tract I.C.C. No. 28, A Distance Of 103.18 Feet To A Stake Set At A Point Of Curve; Thence Westerly Following The Arc Of A Curve To The Left Radius 1,503.45 Feet Parallel With And 8.5 Feet Northwesterly From The Center Line Of Tract I.C.C. No. 28, A Distance Of 216.56 Feet To A Stake Set On The East Line Of Cincinnati Avenue Distant 17.47 Feet Northwest Of A Railroad Company Steel Rail Line Property Line Marker Set 96.3 Feet Northwest From The Southwest Corner Of Block 21; Thence Northerly Along The Easterly Line Of Cincinnati Avenue 113.9 Feet To A Stake For Corner Distant 9 Feet Southeast From The Center Line Of Tract I.C.C. No. 27 And 74.95 Feet Southeast Along Said Street Line From A Steel Rail Marker On The Northwest Side Of Railroad Company's Right Of Way; Thence Easterly, Deflecting An Angle Of 108°46' To The Right From The Easterly Line Of Cincinnati Avenue, 316.75 Feet, More Or Less, To The Point Of Beginning.

And

Gray Property:

A 17.00 Foot Wide Strip Of Land That Is Part Of The M.K.T. Railroad Right-Of-Way In Parts Of Lots 3, 4, 5 And Part Of The Vacated Alleyway In Block 21 Of The Original Town Now City Of Tulsa, Tulsa County, State Of Oklahoma, According To The Recorded Plat Thereof, More Particularly Described As Follows, To-Wit: Commencing At A Point That Is The Southwest Corner Of Said Lot 4; Thence N 24°28'38" W Along The Westerly Line Of Lot 4 For 96.30 Feet To The "Point Of Beginning" Of Said Strip Of Land; Thence Continuing N 24°28'38" W Along Said Westerly Line For 17.58 Feet To A Point That Is 8.50 Feet Northwesterly Of The Centerline Of Tract I.C.C. No. 28; Thence Northeasterly Along The Northerly Right-Of-Way Line Of Said Tract I.C.C. No. 28 On A Curve To The Right With A Central Angle Of 8°15'16" And A Radius Of 1503.45 Feet For 216.56 Feet With A Chord Bearing Of N 84°15'43" E For A Chord Length Of 216.41 Feet; Thence N 88°24'22" E Along Said Northerly Right-Of-Way Line For 103.18 Feet To A Point On The Easterly Line Of Said Lot 3; Thence S 24°28'38" E Along Said Easterly Line For 4.19 Feet To The Southeast Corner Of Lot 3; Thence S 65°31'22" W Along Said Southerly Line For 33.79 Feet To A Point On The Southerly Right-Of-Way Line Of Tract I.C.C. No. 28; Thence S 88°24'22" W Along Said Right-Of-Way Line For 73.67 Feet To A Point Of Curve; Thence Southwesterly Along The Southerly Right-Of-Way Line On A Curve To The Left With A Central Angle Of 8°05'00" And A Radius Of 1486.45 Feet For 209.71 Feet, Having A Chord Bearing Of S 84°20'50" W For A Chord Length Of 209.54 Feet To The "Point Of Beginning" Of Said Strip Of Land., City Of Tulsa, Tulsa County, State Of Oklahoma

23197—Raul Cisneros

Action Requested:

Variance to reduce required 25-foot street setback to permit an addition to an existing structure (Section 5.030, Table 5-3). **LOCATION:** 1446 South 157th Avenue East (**CD 6**)

Presentation:

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, Radney, Wallace "aye"; no "nays"; no "abstentions"; Brown absent) to **CONTINUE** the request for a Variance to reduce required 25-foot street setback to permit an addition to an existing structure (Section 5.030, Table 5-3) to the November 9, 2021 Board of Adjustment meeting; for the following property:

S/2 LT 5 BLK 7, RADIO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

Review and Approval of 2022 Meeting Schedule.

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace "aye"; no "nays"; no "abstentions"; Brown absent) to **ACCEPT** the 2022 Meeting Schedule calendar as presented except to remove the proposed dates of November 22nd and December 27th.

NEW BUSINESS

Mr. Chapman stated the City Council audio system is becoming less easy to work with and currently the audio is being run through the web camera. Staff is struggling to know if the system will work or not, so for continuity of meetings it is possible that a decision may be made to stop remote meetings on Zoom. The technology in the room is becoming harder to work with and there have been several complaints that expect to participate fully, and they are having issues with hearing.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:50 p.m.

Date approved: 11-19-21


Chair