

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1285
Tuesday, December 14, 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 Chapman Kelvington Sparger K. Davis	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on December 8, 2021, at 1:53 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

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

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

Mr. Bond explained to the applicants and interested parties that this is a full agenda item due to consolidating the agenda into one monthly meeting. Mr. Bond asks that all

comments by interested parties are limited to a two minute time limit, without any objection from the Board. Mr. Bond informs the interested parties that if they are on the second half of the Agenda they may leave the chambers and wait in the hallway and they will be called upon when it is time for their case.

MINUTES

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions") to **APPROVE** the **Minutes** of the November 9,2021 Board of Adjustment meeting No. 1284.

UNFINISHED BUSINESS

None

NEW APPLICATIONS

23207- Maynard Vosted

Action Requested:

Special Exception to permit a detached house in the CS District to permit an existing house and additional detached accessory buildings (Section 15.020-H, Table 15-2.5). **LOCATION:** 302 South Olympia Avenue West (**CD 4**)

Presentation:

Irmgard Lieben – 302 South Olympia Ave
Maynard Vosted – 302 South Olympia Ave

Applied for Exception to place a shed in the backyard. They originally applied for the exception in March of 2021, but the ransomware virus delayed their application being processed. In that time their insurance company forced them to tear down their existing garage by 8/27/2021, or their insurance would be cancelled, but in order to have storage they needed to purchase an outbuilding. They purchased and installed a 10' x 20' Building that was placed 4' from neighbor – 3.5' from alley. Building is wood frame and does not have any utilities.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; absent) to **APPROVE** the request for a Special Exception to permit a detached house in the CS District to permit an existing house and additional detached accessory buildings per the conceptual plans 2.7 in the Agenda Packet and is subject to the following conditions

- As built;
- Not closer than 3' from any of the property lines.

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 1 BLK 6, CROSBIE HEIGHTS

23208- Pete Webb

Variance to allow more than one dynamic display sign on a single lot and to increase the allowable display surface area from 48 square feet per sign to 66.6 square feet per sign for two dynamic display signs in the IL District (Section 60.080-E); Variance to permit a dynamic display sign within 200-feet of an R District and Residential Development Area (Sec. 60.100-F) **LOCATION:** 3638 South Memorial Drive East (**CD 5**)

Presentation:

Pete Webb- 1225 N Lansing Ave, Tulsa, OK 74106 – Represents Tulsa Technology Center at 3638 S Memorial Drive

Seeking relief for digital displays that exceeds the allowable square footage for two dynamic displays at the entrance to the campus and to be within the 200' of a residential lot.

He has not had the opportunity to speak to any neighbors in the area.

Proposing the location due to it being a gateway into the campus with displays flanking both sides of the entrance. They can only place the sign to the North within 195' of the required 200' setback due to the water retention pond behind the sign.

The need for the signs comes by a recommendation of the architect. The signs have been permitted, but he is seeking the permit for the dynamic digital display. They are only asking to increase that from 48 sq. ft. to 66.6 sq. ft. because of the setback from the residential places them 80' from the curb. Asking for the size increase to compensate for the setback from the driving surface. The signs are single side: one facing the North and one facing the South. They will not have animation, due to Tulsa

City codes, so their signs will hold the display for 8 seconds. Tulsa Tech would like to have them on all night, and they are willing to dim it. They are willing to turn off between the hours of 10:00 pm and 6:00 am.

Interested Parties:

Lisa Grau PO Box 47200, Tulsa, OK 74146
Works at Tulsa Technology Center informed the board that the facility operates until 10:00 pm. These are signs for the entire campus, and the campus is used to train those in industry and business, and those are the clients they are trying to plan for; including plans for campus expansion.

Comments and Questions:

Mr. Bond- Normally has issues with larger signs, but these are being used for educational purposes and that Vo-tech / Career Tech is the spotlight of the city and recognizes that other allowances for sign budget have occurred for OSU Tulsa, and other places, although not a dynamic display.

Ms. Radney inquired about how far away is the proposed sign from the residential area? Applicant responded that it is 195' away, but they are screened by buildings across the street and some trees.

She acknowledges that the setback from the street is generous and that she can understand the logics of the proposed large sign due to the conditions and hours of operation. She is in support but does take Mr. Brown's concerns seriously.

Mr. Brown- acknowledged that he is picky about signs, and he finds no other signs of a similar size in the area, and they have been doing business for a long time. He asks for clarification that the sign itself has been approved and that they are acting on today is the dynamic display, which is confirmed by Pete Webb. Mr. Brown states he feels like these are two Drive in size movie screens and that businesses along Memorial have been able to do business without the large signs. His tendency is to not support the signs, but that is only on his behalf.

Mr. Barrientos is inclined to support due to the use of educational purposes and that they do not have any objections from neighbors.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 3-1-1 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** a Variance to allow more than one dynamic display sign on a single lot and to increase the allowable display surface area from 48 square feet per sign to 66.6 square feet per sign for two dynamic display signs in the IL District (Section 60.080-E); and a Variance to permit a dynamic display sign within 200-feet of an R

District and Residential Development Area (Sec. 60.100-F) Finding the hardship to be the location of the constraints of the site as it relates to the appropriate position of the sign and also the additional distance the sign is set back from the roadway Per conceptual plan 3.11-3.13 and documents received. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification.
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.
- e. That the variance to be granted is the minimum variance that will afford relief.
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan, for the following property:

LT 1 BLK 1, TULSA TECHNOLOGY CENTER LEMLEY CAMPUS

23209-J.R Donelson

Action Requested:

Special Exception to allow an 8-foot masonry wall within the 10-foot street setback in the IM District (Section 45.080-A). **LOCATION:** 819 South Xanthus Avenue East (CD 4)

Presentation:

JR Donelson, 12820 S Memorial Bixby, OK

Stated that he represents the property owners, Eli Properties. Requesting a special exception to allow an 8' wall within the 10' setback along Xanthus Place. They applied for the building permit through the City of Tulsa and one of the requirements was to meet the landscape requirements through the City of Tulsa, they had shown 7 trees along Xanthus place in this plan, but they could not get the spacing that was required. They applied for the landscape alternative compliant plan with INCOG, which was approved on October 18th. Their plan is to remove the existing 8' chain link fence, which has concertina wire on the top, which is not in compliance, has been in place for many years, and replace it with this concrete block wall. They will be constructing mini storage facilities on this property. The mini storage facility buildings will be 9' 6" high, so with the 8' fence being built, you will not be able to see the top of the buildings being constructed on Xanthus Pl.

Mr. Bond asked Mr. Donelson what was going to be on the top of the masonry wall? Mr. Donelson responded that it will be a masonry cap. The present fence is chain link with the concertina wire on top, so this new wall will be much more attractive for the neighbors and neighborhood and will be more of a security wall with the concrete cap on top.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Radney asked if it was really a question of allowing them to go to 8' in the setback as opposed to 4'. Austin Chapman clarified that, and Ms. Radney states she is inclined to support that.

Mr. Bond also states this is a unique area and he is inclined to support as well.

Mr. Wallace is inclined to support.

Mr. Brown is inclined to support. Asks if there are any utilities. Mr. Donelson clarifies all utilities are east of the fence.

Mr. Wilkerson states that may be important to know is that while working with Mr. Donelson on the alternative landscape plan they reached an agreement that the sidewalks would be upgraded and brought up to standard according to conceptual plan 4.12 in the alternative landscape plan.

Ms. Radney asks Mr. Wilkerson about the Alternative landscaping plan. He states that there are some administrative things they can do that would be approved through an alternative compliance landscape plan process that is not unlike alternative parking plans that they will sometimes see on the board, but they can meet the landscape standards administratively without coming to the board.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; "nays"; no "abstentions"; none absent) to **APPROVE** a Special Exception to allow an 8-foot masonry wall within the 10-foot street setback in the IM District (Section 45.080-A). **LOCATION:** 819 South Xanthus Avenue East (**CD 4**) per the conceptual plan 4.12 of the agenda packet and the compliance alternative landscape plan. 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:

LOT EIGHT (8), BLOCK ONE (1), AND THE SOUTH 105.40 FEET LOT OF THIRTEEN (13), BLOCK ONE (1) AND THE NORTH 100 FEET OF LOT FOURTEEN (14), BLOCK ONE (1), CLOVER RIDGE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23210- Roxann Hertzog

Special Exception to allow a manufactured housing unit in the RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the manufactured housing unit permanently (Section 40.210-A).

LOCATION: 1823 North 129th East Avenue (**CD 3**)

Presentation:

Gerry Gustin 13515 East 40th Place, Tulsa OK.
Denise Schneider 18303 E 46th Street Tulsa

Ms. Gustin would like to have a special exception to allow a manufactured house at 1823 North 129th East Avenue.

Mr. Bond asks if they have spoken to any neighbors. Ms. Schneider responds that they have spoken to one neighbor because Ms. Gustin owns the property and it is someone that she rents the place to, and they are aware of this request.

Mr. Bond asks if there are other manufactured homes in the area. Ms. Gustin replies yes, and that she owns that property.

Mr. Brown asks how long the manufactured home has been in place. Ms. Gustin replies that she is not exactly sure, but at least 5 or 6 years, maybe longer. They have not previously applied for a special exception. She states they did a lot of work to be able to place the manufactured home in this spot. She believed there is a couple of acres there.

Mr. Chapman states there has been a special exception granted in 1999 for a manufactured home to the north of this current property. Ms. Radney asks if this was in perpetuity? Mr. Chapman responds that yes it was.

Mr. Bond asks for some clarity on what the house will look like? Ms. Gustin states that is sitting on a slab of concrete and will have a skirting around it. States it looks like a house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Bond- has no issues.

Mr. Brown - would like to see a time limit placed on the Special exception of three years, maybe five years. He does not see anything in the overall site plans that this would conflict with. He tends to support.

Ms. Radney - asks if this will be a new structure, which is confirmed by Ms. Gustin. She states that she is agnostic about these things whether it is manufactured, or stick built and does not support a timeline. That if the property to the North is already approved in perpetuity that it makes sense the two operate together since they have the same property owners.

Mr. Barrientos - is not in support of constraining the time.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the Special Exception to allow a manufactured housing unit in the RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the manufactured housing unit permanently (Section 40.210-A) per the conceptual plans 5.7 in the agenda packet and subject to the following condition that the unit be purchased and installed new and placed on a permanent foundation and skirted. 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 THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE/4 SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. DESCRIBED AS FOLLOWS: THE SOUTH 100.21 FEET OF THAT TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED RECORDED AS DOCUMENT NO. 2011070771 IN THE OFFICE OF THE TULSA COUNTY CLERK, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE/4 SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE/4 SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; THENCE N 01°14'46" W, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE/4), A DISTANCE OF 417.51 FEET, TO THE POINT OF BEGINNING; THENCE S 88°45'14" W A DISTANCE OF 313.00 FEET; THENCE N 01°14'46" W A DISTANCE OF 100.21 FEET; THENCE N 88° 45' 14" E A DISTANCE OF 313.00 FEET, TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER (SE/4); THENCE S 01°14'46" E, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE/4), A DISTANCE OF 100.21 FEET, TO THE POINT OF BEGINNING.

23211- Rick Stuber Architecture, Inc

Action Requested:

Variance to reduce the required rear setback from 40 feet to 23 feet in the AG District (Section 25.020-D, Table 25-2). **LOCATION:** 2663 West 73rd Street S (CD 2)

Presentation:

Rick Stuber- representing Dr. and Mrs. Tate- 2663 W. 73rd Street S.

They would like to add on to an existing garage on the NW corner for additional storage for storing boat, trailer and additional vehicles and is seeing a reduction in the setback. To the East of the existing garage is the septic tank, pool, topography and they feel this location will be the least offensive to the neighbors by keeping the addition by the existing garage.

It has not been conveyed to Mr. Stuber if Dr. Tate has spoken to his neighbors.

Mr. Brown asked what the setback and side yard setback in AG. Mr. Chapman responded that it is 10' and 5", whichever choice they have.

Mr. Brown asks how this intrudes to which Mr. Chapman responds that this is the rear set back which is 40' and they would like to reduce it to 23'.

Mr. Bond questions and confirms that it is 18' in height. Mr. Stuber explains that it will match the existing garage which is complementary to the house built in 2000.

Ms. Radney asks Mr. Stuber if the existing garage was built with the house in 2000, to which he responds that he can only see the plans from 2000 which shows the septic plan and the garage, but he cannot confirm if it was built at that time.

Interested Parties:

Dave Johnson- 7310 S 26th W Ave- Across the street and to the East of the property. The two tracks of land to the North are owned by his son and daughter. He is troubled that the garage appears to be non-conforming and is troubled that they want to further encroach on the building line given that there is plenty of other places to build since they are 2.5 acre lots.

Amanda Ferrell- 4163 W 87th Street- They are on the lot where they are building a new home. She is in agreement with her father, Dave Johnson, that they have 2.5 acre lots and she would prefer to not have a garage even closer to her property.

Rebuttal- Mr. Stuber- He feels that Dr. and Mrs. Tate felt that this was the best approach to build the addition to the garage. He states that there are large evergreen trees in the back of the property and those will be kept and maintained to serve as a barrier. He also states the height of the addition is the same height as the existing garage.

Comments and Questions:

Mr. Brown- states that he does not have a problem with this. That the addition will be constructed with similar products as the existing garage, and he believes with the tree line that it will disappear after it is built. He tends to support this motion.

Mrs. Radney- States that she does not remember the nuance around building a non-conforming structure. Austin Chapman states that we can not confirm if the current garage was indeed non-conforming and that once this is approved it would not be a non-conforming structure. He also says he believes the hardship the Board should find is why the building cannot go on another place on the land.

Mr. Bond states that he looks to is that we have AG Districts in this town that have turned into other things, often residential, and he looks to see what the other structures in the area are. In this case, it appears they have all followed the setback rules, except for this one. He does acknowledge issue with the septic and that being problematic, but he does have an issue with this case.

Mrs. Radney asks if we know if there are any geological or topographical reasons why the septic field is where it is? Mr. Stuber says he believes it was placed there because the natural topography slopes East and the septic was placed so it could drain East and parallel North and South out to give it the best perk possible at that location. When the home was built there is a restroom in the garage and that ties into the septic with the house and it flows to the East and branches out North and South along those points. Mrs. Radney states that she is on the bubble and would normally be inclined to not support, but she is looking at the AG requirements, which is a 25' setback and they are asking for relief for a 23' setback. She does take the neighbors concerns into consideration about it being a non-conforming structure, but it has been a non-conforming structure for a while, legally or illegally.

Mr. Bond asks about the trees and if they will remain for screening purposes.

Mr. Stuber says the intent is to keep the trees as they are large, and they are right on the property line. He does not have a survey that shows exactly where the trees are in conjunction with the property line. Mr. Bond states that it would be an easier yes for him if they keep the landscape in place.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for **Variance** to reduce the required rear setback from 40 feet to 23 feet in the AG District (Section 25.020-D, Table 25-2) to the January 11, 2022 Board of Adjustment meeting; for the following property.

LT 6 BLK 2, ROSEWOOD ACRES 2ND ADDN

23212—Wael Agha

Special Exception to permit a Personal Vehicles Sales and Rental Use in the CS District (Section 15.020, Table 15-2). **LOCATION:** 3636 South Sheridan Road East (**CD 5**)

Presentation:

Wael Agha – 6712 E 79th Street - Requesting to get an exemption letter for personal used car sales at 3636 South Sheridan Road E. This will be used car sales only, no repairs, and no storage of auto parts. He is anticipating having 30-40 vehicles on site. Did not speak to neighbors.

Interested Parties:

Clay Smith- 11835 S Memorial Drive. He is the owner of the building. He says there is no required screening, but there is a fence in place on West side of the property that has been replaced.

Comments and Questions:

Mr. Chapman states they would need to stripe the lines on the parking as a requirement.

Mr. Brown asked if there are any landscaping requirements. Mr. Chapman defers to Mr. Wilkerson. Mr. Wilkerson states that are some design standards, but he does not believe this reference requires any landscaping. Any new development would require street trees and shrubs, but this seems to avoid that due to how the code is written. Mr. Brown asks if there will be a fence, to which Mr. Agha responds there will not be a fence, just a gate that closes off and protects the lot.

Board Action: On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the Special Exception to permit a Personal Vehicles Sales and Rental Use in the CS District (Section 15.020, Table 15-2) per the conceptual plan 7.15 of the Agenda packet. With the following condition, must comply with parking standards of Section 55.090. The Board finds that requested special exception will be in harmony with the intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SOUTH 225' OF LOT 1, BLOCK 1, LESS THE WEST 75' THEROF, WILMOUNT ADDN

23213- A-MAX SIGN COMPANY

Variance to allow an internally illuminated sign enclosed in frames, increase the permitted height for a monument sign from 6 feet to 22 feet and to increase the permitted display surface area from 50 square feet to 220 square feet inside the River Design Overlay (Section 20.050-D.5.b. (1) (2) (4)). **LOCATION:** 10133 South Delaware Avenue East **(CD 2)**

Presentation:

Joseph McCormick- 6440 S Lewis Ste 100- Mr. McCormick represents the Maple Oak Investments, the owner of the subject property. This property is RDO-3, because it does not have direct access to the river. The RDO district is an overlay that was placed on the property after the building was built. The purpose of the RDO overlay district as is set out in the code is to enhance the river corridor as a people-oriented destination, establish the area as an interconnected pedestrian oriented cultural and recreational destination. Many areas along the Arkansas river fit well into this overlay, but some do not. This property does not fit, it does not work for this property. There is a huge self-storage facility that wraps around this property. To the North of this property is a dental office that use to be a bank. Across Riverside parkway, NW of this property is an animal hospital the other two lots are very small and appear to be very difficult to develop. The property is a small property with only eight units, two of which are vacant. Two businesses that are there are struggling to hang on. The businesses in the shopping center need the requested sign for the visibility. He states this is not a pedestrian area and will not be a pedestrian area. It does not fit. They ask that the Board please approve the request for the variance.

Mr. Bond asks if they have sought rezoning of this property. Mr. McCormick states that they have not.

Mr. Bond asks what the hardship is, too which Mr. McCormick responded that it is the overlay that was placed upon them.

Interested Parties:

Lori Worthington- 9520 E 55th Place- A-Max Sign Company, she is there to answer any questions the Board may have about the signs and the location of the signs. States the sign will be in a parking spot, sign will be internally lit.

Ms. Radney asked more about the hardship. Ms. Worthington said sign was originally approved but rescinded after discovery of the RDO.

Comments and Questions:

No rebuttal for Mr. McCormick

Mr. Bond believed the principal hardship is that it is in the RDO the Board does not have the authority to base a hardship on the overlay, he believes the proper channel on this is that they go through the process to have it rezoned. He acknowledges that it is not an easy process, but it is specific in looking at it on Section 20.050 it talks about the free-standing signs with a monument character to it. He believes the zoning code is specific about it. He does not feel the right way to do this is through a variance.

Mr. Brown and Mr. Wallace agrees that it is more about the overlay.

Ms. Radney and Mr. Barrientos is inclined to support the application but explains that it would be helpful to see what the code is demanding, compared to what is feasible. That a road that is called a parkway is not a pedestrian friendly street. That the building was built at time before the RDO was placed and that it is in a marginal area, tail end of the RDO.

Board Action: On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for Variance to allow an internally illuminated sign enclosed in frames, increase the permitted height for a monument sign from 6 feet to 22 feet and to increase the permitted display surface area from 50 square feet to 220 square feet inside the River Design Overlay (Section 20.050-D.5.b. (1) (2) (4)) to the January 11, 2022 Board of Adjustment meeting for the following property:

LT 1 BEG NEC THEREOF TH S220 W225 N110 E225 TO POB BLK 1, RETAIL CENTER II

23214- A-MAX SIGN COMPANY

Variance to increase the permitted height for a projecting sign in the CBD District from 25 feet to 29 feet (Section 60.080-D). **LOCATION:** 321 Reconciliation Way (**CD 4**)

Presentation:

Lori Worthington – 9520 E 55th PI S – Seeking relief to allow an increase in permitted Height for existing sign in the CBD district from 25’ to 29’ stating the hardship is the height of the trees and the trees are owned and maintained by the City of Tulsa. Property owners can not maintain nor trim the trees. The trees are part of the landscape plans and City Infrastructure.

No comments from neighbors.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Brown supports this proposal

Mr. Barrientos supports, and it is agreed on by Mr. Wallace.

Ms. Radney supports

Board Action: On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to a **APPROVE** Variance to increase the permitted height for a projecting sign in the CBD District from 25 feet to 29 feet (Section 60.080-D). **LOCATION:** 321 Reconciliation Way (**CD 4**) Finding the Hardship to be the City infrastructure including landscaping that is outside of the control of the property owner that provides a potential significant obstruction to the sign. Per conceptual plan 9.12 & 9.13 and as built on 9.5 of the Agenda Packet. Subject to the following conditions: that the sign is to be built and installed as is described on 9.5 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose.
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification.

- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.
- e. That the variance to be granted is the minimum variance that will afford relief.
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan, for the following property:

PRT LT 1 BEG SECR LT 1 TH SW85 NW50 NE84.91 SE50 POB & PRT LT 2& PRT VAC ALLEY BEG NEC LT 2 TH SE100 SW150 NW95 NE64.99 NW5 NE85 POB & LT 3 & E10 CAC ALLEY ADJ ON W BL25, TULSA-ORIGINAL TOWN

23215-Josh Miller

Special Exception to permit an alternative compliance parking ratio for an apartment use in the CH District to reduce the minimum parking requirements from 21 parking spaces to 17 parking spaces (Section 55.050-K & Section 55.020, Table 55-1). **LOCATION:** 2405 East 5th Place South and 519 South Lewis Avenue East **(CD 4)**

Presentation:

Josh Miller- 7030 S Yale Suite 600, Tulsa OK 74136

Stated this is the third phase of the mixed income West Park Project, twelve additional units will be added to the existing 235 units. Mr. Miller stated that only 70% of the residents' own cars, based on the existing 235 units. They have not completed a parking study for the additional twelve new units. They did not have a parking study for the previous project because they were able to provide the required parking per the code.

No comments from neighbors.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Bond would like to see a parking study to be conducted.

Board Action:

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for Special Exception to permit an alternative compliance parking ratio for an apartment use in the CH District to reduce the minimum parking requirements from 21 parking spaces to 17 parking spaces (Section 55.050-K & Section 55.020, Table 55-1) to the January 11, 2022 Board of Adjustment meeting for the following property.

LT 14 BLK 6; LTS 49 50 BLK 6, COLLEGE VIEW ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

23217- Ian Culp

Special Exception to allow a manufactured housing unit in the RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the manufactured housing unit permanently (Section 40.210-A).

LOCATION: 5406 East Apache Street North (CD 3)

Presentation:

Ian Culp- 5406 E Apache St N – Represents the owner of the property One Candle Development

Requested a special exception to place a mobile home in a RS-3 district. West and South of the property is a mobile home park, and the homes are mobile homes on blocks. Will be placing the home in the area that a previous home was demolished, which is a foundation slab. The mobile home is looking to purchase is a 2008, 16' x 80' single wide.

He has spoken to a few of the neighbors, many whom are renters, and they do not have any issues.

Mr. Culp would like to develop the rest of the property in the future.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Bond asked the applicant if the home would have skirted and what the material would be. Mr. Culp confirmed that it will, and it is vinyl.

Board Action: On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** a Special Exception to allow a manufactured housing unit in the RS-3 District (Section 5.020, Table 5-2); and a Special Exception to extend the one-year time limit to allow the manufactured housing unit to a period 10 years from the date it is granted. (Section 40.210-A). With the Following Conditions:

- Approved per conceptual plan 11.7 in the agenda packet
- To include skirting
- The unit be placed on permanent foundation, cinder blocks and to be tied down
- 10-year time limit from the date of approval

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following property:

BEG NEC NE NW TH S396 W658.61 N396.61 E636.11 POB LESS BEG 50S NEC NE NW TH S55 W335.73 NW308.10 E638.81 POB SEC 27 20 13 5.27ACSCity of Tulsa, Tulsa County, State of Oklahoma

23218-Phillip Nickel

Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH District (Section 15.020, Table 15-2)

LOCATION: 1345 South Harvard Avenue East (CD 4)

Presentation:

Phillip Nickel- 3801 S Yellow Pine Ave, Broken Arrow OK
Cory Chandler- 2116 E Winston Street, Broken Arrow OK

Mr. Chandler stated they were seeking a special exception to permit a low impact medical marijuana processing kitchen. Since it is low impact, they do not have any flames or volatile materials they will be using. They process via steam kitchen, so as per fire code, they are clear. There is not additional construction needed, they are just changing the site from a catering kitchen to a medical marijuana processing kitchen. They explained that they will be making gummies and caramels. They type of materials they use eliminates 95% of the smell. The biggest smell comes from the types of flavoring they use.

As far as security concerns there will not be any signs, blacked out windows and 360-degree security cameras on the street, doors are locked all day, and there is an 800 pound safe that will be used to secure the product.

For parking concerns Mr. Chandler addressed that they have a small singular staff, two salespeople occasionally that are mainly used for pickup and delivery, closed on Sundays and they will not be selling directly to the public.

Mr. Chandler stated that they have emailed with a few neighbors and the main concerns have been parking and smell. They have been active in trying to openly communicate and address their concerns.

Interested Parties:

Sarah Dexter – 1328 S Indianapolis Ave.

Ms. Dexter lives about five houses North of the property. She is opposed to the special exception due to the property backing up to residential properties, concerned about the smell, traffic issue and parking based on current businesses. Ms. Dexter stated there are multiple marijuana businesses in the area and feels it is not appropriate to allow this business in this area. Ms. Dexter has requested a denial for the special exception.

Rebuttal:

Mr. Chandler reiterated that he currently operates businesses in Broken Arrow and previously in Colorado. He has never received a complaint about smell, security, operating procedures go awry, and he has never had a security issue, robbery. He also stated that his location in Broken Arrow is within 30' of residential homes. He also clarified that they will only have two employees at a time during business hours, so traffic will not increase due to his business.

Comments and Questions:

Mr. Bond stated that he feels that since they are cooking with oils and not extraction, he does not view it any differently that the bakery that use to be down the street. Mr. Bond said that he is sympathetic to the neighbors' concerns, but he believes that this business will be the least impact of other businesses that could move into that location.

Board Action: On **MOTION** of **Radney**, the Board voted 4-0-1 (Barrientos, Bond, Brown, Wallace "aye"; no "nays"; one Radney "abstentions"; none absent) to **APPROVE** a Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH District (Section 15.020, Table 15-2) With the Following Conditions:

- Per conceptual plan 12.11 of the agenda packet;
- Special exception expires 36 months from the date the special exception is granted.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT-1-BLK-11, SUMMIT HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23220- A-Max Sign Company

Variance to allow more than one sign per street frontage in the OL District (Section 60.060-B.1). **LOCATION:** 5401 East 71st Street South **(CD 9)**

Presentation:

Lori Worthington – 9520 E 55th Pl. S.

Ms. Worthington is there to seek a variance to allow more than one sign per street frontage in the OL district. She stated there is an existing sign on the premises that is owned by the next-door tenant, but he would not allow them to use that sign. She stated that their hardship would be that only one sign is allowed and the ground sign that exists is not accessible.

Interested Parties:

No interested parties.

Comments and Questions:

Board Action: On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** a Variance to allow more than one sign per street frontage in the OL District (Section 60.060-B.1). Finding the hardship being the nature and character of the building structure and its occupancy. Per conceptual plans 13.4 and 13.7 through 13.9 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.
- e. That the variance to be granted is the minimum variance that will afford relief.
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan, for the following property:

**PRT SE SW BEG 330E SWC SE SW TH E140 N207 W140 S207 POB LESS S70
THEREOF SEC 3 18 13 .438ACS, City of Tulsa, Tulsa County, State of Oklahoma**

23221- A-Max Sign Company

Special Exception to permit a dynamic display sign in the RS-3 District and to allow a dynamic display sign within 200 feet of another residential district (Section 60.050-B.2.c & Section 60.100-F); Variance to increase the allowable height for a sign in the RS-3 District from 20 feet to 26 feet (Section 60.050-B.2.b).

LOCATION: 3115 North Garrison Avenue East (CD 1)

Presentation:

Lori Worthington – 9520 E 55th PI S

Representing the church to allow a dynamic display and to exceed the allowable height for a sign. Ms. Worthington stated that through the prep of the application they discovered that some portions of the original sign were not permitted. They are now seeking to have the sign fully permitted. Ms. Worthington said they are asking for the dynamic display to advertise free meals, to identify the church as a donation place. The dynamic display message board will help them better inform the public they serve, the homeless community. Ms. Worthington stated the sign will operate per code in a residential district, from 7:00 a.m.- 9:00 p.m.

They have not spoken to any neighbors.

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Bond noted the sign has been there for as long as he can remember, and he does not have any issue with the sign.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) **TO APPROVE** a Special Exception to permit a dynamic display sign in the RS-3 District and to allow a dynamic display sign within 200 feet of another residential district (Section 60.050-B.2.c & Section 60.100-F); and to **APPROVE** a Variance to increase the allowable height for a sign in the RS-3 District from 20 feet to 26 feet (Section 60.050-B.2.b). Per conceptual plans 14.9-14.11 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. In granting the variance the Board finds the hardship is due to the setback and the shape of the 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:

Beginning at a point 355.00 feet west and 40.00 feet north of the S.E. corner of the N.W. ¼ of section 24, township 20 north, range 12 east, Tulsa county, State of Oklahoma; thence northwesternly along the proposed northerly Right of Way line of the Gilcrease Expressway a distance of 248.00 ± feet; thence northwesternly along said northerly Right of Way line a distance of 30.00 ± feet to the easterly line of Garrison Avenue; thence northeasternly along said easterly line of Garrison Ave. a distance of 378.00 ± feet; thence around a curve to the left, having a radius of 355.205 feet a distance of 110.04 feet; thence north a distance of 25.80 feet to a point on the north line of the S.E. ¼, S.E. ¼, N.W. ¼ of said section 24, Thence east along said north line a distance of 111.79 feet to a point; thence south distance of 619.37 feet to the point of beginning., City of Tulsa, Tulsa County, State of Oklahoma

23222- Jeff LaRue

Variance to reduce the side setback in the RE District from 15 feet to 5 feet to permit an addition to an existing non-conforming structure (Section 5.030, Table 5-3 & Section 80.030-D). **LOCATION:** 2136 East 26th Place South (**CD 4**)

Presentation:

Anna Bullock- 2136 E. 26th Pl.

Jeff LaRue- 7960 S. 90th E Ave.

Seeking a variance to install an elevator of the east side / southeast corner of the existing home. The home was originally built in the 1930's.

They did receive a letter from a neighbor that has no objections to the variance.

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Bond stated they have had requests like this come up before and due to the time, the house was built he is inclined to approve.

Board Action: On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) **TO APPROVE** a **Variance** to reduce the side setback in the RE District from 15 feet to 5 feet to permit an addition to an existing non-conforming structure (Section 5.030, Table 5-3 & Section 80.030-D). Finding the hardship to be the time the home was built in the 1930's before the existing code and the existing request would accommodate increasing accessibility throughout the property. Per conceptual plans 15.7-15.11 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.
- e. That the variance to be granted is the minimum variance that will afford relief.

- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan, for the following property:

ALL OF LT 6 & PT LT 7 BEG SEC LT 7 W48.33 N TO NL E57.5 TO NEC S TO BEG BLK 4, FOREST HILLS, City of Tulsa, Tulsa County, State of Oklahoma

23223- Starcity Homes, LLC

Variance to increase the allowable square footage for a detached accessory dwelling unit from 500 square feet to 585 square feet in the RM-2 District (Sec. 45.030-A. 2; Sec. 45.031-D.6.b.). **LOCATION:** 2435 East 10th Street South (**CD 4**)

Presentation:

Jessica Shelton- 1801 Wells Branch Parkway Austin, TX.

Ms. Shelton represents Starcity Homes and they are seeking a variance for accessory dwelling to allow for additional square footage for an additional bedroom and bathroom. The addition is designed to match the elevation and pitch of the principal structure, which there is an open building permit on.

They have been in contact with neighbors throughout the project, not about this specific variance request.

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Bond stated that he does not have an issue with the request, and they often see these requests as they predate codes.

Mr. Brown stated that he finds this as a creative use on a tiny lot and that the applicant has done everything possible to make it everything it can be and that under the current restrictions, he believes this works and hopes for this to be a example of future development of additional smaller lots.

Board Action: On **MOTION** of **Wallace**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) **TO APPROVE** a **Variance** to increase the allowable square footage for a detached accessory dwelling unit from 500 square feet to 585 square feet in the RM-2 District

(Sec. 45.030-A. 2; Sec. 45.031-D.6.b.). Finding the hardship to be the time the size and shape of an existing non-conforming lot and the existing structure predating the comprehensive zoning code. Per conceptual plans 16.8-16.10 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.
- e. That the variance to be granted is the minimum variance that will afford relief.
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan, for the following property:

W33 /3 LT 8 BLK 3, HIGHLANDS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23224- Holy Moses Brewing Company

Special Exception to permit a brewpub in the CH District (Section 15.020, Table 15-2). **LOCATION:** 4225 South Peoria Avenue East (**CD 9**)

Presentation:

Michael Endres – 4807 S. Norfolk Ave.

Would like to receive a special exception to open a Brewery. Mr. Endres has been homebrewing beer for over 14 years and would like to now open a brewery, Holy Moses Brewing Company, which is named after his deceased dog. He would like to build a brewery that commemorates his dog. Mr. Endres stated that this will be a community business that is centered around and for the people in the neighborhood, especially those that are walking their dogs. The establishment will only serve beer, he will not be seeking a full liquor license. Mr. Endres did send a letter of his intentions to the neighbors, including business neighbors, within a 300' radius. Mr. Endres has spoken to Mr. Campbell, who owns a neighboring day care center.

He also spoke with Teresa Collins, and she rescinded her initial opposition and letter.

Interested Parties:

Walter Alley- 1128 S Parkview Street – Cleveland, OK. Mr. Alley is opposed to this special exception request. This is a bar and will be within 300' of a daycare, which is considered a private school. He stated it violated sectional code 2-130.

Austin Endres- 1383 E. 45th Pl.

He spoke in support as a team member and a neighbor in the area. He stated that he believes it improves the area and this business, adds to the pedestrian community and overall improvement to the area.

Jeff Campbell- 4241 S. Peoria Ave.

Owner of Peoria Childcare. Mr. Campbell is opposed. Mr. Campbell stated that Mr. Endrus has been over to speak to him several times and that he loves how passionate he is about this business. Mr. Campbell stated that he was excited about the new business, but since their meeting he now has concerns. He is concerned about the conflict of a bar and day care if the licensing does consider the brewery a bar. He is concerned about the licensing would mean for his Grandfathered licensing clause. He is concerned about what this would mean for him to sell his business and enter retirement.

Tim Clark- 4129 S. Peoria Ave.

Mr. Clark is in support of the new business. He stated that he it is part of the eclectic feel of Brookside and he believes the brewery fits very well.

Rebuttal:

Mr. Endres reiterated that he is willing to do any additional research if needed. He stated that all alcohol sold will be under 15% and that he is not seeking a liquor license which ensures he will not serve anything over 15% alcohol.

Comments and Questions:

Mr. Bond wanted to state once again that they are weighing in on the code and not any licensing issues. Mr. Bond does not have an issue with adding this business to Brookside and he does not find it injurious to the Brookside neighborhood.

Board Action: On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) **TO APPROVE Special Exception** to permit a brewpub in the CH District (Section 15.020, Table 15-2). Per conceptual plans 17.14 of the agenda packetThe Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code

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

BEG 336.5 N SW COR LT 1 TH N 91.4 E 195 S 91.4 W 195 TO BEG SEC 30-19-13, City of Tulsa, Tulsa County, State of Oklahoma

23225- Daryl Bray

Special Exception to permit an animal boarding facility in the CS District (Section 15.020, Table 15-2). **LOCATION:** 8112 South Lewis Avenue East, Suites 8172A, 8172B and 8172 C (**CD 2**)

Presentation:

Daryl Bray- 2404 E. 25th St. S.

Mr. Bray is seeking a special exception to permit, under code, an animal boarding facility. He considers a dog day care to be included as a personal use service and he believed that this would add value to the neighbors and residents. The business will have a 1000 square feet outdoor play area that will be enclosed with an 8' perimeter fence. There will be overnight boarding, but that will take place inside the building. The dogs will only be outside occasionally through the day. Mr. Bray stated that noise control will be mitigated through construction with a use of double wall construction. Mr. Bray stated they have a deep freeze process for any dog waste, and it will be placed out for trash pick up one day a week, it will not be dumped daily.

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Barrientos and Ms. Radney are both inclined to support.

Board Action: On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) **TO APPROVE Special Exception** to permit an animal boarding facility in the CS District (Section 15.020, Table 15-2). Per conceptual plans 18.4-18.29 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 2 LESS BEG NWC TH E260 S4 W260 N4 POB BLK 2, , RIVERBEND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23226- Kyle Gibson

Special Exception to permit a carport in the street yard and to increase the permitted height from 8 feet within 10 feet of a side lot line (Section 90.090-C.1).

LOCATION: 138 East 34th Street South (CD 9)

Presentation:

Kyle Gibson- 551 S. Quaker Ave.

Seeking a special exception to permit a carport in the street yard and to increase the permitted height from 8' to 10'. The carport will match the existing materials on the home. It will have a gable roof to match home and the neighborhood. The post extends to 30ft setback, and the overhang is the allowed 2ft per zoning code.

The applicant indicated that he had spoken with his neighbors

Interested Parties:

Mary Zion- 138 E. 34th Street

She is a neighbor and said it is within 12' of her house and that it is not close to the road. She has letters of support from neighbors.

Comments and Questions:

Mr. Bond supported and stated that it is similar to other structures in the area.

Mr. Brown stated that he finds this a very sympathetic project that fits the house, and he does not find it obtrusive, and he tends to support.

Ms. Radney stated that she believes this is very tastefully done but would like to know how far out this is extending into the street set back. She does support it.

Board Action: On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) **TO APPROVE a Special Exception** to permit a carport in the street yard and to increase the permitted height from 8 feet within 10 feet of a side lot line (Section 90.090-C.1). Per conceptual plans 19.7-19.8 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:

E66 LT 41 BLK 1, BURGESS ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23227-Mary Huckabee

Variance to increase the permitted aggregate sign display area for a property in the CBD District by 38 square feet (Section 60.080-B.1). **LOCATION:** Property located on the West side of South Boston Avenue East between East 5th Street South and East 4th Street South (**CD 4**)

Presentation:

Mary Huckabee- 4100 First Place Towers

Requesting a variance to place a sign for entrance to the building for the Conner Winter Law Firm. Tower is set back 80ft from the street and is a 41-floor building that was built in 1971. OneGas sign is at the top of the building and uses the sign budget. They have requested the sign to be placed on the street level on the side of the building that faces 4th Street.

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Brown stated that he drove past this building, and he was surprised at the lack of visibility from the street.

Board Action: On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** a **Variance** to increase the permitted aggregate sign display area for a property in the CBD District by 38 square feet (Section 60.080-B.1). Finding the hardship being the lack of visual acuity due to the setback of the building in comparison to the adjacent buildings per conceptual plan 20.7 through 20.9 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification.

- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.
- e. That the variance to be granted is the minimum variance that will afford relief.
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan, for the following property:

LT 2 BLK 1, FIRST PLACE ADDN RESUB PRT L1-3 & 6-7 B136 O T TULSA, City of Tulsa, Tulsa County, State of Oklahoma

23228—Wallace Design Collective – Dani Fields

Special Exception to allow a Public, Civic & Institutional / Governmental Service or similar functions use in the CH District to permit the offices of the Tulsa County Election Board (Section 15.020, Table 15-2). **LOCATION:** 4143 South Yale Avenue East (**CD 5**)

Presentation:

Mark Capron- 123 N MLK Jr Blvd

The new location is the old Macy's building that closed in 2017. What is being proposed is for governmental use. They have plenty of parking for this new facility.

Interested Parties:

James Rae, D. A. Office – Tulsa County 218 W. 6 St. 9th Floor
Currently the intended use is to house the Tulsa County Election Board with the potential for other future county use. But currently they will only be occupying the 1st floor and the 2nd floor will be closed.

Mike Craddock- Deputy County Commissioner- 218 W. 6th St.
Addressed the board that the plan for now is only to house the Election Board. There is a possibility of a satellite office for some staff; example the county clerk's office, but no plans to use this as a jailing facility and no plans to occupy the 2nd floor. COVID has shown that the election board does not have adequate space to allow a safe and fair election for citizens and the election board workers.

Sherrelle Ballone- 4313 S Braden Ave. E., Tulsa
Her home is directly across the street from Macy's, and they are concerned about the broad vague of the Public, Civic and Institutional Governmental Services. Ms. Ballone

also stated that they are concerned about parking and if it is adequate or would they in the future come into the residential side and take property for parking needs.

Comments and Questions:

Mr. Bond acknowledged the need for additional space for the election board

Board Action: On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) **TO APPROVE Special Exception** to allow a Public, Civic & Institutional / Governmental Service or similar functions use in the CH District to permit the offices of the Tulsa County Election Board (Section 15.020, Table 15-2). Per conceptual plans 21.4 through 21.5 of the agenda packet and also referencing the additional supporting information about parking at the site subject to the following condition that the parking ratio used must conform to the standards of an office use. 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 tract of land which is part of the NW/4 of Section 27, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, being described as follows, to-wit: Commencing at the Northwesterly Corner of said NW/4 of Section 27; thence due south along the Westerly line of the NW/4 of Section 27 for 1195.04'; thence due East for 403.60' to a point on the Northerly Right-of-Way Line of East 43rd Street South and the 'Point of Beginning of said tract of land; thence N00°00'14"E for 344.49'; thence S89°59'46"E for 46.20'; thence due North for 43.73'; thence S89°59'46"E for 286.50'; thence N0°00'14"E for 44.25'; thence S89°59'46"E for 165.25'; thence S17°25'10"E for 386.91 to a point on said Northerly Right-of-Way Line of East 43rd Street South; thence along said Northerly Right-of-Way Line as follows: S72°34'51"W for 149.29' to a point of curve, and along a curve to the right having a central angle of 17°25'09" and a radius of 405.00' for 123.13'; thence due West for 350.12' to the 'Point of Beginning' of said tract of land;, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Mr. Bond acknowledged the retirement of Janet Sparger and introduction of Sandra Kelvington as Janet's replacement.

There being no further business, the meeting adjourned at 5:23 pm.

Date approved: _____

Chair