

**BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 1307  
Regularly Scheduled Meeting  
Tulsa City Council Chambers  
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,  
January 10, 2023, 1:00 P.M.**

**Meeting No. 1308**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS</b>
Barrientos Bond, Chair Radney, Vice Chair Brown Wallace		A. Chapman S. Tauber J. Banes D. Wilkerson	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on January 4, 2023, at 1:42 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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Mr. Bond called the meeting to order at 1:03 p.m.

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

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**MINUTES**

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "ayes", no "nays"; no "abstentions") to **APPROVE** the **Minutes** of November 8, 2022 (Meeting No. 1306).

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## UNFINISHED BUSINESS

### **23442 - Acura Neon**

#### **Action Requested:**

Variance to permit more than one freestanding sign per street frontage in an R District for a non-residential use (Sec. 60.050-B.2.b) **Location:** 7777 S. Lewis Ave. **(CD – 2)**

#### **Presentation:**

Applicant was not present.

#### **Interested Parties:**

None

#### **Comments and Questions:**

None

#### **Board Actions:**

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstains”) to **Continue** a Variance to permit more than one freestanding sign per street frontage in an R District for a non-residential use (Sec. 60.050-B.2.b) until the January 24, 2023, Board of Adjustment hearing, 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**

**23446 - Elite Agricultural Properties, LLC**

**Action Requested:**

Special Exception to allow a Group Living/ Monastery Use in the AG District (Sec. 25.020-B, Table 25-1) **Location:** 8533 E. 58<sup>th</sup> St. S. **(CD 7)**

**Presentation:**

**Vishal Aggarwal**, 2739 East 69<sup>th</sup> Place, Tulsa, Oklahoma, 74136.

Mr. Bond stated that this matter was continued from before. Have you had the opportunity to speak with the neighbors or have a community meeting?

Mr. Aggarwal stated that they we had a meeting about this exception in November. As it was requested, and in the meeting, we had an engineer review the drawings and the available utilities over there and assess the parking and increase in traffic and all that kind of stuff. Mr. Mahajan, the engineer will present his findings if you would allow him to.

**Prag Mahajan**, 11308 South College Avenue, Tulsa, Oklahoma, 74137 stated that he is a licensed professional engineer in the State of Oklahoma. we had a meeting about this exception in November. He had been in the state and licensed since 2013. His previous work experience with the city of Muskogee in the Muskogee Creek Nation. Mr. Aggarwal asked him to review the proposal. He also reviewing the concerns which our neighbors had. He looked at the concept which our architect, Mr. John Sanders had prepared to pick up pretty much. There are some concerns, but most of them have been addressed in the concept. The first one, the proximity of improvements to existing backyards. The building will be setting up on the hill, and the elevation at that had the 773 feet. The buffer which is kept within the trail, and the yards is 30 feet. Then the green space, which was around there was another 30 feet, plus the lane width for the parking with another 30 feet, which we have assumed. It is 100 feet in total, from the nearest backyard. Some folks had the question about the building height. If he could draw your attention to the photo, which is on your screens, those balloons, the topmost balloon is a building height, which is allowed by the city of Tulsa in the zoning code Table 5, 35 feet. That is what we had on there. If you are going to the next photo, that is what you are seeing from one of the residences. Next photo, please. That is the resident and that is what you see. It is not the architectural design building we will make and it very aesthetic. He works towards that to make it more pleasing and aesthetic. So that is the most that is the intent about it.

The next question they had was the current planning of twenty-six parking spots. Neighbors expressed concern about increasing the parking on nearby streets. When he calculated it, generally, parking stalls are about 10 feet by 40 feet, that code allows 18 by 19. We are using ten by twenty-six feet. If you even must make 50 vehicles in the

that is 10,000 square feet. And if you are doing 10,000 square feet, you get that just about point three acres of the whole complex, which is about seven acres.

The next one, we were asked about the increased traffic in the neighborhood. It is a city plat in one of them, which is based on sheet number 3.85. I started counting all the lights on the table on five hundred of them. If we take 500, we multiply it by two vehicle service, and it's about 1000 vehicles. So even if we add for the vehicles to that the percentage is about 2.8%. And most of the folks who have been on our street have not been using that every day. We want to provide that this the intent was very good. While hard for us to have people time to reflect and practice what they need to do. It would be nondenominational.

The other concern they had was the egress and into entry. We have a fifty feet egress an entry from there, which is 50 feet wide to the property. And that should be is very similar to one from a cul-de-sac entry. We have mentioned that in our notes to the operating capacity of the Monastery is capped at 58 plus five to ten for Staff. We do not want to put more people there either. They are supposed to be there in a way to reflect and practice their faith.

The other question was water runoff. He had gone through the infrastructure development plan checklist is a 44-page document which he reviewed. We will start working on it once we get the exception. You will have an on-site attention. It will be me will not increase the discharge on that. We have a put it in the notes that onsite detention is considered a design and it will be in line with the city of Tulsa IDP checklist. On the building height, we have used thirty-five feet which is for single family, residential City of Tulsa Zoning Code. Table 5 says maximum building height is 35 feet and that is what we will be using, and three stories are allowed.

Mr. Bond asked if they had considered a zoning change in this.

Mr. Mahajan stated not yet, because what we are looking at is an exception for the time being. The zoning would change everything. We want to keep this as low key as possible. We would like to keep it in harmony with what the city planner has said.

Mr. Bond ask what your estimated traffic flow is.

Mr. Mahajan stated that the estimated traffic flow is about twenty-eight cars. And the thing is there are four entries. There are four entry and egress points on the whole property, you have one on 61st, and one on Memorial.

Ms. Radney stated that she did not know whether this is a question to pose to you, but she'll ask you. The residents will be there for an extended period, so was assuming you are talking about greater than 30 days or on the order of about 30 days.

Mr. Mahajan stated that would be our eggs in the basket too early.

Mr. Aggarwal stated the residence will be long term residents over there, this is not limited short term medical facility.

Ms. Radney asked when you say long term, what are what are you envisioning.

Mr. Aggarwal stated that the clergy will be presiding over there will be sponsored by the church that sponsors them, if the church continues to sponsor them, and they will continue to live there.

Ms. Radney stated that for some people, it might be permanent.

Mr. Aggarwal stated that they do not intend to provide any medical support or anything like that. It is just a place to live for them, practice their faith, and be in harmony with others.

Ms. Radney stated that in terms of residential, it would not be any more than say, assisted living, where maybe someone is there to do light cleaning, and housekeeping.

Mr. Aggarwal stated it would be the building maintenance and cleaning. They will not be giving any medications, or cleaning for the residents. There will be some shared amenities. So, the intent that we have is that we want to bring in people who are able or willing to tolerate the other viewpoints. So, the differences between one denomination to another are looking at God and serving God and people of God in the same way. Keeping those differences aside, those who are willing to come together, we want to bring them together, serve them and have them serve God. That is the purpose that we are going with. He would like to mention about the utilities, the water and sewer as per the calculations that he had made. It only adds like two to 3% extra load on the on the utilities from what the existing the load is. It is not a significant load being added to add to the utilities.

Ms. Radney stated that the site plan that we have on 3.9, this is the proposed site plan as of as of now to that would address the concerns that you that have been outlined by the community.

Mr. Mahajan stated that is what our architects have presented. It will be landscaped to suit, and it will have a trail around it as our architect has designed it a couple of community gardens to be a contemplative environment.

**Interested Parties:**

**Craig Stutzman**, 5643 South 85th East Avenue, Tulsa, Oklahoma, 74145, stated that

He finds the building beautiful. The concept is good too. Living for like-minded people. Unfortunately, the low it is the location issue. It is where it is being built. He was going to go ahead and use the report that you that I received that I got offline before for any references to make it easy. On 3.2, it shows a simple tract plot. As you can see on 85th Street, there's a greenbelt right here. If you look at most of these properties all are of similar size, very similar. Up here, they're a little larger, it is another other area and a different phases that it was built. Moving on to 3.3, it shows it is just the same picture just to pick up a photograph of it and you can see by the overall look that it is all similar housing into the back, and they are a little bigger to the front. The next picture of 3.4 is the platted outline of the proposed change or the tract and question. Moving on to 3.5, it does show that back in 1967 there was structures up there as there are some old foundations. There was an exemption on the AG property to allow a rec center. Two years later, they got a permit for that apparent building to the church and then in 1970, they got a daycare center put up there. He did read the relationship to the comprehensive plan just below that is the Tulsa Comprehensive Plan identifies the subject property as part of an existing neighborhood in area of stability. Immediately below that they give definitions. The area stability does not really pertain to it so much. The existing neighborhood does though. It says the existing neighborhood is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement and replacement of existing homes, and small scale infill projects as permitted through clear and objective setback high development standards of the zoning codes. In putting a 30,000 square foot building or propose 3,000 square foot building in a neighborhood like that is an established neighborhood already isn't harmonious to it.

The changes that were allowed or the exemptions and the permitted uses back in 67 to 70. One of my bigger concerns, or maybe my biggest concern is, once you build the facility and say this is approved, and the facility is built, as stated, if it ceases to be used as that facility any longer or that entity, what becomes of that is, what can be what can happen at that point. It is not going to need to be permanent to put a building or structure up there. It will just have to be an entity moving in a business or something. It would not be the intended purpose as it is today. It kind of leaves it out in the open or with a big fat question mark as what it could be. That is the worst thing is not knowing.

Mr. Bond asked if he knew when these houses were built.

Mr. Stutzman stated he went down the other day and check the tax rolls. 1970 right about here was the oldest house he could find. Then it went from 70 to 76. So, the exception was granted when there were no structures. It was owned by Buck Meyers for at least 20 years. He had it for sale the whole time. But it was some half a million-dollar or something like that. Then it went to auction back in 2011. There was an auction held right on the site. It was auctioned off as AG property. That is a little history of it.

**Rhonda Gallagher**, 8458 East 58th Street, Tulsa, Oklahoma, 74145, stated that you have all here the concerns that we had about bringing this monastery into the area. These concerns fall into three categories. We are concerned with safety, quality of life, and our property values. Safety primarily because of the increased traffic. She wanted to respond to what was said about that the need for an additional egress. There are four entrances to the neighborhood. Yes, there are. But there is only one entrance to the actual property. Everything that passes through there goes down 58<sup>th</sup> Street, a two-lane neighborhood street. We are not talking about Montereau, or any of these major facilities, which are located on major thoroughfares with a minimum of four lanes of traffic. Also that the issue of parking on the street because that will create obstruction that will lend itself not only to increase accidents that will lend itself to children walking between parked cars being increased and increased danger going to the bus stop. There are several bus drops on 58th Street, one directly in front of my home. Our second concern was in our quality of life. There was an address of it being a 35-foot building. She could not tell about it creating an eyesore. She is concerned about our quality of life, though is how safe it is for our children to be out playing in their front yards. The issue of how our quality of life will change with the additional traffic. The third concern was our property values. According to her realtor friend, group homes do decrease property value in an area, especially when you have situation where it may block out areas of your ability to see the skyline to be able to see the sunrise or the sunset. For the people who have the traffic running past their home that is going to affect their quality of life. At the meeting that we had; we discussed some proposed things that might be done to address them. One of them was to keep the building short, no more than one story. She could not address how high 35 feet is, and what that looks like from the street. My greater concern is the parking however, she heard there is going to be additional parking provided, if there is additional parking provided for everybody who comes to live there to have a place to park their cars on the facility regardless of how many times they're in and out a day, then she could live with that my major concern is the egress, you must have opportunity for people to leave the facility in such a way that it does not dump all the traffic into that one location on 58th Street. She would like to see something done to address that. She realized that we cannot have our world go unchanged. She realized that this is a difficult situation. She did not think there is anybody in the neighborhood that wants Dr. Aggarwal to get stuck with a property that he paid \$250,000 for and can do nothing with it. However, if you pull all of us in that community, what we stand to lose, there are property values or damage to our properties. She thought we would add up to \$250,000. She would like to ask you to take into consideration what is good for everybody. If there is going to be development it is just essential that this be managed in such a way that is beneficial to all parties.

**Rich Bartlett**, 5647 South 85th East Avenue, Tulsa, Oklahoma, 74145, stated that they put together a little statement and he did not want to take up more time than necessary and reading the whole thing. He wanted to summarize it, which is that he agrees with the previous speaker. We do not want the doctor to get stuck. But we feel like maybe

some more limits would be better. We have not found anyone in the neighborhood that is for this development. Council Wright said there was not a 100% consensus in the neighborhood, and we have really found that there is 100% consensus that this property just isn't the right fit. We would certainly favor single dwelling units, like we discussed at the last meeting or some variation of that.

Mr. Bond asked if he had any idea about when the neighborhood was developed.

Mr. Bartlett stated that stated that the community swimming pool, the Dolphin Club, but he did not have any other information than that.

**Rebecca Clapp**, 8502 East 58th Street, Tulsa, Oklahoma, 74145, stated that she lived across from the entrance to this. She thanked the Board for what they do. Ms. Radney had suggested that some of us go visit some of the senior living places and we did. We went to visit Montereau, but the entrance was from 71st Street. St. Simeon on Martin Luther King, Jr. Boulevard had the big, huge street they could enter from nobody had to drive past any resident like me. He had stated that people might come from the east and west. He also said that each resident might have two visitors per week. Well, there's 58 guest rooms are big enough that you could put two people in each. So that would be like 116 guests, perhaps potentially, will you double that for them having two guests each week and you have 232. Then he said that each of these people that he said were able bodied, retired people might leave once or twice a week. Well, if there's 116 people there that leave once or twice a week, that's another 230 something. Then if you had the residents, come in and go when the visitors come in and go, and that's like over 400 cars that she can see from my front door from my windows. They will pass me no matter which way they come. It will disturb her sleep at night. Children skateboard there because it is a slight hill, and they love it. They play ball in the street, like basketball, everybody's quality of life is going to be affected. Her house is just slightly over 1000 square feet. We're talking about a 30,000 square foot building, three story's high, and the 35 feet. That is the height of the building. If this is three stories, we will not be able see the sunrise. The developer for the larger homes is the one that put the community pool in. He was developing that first part and he did not want it platted. The only people that could go to it were people from the community. In 1969 was when the church was allowed to use it. But they only came in like once a week. Then in 1970's is when the daycare center came about. Like right now there is a monastery, but could it be possible to come from like that, because the gentleman applied for this, he has a lot of valuable experience in that. He would know how to do that and other stuff like that. So, the use of it could change. And so that's something people are concerned about.

Mr. Bond stated that the only relief and sought today is for a special exception to allow a group living/monastery use, and the AG district. But additional uses on the AG zoned area would have to come back to the City for the appropriate level of approval.

**Earl Clapp**, 8502 East 58<sup>th</sup> Street, Tulsa, Oklahoma, 74145 stated that he bought that property just a little over 50 years ago. He remembered when this property on the hill was a church. It was used as a polling place. The children are his number one concern. We have a situation where you got single family residences all through the neighborhood. When the church was there, the property is nice. My concern is for the children and the school bus stops. He would be in favor of it being a recreational center, or a church, a small church where people would come in only on the weekend, that would work very well. But if we could have that kind of quality to restore that character, that would be very good.

**Lori Decter Wright**, 175 East 2<sup>nd</sup> Street, 4<sup>th</sup> Floor, Tulsa, Oklahoma, 74102 stated that one of the things she promised was that we would convene a lot of the folks that are in the room and some that are not. We did meet for about two hours on November 29, 2022, at Union High School, and the applicant was there. Mr. Chapman was there. Ms. Davis was there. Ms. Davis wrote a summary email and send it to Mr. Chapman. You heard there was not a consensus achieved. We had some good conversations and questions were asked and answered. She wanted to go over the items we discussed in the in the concerns were proximity of improvements to existing backyard, right on that property. It's a bunch of backyard circling the whole area. Concessions would be increased setbacks and buffers, walls, and evergreens. Some of the neighbors seem to be okay with that. She wanted to emphasize there were neighbors that did not want any of this. There were neighbors that did not want this, but we could live with something else. Then there were neighbors that could work with what is being proposed with concessions. Parking the current plan includes 26 spots, some neighbors expressed concern for increased parking on nearby streets in the neighborhood. We would like to see an increased parking requirement for what is being proposed. Another concern was increased traffic in the neighborhood with the current ingress and egress on the property, and right now there's only one entrance and exit for fire safety, that's a concern. Also, for children that are catching school buses in proximity to where that ingress and egress is. We talked about water run-off, and we also reassured them like through the platting process and everything all those things will be taken care of in the process. So, people have questions about the building height. Someone referred a restriction on the building height. Current plan is for three stories. Residents expressed they would prefer two or single stories with window placements so that it obscures visibility into people's backyards. Then future projects on the property residents express concerns for future development on the property. If the proposed monasteries not successful, what would be allowed to be there? How could they sell it? So those are the main points, again, not 100% consensus by any stretch. Pretty good turnout in terms of a community meeting. The applicant said that they were going to work to get some of these questions answered through their architect or an engineer. Thank you for your time and consideration. She knew it was not typical for you have this much robust input. You can see like for this seven-acre property, in a well-established neighborhood, there is still a lot of back and forth. We did go over again by right on AG land, what can go

there right now. There are already a couple buildings up there and some agricultural activity taking place.

Mr. Bond stated that he thanked the Councilwoman and thank you for having that meeting and helping facilitated it. We know even times and consensus is reached; it still helps. We appreciate everyone going out to that on all sides of this. Right additional insured parties.

**John Sanford**, 9726 East 42nd Street, Tulsa, Oklahoma, 74146 stated that he was the architect that Dr. Aggarwal hired. When Dr. Aggarwal first conceptualized this project with me, he told me this is going to be for retired clergy that have did have the code of poverty. He is wants to be a good neighbor. He thought there are probably a lot of concessions have been talked about today that are doable. The site plan we have a 40-foot landscape setback we and the building, the closest edge of the building is over 100 feet from any of the backyards and the backyards to the east are even quite a bit further than that. The real reason for the reduced parking is the research Dr. Aggarwal had done on a monastery is that a lot of the clergy that stay there don't even own car. The traffic in and out of the site was not going to be very much. He would also like to address some of the concerns about the water stormwater runoff. A lot of the backyards there could use some improvement. He thought the stormwater requirements that are going to be needed to be done would address a lot of the infrastructure that is there now would improve the look of their backyards and address some of the stormwater runoff. The comment about the future unknown. Some of the concessions might make them feel easier by some of the elements about the building height. We can work out something with some of the owners. He thought they might use some other unknown questions.

Mr. Bond asked if at the highest point is it thirty-two feet in height.

Mr. Sanford stated that he believed that was correct. We probably had some adjustment in that. We probably took the footings down on the building a little bit to control it, but we do not have much engineering information on the site yet, but there are probably some things that can make the building more appealing to the neighbors.

Ms. Radney stated that she was not an architect but looking at 3.1 through 3.12 where you have the schematics for each individual floor that at least the residential portion, and she was assuming that the way that the width of these halls and the location that were added or absence of things like restrooms and additional services would mean that this is really always going to be limited to just non-medical assisted residential use.

Mr. Sanford stated that these are not eight-foot-wide corridors, these are just going to be six-foot-wide corridors to meet the requirements for this type of housing use. This is

not designed to be for medical use. We do not have gurney size elevators or anything like that.

Ms. Radney stated that she thought as much. Each of these are just going to be individual like living quarters, not non kitchens or anything like that. Will they have individual bathrooms.

Mr. Sanford stated that they will have individual bathrooms and there will be a food prep room on the lower level to create food for the residents and early discussions where the clergy would take responsibilities on preparing meals for the facility. They are not going to have a lot of traffic coming in to help prepare food, it's all going to be done by the residents. They are just going to be maybe like a hotel room, we might have a microwave and a coffee machine things like that to make it more comfort for them to live there. But not a full kitchen.

**Mary Wheeler**, 8502 East 58<sup>th</sup> Street, Tulsa, Oklahoma, 74145, stated that she had have a real estate background. It is important to note that the applicant for the daycare that was presented, he had a letter in support of the community. Whereas the consensus for our neighborhood has no support. If you even look at the size that has been mentioned many times of the facility at 30,000 square feet three story for building. my home is a single story and only slightly over 1000 feet. You could fit 30 of my homes inside of this proposed building. It is going to look like a commercial building no matter how beautiful or aesthetically pleasing it is, it will still look like there is a commercial business there. Therefore, people might otherwise who would be interested in moving or buying into the neighborhood or renting the house would be deterred by thinking that since it looks like a business that surely is more traffic and noise and their children might not be safe. She walks her dog quite often and there are children playing in the street. The danger involved with would be concerning. Also with her real estate background, she concurred that it would lower real estate.

**Rebuttal:**

Dr. Aggarwal stated that he tried to address issues one by one. The problem that the neighbors raise is about one entrance, any cul-de-sac, any dead-end street, is no different than what this place can be looked at. Ten houses on a cul-de-sac will have like four to five residents each, so that is 50 residents in one cul-de-sac entrance. Mr. Mahajan said was 30 feet street. They are all 50 feet or so in their opening with ten houses or so in in so you can look at it as a cul-de-sac and it is no different. He was not sure about the concerns of safety. Is this threat from the residents, which are elderly retired priests? If they are trying to refer that every priest is a bad priest and is a pedophile. They are not stopping their kids from going to churches, because priests are threats. If they are concerned about a threat from a car driving fast over there, the speed limit is still the same. Whether that car comes out from their homes, or from this property, it is going to drive at the same speed as any other car is allowed to drive on

that street. So, he did not really buy into their concerns about safety getting worse in this neighborhood because of it. He would point the way this property has stood for last 30 to 40 years, where there are syringes, condoms and all sorts of dumping going on that property. He thought this had been a safety concern all these 40 years, and it will improve after something useful is done over there. There is going to be ample of parking. The concerns about height now in a residential district, right now they have a single storied house. Everybody is allowed to make up to thirty-five feet in that neighborhood. They may not have a house 35 feet higher at this time, but it can be in future. We are within that range. He did not think agricultural zone property has any height limits on it. Agricultural use can go as high as need be. The concerns that most senior living facilities/nursing homes, they are on a major street, but we are monastery. Holding us to a standard of the big, assisted living communities is unfair. Even though it was a very far-flung calculation of four hundred cars a week, which makes it about seventy cards a day. That is just seven cars an hour. Seven cars an hour means one additional car going in every nine to 10 minutes. If they were to take single family houses made over there, it's going to add the same amount of traffic, same number of issues, parking, all issues are talking about. It is going to add the same thing, if not more and make it even worse. We are far better than what they are trying to push me to do. They keep saying that it is going to block their view. That is why he did that exercise to show how high that building will be and where it will be. It will be lower than what the trees you will see from. If they were to take a picture from their backyards, I find to fence line to take these pictures into their houses is still another 20, 30, or 40 feet further lower down. If you look from there, all you see is the trees, the top of the trees. This was taken in the fall, there are no leaves over there. Once you have the leaves come back, you cannot see any part of the building.

Ms. Radney asked if what we are seeing on the screen is that is that tower on your property.

Dr. Aggarwal stated that he created a makeshift thing that we did by putting some two by fours, to make it 35 feet tall. So right there that white thing is the pole that was erected. The balloon on the top is the 40 feet mark on it. The pole was 35 feet and five feet for the balloon. So, from most of the places, you can see the balloon would be lower down than the treetops that are there on the property from their houses, they're not going to see any part of that building to a large extent.

Ms. Radney asked if this image here represented conceptually what you would prefer to be able to build. In terms of the massing that this would more or less be the way that the structure would be masked on the site with most of the three story back to the north and west. So, this is representational here.

### **Comments and Questions:**

Mr. Bond stated that he was ambivalent on this one. He thought there was a lot of points on both sides having there are a lot of points that have been addressed by both sides too. He was trying to think of the monastic use within the city post that he knew of, and all I can think of is Cascia Hall and Monte Casino. This has caused a lot of heartburn for the neighborhood.

Mr. Wallace stated that his comments right now are he really appreciated the applicants, the neighborhood, and city councilor meeting. He also appreciate the applicant for sharing these images, to show kind of how tall things are. The balloons were a great idea that was creative solution to that. What he is still has not heard that there were was not a consensus. But he had not seen any responses that adjust to getting to a consensus of agreeing to this. Thirty-five feet is by right, anyone could do that. It is just not in harmony with the neighborhood currently, and that was where he was at this point.

Mr. Barrientos stated that he also thought the same way. We see all the detailed drawings, and all the efforts you guys been doing the last few months. He was concerned about the use one entrance and concerned about the amount of construction equipment that was going to go through to build this massive building.

Mr. Brown stated that he was still considering.

Ms. Radney stated that she thought that most of the neighborhoods objections boiled down to a concern about an increase in use intensity on the lot. She did believe that regardless of whether this particular project goes on this lot, that it will be developed that a part a land parcel this size within the City of Tulsa is highly sought after, and in this particular case, absent the concerns of the adjacent neighbors, she believed that it would be likely that this would be developed in a in a manner which is much, much more traffic intensive. Especially and even if it were single family residences. She was in support of the concessions that have been made, particularly in terms of this site plan. She had a lot of questions about the site plan. She did believe ultimately that this is going to end up being to be a tranquil and contemplative location. She thought that it is going to be pretty well shielded with trees and other sort of natural structures. She was inclined to support it. She thought it will be quiet. She agreed about the construction, but she thought that it would be the same if you were to put what 10 houses per acre but let's be generous or be conservative. So, you if you could get seven houses per acre up there we are talking about a lot of houses. And in the in the current style of single-family construction in Tulsa, especially at that height they are going to be 35-foot structures and they will and they will be three car garages and driveways. In the end, there will be less control in terms of a large scale, water detention and retention. She understood the desire to keep it or to see it persist in an agricultural setting. And I personally see this as being an appropriate trade off where you do have a

taller building but what you get in exchange for a taller building is an awful lot of land that is undeveloped. She thought the value of that in the current development environment is not to be overlooked.

Mr. Brown stated that he tended to agree with Ms. Radney. He could not perceive more passive use than what is planning to go up here. The parking and automobile issues are overblown. He thought you would have fewer cars on the street than you would have a church up here because the church is not a one-day operation. The parking on the street has been accommodated per the site plan. It is just a very different use of the property, but he thought it was an appropriate use of the property. He tended to support this.

Ms. Radney stated that she thought that as a realtor, when she looked at the type of properties that modern churches are looking to acquire, that there would not be any less intensity in terms of the size of structure that would be constructed on a lot of this size in this location. In fact, it would probably be considerably larger than most. You need a minimum of an acre lot for just to even the smallest of churches. So even continuing as a church use, if they were going to be continuing and persisting in that use over the next 30 to 50 years, it will look more like this, then not.

Mr. Wallace stated that he still felt very strongly that regardless, if this is a monastery, a mixed-use facility or apartment complex, you will be doubling the population, if you were to have seven homes versus not on one acre lots with that theory. Then also he thought again, either way, the neighborhood would not go for that in this current form. He thought in the future, potentially, as this neighborhood continues to grow, and change and transform, that's great. But he thought there was still some individuals that live there from the beginning, as it was a single family when there was a church or a small facility up there, he totally understood that. He did think this is a considerably different, higher use higher and foot traffic space.

Mr. Bond stated that he was still ambivalent on this. In ideal world, they would have grown up around this facility ever would have known what they were coming into when they bought into the neighborhood. He also understands the strategy, that without a zoning change, someone could walk in what is the worst-case scenario, probably for a lot of people a marijuana farm. That is usually a good portion of what we do here is get involved in that type of stuff for approvals. He did think they still wanted to come in an AG district and do things that are going to be more disruptive. And the traffic is not something that he thought is going to be as big of an issue as we are concerned about. He could be wrong. But he did not think there is an issue. It is a question of him for what is this is our evaluative standard here that the Board finds request, especially harmony of the spirit, the intent of the code, but will not be injurious to the neighborhood or otherwise detrimental to public welfare. He did not think it will be detrimental to the public welfare at all. If it were up to him, and these were my potential neighbors. He did

not think there would be a problem with that, given what could be there. But it is a question of is it detrimental to the neighborhood? It feels like we have almost an entire neighborhood here who is standing in opposition to that. That must count for something. He would have liked for you everyone to come back at sounds like Councilman Decter Wright really went through a long and painful meeting over what to do and what concessions to have. He did not like to be in the position where we tell you what we would vote for we designed someone's development. That is not what we are here for. It is not what we should do. It just sounds like this in this form is too robust for this land use for me. He would have absolutely no problem if it were not such a large project squeezed into the middle of a neighborhood. He would tell you this, though if this were an Agnostic Center, Jew, Gentile, Catholic, or Protestant, he would not care what it was. We should not as Americans care what it is. He would have this vote on this or any other use that would go into the middle of an existing neighborhood. So right now, in its current form, he would be a no. That is not to say if they came back at a future date, and had more sign off from members of the community on something that would be more amenable to them, he would certainly listen to that. He would encourage the members of this community to work with Dr. Aggarwal on this because this may seem like something you do not like. He guaranteed there are multiple uses you will like a lot less than this. So, it looks like I am a no too. It looks like we are at a three/two here.

**Board Actions:**

On **MOTION** of **BARRIENTOS**, the Board voted 3-2-0 (Barrientos, Bond, Wallace all “ayes”, Radney, and Brown “nays”, no “abstentions”) to **Deny** a Special Exception to allow a Group Living/ Monastery Use in the AG District (Sec. 25.020-B, Table 25-1), for the following property:

**PRT NE SW BEG 393.86W & 330S NEC SW TH SW484.35 SE297.98 NW364.68 S123.11 WLY50.15 N120 W214.15 NE240 NE166.55 NE193.21 NE136.91 E310.72 POB SEC 36 19 13 7.26ACS , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23458 - Cheryl Cohenour**

**Action Requested:**

Special Exception for parking and/or storage of a recreational vehicle in the street yard on a corner lot (Section 45.150) **Location:** 2809 E 28th St. **(CD – 4)**

**Presentation:**

Applicant withdrew case.

**Interested Parties:**

None

**Comments and Questions:**

None

**Board Actions:**

None, for the following property:

**LOT 4 BLK 2, THOMAS HGTS ADDN SUB PRT L4 B5 WOODY CREST ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **23459 - Crown Neon Signs**

### **Action Requested:**

Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec.60.100-F) **Location:** 4609 E 31st St. S. **(CD – 4)**

### **Presentation:**

**Justin Moydell**, 10101 East 46<sup>th</sup> Place, Tulsa, Oklahoma, 74146, stated that the wanted a Variance for a LED board within two hundred feet of the residential. We are 185 feet from that RM-2 district and 110 feet in that fire station. Both properties will not be affected by the LED screens since it is facing east and west on 31st Street.

Mr. Bond asked if he had a chance to talk to any of the affected neighbors.

Mr. Moydell stated that he did not go to the fire station talk to them. The apartment complex back here it's 205 feet to the property. The fence so the only areas affect is their parking lot they parked against the fence on that back that back picture you see there. You can see those cars. That is the only areas within the two hundred feet.

Mr. Bond asked if he could tell what your hardship is.

Mr. Moydell stated that this thing cannot be seen from either property because it's facing the opposite direction of where the property and the fire station are located. It cannot be seen over those properties.

Mr. Bond asked if there is somewhere else you could put the sign.

Mr. Moydell stated that with utilities and everything, we could not move it to the east side of the property over there closer to the on ramp. Nothing else is available.

Mr. Brown asked if there is a reason it must be a dynamic display sign.

Mr. Moydell stated that the owners own a property next door, a car lot. He is opening a repair station. He wants a sign there. It will meet with all the rules and regulations. It is going to have eight second hold times per the City of Tulsa. It is also not too bright. He just wants a nice building sign to help his business.

Mr. Brown asked if a dynamic display sign is a given.

Mr. Moydell stated that it is an LED board with a top cabinet to identify the business.

Mr. Brown asked that he was saying that if it was a non-dynamic sign, a fixed sign, no LEDs, no blinking or changing, is that acceptable to you.

Mr. Moydell stated that is not what the customer is wanting. That is why we are going through this Board of Adjustment meeting to ask for permission.

Mr. Chapman asked if he could clarify, if this were a non-led, he would not be before the Board. The only reason he has that spacing is because it has LED.

Mr. Moydell stated that was correct.

Ms. Radney asked if this sort of sign what you would consider to be the standard for this type of business.

Mr. Moydell stated that there are a lot of them around town.

Ms. Radney stated that it is not particularly exceptional in terms of what a business owner might want to have been in this in this line of business. The applicant is unduly affected by the fact that way at the back of his lot, which is oddly shaped, there was a tiny little bit of residential, but otherwise, this is a commercial boulevard where they would otherwise have a typical commercial sign. It is a hardship.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated like the vice chair was getting at the hardship here. In my mind, there is nowhere else to get with the sign. The sign is something which is expected for any type of commercial business. If the firefighters were here, he would have a different opinion on this, but they are not and so he did not have an issue with this. He thought that the hardship here is the shape of a lot and with the utility easement, this being the only place to put it there. We go back and forth on LEDs a lot. The thing he did want to remind the Board is that the City Council has reformed the Zoning Code to house some specific requirements for LEDs including the brightness, the dwell time, and how dynamic they are. That is the difference that we should give is the City Council because they are the legislative making body here. He thought that there is intent in that.

Ms. Radney stated that was well said, Mr. Chair.

**Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Barrientos, Bond, Radney, Wallace all "ayes", Brown "nay", no "abstentions") to **APPROVE** a Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec.60.100-F), per the Conceptual Plans shown on pages 5.9 thru 5.12.

Finding the finding the hardship to be the location and add shape of this lot as it relates to the location of the freeway and the existing easements.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

*a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*

*b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*

*c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*

*d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

*e. That the variance to be granted is the minimum variance that will afford relief;*

*f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*

*g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”, for the following property:*

**BEG 685.06W SECR SE TH W115.77 N448.6 SELY188.4 S300 TO BEG SEC 16 19 13,  
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Brown left the meeting at 2:40 p.m. and returned at 2:42 p.m.

## 23467 - Phillip Doyle

### Action Requested:

Variance to reduce the required 25-foot rear setback in the RS-1 District (Sec. 5.030-A, Table 5-3) **Location:** 3220 E. 67th St. S. **(CD – 9)**

### Presentation:

**Phillip Doyle**, 1720 South Newport Avenue, Tulsa, Oklahoma, 74120, stated that the owner is wanting to add a three-car garage onto the existing one-story residence. Converting the existing garage. This garage is narrow it is hard to put their cars in as it is. This will give them a modern bathroom, a kind of handicap accessible bathroom as they are trying to age in place. So, they are utilizing some of that space to get handicapped bathroom then add on kind of appropriate size three car garage for their vehicles. It is on a wonky lot so that is the hardship is that you know it is one of these lots that was it was a much bigger lot at some time, and it was it was split into this diagonal shape. We tried to follow that diagonal stepping of the house and accommodate the spaces that they need. Then on the elevations, we had just matched what the existing architecture is existing slopes, existing plate lines, to try to stay consistent with the house and in harmony with what is in that neighborhood which is a bunch of ranch houses.

Mr. Bond asked how far back in the setback are you.

Mr. Doyle stated that at the tightest point is 11 feet off the back. Then the other corner is 15.5 feet five off the back.

Mr. Bond stated that he was confused with some of the numbers, which is not a hard thing for me. Please show us with a pointer on there where the setback is.

Mr. Doyle stated that the main setback of the house so if you went with like a 25-yard setback, which is what an RS-1 is, if you come down, you kind of see where that addition is in split says area for garage setback 264 square feet, everything to the what would be above that is actually the 25 foot setback. The existing house is already well over. It has a preexisting condition that exists non-conformity where a lot of the house is already over that twenty-five foot. At some point in its life where they decided that was okay before our modern zoning laws. So, by the time you get into that diagonal shape at the top, there is very little room to work with. We have tried to kind of take that stair step, back and tried to mimic some of that. That is the existing twenty-five feet.

Mr. Bond asked if there were any issues or conversations of neighbors that we need to be aware of.

Mr. Doyle stated that they said they have not heard anything. He could be mistaken.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated that the hardship speaks for itself.

**Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstains”) to **APPROVE** the Variance to reduce the required 25-foot rear setback in the RS-1 District (Sec. 5.030-A, Table 5-3), finding the hardship to be that the existing structure has a preexisting nonconformity and shape and the unusual shape of the lot as platted, per the Conceptual Plan shown on pages 6.8 to 6.12 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:*

**PT LT 1 BLK 1 BEG NEC S128 NW TO PT ON W LINE 77S OF NWC N TO NWC E TO NEC POB, BRANIFF HILLS ANNEX , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Bond left the meeting at 2:45 p.m. and returned at 2:46.

**23468 - Phillip Doyle**

**Action Requested:**

Special Exception to allow an Accessory Dwelling Unit in the RE District (45.031-D); Variance to permit more than 20% coverage of the rear setback by a Detached Accessory Building/Dwelling Unit (Sec.90.090-C, Table 90-2)

**Location:** 4320 S. Victor Ave. E. **(CD – 9)**

**Presentation:**

**Phillip Doyle**, 1720 South Newport Avenue, Tulsa, Oklahoma, 74120, stated that they were in front of the Board last time. Most of you heard those comments. The owner, Oleg Roytman, wanted to add a few additional comments. He will come in and talk at this point.

Ms. Radney asked him to go ahead and describe what you are requesting, again, for those that are just hearing it for the first time.

Mr. Doyle stated that it is another oddly shaped lot. We are just kind of asking for the square footage that is allowed in that rear yard setback. The size of the structure is allowed, it is just that there is a corner of it that is sort of diagonal shape that we are asking for 90 additional square feet in that setback.

Ms. Radney stated that is as described, and then based on what we are seeing on the screen.

Mr. Doyle stated it is based on what is on that site plan as well. We have gone through a lot of effort again, to keep it one story and the owner will talk about that too and keep it in the same style as the house, but to keep it as minimal as a shape as possible.

Hello, my name is Oleg Roytman. He was the owner of 4320 South Victor Avenue, Tulsa, Oklahoma, 74105. As far as necessity, he needs this for my mother, who is has gotten older and needs a little bit more supervision. It must be ADA required building. As far as the property itself goes he wanted to let the board know that initially, we had applied about two years ago, and were approved for a two-story structure 24 to 2,500 square feet, which since then my father passed. We do not need such a big structure. That is why we have decreased the size of the Variance that we are requesting here today. What we are doing is we are leveling a little pool house with an outdoor patio. It is going to conform to the style of my house. He did not quite understand what the issues were for my neighbors from the previous meeting. His understanding was that one, they are concerned about privacy, which should be less of a concern with this structure, then the previously approved one, which was this two-story structure with windows facing their yard. They also had issues with they were concerned with noise,

which he is not quite sure what they are referencing. We do have a pool and we do have younger children. They do play in the pool, but they do not do it an excessive timeframe. We are not having crazy parties late at night. But yeah, in the afternoon, there will be children playing in the pool.

Ms. Radney asked him to tell us a little bit more about why it must be in this location as opposed to anyplace else on your property.

Mr. Roytman stated that he had ran the proper waterflow, the drainage. He did that to ensure my neighbors would not have issues. He spent the money and he ran all the way to do that. So that's number one. Number two, to build in this location will cost me much less money than it would other side house which is going to require a lot of dirt work. He would have to add a driveway, and add retaining walls. It is going to cost me a substantial amount of money. It would be cheaper basically, for him to just go ahead and build the two-story structure than to build up the other side of his house. He was trying to be proactive doing a one story. There would not be any visibility to his neighbor's yards. He had pictures of my current house, as it stands now, which is two stories from the back. If he really wanted to look into their yards, he could look out his windows. But there is no visibility for purposes of the house that he is creating.

Ms. Radney stated that one of the things about a hardship that we have to consider in granting a Variance is that the hardship cannot be self-imposed. A financial burden is not considered to be a reason to grant a hardship. But there could be some other logistical reasons that would incur more money to put it in the other location. She was looking at your site plan here on 7.13. Tell me a little bit more about what you are saying about having to add another driveway and how that would impact the residents that see your home off South Victor.

Mr. Roytman stated that they would have the same issue, just from my other neighbors. He believed one of the neighbors was here last time, and it is the neighbor to the left on our address, but she would still have the same issue of privacy she claimed to have today. That is number one. Number two, we would have to build a new driveway. Separate from the one we already have.

Ms. Radney asked him to show us where could you put this structure that would be conforming with the code. And then tell us why that you can do that.

Mr. Roytman pointed to the proposed site. Over here, we have just some grass. He pointed to his driveway. We are going to have to put a brand-new driveway here and put retaining walls right here because it's sloped. He did not know if he was about to run new drainage, because the drainage is from here, comes through here and goes to my neighbor's yard, and then goes out to Utica. It is also six feet lower. It is just not practical; all air conditioners are here, and all the pool equipment is on the other side of

the house. When we built this driveway, it was anticipation of adding on in the future. The property that we were preparing to build again, and been approved by this board is the two foot structure over here. It is two feet high or two stories high. And what we are asking just for the initial 90 feet to hear. Aesthetically, it will look a lot better this way too for the neighborhood.

Mr. Wallace stated that he was trying to recall where we left that. Were there some discussions or some modifications?

Mr. Doyle stated that the discussion he thought were that two of you were leaning in favor of it. You wanted to have some discussion as far as Mr. Brown wanted to postpone it because you wanted to hear more input, which would be on you. Because you were both sort of in favor and you wanted to hear some more discussion or input. So maybe kind of listened to maybe from what you were wanting to hear because you were both sort of in favor of it.

Mr. Wallace stated that there are only three of us present.

Mr. Barrientos stated that the previous application was clear to me the shape of the lot. The hardship is still not there. He would like to see if you can give us more why we cannot fit it on the south side.

Mr. Brown stated that if he remembered right, it was the topography on the south side slopes.

Mr. Doyle stated that it is hard to see from the site plan, but the north side of the property, which is where it is currently located is significantly higher than the other side of the property. We would have to bring in substantial size retaining walls. There is also a lot of surface water that comes from this property which is located sort of at the bottom of the hill, or at least on the lower slope of it. There have been concerns about surface water and drainage, and the neighbor has brought up that as a concern. When we were doing the initial addition remodel of it, that we put into four-inch drain lines across the entire back of the property, the one that is adjacent to the to the neighbor's property and got permission from the neighbor to the south to run those lines all the way to Utica and the surface drains along there. So, kind of mitigating any sort of water issues that would happen. And that was done with anticipation of something being done on this corner. So, there's already surface drains, there's already some grading that's happened to make sure that that surface water does not come through and affect his property. So that was already done in a previous iteration. The other side as it goes down, and it's probably about five feet is what we last figured that the grade difference was, has a lot of surface water that's coming from Bole Wood that runs through that. And it runs through the south side of his property, and it runs through the north side of the adjacent property, and it runs to Utica. We were trying to prevent building something

there too, that again, disrupts that flow, building retaining walls, building about 100 view to drive building up retaining walls with those drives. This area that was already there, it is just natural to have an existing drive that can be built on grade to that structure and then also utilizes a full house. So through here, there is a lot, the bulk of all this yard, water coming off the here and water come through here. A lot of that comes right through here. That water is going to get concentrated. Right now, he has surface drains through here. He has two four-inch lines that went on to hear the answer. We built the neighborhood sale close the neighbors on this side, which is another concern. This neighbor has built so close to here, again, his comment about nobody's going to be happy wherever it goes. Someone is going to have a complain about it being back there. But right now, the water has been coming through here, and it goes all the way up to Utica. So that has already been in place. This water up here has previously been all directed this way. So that it can minimize any sort of water that is running down and affecting this neighborhood the water that does come here. This driver here you can see this here. That was done with anticipation of something being there. Because in a previous iteration with our two story, we were having something here. So that two story, is an option to go through there and do it but it would be a 30-foot-tall structure looking which would be far more destructive than a one story structure with a 15 foot tall maximum roof at its apex. It has a 412 pitch. That was about trying to be a good neighbor. It is a little shoehorned in there. But that is part of the nature of this weird lot that at one point the houses to the west, were part of this entire lot. At some point, it was cut off in the back and those two houses were built. It has left a unusually narrow strip behind that we have to work with.

Ms. Radney asked if that drainage system that was in the engineering plan that was approved or reviewed by the City before.

Mr. Doyle stated that was just something he did to be a good neighbor. It was not something that was required. That was something that a previous neighbor had said, he was really concerned about this. He had someone come in and put in major lines to make sure that that would not be an issue in the future about five years ago. It was before when we were talking about that previous year Variance, it was in anticipation of that or neighborhood expressed concerns for that prior variance of the structure that was going to go there that the neighbor asked, would we do that.

Ms. Radney stated that you made that improvement because of conversation with your adjacent property owners regarding this Variance.

Mr. Doyle stated that we just changed the scope of the project. So instead of doing a two story, he had new conditions with his mother. Before it was a reduction of the setback, so that we could build a two story closer to the to the west. We had the two-story addition, attached to the house, and a reduction of the setback.

Mr. Chapman stated just to clarify, per the Zoning Code, since that was not built on within three years, it did expire.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Ms. Radney stated that to the extent that we regard a Variance as a change in the lot this request is consistent with the previous Board. It is worthwhile to consider that this was reviewed in some intensity by a previous Board. This seems as though this is a little bit less intense use than what was previously considered as she looked at it. Hydrology is outside of the scope of this Board, she thought that water runoff is always a big concern in everybody's neighborhood, and to the extent that the infrastructure has been put in place to anticipate something that would be put there. It would be an undue hardship, to the property owner to build out in the land that fronts to Victor. In the sense that it's going to be a lot more disruptive to the natural hydrology in this neighborhood.

Mr. Wallace stated that he agreed. One of the other thoughts at the time, too, is this neighborhood is unique, because most of the residents are set considerably further back, as you can see, even that new house just there to the south, it followed that line. So, kind of staying true with the character of that neighborhood. We felt that that was appropriate.

Mr. Barrientos stated that he was also inclined to support this, and we would see the issues as to the explanation of the topography of the lot.

Mr. Brown stated that he agreed.

Ms. Radney stated that in her view, the hardship is the uniqueness of this lot is that the original home is consistent with the neighborhood context. The existing neighborhood context includes significant setbacks from the road. That combined with the fact that the siting of another building in that area that is closer to the road, as opposed to tucked towards the back of the road not only interrupts the hydrology cross that line, but also disrupts the neighborhood context. The existing neighborhood context with property significantly setback from the street and the impacts to the hydrology across their property that are unique to this lot. We are not going to consider impacts to anyone else. But the hydrology on this site would be impacted by putting that structure in a different place.

**Board Actions:**

On **MOTION** of **BROWN**, the Board voted 4-0-1 (Barrientos, Brown, Radney, Wallace all "ayes", no "nays", Bond "abstained") to **APPROVE** a Special Exception to allow an

Accessory Dwelling Unit in the RE District (45.031- D); Variance to permit more than 20% coverage of the rear setback by a Detached Accessory Building/Dwelling Unit (Sec.90.090-C, Table 90-2) per the Conceptual Plan shown on 7.10 - 7.14 of the Agenda packet; finding the hardship to be the unique existing neighborhood setback from the street and the hydrology across this property.

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:*

**PRT LT 2 BEG SECR TH W160.28 N204.39 NL ELY198.34 NEC SLY CRV RT 154.67 SLY45.33 POB BLK 8, BOLEWOOD ACRES , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23469 - Nathalie Cornett**

**Action Requested:**

Variance to reduce the required 4,000 square feet of open space and to reduce the required 60-foot lot width in the RS-3 District to permit a lot split (Sec. 5.030-A, Table 5-3) **Location:** 1512 E 33rd St. **(CD – 9)**

**Presentation:**

**Natalie Cornett**, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma 74114, stated that they are requesting two Variances to facilitate a lot split. The first Variance is to reduce the lot width from 60 feet to 50 feet. There was some discussion at the previous meeting about how much frontage was on this property. Since that meeting, we had a survey done, and it is before you and you should have received it in your packets as well. The survey does show that the property currently has 100 feet of frontage. Our request is split it into two 50-foot lots. When we received the survey, to provide that information to the folks who were here at the last meeting, we did mail a copy of the survey to the neighbors who appeared at the last meeting. The Board recalls this property is in the Parramore Addition on the Brookside neighborhood. That addition was originally planted in 1926 as a 50-foot-wide lots with a lot depth of 140 feet. These lots have about 142 feet in depth. The hardship in this case is related to the depth of the property. 50-foot-wide lots with 140-foot depth comply with the bulk and area requirements of the RS-1 district. These lots exceed the minimum lot area required up to 6900 square feet they have approximately 7100 square feet of lot area. As far as meeting sort of what an RS three dense neighborhood that what those density standards are these lots comply with them at 50 foot wide and would in fact exceed them even more at what the 60-foot wide. Typical RS three lots that we would see in a newer neighborhood may have a lot closer to 120 feet than 140 feet. Additionally, 50-foot-wide lots comprise the majority of lots in the immediate area. This is a map you can see our subject tracts. All the lots shaded in red are existing 50-foot lots. Of the properties that we surveyed of 194 lots 130 or 50 feet wide. In stark contrast, counting the subject property today there are only four 100-foot-wide lots. So, 50-foot-wide lots are common in the area, and they're typical of the development in this Brookside neighborhood. The "x's" are houses that have been built since the year 2000. Many of the 50-foot lots that you see there in red were done with recent lot splits in the last 20 to 30 years. They received Variances from the same lot width requirements that we are requesting today. As we have gone through those previous cases, while we know that the Board does not consider precedent, it is germane and important for the Board to know that it has consistently approved Variances based on the hardship that we have presented today that a lot depth that result in lots that otherwise comply with the bulk and area requirements. You get a narrower longer lot, but it's still the area of an RS three lot.

The second request we are making is to reduce the required open space to 50% of the lot area. With the new survey, this comes out to about 3,560 square feet per lot. This is approximately 440 square feet less than 4000 square feet that's required. In other

words, it is a de minimis request, and the reduction is necessary to again accommodate the depth of the lot. Because we have a longer lot, the house will extend further and fill up the length of a lot requiring a reduction in open space. We have taken the liberty to color in the site plan because it had a lot of setback lines on it, and this is effective and showing what the open space would look like. Everything in green is the open space that would be on the property, including yard areas and outdoor living spaces. Again, as a point of reference, if these were two 50-foot platted lots today, two 50-foot platted non-conforming lots 50% of open space will be permitted by right. It is not a reduction that goes beyond what the code already contemplates for a 50-foot non-conforming lot. The only reason we are not a non-conforming lot is because of the shifting of lot lines over 100 years of lot splits in this neighborhood. So, if you look on the survey, sort of in the middle, you will see what the platted lot is, three. If the property owner decided to sell that lot as a standalone lot, that lot could be developed as a 50 foot wide existing platted lot of non-conforming lot with a 50 foot of width and 50% open space by right. No relief needed. Because we are combination of some slivers of the adjacent lots. That is no longer a possibility. The depth of the property the abundance of 50-foot-wide lots in the area and the fact that 50-foot-wide lots otherwise comply and exceed the bulk area requirements of the RS-3 district are unique to this property. The lot with an open space requirements results in unnecessary hardship. Literal enforcement is not necessary to achieve the intended purpose, which is ensuring a typical density and development of an RS-3 neighborhood. These Variances are the minimum relief.

Ms. Radney asked what her research turn up in terms of the smallest lots say in the block that is bounded by 33rd and 34th street, Rockford, and Trenton. Your previous argument had something to do with the way that neighbor's sort of sliced and diced pieces of land off of the original platted lots and recombine them in unusual ways. What did what's the smallest existing non-conforming lot between 33<sup>rd</sup> and 34<sup>th</sup>?

Ms. Cornett stated that these lots on the east here, these three red lots, those are existing 50-foot lots. They have not been lot split or divided in any way. The remainder of the lots, especially to our east and to our south and Ms. Radney asked this question at the previous hearing. You asked when the existing structure was built on this property, and it was built in 1905. It predates the plat by over 20 years. She imagined that the neighborhood had to grow up around that house, which was already sited on 100-foot lot based on her review of the land records, it's been 100-foot lot since before that property was platted. All of the other houses were constructed until beginning in the early 1940s. At that point, they probably had some setbacks that they will need to comply with, certainly platted setbacks and then whatever sort of rudimentary zoning rules we had at that time.

**Interested Parties:**

**DeAnn Heckenkemper**, 1517 East 34th Street, Tulsa, Oklahoma, 74105 stated that as we are looking at this same picture, we are talking about the Parramore addition, where

we are located where this lot is located which is from Zink Park to 36th Street, only from Rockford to Trenton. So, if you look at this picture, they are showing the Oliver addition, which are all the different lots the Oliver additions stopped construction, around 1941. The Parramore Addition construction started around 1946. Some of our oldest houses excluding the property that we are talking about, because it is the original house on the on the lot. In 1946, when these homes were started construction, they all spread, all our lots got bigger, especially on 33rd Street that was platted for 12 lots, but in reality, there are only nine lots existing on that particular street. Everybody got a little bit more space, all our lot descriptions are kind of funky, there are a few that are still 50. But in the zoning codes, we're going forward, we're not going backwards. So, it says a lot shall not be divided into two or more lots unless all lots resulting from the division conform. This is an RS-3 60 feet wide, because the commission has decided that is how we are going to zone this. Then go over to the Variance in your code and it says a Variance can be granted to allow a lot split by reason of exceptional, it cannot be done by narrowness, shallowness, shape, or topography, that would be resulting in a hardship. But when you look at this land, it's not a hardship. It is a beautiful symmetrical rectangle. So, this is not a funky lot. It is a wonderful lot. It is a big lot. But still, they are asking for many things in this Variance. They are asking for a lot of split, they are asking for reduction green space, they are asking for you to rezoning an RS-3 to allow 50-foot lot in a 60-foot zoning and they're asking for you to find a hardship on this law that does not exist. She was asking that you vote no to all the requests and variances for the lot.

**Bradley Smith**, 1513 East 34th Street, Tulsa, Oklahoma 74105 stated that he lived directly behind the subject property. My neighbors and my lots are seventy feet wide. The lots to the east and west of the subject property are eighty feet wide. On our block 83 % of the lots follow the 60-foot width requirement. The average lot size is 63.9 feet. The next block to the south and the average lot size is sixty-one feet. No one involved in the property, nor the pending transaction is going to live the property, so they would not have to deal with this in the coming years. The subject property 1512 and the property next door 1520 East 33rd Street have been owned by the same family since 2013. The same people the same names are on the property records. That lot next door is eighty feet. The subject lots is one hundred feet. They had 180 feet; they could have split it into three 60-foot lots ten years ago. The lot that is there now is perfectly squared, perfectly fine, beautiful size lot, you can put a wonderfully large house on it and have plenty of open space, and it will fit within the neighborhood. He just did not see how splitting the lots is any kind of hardship for them. He asked that you deny both variances.

**Ann Cooper**, 1501 East 34th Street, Tulsa, Oklahoma, 74105, stated that the stated mission of the BOA is to grant Variance due to hardship. The application is just simply taking one lot and make it into two lots. The lot is in an area of stability as defined by the Tulsa Comprehensive Plan. By reducing the lot width, it will reduce the unique quality of the old neighborhoods not only just in Brookside. During the previous BOA meeting on 12-13-2022, while listening to the other cases, the BOA indicated that the members

were concerned to not set precedent. By reducing the RS-3 of a 60 feet wide lot to 50 feet wide, it will set a negative precedent in the Brookside area for the future. The lot width is set at 60 feet wide for a reason and it should be retained. At the previous meeting, the applicant stated that it would be a hardship if the Variance just split the lot is not granted. It is not clear how a current owner would experience a hardship since the lot is very desirable where property so quickly. It does not seem to be a hardship to inherit a valuable piece of property in that area. It will sell easily they always do in that neighborhood. The current house has not created any drainage problems for the surrounding houses. By building two homes on the lot, it could create water damage brought water drainage problems for the adjacent properties causing the other homeowners expenses. Earlier today, you all were stating that water is a big concern for you all. Zink Park is also located to the north of 33rd Street directly across from the property at 1512 East 33rd Street. The park already has a parking problem because there are only a few parking places at Zink Park. The visitors that park must park on 33rd Street, you can only park along the north side of 33rd Street. Any visitors to the residents, not just one residents, but they will be requesting for two residents on 33rd Street will create more congestion on 33rd. It is something that most of his neighborhood neighbors deal with it every day with the people parking on the park side. By adding another residents, it will make things even worse, and it'd be dangerous for the visitors to the park and residents around that area. I would appreciate your considering my concerns and the concerns of others on this.

**Brad Heckenkemper**, 1517 East 34th Street, Tulsa, Oklahoma, 74105, stated that he would like to say since we have decided this is not a non-conforming lot, he was not sure why they were there. On lot three, if they wanted to use that they could put a house on it by way of right. They just have a little bit of side dirt on one side, a little bit of side yard on the other. We would like to have the Variance denied. The intent of the Variance under 70.13 A of the Code is not simply to remove an inconvenience or financial burden that can result by the compliance of the zoning requirements. Everybody would like to make one lot into two and making more money. But the Variances are only intended to alleviate a practical difficulty caused by strict enforcement of the Code. The Code here is to say this is RS-3, and it ought to be 60 foot wide. By saying that they ought to be able to narrow that is just a wish. That is not something that can be done under the Code. There are only the Variances are only intended to provide relief when zoning requirements when are the property very difficult or impossible to put to reasonable use because of some unique or special characteristics of the property. It is 100 feet wide, 140 feet deep. It is a great, big lot. The standard is to review the criteria, are the Variances cannot be granted unless the physical surroundings shape or topographical conditions result in unnecessary hardship as if the code is strictly applied. This is not a case where this is a pie shaped a lot or it did not have enough frontage, but it has plenty of area. This is a big square or rectangular lot. So, none of those really apply. Section 80 of the code says the intent is to place reasonable limits on non-conformities that have potential to adversely affect

surrounding the property. It is the movements burden to show this is a non-conforming property so that the zoning code does not have to apply. But they have already agreed that it is not a non-conforming lot. The lot meets all requirements are the minimum regulations on RS-3 so the Variance should not be granted. There is enough room to build a house on this and it does not need to have a Variance. It is not going to be impossible or difficult to use this lot. And because of that there are no special characteristics that make this require a Variance.

Ms. Radney stated that it appeared to her that the minimum square footage that could be requested under a Special Exemption will be thirty feet of frontage. So, we have a structure that we believe predates the subdivision. And we have a code that came along after the platting. She would be compelled by your argument if the applicant were asked scheme to split the 100 feet into 33-foot lots, because that truly would be creating something that will be a nonconformity even as it related to the, to the old original subdivision platting. But in this case, the code is overlaid on all this existing residential neighborhood, and it might yet again change. She wanted to just understand better, which do you think should be what would be the order of priority in terms of how we should think about what size these lots ought to be? Because per the historical plat that we received on 8.6 of our of our packet, lots two, three, and four, which are the lots that are touched by this property would be 50-foot lots, and today each of those, if they were built, according of that would in fact, be a non-conforming RS-3 lot today per code. But if it were to be divided back down to 50, can you tell me what is your logic and order that this should be considered by us.

Mr. Heckenkemper stated that the city and its wisdom has adopted the zoning code that says minimum 60 feet. They did that after the plat was done knowing that the plat was 50 feet, in area and in other areas. They said they want to have this minimum square feet, or square footage on the front. So now to go back and say we want to go back in time and ignore the Zoning Code to apply to something that does not exist today. This lot exists today as 100-foot lot, or 100-foot parcel.

Ms. Radney stated that what we could say we were using lot loosely, because technically that this property is comprised of pieces of three different lots according to the original plat, and those lots were 50 feet. We have an RS-3. It is non-conforming today. It does not exist as a 50-foot frontage non-conforming lot, but as 100-foot frontage light it is also still non-conforming to the RS-3 standard. She would be more compelled by your argument if they wanted to divide it into say 60/40 but they're asking for 50 and 50.

Mr. Heckenkemper stated let us assume for the sake of argument that is a non-conforming lot as it exists today. The code in 80.020 A says a non-conforming lot is a lot that does not comply with the applicable minimum lot area, minimum lot width, minimum street frontage, or minimum open space. And then it says a single detached house may

be erected on a non-conforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, and some other things provided that at least 50% of the lot remains open space.

Ms. Radney stated that the Code is saying the minimum lot width in RS-3 is actually 30 feet. That was the minimum that they can request.

Mr. Chapman stated that it is the minimum frontage.

Ms. Radney stated that the minimum frontage is 30 feet that they could request. We could have considered these Variances separately because she agreed with you about the coverage of a lot. That seems self-imposed. We have not even gotten to that part yet. Just on the lot split, she thought that the applicant is making an argument worth contemplating in taking the size of the lot back to that which was the original plat.

Mr. Heckenkemper stated that he thought that the reason for the Variances that he just did not agree with you necessarily. They want to have they want to have a lesser lots width okay. He thought that RS-3 has certain requirements that they were asking for Variance. And they are the ones that causes by splitting the lot among the family in the past. So, to him, it is not a non-conforming lot. The variance should not be granted now. He was saying it is self-imposed.

**Rebuttal:**

Nathalie Cornett stated that just so that she is clear, and the neighbors are clear as well that we are not rezoning this property. It came up that we were requesting to rezone it. We are asking for these Variances to facilitate a lot split. The lot split itself is not before this Board. So that is just my legal disclaimer. The purpose of the Variance request and the Variance mechanism is in and of itself is a relief valve. This Board has repeatedly recognized that relief valve is needed in this neighborhood for these lots. In this eight-block area regardless of Oliver's or Parramore, those are platted subdivisions. But as far as what a neighborhood is, she is comfortable saying as frequent or Brookside this is this is the Brookside neighborhood regardless of what the plot at some position is called. She cuts through it and makes these neighbors mad when she drives passing Zink Park to get to the bars. She apologized for that. She did not mean to make light of this. But the reduction of lot width will not reduce the character or quality of this neighborhood or this area, it will in fact align them with the character of the neighborhood. 100-foot lot is more akin to an RS-2 or RS-1 lot. It does not get anywhere near close to what RS-3 looks like, we are not reducing the area of the lots, they will still exceed what an RS-3 lot size would be and should be under the code. This is a lot width dimension as Ms. Radney pointed out. We exceed the street frontage requirement of 30 feet. Her last point is that she is not here representing the property owner. She is representing the buyer of the property. She cannot speak to what the current property

owner has done in the past as far as previous lot splits or the poor conditions of the property.

Ms. Radney stated that Ms. Cornet submitted a site plan. Is that representative of what the builder is contemplating building?

Ms. Cornett stated that is a conceptual site plan. She would not commit that that is the final exact footprint of residences that would be constructed on these lots.

Mr. Bond stated that we normally see in the town in densely packed neighborhoods, houses that could not be built today. It is a lot of house on a little plot. The original comprehensive zoning code and all the revisions since then do not adequately address those. And we oftentimes grant relief on that. The relief in his mind that we always give is because there is already house there. It is already non-conforming. They could not build a large house here, but they have because it comes with Zoning Code. So why should we let them build with a hardship for building a large house on a small lot when it is done by the builder themselves?

Ms. Cornet stated that she would respectfully submit that these are not large houses, that these are the size of house that would be built on a 50-foot-wide non-conforming lot.

Ms. Radney asked if they must consider these together or can they be separated. There is an answer there that required square. We do require 4000 square feet of open space and usually required 60 foot.

Mr. Chapman stated that they could be heard separately.

**Comments and Questions:**

Ms. Radney stated that she thought the 50 feet is not out of keeping with the character of the entire neighborhood as would be perceived by a person who does not have a legal description. She acknowledged that at the block level in Tulsa, they really are blocked by Black neighborhoods that are discernible. She was not suggesting that this one is not a discernibly distinct. But what exists underneath all of what is currently constructed is the plat, which has 50-foot lots lines on it. What she did not concur with personally is that there is a need to reduce the open space, especially since this is a completely conceptual at this point. She would not be comfortable with that on something that's conceptual, but she could perceive that there is a there is a valid argument that we might agree we may disagree about whether it is necessary, but she thought it was valid to say that 50-foot lots within this on that street could be permissible. She would be in no one the first one and a yes on the second.

Mr. Brown stated that he thought that this house and the lot size fits in the neighborhood. He did not think this is something that is a sore thumb. It is different. It is newer. He tended to favor it.

Mr. Wallace stated that he was in the half category right now. He tended to agree with his fellow colleagues, it passed the visual tests to him for this area. Looking at it in this area. He also was hearing the adjacent neighbors' concerns regardless of platting. He was still trying to figure out where to be swayed on this one right now. He thought both arguments are valid points.

Mr. Bond stated that he agreed with the Vice Chair, he thought that we can go down to 30-feet based on the Code. But again, it is the hardship that he had was the issue with on how can we go above 50% there? We are not a Board of precedents as far as we do not follow precedent, because by nature, real property is individually unique. We are not bound by it. Something we do struggle with here is consistency. Though we feel like we owe that to the people of Tulsa, you should have an idea of where our head is likely going to be on something before you start wasting time, effort and money developing it. Where we routinely grant relief is a situation where go to where there is a house there that was there before the Comprehensive Zoning Code that was platted in a way that never would be platted before. They are already over 50% of the coverage area, and they want to add a two-car garage, do we can fit a regular car and instead of a Model T and this is the opposite here. He did not see a hardship for the coverage portion. He saw one for the was split. He did not see one for the coverage portion. We have two very smart attorneys here. This might be one that Judge Drummond or someone else gets to work out.

Ms. Radney stated that this has come up earlier today, the Comprehensive Code exists to contemplate future use, in a manner that does not particularly disturb the current use, but it is very much leaning towards the future and not leaning towards the past. To the extent that there is a is an old and unusable structure here, someone is going to build a thing here in the future. We do not get to choose what people decide to bring to us, for us to contemplate, you know what that use might be we that is what we believe in here at free right to enjoy your real estate. Whether she thought it was a great idea or not, as she thought about the lens of the Comprehensive Plan, and she looked back towards the original intended use in this blocked we would have to go back and look a little more carefully at how to enunciate the concept on the hardship for the split. But the argument that two lots could not or should exist here has been made. The coverage hypothetical has not. Just build another tiny little cottage there build two little cottages, and then we're not we do not have to worry about it. On those grounds, she would be, again, a no and a yes.

Mr. Wallace stated that the tough part for him was almost kind of the opposite. Because if they were to leave just one lot, build it out in RS-3, they can build out a house that

only has 4000, minimum open square footage, whereas currently, as it is drawn, it is two 3500 square feet, which is 7000 square feet, so they have more open space than per code. His interpretation of the Code is minimum street frontage is more to do with like trap soil lots or something that, it is an odd shape. He thought that is where that kind of pushes that. He thought that was my interpretation of that. The lot width is still what we're dealing with clean rectangles and squares. We need to look at that. It is more of the hardship. On paper 7000 open square feet open space sounds better than four thousand. But what is the hardship? We need more.

Mr. Bond stated that he distinguishes it again, with the houses that are already there for an owner to come back and say they did not build this, they bought it. This is what we are dealing with. We like to make some moderate improvements. That is where we typically see this type of thing.

Mr. Barrientos stated that he knew that the two Variances were tied together. If he feels that if it is defeated, they want to probably build something with a small like a cottage. they would have to come back. At this point, he was opposed to both.

Ms. Radney stated that they should chew over the hardship and then see if we can just get a motion and move forward. She was assuming that the applicant understands that we are that we're going to consider these separately and is it amenable to that. You can get way more than a cottage on a RS-3 lot. Somebody gave me the attachments for the motion while she talked out loud about the hardship. But talking out loud about the lot split, she thought that the existing property predates this subdivision and as legally defined is non-conforming with the underlying subdivision. She was compelled by the language of the from the applicant, that that is an undue hardship to the seller to be required to persist and recognizing that property line that does not conform with the original plat.

Speaking in discussion, she was guessing that it appears as though the subdivision was built out around this little piece of sand and oyster, which was this property that predated but the original intention as approved by the City and the plat was 50-foot lots over the lots two, three and four. The argument has been made that it is an undue hardship to the property owner, and it is currently legally defined to require them to maintain that nonconformity. When they what they want to do is reduce it back to 15 foot into two lots, with 50-foot frontage in and in compliance with the intention of the original subdivision, not the Code.

Ms. Cornett stated that the lots otherwise comply with the bulk and area requirements of the RS-3 district that is unique that property would be narrower but larger than an RS-3 size lot.

Ms. Radney stated that she appreciated that clarification that she was not going to use. Because we are how we're getting here is on the since the Code will not allow us to go down to 30 feet of front of frontage.

Mr. Chapman stated that one thing he requested to the Board is the intent is not to approve the Variance of the reduce the open space as a condition of the approval and a lot with you might just clarify that they're required to maintain 4000 square feet of open space on each one. The 4000 is the minimum and so he was saying in your motion to approve the lot with make it clear that they are going to maintain them. That requirement to make it clear to permitting what they are actually approving.

Ms. Radney stated that was fair enough.

**Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Bond, Brown, Radney, Wallace all "ayes", Barrientos "nay", no "abstentions") to **DENY** Variance to reduce the required 4,000 square feet of open space and to **APPROVE** a Variance to reduce the required 60-foot lot width in the RS-3 District to permit a lot split (Sec. 5.030-A, Table 5-3) finding the hardship to be that the legal description of the existing property describes a property that is, twice the size of the anticipated or has twice the frontage of the anticipated subdivision that was made after the prop the infrastructure was built, and that it would be an undue hardship to the current property owner to require the maintenance of that nonconformity into the future. As such, we agree to a lot split into two lots, with no less than 50-foot lot width. To maintain no less than 4000 square feet of open space, per Conceptual Plans that are shown on pages 8.8 through 8.14 of the Agenda packet and those that were presented today and the survey.

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:*

**E.30'OF LOT-2-&-ALL LOT-3-&-W.20'LOT-4 BLK-1,PARRAMORE ADDN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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## **NEW APPLICATIONS**

### **23472 - Paula McGuire**

#### **Action Requested:**

Variance to reduce the 200-foot minimum lot width in the AG district to permit a lot split (Sec 25.020-D, Table 25-2) **Location:** 3820 N. Columbia Ave. **(CD – 1)**

#### **Presentation:**

**Paula McGuire**, 605 Cross Timbers Boulevard, Sapulpa, Oklahoma, 74066, stated that she had been a realtor for 40 years. We are asking is just for Variance to the two hundred feet minimum lot width. One would be 192.21 and the other ones with 137.96. We will keep it agriculture we are not asking for a zoning change. It is 4.8 acres.

Ms. Radney stated that she was going to recuse herself on this item.

Mr. Bond asked what your hardship for this request is.

Ms. McGuire stated that there are two homes located on this property. One is in bad shape, but it needs to be redone. It was preexisting.

Mr. Bond asked if they had any discussions with your neighbors about this.

Ms. McGuire stated that there are not close neighbors because this was originally 10-acre tracts in the city which is kind of unusual to have large tracts in the city limits.

#### **Interested Parties:**

No interested parties were present.

#### **Comments and Questions:**

Ms. Blank asked Mr. Chair if you look on page 9.8 that shows the sizes of the tracts that are being that are proposed and unlike the previous applications are not identical. She thought that it might help the Board to understand the choices that have been made.

Ms. McGuire stated that they needed to keep it in two acres so they did not have to change the zoning. Their original survey did not have two acres, so we had to change it. The width is where we were lacking.

Mr. Chapman stated that the proposed width right now is 192.21 feet and 137.96 feet on the two lots.

Mr. Bond stated that he did not have an issue with this. So, for the hardship, we have two existing structures. Do you know when they were built?

Ms. McGuire stated that one of them is like one hundred years old and the other one, she was not for sure.

Mr. Bond stated that to be consistent, he thought it was distinguishable from the previous case because the house is already there. They are already dealing with a non-conformities which is not self-imposed by the applicant.

**Board Actions:**

On **MOTION** by **Wallace**, the Board voted 4-0-1 (Barrientos, Bond, Brown, Wallace all “ayes, no “nays”, Radney “abstained”) to **APPROVE** a Variance to reduce the 200-foot minimum lot width in the AG district to permit a lot split (Sec 25.020-D, Table 25-2) finding the hardship to be two existing structures on the existing lots, per the Conceptual Plans shown on page 9.8 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:*

**S/2 LT 3, BARRETT & EVANS SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23476 - Marshett Goudea**

**Action Requested:**

Special Exception to permit a Day Care use in the RS-3 zoning district (Sec.5.020, Table 5-2) **Location:** 525 E. 27th Ct. N. **(CD – 1)**

**Presentation:**

**Marshett Goudea**, 1010 East Pine Place, Tulsa, Oklahoma 74106, stated that she was trying to put a daycare center on a residential strip. It has been emptied for almost 30 years. Right now, Oklahoma Department of Human Services has granted desert for childcare centers because we have a lot of children not being able to get in waiting list and she has had a daycare for over 20 years. She does have a waiting list and the daycare she is in only holds 36 children and this building will hold 70 to 90 children. She is hoping that will be able to provide jobs in the area where the daycare is located. She provides pickup and drop off for children in the area. We have one for apartment complexes this close that up, provide care for. She thought it will be a great improvement in our area, the building itself in our neighborhood and for our community.

Mr. Bond asked if she had any conversations with your neighbors at all.

Ms. Goudea stated that the people that she had talked to in the area said it sounds like it would be a good thing for the neighborhood and provide more jobs.

Ms. Radney stated that this would be a traditional daycare, not a home based. How much outdoor space is that going to require?

Ms. Goudea stated that it was 35 square feet per child. For our outdoor space we have 2000 square feet.

Mr. Barrientos asked how much parking you are providing.

**Ron Allen**, 2037 North Rosedale Avenue, Tulsa, Oklahoma, 74127 stated that there will be 10 parking spots. There will be five on one end, and five on the other end. We will have handicap accessible spaces on both ends. We have a drive thru in the front and the pickup will be on the east side. You could also pick up your child in the front on the

south side. The playground which he was asking will be 2000 square feet. It is the entrance on the south side of the playground. There are four exit doors. One on the north side, one on the east side, and one on the south side. It consists of five hundred square foot classrooms. One office, a kitchen, a pantry, an arts, and crafts room. Single story and consistent 3600 square feet. It will be for all the way up to twelve. The playground is going to be fenced. It has a gate area where you can only come in through the front side of the gate.

Mr. Bond stated that they are still going to be over 100 feet from the property line.

Mr. Allen stated that they own the whole corner lot today.

Mr. Wallace stated that he recommends getting a survey and getting a site plan and maybe just discussing the use of the property today if we are going to approve anything today because he did not think they would.

Mr. Wilkerson stated that he agreed that the site plan is not accurate. It is an important part of the conversation to get that drawn to scale. And something that accurately represents the lot.

Mr. Wallace stated that there is further development to be done on your drives, your parking bases, your parking requirements, curb cuts, curb cut locations, and there is a lot of regulatory things that you have yet to do. If there is a portion of that the Board has concerns with adjacencies, we need more information to go further.

Mr. Bond stated that if we are in the ballpark of what we are talking about, as far as separation from the neighbors to the west, and things like that he would support this. He thought it was a large lot.

Mr. Chapman stated that they could approve it without a better site plan if they just wanted to approve the use. Or if you want to limit a footprint, as far as the size of a building, you can do that as well.

Mr. Bond stated that they are asking for relief and parking lots still must conform to Federal Requirements for parking lots. They are not asking for relief on setbacks.

Ms. Radney asked what kind of screening requirement there would be for that west side of the line.

Mr. Wilkerson stated that typically all those screening requirements and all that kind of separate, he would expect to see that as part of the Motion for Approval. That is part of the Special Exceptions standard that we would expect to set here.

Mr. Chapman stated that there are not any supplemental regulations related to that, so he did not know that it was actually required. If you want screening, you will want to make that as part of the Motion. Typically, it would be a six-foot privacy fence minimum for it and there is typically screening involved.

Mr. Brown stated that he would be more comfortable seeing the site plan with this information on it. He thought he might be speaking for everyone here, but he thought we agreed that this facility is workable, it is doable, is approvable, but we want to see a site plan to accompany that.

Mr. Wallace stated that he thought that is what he was saying, we could approve the use and then all the City Regulations would come into play.

Ms. Radney stated that what they were saying is that if you had a site plan that was designed by your architect or engineer, that it would have in it some things that we would look at carefully and questions. However, what we are discussing amongst ourselves is, are we confident that the other people that you will go to next are going to satisfy our concerns about that sufficiently? Because as an example, you are going to have to have something that screens that house from your commercial enterprise. We are talking amongst ourselves, but what would that screening be? And it wouldn't be as an example, anything more than what we would ask of you if you had brought us a site plan? And for me, the answer is no. She had some question about whether you are going to have a playground right up on a on a residential house, right. But it seems like you have more than a space just in terms of your site to address that. But it is always better to come with more details when we are deciding, because we do not want you to be in a situation later, where your neighbors who did not show up today are questioning you about this change of use, because now you are going to do a business use in a residential neighborhood. You see what she was getting at? We have already had a hot topic like that. That is pending not far away from here. She thought we are agreeing that we see enough here and know where you are headed next to approve it. But to the listening public, we want to send a strong signal then we want a site plan.

Mr. Bond stated that he thought it was going to be fine with what you have here. That the daycare itself, the building itself is one hundred feet or more from the western boundary of the property, which was the things which you already have. So, he thought that was adequate protection.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

No further comments.

**Board Actions:**

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit a Day Care use in the RS-3 zoning district (Sec.5.020, Table 5-2) subject to the following conditions that the building must not be closer to the western edge than 100-feet to the lot line.

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 1,DEVONSHIRE PLACE NO 3 RESUB B1, , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **23477 - Rouven Irom**

### **Action Requested:**

Special Exception to allow a Public, Civic and Institutional/ Government Use in the CS zoned district. (Section 15.020 Table 15-2) **Location:** 6404 S. Peoria Ave. **(CD – 2)**

### **Presentation:**

**Rouven Irom**, 6304 South Peoria Avenue, Tulsa, Oklahoma, 74136 stated that the subject property is situated on the southwest corner of 64th Street and South Peoria Avenue. It is CS zoned and it is bordered on all sides by other commercial properties or city streets. He is asking for a Special Exception, so that the City and County of Tulsa's health department can establish a WIC office in the southern half of the building. WIC is a supplemental nutritional program that serves women, infants, and children that are at nutritional risk. WIC services includes nutritional education, referrals to various social services, and issuance of food benefits. The proposed use by WIC at this location will be primarily an office, they will accept applications, they will meet with enrolled persons, they will issue EBT cards, which is an electronic card, that value is put on by WIC that they can then use at a grocery store, for example, for baby formula, and infant food. The current zoning already allows for office use at the location. Because of the nature of the property will not change based on WIC's use of the location as an office. The impact on the neighbors will be insignificant. He did believe the impact on the neighborhood and the women, infants and children that could be served by this office will be significant in a positive way. He was joined here by Pam Holt, who is the manager of WIC for the Tulsa City County Health Department. And we are happy to answer your questions you have.

Mr. Bond asked if they had any conversations with the neighbors or adjoining property owners.

Mr. Irom stated that he had conversation with the neighbors. He has had conversations with the mini-storage, which is really the only abutting property right now. They had no problems with it, they were happy that he was putting money into the building, improving the outside look, and improving the lighting. He has spoken to the owner of some of the duplexes there and they are happy to see the building put to a good use that will serve the neighborhood.

Mr. Brown asked if they would take the entire building.

Mr. Irom stated that WIC would only take the southern half of the building approximately 60%. They are going to take the part that is closest to that mini storage.

### **Interested Parties:**

**Pam Holt**, 3908 South Sequoia Avenue, Broken Arrow, Oklahoma, 74011 stated that we are funneled under Tulsa health department, but only WIC services will be provided

at that site. It is federal funds that are filtered through Tulsa Health Department provide quick services to the community. It is a non-profit contract.

Ms. Radney stated that she would double down on agreeing that this would be limited to the provision of WIC office and services at this site.

Ms. Radney asked if they required the same car parking.

Ms. Blank stated that it is zoned commercial. She thought that they could stick with what Mr. Chapman recommended just because it is a governmental parking ratio.

Mr. Wallace stated that they are office that are visited by clients.

Ms. Holt stated that it is Women, Infants and Children (WIC) and it is by appointment only. As they come in, they are going to be issued food benefits on a card that they would then redeem in a grocery store. We do a finger stick. We are held to like HIPAA privacy guidelines. But again, we are not considered a medical office. But we are doing weights and heights and assessing their nutritional status.

Mr. Bond stated that it is for the office use of WIC.

Ms. Radney stated that she thought you do want to include for the provision of WIC services, because there are several steps that are involved in that, but it is all something that would be office based.

Mr. Chair, try this again like the move to approve BOA case overview 23477 special exception to allow public civic and social governmental service use in the CS district. So due to the following conditions that there's uses for waste office use and or parking requirement will be tied to business office occupancy. Every okay.

You could just read the 3.4 spaces for every. Parking ratios for governmental services are determined by the as part of the Special Exception, the Board may wish to record the same parking ratios as medical, dental or health practitioner offices, which would require 3.4 spaces per every 1000 square feet of the floor area for the use. Which one are we picking?

For the provision of WIC services, they are all under the same requirements, the medical mental health practitioner.

**Comments and Questions:**

Mr. Chapman stated that this was my mistake but if you refer to any site plans, it should be eleven points out of ten point okay. That was my mistake.

Mr. Wallace asked if there were other modifications happening to the site.

Mr. Irom stated no, the modifications are just in the interior buildings. We are building out the offices for WIC. The site plans already been approved already have permits in hand. But no, the outside is purely cosmetic.

**Board Actions:**

On **MOTION** of **WALLACE**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to allow a Public, Civic and Institutional/ Government Use in the CS zoned district subject to the following conditions that this use if for WIC’s office use and the parking requirement will be tied to office occupancy. Parking ratios for governmental services are determined by the as part of the Special Exception, the Board may wish to record the same parking ratios as medical, dental or health practitioner offices, which would require 3.4 spaces per every one thousand square feet of the floor area for the use for the provision of WIC Services office.

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:

**E.150 LT 1 BLK 5,TOWNE PARK ADDN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **23478 - Extreme Properties**

### **Action Requested:**

Special Exception to permit an addition to existing structure with a non-conforming rear setback (Sec. 80.030-D **Location:** 5342 E. 33rd St S **(CD -5)**)

### **Presentation:**

**Richard Barta**, 3457 West Highway 51, Mannford, Oklahoma, 74044, stated that they are trying to add a ruminant to it for noncompliance building. Someone built a room prior to us buying a dilapidated building. We are remodeling and fixing it up. The property is sitting in a subdivision that was the way they divided, the lots was weird. The backside of the properties are all straight lines and then the road comes in at a curve. By the time you get to our property, the backyard is very minimal. We are willing to put a room addition in and a bathroom. We are just going to fill in the corner of the existing property. It is ten by fourteen. We are not wanting to put it on the front because all houses are pretty much in line. And we want to keep this aesthetics from the 1940s house.

Mr. Bond asked if they had any conversations with neighbors.

Mr. Barta stated that they had talked to the adjacent neighbor. He requested that we put a six-foot privacy fence up. He emailed me. The rear setback was originally 25 foot the house now sits at 18 feet.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Ms. Radney stated that she saw the diagram on 12.7. He has labeled here five-foot easement. It is the 18 foot that he's interested in.

Mr. Chapman stated that the five feet is assuming a utility easement so it is 18 feet from here to the property line. He is required to have a 25 foot setback here and right now the house is 18 feet.

Ms. Radney stated that it is along the boundary that he is proposing to add the additional 18 feet off the property line and 15 feet on the other side.

Mr. Barta stated that they were not extending it any further than the house is already at.

Ms. Radney stated that it was seven feet of relief.

**Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit an addition to existing structure with a non-conforming rear setback (Sec. 80.030-D) per the Conception Plans shown on page 12.7 of the Agenda packet, subject to the following condition that the approved structure shall be constructed with a minimum of 18 feet from the southeast property boundary 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 2 BLK 5, YORKSHIRE ESTATES RESUB L2-4 B3 & ALL B4-13 , CITY OF TULSA,  
TULSA COUNTY, STATE OF OKLAHOMA**

## **23479 - Lucas Homes**

### **Action Requested:**

Special Exception to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 1107/1109 E. Young Pl. N.  
**(CD – 1)**

### **Presentation:**

**Arvelester Rentie Jr.**, 747 East Queen Street, Tulsa, Oklahoma, 74106, stated that they are building another duplex. He has spoken with his neighbors, and they approve.

Ms. Radney asked if the diagram that we have in front of us, is this conceptual or is this what you are anticipating to build.

Mr. Rentie stated that was what he was anticipating building.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Bond stated that he did not have any issues with this.

Ms. Radney stated that they did not talk about the increase in the driveway width.

Mr. Bond asked if the driveway width was 20 feet.

Mr. Chapman stated that it was thirty-four feet. It is thirty feet on the lot and in the right of way, it's 27 feet.

Mr. Bond stated that he did not have issue with 3 feet.

Ms. Radney stated that she did not have an issue with three feet. But she noted the last time that a giant garage facing house is less than optimal. She appreciated that these are narrower lots, and this density is needed. But that is a lot of concrete.

### **Board Actions:**

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) per the Conceptual Plans shown on pages 13.7 – 13.12 in 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:

**E 1/2 OF LT 16 BLK 2,SUNNY SLOPE ADDN , CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA**

**23480 - Femi Fasesin**

**Action Requested:**

Special Exception to allow an Accessory Dwelling Unit in an RS-1 District (45.031-D) **Location:** 3138 E. 66th PL S. **(CD – 9)**

**Presentation:**

**Juan Martinez**, 4509 South 177 East Place, Tulsa, Oklahoma, 74134 stated that they are trying to build a mother-in-law suite for our client of ours. We have not had any conversation with the neighbors or issues.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Brown stated that this is a big house on a big lot.

Mr. Bond stated that he did not see an issue here. It is unique. It is a unique lot.

Mr. Brown stated that he thought they needed to include in the motion that this was not short term.

Mr. Chapman stated that you can make that a condition that may not be used as a short-term rental if that is a concern.

Mr. Martinez stated that his client stated that this is for her mother. She is elderly and they want to take care of her, but they want her to have her own space. It is not for a rental; it is to take care of her mother.

Mr. Bond stated that this is all we have here is just to approve the Accessory Dwelling Unit.

Mr. Chapman stated that in their original LOD, they called that out, but they shrunk it down. It is a one-story building. They are going to be okay. Because all that is all they really are seeking is just the exemption for the ADU.

Ms. Radney asked just for own edification with fly is RS-1 carved out as not being allowed to make an investment to build an Accessory Dwelling Unit by right.

Mr. Chapman stated that it is all single family. All residential, single family. In RS-3, we have the same requirements. There are different setbacks and different things, but any residential single-family district would require a Special Exception.

**Board Actions:**

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to allow an Accessory Dwelling Unit in an RS-1 District (45.031-D) per the Conceptual Plans shown on pages 14.9 to 14.10 on the Agenda packet, subject to the condition that ADU shall not be used as a short term rental.

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 14,BROADMOOR HILLS , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **23482- David McGhee**

### **Action Requested:**

Special Exception to allow an addition to an existing structure with a non-conforming side setback (Sec. 80.030-D) Location: 562 N. Tacoma Ave. **(CD-4)**

### **Presentation:**

**David McGhee**, 9300 South 190 East Avenue, Broken Arrow, Oklahoma, 74011 stated that they bought this small little house on a small lot. It is an existing nonconformance; it was already pretty much built on the property line. The original building had a garage that was dilapidated, and we knocked it down. We want to build a new garage that would be attached with this addition. The problem is the house was built slightly at an angle relative to the lot. The problem is where is wanting to add the addition between the house and the garage. The driveway is shared with the neighbor. This lot is so narrow that he does not have any room to build a garage or anything in that space. The issue is that he is getting close to his neighbor, but the existing garage was closer to the property line than what he is proposing to build. He is moving away from the property line. The neighbors are fine with it when he talked to them. We are trying to maintain the same style as the original Craftsman style that was built in 1919.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Wilkerson stated that one thing he would like to add is the building addition is close to the lot line and there is a detail shown in the Exhibit 15.11 that shows an overhang or soffit extending beyond the wall and he wanted to confirm that this roof line does not project over the lot line.

Mr. McGhee stated that with the construction that they were doing we are going to keep the same exterior wall on the same eave as we go all the way down. The overhang is only about 8 inches or so.

### **Board Actions:**

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to allow an addition to an existing structure with a non-conforming side setback (Sec. 80.030-D) per the Conceptual Plans shown on page 15.11 of the Agenda packet, subject to the following condition that the eaves are not to cross the property line.

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:

**PRT LTS 2 & 3 BEG SECR LT 3 TH W105 N TO PT 41S NL BLK 4 E105 S42.55 POB BLK 4,PARK HILL ADDN AMD , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23483 - Raul Cisneros**

**Action Requested:**

Special Exception to allow a Large (greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the CS District (CBD) (Sec.15.020, Table 15-2) **Location:** 2117 S. Garnett Rd. **(CD – 6)**

**Presentation:**

**Raul Cisneros**, 3902 East 51<sup>st</sup> Street, Tulsa, Oklahoma, 74135, stated that they are asking for a Special Exception for an event center. It has been running since the 1980's, but there was never an official Certificate of Occupancy. Arnie Murillo recently bought it and he was not aware that there was no CO. He wants to make the right. One of the comments was saying that there needs to be a fence or screening because there are residences on the south side of the property. We will have a fence around the entire property. The neighbors seem to be happy about it because the previous owner was not keeping the property up.

Ms. Radney stated that on 17.6 of our Agenda packet, there is a wrought iron fence. Is that what you are referring to. It is not opaque. Does that satisfy screening requirements?

Mr. Chapman stated that it is supposed to be a screening fence that you cannot see through. That can be addressed when he goes through the building permit process. They will call that out as well. That will be required.

Mr. Brown asked what kind of events they will have.

Mr. Cisneros stated that they will have weddings, quinceañera, and other events, and there will be alcohol.

Ms. Radney stated that the diagram on 17.8 shows that the site plan. Is this what has already been built and you are going to retain?

Mr. Cisneros stated he is in the process of redrawing these to make sure everything is to Code, submit it to the permitting department, and then get the C of O.

Mr. Chapman stated he had sent over a close to complete permit set with all the internal floor plans. Is any of that going to change that you know of?

Mr. Cisneros stated that nothing is going to change from that.

**Arnie Murillo**, 730 South Yale, Suite 104, Tulsa, Oklahoma, 74112, stated that this was the Tulsa City Limits building. It was a country bar from 1985 through 2000. The second owner created another event center. We bought it thinking everything was good.

Ms. Radney stated that it has been used for large gatherings in the past, but nobody has operated there in a while.

Mr. Murillo stated that it has mutual parking easements. The whole property shares the parking lot.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated that he does not have any issues based on where it is located. The screening fence will be nice to the south.

Mr. Wallace stated that he did not have any issues with it either. Would the Motion pertain to the existing structure or just the property. Do we need to clarify that.

Mr. Chapman stated that if you tie it to the site plan. Based on the aerial, it would appear this gravel lot has probably been used for parking and it is not up to Code to do that. Just to make you are aware of that.

**Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to allow a Large (greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the CS District (CBD) (Sec.15.020, Table 15-2) per the Conceptual Plans shown on page 17.7 of the Agenda packet, subject to the following conditions that this applies to the existing structure as described on the site 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:

PRT LT 2 BEG SECR LT 2 TH W294.17 N448.80 E206.07 N47.56 NE124.83 S584.72  
POB BLK 1 3.22ACS,RICHARD HENRY ADDN , CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA

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**OTHER BUSINESS**

**Review** and approval of changes to the City of Tulsa Board of Adjustment Policies and Procedure.

The Board voted 5-0-0 voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace “ayes”, no “nays”; no “abstentions”) to **Continue** due to the lengthy meeting until January 24, 2023.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

None.

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

Date approved: 2-14-23

A. Bond  
Chair