



## City of Tulsa Board of Adjustment

### Minutes of Meeting No. 1332

**Tuesday, February 27, 2024, 1:00 p.m.**

Tulsa City Council Chambers, 175 E. 2nd St., Tulsa, OK 74103

The notice and agenda of said meeting were posted in the City Clerk's office on February 22, 2024 at 11:22 a.m.

**Members Present:** Barrientos, Stauffer, Wallace, Radney, Bond

**Members Absent:** none

**Staff Present:** Austin Chapman, Caleb Rocha, Audrey Blank

#### **Speaker Key:**

- (+) indicates a speaker generally supportive of an item;
- (-) indicates a speaker generally opposed to an item; and
- (=) indicates a speaker generally neutral or who has questions about an item.

Motions and actions require an affirmative vote of three members. When there is less than a full Board, the Board may consider a request to continue agenda items to a later meeting date.

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

### **Approval of Minutes**

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#### **Minutes from Meeting 1331, February 13, 2024**

Motion: Approve the minutes.

Motion By: Barrientos

Ayes: Wallace, Stauffer, Barrientos, Radney, Bond

Nays: none

Abstentions: none

Absent: none

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## **Unfinished Business**

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### **BOA-23557**

Location: 1110 E. 45th Pl. S.

City Council District: 9

Applicant: Lou Reynolds

### **Action(s) Requested**

Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

### **Presentation by Applicant**

None

### **Speakers**

None

### **Board Comments**

None

### **Board Action**

Motion: Continue to the March 26th meeting.

Motion By: Stauffer

Ayes: Wallace, Stauffer, Barrientos, Radney, Bond

Nays: none

Abstentions: none

Absent: none

**BOA-23630**

Location: 3923 N. Lansing Pl.

City Council District: 1

Applicant: Raul Cisneros

**Action(s) Requested**

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

**Presentation by Applicant**

Kevin Guedle, 2458 N. Martin Luther King Jr. Blvd., stated he wants to build a duplex on this lot and that he has not heard any concerns from the neighbors about his request.

**Speakers**

None

**Board Comments**

The board stated that they do not have any issues with the request to put a duplex in this neighborhood.

**Board Action**

Motion: Approve, per plans on pages 3.9-3.14 of the agenda packet.

Motion By: Barrientos

Ayes: Wallace, Stauffer, Barrientos, Radney, Bond

Nays: none

Abstentions: none

Absent:

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

**Property Description**

LT 8 BLK 2, CAWILL ADDN RESUB PRT B8-10 CHANDLER FRATES 5TH ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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## New Applications

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### **BOA-23642**

Location: 126 E. Latimer Pl.

City Council District: 1

Applicant: Dewite Dugger

### **Action(s) Requested**

Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

### **Presentation by Applicant**

Dewite Dugger, 126 E. Latimer Pl., stated that he wants to expand the driveway to 36 feet to cover the whole width of the three-car garage. He stated that he spoke to several neighbors in the area, and they were okay with it.

### **Speakers**

None

### **Board Comments**

The board expressed that they have no issues with expanding the driveway because of the lot being small and there being a 3-car garage.

### **Board Action**

Motion: Approve, per plans on page 4.10 of the agenda packet.

Motion By: Barrientos

Ayes: Wallace, Stauffer, Barrientos, Radney, Bond

Nays: none

Abstentions: none

Absent: none

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

### **Property Description**

*LT 6 & E29 LT 7 LESS N25 THEREOF FOR RD BLK 1, KIRKPATRICK HGTS, City of Tulsa, Tulsa County, State of Oklahoma*

**BOA-23643**

Location: 5119 E. 81st St.

City Council District: 8

Applicant: Lyndsey Bigheart

**Action(s) Requested**

Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)

**Presentation by Applicant**

Stephanie Lewis, 7408 S. Yale Ave., stated that the building has several businesses within it and currently has a sign for those businesses. She expressed that they need a sign not only for customers knowing where the business is, but also for visibility for their low-vision patients. She concluded that the sign would have the same lighting as the current one there.

**Speakers**

None

**Board Comments**

The board voiced that they have no issues with allowing another sign on the building because the one building has several businesses attached to it.

**Board Action**

Motion: Approve, per plans on pages 5.13-5.14 of the agenda packet, finding the hardship to be the need for additional wayfinding for low-vision clients who will be using the medical facility.

Motion By: Radney

Ayes: Wallace, Stauffer, Barrientos, Radney, Bond

Nays: none

Abstentions: none

Absent: none

*In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: 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; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; 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; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; 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 that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.*

**Property Description**

LOT 4 BLOCK 1, THE OFFICES AT HOLLAND LAKE, City of Tulsa, Tulsa County, State of Oklahoma

**BOA-23644**

Location: 1100 E. 4th St.

City Council District: 1

Applicant: Trent Harris

**Action(s) Requested**

Variance to eliminate the Street Tree and the Interior Parking Lot Landscaping required for a building addition (Sections 65.040 and 65.050)

**Presentation by Applicant**

Trent Harris, 10297 S. 289th E. Ave. explained that they need to expand the back of the building, but since they are making the building larger, they are required to have landscaping. He stated that they are not able to add landscaping because the entire lot is concrete and the only two areas of grass are in an easement along the city streets. He pointed out that he had a meeting with the Planning Department to find an alternative compliance plan, but it became unsuccessful due to sprinkler systems, utility lines, and several other factors.

**Speakers**

None

**Board Comments**

The board stated that with the applicant providing a visual on where easement lines, utility lines and sprinkler systems are, this would be the minimum relief given.

**Board Action**

Motion: Approve, finding the hardship to be the that the site is topographically unique due to physical surroundings and the location of the easements this would be the minimum relief that would satisfy the needs of the property owner.

Motin By: Radney

Ayes: Wallace, Stauffer, Barrientos, Bond, Radney

Nays: none

Abstentions: none

Absent: none

*In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: 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; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; 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; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; 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 that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.*

**Property Description**

S30 LT 1 LESS E45 THEREOF & ALL LT 3 LESS E45 THEREOF & LESS S16 LT 3 BLK 16, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**BOA-23645**

Location: 765 N. Mingo Rd.

City Council District: 3

Applicant: Lou Reynolds

**Action(s) Requested**

Special Exception to permit a College or University Use in the IL District (Sec. 15.020, Table 15-2)

**Presentation by Applicant**

Lou Reynolds, 2727 E. 21st St., stated that the property used to be owned by QuickTrip but has now been given to Phillips Theological Seminary School. He noted that the building will be 20,000 square feet being used as a college/university while also having a place for students to stay overnight for seminars. He stated that there have not been any issues with surrounding stakeholders to allow this special exception.

**Speakers**

None

**Board Comments**

The board stated that they do not have any issues with the special exception.

**Board Action**

Motion: Approve, per plans on pages 7.11-7.12 of the agenda packet.

Motion By: Wallace

Ayes: Barrientos, Wallace, Stauffer, Radney, Bond

Nays: none

Abstentions: none

Absent: none

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

**Property Description**

*LTS 1 thru 5 BLK 2, Expressway Village Center, City of Tulsa, Tulsa County, State of Oklahoma*

**BOA-23646**

Location: 4143 S. Peoria Ave.

City Council District: 9

Applicant: Lou Reynolds

**Action(s) Requested**

Special Exception to permit a drive-through facility in the MX3-U-U District (Sec. 10.020, Table 10-2).

**Presentation by Applicant**

Lou Reynolds, 2727 E. 21st St., stated that he is representing Chick-fil-A to request a special exception to allow a drive-through facility in the MX3-U-U. He clarified that where the building is going to be is already zoned CH, but in order to have a drive through facility in the back of the lot, they will need a special exception. He informed the board that they had three neighborhood meetings and mailed out notices to those that were within 300 feet of this property. He said that they changed several things according to what concerned the neighbors, such as changing the color of the building to match the businesses surrounding the neighborhood, adding a 6-foot, 6-inch screening wall, and a pork chop divider to the entry on the west side. He said that the neighbors also asked them to expand the patio area and include more outside seating. He pointed out that there will be substantial greenery surrounding the property to help beautify the property and to mitigate the visibility of the business from residents.

Jackson Slayter, 9218 E. 38th St., summarized the contents of the traffic report found in the agenda packet.

**Speakers**

- John Frazier, 1404 E. 42nd St., was concerned about the amount of traffic that the business will generate on the already busy street.
- + Counciler Jayme Fowler, 5601S. Gary Pl., was in support of the facility.
- Jack Seawright, 6738 W. Cameron St., was concerned about the after-hour effects that this would have on the neighborhood, with people potentially playing loud music and partying in the parking lot when the business is closed.
- Jaime Beller, 1320 E. 42nd St., was concerned about the traffic and with potential issues of her not being able to get in and out of her driveway.
- + Mike Joyce, 1709 Utica Square, was in support of the facility.

**Applicant Rebuttal**

Lou Reynolds stated that they have gone above and beyond to meet with neighbors and address their concerns, and that potential traffic issues have been looked at very carefully.

**Board Comments**

The board stated that the applicant addressed many of the concerns that the neighborhood had and then came back with a change of plans. They stated that the traffic is worse inside the parking lot but when going out of the property, it tends to flow out quickly. Ms. Radney stated that the portion of land that is being talked about should be preserved as a residential area. She stated that this is an imposition on the neighbors and is not the best use for the property. Mr. Wallace agreed with Ms. Radney and stated that he had not seen a business go this deep into a residential area.

**Board Action**

Motion: Approve per plans on page 8.12-8.14 of the agenda packet and additional exhibits.

Motion By: Barrientos

Ayes: Barrientos, Bond, Stauffer

Nays: Wallace, Radney



Abstentions: none

Absent: none

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

**Property Description**

*A tract of land being ALL of Block Three (3) and Block Four (4) and a portion of Reserve A of THE RETREAT AT BROOKSIDE SOUTH (PLAT #6215), according to the recorded plat thereof, TOGETHER WITH a portion of the Northwest Quarter (NW/4) of Section Thirty (30), Township Nineteen North (T19N), Range Thirteen East (R13E) of the Indian Meridian, City of Tulsa, County of Tulsa, State of Oklahoma*

**BOA-23647**

Location: 10100 E. 61st St.

City Council District: 7

Applicant: Mike Thedford, Wallace Design Collective

**Action(s) Requested**

Minor Special Exception to modify a previously approved site plan for a school use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120)

**Presentation by Applicant**

Mike Thedford, 123 N. Martin Luther King, Jr. Blvd., stated that the request is to modify a previously approved site plan for Union Schools that was approved 12 years ago. He stated that they want to build an enclosed facility with minimal access points. He concluded that he has not heard anything from the surrounding stakeholders concerning their request.

**Speakers**

None

**Board Comments**

The board stated that they have no issues with the request.

**Board Action**

Motion: Approve, per plans on page 9.9-9.11 of the agenda packet.

Motion By: Wallace

Ayes: Barrientos, Stauffer, Wallace, Bond, Radney

Nays: none

Abstentions: none

Absent: none

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

**Property Description**

*LT 1 BLK 1, Re-Union, City of Tulsa, Tulsa County, State of Oklahoma*

**Other Business**

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None

**New Business**

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None

**Board Member Comments**

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None

**Adjournment**

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There being no further business, the meeting adjourned at 3:21 p.m.

Date approved: \_\_\_\_\_

Chair: \_\_\_\_\_