



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1334

Tuesday, March 26, 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 March 20, 2024 at 12:40 p.m.

Members Present: Bond, Radney, Stauffer, Wallace

Members Absent: Barrientos

Staff Present: Austin Chapman, Caleb Rocha, Audrey Blank, Sean Wallace, Rebecca Surber-Cantu

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, Bond called the meeting to order at 1:06 p.m.

Approval of Minutes

Minutes from Meeting 1329, January 9, 2024

Motion: Approval of Minutes

Motion By: Stauffer

Ayes: Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Radney

Minutes from Meeting 1330, January 23, 2024

Motion: Approval of Minutes

Motion By: Stauffer

Ayes: Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Radney

Unfinished Business

BOA-23557

Location: 11110 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)

(Item was approved on August 8, 2023; the Board moved to reconsider item on September 12, 2023; Board further continued item until January 9, 2024)

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Withdrawn by the applicant

Motion By: None

Ayes: None

Nays: None

Abstentions: None

Absent: None

New Applications

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

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the April 9th meeting.

Motion By: Stauffer

Ayes: Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Radney

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

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the April 9th meeting.

Motion By: Stauffer

Ayes: Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Radney

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

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the April 9th meeting.

Motion By: Stauffer

Ayes: Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Radney

Ms. Radney entered the meeting at 1:13 p.m.

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

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the April 9th meeting.

Motion By: Stauffer

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

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

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the April 9th meeting.

Motin By: Stauffer

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

BOA-23647

Location: 10100 E. 61st St. S.

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 voiced that he has not heard anything from the surrounding stakeholders concerning their request.

Speakers

None

Board Comments

The board stated that since there was no additional information since the prior meeting at which this case was heard, they agreed to approve the minor special exception.

Board Action

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

Motion By: Stauffer

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

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

BOA-23656

Location: 3105 S. Winston Ave.

City Council District: 9

Applicant: Street Cats, Inc. c/o Dillon Hollingsworth

Action(s) Requested

Special Exception to permit an Animal Service/ Boarding or Shelter use in the CS District (Sec. 15.020, Table 15-2)

Presentation by Applicant

John Gotwals, 110 W. 7th St., stated that the boarding facility has been in business since 1997 and they have only leased space but now they want to purchase their own space. He informed the board that they only have 11 cats at a time, and they have never had any complaints about the odor of the litter.

Speakers

(-) Peter Brolick, 502 W. 6th St., stated that he represents Dr. Heaton, who owns the property two buildings to the south of the proposed location. He expressed that he is concerned about the time of when they received the notice and explained that the posted notice sign that was at the location was on the ground for several days. He noted that he is concerned about the smell and the viruses and diseases that cats carry.

(+) Tim Stevens, 5632 S. Atlanta Ave., expressed that he was in support for the facility.

Applicant Rebuttal

John Gotwals reiterated that the owner has been in business for 27 years and has never had any complaints about the smell of litter. He noted that they have a waste disposal for the cat litter, which is locked and covered. He mentioned that they do not take in feral cats, and once a cat is brought in, they confirm that the cat is fully vaccinated.

Kathy Balsiger, 443 S. 46th W. Ave., the owner of the boarding company clarified that the most cats that they have at the facility are 11. She stated that all the cats are examined by the veterinarian before they are allowed into the facility.

Board Comments

The board indicated that the boarding facility will not cause substantial traffic and that it would be an appropriate reuse of the property.

Board Action

Motion: Approve, per plans on pages 10.10-10.11 of the agenda packet.

Motion By: Radney

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

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

N 70 Lt 2, Blk 1, Conway Park, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23657

Location: 1602 N. Denver Ave.

City Council District: 1

Applicant: David Valderrama

Action(s) Requested

Variance to reduce the 20-foot setback for a street facing garage door on a corner lot (Sec. 80.020-B)

Presentation by Applicant

David Valderrama, 7521 S. Olympia Ave. #1085, stated that his clients want to build a garage, but the lot is too small according to the zoning code. He noted that the neighbors have no issues with them building a garage. He mentioned that if the garage must be built to code, the property owners will not be able to see their children in the yard from the kitchen and it will block all the windows.

Speakers

None

Board Comments

The board stated that the lot is non-conforming, and they were inclined to support it as drawn.

Board Action

Motion: Approve, per plans on pages 11.13-11.18 of the agenda packet, finding the hardship to be the non-conforming lot that predates the current zoning code.

Motion By: Wallace

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

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

LT 12 BLK 4, THE MORLEY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23658

Location: 3205 W. 39th St.

City Council District: 2

Applicant: Inclined Production, Inc. "The Sensitive Kind"

Action(s) Requested

Special Exception to permit a Temporary Office Use in the RS-3 District. (Sec. 50.020-D)

Presentation by Applicant

Dylan Brodie, 1608 S. Peoria Ave., stated that it will be the last time that the location will be used to store equipment for television series production, which has been going on for three seasons. He stated that he has not had any complaints from the neighbors, and that neighbors have said they have enjoyed having the production team there.

Speakers

None

Board Comments

The board stated that the production team has been a good neighbor, and they were inclined to support it.

Board Action

Motion: Approve, per plans on page 12.9 of the agenda packet.

Motion By: Stauffer

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

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 4 THRU 6 & E30 VAC STREET ADJ ON W BLK 35; ALL BLK 6 & W30 VAC STREET ADJ ON E RED FORK, YARGEE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23659

Location: 840 W. 81st St.

City Council District: 2

Applicant: Kathy Cott

Action(s) Requested

Special Exception to permit a Day Care Use in the AG zoning district (Sec.25.020-B, Table 25-1)

Presentation by Applicant

Kathy Cott, 42 E. 53rd St., explained that the Day Care serves adults with severe disabilities. She indicated that they have a facility in Owasso, but they would like to establish one in southwest Tulsa to serve those in the area. She stated that the Day Care will be in only one room of the building that belongs to the church.

Speakers

(+) Jim Thornton, 2901 W. G St., Jenks, was in support of the facility.

Board Comments

The board stated that the proposed use is something that is needed in the city, and they are in support of the application. They voiced that since the mailed notices did not state that Day Care was constrained to one room, they will approve it for the entirety of the site.

Board Action

Motion: Approve

Motion By: Radney

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

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

BEG 1822.25W NEC NE TH S436 W269.75 N436 E269.75 POBLESS BEG 1966.77W NEC NE TH S32 W42.32 2.671ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23660

Location: 2833 E. Apache St.

City Council District: 1

Applicant: Fetch Auto Parts

Action(s) Requested

Special Exception to permit a Junk or Salvage Yard use in an IM district (Sec. 15.020, Table 15-2)

Presentation by Applicant

Mike Adcock, 5723 S. Louisville Ave., stated that he is requesting to have an automotive recycling business at the proposed location. He informed the board that he has no plans of extending the paved area or having a car compactor. He said that the parts for the cars will be stored in the facility, and the cars that will be sitting outside will have already been drained of all the liquids. He indicated that he spoke to the neighbors surrounding his property and none of them had any issues with the application.

Speakers

None

Board Comments

The board stated that they did not have a problem with allowing this use. They acknowledged that the applicant is fixing up a property that has been blighted for over three years. They noted that the area has been industrial for a very long time, and it will continue to be. Ms. Radney pointed out that there is an abundance of salvage yards in the area. She mentioned that the homes that were built by Habitat for Humanity are very close to this property and with more salvage yards being close to the homes the property values are not increasing. She clarified that she has nothing against the project, but she said that the comprehensive plan has failed the area and the homes in the area.

Board Action

Motion: Approve, per plans on pages 14.10-14.12 of the agenda packet.

Motion By: Stauffer

Ayes: Bond, Stauffer, Wallace

Nays: Radney

Abstentions: None

Absent: Barrientos

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

Block 1, Mistletoe Industrial District, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23661

Location: 3008 E. 11th St.

City Council District: 4

Applicant: Apex Imaging Services

Action(s) Requested

Variance to permit a dynamic display sign within 20 feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200 feet of a Residential Zoning District (Sec. 60.100-F)

Presentation by Applicant

Nathalie Cornett, 2727 E. 21st St., stated that the application is for the QuikTrip on 11th Street across from the University of Tulsa. She stated that QuikTrip is in the process of updating all its pricing numbers from the white plastic tiles that are changed manually to LED e-tiles that will change automatically. She stated that the sign cabinet will not be moving but will only be updated. She noted that the sign will not be visible from the residential property, but they are within 140 feet of the residents. She suggested that the hardship is that the sign cabinet lawfully exists in its current location and the LED will be further than 20 feet from the driving surface, but the leading edge of the sign is not.

Speakers

None

Board Comments

The board members discussed what the hardship was going to be for the current and future applications for the dynamic display signs for QuikTrip.

Board Action

Motion: Approve, per plans on pages 15.12-15.13 of the agenda packet, finding the hardship to be that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.

Motion By: Wallace

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

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

LTS 22 23 & 24 BLK 1, E N ADAMS ADDN AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23662

Location: 3606 S. Peoria Ave.

City Council District: 9

Applicant: Apex Imaging Services

Action(s) Requested

Variance to permit a dynamic display sign within 20 feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200 feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit a dynamic display sign within 50 feet of a signalized intersection (Sec. 60.100-D)

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the April 9th meeting.

Motion By: Stauffer

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

BOA-23663

Location: 10738 E. 61st St.

City Council District: 7

Applicant: Apex Imaging Services

Action(s) Requested

Variance to permit a dynamic display sign within 50 feet of a signalized intersection (Sec. 60.100-D); Variance to permit a dynamic display sign within 200 feet of a Residential Zoning District (Sec. 60.100-F).

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Withdrawn by the applicant

Motion By: None

Ayes: None

Nays: None

Abstentions: None

Absent: None

BOA-23664

Location: 4545 N. Lewis Ave.

City Council District: 1

Applicant: Apex Imaging Services

Action(s) Requested

Variance to permit a dynamic display sign within 200 feet of a Residential Zoning District (Sec. 60.100-F)

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the April 9th meeting.

Motion By: Stauffer

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

BOA-23665

Location: 4795 S. Yale Ave.

City Council District: 5

Applicant: Apex Imaging Services

Action(s) Requested

Variance to permit a dynamic display sign within 20 feet of the driving surface (Sec. 60.100-E).

Presentation by Applicant

Nathalie Cornett, 2727 E. 21st St., stated that the application is for the QuikTrip on 47th and Yale. She stated that QuikTrip is in the process of updating all its pricing numbers from the white plastic tiles that are changed manually to LED e-tiles that will be changed automatically. She stated that the sign cabinet will not be moving but will only be updated.

Speakers

None

Board Comments

The board stated that that they did not have any issues with the application.

Board Action

Motion: Approve, per plans on page 19.11 of the agenda packet, finding the hardship to be that it was a legal sign by right and that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.

Motion By: Radney

Ayes: Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

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

LTS 1 THRU 3 & W21.80 LT 4 LESS W10 LT 1 BLK 1 & W221.8 S130 LT 28 LESS W10 THEREOF BLK 1 STAIGER ADDN, OFFICE PARKWAY RESUB L29 B1 STAIGER ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Other Business

None

New Business

None

Board Member Comments

None

Adjournment

There being no further business, the meeting adjourned at 2:42 p.m.

Date approved: _____

Chair: _____