



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1336

Tuesday, April 23, 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 April 17, 2024 at 11:48 a.m.

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

Members Absent: None

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

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 1:03 p.m.

Approval of Minutes

Minutes from Meeting 1328, December 12, 2023

Motion: Approval of Minutes

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Minutes from Meeting 1332, February 27, 2024

Motion: Approval of Minutes

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Unfinished Business

BOA-23666

Location: 6243 E. 28th St.

City Council District: 5

Applicant: Steve Bengé

Action(s) Requested

Variance to reduce the minimum 10-foot side/street setback for apartment/condo use in the RM-0 District (Sec. 5.030-B, Table 5-3, Table Note 6)

Presentation by Applicant

Steve Bengé, 2840 E. 49th St., stated that he plans to build an independent living center similar to the one that he has on 32nd and Louisville. He informed the board that it will include six units with 1-bedroom and 2-bedroom apartments. He noted that he can build the apartment according to city standards, but elderly residents would likely have trouble maneuvering around a vehicle in the driveway while using a walker or wheelchair.

Speakers

None

Board Comments

The board stated that they do not have any issues with the request and stated that the hardship is the originally platted service road, which is pushing back the setback.

Board Action

Motion: Approve, per plans on pages 3.10-3.16 of the agenda packet, finding the hardship to be that the originally platted service road off Sheridan pushes back the setback per the current codes.

Motion By: Wallace

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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

LTS 1, 2 & 3 BLK 1, BOMAN ACRES SECOND ADON, BOMAN ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23667

Location: Southwest Corner of East 5th Place & South Quaker Avenue

City Council District: 4

Applicant: Justin DeBruin, Wallace Design Collective

Action(s) Requested

Variance to allow parking serving a residential use to be located on another lot (Sec. 55.080.D, Sec.90.090-A); Special Exception to reduce the required parking ratio for apartment/condo uses in the CH District (Sec. 55.050-K)

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the May 14th meeting.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

BOA-23669

Location: 3226 N. Hartford Ave.

City Council District: 1

Applicant: Crossover Development Co.

Action(s) Requested

Special Exception to permit a duplex in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5)

Presentation by Applicant

Zachary Austin, 3332 N. Garrison Ave., stated that they have done a lot of work in north Tulsa, and they have even built a two-story duplex in the same neighborhood. He stated that after consulting with the neighbors, most were in favor, and that they have agreed to build a privacy fence at the request of one of the neighbors.

Speakers

None

Board Comments

The board stated that they appreciated the extra due diligence that the applicant did, and they believe that it will be a nice addition to the neighborhood.

Board Action

Motion: Approve, per plans on pages 5.9-5.12 of the agenda packet,

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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 BLK 2, Teel Terrace, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23670

Location: 4326 S. 193rd E. Ave.

City Council District: 6

Applicant: Enrique Ruiz

Action(s) Requested

Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG District (Section 55.090-F)

Presentation by Applicant

Enrique Ruiz, 207 N. Valley Dr., Catoosa, explained that he wants to build a barn 164 feet back from the property line to store lawnmower equipment and food for horses. He stated that he wants to build a house soon, so he is requesting allowance for a gravel driveway instead of a parking lot just for the barn. He informed the board that his neighbors do not have any issues with him doing this.

Speakers

None

Board Comments

The board stated that they do not have any issues with the application. They requested that the applicant make a concrete apron where the driveway meets the road, and the driveway should not exceed 420 linear feet.

Board Action

Motion: Approve, per plans on page 6.9 of the agenda packet, subject to the conditions that the permitted gravel driveway is not to exceed 420 feet from the roadway and that it is subject to an appropriate dustless apron. The board finds the hardship to be that this is intended for AG use and that this would be the minimum relief that would be required to allow that use on this property.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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

The North Half of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter (N/2 N/2 N/2 SE/4 NE/4) of Section Twenty-five (25), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma

BOA-23673

Location: 4030 S. Garnett Rd.

City Council District: 6

Applicant: Apex Imaging Services

Action(s) Requested

Variance to permit more than 1 dynamic display sign per lot in a Commercial Zoning District (Sec. 60.080-E)

Presentation by Applicant

Nathalie Cornett, 2727 E. 21st St., stated that the application is for the QuikTrip at 41st St. and Garnett Rd. 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 explained that the sign cabinets will not be moving but will only be updated. She noted that the hardship is that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose and that the traffic will need to be able to see the pricing signs whether heading north, south, east, or west.

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 pages 7.12-7.13 of the agenda packet, finding the hardship to be that the that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.

Motion By: Wallace

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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

LOTS 4-6 BLOCK 1, CROSSBOW CENTER II RESUB, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23675

Location: 1946 S. Harvard Ave.

City Council District: 4

Applicant: Apex Imaging Services

Action(s) Requested

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

Variance to permit dynamic display signs within 20 feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a Commercial Zoning District (Sec. 60.080-E)

Presentation by Applicant

Nathalie Cornett, 2727 E. 21st St., stated that the application is for the QuikTrip at 21st St. and Harvard Ave. 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 cabinets will not be moving but will only be updated. She informed the board that the signs will not be able to be seen from the residential homes on the north and west side of the property. She noted that the hardship is that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose and that the traffic will need to be able to see the pricing signs whether heading north, south, east, or west.

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 pages 8.12-8.13 of the agenda packet, finding the hardship to be that the that this is the minimum relief that is necessary to be able to modernize the existing sign which previously was approved and was also equally dynamic.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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 1 BLOCK 1, QUIKTRIP STORE # 27 RESUB PRT B1 FLORENCE PARK ADD, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23677

Location: 1022 S. Utica Ave.

City Council District: 4

Applicant: Apex Imaging Services

Action(s) Requested

Variance to permit a dynamic display sign in a Residential District (Sec. 60.050-B. 2); 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 signs within 20 feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a Commercial Zoning District (Sec. 60.080-E)

Presentation by Applicant

Nathalie Cornett, 2727 E. 21st St., stated that the application is for the QuikTrip at 11th St. and Utica Ave. 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 cabinets will not be moving but will only be updated. She noted that the hardship is that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose and that the traffic will need to be able to see the pricing signs whether heading north, south, east, or west.

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 pages 9.10-9.11 of the agenda packet, finding the hardship to be that the that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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 1 BLK 1, QUIKTRIP STORE #0090R RSB LTS 21-31 PRT LT32 BLK 8 PARKDALE ADDN & RSB ALL QUIKTRIP #90R COMMERCIAL CENTER, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23679

Location: 7318 S. Yale Ave.

City Council District: 8

Applicant: SBWG, LLC

Action(s) Requested

Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow 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 an R District (Sec. 60.100-F)

Presentation by Applicant

Grace Janes, 7302 S. Yale Ave., stated that they came before the board on December 12, 2023 and were approved for all the variances. She stated that the previously approved sign was not as cohesive as they wanted it to be, and the sign company is not able to make the display of the sign to what was approved. She said that they want to expand the sign by two feet so that the display portion would be easily read. She explained that hardship is that the north side of the property contains a dense section of trees, and another clinical facility. She stated that they would be just adding the new dynamic sign where the current one is.

Speakers

- (-) Trey Arnold, 7310 S. Yale Ave., was concerned that the sign is not cohesive with the office park, and it would block the view of traffic when exiting the office park. He stated that since the previous one was approved, they spoke to the applicants to design one that was more cohesive.

Applicant Rebuttal

Grace Janes stated that they are going to build the sign to be cohesive with the other signs that are there. She informed the board that the originally planned sign was designed by the owner of the business park and was not the size that the sign company sold.

Board Comments

The board stated that they do not have any issue with the sign being there, and that it would allow the display of the sign to be visible from the street.

Board Action

Motion: Approve, per plans on page 10.11 and additional exhibits of the agenda packet, subject to the condition that the sign does not exceed seven feet tall, finding the hardship to be that this is a modification of a previous variance that was granted, and this modification will allow for the public with limited visual acuity to read the sign.

Motion By: Radney

Ayes: Bond, Radney, Stauffer, Wallace

Nays: Barrientos

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 1 BLK 1, SOUTHERN HILLS CENTER RESUB, City of Tulsa, Tulsa County, State of Oklahoma

New Applications

BOA-23681

Location: 1731 S. Delaware Ave.

City Council District: 4

Applicant: Tom Neal

Action(s) Requested

Variance to reduce the required 3-foot side setback for a carport in the RS-3 District (Sec. 90.090, Table 90-1 Table Note [2])

Presentation by Applicant

Tom Neal, 2507 E. 11th Pl., stated that his client frequently uses their RV, and they need to build a carport to shelter their RV and car. He stated that the lots are narrow, with historic homes and very small driveways. He informed the board that the relief that he needs is one foot. He reported that he has not heard any negative feedback from the neighbors.

Speakers

None

Board Comments

The board stated that they are inclined to support it and noted that the carport will be obscured by the surrounding neighbors. They said that it is a reasonable accommodation, and there are existing carports in this neighborhood.

Board Action

Motion: Approve, per plans on pages 11.10-11.12, finding the hardship to be that it is a historic structure on a property that predates the zoning code and that this is the minimum relief needed to construct a modern carport.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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 14, Block 4, Hickory Manor Addn, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23682

Location: 2817 E. 81st Pl. S.

City Council District: 2

Applicant: Austin Mayes

Action(s) Requested

Special Exception to permit duplexes in the RS-5 District (Table 5.020, Table 5-2, Table 5-2.5)

Presentation by Applicant

Austin Mayes, 1717 S. Boulder Ave., stated that the owner of the property bought the property and rezoned it from RS-3 to RS-5. He said that the existing duplexes that were on the property burnt down, and they want to replace them with new duplexes. He informed the board that they have had several community meetings, and the concerns from the neighbors were addressed.

Speakers

None

Board Comments

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

Board Action

Motion: Approve, per plans on pages 12.5-12.6 of the agenda packet.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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

Lot 3, Block 1, Southwood Terrace, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23683

Location: 6307 N. Cheyenne Ave.; 6321 N. Cheyenne Ave.; 6308 N. Boulder Ave.; 6318 N. Boulder Ave.; 6398 N. Boulder Ave.; 6337 N. Denver Ave.; 6346 N. Main St.

City Council District: 1

Applicant: MP Advocates

Action(s) Requested

Special Exception to permit duplexes in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3)

Presentation by Applicant

Jessica Shelton, 21207 Sand Jack Rd., Larue, TX, represented the property owner, who owns several vacant properties in the subdivision and now wants to build on them. She stated that they met with the neighborhood on four different occasions, and they were very receptive to having duplexes built. She explained that they designed the duplexes to be cohesive with the existing homes in the neighborhood. She informed the board that the duplexes would have three bedrooms, two bathrooms, and a single car garage, and indicated that without the variance, they would have to remove a bedroom or convert the garage of each unit into bedroom space, which would be unreasonable. She articulated that their hardship is that the subject lots are smaller than a standard RS-3 lot.

Speakers

None

Board Comments

The board agreed that the lots are unique and that the duplexes would be a great addition to the neighborhood.

Board Action

Motion: Approve, per plans on pages 13.12-13.20 of the agenda packet, finding the hardship to be the unique size and shape of the lots that were platted before the modern zoning code.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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.

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 14, Block 5 and Lots 3, 20, 22, 25, 28, Block 6, Northgate Second Addn; Lot 22, Block 2, Northgate Third Addn, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23684

Location: West of Riverside Dr. between W. 19th St. and S. Elwood Ave.

City Council District: 4

Applicant: City of Tulsa – City Design Studio

Action(s) Requested

Variance to reduce the required 30-foot setback for a parking area from Riverside Drive and reduce the required 70-foot setback for a parking area from the riverbank in the RDO-1 (Sec. 20.050-D, Table 20-2); Variance to reduce the screening requirement for a parking area from the public street and from the dual river trail (Sec. 20.050-D, 3.b(5)); Variance to reduce the requirement that one tree for every 20 feet of river trail be provided to allow preservation of existing trees (Sec. 20.050-D, 3.b(6)); Variance to eliminate the sidewalk installation requirement along Riverside Drive (20.050-D, 6.b(6))

Presentation by Applicant

Ellen Ray, of the City of Tulsa Design Studio, explained that they need the variances for additional parking for the new restaurant and lake amenities on the Arkansas River. She mentioned that they have had several public meetings and have attempted to answer every question that has been raised. In her presentation she explained the request for variances for parking, trees for screening, allowing the preservation of existing trees and eliminating the sidewalk installation and gave justifications.

Chris Loftus, of LandPlan Consultants, explained technical details of preserving trees and adding berms and walls for screening around the parking area and lake amenities.

Speakers

- (-) Ann Marie Beer, 1105 E. 34th St., was concerned about the parking lot, stormwater smells, and that the property description was incorrect on the notice.
- (-) Barbara Van Hanken 2212 E. 38th St., was concerned about not being able to see the plans properly, potential safety issues with removing the sidewalks, and safety issues with stormwater runoff.
- (-) Casey Newport, 1504 S. Elwood Ave., was concerned about safety and suggested moving the parking area further away from Riverside Dr.
- (-) Kelsey Royce, 336 E. 45th Ct., was concerned about additional stormwater runoff into the river and the quality of water that is in the Arkansas River.
- (+) Blake Ewing, 1323 S. Frisco Ave., was in support of the facility.
- (-) Marilyn McCulloch, 3520 E. 36th St., was concerned about conflicting information and requested a continuance.

Applicant Rebuttal

Ellen Ray stated that all the comments and concerns that were brought to the board's attention have been answered in the many public meetings that have taken place. She stated that this project has been in the works for decades and the comments from the neighbors and the community have shaped the design that they have chosen.

Chris Loftus explained that the project would have less drainage impact on the river than what is currently there. He stated that they will be removing four trees but adding 50 trees for buffer.

Board Comments

The board expressed that what has been proposed to them is the best possible and least environmentally impactful plan. They stated that the applicant has done the necessary things to involve the neighbors as much as possible and they advised the neighbors to continue to be involved with the project. They mentioned that this is just the first step of many to come for the project.

Board Action

Motion: Deny, Variance to reduce the required 30-foot setback for a parking area from Riverside Drive and for the required 70-foot setback for a parking area from the riverbank in the RDO-1 (Sec. 20.050-D, Table 20-2)

Motion By: Radney

Ayes: Barrientos, Radney,

Nays: Bond, Stauffer, Wallace

Abstentions: None

Absent: none

The motion failed.

Board Action

Motion: Approve, per plans on pages 14.11 of the agenda packet and the PowerPoint presented by the applicant, subject to the condition that the trees are reasonably maintained and replaced in like kind, finding the hardships to be:

- Variance 1: The requested variance from the Riverside Drive setback is the minimum amount of space needed to expand parking supply.
- Variance 2: Only one segment of proposed design interferes with the 70-foot river setback due to the bend in the river on the west side of this site.
- Variance 3: The variance to berm/screening wall requirements allows for preservation of natural tree screening.
- Variance 4: The request modifies berm or wall requirements only where such features would interfere with proposed designs. A screening berm and walls are provided elsewhere in the site design.
- Variance 5: A wall or berm would entirely conflict with utilities. The variance requested avoids this conflict.
- Variance 6: The variance requests tree preservation to satisfy planting requirements by providing the same level of shade, density, and screening.
- Variance 7: Sidewalk omission prevents the hardship of building a redundant pedestrian facility and creating a "sidewalk to nowhere."

Motion By: Wallace

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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

SE SE SE SE LESS S50 & LESS E50 & LESS BEG 50N & 50W SECR THEREOF TH W100 CRV LF TO PT 150N & 50W SECR SE SE SE SE TH S100 POB SEC 15 19 13 1.74AC, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23685

Location: 2130 S. 85th E. Ave.

City Council District: 5

Applicant: Lou Reynolds

Action(s) Requested

Special Exception to permit a Residential Treatment Center in the CS, RM-2, RS-3, and RS-1 Districts (Sec. 5.020 Table 5-2, Sec. 15.020 Table 15-2); Variance to reduce the required parking spaces from 48 to 34 (Table 55-1); Variance to reduce the minimum parking space setback to permit the existing off-street parking area to be less than 25 feet from an abutting street (Table 55-4); Variance to reduce the minimum building setbacks from 10 feet to 2 feet in the RM-2 District, from 5 feet to 0 feet in the RS-3 District, and from 35 feet to 33 feet in the RS-1 District for an existing building (Sec. 5.030, Table 5-3)

Presentation by Applicant

Lou Reynolds, 2727 E. 21st St., stated that they want to build a treatment center at the location. He informed the board that the property contains several zoning districts, which makes it difficult for them to comply with all the different requirements. He said they requested that the parking be reduced because of the parking lot being close to the road, and explained that because they will be losing some parking spots, they have a parking agreement in place with the adjacent property.

Speakers

None

Board Comments

The board stated that they do not have any concerns about the application and would be inclined to support it.

Board Action

Motion: Approve, per plans on page 15.13 of the agenda packet, finding the hardship to be the uniqueness of the lot with having multiply zoning districts, subject to the condition that they have a mutual parking agreement with the adjacent neighbor.

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

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.

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

SE SE SE SE LESS S50 & LESS E50 & LESS BEG 50N & 50W SECR THEREOF TH W100 CRV LF TO PT 150N & 50W SECR SE SE SE SE TH S100 POB SEC 15 19 13 1.74AC, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23686

Location: 513 N. Atlanta Pl.

City Council District: 1

Applicant: Karyn Weidl

Action(s) Requested

Variance to reduce the required 5,500 square feet of lot area and lot area per unit in the RM-1 District to permit a lot split (Sec. 5.030, Table 5-3)

Presentation by Applicant

Karyn Weidl, 1804 S. Butternut Ave., Broken Arrow, stated that they want to build small, affordable homes for the neighborhood that would be in keeping with other homes the neighborhood. She stated that the setback on the back of the homes were carved off, which has made it slightly undersized to build it according to the zoning code. She informed the board that she had not heard any negative feedback from the neighborhood.

Speakers

None

Board Comments

The board stated that they do not have an issue with granting the variance due to setback on the back of the homes being carved off.

Board Action

Motion: Approve, per plans on pages 16.10-16.15 of the agenda packet, finding the hardship to be the size and shape of the lot due to the setback carve off of the existing neighborhood that was platted before the modern zoning code.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer

Nays: None

Abstentions: Wallace

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

West 108.6 feet of Lots Three (3) and Four (4), Block One (1), Baile's Subdivision of the North 193.6 feet of Block 1, Cherokee Heights Second Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Other Business

None

New Business

None

Board Member Comments

None

Staff Comments

Mr. Chapman commented that Nathan Foster will be the staff representative at board meetings in the future.

Adjournment

There being no further business, the meeting adjourned at 4:50 p.m.

Date approved: _____

Chair: _____