



## City of Tulsa Board of Adjustment

### Minutes of Meeting No. 1338

**Tuesday, May 28, 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 May 23, 2024, at 8:22 a.m.

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

**Members Absent:** None

**Staff Present:** Audrey Blank, Rebecca Surber-Cantu, Nathan Foster, 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, Bond called the meeting to order at 1:05 p.m.

### **Approval of Minutes**

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#### **Minutes from Meeting 1335, April 9, 2024**

Motion: Approval of Minutes.

Motion By: Barrientos

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

### **Unfinished Business**

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**BOA-23667**

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

City Council District: 5

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**

Tim Homberg, 3515 W. 75th St., Prairie Village, KS, explained that the Pearl District is pedestrian- and transportation-oriented. He presented extensive data on parking needs for similar urban developments in nearby states and cities. He noted that the intention is to build 209 apartment units with 164 parking spaces.

Jay Penn, 5148 E. 107th St., stated that he again discussed the project with neighbors, and he said that only one neighbor is opposed to the parking variance.

**Speakers**

(-) Tye Silverthorne, 521 S. Zunis Ave., was concerned about the building height and the parking reduction.

(-) Deena Burks, 2218 E. 5th Pl., was concerned about the lack of parking in the area.

(-) Laura Bellis, 224 N. Rosedale Ave., was concerned about the lack of parking in the area and its future effects.

(-) Grace Smith, 647 S. Quaker Ave., was concerned about the lack of parking in the area

**Applicant Rebuttal**

The applicant had no rebuttal to the speakers' comments.

**Board Comments**

Board members praised the project but said they were concerned about the reduction of parking. They said the data from other cities was not relatable to what is taking place in the Pearl District. They suggested investigating other options on parking, but a parking ratio of 0.78 was unacceptable.

**Board Action**

Motion: Continue to the July 9 meeting.

Motion By: Radney

Ayes: Barrientos, Radney

Nays: Bond, Stauffer, Wallace

Abstentions: None

Absent: None

**Motion Failed****Board Action**

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

Motion By: Wallace

Ayes: Bond, Radney, Stauffer, Wallace

Nays: Barrientos

Abstentions: None

Absent: None

**BOA-23680**

Location: 2304 East 4th Place South

City Council District: 1

Applicant: Mark D. Crowl

**Action(s) Requested**

Special Exception to permit a duplex in the RS-4 zoning district (Table 5.020, Table 5-2, Table 5-2.5)

**Presentation by Applicant**

Mark Crowl, 125 E. 26th St., stated that he revised the design of the duplex based on comments and concerns from neighbors to fit in with the style of the homes in the neighborhood. He informed the board that he was not able to show the revised design to the neighbors in advance because he just received them from his architect.

**Speakers**

- (-) C. Lewis Jones, 2320 E. 5th St., requested that the application be continued because the plans were just shown. He was concerned about the style and scale of the proposed duplex. He noted that the plans show a chance of a triplex and was concerned about the possibility of that happening.
- (-) Tye Silverthorne, 521 S. Zunis Ave., was concerned that the new changes made on the plans do not fit with the style and scale in the neighborhood.
- (-) Deena Burks, 2218 E. 5th Pl., was concerned that the style of duplex would not fit in and that the duplex would not be affordable and would drive rental prices up in the neighborhood.
- (-) Ruth Stanfill, 2319 E. 4th Pl., requested that the application be continued because the new plans were just shown, and it did not look much different to the previous plan. She stated that she was also concerned that a new build would raise rental prices in the neighborhood and decrease affordability.

**Applicant Rebuttal**

The applicant clarified that the open space on the plans is a requirement per the zoning code, and not intended to build another home. He noted that the duplex would enhance the neighborhood and provide more housing.

**Board Comments**

The board expressed support for the application and said that a duplex is not harmful or injurious to a neighborhood. Ms. Radney and Mr. Barrientos voiced that they were not opposed to a duplex, but the style and scale of this duplex was concerning to them.

**Board Action**

Motion: Approve, per additional exhibit plans in the agenda packet.

Motion By: Stauffer

Ayes: Bond, Stauffer, Wallace

Nays: Barrientos, Radney

Abstentions: None

Absent: None

**Property Description**

*Lot 8, Block 2, Hillcrest addition to the City of Tulsa, Tulsa County, State of Oklahoma*

**BOA-23688**

Location: 2809 East 81st Place South

City Council District: 2

Applicant: Raul Cisneros

**Action(s) Requested**

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

**Presentation by Applicant**

Austin May, 1717 S. Boulder Ave., stated that he would like to build a duplex on the vacant lot. He reported that there was no negative feedback after three public meetings with the city councilor.

**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 4.10-4.17 of the agenda packet.

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.*

**Property Description**

*Lot 2 Block 1, Southwood Terrace Resub Prt ORU Hgts 3rd, City of Tulsa, Tulsa County, State of Oklahoma.*

**BOA-23692**

Location: 2427 East 27th Street North

City Council District: 1

Applicant: Martha Gibson

**Action(s) Requested**

Special Exception to permit a Manufactured Housing Unit in the RS-3 zoning district (Sec. 5.020, Table 5-2.5);

Special Exception to extend the 1-year limit for a Manufactured Housing Unit (Sec. 40.210-A)

**Presentation by Applicant**

Martha Gibson, 6720 E. 97th St., stated that she would like to place a 1993 mobile home on her property for an indefinite amount of time. She stated once it is on the property, it will be remodeled and put on a concrete foundation. She stated that she has not heard any negative feedback from the neighborhood.

**Speakers**

None

**Board Comments**

The board was concerned about the age of the mobile home and requested photos and examples of previous remodel jobs for the next meeting.

**Board Action**

Motion: Continue to the June 11th meeting.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

## New Applications

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### **BOA-23695**

Location: 15009 East 39th Place South

City Council District: 6

Applicant: Sandra Callero

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

Special Exception to allow a Type 2 Home Occupation in an RS-3 District to permit a Nail Salon (Sec. 45.100)

### **Presentation by Applicant**

Sandra Callero, 15009 E. 39th Pl., stated that she wants to convert a bedroom in her home to open a nail salon. She noted that she will have one customer at a time and no more than three customers a day. She stated that the neighbors are not opposed to her doing it.

### **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 6.10 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 2 Block 2, Battle Creek Park Phase II, City of Tulsa, Tulsa County, State of Oklahoma*

**BOA-23696**

Location: 1602 North Denver Avenue

City Council District: 1

Applicant: David Valderrama

**Action(s) Requested**

Variance to allow parking serving a residential use to be located on another lot (Sec. 55.080.D); 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 June 11th meeting.

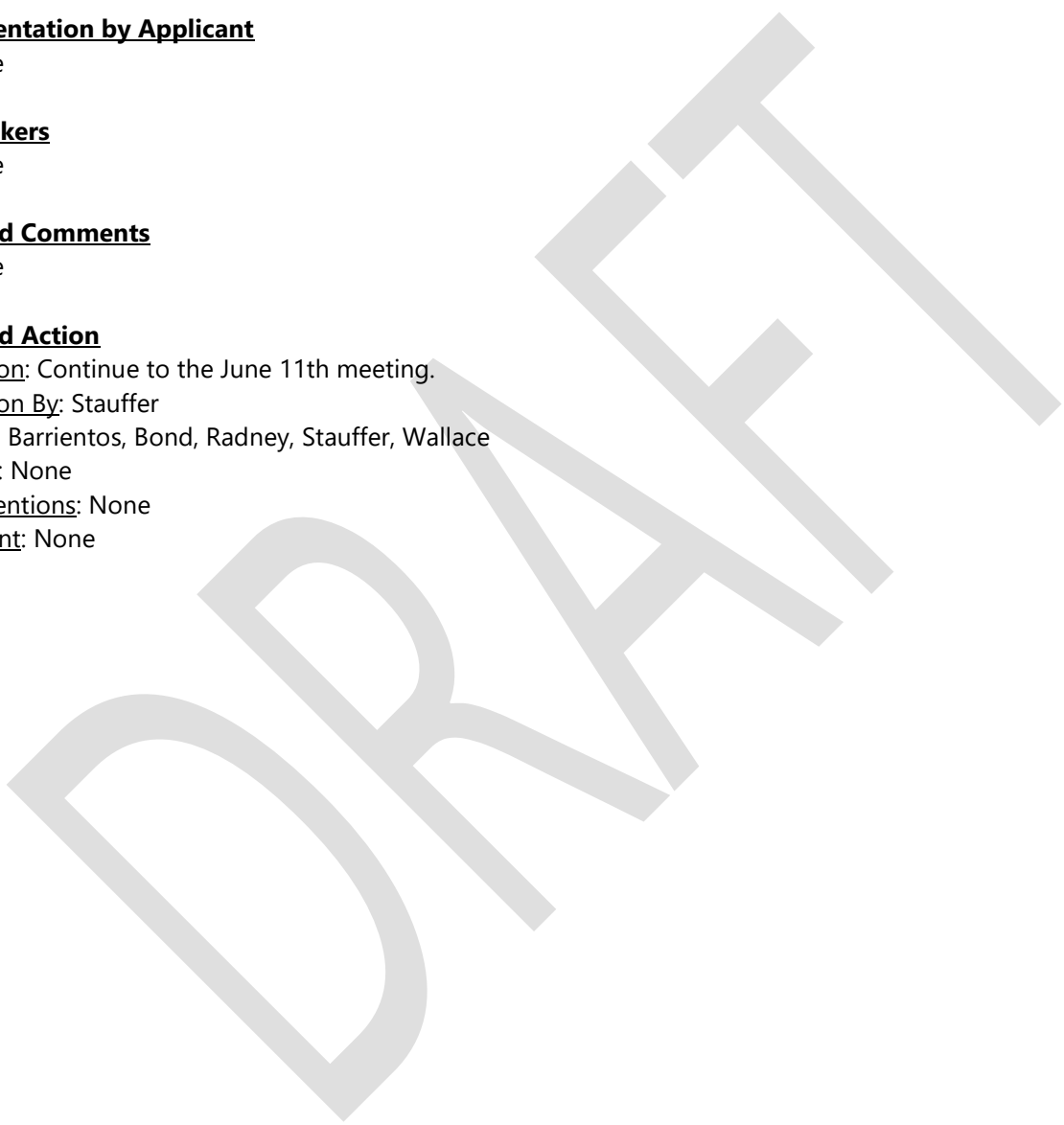
Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None



**BOA-23697**

Location: 6415 East Apache Street North

City Council District: 3

Applicant: T.L. Carter

**Action(s) Requested**

Special Exception to permit a Personal Vehicle Sales & Rentals use in the CS Zoning District (Sec. 15.020, Table 15-2)

**Presentation by Applicant**

T. L. Carter, 3244 N. Garrison Ave., stated that he wants to utilize the space to sell cars. He noted that the property was previously utilized to rent and sale cars, and that he has not heard any concerns from the neighbors.

**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 8.9-8.10 of the agenda packet.

Motion By: Barrientos

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: Radney

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 12 LESS BEG NEC TH S140.1 W630 N140.1 E430 S115.1 E180 N115.1 E20 POB BLK 4, Mohawk Acres, City of Tulsa, Tulsa County, State of Oklahoma*



**BOA-23698**

Location: 3855 South Birmingham Place East

City Council District: 9

Applicant: Robert Bell

**Action(s) Requested**

Special Exception to increase the permitted fence height inside the street setback (Sec. 45.080-A)

**Presentation by Applicant**

Robert Bell, 101 E. Aquarium Pl., Jenks, stated that the owner of the house would like to build a six-foot wrought iron fence around their property with stone columns. He stated that some of the neighbors have a problem with the height of the fence, but he said that the client needs it for privacy and security. He explained that by right, the owner of the home could build a four-foot privacy wood fence, but his client feels that it will be a detriment to the neighborhood. He proposed that his request is the least detrimental to the neighbors and neighborhood and still meets the needs of the owner.

**Speakers**

- (-) Elizabeth Cruz, 3880 S. Birmingham Ave., was concerned that the fence would devalue the properties in the neighborhood.
- (-) Kim Deffenbaugh, 2617 E. 40th St., was concerned that the fence would change the look of the neighborhood.
- (=) Mike Gable, 3850 S. Birmingham Pl., noted that he would like the commission to specify the materials and the height of the fence to mitigate confusion.

**Applicant Rebuttal**

The applicant stated that the owner has the right to build a four-foot-tall wood fence, which would be a detriment to the neighborhood. He expressed that a wrought iron fence with brick columns would enhance the neighborhood and satisfy the needs of the owner.

**Board Comments**

The board stated that they do not have an issue with allowing an increase in the height of the fence, but it would need to be wrought iron and no taller than 6 feet with stone columns.

**Board Action**

Motion: Approve, per plans on page 9.9 of the agenda packet, subject to the following conditions: that the fence be a wrought iron see through with intermediate stone columns, and that it be no taller than six feet.

Motion By: Wallace

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: Bond

Absent: None

**Property Description**

*E244.35 W269.35 S100 N647.70 E/2 W/2 SE SW SEC 20 19 13 .56AC, City of Tulsa, Tulsa County, State of Oklahoma*

**BOA-23699**

Location: 1251 South 61st Avenue West

City Council District: 4

Applicant: Robert Bell

**Action(s) Requested**

Special Exception to reduce the required parking ratio for Cottage House Development in the RM-2 District (Sec. 55.050-K)

**Presentation by Applicant**

Robert Bell, 101 E. Aquarium Pl., Jenks, proposed the development of 63 dwelling units with a community center to address the homeless problem in Tulsa. He suggested reducing parking from 126 to 63 spaces since only 10% of the residents would own a car.

**Speakers**

None

**Board Comments**

The board stated that that they did not have any issues with the application and noted that this type of development is needed in Tulsa.

**Board Action**

Motion: Approve, per plans on pages 10.9-10, subject to the condition that the required parking spaces be reduced from 126 to 63 spaces.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

**Property Description**

*BEG 427.01S NWC SE NW TH E101.97 N146.31 E215.12 S211.59 E498 S825.67 W820 TO SWC SE NW TH N899.08 POB SEC 8 19 12 16.813ACS, City of Tulsa, Tulsa County, State of Oklahoma*

**BOA-23700**

Location: 2206 South Lewis Avenue

City Council District: 4

Applicant: Justin DeBruin

**Action(s) Requested**

Special Exception to increase the permitted fence height inside the street setback (Sec. 45.080-A)

**Presentation by Applicant**

Justin DeBruin, 123 N. Martin Luther King Jr. Blvd., stated they want to build a six-foot wrought iron fence with brick columns around the east portion of the Monte Casinos Catholic School for safety reasons.

**Speakers**

None

**Board Comments**

The board stated that they do not have an issue with the application.

**Board Action**

Motion: Approve, per plans on pages 11.9-11.10 and the site plan in 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**

*Lots 1 to 11 Inc Blk 4 & Lots 1 to 9 Block 5 & Part of Vac Zunis Ave & 22nd St Boman, Brentwood Hgts, City of Tulsa, Tulsa County, State of Oklahoma, AND BEG 630S & 40W NEX NE TH W11130 TO EL ST TH NELY139.6 NLY CV LF 45.63 TO SWC BLK 1 THE YORKTOWN TH E485.26 N82.39 ELY 80.94 NEW75.79 NE94.9 NE47.73 N182.28 TO SL ST TH E APROX 302.33 SELY CV RT APROX 75.82 TO WL ST TH S APROX 503.33 POB SEC 18 19 13 Acres, City of Tulsa, Tulsa County, State of Oklahoma*

**BOA-23701**

Location: 2807 East 3rd Street South

City Council District: 4

Applicant: Cody Holbrook

**Action(s) Requested**

Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A, Sec. 45.031-D.6)

**Presentation by Applicant**

Cody Holbrook, 15506 E. 87th St. N., Owasso, informed the board that he inherited an ADU that includes 1,090 square feet but was approved for 970 square feet. He explained that his intention is to finish the oversized ADU for affordable housing for students and faculty.

**Speakers**

None

**Board Comments**

The board stated the hardship is the existing lot is non-conforming, so they do not have an issue with the application.

**Board Action**

Motion: Approve, per plans on pages 12.9-12.16 of the agenda packet and the site plan included therein, finding the hardship to be that the site is an existing nonconformity to the current comprehensive plan, as stated in BOA-23611, a previous case on the same property regarding the same issue.

Motion By: Wallace

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**

*E 1/2 of Lt 6 Blk 5, Pleasant View Addn, City of Tulsa, Tulsa County, State of Oklahoma*

**BOA-23702**

Location: 5722 East 5th Place South

City Council District: 3

Applicant: Richard Rokeby

**Action(s) Requested**

Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A); Variance to allow an accessory unit to exceed to exceed 10 feet in height to the top of the top plate in the rear setback (Section 90.090-C)

**Presentation by Applicant**

Richard Rokeby, 5722 E. 5th Pl. S., stated that the original ADU was destroyed by a storm and so he would like to build one taller and bigger in the same location. He informed the board that there is a concrete slab that he had built last year.

**Speakers**

(-) Larry Smith, 555 S. Hudson Ave., was concerned about effects on property values, the building height, and the risk of potential future residential or commercial use.

**Applicant Rebuttal**

The applicant mentioned that the future use of the building cannot be speculated. He pointed out that within a block of his home there are five other accessory buildings visible from the street but his will be set back far enough to not be visible.

**Board Comments**

The board noted that the defensible concern from the neighbor is the height. They acknowledged several large buildings in the neighborhood but expressed concern about the proposed height of the building. They noted the lot was established before the current zoning code and that the property is topographically unique.

**Board Action**

Motion: Approve the Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A), per plans on page 13.13 of the agenda packet, finding the hardship to be that the proposed replacement structure is replacing a structure that was destroyed at no fault of the homeowner, and the unusual size and shape of the lot that predates the current code.

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.*

**Board Action**

Motion: Deny the Variance to allow an accessory unit to exceed to exceed 10 feet in height to the top of the top plate in the rear setback (Section 90.090-C).

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

**Property Description**

*E100 LESS E15 BLK 46, Glenhaven, City of Tulsa, Tulsa County, State of Oklahoma*

DRAFT

**BOA-23704**

Location: 4553 North Hartford Avenue

City Council District: 1

Applicant: Tommy Harris

**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**

Tommy Harris, 8086 S. Yale Ave., stated that he wants to build a duplex with each unit containing four bedrooms and one bathroom. He expressed that the neighbors were excited to see something new built there.

**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 14.9-14.10 of the agenda packet.

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.*

**Property Description**

*Lots 46, Block 4, Suburban Acres Amd, 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

**Staff Comments**

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None

**Adjournment**

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There being no further business, the meeting adjourned at 5:17 p.m.

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

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

