



## City of Tulsa Board of Adjustment

### Minutes of Meeting No. 1342

**Tuesday, July 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 on the Tulsa Planning Office website on July 16, 2024 at 4:35 p.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, Mr. Bond called the meeting to order at 1:05 p.m.

#### **Unfinished Business**

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**BOA-23720**

Location: 2623 West 38th Street South

City Council District: 2

Applicant: Belinda Elms Latham

**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**

None

**Speakers**

None

**Board Comments**

None

**Board Action**

Motion: Withdrawn by the applicant.

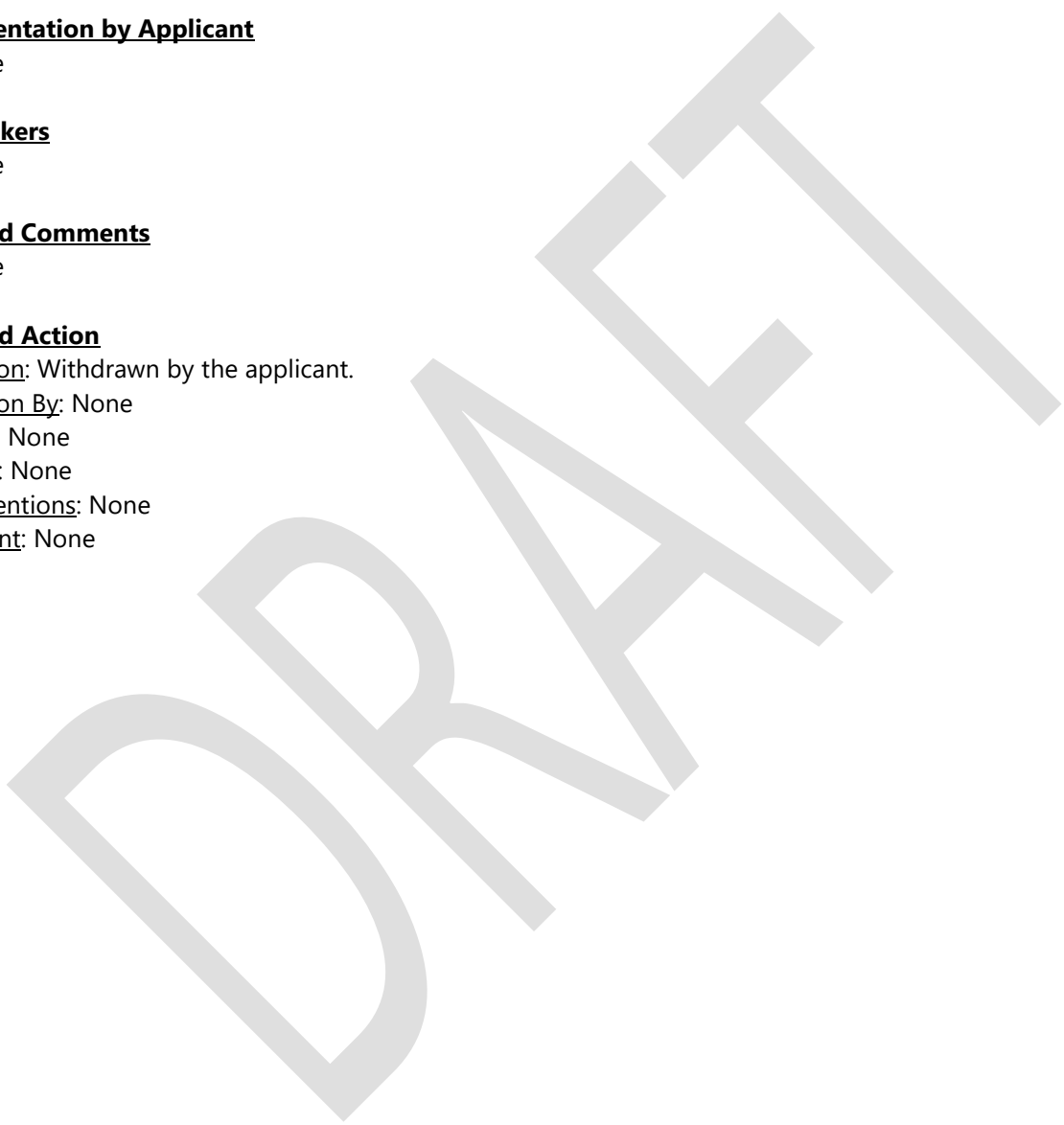
Motion By: None

Ayes: None

Nays: None

Abstentions: None

Absent: None



**BOA-23722**

Location: 12884 East 7th Street South

City Council District: 3

Applicant: Raul Cisneros

**Action(s) Requested**

Special Exception to permit an Accessory Dwelling Unit (ADU) in the RS-2 Zoning District (Sec. 45.031-D); Special Exception to increase the permitted driveway width in an RS district (Sec. 55.090-F.3); 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**

Felipe Perez, 2785 S. 136th E. Pl., stated he would like to make several modifications to his one-acre lot. He stated that he intends to construct two storage units totaling 400 square foot and permit his existing 708 square-foot ADU. He reported that his neighbors have not expressed any negative feedback.

**Speakers**

None

**Board Comments**

The board acknowledged the unusual zoning context of the lot and the applicants' adaptive reuse of the existing structures. The expressed they were inclined to support it.

**Board Action**

Motion: Approve, per plans on page 2.14 of the agenda packet, subject to the following conditions: that the combined accessory units are no greater than 2,188 square feet, and that the ADU is no greater than 708 square feet. The Board finds the hardship to be the unique zoning conditions adjacent to the property and this is the minimum relief required to continue the use per the improvements.

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**

N/2 NE NE SE SE LESS E50 & LESS N20 W280 FOR ST SEC 5 19 14 .932AC, CITY OF TULSA, TULSA COUNTY STATE OF OKLAHOMA

**BOA-23727**

Location: 3804 South Troost Avenue

City Council District: 9

Applicant: Larry Vincent

**Action(s) Requested**

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

**Presentation by Applicant**

Larry Vincent, 3975 S. Sheridan Rd., stated he would like to widen one of his two driveways by seven feet to reduce street parking.

**Speakers**

None

**Board Comments**

The board stated the request is consistent with the context of the neighborhood, and they were inclined to support it.

**Board Action**

Motion: Approve, per plans on page 3.9 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**

*Lot 1 Block 2, Forest Ridge Addition, City of Tulsa, Tulsa County, State of Oklahoma*

## New Applications

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### **BOA-23736**

Location: 211 East 25th Street South

City Council District: 4

Applicant: Timothy Duray

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

Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate in the rear setback (Sec. 90.090-C); Special Exception to allow an Accessory Dwelling Unit in an RS-2 zoning district (Sec. 45.031-D); Variance to allow more than 25% coverage by a detached accessory building in the rear setback in an RS-2 District (Sec. 90.090-C2); Variance to allow for an accessory building to be within 3 feet from the side lot lines (Sec. 90.090-C.2.b)

### **Presentation by Applicant**

Timothy Duray, 211 E. 25th St. S., stated that he has constructed an ADU within the rear setback and is seeking relief to receive the necessary permits.

### **Staff Comments**

Nathan Foster explained the dimensions of the provided plans that were submitted by the applicant.

### **Speakers**

(-) Scott Fisher, 8443 S. Toledo Ave., was concerned about the ADU's proximity to the side lot line, its height, and a window that directly faces his backyard.

### **Applicant Rebuttal**

The applicant stated that he will be filling in the window.

### **Board Comments**

The board requested a land survey, and updated exhibits with accurate dimensions of the ADU before they will consider with the application.

### **Board Action**

Motion: Continue to the August 27th meeting.

Motion By: Wallace

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

**BOA-23738**

Location: 9304 East 17th Place South

City Council District: 5

Applicant: RCJ Designs

**Action(s) Requested**

Special Exception to allow an Accessory Dwelling Unit in an RS-1 District (Sec. 45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 750 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**

Adrian Martinez, 137 S. 117th E. Ave., stated that he would like to build a 660 square-foot ADU adjacent to the existing 528 square-foot ADU on his parents' one-acre lot. He stated that he plans to reside in the new ADU to assist his parents with property maintenance. He noted that similar large ADUs exist in the neighborhood.

**Speakers**

None

**Board Comments**

The board stated that the size of the lot is uniquely large and could be divided with enough open space for a home and an ADU. The board stated that for those reasons, they were inclined to support it.

**Board Action**

Motion: Approve, per plans on pages 5.12-5.15 of the agenda packet, finding the hardship to be the unique size of the lot per the RS-1 zoning, and the additional comments provided by the applicant on page 5.11.

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**

Lot 4 Less E8 Block 4, Windsor Park Addition, City of Tulsa, Tulsa County, State of Oklahoma

**BOA-23739**

Location: 5335 East 4th Place South

City Council District: 3

Applicant: RCJ Designs

**Action(s) Requested**

Special Exception to permit an Accessory Dwelling Unit in the RS-3 district (Sec. 45.031-D)

**Presentation by Applicant**

Jeremy Wilkinson, 4234 S. Oswego Ave., stated that he would like to build an Accessory Dwelling Unit on an infill lot that complies with all zoning requirements.

**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 6.8-6.14 of the agenda packet.

Motin 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**

*Lot 6 Block 10, Bowlin Acres, City of Tulsa, Tulsa County, State of Oklahoma*

**BOA-23740**

Location: 1148 East 48th Street North

City Council District: 1

Applicant: Lula Pratt

**Action(s) Requested**

Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Sec. 55.090-F)

**Presentation by Applicant**

Lula Pratt, 1148 E. 48th St. N., stated that she would like to retain a gravel driveway at her house. She noted that most homes on the street have a gravel driveway, and the neighbors have no issue with the application.

**Speakers**

None

**Board Comments**

The board agreed that a vast majority of driveways in the neighborhood are gravel. The board stated that allowing a gravel driveway would not alter the character of the neighborhood, and they were inclined to support it.

**Board Action**

Motion: Approve, per plans on page 7.9 of the agenda packet, finding the hardship to be the uniqueness of the property and its physical surroundings.

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**

*Lot 20, Block 1, Longview Park Addition, A Subdivision to the City of Tulsa, Tulsa County, State of Oklahoma*



**BOA-23741**

Location: 2512 South 57th West Avenue

City Council District: 2

Applicant: Kyle Ballinger

**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**

Kyle Ballinger, 13725 S. 321st E. Ave., Coweta, stated that he would like to place a 2024 manufactured house on the proposed lot for an indefinite amount of time.

**Speakers**

(-) Laura Ferguson, 2502 S. 57th W. Ave., was concerned about the possibility of decreasing her property value, and the aesthetic of manufactured house would not match the surrounding homes in the neighborhood.

**Applicant Rebuttal**

The applicant noted that there are several manufactured homes in the neighborhood. He explained that on the lot there was an existing manufactured home in 1996, so there is an existing hook-up for a manufactured house.

**Board Comments**

The board stated that they do not have any concerns about the application and would be inclined to support it on the condition that the manufactured house is on a permanent foundation, properly skirted, and limited to 26 years.

**Board Action**

Motion: Approve, per plans on pages 8.9-8.11 of the agenda packet, subject to the following conditions: that the unit is to be installed on a permanent foundation, that it be properly skirted, and that the time period of approval will extend for 26 years.

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 4, Second West Tulsa View Acres, City of Tulsa, Tulsa County, State of Oklahoma*

**BOA-23743**

Location: 8417 South Maybelle Avenue

City Council District: 2

Applicant: Donna Hart

**Action(s) Requested**

Variance to reduce the required minimum street frontage in the AG zoning district to permit a lot line adjustment (Sec. 25.030, Table 25-2)

**Presentation by Applicant**

Earl Hart, 8417 South Maybelle Avenue, stated that he is in the process of splitting his landlocked property to access city water for both properties. He noted that each lot will provide 15 feet of street frontage on a public street. He stated that there is a precedent in the area, and it would not be injurious to the neighborhood.

**Speakers**

None

**Board Comments**

The board stated that they do not have an issue with granting the variance due to the topographic uniqueness of the property.

**Board Action**

Motion: Approve, per plans on page 9.13 of the agenda packet, finding the hardship to be the unique shape and physical surroundings of the existing property.

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**

*A part of the West Half of the Southwest Quarter of the Northeast Quarter (W/2 SW/4 NE/4) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being described as follows, to-wit: COMMENCING at the Northwest Corner of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Fourteen (14); thence South 0°04'13" West along the West line of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Fourteen (14) a distance of 466.61 feet to the Point of Beginning; thence South 89°53'29" East a distance of 450.00 feet; thence South 0°04'13" West a distance of 25.00 feet; thence South 12°48'27" West a distance of 286.00 feet; thence North 77°56'05" West a distance of 140.00 feet; thence North 0°04'13" East a distance of 6.00 feet; thence North 89°53'29" West a distance of 40.00 feet; thence North 9°34'21" East a distance of 242.30 feet; thence North 89°53'29" West a distance of 250.00 feet to the point on the West line of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Fourteen (14); thence North 0°04'13" East along the West line of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section Fourteen a distance of 30.00 feet to the Point of Beginning, containing 1.43 acres of land, more or less.*

**BOA-23748**

Location: 2117 East 25th Place South

City Council District: 9

Applicant: Kevin Kirby

**Action(s) Requested**

Special Exception to allow an Accessory Dwelling Unit in an RS-2 zoning district (Sec. 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); Variance to allow a detached accessory building to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate in the rear setback (Sec. 90.090-C); Variance to allow detached accessory buildings to cover more than 25% of the rear setback in the RS-2 zoning district (Sec. 90.090-C); Variance to allow a detached accessory building to be located less than 3 feet from the rear lot line (Sec. 90.090-C.2.b)

**Presentation by Applicant**

Kevin Kirby, 1636 S. Evanston Ave., stated that he would like to convert an existing garage into a mother-in-law suite for his client's aging mother. He explained that they would like to expand the footprint by two feet and add a second story for accessibility.

**Speakers**

None

**Board Comments**

The board stated that the garage predates the current comprehensive plan, and this is the minimum relief for the living quarters. They stated they would be inclined to support the variance.

**Board Action**

Motion: Approve, per plans on page 10.15-10.20 of the agenda packet, finding the hardship to be that the platting of this lot predates the existing comprehensive plan, and this is the minimum relief that is required to accommodate modern vehicles and a fully accessible ADU.

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.*

*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 15 & 16 LESS BEG SWC LT 15 TH N135.49 E35.75 S30 E5.5 S TO SL W42.5 POB BLK 6, Wildwood Addition, 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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Mr. Bond reminded the board members of the upcoming work session on August 13, 2024.

**Staff Comments**

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None

**Adjournment**

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There being no further business, the meeting was adjourned at 3:35 p.m.

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

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

