



## City of Tulsa Board of Adjustment

### Minutes of Meeting No. 1344

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

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

The notice and agenda of said meeting were posted in the City Clerk's office on August 6, 2024 at 10:33 a.m.

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

**Members Absent:** Radney

**Staff Present:** Audrey Blank, Rebecca Surber-Cantu, Nathan Foster, Kim Sawyer

#### **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 1:06 p.m.

#### **Approval of Minutes**

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##### **Minutes from Meeting 1343, August 13, 2024**

Motion: Approval of minutes

Motion By: Stauffer

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

#### **Unfinished Business**

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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 (Section 90.090-C); Special Exception to allow an Accessory Dwelling Unit in the RS-2 district (45.031-D); Variance to allow more than 25% coverage by a detached accessory building in the rear setback in an RS-2 district (Section 90.090-C2); Variance to allow for an accessory building to be within 3 feet from the side lot lines (Section 90.090-C.2.b)

**Staff requests a continuance to September 24, 2024.**

**Presentation by Applicant**

Tim Duray, 211 East 25th Street, asked to modify the continuance request to October 8, 2024.

**Speakers**

None

**Board Comments**

None

**Board Action**

Motion: Continue the case to the October 8, 2024 meeting.

Motion By: Barrientos

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

**BOA-23747**

Location: 5028 South 30th West Avenue

City Council District: 2

Applicant: Jon Brent

**Action(s) Requested:** Variance to reduce the required 60-foot lot width in the RS-3 district to permit a lot split (Section 5.030, Table 5-3); Variance to reduce the required lot area and lot area per unit to permit a lot line adjustment in the RS-3 district (Section 5.030, Table 5-3).

**Presentation by Applicant**

Jon Brent, 4717 South Mingo Road, Suite 708, stated that his request for a lot split is to divide the property and build three starter homes.

**Speakers**

None

**Board Comments**

The Board stated they support the application and find that it fits the character of the neighborhood.

**Board Action**

Motion: Approve the Variance to reduce the required lot width in the RS-3 district from 60 feet to 46.7 feet to permit a lot split. The Board further moves to approve a Variance to reduce the required lot area and lot area per unit from 6,900 square feet to 6,304.5 square feet to permit a lot split in the RS-3 district, per the plan shown on page 3.11 of the agenda packet. The board finds the hardship to be the large size of the lot within the existing neighborhood.

Motion By: Wallace

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

*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 Twenty-Nine (29), Thirty (30), and Thirty-One (31), Block Twelve (12), Carbondale, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and known as 5028 South 30th West Avenue, Tulsa, Oklahoma

## New Applications

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### **BOA-23753**

Location: 1117 East Young Place North

City Council District: 1

Applicant: Paul Cisneros

**Action(s) Requested**: Special Exception to permit a duplex in the RS-4 district (Section 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a RS zoning district (Sec. 55.090-F.3)

### **Presentation by Applicant**

Yolanda Lucas, P.O. Box 2661, Tulsa, stated that she wants to build a duplex next to a duplex that she previously built. She stated that the proposed duplex will have the same floor plan as the previous one.

### **Speakers**

None

### **Board Comments**

None

### **Board Action**

Motion: Approve a Special Exception to permit a duplex in the RS-4 district and to increase the permitted driveway width in the RS-4 district from 26 feet to 33 feet in the right-of-way and from 30 feet to 33 feet in the street setback, per the conceptual plans shown on pages 4.11-4.16 of the agenda packet.

Motion By: Stauffer

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

*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**

W 1/2 LT 17 BLK 2, SUNNY SLOPE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**BOA-23755**

Location: 3123 West 40th Street South

City Council District: 2

Applicant: Ben Bengé

**Action(s) Requested:** Special Exception to permit a safety service (fire station) in the RS-3 district (Section 5.020, Table 5-2); Variance to reduce the required 25-foot setback for a non-residential use requiring special exception approval from R-zoned lots (Sec. 5.030-B, Table Note 4)

**Presentation by Applicant**

Thomas Chandler, City of Tulsa Public Works & Operations Manager, explained that the proposal is to place a new metal building behind the fire station as a weight room for the firefighters and to free up space in a small room inside the main building that is currently being used as both a bunk room and a weight room.

**Speakers**

None

**Board Comments**

The board stated that they are inclined to support since the fire station was built well before the zoning was established for the neighborhood.

**Board Action**

Motion: Approve the Special Exception to permit a safety service (fire station) in the RS-3 district, per the conceptual plans shown on pages 6.16-6.18 of the agenda packet. The Board further moves to approve a Variance to reduce the required setback for a non-residential use requiring Special Exception approval from R-zoned lots from 25 feet to 8 feet, per the conceptual plans shown on pages 6.16-6.18 of the agenda packet. The Board finds the hardship to be that the fire station predates the zoning code.

Motion By: Wallace

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

*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 4 & S10 VAC ALLEY ADJ ON N, BLK 37, RED FORK, City of Tulsa, Tulsa County, State of Oklahoma

**BOA-23756**

Location: 701 North Union Avenue

City Council District: 1

Applicant: Stuart E. Van De Wiele

**Action(s) Requested:** Variance of the required interior parking lot landscaping standards (Section 65.050-D)

**Presentation by Applicant**

Stuart E. Van De Wiele, 3114 East 81st Street South, stated that the requested Variance is needed to move the entrance drive of the Tulsa County Club. He stated that the drive will split and shift the parking lot a few feet and will remove some of the trees, but indicated that the landscaping standards would still be met in other areas of the parking lot.

**Speakers**

None

**Board Comments**

Board members expressed support for the Variance, providing that the landscape requirement is met.

**Board Action**

Motion: Approve the Variance of the required interior parking lot landscaping standards to eliminate the requirements that at least 35 square feet of interior parking lot landscape area be provided for each parking space, that at least one large tree be required per 10 parking spaces, and that every parking space be within 100 feet of a tree, per the conceptual plans shown on pages 6.16-6.18 of the agenda packet. The board finds the hardship to be that the existing size of the property as well as the existing landscaping far exceeds requirements that will be eliminated.

Motion By: Stauffer

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

*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**

All that part of the W/2 E/2 of Section 34, Township 20 North, Range 12 East of the Indian Meridian, Osage County, State of Oklahoma, more particularly described as follows, to-wit: The NW/4 SE/4 and the SW/4 NE/4 and all that part of the NW/4 NE/4 more particularly described as follows: Beginning at the Southwest corner of said NW/4 NE/4; thence S88°50'13"E along the South boundary of said NW/4 NE/4 a distance of 1329.44 feet to the Southeast corner thereof; thence N0°29'48"E along the East boundary of said NW/4 NE/4 a distance of 667.44 feet to the Southeast corner of Country Club Heights, Blocks 5 to 11 inclusive, a subdivision in Osage County, Oklahoma, according to the recorded plat thereof; thence N88°29'39"W along the South boundary of said subdivision a distance of 123.53 feet; thence S62°27'18"W along an existing fence a distance of 495.70 feet to an intersection with the East boundary line of Santa Fe Avenue according to the official plat of Country Club Heights, Blocks 12 to 14 inclusive, a subdivision in Osage County, Oklahoma; thence S62°27'18"W along the Southeasterly boundary of said

Country Club Heights Addition, Blocks 12 to 14 inclusive, a distance of 129.76 feet to a point in the South boundary of Block 14 in the last above mentioned addition; thence N88°48'30"W along the Southerly boundary of said Country Club Heights Addition, Blocks 12 to 14 inclusive, a distance of 651.28 feet to the West boundary of said NW/4 NE/4; thence S0°53'50"W along said West boundary a distance of 368.02 feet to the point of beginning;

AND All that part of Lot 4, all that part of the NE/4 SE/4 and all that part of the E/2 NE/4 of Section 34, Township 20 North, Range 12 East, more particularly described as follows, to-wit: Beginning at the Southwest Corner of said Lot 4; thence East along the South boundary of said Lot 4 a distance of 559.00 feet to a point 971.30 feet from the corner common to the Osage, Creek and Cherokee Indian Nations, said point being the Southwest corner of South Osage Hills Addition, a subdivision in Osage County, Oklahoma, according to the recorded plat thereof; thence N0°27'36"E along the West boundary of said South Osage Hills Addition, a distance of 547.64 feet: thence to the right on a curve with a radius of 714.07 feet along the Westerly boundary of the said South Osage Hills Addition a distance of 429.35 feet; thence to the left on a curve with a radius of 254.07 feet along the Westerly boundary of said South Osage Hills Addition a distance of 152.76 feet; thence N0°27'36"E along the Westerly boundary of said South Osage Hills Addition a distance of 398.02 feet to a point in the North boundary line of Haskell Place as shown on the official recorded plat of South Osage Hills Addition, said point being in the North boundary of said NE/4 SE/4; thence N88°55'38"W along the North boundary of said NE/4 SE/4 a distance of 111.00 feet to the Southwest corner of a 5 acre tract of land owned by the Tulsa Country Club; thence N0°14'31"E along the West boundary of said 5 acre tract of land a distance of 700.5 feet to the Northwest corner thereof; thence N89°01'53"E along the North boundary of said 5 acre tract of land a distance of 171.00 feet to a point on the Southerly extension of the West boundary of Osage Hills Addition, a subdivision in Osage County, Oklahoma, according to the recorded plat thereof; thence N0°28'22"E along said Southerly extension of said West boundary of said Osage Hills Addition and along the West boundary of said Osage Hills Addition a distance of 1279.44 feet to the Southeast corner of Country Club Heights, Blocks 1 to 4 inclusive, a subdivision in Osage County, Oklahoma, according to the recorded plat thereof; thence N88°29'39"W along the South Boundary of said Country Club Heights Addition a distance of 784.15 feet to the Southwest corner of said Country Club Heights Addition; said point being in the West boundary of said E/2 NE/4; thence S0°29'48"W along the West boundary of said E/2 NE/4, said NE/4 SE/4 and said Lot 4 a distance of 3497.51 feet to the point of beginning. LESS AND EXCEPT the South 30 feet of Lot 4;

AND Lot 3 of Section 34, Township 20 North, Range 12 East of the Indian Meridian, Osage County, Oklahoma, and Lot 1 in Block 6 of South Osage Hills Addition to Tulsa, Osage County, Oklahoma, according to the recorded plat thereof and the East 1/3 of a tract beginning 394.8 feet West of the SE corner of the NE/4 of Section 34, Township 20 North, Range 12 East; thence West 933 feet to the SW corner of the NE/4; thence North 700.5 feet; thence East 933 feet; thence South 700.5 feet to the point of beginning; LESS AND EXCEPT: a tract of land lying in Lot 3, Section 34, Township 20 North, Range 12 East more particularly described as beginning at a point 30 feet East and 30 feet North of the Southwest corner of said Lot 3; thence North 8 feet to a point; thence in a Southeasterly direction along a straight line a distance of 15.26 feet to a point; thence West a distance of 13 feet to the point of beginning. AND LESS AND EXCEPT: the South 30 feet of Lot 3 AND LESS AND EXCEPT: a tract of land in the SE/4 SE/4 NE/4 of Section 34, more particularly described as Commencing at the Northwest corner of Lot 4, Block 1, South Osage Hills Addition to Tulsa, Osage County, Oklahoma, according to the recorded plat thereof; thence Westerly 60 feet to a point, said point being on the West right of way line of Country Club Drive; thence South 166 feet to the true point of beginning; thence South 450 feet; thence West 127 feet; thence North 450 feet; thence East 127 feet to the true point of beginning;

AND LESS AND EXCEPT: a tract of land located in a part of Lot 1, Block 6, South Osage Hills Addition, an Addition to the City of Tulsa, Osage County, Oklahoma, according to the recorded plat thereof, as filed in the records of the Osage County Clerk's office, and the E/2 of Section 34, Township 20 North, Range 12 East of the Indian Base and Meridian, Osage County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: Commencing from the Northwest corner of South Osage Hills Addition also being the Southeast corner of Lot 1, Block 5, Osage Hills Apartments, both Additions to the City of Tulsa, Osage County, State of Oklahoma, according to the recorded plats thereof, as filed in the records of the Osage County Clerk's Office; thence S00°05'07"W along the West line of South Osage Hills Addition, also being the West right of way of Country Club Drive a distance of 616.00 feet to the point of beginning; thence continuing S00°05'07"W along the West line of South Osage Hills Addition and the East line of Lot 1, Block 6, South Osage Hills Addition, also being the West right of way of Country Club Drive a distance of 335.00 feet; thence N89°54'53"W and perpendicular to the West right of way of Country Club Drive a distance of 127.00 feet; thence N00°05'07"E and parallel with the West right of way of Country Club Drive a distance of 335.00 feet; thence S89°54'53"E and perpendicular to the West right of way of Country Club Drive a distance of 127.00 feet to the point of beginning.

AND LESS AND EXCEPT: a tract of land located in the E/2 of Section 34, Township 20 North, Range 12 East of the Indian Base and Meridian, Osage County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: Beginning at the Northwest corner of South Osage Hills Addition also being the Southeast corner of Lot 1, Block 5, Osage Hills Apartments, both Additions to the City of Tulsa, Osage County, State of Oklahoma, according to the recorded plats thereof, as filed in the records of the Osage County Clerk's office; thence S00°05'07"W along the West line of South Osage Hills Addition also being the West right of way of Country Club Drive a distance of 166.00 feet; thence N89°54'53"W and perpendicular to the West right of way of Country Club Drive a distance of 127.00 feet; thence N00°05'07"E and parallel with the West right of way of Country Club Drive a distance of 167.17 feet to the South line of Lot 1, Block 5, Osage Hills Apartments; thence S89°23'10"E along the South line of Lot 1, Block 5, Osage Hills Apartments, a distance of 127.01 feet to the point of beginning.

Property Address: 701 N Union Ave, Tulsa, Osage County, OK 74127

**BOA-23757**

Location: 1251 South 61st West Avenue

City Council District: 4

Applicant: Brad Johnson

**Action(s) Requested:** Variance to reduce the required 75 feet of street frontage for a cottage house development (Sec. 5.030, Table 5-3, Table Note [2])

**Presentation by Applicant**

Brad Johnson, 1251 South 61st West Avenue, explained that they initially sought approval for their project as triplexes, but the City determined it met the requirements for a cottage house development. He mentioned that while that designation positively affected their project and the approval process overall, he recently learned that it requires a wider street frontage than other building types, which this site cannot meet.

**Speakers**

None

**Board Comments**

Board members stated that the subject property has physical limitations that make this property unique.

**Board Action**

Motion: Approve the Variance to reduce the required street frontage for a cottage house development from 75 feet to 30 feet, per the conceptual plan shown on page 7.18 of the agenda packet. The Board finds the hardship to be the uniqueness of the lots with the river and the levee system adjacent to the subject property.

Motion By: Wallace

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

*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 tract of land in the Southeast Quarter of the Northwest Quarter (SE/4 NW/4) of Section Eight (8), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit: Commencing at the Northwest corner of said SE/4 NW/4, thence South 1°00'53" East along the West line of said SE/4 NW/4 a distance of 427.01 feet to the Point of Beginning; thence North 87°09'50" East a distance of 101.97 feet; thence North 1°06'12" East a distance of 146.31 feet; Thence South 87°17'08" East a distance of 215.12 feet; thence South 1°00'53" East a distance of 211.59 feet; thence North 89°32'38" East a distance of 498.00 feet; thence South 1°00'53" East a distance of 825.67 feet to a point on the South line of said SE/4 NW/4; thence South 89°30'53" West along said South line a distance of 820.00 feet to the Southwest corner of said SE/4 NW/4; thence North 1°00'53" West along the West line of said SE/4 NW/4 a distance of 899.08 feet to the Point of Beginning.



**BOA-23758**

Location: 6131 South Joplin Avenue

City Council District: 9

Applicant: Michelle Sonnenfeld

**Action(s) Requested:** Special Exception to permit an accessory dwelling unit in the RS-3 district (Section 45.031-D)

**Presentation by Applicant**

Michelle Sonnenfeld, 6131 South Joplin Avenue, stated that the accessory dwelling unit (ADU) is intended to meet specific family needs that cannot be fully accommodated within the main house. She stated the ADU would provide a private, independent living space for a family member, which will foster multi-generational living while maintaining the family-oriented nature of the neighborhood.

**Speakers**

- (-) Susan Lindsey, 6557 South Irvington Avenue, is the Homeowners Association (HOA) President and has been asked by the Board to oppose this application as a matter precedent. She stated the neighborhood covenant prohibits accessory dwelling units (ADU).
- (-) Scott Keeter, 5834 East 62nd Street South, stated that the main concern from the neighbors is that it sets a precedent that anyone with a large yard could build additional units in the backyard for the purpose of additional income, which would negatively affect the property values in the neighborhood.
- (-) Stephanie Minguetz, 5727 East 62nd Street South, fully supports the ADU. She stated that she is a realtor and ADUs are very hard to find but in high demand.
- (-) Catherine Hughes, 2448 East 25th Street South, said that she agrees with the previous speaker that ADUs are very hard to find but in high demand for the aging population. She stated that this is not something that would set a precedent but something that would serve a need and will not diminish the value of the homes in the area.

**Board Comments**

Board members commented that there are several ADUs in this neighborhood on the map included on page 8.9 of the agenda packet.

**Board Action**

Motion: Approve a Special Exception to permit an accessory dwelling unit in the RS-3 district, per the conceptual plans shown on pages 8.15-8.21 of the agenda packet.

Motion By: Barrientos

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

*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 14, Block 3, Southmont Estates, City of Tulsa, Tulsa County, State of Oklahoma

**BOA-23759**

Location: 4407 South 33rd West Avenue

City Council District: 2

Applicant: Justin DeBruin

**Action(s) Requested:** Variance to allow drive-through facilities on the street-facing side of the property (Section 55.100-C.2)

**Presentation by Applicant**

Justin Debruin, 123 Martin Luther King Jr. Blvd., stated that the tract is unique because much of the lot is in the floodplain. He stated that the building will be a 2,400 square-foot bank with a drive-through and ATM access on the west side.

**Speakers**

None

**Board Comments**

None

**Board Action**

Motion: Approve the Variance to allow drive-through facilities on the street-facing side of the property, per the conceptual plans shown on pages 9.13-9.15 of the agenda packet and the plan presented at today's meeting. The board finds the hardship to be the uniqueness of the topography, including a floodplain that runs through the property.

Motion By: Stauffer

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

*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, AND RESERVE AREA A, 33RD CENTER, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

Mr. Wallace left the meeting at 2:13 p.m.

**BOA-23760**

Location: 6960 East 21st Street South

City Council District: 5

Applicant: Whit Todd

**Action(s) Requested:** Variance to permit wall signs in the RS-3 district to exceed 32 square feet of display surface area (Section 60.050-B.2)

**Presentation by Applicant**

Whit Todd, 320 South Boston Avenue, Suite 10, stated that the sign would be a large canopy over the front entry near the top of the 3-story building.

**Speakers**

None

**Board Comments**

None

**Board Action**

Motion: Approve the Variance to permit wall signs in the RS-3 district to exceed 32 square feet of display surface area, for a total display surface area of 183.52 square feet, per the conceptual plan shown on pages 10.12-10.14 of the agenda packet. The board finds the hardship to be that the school predates the existing zoning code, and the size of the sign is appropriate for the size of the building.

Motion By: Barrientos

Ayes: Barrientos, Bond, Stauffer

Nays: None

Abstentions: None

Absent: Radney, Wallace

*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**

NE/4 NW/4 Section 14 Township 19 N Range 13 E, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Wallace re-entered the meeting at 2:16 p.m.

**BOA-23761**

Location: South and west of the southwest corner of East 11th Street South and the Creek Turnpike

City Council District: 6

Applicant: American Electric Power

**Action(s) Requested:** Special Exception to permit a major utility in the IL district (Section 15.020, Table 15-2)

**Presentation by Applicant**

Amy Brown, 212 East 6th Street, stated that this new station will ensure that new customers will not negatively affect the quality of service provided to existing customers. She stated that the new substation will serve a large economic development project.

**Speakers**

None

**Board Comments**

None

**Board Action**

Motion: Approve a Special Exception to permit a major utility in the IL district per the conceptual plan(s) shown on pages 11.10-11.11 of the agenda packet.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: Bond

Absent: Radney

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

**Property Description**

A tract of land lying in the Southwest Quarter (SW/4) of Section Eight (8), Township Nineteen (19) North, Range Fifteen (15) East of the Indian Base and Meridian (I.B. & M.), Wagoner County, Oklahoma, being more particularly described as metes and bounds, as follows: COMMENCING at the Southwest Corner of the Southwest Quarter of Section 8, T-19-N, R-15-E, thence along the south line of said southwest quarter, as the basis of bearings, N 88°59'44" E, a distance of 1,355.67 feet to the POINT OF BEGINNING. Thence N 01° 00' 17" W, a distance of 880.00 feet; Thence N 88° 59' 44" E, a distance of 735.00 feet; Thence S 46° 00' 17" E, a distance of 212.00 feet; Thence S 01° 00' 17" E, a distance of 610.00 feet; Thence N 89° 00' 26" E, a distance of 187.81 feet; Thence S 00° 37' 48" E, a distance of 120.06 feet; Thence S 88° 59' 44" W, a distance of 1,071.93 feet to the POINT OF BEGINNING. This tract contains 18.136 acres, more or less.

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**Other Business**

None

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**New Business**

None

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**Board Member Comments**

None

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**Staff Comments**

None

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**Adjournment**

There being no further business, the meeting was adjourned at 2:27 p.m.

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

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