



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1347

Tuesday, October 8, 2024, 1:00 p.m.

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

The notice and agenda of said meeting were posted in the City Clerk's office on October 2, 2024, at 10:26 a.m.

Members Present: Barrientos, Bond, Radney

Members Absent: Stauffer, Wallace

Staff Present: Audrey Blank, Austin Chapman, Erin Roark, Caleb Rocha

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 1:15 p.m.

Approval of Minutes

Minutes from Meeting 1344, August 27, 2024

Motion: Approval of Minutes.

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, Wallace

Minutes from Meeting 1345, September 10, 2024

Motion: Approval of Minutes.

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, Wallace

Minutes from Meeting 1346, September 24, 2024

Motion: Approval of Minutes.

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, Wallace

Unfinished Business

BOA-23766

Location: 6262 South Sheridan Road

City Council District: 9

Applicant: Aristocrat Manor LLC

Action(s) Requested

Special Exception to permit an Assisted Living Facility in the RS-3 district (Section 5.020, Table 5-2).

Presentation by Applicant

John Rupe, 3131 S. Florence Ct., proposed a new senior living facility accommodating 160 seniors. He said that he heard no objections from the neighboring property owners.

Speakers

None

Board Comments

Members of the board stated that they are inclined to support the applicant's request due to ample space and parking.

Board Action

Motion: Approve, per plans on pages 4.7-4.14 of the agenda packet.

Motion By: Radney

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, Wallace

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

East 660 feet of S/2 NE/4 NE/4 Less E 50 feet for Rd. Section 3, T-18-N R-13-E 10.25 Acres

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 an RS-2 zoning district (Section 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).

Applicant requests a continuance to October 22nd, 2024.

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Withdrawn by the applicant.

Motion By: None

Ayes: None

Nays: None

Abstentions: None

Absent: Stauffer, Wallace

New Applications

BOA-23777

Location: 10759 East Admiral Place North

City Council District: 3

Applicant: John Blickensderfer

Action(s) Requested

Variance of the 50-foot street frontage requirement in the CS district to permit a lot split (Section 15.030-A, Table 15-3)

Presentation by Applicant

Jeremy Hardacre, 1502 S. Boulder Ave., stated that he would like to divide the lots into three parcels. He explained that during his review it was noted that the positioning of the sanitary sewer lines and main line would result in tracts one and two becoming "flag lots," reducing street frontage for the two parcels.

Staff Comments

Mr. Chapman clarified that tract three will not have direct street frontage on N. 109th E. Pl. due to tracts one and two being designated as flag lots.

Speakers

None

Board Comments

Members of the board stated that they were inclined to support the applicants request and emphasized that the hardship is not self-imposed but rather unique to its proximity to the storm and drainage system.

Board Action

Motion: Approve, per plans on pages 6.7-6.12 of the agenda packet, finding the hardship to be the uniqueness of the location of the existing lot due to its proximity to the storm and drainage system as well as the necessity to maintain appropriate access to water and sewer for the existing lots.

Motin By: Radney

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, 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

A TRACT OF LAND THAT IS PART OF BLOCK ONE (1), HOLIDAY PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS

FOLLOWS, TO WIT: BEGINNING AT THE MOST SOUTHEAST CORNER OF BLOCK 1, HOLIDAY PARK, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF EAST ADMIRAL PLACE; THENCE S 88° 57' 11" W ALONG THE SOUTH LINE OF SAID BLOCK 1, A DISTANCE OF 125 FEET TO A POINT, SAID POINT BEING 40.00 FEET EAST OF THE MOST SOUTHWEST CORNER OF BLOCK 1, THENCE N 01°07'19" W A DISTANCE OF 525.42 FEET TO A POINT, THENCE N 88°57' 11" E A DISTANCE OF 125 FEET TO A POINT ON THE EAST LINE OF BLOCK 1, HOLIDAY PARK, THENCE S 01°07'20" E A DISTANCE OF 525.41 FEET TO THE POINT OF BEGINNING.

BOA-23778

Location: 1619 North David Patrick Avenue East

City Council District: 3

Applicant: Karl Fritschen, Wallace Design Collective

Action(s) Requested

Variance of the dustless, all-weather surfacing requirement to permit the parking, storage or display of motorized vehicles on a gravel surface (Section 55.090-F)

Presentation by Applicant

Karl Fritschen, 123 N. Martin Luther King, Jr. Blvd., stated that they want to cover the entire site with gravel except a 40-foot-wide paved section designated for trucks coming in and out of the site to load and unload equipment. He indicated that this request would typically be a special exception but since they desire to utilize the entire site, it will infringe upon the 75-foot setback along the northern boundary adjacent to residentially zoned areas. He pointed out that an F1 screen will be installed along the northern boundary to provide additional screening from the nearby residential properties. He explained that without the variance, they will not be able to utilize the entire site for storage.

Staff Comments

Mr. Chapman noted that per the zoning code, the request could be classified as a special exception if gravel were to be utilized outside the building setback.

Speakers

None

Board Comments

Members of the board expressed uncertainty regarding the nature of the hardship, noting that the applicant has indicated it is both self-imposed and financial in nature. Mr. Bond suggested continuing the case to allow the full board to hear the request.

Board Action

Motion: Continue to the October 22nd meeting.

Motion By: Radney

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, Wallace

BOA-23779

Location: 1410 North Cheyenne Avenue

City Council District: 1

Applicant: Symira Clifton

Action(s) Requested

Special Exception to permit a Day Care/Child Care Center in the RS-4 district (Section 5.020, Table 5-2)

Presentation by Applicant

Symira Clifton, 1410 N. Cheyenne Ave., stated that she has been operating a childcare center for the past two years, serving only 12 children, but she wants to add an additional 18 children. She explained that she has only been utilizing the den, but her intention is now to utilize the entire home by remodeling it to accommodate the increased number of children.

Speakers

None

Board Comments

Members of the board expressed their support for a child care center, noting that there were no neighbors in opposition and that it has been operating as a day care for two years.

Board Action

Motion: Approve, per plans on pages 8.7-8.9 of the agenda packet, with the condition that the hours of operation are from 6:00 a.m. to 9:00 p.m.

Motion By: Radney

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, Wallace

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

East 158' of Lot 2 Block 1 Hobbs Addition, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23780

Location: 19 South 49th West Avenue

City Council District: 4

Applicant: Stephen Pyle

Action(s) Requested

Special Exception to permit a large assembly and entertainment use in the CS district (Section 15.020, Table 15-2)

Presentation by Applicant

Stephen Pyle, 19 S. 49th W. Ave., stated that they operate a non-profit organization called The Common Good, which assists underserved youth as well as low-income adults and children. He explained that they are currently using 25,000 square feet of the facility but they desire to utilize the full 50,000 square feet of the building.

Speakers

None

Board Comments

Members of the board stated that they would be inclined to support the community center and noted that since the approval will be tied to the land, it will be contingent upon the supplemental documents provided by the applicant.

Board Action

Motion: Approve, per plans included in the supplemental documents of the agenda packet.

Motion By: Radney

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, Wallace

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

Property Description

BEG 50E NWC NW SW TH E1605.8 SWLY ALG MKT R/W 1354.74 N74.70 W334.97 N409.28 POB SEC 4 19 12, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23781

Location: 424 North Boulder Avenue

City Council District: 1

Applicant: Claude Neon Federal Signs

Action(s) Requested

Variance to permit roof signs in the CBD district (Section 60.080-B.5)

Presentation by Applicant

Pete Webb, 1225 N. Lansing Ave., stated that they want to install a large sign on the new Western Supply apartment building. He indicated that future developments and adjacent buildings restrict the visibility of any other type of signs on the building.

Josh Miller, 7030 S. Yale Ave., reported that they are constructing a building with 320 residential units, and he would like to install a roof sign that reflects the historic character of downtown. He pointed out that a blade sign would only be visible at the pedestrian level and would be entirely blocked from the highway due to future developments.

Speakers

None

Board Comments

Ms. Radney clarified that a hardship cannot be attributed to future developments and since the building is newly constructed, the hardship would be considered self-imposed. Members of the board discussed continuing the case to allow the full board to review the request and asked the applicant to provide plans illustrating the sign's appearance from different angles and elevations on the building.

Board Action

Motion: Continue to the November 12th meeting.

Motion By: Radney

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, Wallace

BOA-23782

Location: 3104 North Erie Avenue

City Council District: 3

Applicant: C. Joseph Watt, P.E., Sisemore & Associates

Action(s) Requested

Variance to reduce the required 75-foot setback from an AG district in the IL district (Section 15.030, Table 15-3)

Presentation by Applicant

Joseph Watt, 6660 S. Sheridan Rd., stated that they want to add a second story to the existing building and extend the structure by 10 feet to the south for an emergency stairwell. He mentioned that the building was built in 2006, and the board at that time unanimously approved the project, noting that the abutting properties are not being used for agricultural purposes.

Speakers

None

Board Comments

Members of the board stated that they were inclined to support the application on the basis that the use will stay the same and expanding the capacity will not encroach further onto the abutting lot.

Board Action

Motion: Approve, per plans on page 11.6 of the agenda packet, finding the hardship to be the hardship previously enumerated in the April 14, 2009 meeting of the Board of Adjustment.

Motion By: Radney

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, 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

Lot One (1), Block One (1), Brooks Industrial Tract, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23783

Location: 1345 North Lansing Avenue

City Council District: 1

Applicant: Justin DeBruin, Wallace Design Collective

Action(s) Requested

Special Exception to increase the permitted fence height of four feet within the street setback (Section 45.080-A)

Presentation by Applicant

Justin DeBruin, 123 N. Martin Luther King, Jr. Blvd., requested to increase the permitted fence height to eight feet. He proposed building a wrought iron fence accompanied by stone veneers and brick columns. He noted that the proposed fence aligns with the surrounding properties and would not be a detriment to the public welfare.

Speakers

None

Board Comments

Members of the board stated that they were inclined to support the fence, stating that it aligns with the existing fence on the eastern and southern sides of the property.

Board Action

Motion: Approve, per plans on pages 12.12-12.14 of the agenda packet.

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney

Nays: None

Abstentions: None

Absent: Stauffer, Wallace

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 One (1), Block Two (2), Lansing Industrial Park III, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof

Other Business

None

New Business

None

Board Member Comments

None

Staff Comments

Mr. Chapman introduced Erin Roark as the newest planner to the Planning Office.

Adjournment

There being no further business, the meeting was adjourned at 3:11 p.m.

Date approved: _____

Chair: _____