



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1349

Tuesday, November 12, 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 November 6, 2024, at 10:15 a.m.

Members Present: Barrientos, Stauffer, Wallace

Members Absent: Bond, Radney

Staff Present: Audrey Blank, Nathan Foster, Erin Roark, Caleb Rocha, Kamie VanDeusen

Speaker Key:

(+) indicates a speaker generally supportive of an item;

(-) indicates a speaker generally opposed to an item; and

(=) indicates a speaker generally neutral or who has questions about an item.

Motions and actions require an affirmative vote of three members. When there is less than a full Board, the Board may consider a request to continue agenda items to a later meeting date.

After declaring a quorum present, Barrientos called the meeting to order at 1:01 p.m.

Unfinished Business

BOA-23776

Location: 606 South Lynn Lane Road

City Council District: 6

Applicant: Kirk Wright

Action(s) Requested

Variance to reduce the minimum 200-foot lot width requirement in the AG district to permit a lot split (Section 25.020-D, Table 25-2); Variance to reduce the minimum 30-foot street frontage requirement in the AG district to permit a lot split (Section 25.020-D, Table 25-2).

Presentation by Applicant

Kirk Wright, 17602 E. 45th Pl., stated that he would like to split tract B into two lots, each having 6.5 acres. He stated that the flag shape configuration of the lot presents a hardship, making it infeasible to follow the zoning code. He stated that he has spoken with his neighbor, who owns adjacent properties, and believes there is no opposition to his proposal.

Speakers

(-) Dennis Henson, 726 S. Lynn Lane Rd., stated that he does not believe that there is a hardship, as the applicant purchased the property in its current layout. He suggested that if the board intends to support the applicant's variance, he anticipates that the board would subsequently approve the division of the lots in multiple ways in the near future.

Applicant Comments

The applicant clarified that his intention is to split the lot only twice to ensure ample space for each property. He further noted that what Mr. Henson has described would entail a full development plan and city infrastructure for those homes. He stated that the proposed division would preserve the character of the area and maintain the integrity of the property.

Board Comments

Mr. Wallace acknowledged the neighbor's concerns but stated that the applicants request aligns with the ongoing developments in the area. Ms. Stauffer indicated her support for the lot division, saying that each lot had adequate acreage, and noting that the lot's shape is not the applicant's fault.

Board Action

Motion: Approve, per plans on page 1.9 of the agenda packet, finding the hardship to be the unique shape of the lot and the similar conditions in the neighborhood.

Motion By: Wallace

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, 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

BEG 299.90N SECR S/2 S/2 NE SE TH W1350.72 N418.51 W871.69 N603.45 E901.69 S990.92 E1320.72 S 30 POB SEC 2 19 14 13.676ACS, 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

Josh Miller, 7030 S. Yale Ave., stated that they would like to add a roof sign to anchor the northwest corner of the arts district. He noted that the hardship is the site's location, the building's dimension's, and the surrounding and future construction that could potentially obstruct the visibility of any other signage on the building.

Speakers

None

Board Comments

Members of the board stated that the scale of the proposed signage is appropriate for the size of the building. Mr. Barrientos pointed out that the additional plans presented from various angles clearly illustrate visibility issues.

Board Action

Motion: Approve, per plans on pages 2.12-2.24 of the agenda packet, finding the hardship to be the location, the topographical conditions, and the size and scale of the project.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, 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

LTS 1 THRU 8 & 20 VAC ALLEY ADJ THEREOF & N30 VAC STREET ADJ ON S BLK 9, Tulsa – Original Town, City of Tulsa, Tulsa County, State of Oklahoma

New Applications

BOA-23790

Location: 1732 North Birmingham Place

City Council District: 1

Applicant: Uriel Almanza Lobatos

Action(s) Requested

Special Exception to permit a manufactured housing unit in the RS-3 district (Section 5.020, Table 5-2.5); Special Exception to extend the 1-year time limit for a manufactured housing unit (Section 40.210-A).

Presentation by Applicant

Uriel Almanza Lobatos, 5616 N. Utica Pl., stated that he purchased the property with an existing mobile home from 1977 and intends to completely remodel the interior and exterior. He noted that he has spoken to several neighbors, who have been pleased with his efforts to maintain the property. He added that there are at least three mobile homes in the area.

Speakers

None

Board Comments

Members of the board stated that they were pleased with the applicant cleaning up the area, but they expressed disapproval of the unpermitted mobile home on the property, pointing out its age and potential issues associated with such an older model.

Board Action

Motion: Deny the application.

Motin By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, Radney

BOA-23791

Location: 4963 North Johnstown Avenue East

City Council District: 1

Applicant: Christopher Tucker

Action(s) Requested

Special Exception to increase the permitted driveway width in the RS-3 district (Section 55.090).

Presentation by Applicant

Christopher Tucker, 4963 N. Johnstown Ave., stated that he would like to utilize the right-of-way for parking his vehicle while he opens the gate to his home. He pointed out that the street is 22 feet wide, which does not allow sufficient space for two vehicles to pass at the same time, raising concerns about his safety while unlocking his gate.

Staff Comments

Mr. Foster noted that if the board is inclined to approve the application, the applicant would be required to apply for a right-of-way permit from the City. He also mentioned that brick pavers may not be permitted within the city right-of-way and cautioned the board that if they grant the relief, the surface may need to be changed to comply with City codes.

Speakers

None

Board Comments

Mr. Wallace said that the plans presented suggest commercial use within a residential area, and approving the application could further expand on the commercial activities in the area. Ms. Stauffer expressed difficulty in understanding the purpose behind the request, noting that the solution proposed by the applicant is not the only solution.

Board Action

Motion: Deny the application.

Motion By: Wallace

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, Radney

BOA-23792

Location: 13100 East 11th Street South

City Council District: 6

Applicant: Masood Kasim c/o Timothy C. Janak

Action(s) Requested

Appeal of the administrative decision issued in zoning violation Z-99087 (Section 70.140)

Speakers

Joseph Feathers, City of Tulsa Code Enforcement, explained the outstanding violations with the property.

Brant Pitchford, City of Tulsa Code Enforcement Manager, explained that after a violation was reported in 2019 by numerous neighbors, the owner sought and was granted a special exception. He stated that the owners did not comply with the board's conditions, prompting neighbors to continue to reach out to code enforcement. He noted that a building permit was only applied for after the owner received a notice of violation but has since expired. He further mentioned that while the property looks clean at present and there is currently no parking on the gravel, previous inspections have revealed ongoing violations by the owner.

Presentation by Applicant

Tim Janak, 9423 S. Winston Ave., reported that he has spoken on several occasions to Mr. Feathers to remedy the zoning violations present on the property. He indicated that the property has been cleaned up and the vehicles are now parked on the concrete pad. He mentioned that when his client purchased the property, the BOA minutes from 2019 did not suggest that the special exception was contingent upon a building permit.

Board Comments

Ms. Stauffer questioned why an appeal was necessary since the owner and code enforcement are working together to remedy the violations. Members of the Board concluded that the applicant did not provide sufficient evidence to reverse the Neighborhood Inspector decision.

Board Action

Motion: Affirm the administrative decision by a neighborhood inspector in Case 99087-2024 that the subject property is in violation of sections 45.010, 45.150-A, 45.150-B, 50.030-F, 55.090-F.1, 55.090-F.2, 65.060-C, and 70.080-A of the City of Tulsa Zoning Code, finding that the neighborhood inspector acted appropriately and that the subject property is in violation of sections 45.010, 45.150-A, 45.150-B, 50.030-F, 55.090-F.1, 55.090-F.2, 65.060-C, and 70.080-A.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, Radney

Property Description

N250 E/2 NW NW NW LES N24.75 FOR ST SEC 9 19 14 1.71ACS, Unplatted, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23793

Location: 2550 South Evanston Avenue East

City Council District: 4

Applicant: Bill Powers

Action(s) Requested

Variance to reduce the required 15-foot side street setback in the RS-2 district (Section 5.030-A, Table 5-3; Section 5.030-B).

Presentation by Applicant

Bill Powers, 8810 S. Yale Ave., stated that he intends to build a house on the lot; however, due to 26th St. being classified as a collector street, they are required to maintain a larger side setback. He pointed out that the lot is smaller than most adjacent properties and noted that several homes on the same street do not comply with the zoning regulations. He explained that the hardship lies in that fact that it is a smaller corner lot with excessive zoning requirements because of the collector street classification.

Speakers

None

Board Comments

Ms. Stauffer explained that she is very familiar with the neighborhood and expressed that the sizes of lots, and the types of houses vary, indicating that the applicant's request is not out of character with the neighborhood. Mr. Wallace acknowledged that corner lots are unique and expressed that the applicant's proposal would enhance the neighborhood.

Board Action

Motion: Approve, per plans on pages 6.13-6.16 of the agenda packet, finding the hardship to be the unique shape of the lot being a corner lot and that the lot was platted before the zoning code as well as it being on the designated residential collector street.

Motion By: Wallace

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, 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 7 LESS W62.2 THEREOF BLOCK 9 Bryn-Mawr, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23794

Location: 3940 South Lewis Avenue East

City Council District: 9

Applicant: Eugene B. Garber

Action(s) Requested

Special Exception to permit an accessory dwelling unit in the RS-1 district (Section 45.031-D).

Presentation by Applicant

Eugene Garber, 3940 S. Lewis Ave., stated that they are planning to construct a swimming pool and due to its distance from the house, he intends to build a cabana to watch his grandchildren. He mentioned that the cabana will include a bathroom and a place to sit down. He also stated that he had sent a letter to all his neighbors, who expressed their approval.

Speakers

None

Board Comments

Members of the board stated that the size of the lot supports the cabana, and that it aligns with the character of both the home and the neighborhood.

Board Action

Motion: Approve, per plans on pages 7.13-7.16 of the agenda packet.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, 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

N300.5 LOT 1 & E130 N300/5 LOT 2 LESS E5 N300.5 LOT 1, Royal Oak Heights, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23795

Location: 4304 South 193rd East Avenue

City Council District: 6

Applicant: Imran Khalid

Action(s) Requested

Variance to reduce the minimum 200-foot lot width requirement in the AG district (Section 25.020-D, Table 25-2).

Presentation by Applicant

Imran Khalid, 103 S. Butternut Ave., Broken Arrow, stated that he purchased the 5-acre lot without knowing that it was not in compliance with the lot width requirements. He explained that the hardship is that the lot width does not meet the AG requirements to build anything.

Staff Comments

Mr. Foster noted that the lot is an existing, non-conforming lot, and that lot splits resulting in lots of five acres or more do not require Planning Office review for compliance with zoning regulations.

Speakers

None

Board Comments

Members of the board stated that they were inclined to support the application, noting that the issue is at no fault of the applicant.

Board Action

Motion: Approve a reduction of the minimum lot width in the AG district from 200 feet to 164.8 feet, per plans on page 8.10 of the agenda packet, finding the hardship to be the existing lot is non-conforming.

Motion By: Wallace

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, 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

N 1/2 OF THE S 1/2 OF THE S 1/2 OF THE NE/4 NE/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 14 EAST, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23796

Location: 747 South Memorial Drive

City Council District: 3

Applicant: Shane Coffman

Action(s) Requested

Variance to permit two wall signs which exceed 32 square feet of display surface area in the RS-1 district (Section 60.050-B.2).

Presentation by Applicant

Shane Coffman, P.O. Box 35693, stated that a church has been established at the location since 1964; however, they have experienced two building fires and are now beginning renovation. He explained that their hardship is the uniqueness of constructing a church in a residentially zoned area, noting that complying with the zoning code would reduce the visibility of the sign from the street. He clarified that the sign will not face the residential neighborhood but will face Memorial Drive. He explained that the sign's wording will not be illuminated but that the logo will feature backlighting.

Speakers

None

Board Comments

Members of the board stated that they were inclined to support the sign, noting that the size and scale of the building aligns with the proposed sign size. Mr. Wallace emphasized that sign does not face any residential properties.

Board Action

Motion: Approve, per plans on pages 9.11-9.24 of the agenda packet, finding the hardship to be the use of the property in the residential area, and the need for people to access the site safely would require larger signage.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, 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

LOTS 2 & 3 BLOCK 6 Clarland Acres addition, City of Tulsa, Tulsa County, State of Oklahoma

Property Description

Location: 2328 North Birmingham Avenue

City Council District: 1

Applicant: Nordhiel Rivera Ortiz

Action(s) Requested

Special Exception to permit a manufactured housing unit in the RS-3 district (Section 5.020, Table 5-2.5);

Special Exception to extend the 1-year time limit for a manufactured housing unit (Section 40.210-A).

Presentation by Applicant

Nordhiel Rivera Ortiz, 7643 E. 51st St., (speaking through a translator) stated that he intends to place a 2024 manufactured home on a concrete foundation. He mentioned that he had spoken with two neighbors, neither had any issues with his plans.

Speakers

None

Board Comments

Members of the board stated that they would like to see pictures and more information regarding the manufactured home. Ms. Stauffer expressed support for the new unit and noted that there was a manufactured home across the street from the applicant's property. Mr. Wallace stated that he is not inclined to support the application due to limited number of manufactured homes in the area and because he does not see the neighborhood going in this direction. Members of the board discussed continuing the application due to the limited number of members present and to allow the applicant to bring further documentation.

Board Action

Motion: Continue to the December 10th meeting.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, Radney

BOA-23798

Location: 4244 South 27th West Avenue

City Council District: 2

Applicant: Raul Cisneros

Action(s) Requested

Special Exception to allow an accessory dwelling unit in the RS-3 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 (Section 45.030-A, 45.031-D.6).

Presentation by Applicant

Carl Retherford, 9900 Post Oak Rd., Sapulpa, stated that he intends to build an accessory structure with two bedrooms on his large lot, instead of pursuing a lot split. He stated that his hardship lies in the difficulty of accommodating a two-bedroom ADU without it feeling overcrowded.

Staff Comments

Mr. Foster stated that the City Council recently adopted an amendment to the zoning code, which received the mayor's approval last week and is set to take effect in the second week of December. He explained that under the amended zoning code, accessory units are afforded an additional 500 square feet of floor area, eliminating the need for the variance requested by the applicant. He proposed postponing the application until January to ensure the zoning amendment is in effect.

Speakers

None

Board Comments

Members of the board suggested that the application be pushed until the meeting in January to ensure the zoning amendment is in effect.

Board Action

Motion: Continue to the January 14, 2025 meeting.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, Radney

BOA-23799

Location: Multiple lots at the intersection of East 5th Place South and South Quaker Avenue East

City Council District: 4

Applicant: Justin DeBruin, Wallace Design Collective

Action(s) Requested

Variance to allow parking serving a residential use to be located on another lot (Section 55.080-D);

Special Exception to reduce the required parking ratio for Apartment/Condo uses in the CH district (Section 55.050-K).

Presentation by Applicant

Justin DeBruin, 123 N. Martin Luther King, Jr. Blvd., stated that they would like to start construction at the intersection of 6th and Peoria, which will include 209 residential units. He mentioned that with the new amendment to the zoning code, effective in December, which requires one parking space per unit, acquiring a vacant parking lot that will provide an additional 45 to 48 spaces within a 1,000-foot radius of the building, they will have met the zoning code requirement, resulting in a total of 210 parking spaces. He expressed that his hardship lies in the city's aspiration for increased residential density in the area. He highlighted their location within the Neighborhood Infill Overlay district and the Pearl District small area plan, suggesting that everything points to residential density in the area. He said they came up with a creative approach through shared parking and the extra spaces available, while offsite, would meet the zoning code requirements. He pointed out that if they were to follow the zoning code, it would restrict the lots to accommodate only 15 to 20 units.

Speakers

(-) Grace Smith, 647 S. Quaker Ave., stated that she appreciates the efforts that the applicant and the developer have made thus far. She stated that the hardship has not been successfully demonstrated and emphasized that the purpose of small blocks and lots is to break up the impact of large buildings and extensive parking areas. She said that a more creative solution would involve distributing the units across each lot.

Rebuttal

The applicant noted that they have met the parking requirements and explained that they are limited to build 209 units due to the property size and the block size.

Board Comments

Mr. Wallace noted that the applicant initially presented a plan with 45 fewer stalls than required but they have since found a way to incorporate those additional stalls by acquiring a vacant lot. He indicated that if the construction were relocated a few blocks to the west, parking would not be required. He emphasized that the city faces several challenges, one of which is the need for more residential units. He suggested that if a developer can innovate and address the city's problems, and if the board collaborates with the community to develop creative solutions, it would be beneficial. He expressed that he understands that building more surface lots is not ideal but denying an application because it does not pencil out could hinder development altogether. He said that the applicant has returned with a with a good solution, while working with the city and its staff to achieve this outcome.

Ms. Stauffer stated that she wants the development to succeed, recognizing the city's needs for density and units, but that surface lots that are detached from a building could bring safety concerns. She explained that her dislike of surface lots does not matter but the applicant's hardship sounds as though it is financially motivated.

Mr. Barrientos stated that he loved the project, but he agreed with Ms. Stauffer regarding the financial motivations behind the hardship. He suggested that the applicant return in December when more board members are present and requested that the applicant clarify a hardship that is not financial in nature.

Board Action

Motion: Continue to the December 10th meeting.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, Radney

BOA-23800

Location: Northeast Corner of East 36th Street North and North Quaker Avenue

City Council District: 1

Applicant: Mark Capron, Wallace Design Collective

Action(s) Requested

Variance to reduce the required build-to-zone percentages in the MX2-V-65 district (Section 10.030-D, Table 10-6); Variance to reduce the required minimum transparency percentages in the MX2-V-65 district (Section 10.030-D, Table 10-6).

Presentation by Applicant

Mark Capron, 123 N. Martin Luther King, Jr. Blvd., stated that a community center was originally planned for the lot; however, they decided to move it to a different location on the site to accommodate a larger building. He explained that now they want to establish a community garden on the lot, but due to the long and slender layout, it is difficult to meet the build-to-zone, especially with the south side being in a flood plain. He also noted that the proposed building fails to meet the required transparency percentage, as it is a single-story barn, and the upper windows do not contribute towards the percentage. He stated that under normal circumstances, a variance for the transparency percentage would not be necessary because the number of windows on the building meet the required amount of transparency.

Kent Keith, 415 E. Independence St., stated that the building is the focal point for the overall project to bring the community together and teaching the residents on gardening. He clarified that the windows have been positioned at a higher level for safety and security, since the building will not be always staffed.

Speakers

None

Board Comments

Members of the board stated that they were inclined to support the application, stating that the floodplain restrictions hinder them from building according to the zoning code and that reducing the transparency percentage is justified for safety and security reasons.

Board Action

Motion: Approve, per plans on pages 13.18-13.19 of the agenda packet and additional materials presented at the meeting at the meeting, finding the hardship to be the existing floodplain on the side as well as the need for safety and security of the building.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, 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 SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE IN DIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TOWIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE N88°08'50"E FOR A DISTANCE OF 1162.22 FEET; THENCE N01°21'19"W FOR A DISTANCE OF 50.00 FEET; THENCE S88°08'50"W FOR A DISTANCE OF 401.18' TO THE POINT OF BEGINNING; THENCE CONTINUING S88°08'50"W FOR A DISTANCE OF 291.13 FEET; THENCE A CURVE TO THE RIGHT WITH A RADIUS OF 25.00' A DISTANCE OF 39.56 FEET; THENCE N01°11'20"W A DISTANCE OF 104.64 FEET; THENCE A CURVE TO THE RIGHT WITH A RADIUS OF 25.00' A DISTANCE OF 39.28 FEET; THENCE N88°49'30"E A DISTANCE OF 289.65 FEET; THENCE S01°50'57"E A DISTANCE OF 151.20 TO THE POINT OF BEGINNING.

BOA-23801

Location: 3208 East 81st Street South

City Council District: 2

Applicant: Branch Communications

Action(s) Requested

Special Exception to reduce the required setback of a communications tower from adjoining R and O properties of 110% of the height of the tower (Section 40.420-E.6.a).

Presentation by Applicant

Cole Talbot, 7335 S. Lewis Ave., stated that they are proposing to build a 150-foot-tall monopole tower on the vacant lot. He mentioned that all necessary approvals have been obtained to begin construction if the board approves them to place the tower on the lot. He explained that the tower will house AT&T and three additional carriers. He reported that they had not heard any negative feedback from the neighbors, and noted that during the planning commission meeting, there were no public or written objections.

Speakers

None

Board Comments

Members of the board stated that they were inclined to support the tower after Ms. Stauffer confirmed that the applicant met the eleven factors necessary for approval.

Board Action

Motion: Approve, per plans on pages 14.11-14.28 of the agenda packet.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, 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. The Board also finds that the following factors have been considered in this decision:

1. Height of the proposed tower: 150 feet
2. Proximity of the tower to residential structures, residential district boundaries and existing towers: 140 feet
3. Nature of uses on adjacent and nearby properties: Commercial uses
4. Surrounding topography: Flat
5. Surrounding tree coverage and foliage: Trees to the south but they will not be impacted by the tower
6. Design of the tower, with reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness: Monopole design, self-collapsing and is the most common design and it to eliminate visual obtrusiveness.
7. The total number and size of antennas proposed and the ability of the proposed tower to accommodate co-location: 8 antennas and designed for the first tower plus three additional towers
8. Architectural design of utility buildings and accessory structures to blend with the surrounding environment: There is none.
9. Proposed ingress and egress: off of 81st as shown on the site plan
10. The need for a tower within the immediate geographic area to provide an acceptable level of communications service to the area: The applicant has demonstrated the need in the area and that by purchasing the land they will be able to provide this for that need for the foreseeable future.
11. The size of the tract and the most likely future development as indicated by the comprehensive plan, planned infrastructure, topography, and other physical consideration, for the following described property: They will be able to host three additional carriers and as previously stated will own the land and be able to use it for this purpose in perpetuity.

Property Description

LOT 5 BLOCK 1 Walnut Creek Office Park, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23802

Location: 11511 East 21st Street South

City Council District: 6

Applicant: Brandon Bissram

Action(s) Requested

Special Exception to increase the permitted fence height of 4 feet within the street setback (Section 45.080-A).

Presentation by Applicant

Brandon Bissram, 16 E. 16th St., stated that he would like to increase the height of the proposed fence surrounding his property from 4 feet to 6 feet. He mentioned that he had spoken to the surrounding neighbors, who did not have any objections. He said that the fence is essential for safety and protection of his clientele and would enhance the overall appearance of the current renovation.

Speakers

None

Board Comments

Members of the board stated that they were inclined to support the fence, with Mr. Wallace expressing a wish for alternative solutions to address the safety issues within the city, to which Ms. Stauffer agreed.

Board Action

Motion: Approve, per plans on pages 15.9-15.10 of the agenda packet.

Motion By: Wallace

Ayes: Barrientos, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond, 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

LOTS 14 & 15 BLOCK 2, 21 Garnett Place Resub PRT L1 & L2-3 Garnet Plaza, City of Tulsa, Tulsa County, State of Oklahoma

Other Business

None

New Business

None

Board Member Comments

None

Staff Comments

None

Adjournment

There being no further business, the meeting was adjourned at 4:53 p.m.

Date approved: _____

Chair: _____