



City of Tulsa Board of Adjustment Special Meeting

Minutes of Meeting No. 1350

Tuesday, November 19, 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, Radney, Stauffer, Wallace

Members Absent: Bond

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, Radney called the meeting to order at 1:02 p.m.

Approval of Minutes

Minutes from Meeting 1347, October 8, 2024

Motion: Approval of Minutes.

Motion By: Barrientos

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond

Unfinished Business

BOA-23765

Location: 123 South Gilcrease Museum Road

City Council District: 4

Applicant: Whitney Finch

Action(s) Requested

Variance to permit parking of recreational vehicles on a surface other than one consisting of a dustless all-weather surface (Section 55.090.F.2).

Presentation by Applicant

Whitney Finch, 123 S. Gilcrease Museum Dr., stated that he would prefer to retain the gravel on the pad sites on the property, emphasizing that this would not affect neighboring areas or traffic on local streets. He noted that all other driving surfaces, including parking and access points, are paved with asphalt. He explained the challenges posed by the site being within a regulatory floodplain, noting that flooding is amplified by runoff from I-244. He asserted that maintaining gravel the gravel would assist in alleviating flood concerns.

Speakers

(+) John Fothergill, 3410 S. 73rd W. Ave., spoke in support of the gravel pad sites.

Applicant Comments

None

Board Comments

Mr. Wallace remarked on the uniqueness of the site and commended the applicant on the design of the site.

Board Action

Motion: Approve, per plans on pages 2.12 and 2.16 of the agenda packet, subject to the condition that the gravel is limited to the RV pad sites, finding the hardship to be the topographical conditions of the property, including the fact that it is in a floodplain.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond

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 PRT W/2 NW SE BEG 25E NWC SE TH E632.15 S472.2 NWLY653.96 N309.55 POB LESS ROAD 30' IN WIDTH THE CENTER LINE DESC AS BEG 25E & 12S NWC W/2 NW SE TH E162 CRV RT77.74 CRV LF78.44 E20 CRV RT194.50 SELY169 & LESS BEG 214.19ELY NWC W/2 NW SE TH CRV RT60.90 CRV LF67.84 ELY20 CRV RT201.46 SELY128.09 N152.45 WLY442.93 POB SEC 03 19 12 4.50ACS

BOA-23764

Location: 5310 South Peoria Avenue

City Council District: 9

Applicant: Brenton Wilson

Action(s) Requested

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

Special Exception to increase the permitted fence height in a building setback (Section 45.080-A).

Presentation by Applicant

Brent Wilson, 1418 E. 53rd Pl., stated that they would like to conduct skate lessons outside of their business and build a 10-foot-tall fence surrounding the ramps. He mentioned that since the previous BOA meeting, they have relocated the ramp that was on the east side of the ally 10 feet further from the neighbors behind them, reducing the width of the ramp by four feet, and installed an eight-foot-tall fence around the ramps. He clarified that their goal is to incorporate foam insulation within the ramps and secure them to the ground to mitigate noise levels. He reported that since the installation of the eight-foot-tall fence, there have been no incidents of skaters using the ramps at night.

Speakers

(-) Marcel Eijkelenboom, 5327 S. Owasso Ave., noted that following the last BOA meeting, Quickie Mart has continued to permit skaters to utilize the ramps. He indicated that skaters have been littering in his yard, peering over his property and on a Saturday when the skaters were meant to be supervised during skate lessons, graffiti was spray-painted on the rear of the building, which is visible from his yard. He expressed his opposition to the proposed outdoor assembly use, asserting that a 10-foot-tall fence would not resolve the nuisance issues.

Applicant Comments

The applicant responded that the graffiti was promptly covered as soon as it was discovered. He mentioned that over the past year, the neighbor has reported them more than 60 times, resulting in only 6 citations. He stated that he is attempting to implement solutions such as securing the ramps, enclosing them with a 10-foot-tall gate, and filling the ramps with foam to reduce noise by 50%. He emphasized that they have operated their business and provided skate lessons for 23 years without issues until the arrival of new neighbors.

Board Comments

Ms. Radney expressed mixed feelings regarding the application, acknowledging the neighbor's right to enjoy their residential property in peace while also recognizing the commercial vendor's right to operate a business that has been in place for 23 years.

Ms. Stauffer remarked that although the owner has made efforts to address the issues, it remains uncertain whether the proposed solutions will effectively alleviate the noise disturbances.

Ms. Radney noted that the improvements to the site plan are significant and understood the business owner's hesitations to implement all changes, given the possibility of the board denying the application.

Mr. Wallace indicated his opposition, stating that the applicant had two months to refine the application, during which ongoing noise issues persisted, leading him to question the applicant's good faith.

Mr. Barrientos concurred with Mr. Wallace, stating that the applicant had the opportunity to pause operations until the hearing but chose to proceed as usual. While he expressed no opposition to skateboarding, he emphasized that the current location is inappropriate for such activities.

Ms. Stauffer conveyed her support for the application, contingent upon certain conditions, believing that the applicant has proposed a reasonable plan to mitigate the noise issues.

Ms. Radney indicated her support for similar reasons to Ms. Stauffer, highlighting that the applicant was not issued a cease-and-desist order while awaiting the next meeting but was asked to bring a revised plan, which they have made. Ms. Radney noted that it appeared unlikely the applicant would receive approval on the first request and asked the members of the board their opinion regarding the approval of a 10-foot-tall fence. All members of the board stated that they were in favor of a 10-foot-tall fence.

Staff Comments

Mr. Foster indicated that the property owner has been informed that skate lessons utilizing temporary ramps, which can be installed and removed when the business is closed, remain an option; however, he emphasized that a permanent installation would need the special exception currently sought by the applicant. He expressed the importance of communicating that there are still possibilities for certain activities to occur, but in a more regulated manner, with the requirement that ramps be removable daily during business hours. Additionally, he pointed out that if the assembly and entertainment use is not approved but the special exception to increase the fence height to 10 feet is, the business owners are not required to build a 10-foot fence; they are merely allowed to go up to 10 feet.

Board Action

Motion: Approve, Special Exception to increase the permitted fence height in a building setback (Section 45.080-A), per plans on pages 3.10-3.14 of the agenda packet.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond

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.

Motion: Approve, Special Exception to permit outdoor assembly and entertainment in the CS district (Section 15.020, Table 15-2), per plans on pages 3.10-3.14 of the agenda packet.

Motion By: Stauffer

Ayes: Radney, Stauffer

Nays: Barrientos, Wallace

Abstentions: None

Absent: Bond

Motion Failed

Property Description

N 70' LT 20 & ALL LT 21, BLK 4, Houstonia Home Sites, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23778

Location: 1619 North David Patrick Avenue East

City Council District: 3

Applicant: Karl Fritschen, Wallace Design Collective

Action(s) Requested

Special Exception to permit parking, storage, or display of motorized vehicles or recreational vehicles on a surface other than one consisting of a dustless, all-weather material (Section 55.090-F.2).

Presentation by Applicant

Karl Fritschen, 123 N. Martin Luther King, Jr. Blvd., stated that they want to cover the site with gravel, except for the northern area that will infringe upon the 75-foot setback adjacent to residential zoned properties. He mentioned that the site would serve as a storage area for construction equipment. Additionally, he noted the plan to create a paved area measuring 40 to 45 feet in width for trucks to load and unload equipment. He also pointed out that an F1 screen will be installed along the northern boundary to provide additional screening for the nearby residential properties.

Speakers

None

Board Comments

Members of the board expressed their satisfaction with the revised plans.

Board Action

Motion: Approve, per plans on page 4.10 of the agenda packet.

Motion By: Barrientos

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond

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 SOUTH HALF (S/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U. S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: THE NORTH 360 FEET OF THE SOUTH HALF (S/2) OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION TWENTY-EIGHT (28), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U. S. GOVERNMENT SURVEY THEREOF.

New Applications

BOA-23784

Location: 4208 East 5th Place South

City Council District: 4

Applicant: Larry L. Vorba

Action(s) Requested

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

Presentation by Applicant

Larry Vorba, 1915 S. Gary Ave., stated that renovations are underway for the residence built in 1950, specifically addressing the covered porch due to the low head clearance. The porch will not change in size or in distance from the street but be shifted slightly eastward to accommodate the interior renovations. He pointed out that several neighboring homes are located closer to the street's center than the proposed porch.

Speakers

None

Board Comments

Ms. Stauffer expressed her approval of the porch's relocation, noting that it would be built slightly to the east of the original porch. Mr. Wallace remarked that hardship stems from the lot being platted prior to the current zoning code.

Board Action

Motion: Approve, per plans on pages 5.11-5.24 of the agenda packet, finding the hardship to be that the existing structure on the property was platted before the current zoning code.

Motin By: Wallace

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond

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 24 & W8 VAC ALLEY ADJ ON E BLK 4 University Place, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23785

Location: 525 East 27th Court North

City Council District: 1

Applicant: Marshett Goudeau

Action(s) Requested

Special Exception to modify a previously approved site plan for a child care center in the RS-3 district (Section 5.020, Table 5-2); Variance to reduce the required 25-foot street setbacks in the RS-3 district (Section 5.030, Table 5-3).

Presentation by Applicant

Meldon Allen, 2037 N. Rosedale Ave., stated that they were approved for a child care center but were unaware of the necessary setbacks. He requested relief for both the south and north side of the building, citing the property's shape as a contributing hardship. He mentioned that all neighboring properties support the child care center.

Speakers

(+) Bill White, 638 E. Seminole Pl., is in support of the child care center.

Board Comments

Ms. Stauffer expressed her appreciation for applicants who engage with their neighbors prior to approaching the board, noting that the shape of the lot constitutes a hardship. Members of the Board agreed with Ms. Stauffer's observations.

Board Action

Motion: Approve, per plans on pages 6.9-6.10 of the agenda packet, finding the hardship to be shape of the lot.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond

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 1 Block 1 Devonshire Place No. 3 Resub. B1, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23786

Location: 7009 South Atlanta Avenue

City Council District: 9

Applicant: Elizabeth Alexander

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

The applicant was absent.

Speakers

- (-) Johnny Dawson, 2509 E. 70th St., was concerned about the height of the fence, suggesting that it would resemble a fortress and would not align with the character with the neighborhood.
- (-) Brian Bailey, 6751 S. Atlanta Ave., was concerned about the height of the fence, pointing out that it would obstruct a fire hydrant.
- (-) Peter Smith, 6758 S. Atlanta Ave., was concerned that the fence would not be in character with the neighborhood. He also highlighted safety issues due to a blind curve near the property, noting that the home has remained vacant for several years.
- (-) Julie Dunbar, 6709 S. Birmingham Ave., was concerned that the type of fencing is not in character with the neighborhood.

Board Comments

Ms. Stauffer remarked that the necessity for the specified type and height of the fence has not been adequately justified for the proposed site. Mr. Barrientos, a neighborhood resident, stated that he has not seen any fence like the one proposed, and expressed his support in denying the application. Mr. Wallace indicated his disapproval of the application, clarifying to the neighbors that the applicant has the right to build a four-foot fence without requiring a special exception.

Board Action

Motion: Deny the application.

Motion By: Wallace

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond

BOA-23787

Location: 2819 South New Haven Avenue

City Council District: 4

Applicant: James Griffin

Action(s) Requested

Special Exception to permit a dynamic display sign in a residential district containing a public, civic, or institutional use (Section 60.050-B.2.c); Special Exception to permit a dynamic display sign within 200 feet of residentially zoned lots (Section 60.100-F).

Presentation by Applicant

James Griffin, 11760 Skyline Dr., Collinsville, stated that the enrollment center intends to install a sign in the proposed location to assist with wayfinding, as many individuals mistakenly enter the wrong building due to the absence of a sign. He reported that there have been no concerns raised by neighbors or businesses.

Speakers

None

Board Comments

Members of the board acknowledged that the site is odd and agreed that a sign would be a good solution for wayfinding.

Board Action

Motion: Approve per plans on pages 8.10-8.19 of the agenda packet.

Motion By: Barrientos

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond

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

E/2 SE SW SEC 16 19 13 20 ACS Unplatted, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Radney excused the meeting at 3:02 p.m.

Because the applicant was not present, agenda items were taken out of sequence. BOA-23789 was heard next.

BOA-23788

Location: 9014 South Yale Avenue

City Council District: 8

Applicant: Ray Toraby

Action(s) Requested

Variance to allow more than one dynamic display sign on a single lot in the CS district (Section 60.080-E);

Variance to permit a dynamic display sign within 50 feet of a signalized intersection (Section 60.100-D).

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the December 10th meeting.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond

The case involving the approval of proposed 2025 BOA meeting dates was heard next.

BOA-23789

Location: 205 East Pine Street North

City Council District: 1

Applicant: Mike Thedford

Action(s) Requested

Special Exception to permit a small assembly and entertainment use serving or selling alcoholic beverages within 150 feet of a residential district in the CS district (Section 15.020, Table 15-2; Section 15.020-G, Table Note [2]).

Presentation by Applicant

Mike Thedford, 123 N. Martin Luther King Jr. Blvd., stated that they would like to establish an assembly and entertainment use in the proposed location, allowing them to serve alcoholic beverages within 150 feet of residential properties. He noted that extensive outreach efforts had been conducted prior to the project's initiation, with widespread support from the community.

Sheyda Brown, 205 E. Pine St., highlighted that the project was developed with community input, and will feature a food hall that will operate from the morning until 9:00 p.m. Additionally, the indoor and outdoor event spaces will be available from 3 to 10 p.m. during weekdays, with hours extending to 11:00 p.m. on weekends. She mentioned that they have informed the community about the project by conducting extensive outreach.

Speakers

(+) Bill White, 638 E. Seminole Pl., is in support of the project.

Board Comments

Mr. Wallace stated that the proposed location has had potential for many years, and he is grateful to see a great program go into the site. Ms. Stauffer complimented the team responsible for the project and stated that it will serve the community in a great way. Mr. Barrientos stated that the site is a perfect location for the proposed project.

Board Action

Motion: Approve, per plans on pages 10.14-10.24 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

A TRACT OF LAND THAT IS PART OF BLOCKS TWO (2), THREE (3), AND FOUR (4), OF STROBEL ADDITION, IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALSO PART OF THE VACATED PINE PLACE LYING BETWEEN SAID BLOCKS 2 AND 3, AND VACATED DETROIT AVENUE LYING BETWEEN SAID BLOCKS 2, 3 AND 4, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 7 AND BLOCK 2 OF SAID STROBEL ADDITION, SAID POINT BEING 15 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID LOT 7; THENCE DUE EAST ALONG THE NORTHERLY LINE OF BLOCK 2 FOR 420.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF BLOCK 2; THENCE S 00°01'44" E ALONG THE EASTERLY LINE OF SAID BLOCK 2 FOR 200.00 FEET; THENCE DUE EAST ALONG A WESTERLY EXTENSION OF AND ALONG THE NORTHERLY LINE OF SAID BLOCK 4 FOR 190.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF BLOCK 4; THENCE S 00°01'44" E ALONG THE EASTERLY LINE OF BLOCK 4 FOR 380.00 FEET; THENCE DUE WEST 20 FEET NORTHERLY OF AS MEASURED PERPENDICULARLY TO AND PARALLEL WITH THE SOUTHERLY LINE OF SAID BLOCKS 3 AND 4 FOR 610.00 FEET; THENCE N 00°01'44" W 15 FEET EASTERLY OF AS MEASURED PERPENDICULARLY TO

AND PARALLEL WITH THE WESTERLY LINE OF SAID BLOCKS 2 AND 3 FOR 580.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. LESS AND EXCEPT LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), AND THE NORTH THIRTY (30) FEET OF LOT EIGHT (8), BLOCK FOUR (4), STROBEL ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

Ms. Radney returned to the meeting at 3:09 p.m.

Case BOA-23788 was heard next.

DRAFT

Other Business

Proposed 2025 Board of Adjustment Meeting Dates

Motion: Approval of 2025 BOA meeting dates.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Bond

New Business

None

Board Member Comments

None

Staff Comments

None

Adjournment

There being no further business, the meeting was adjourned at 3:12 p.m.

Date approved: _____

Chair: _____

