



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1351

Tuesday, December 10, 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 December 4, at 12:21 p.m.

Members Present: Barrientos, Radney, Stauffer, Wallace

Members Absent: None

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 1:06 p.m.

Approval of Minutes

Minutes from Meeting 1349, November 12, 2024

Motion: Approval of Minutes.

Motion By: Barrientos

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Unfinished Business

BOA-23797

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, 2328 N. Birmingham Ave., (speaking through a translator) stated that he intends to place a 2024 manufactured home on a permanent concrete foundation, complete with appropriate skirting at the base. He mentioned that he had spoken with two neighbors, both of whom expressed no objections to his proposal.

Staff Comments

Mr. Foster remarked that effective December 10th, 2024, the zoning code will no longer enforce a default one-year time limit for a manufactured housing unit. He clarified that the board could still impose time conditions.

Speakers

None

Board Comments

Ms. Radney expressed her support for the manufactured home, noting the challenges in identifying infill opportunities within the neighborhood. Ms. Stauffer also indicated her inclination to support the proposal, given the type and year of the unit.

Board Action

Motion: Approve, per plans on pages 2.11-2.15 of the agenda packet, subject to the condition that the approval takes effect today and continues for the next 30 years.

Motion By: Barrientos

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

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

Property Description

LOT 71 BLOCK 6 Tulsa Heights, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23799

Location: Southwest corner of East 5th Place South & South Quaker Avenue

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).

Staff Comments

Mr. Foster noted that effective December 10th, 2024, the zoning code includes a reduction in the parking ratio to one parking space per unit. He explained that the applicant has demonstrated in their plans that they intend to comply with the requirements, and the request for a special exception is no longer necessary.

Presentation by Applicant

Lou Reynolds, 2727 E. 21st St., highlighted the unique nature of the lot, noting its CH zoning, which is typically found on properties that face an arterial street; however, he pointed out that this lot is unusual, as it has CH frontage on two additional streets, which is uncommon for less-intense lots. He mentioned that if the commercial uses of 5,000 square feet or less were established, there would be no parking requirements. Furthermore, he indicated that with CH zoning, off-site parking is permitted by right, but it does not apply when a residential use is involved. He argued that the points raised sufficiently demonstrate a hardship that justifies off-site parking.

Speakers

None

Board Comments

Ms. Radney remarked that the plan presented today was a much-improved plan compared to the initial proposal and expressed her inclination to support it, contingent upon the project providing 210 dedicated parking spaces. Ms. Stauffer added that the presentation clarified the property's hardship. Mr. Wallace noted that during the applicants' initial presentation, they were advised by the board to provide sufficient parking provisions, which they have addressed by acquiring adjacent properties.

Board Action

Motion: Approve, per plans on pages 3.21 and 3.37 of the agenda packet, subject to the condition that the parking ratio remains one-to-one using the two off-site lots, including a total of 210 dedicated parking spaces. The board finds the hardship to be the uniqueness of the CH zoned property with street frontage on three sides and the uniqueness of its location directly adjacent to downtown, making it neither urban nor suburban in nature.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: that the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; that the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will

afford relief; That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.

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 GOVERNMENT LOT TEN (10) OF THE SOUTHWEST QUARTER (GL 10, SW/4) OF SECTION SIX (6), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND ALSO BEING A PART OF LOTS ONE (1), TWO (2), THREE (3), AND FOUR (4) OF BLOCK FOUR (4), SUNSET ADDITION, AND LOTS ONE (1), TWO (2), THREE (3), FOUR (4) AND SEVEN (7) OF BLOCK EIGHT (8), FACTORY ADDITION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT FOUR (4), BLOCK EIGHT (8) FACTORY ADDITION (P.O.B) THENCE S88°56'53"W AND ALONG THE SOUTH LINE OF SAID LOT FOUR (4), BLOCK EIGHT (8), FACTORY ADDITION FOR A DISTANCE OF 146.00 FEET; THENCE S01°12'56"E FOR A DISTANCE OF 36.09 FEET; THENCE S88°56'53"W FOR A DISTANCE OF 130.00 FEET; THENCE N01°12'56"W FOR A DISTANCE OF 475.13 FEET TO THE NORTHWEST CORNER OF SAID LOT FOUR (4) BLOCK FOUR (4) SUNSET ADDITION; THENCE N89°13'22"E AND ALONG THE NORTH LINE OF SAID LOT FOUR (4), BLOCK FOUR (4) AND LOT ONE (1), BLOCK FOUR (4), SUNSET ADDITION, FOR A DISTANCE OF 276.00 FEET TO THE NORTHEAST CORNER OF SAID LOT ONE (1), BLOCK FOUR (4), SUNSET ADDITION; THENCE S01°12'56"E AND ALONG THE EAST LINES OF LOT ONE (1), AND TWO (2), BLOCK FOUR (4), SUNSET ADDITION, AND LOT ONE (1), BLOCK ONE (1) FACTORY ADDITION, AND THE EAST LINE OF CLOSED BIRCH STREET, AND THE EAST LINE OF LOTS ONE (1), TWO (2), THREE (3) AND FOUR (4) OF BLOCK EIGHT (8), FACTORY ADDITION, FOR A DISTANCE OF 437.71 FEET TO THE POINT OF BEGINNING (P.O.B.); SAID TRACT CONTAINING 2.89 ACRES MORE OR LESS.

AND

A TRACT OF LAND LYING IN GOVERNMENT LOT TEN (10) OF THE SOUTHWEST QUARTER (GL 10, SW/4) OF SECTION SIX (6), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND ALSO BEING A PART OF LOT SIX (6), BLOCK TWO (2), SUNSET ADDITION, AND A PART OF LOTS ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), AND SIXTEEN (16), BLOCK TWO (2) OF FACTORY ADDITION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING (P.O.B.) AT THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13) BLOCK TWO (2) OF FACTORY ADDITION; THENCE S89°13'22"W AND ALONG THE SOUTH LINE OF LOTS THIRTEEN (13) FOURTEEN (14), FIFTEEN (15), AND SIXTEEN (16) BLOCK TWO (2), FACTORY ADDITION FOR A DISTANCE OF 180.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT SIXTEEN (16), BLOCK TWO (2); THENCE N01°12'56"W AND ALONG THE WEST LINE OF LOT SIXTEEN (16), FACTORY ADDITION, AND LOT SIX (6), BLOCK TWO (2), SUNSET ADDITION, FOR A DISTANCE OF 178.30 FEET TO A POINT ON THE NORTHWEST CORNER OF SAID LOT SIX (6), BLOCK TWO (2); THENCE N89°13'22"E FOR A DISTANCE OF 180.00 FEET; THENCE S01°12'56"E AND ALONG THE EAST LINES OF LOTS ELEVEN (11), TWELVE (12) AND THIRTEEN (13), BLOCK TWO (2), FACTORY ADDITION FOR A DISTANCE OF 178.30 FEET TO THE SOUTHEAST CORNER OF LOT THIRTEEN (13), BLOCK TWO (2), FACTORY ADDITION AND THE POINT OF BEGINNING (P.O.B.); SAID TRACT CONTAINING 0.74 ACRES MORE OR LESS.

AND

A TRACT OF LAND LYING IN GOVERNMENT LOT TEN (10) OF THE SOUTHWEST QUARTER (GL 10, SW/4) OF SECTION SIX (6), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND ALSO BEING LOTS ONE, TWO AND THREE (1, 2, 3), BLOCK THREE (3), SUNSET ADDITION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT ONE (1); THENCE S01°10'20"E ALONG THE EAST LINE OF LOTS ONE, TWO, AND THREE (1, 2, 3) FOR A DISTANCE OF 150.00 FEET TO THE SOUTHEAST CORNER OF LOT THREE (3), SUNSET ADDITION; THENCE S89°17'17"W ALONG THE SOUTH LINE OF SAID LOT THREE (3) FOR A DISTANCE OF 130.00 FEET TO THE SOUTHWEST CORNER OF LOT THREE (3), SUNSET ADDITION; THENCE N01°10'20"W ALONG THE WEST LINE OF LOTS THREE, TWO, AND ONE (3, 2, 1) FOR A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF LOT ONE (1), SUNSET ADDITION; THENCE N89°17'17"E ALONG THE NORTH LINE OF SAID LOT ONE (1) FOR A DISTANCE OF 130.00 FEET TO THE NORTHEAST CORNER OF LOT ONE (1), SUNSET ADDITION AND THE POINT OF BEGINNING (P.O.B.); SAID TRACT CONTAINING 0.45 ACRES, MORE OR LESS

Because an applicant required a translator, agenda items were taken out of sequence. Case BOA-23808 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

Ray Toraby, 9014 S. Yale Ave., stated their desire to install a dynamic sign on the monument pole, which would display a fixed message that can only be changed when the sign is turned off. He emphasized that this setup would not distract, as the message remains unchanged while illuminated. He argued that manually changing the sign would be more distracting than the dynamic feature. Additionally, he requested the installation of another dynamic sign on the building, noting that the current sign's height makes it difficult for drivers to identify the correct building. He stated that this sign would also feature a fixed message, changing only when the sign is off. He explained that while technology permits a digital sign, his intention is to maintain a static display that can be changed while the sign is off, like manual changes.

Speakers

None

Board Comments

Ms. Radney stated that the existing monument pole with signs does not pose a hazard and indicated no objection to multiple dynamic signs due to the various tenants within the building. Ms. Stauffer said that she initially felt that there was an excess of signage but indicated she could support a dynamic sign on the monument pole if it remains static during business hours; however, she questioned the additional dynamic sign on the building. Mr. Wallace voiced his opposition to the application, citing the busy nature of the corner and the excess of signs on the property. Mr. Barrientos expressed support for the monument sign but opposed the addition of a third dynamic sign on the building. All board members, with the exception of Mr. Wallace, agreed that the dynamic display sign on the monument pole could be approved; however, they stated that having a third dynamic display sign on the building was excessive.

Board Action

Motion: Approve, per plans on page 4.15 of the agenda packet, subject to the following conditions: that the dynamic signs be limited to two signs, and that the monument sign be static during business hours, with no movement or animation. The board finds the hardship to be the configuration of the lot with a drive-through on it and the need to display more than one tenant on the tenant sign for wayfinding.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer

Nays: Wallace

Abstentions: None

Absent: None

In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: that the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; that the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will

afford relief; That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.

Property Description

LTS 7 & 8 BLK 14, VALLEY VIEW ACRES, City of Tulsa, Tulsa County, State of Oklahoma

DRAFT

New Applications

BOA-23767

Location: Southeast corner of East 36th Street North and North 141st East Avenue

City Council District: 3

Applicant: Peter Schultze, Waste Management of Oklahoma

Action(s) Requested

Special Exception to permit a major utility in the IH district to allow a sanitary landfill and renewable natural gas facility (Section 15.020, Table 15-2).

Presentation by Applicant

Peter Schultze, 13720 E. 46th St. N., stated that the proposed facility would serve as an extension of northern property, explaining that the facility would capture the methane gas from the landfill and convert it into natural gas, which could then be reintegrated into the natural gas pipeline. He further noted that the surrounding area is heavily industrial, and this use would not be injurious to the neighborhood.

Speakers

None

Staff Comments

Mr. Foster noted that during a prior meeting, the board requested additional information from the City's Public Works Department regarding waste management. Although Waste Management is not currently the City of Tulsa's service provider, there is potential for them to become one in the future. He added that the Public Works Department did not oppose the expansion of them at this site.

Board Comments

Members of the board noted that they appreciated the vetting that came from the City.

Board Action

Motion: Approve, per plans on pages 5.5-5.8 of the agenda packet.

Motion By: Wallace

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

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

Property Description

A part of the East Half (E/2) of Section Twenty-One (21), Township 20 North, Range 14 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 Southeast Corner of said section 21; thence North 0°02'00" West along the easterly line of said section 21 for a distance of 1885.94 feet to the Point of Beginning of said tract of land; thence South 89°54'57" West for a distance of 1164.62 feet to the easterly line of a tract of land described in Deed of Dedication in favor of the public recorded in Book 4150 at Page 1740; thence along the easterly line of said Deed of Dedication for the following four courses: thence North 16°15'07" West for a distance of 1663.62 feet; thence North 36°50'02" West for a distance of 1288.61 feet to a point of curve; thence Northwesterly and Northerly on a curve to the right having a radius of 600.00 feet, A Central Angle of 36°53'59", and a Chord Bearing – Distance of North 18°23'03" West - 379.77 feet, for an arc length of 386.41 feet to a point of tangency; thence North 0°03'57" East for a distance of 422.41 feet to a point on the northerly line of said Section 21; thence North 89°54'57" East along said northerly line of section 21 for a distance of 2520.02 feet to the Northeast Corner of said Section 21; thence South 0°02'00" East along the easterly line of said section 21 for a distance of 3413.32 feet to the point of beginning of said tract of land. Said described tract of land contains 6,272,648 Square feet or 144.00 acres, more or less.

BOA-23803

Location: 4401 East 31st Street South

City Council District: 4

Applicant: Moe Shoeleh/Sign World of Tulsa

Action(s) Requested

Variance to permit a dynamic display sign within 200 feet of residentially zoned lots (Section 60.100-F).

Presentation by Applicant

Moe Shoeleh, 4121 W. Rogers Blvd., Skiatook, stated that they would like to install a dynamic display sign for new Freeway Café restaurant. He highlighted the challenge of finding an alternative location for the sign, emphasizing that this would be the only visible spot from the road. He pointed out that if the sign were to move forward, it would obstruct customers' access to the parking lot.

Speakers

None

Board Comments

Ms. Radney acknowledged the unique nature of the site, which is constrained by a residential street, and suggested that a position could be found on the lot which would not require a variance, but it would not optimize the sign's visibility. Mr. Wallace stated that the zoning code serves a specific purpose and therefore he is opposed to the installation of the dynamic sign. Ms. Stauffer noted that the proposed sign orientation would not face the nearby residential properties that fall within the distance. Mr. Barrientos indicated that he could not identify any alternative locations for the sign and considered the proposed location to be the least intrusive to the residential area. While he recognized Mr. Wallace's concerns, he acknowledged the uniqueness of the lot.

Board Action

Motion: Approve, per plans on page 6.12 of the agenda packet, finding the hardship to be the lot itself and the size of the lot in its proximity to residential and commercial properties.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer

Nays: Wallace

Abstentions: None

Absent: None

In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: that the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; that the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.

Property Description

LT 2 BLK 1 GEORGIAN TERRACE SUB B1 EXPOSITION GARDENS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23804

Location: 5808 South Peoria Avenue

City Council District: 9

Applicant: David Irizarry

Action(s) Requested

Variance of the 1,000-foot spacing requirement between medical marijuana dispensaries (Section 40.225-D).

Presentation by Applicant

David Irizarry, 13013 E. 43rd Pl., stated that he intends to establish a medical marijuana dispensary in the proposed location but is faced with the presence of a non-operational dispensary that infringes on the 1,000-foot radius requirement. He noted that this dispensary has not been in operation for two years, yet they continue renewing their license. He mentioned that he spoke to the owners of the non-operational dispensary to explore the possibility of leasing the property, but they intend to sell it. He further explained that they have completed the necessary steps to obtain building permits and inspections; however, their progress was placed on hold when they sought their certificate of occupancy due to the existence of the other dispensary. He indicated that they require 30 to 50 feet of relief. Additionally, he pointed out that there is another dispensary adjacent to the vacant one.

Staff Comments

Mr. Foster confirmed that the applicant's assertions are correct, noting the presence of two dispensaries next to each other, and stated that the vacant dispensary had received a certificate of occupancy following a variance approval by the BOA. He remarked on the unfortunate situation, noting that permits and inspections were made not recognizing an active certificate of occupancy.

Speakers

- (-) MARRISSA RAMSEY, 3605 E. 49th Pl., the program development director at South Tulsa Community House, which is located next to the proposed dispensary, expressed her concerns regarding the safety of the children walking to Marshall Elementary School due to the anticipated vehicular and foot traffic associated with the dispensary. She argued that the addition of a dispensary would not be beneficial to the community.
- (-) JOAN CALVERT, 5780 S. Peoria Ave., the executive director of South Tulsa Community House, which is located next to the proposed dispensary, expressed that there are already multiple dispensaries in the area. She mentioned their plan is to establish a walking school bus to facilitate safe transportation for students to and from school, and argued that a dispensary along this route contradicts their effort. Her primary concern revolves around the safety of the children. She presented news articles linking crime with the presence of dispensaries, highlighting that the area already experiences significant criminal activity, and that the addition of a dispensary would add to it.

Rebuttal

The applicant acknowledged the concerns of the speakers, stating that their choice of location was motivated by a desire to support the community. He noted that they have witnessed a lot of illicit activities in the area, and he assured the board and the speakers that they intend to hire armed security personnel during business hours. He expressed a commitment to enhancing the community, mentioning their willingness to repaint the entire plaza to improve its appearance.

Board Comments

Mr. Wallace noted that he understands the perspectives and concerns of the applicant and the neighborhood. Ms. Stauffer sympathized with the neighbors' concerns, acknowledging that while the proposed use is not her preferred option, it is not the primary focus of the discussion. She indicated that the issues raised by the neighbors are not particularly relevant to the matters the board needs to address. She said that if the proposed dispensary were located adjacent to another one, she would oppose the proposed dispensary; however, given its distance, she supports the variance. Mr. Barrientos conveyed his appreciation for the neighbors input but

emphasized that the applicant appears to have the best intentions in collaborating with the community, regardless of the business type. Ms. Radney noted that while she is in support of the application, the hardship for the variance is challenging. She recommended that the applicant have a survey done to show the exact distance of their dispensary from the existing one, noting that if relief is granted, they would like to know exactly how much relief they will be granting. The applicant agreed to get a survey done.

Board Action

Motion: Continue to the January 14th meeting.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

DRAFT

BOA-23805

Location: 9453 East 31st Street South

City Council District: 5

Applicant: Freddy A. Valverde

Action(s) Requested

Variance of the 300-foot spacing requirement between a bar and another bar (Section 40.050-A.3).

Presentation by Applicant

Maria Palacios, 12004 E. 35th St., (speaking through a translator) stated that a bar previously operated at this location for seven years, and they wish to reopen it under new management. She stated that there is another bar within 300 feet of this location but that it is located on the opposite side of a creek, and noted that neither establishment would affect the other due to their distinct target audiences.

Staff Comments

Mr. Foster explained that a previous variance had been granted for a bar to operate in this space, contingent upon the existing lessee, who has since vacated.

Speakers

None

Board Comments

Ms. Radney said that it is a reasonable expectation for business owners to seek and obtain relief to continue previously authorized uses. Ms. Stauffer pointed out the uniqueness of the creek separating the two bars, which complicates access. Mr. Wallace emphasized that the board should not grant approvals contingent upon tenants, suggesting that if an approval is granted, a ten-year limit should be imposed to allow for future evaluations, considering neighborhood changes or new management directions.

Board Action

Motion: Approve, per plans on page 8.10 of the agenda packet, subject to a time limitation of 10 years of approval, finding the hardship to be the unique topographical conditions of the property with a creek separating the adjacent bar.

Motion By: Wallace

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: that the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; that the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.

Property Description

LTS 1 BLK 1 3100 CENTER ADDN RESUB LONGVIEW LAKE EST CTR 2ND ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23806

Location: 1211 East Admiral Boulevard

City Council District: 1

Applicant: Josh Kunkel

Action(s) Requested

Special Exception to permit a small indoor assembly and entertainment use in the IM district (Section 15.020 Table 15-2); Special Exception to reduce the minimum parking ratio for a small indoor assembly and entertainment use (Section 55.050-K).

Presentation by Applicant

Josh Kunkel, 2303 E. Admiral Blvd., stated that they want to establish an art studio and gallery at the site, while also hosting small private events. He proposed reducing the required parking from seven spaces to four on-street parking spaces.

Speakers

None

Board Comments

Members of the board acknowledged the uniqueness of the area.

Board Action

Motion: Approve, per plans on page 9.9 of the agenda packet.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

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

Property Description

LTS 23 24 BLK 4 BERRY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23807

Location: 4847 South Peoria Avenue

City Council District: 9

Applicant: Jimmy Hunkapiller

Action(s) Requested

Variance to permit drive-through and wall signs within 50 feet of residentially zoned property (Section 60.030-B and Section 60.040-B).

Presentation by Applicant

Tom Rud, 2641 Irving Blvd., Dallas, Tx., expressed the need for a variance to install menu boards for their business. He emphasized that given the property's geometry, the proposed plan represents the most efficient and useful use of the property. He explained that they would comply with all parking requirements while also managing the drive-through stacking to minimize congestion, ensuring that the drive-through does not overflow onto the street. He pointed out that the neighboring residential property is enclosed by a fence, and they intend to incorporate shrubbery to help mitigate any potential noise or lighting disturbance. He also mentioned the presence of an existing bank that had an operational drive-through system which had speakers.

Speakers

None

Board Comments

Mr. Wallace pointed out that there are only four residential properties in the cul-de-sac, with commercial establishments on all other sides. Members of the board stated that they recognized that the hardship stems from the lot's shape and physical surroundings.

Board Action

Motion: Approve, per plans on pages 10.10-10.17 of the agenda packet, finding the hardship to be the unique shape and size of the lot, as well as the physical surroundings.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: that the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; that the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.

Property Description

LTS 1 & 2 BLK 17 BELLAIRE ACRES SECOND EXT AND LT 2 BLK 1 SOUTHERN CENTER, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23808

Location: 4665 & 4669 North Boston Place East

City Council District: 1

Applicant: Maria Sanchez

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

Marcus Gaffney, 4655 N. Boston Pl., stated that he would like to build a six-foot-tall fence within the side street setback, intended for protection and to accommodate their dogs.

Speakers

None

Board Comments

Members of the board noted their appreciation for the fence’s chain-link design.

Board Action

Motion: Approve, per plans on page 11.9 of the agenda packet.

Motion By: Barrientos

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

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

Property Description

LTS 7 & 8 BLK 14, VALLEY VIEW ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Case BOA-23788 was heard next.

BOA-23809

Location: 2480 East 27th Place South

City Council District: 4

Applicant: Jack Arnold

Action(s) Requested

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

Special Exception to increase the permitted driveway width in the RS-1 district (Section 55.090-F).

Presentation by Applicant

Jack Arnold, 7310 S. Yale Ave., proposed the construction of a six-foot-tall wrought iron fence within the street setback and the construction of a motor courtyard. He pointed out that all neighboring properties have large fences, and adding one around the residence would align with the neighborhood's character. He also mentioned that the motor courtyard would help keep vehicles off the street, addressing the safety concerns.

Speakers

None

Board Comments

Ms. Stauffer noted that the home's position on a curve necessitates measures to keep the cars off the street for safety. Ms. Radney stated that she recognized it as a good adaptive plan for the property.

Board Action

Motion: Approve, per plans on page 12.11-12.15 of the agenda packet.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

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

Property Description

PRT LT 4 BEG 168W SECR LT 4 TH NE39 TH NELY TO NEC TH WLY ON NBL 180.3 TO NWC SWLY208.6 SELY191.7 POB BLK 3 WOODY-CREST SUB, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23810

Location: 601 East 4th Street South

City Council District: 4

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 would like to install a roof sign for the property. He pointed out that the orientation of the lot and building limits the visibility from the street, prompting the request for additional height. He noted that the building is situated a couple blocks outside the area where roof signs are permitted by right. He clarified that although a roof sign used to be on the building, they chose not to reinstall it due to it being a historic building, wishing to preserve its façade

Speakers

None

Board Comments

Members of the board acknowledged the hardship arises from the lot's configuration and the preservation of the historic building's integrity.

Board Action

Motion: Approve, per plans on pages 13.11-13.13 of the agenda packet, finding the hardship to be the shape and topography of the lot, as well as preserving the integrity of the historic building.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: that the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; that the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.

Property Description

RT LTS 4 & 5 & PRT VAC S GREENWOOD AVE & PRT VAC ALLEY LYNG BETWEEN LTS 4 & 5 DESC AS BEG SWC LT 4 TH SW70 NW176.48 NE67.61 SE25 NE29.60 SE150 SW50 POB BLK 113, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23811

Location: 4101 South Victor Court East

City Council District: 9

Applicant: Malibu Homes, LLC

Action(s) Requested

Variance to reduce the required 15-foot side setback in the RE district (Section 5.030-A, Table 5-3)

Presentation by Applicant

Emily Ebady, 4101 S. Victor Ct., stated her intention to build a home gym that would be positioned six feet from the side setback like the adjacent neighbor. She noted the importance of the proposed location due to its proximity to the pool and mentioned an existing structure that currently houses all pool equipment.

Speakers

None

Board Comments

Ms. Radney stated that the proposed location is a reasonable accommodation given the lot's unusual shape and context.

Board Action

Motion: Approve, per plans on page 14.11 of the agenda packet, finding the hardship to be the shape and location of the lot.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: that the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; that the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.

Property Description

LOT 2 BLK 2, OAKWOLD SUB, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23812

Location: 1901 South Yale Avenue

City Council District: 5

Applicant: Nathan Cross

Action(s) Requested

Special Exception to permit a large (greater than 250-person capacity) assembly and entertainment use in the CH district (Section 15.020, Table 15-2).

Presentation by Applicant

Nathan Cross, 2 W. 2nd St., indicated that the proposed site is a former Sears undergoing renovations to accommodate a 41,000 square foot health club at the southern end of the building. He stated that this development aligns with the existing industry of the shopping center, which has been established for several decades.

Speakers

None

Board Comments

Members of the board stated that they were inclined to support the application as presented.

Board Action

Motion: Approve, per plans on page 15.11 of the agenda packet.

Motion By: Barrientos

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

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

Property Description

BEG 50E & 65N SWC SW TH N312.25 E203 N394 W203 N204.48 E941.86 S925.73 W740 N5 W175 NW26.8 POB LESS BEG 252.45N & 50E SWC SW SW TH E203 S200.19 W3.01 N5 W175 NW26.80 N187 POB SEC 10 19 13 17.211ACS, UNPLATTED, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Barrientos left the meeting at 5:29 p.m.

BOA-23813

Location: 1419 West 51st Street South

City Council District: 2

Applicant: Jeff Gordon, Gordon Outdoor Advertising

Action(s) Requested

Variance to increase the allowed display area for an off-premise outdoor advertising sign in the CS District (Section 60.080-C.3.b.1); Variance to increase the permitted height for an off-premise outdoor advertising sign (Section 60.080-F.3).

Presentation by Applicant

Jeff Gordon, 2025 S. Main St., Broken Arrow, stated his intention to increase the height of a billboard to enhance visibility considering the anticipated highway construction.

Speakers

None

Board Comments

Members of the board requested that the applicant obtain plans from ODOT regarding the future highway to determine the extent of the relief being sought.

Board Action

Motion: Continue to the January 14th meeting.

Motion By: Stauffer

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

BOA-23814

Location: 3405 South Florence Avenue East

City Council District: 9

Applicant: Tom's Outdoor Living

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

Chandler Pearson, 1716 E. 7th St., stated that they would like to install a six-foot-tall fence at the front of the property. He noted that his clients seek a taller fence to enhance the safety of their children while playing in the front yard and to keep their dog on the property. He explained that the fence will not obstruct visibility for cars traveling along the street. Furthermore, he argued that a wrought iron fence at the front of the house aligns with the character of the neighborhood.

Speakers

None

Board Comments

Members of the board stated that the fence is in line with the character of the neighborhood while also pointing out the estate-sized lot.

Board Action

Motion: Approve, per plans on pages 17.9-17.11 of the agenda packet.

Motion By: Wallace

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos

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

S.1/2 LT 5 & ALL LT 6 BK 10 RANCH ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Other Business

None

New Business

None

Board Member Comments

None

Staff Comments

Ms. Radney announced that they had received notification of Mr. Bond’s resignation from the board and extended her best wishes on his endeavors. She said that his presence would be missed and acknowledged his wisdom and commitment to the group.

Adjournment

There being no further business, the meeting was adjourned at 5:57 p.m.

Date approved: _____

Chair: _____

