



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1354

Tuesday, February 11, 2025, 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 February 5, at 3:21 p.m.

Members Present: Barrientos, Radney, Stauffer, Wallace

Members Absent: None

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

Speaker Key:

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

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

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

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

After declaring a quorum present, Radney called the meeting to order at 1:06 p.m.

Approval of Minutes

Minutes from Meeting 1353, January 28, 2025

Motion: Approval of Minutes.

Motion By: Barrientos

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Unfinished Business

BOA-23819

Location: 4728 South Yale Avenue East

City Council District: 9

Applicant: Claude Neon Federal Signs

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 allow dynamic display signs to exceed the maximum sign area of 48 square feet in the CS district (Section 60.080-E).

Presentation by Applicant

Pete Webb, 1225 N. Lansing Ave., stated that all Kum & Go locations have been rebranded as Maverick, and they are seeking approval for two dynamic display signs on the property: one for motorists traveling east on Skelly Dr. and one for drivers traveling south on Yale Ave. He noted that the presence of two signs would increase the total square footage of the dynamic displays to 113 square feet. He mentioned that the dynamic displays would show the prices of gas, and additionally, a change in price every eight seconds to reflect credit card discounts. He expressed that the change in price would be subtle and not distracting to drivers.

Speakers

None

Board Comments

Ms. Radney stated that the dynamic aspect of the signs represents an improvement in technology, and the addition of two signs would enhance wayfinding, due to the lot's unusual shape. Mr. Barrientos noted that he has observed one of their signs and found the price updates to be non-intrusive. Ms. Stauffer stated that having two signs is logical given the size and configuration of the lot, as well as its proximity to the highway.

Board Action

Motion: Approve, per additional exhibits of the agenda packet. The Boards finds the hardship to be the size and configuration of the lot, as well as its proximity to the highway.

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

PRT LTS 5 THRU 7 BEG NEC LT 6 TH SE192.38 S5.74 W290.51 N222.43 NE67.36 SE78.58 E180 POB BLK 1, 51 YALE
REPLAT PRT INTERSTATE CENTRAL ADD & INTERSTATE CENTRAL EXT, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23824

Location: 6364 East 41st Street South

City Council District: 5

Applicant: Claude Neon Federal Signs

Action(s) Requested

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

Variance to allow dynamic display signs to exceed the maximum sign area of 48 square feet in the IL district (Section 60.080-E).

Presentation by Applicant

Pete Webb, 1225 N. Lansing Ave., stated that all Kum & Go locations have been rebranded as Maverick, and they are seeking approval for two dynamic display signs on the property. He noted that the presence of two signs would increase the total square footage of the dynamic displays to 113 square feet. He pointed out that due to the utility easements, the signs are required to be set back on the property, which presents a hardship. He stated that the need for two signs is to ensure visibility for traffic traveling in both directions.

Speakers

None

Board Comments

Ms. Stauffer noted that the visibility of the signs is limited because the gas station is elevated and surrounded by retaining walls. Other board members concurred with Ms. Stauffer's assessment.

Board Action

Motion: Approve, per additional exhibits of the agenda packet. The Boards finds the hardship to be the size and configuration of the lot, and the way it topographically sits in relation to the road.

Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: Barrientos

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

PRT LT 1 BEG 197.81E NWC LT 1 TH E137.19 S8 E235 SE56.88 S193.41 W166.31 N3.30 W255.87 N226.01 POB LESS BEG 197.83E NWC LT 1 TH E137.22 S8.05 W137.22 N8.05 POB BLK 1, BANK OF OK TECH CENTER ONE RSB PT TULSA VIEW ADM & PT MIDWESTERN, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23825

Location: 2109 South Sheridan Road East

City Council District: 5

Applicant: Claude Neon Federal Signs

Action(s) Requested

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

Variance to allow dynamic display signs to exceed the maximum sign area of 48 square feet in the CH district (Section 60.080-E).

Presentation by Applicant

Pete Webb, 1225 N. Lansing Ave., stated that all Kum & Go locations have been rebranded as Maverick and they are seeking approval for two dynamic display signs on the property. He noted that the presence of two signs would increase the total square footage of the dynamic displays to 133 square feet. He stated that the need for two signs is to ensure visibility for traffic traveling in both directions.

Speakers

None

Board Comments

Ms. Radney pointed out the high pedestrian activity at the intersection, suggesting that an additional sign would enhance wayfinding. Ms. Stauffer stated that an additional sign would improve safety due to the lot's configuration.

Board Action

Motion: Approve, per additional exhibits of the agenda packet. The Boards finds the hardship to be the size and configuration of the lot, and the need for wayfinding for the safety of the public.

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

E185 W235 S280 N330 NW NW LESS BEG 50S & 50E NWC NW TH S35 NE35.39 E48.50 N10 W73.50 POB SEC 14 19 13 1.165ACS, UNPLATTED, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23826

Location: 2502 North Harvard Avenue East

City Council District: 1

Applicant: Claude Neon Federal Signs

Action(s) Requested

Variance to allow dynamic display signs to exceed the maximum sign area of 48 square feet in the IM district (Section 60.080-E).

Presentation by Applicant

Pete Webb, 1225 N. Lansing Ave., stated that all Kum & Go locations have been rebranded as Maverick, and they are seeking approval for one dynamic display sign on the property. He noted that the presence of one sign would increase the total square footage of the dynamic display to 53 square feet. He explained that the hardship stems from the limited options of digit sizes; reducing the size further would render the gas prices illegible, thus hindering wayfinding.

Speakers

None

Board Comments

Ms. Stauffer stated that opting for a larger dynamic display sign would ensure visibility for drivers approaching from either direction. Ms. Radney noted that a smaller sign would be detrimental, as it would compromise readability for motorists.

Board Action

Motion: Approve, per additional exhibits of the agenda packet. The Boards finds the hardship to be the location of the sign on the lot, which serves both eastbound and westbound as well as northbound and southbound traffic.

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

PRT NE NE BEG 50W & 60S NE TH S217 W273.39 N17.50 W71.83 N155.83 E38.59 N43.67 E305.97 POB SEC 29 20 13 1.651ACS, UNPLATTED, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23837

Location: 1140 South Quincy Avenue

City Council District: 4

Applicant: Tim Walterbach

Action(s) Requested

Special Exception to increase the permitted fence height of four feet within the street setback in the RM-2 district (Section 45.080-A).

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the February 25th meeting.

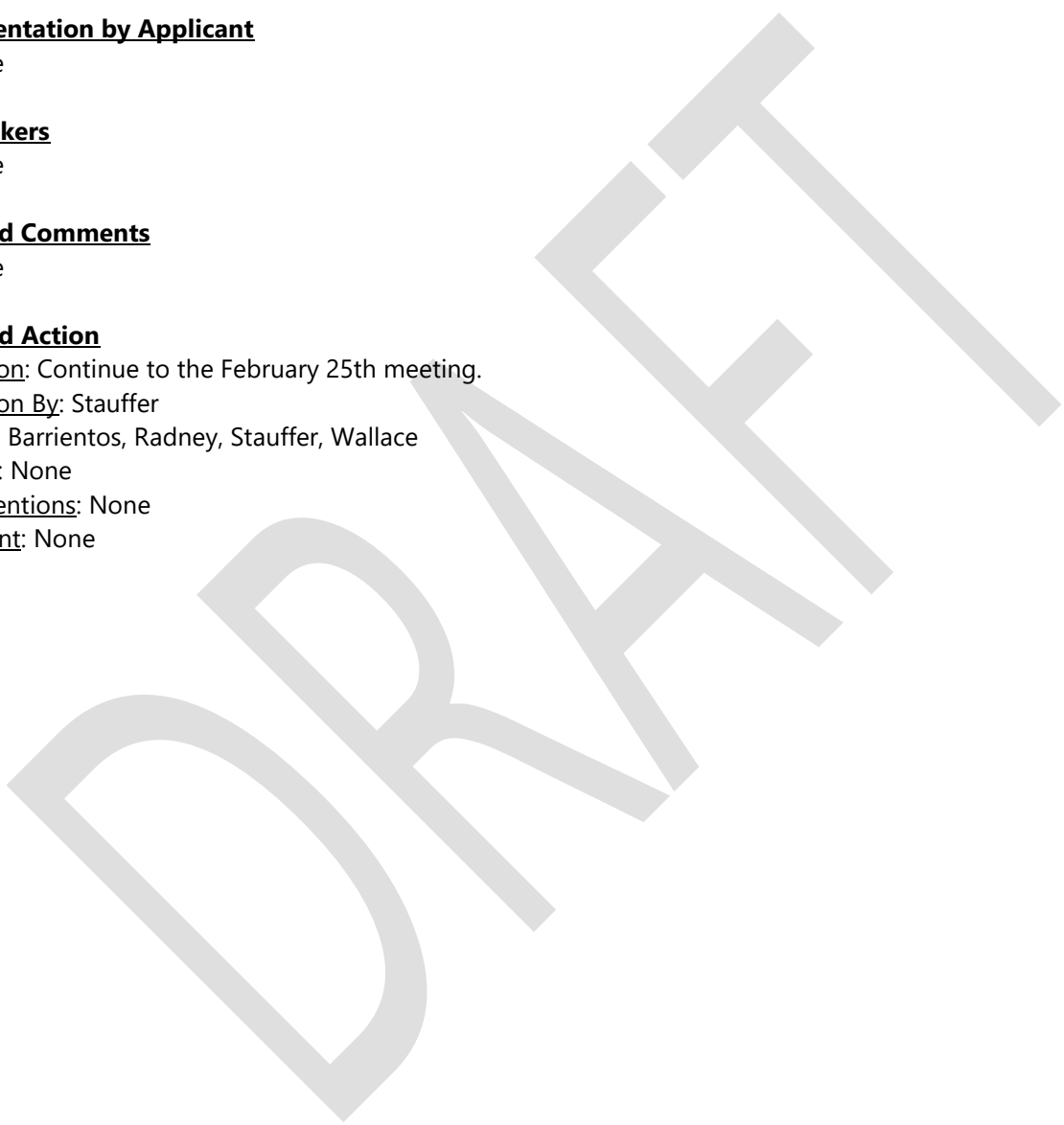
Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None



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 (Section 45.031-D).

Presentation by Applicant

None

Speakers

(-) Jack Combs, 4306 S. 25th W. Ave., was concerned about parking and stated that the building is in a flood zone.

Board Comments

Members of the board thanked Mr. Combs for voicing his concerns and discussed continuing the matter until the next meeting, to allow the applicant to present their case.

Board Action

Motion: Continue to the February 25th meeting.

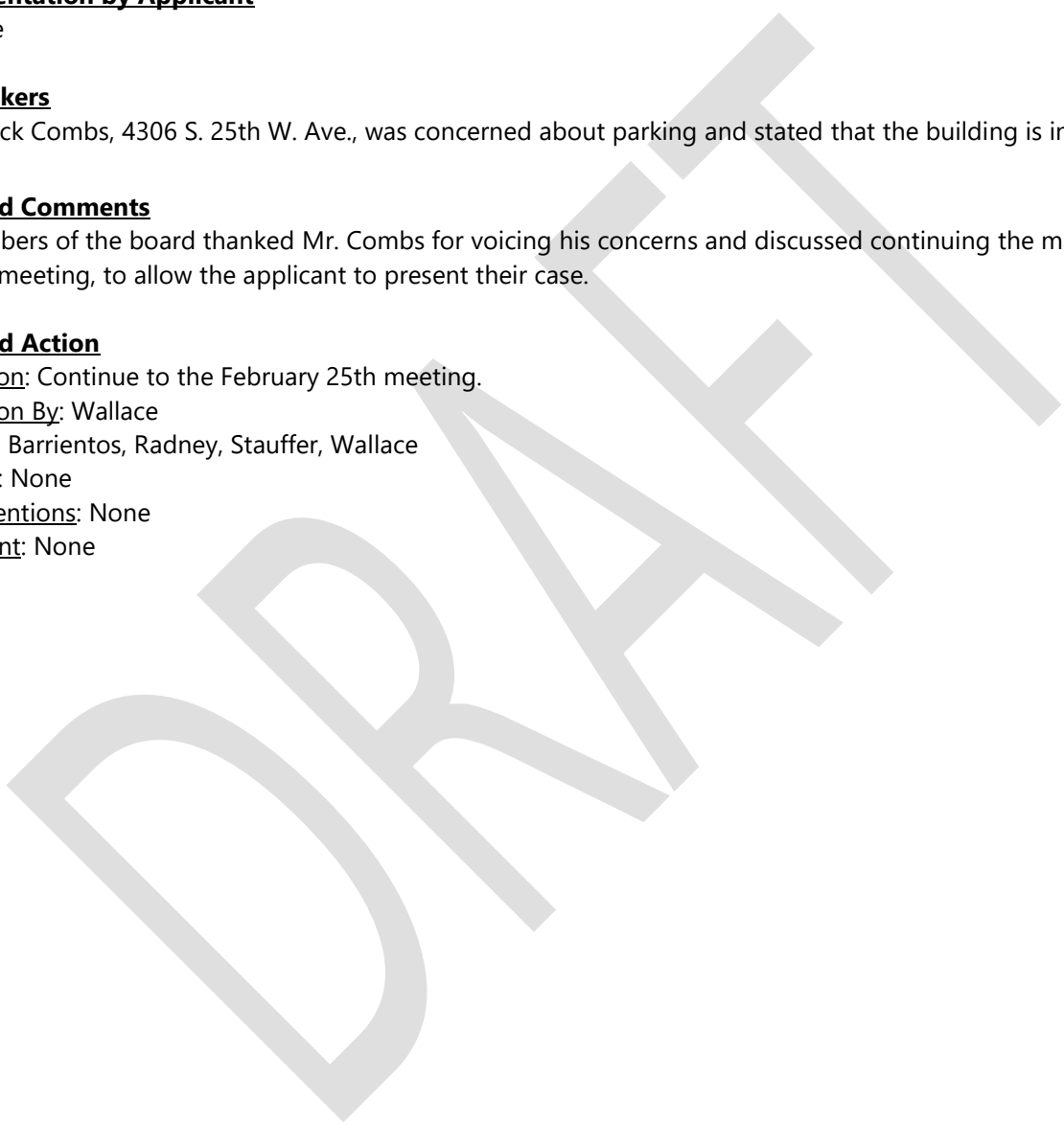
Motion By: Wallace

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None



New Applications

BOA-23817

Location: 5 South 109th East Place

City Council District: 3

Applicant: Abdulah Mir

Action(s) Requested

Special Exception to allow for personal vehicle sales and rentals in the CS District (Section 15.020 Table 15-2).

Presentation by Applicant

Abdulah Mir, 5 S. 109th E. Pl., stated that he would like to establish a car lot on the property. He indicated that he would showcase four to five vehicles in the front parking lot, with plans to expand the concrete area should business increase. He further mentioned that he aims to accommodate six to seven vehicles within the warehouse. He reported that he spoke to his neighbors, who raised no objections.

Speakers

(=) City Councilor Jackie Dutton, 731 S. 89th E. Ave., questioned the feasibility of fitting seven vehicles inside the warehouse. She inquired about the ownership of the property and whether the applicant operates any other automotive businesses. She pointed out that while there is space in front of the property for four vehicles, the lot is not currently striped.

Rebuttal

The applicant stated that he intends to stripe the front area, and emphasized his commitment to only having as many vehicles on the property as can be accommodated. He stated that he is leasing the property and clarified that he does not have another car business.

Board Comments

Mr. Wallace stated that the sole issue at hand is whether the applicant can establish a car lot on the property. He noted that, based on the letter of support and the information provided, he believes the location would be suitable for a car lot.

Board Action

Motion: Approve, per plans on pages 8.10-8.11 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

LT 2 BLK 2, WAGON WHEEL TRADE CENTER, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23821

Location: 7810 East 49th Street South & 4922 South Memorial Drive East

City Council District: 5

Applicant: Stuart Van De Wiele

Action(s) Requested

Special Exception to permit the following use categories: Commercial vehicle repair/maintenance, Commercial vehicle sales and rentals, Personal vehicle sales and rentals, and Vehicle body and paint finishing shop in the CS district (Section 15.020, Table 15-2); Variance to remove the screening requirement for Vehicle Sales and Service Uses from R- or AG-R zoned lots, and the requirement that vehicle display areas meet the parking area design standards of Section 55.090 (Section 40.400-A,-B); Variance to allow outdoor merchandise display within 300 feet of an abutting R- or AG-R district (Section 15.040-A).

Presentation by Applicant

Stuart Van De Wiele, 3114 E. 81st St., reported that in August, they acquired the northeast quadrant of the Fontana shopping center with the plans to redevelop it into a Chevrolet dealership. He stated that following development construction, they realized the need for additional parking for employees and possibly overflow inventory. He mentioned reaching an agreement with the church to demolish a building and construct a parking lot to the west of the facility. He requested the same variances and special exceptions that were granted for the entire dealership, ensuring that all zoning entitlements remain consistent upon the sale of the dealership.

Speakers

None

Board Comments

Members of the board acknowledged that the applicant's proposal is an extension of what has already been approved and aligns with the existing plans.

Board Action

Motion: Approve, per additional site plan in the agenda packet demonstrating Lot A. The Boards finds the hardship to be the unique location and size of the lot.

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.

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

PRT LT 1 BEG 615W NEC LT 1 TH S348.15 W370.86 N382.77 CRV LF239.22 E135 POB BLK 1 AND PRT LT 1 BEG 15S NEC LT 1 TH S185 W8 S274.93 W547.72 NW45.81 N442.37 E572.96 SE21.21 BLK 1, FONTANA RESUB PRT FIRST RES & DEV CTR & L2 B1 CAMBRIDGE CTR, City of Tulsa, Tulsa County, State of Oklahoma

DRAFT

BOA-23827

Location: 1802 South Jackson Avenue

City Council District: 2

Applicant: Nathan S. Cross

Action(s) Requested

Special Exception to allow a transitional living center use in the RM-1 district (Section 5.020, Table 5-2);

Special Exception to reduce the 2,640-foot spacing requirement between transitional living centers (Section 40.130-B).

Withdrawn by the applicant on January 30, 2025.

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: None

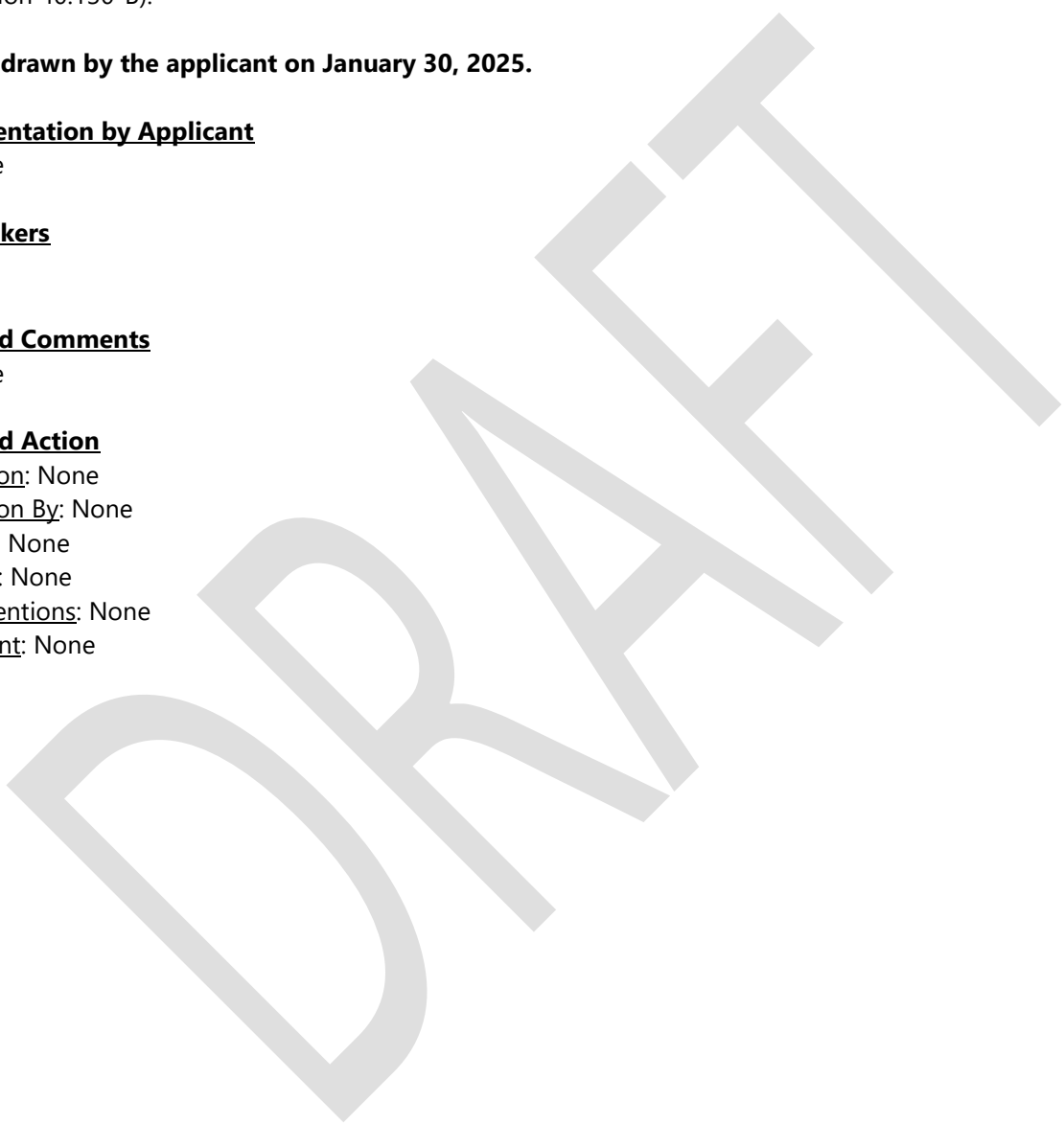
Motion By: None

Ayes: None

Nays: None

Abstentions: None

Absent: None



BOA-23830

Location: 2837 East 3rd Street South

City Council District: 4

Applicant: Kyle Gibson

Action(s) Requested

Special Exception to permit an Accessory Dwelling Unit in the RS-3 district (Section 45.031-D).

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the February 25th meeting.

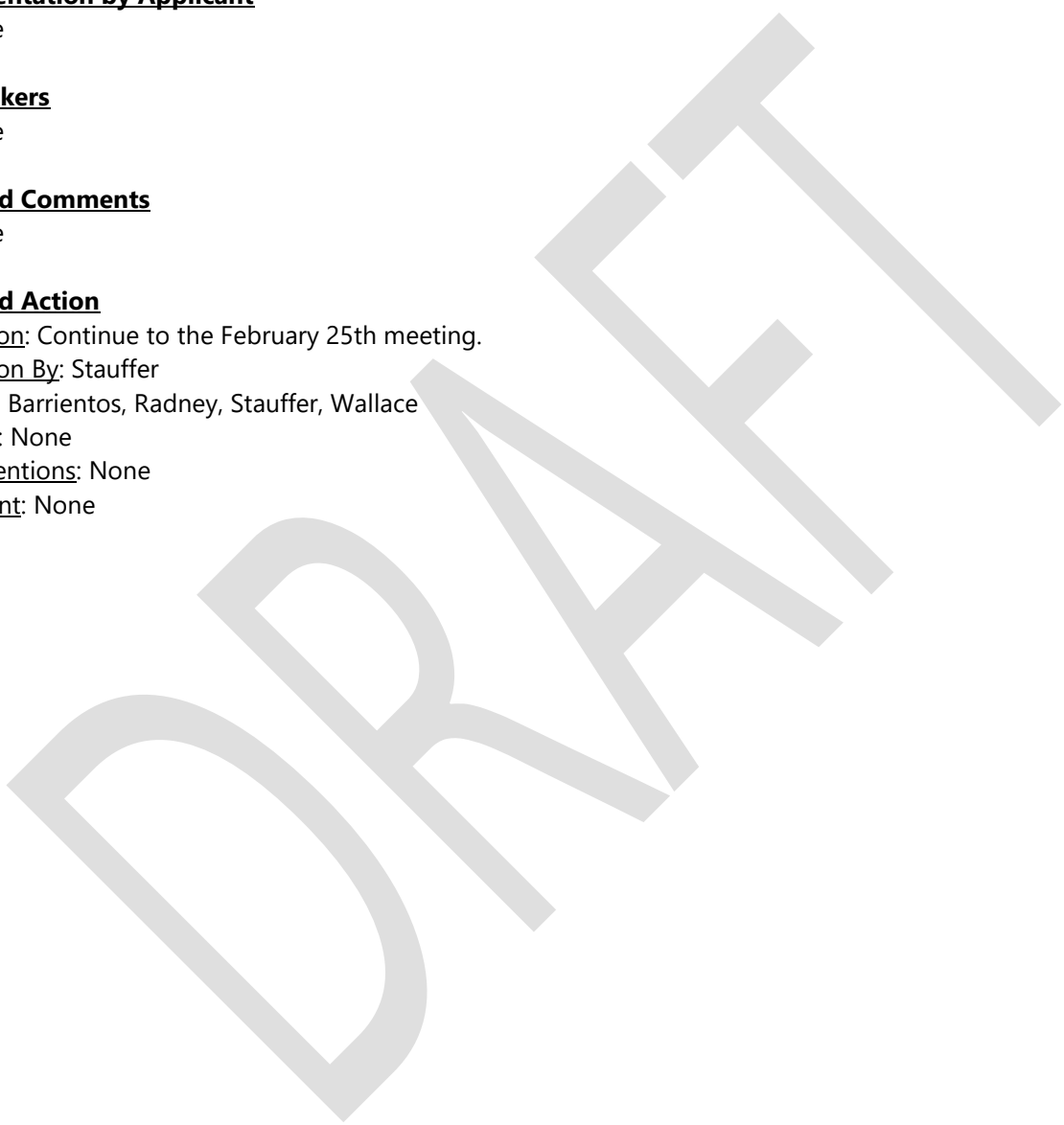
Motion By: Stauffer

Ayes: Barrientos, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None



BOA-23839

Location: 2405 East 26th Street South

City Council District: 4

Applicant: Crown Homes, LLC

Action(s) Requested

Special Exception to increase the permitted driveway width in the RS-2 district (Section 55.090); Variance to reduce the required 35-foot arterial street setback in the RS-2 district (Section 5.030-A, Table 5-3).

Presentation by Applicant

Laurie Jenkins, 7404 E. 127th Ct. S., Bixby, stated that they want to construct a new house where the previous structure was situated, 15.5 feet from the arterial street setback. She pointed out that all the residents in the vicinity are positioned within 15 feet of the arterial street setback. She added that they would like to also expand the width of the driveway to accommodate a five-car garage.

Speakers

None

Board Comments

Members of the board stated that the lot was platted prior to the existing code. Ms. Stauffer emphasized the necessity of a larger driveway to ensure vehicles are removed from the street for safety purposes.

Board Action

Motion: Approve, per plans on pages 12.11-12.18 of the agenda packet. The Board finds the hardship to be that the neighborhood and the lot predate the current zoning code.

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.

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 10 BLK 1 KENLAWN SECOND ADDN AMD RESUB PRT L4 J P HARTER'S SUB, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23840

Location: 5685 South Evanston Avenue

City Council District: 9

Applicant: Tom Neal

Action(s) Requested

Variance to reduce the required 25-foot rear setback in the RS-2 district (Section 5.030-A, Table 5-3).

Presentation by Applicant

Tom Neal, 2507 E. 11th Pl., stated that his client would like to add a primary bedroom suite to their residence. He described the lot as oddly shaped, which restricts the options for expansion. He said the hardship is that the home was built prior to the implementation of the current zoning code.

Speakers

None

Board Comments

Ms. Stauffer remarked on the limited options available due to the lot's unusual shape and non-conformity. Ms. Radney noted that granting the variance would provide the minimal relief necessary to enhance the functionality of the existing home.

Board Action

Motion: Approve, per plans on pages 13.10-13.11 of the agenda packet and an additional exhibit. The Board finds the hardship to be that the lot is a nonconforming lot that predates the current zoning code.

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

LT 5 BLK 5 FAIRWAY ESTATES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23841

Location: 6446 South Louisville Avenue

City Council District: 8

Applicant: Philip Doyle

Action(s) Requested

Variance to reduce the required 25-foot rear setback in the RS-1 district (Section 5.030-A, Table 5-3).

Presentation by Applicant

Philip Doyle, 1720 S. Newport Ave., stated that his client intends to build a covered porch in their backyard. He explained that the home is situated on a slope, and the proposed location for the porch is optimal for maximizing open space while also serving as a buffer to manage water runoff from the west. He stated that the neighbor directly to the west has no objections to the construction of the covered porch.

Speakers

None

Board Comments

Ms. Radney stated that the home is non-conforming, and building the porch in the proposed location would help mitigate the water issues currently faced. Mr. Wallace pointed out that the home is in a cul-de-sac, contributing to the unique shape of the lot.

Board Action

Motion: Approve, per plans on page 14.11 of the agenda packet. The Boards finds the hardship to be the existing structure being non-conforming and the unique shape of the lot.

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

LT 6 BLK 2 SOUTHERN HILLS SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23842

Location: 2932 South Detroit Avenue

City Council District: 4

Applicant: Philip Doyle

Action(s) Requested

Variance of the open space per unit for a detached house in the RS-3 district (Section 5.030, Table 5-3).

Withdrawn by the applicant.

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: None

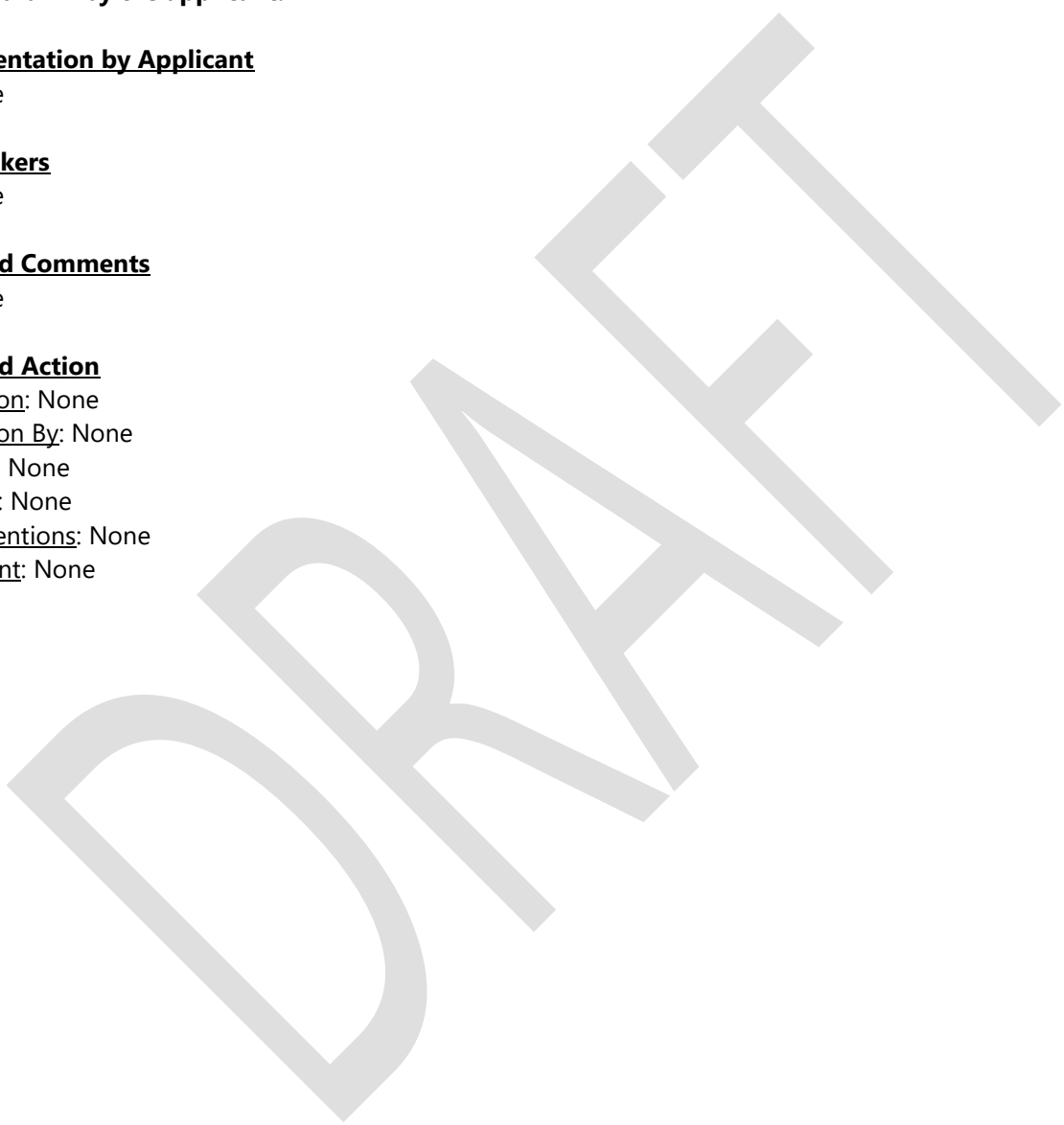
Motion By: None

Ayes: None

Nays: None

Abstentions: None

Absent: None



BOA-23843

Location: 2922 East 39th Street South

City Council District: 9

Applicant: James Dixon

Action(s) Requested

Variance to increase the permitted height of an accessory building in the rear setback (Section 90.090-C2).

Presentation by Applicant

James Dixon, 2922 E. 39th St., stated that he wants to increase the height of the top plate on the non-conforming detached garage to better accommodate modern vehicles. He pointed out that the detached garages in the neighborhood typically feature a low roof pitch, and he aims to maintain a low pitch while elevating the ceiling height and top plate.

Speakers

None

Board Comments

Ms. Radney stated that allowing the top plate height to increase for the detached garage would be in keeping with the architectural character of low-pitch roofs within the neighborhood. Mr. Wallace noted that the unique shape of the lot limits the applicant's ability to raise the top plate to accommodate modern vehicles.

Board Action

Motion: Approve, per plans on pages 16.11-16.18 of the agenda packet. The Boards finds the hardship to be the unique shape of the lot.

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

LT 5 BK 26 RANCH ACRES B19-27, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23844

Location: 1627 East Independence Street North

City Council District: 6

Applicant: Mark Gawey

Action(s) Requested

Special Exception to permit a Public, Civic, and Institutional/ Religious Assembly Use in the RM-1 district (Section 5.020, Table 5-2, Table 5-2.5); Variance of the minimum lot area for a Religious Assembly in the RM-1 district (Section 40.320).

Presentation by Applicant

Mark Gawey, 2843 E. 33rd St., stated that they would like to expand the existing building and convert it into a church. He mentioned that there are currently two structures on the property, but they plan to demolish one to create a parking lot. He proposed that the building be set back 25 feet from the street, to remain in harmony with the neighborhood.

Speakers

None

Board Comments

Mr. Wallace highlighted the neighborhood's unique features, referencing nearby grocery stores and commercial buildings. Ms. Stauffer stated that the proposed scale is suitable for the size of the lot.

Board Action

Motion: Approve, per plans on pages 17.9-17.15 of the agenda packet. The Board finds the hardship to be that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose when considering the size and shape of the property.

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.

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 9 THRU 14 BLK 1 BAIRD ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23845

Location: 3019 South Sheridan Road

City Council District: 5

Applicant: Andre Ramsey

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

Andre Ramsey, 3019 S. Sheridan Rd., stated that he would like to establish a hookah lounge within a 9,400 square foot facility in the shopping center. He mentioned that the proposed hours of operation would be from 6 p.m. to 12 a.m., Sunday through Thursday, and from 9 p.m. to 2 a.m. on Friday and Saturday. He mentioned that he has spoken to the neighboring businesses, none of whom have expressed objections to the proposed lounge. He indicated that the other establishments would be closed by the time his business opens.

Speakers

- (-) Nick Kapuchuck, 7727 E. 28th St., was concerned about the potential noise levels due to the late operating hours of the lounge. He pointed out that the shared parking lot accommodates 327 vehicles; however, two existing businesses in the center have a combined load capacity of 1,100 people while also operating during late-night business hours.
- (-) Kadrian Wilson, 2909 S. Sheridan Rd., stated that she operates an event center at the shopping center. She said that she has consulted with other business owners in the center, who are opposed to the proposed lounge. She noted that her events sometimes extend past midnight, and the bingo hall typically clears out around 12 a.m. She argued that introducing another business that operates late would make parking matters worse.

Rebuttal

The applicant clarified that the parking lot is intended for shared use among all businesses in the shopping center. He reiterated that he had spoken with the neighbors, who expressed no concerns regarding the lounge. He assured the board that noise would be contained within the building, stating that they had tested the sound levels with music at maximum volume without receiving any complaints from adjacent business owners or patrons.

Board Comments

Ms. Stauffer stated that the parking situation falls under the responsibility of the shopping center's owner. She emphasized that the primary focus of their discussion is whether the facility can accommodate a capacity of 250 individuals or more. She expressed that the space is large enough to meet the requested capacity. Members of the board agreed with Ms. Stauffer's remarks. Mr. Wallace expressed that considering the neighbor's concerns regarding noise and parking, implementing a five-year limit would be prudent.

Board Action

Motion: Approve, per plans on page 18.11 of the agenda packet, subject to the condition that the approval will expire after five years.

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

BEG 70N & 50E SWC SW TH N537.95 E492.72 S463.65 E25 S366 W311.62 N291.32W206.65 POB SEC 14 19 13
8.215ACS, UNPLATTED, City of Tulsa, Tulsa County, State of Oklahoma

DRAFT

BOA-23846

Location: 5029 South 33rd West Avenue

City Council District: 2

Applicant: Bradley Niehus

Action(s) Requested

Special Exception to permit a detached house in the CS district (Sec. 15.020-H, Table 15-2.5)

Presentation by Applicant

Bradley Niehus, 5029 S. 33rd W. Ave., expressed his intention to sell his home, noting that he has a buyer ready to proceed with the purchase. He explained that his home, along with 13 other homes in the area, have been established as residential properties for more than 70 years within a CS-zoned area. He further explained that the buyer’s mortgage lender has indicated that the underwriting department requires an exception letter, which would confirm that in the event of a loss to the home, it could be rebuilt on the lot, given its being zoned CS.

Speakers

None

Board Comments

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

Board Action

Motion: Approve.

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

LT 8 BLK 4 CARBONDALE, 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 4:13 p.m.

Date approved: _____

Chair: _____

DRAFT