

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1272
Tuesday, May 11, 2021, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bond, Chair Radney, Secretary Barrientos Brown Shelton		Wilkerson Chapman Sparger	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on May 6, 2020, at 9:31 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Bond called the meeting to order at 12:30 p.m.

Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

The City Board of Adjustment was held by videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool. Members of the public will be allowed to attend and participate in the Board of Adjustment's meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone using the following link:

<https://www.gotomeet.me/COT4/boa-gotomeeting-in-council-chambers-may-11th>

The staff members attending remotely are as follows:

None

The Board members and staff members attending in person are as follows:

Mr. Austin Bond, Chair
Ms. Burlinda Radney, Secretary
Mr. Tomas Barrientos
Mr. Steve Brown, Board Member
Ms. Jessica Shelton, Board Member
Ms. Audrey Blank, City Legal
Mr. Austin Chapman, Tulsa Planning Office
Mr. Dwayne Wilkerson, Tulsa Planning Office
Ms. Janet Sparger, Tulsa Planning Office

Mr. Bond announced that the City has suffered a cyber attack and City staff is doing the best they can. The meetings are noticed publicly, and the public has a right to attend the meeting and that obligation is taken very seriously. People are told they can participate online, and it is necessary to make sure that can be done before the meeting can move forward. Mr. Bond thanked everyone for their patience and called the meeting to order.

Mr. Bond welcomed Mr. Tomas Barrientos to the City Board of Adjustment who is filling Mr. Stuart Van De Wiele's position on the Board. Mr. Barrientos brings a wealth of knowledge and professionalism to the Board. Mr. Barrientos extended his thank you to Mr. Bond and the Board members.

MINUTES

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the April 27, 2021 Board of Adjustment meeting No. 1271.

NEW APPLICATIONS

23114—Raul Cisneros

Action Requested:

Variance of the required 5-foot side street setback in an RS-4 District for a non-conforming lot (Section 80.020-B). **LOCATION:** 1642 North Madison Avenue East (CD 1)

Presentation:

Mr. Chapman stated that Staff requests a continuance to June 22, 2021.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance of the required 5-foot side street setback in an RS-4 District for a non-conforming lot (Section 80.020-B) to the June 22, 2021 Board of Adjustment meeting; for the following property:

N 33' OF TH N 1/2 OF LT 1 BLK 3, ROOSEVELT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23115—April M. McConnell

Action Requested:

Variance to allow a driveway to be located in the City of Tulsa right-of-way (Section 90.090-A). **LOCATION:** 2410 West Admiral Boulevard North (**CD 6**)

Presentation:

April M. McConnell, 2410 West Admiral Boulevard, Tulsa, OK; stated she would like to have a Variance for a driveway. Ms. McConnell stated that she has judicially vacated both rights-of-way that are located on the property and she has completed a lot combination on the property and the property has been rezoned. The property is in the Crosbie Heights Sector Plan and she would like to have a driveway so it could be accessed from Gilcrease.

Mr. Bond asked Ms. McConnell if she had spoken with the neighbors. Ms. McConnell answered affirmatively stating that there has been no opposition.

Ms. Shelton asked Ms. McConnell if she planned a commercial use on the property. Ms. McConnell answered affirmatively stating that she had the property rezoned to IM, so it is like the neighboring properties.

Ms. Shelton asked Ms. McConnell about the traffic her business would have. Ms. McConnell deferred to her husband.

Terry McConnell, 8909 East 59th Street, Tulsa, OK; stated he would like to have a driveway for the property because when the 2410 address is Googled the directions given are to the housing addition, he can't even get UPS, Fed-Ex, or the postal service to his address.

Ms. Shelton asked Mr. McConnell if his business is retail in nature and if he has customers. Mr. McConnell stated that he does have customers. Ms. Shelton asked Mr. McConnell how many customers would be at the site at one time. Mr. McConnell stated that he may have three or four customers a day. Ms. Shelton asked Mr. McConnell if he had big trucks coming to the property to make deliveries. Mr. McConnell stated that occasionally he will have a big truck making a delivery, once or twice a month.

L. B. Girdner, 8909 East 59th Street, Tulsa, OK; stated that in the past a Parks and Recreation person met with him and he was given permission to place the existing cut on the property. The road use to go to the top of the hill and met the railroad track and then the track became the jogging path.

Mr. Bond asked staff if the applicant would be required to meet any additional requirements to have a driveway that goes across a pedestrian trail. Mr. Chapman stated the applicant will need to secure a license agreement through the City. There is suggested language for the Board to confirm that the applicant will have to go through the license agreement process, and in doing so the City will review the signage to make sure that everything meets the City standards.

Ms. Radney asked Ms. McConnell if she had been told about the need for signage. Ms. McConnell answered no stating the City told her that it cannot be stopped because it happens in other parts of the City.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Shelton stated that she was uncomfortable with this request when she first started reviewing it, but if the applicant has to go through the license agreement the City will review site lines and turning radius, so she does not feel like the Board is passing the buck. This is just a step in the process and the applicant will go through a higher level of scrutiny with the City.

Mr. Barrientos stated that his concern is the bike trail so he would like to see signage warning pedestrians about trucks crossing the trail.

Ms. Radney asked Mr. Barrientos if he is saying that even if the City or the Parks Department did not require signage on their side that he would feel better if there was signage on the applicant's side? Mr. Barrientos answered affirmatively.

Mr. Wilkerson stated that the right-of-way permit process will deal with the signage and anything associated with this area. This is an unusual circumstance in the sense that the driveway meets the design criteria, but the Building permit office perceived this as a structure, so a permit for a minor construction in a right-of-way is required.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to allow a driveway to be located in the City of Tulsa right-of-way (Section 90.090-A), subject to conceptual plans 3.9 of the agenda packet and submitted today. The applicant is to receive a license agreement and construction permit with the City of Tulsa. The driveway is to be designed to meet the City of Tulsa engineering standards. The Board has found the hardship to be the unusual topographical challenges and access to the back half of the subject property and is unique to the subject property. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. 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;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. 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;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. 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
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LTS 8 - 12 BLK 4 & LTS 7 - 12 & LESS S3 LTS 11 & 12 & LESS A TRACT BEG SWC LT 10 TH N3. E22 CRV RT TO PT ON SL W50 POB BLK 5 & PRT 25TH WEST ARCHER & PRT ARCHER PL LYING ADJ LTS 8 -12 BLK 4 & LTS 7 - 12 BEG NEC LT 12 TH N80.37 NE331.40 N20.12 SW50.20, NEW IRVING PLACE SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23116—Ryan Kuzmic

Action Requested:

Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Section 15.020, Table 15-2). **LOCATION:** 7438 East 46th Street South (**CD 5**)

Presentation:

Ryan Kuzmic, 1602 South Main Street, Tulsa, OK; stated the Special Exception was filed on behalf of his client, Deep Well Extract. The Special Exception application is for moderate impact medical marijuana processing, which will be a water base extraction to create a product called bubble hash. It is a noninvasive procedure and will not have any effect outside of the building, and the method used will be manual. The process involves filling large bins with water and manually agitating the product in a series of plastic bags with increasingly smaller filter sizes to separate the product. Mr. Kuzmic stated he believes the request is in line with the Zoning Code. The surrounding neighborhood is a fairly large industrial park, i.e., several auto repair shops. The subject address is already a functioning medical marijuana grow facility, so the process request probably has less impact on the water use than the neighboring businesses. The City has defined medical marijuana processing into three tiers, and this would fall into the industrial medium tier. The processing would be located in one room of the facility, the northeast corner, and the remaining parts of the building would continue to operate as it is currently. The processing would not result in any additional foot traffic to the building and there should no impact to the neighborhood.

Mr. Brown asked Mr. Kuzmic about the security. Mr. Kuzmic stated that security already exists, and it meets the requirements for the medical marijuana grow, and the security requirements are the same for processing as it is for a grow.

Mr. Brown asked Mr. Kuzmic where the product is delivered, is there a yard or holding area outside? Mr. Kuzmic stated there will never be any product outside of the building.

Mr. Brown asked Mr. Kuzmic how large will the processing area be? Mr. Kuzmic stated that the processing room is 9'-6" x 15'-5".

Ms. Shelton asked Mr. Kuzmic if there would be an increase in the number of employees resulting in the need to increase the number of parking spaces. Mr. Kuzmic answered no.

Interested Parties:

Mr. Chapman stated there is an interested party attending remotely and he is unable to speak and has requested a continuance so that he can speak at the hearing. Mr. Chapman stated that he can hear the interested party on his phone but is unable to get the audio to transfer to Council Chambers.

Mr. Bond asked Mr. Chapman if the party is in opposition to this request. Mr. Chapman answered affirmatively.

Mr. Bond asked Mr. Kuzmic if he had any objections to the continuance request. Mr. Kuzmic stated it is the applicant's preference to have a resolution today, but he will leave the decision to the Board.

Mr. Bond asked Ms. Blank about the continuance request. Ms. Blank stated that to comply with the notice that people attending remotely should be able to participate so the request needs to be continued.

Comments and Questions:

None.

Board Action:

On **MOTION of RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Special Exception** to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Section 15.020, Table 15-2) to the May 25, 2021 Board of Adjustment meeting; for the following property:

LT 4 BLK 4, INDUSTRIAL EQUIPMENT CTR 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23117—Brett Davis

Action Requested:

Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F). **LOCATION:** 6505 West Edison Street North-
Osage County (CD 1)

Presentation:

The applicant was not present.

Mr. Bond moved this item to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time; for the following property:

**31-20-12 BEG SE/C LOT 5-N 377.5' TO NE/C LOT 5-W 457.73'-S 390.10' TO S LN
LOT 5-E 460' TO BEG, City of Tulsa, Osage County, State of Oklahoma**

23118—Tyler Owsley

Action Requested:

Special Exception to permit a carport in the street setback and street yard with a modification to allow a carport to extend more than 20-feet from the exterior building wall of the principal building (Section 90.090-C.1). **LOCATION:** 250 East 34th Street South (**CD 9**)

Presentation:

Steve Manning, 250 East 34th Street, Tulsa, OK; stated he would like to have a carport to park his new pickup truck under to protect it. The house has a very small garage, and it is not connected to the house. The garage is in the street setback. He looked around the neighborhood and there are a number of carports that are close to the centerline of the street. The carport would be located 44'-0" from the centerline of the street. Mr. Manning used the laser pointer on the overhead projector to show the locations of several houses that have carports.

Mr. Barrientos asked Mr. Manning if he knew the ages of the carports he was pointing out in the neighborhood. Mr. Manning stated that he did not know the ages, but he would guess the youngest to be about three years old.

Ms. Shelton asked Mr. Manning if he was constructing a wooden framed or a metal carport. Mr. Manning stated that the posts will be cedar and the carport has been designed to mimic the roofline of the house, using the same pitch and the same shingles as the house so it would blend in.

Mr. Brown asked Mr. Manning what kind of truck he purchased. Mr. Manning stated that it is a 2021 Dodge Ram 2500, and it is 21'-10" long.

Ms. Radney asked Mr. Manning if the existing driveway is only one car width wide. Mr. Manning answered affirmatively stating that the garage is also only one car width wide.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Radney stated that this request is in keeping with the neighborhood and she can support the request as drawn.

Mr. Brown stated that he does not like the intrusion on the setback, but the house is neat and compact, and this will fit nicely with the house and the neighborhood, so he is inclined to support it.

Mr. Barrientos stated that he does not see any issues with the request.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a carport in the street setback and street yard with a modification to allow a carport to extend more than 20-feet from the exterior building wall of the principal building (Section 90.090-C.1), subject to conceptual plans 6.9, 6.10 and 6.11 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E 66 LT 46 BLK 1, BURGESS ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23119—CNF Signs

Action Requested:

Variance to allow a roof sign to be located on a building outside of the Downtown Entertainment District or the Route 66 Overlay (Sections 60.020 & 60.080-B.5).

LOCATION: 1401 South Boulder Avenue West **(CD 4)**

Presentation:

Pete Webb, CNF Signs, 1401 South Boulder Avenue, Tulsa, OK; stated his client would like to have a roof sign. The topographic location of the building buries it because the buildings surrounding it are much taller, so they would like to have the elevation to create visibility. Periodically there are out of town employees coming to the office and the roof sign would give them guidance to the location.

Ms. Shelton asked Mr. Webb about the hardship, she sees in the agenda packet that there was a hardship articulated about being able to locate the subject building from adjacent streets. Mr. Webb answered affirmatively stating that what signage is for, to let people see an area and this sign is also to identify the building which there is not another opportunity for that because of the taller surrounding buildings.

Ms. Shelton asked Mr. Webb if the sign could be mounted on the tall portion of the subject building. Mr. Webb stated that portion is small and there is no access to be able to run electric, and the letters for the sign would need to be made smaller to fit that portion of the building not allowing for proper visibility.

Ms. Shelton asked Mr. Webb how the size of the channel letters was chosen. Mr. Webb stated they were chosen to allow for visibility from the Peoria area. Ms. Shelton asked if the size was the least amount required to be visible from Peoria. Mr. Webb stated that he is not certain, but charts were used to determine the letter size for the distance.

Mr. Brown asked Mr. Webb if the sign would be lit. Mr. Webb answered affirmatively stating that neon would be used to incorporate some of the old fabrication methods to be in keeping with the retro signage.

Mr. Barrientos asked Mr. Webb how the sign will be attached to the building. Mr. Webb stated the sign will be anchor bolted into the building; it will be engineered and stamped before installation of the signage.

Ms. Radney stated that she understands the benefit of having a roof sign, but she does not understand the vantage point from which the sign will be seen; she does not understand the connection to Peoria. Mr. Webb stated that he submitted pictures from 15th and Baltimore, Boston over Highway 75 so it could be seen how the building is much lower than the surrounding buildings. Mr. Webb stated he did not get a picture from Peoria, but the roof line can be seen from Peoria. Ms. Radney stated that the benefit of having a sign on a commercial building is to facilitate wayfinding and draw attention to the business, but it does not require a billboard. At some point when a substantial scale is achieved it is called a billboard. Mr. Webb stated that he understands what Ms. Radney is saying but he was trying to something similar to what is on the roof of the Mayo Hotel and create visibility. The area does not have a lot of signage so that is a reason to obtain the sign on the roof.

Mr. Bond asked Mr. Webb how far outside the downtown entertainment district is the sign located. Mr. Webb stated that he does not know. Mr. Chapman stated this would be on the eastern portion of downtown in the Blue Dome area, closer to Greenwood and Elgin.

Ms. Radney asked Mr. Webb if there was existing signage on the building. Mr. Webb answered no. Ms. Radney asked Mr. Webb if there was existing signage at the street. Mr. Webb stated there is a small monument sign on the west side which is the opposite side of the building from the proposed sign, but currently there is nothing on it.

Ms. Radney asked Mr. Webb if his client was the only tenant in the building. Mr. Webb answered affirmatively stating that First Title, Smith Brothers Abstract and Guaranty are under one umbrella.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Brown stated that he thinks the sign is too large; it is big, it is intrusive, it does not fit the area and he finds the reason of wayfinding is weak. Addresses are easily obtained

on the internet and he thinks the time and money should be spent on a wall sign. Downtown there are large letter signs on the conference center but those letter are the same color as the wall, so they are not intrusive. The Mayo Hotel sign is iconic and has been in existence forever. He is reluctant to vote in favor of this request.

Ms. Radney agreed with Mr. Brown and is not persuaded by the hardship. She would feel more comfortable if the sign were attached to the building.

Mr. Barrientos stated that seven-foot-tall letter is massive, and he has not seen many signs like this in the downtown area.

Ms. Shelton stated she is not opposed to the sign itself, but she is not sold on the hardship. The way-finding argument does not make sense and feels self-imposed because the sign would be placed on one of the sides. Ms. Shelton stated she is opposed to the request.

Mr. Bond asked the applicant if he would like to request a continuance after hearing the Board's comments or the Board can vote on the request today. Mr. Webb stated that seven-foot letters sound very large but once that letter is placed on a five-story building it shrinks and Mr. Webb asked for a continuance.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance to allow a roof sign to be located on a building outside of the Downtown Entertainment District or the Route 66 Overlay (Sections 60.020 & 60.080-B.5) to the May 25, 2021 Board of Adjustment meeting; for the following property:

LTS 15 THRU 17 & W8 VAC ALLEY ADJ ON E BLK 1, BAYNE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23120—Crown Neon Signs – Gary Haynes

Action Requested:

Variance to permit a sign with dynamic display to be located within 20 feet on the driving surface of South 78th East Avenue (Section 60.100-E). **LOCATION:** 7498 East Admiral Place South **(CD 3)**

Presentation:

Gary Haynes, 10101 East 46th Place, Tulsa, OK; stated there is an existing pylon sign and the client would like to install a tri-color LED display on that sign. The existing sign is about 19 feet from the driving surface.

Mr. Bond asked Mr. Haynes if the sign would be changing and how long the dwell time is. Mr. Haynes stated the dwell time will be the standard eight seconds and it will be a static message.

Mr. Barrientos left the meeting at 2:42 P.M.

Ms. Shelton asked Mr. Haynes where the dynamic portion of the sign would be located. Mr. Haynes stated that it will be in the middle of the sign, between the existing “Kind Love” and the “Cannabis Dispensary”. The dynamic display be double sided to be seen from each side of the pole.

Mr. Haynes stated that this is a lower end type display, it is basically a text only type display.

Mr. Bond asked Mr. Haynes if anyone located in the houses to the south would be able to see the sign. Mr. Haynes stated the houses should not be able to see the sign because the sign faces east and west.

Mr. Barrientos re-entered the meeting at 2:49 P.M.

Mr. Bond asked Mr. Haynes to state his hardship for the Variance. Mr. Haynes stated the structure is existing and it would cost quite a bit to move the sign back. The canopy shown in the aerial has been removed so it is strictly a parking lot.

Ms. Shelton stated she is struggling with the hardship. Ms. Shelton asked Mr. Haynes if there is anything unique about the property and why the sign needs to be located where it is. For instance, why not have the display mounted on the building? Mr. Haynes stated the client is attempting to place on the existing pylon and with the building sitting back farther on the property the sign could not be seen coming from the west.

Ms. Radney asked Mr. Haynes how long the sign has been on the property. Mr. Haynes stated that he did not know; the property was a former gas station.

Ms. Radney asked Mr. Haynes if the current plan is to move the Kind Love sign upward and move the Cannabis Dispensary downward, or is there enough space there to insert the dynamic display? Mr. Haynes stated that it will be lowered a little bit.

Ms. Shelton asked Mr. Haynes if there were other dynamic display signs down the street. Mr. Haynes answered affirmatively.

Ms. Radney asked Mr. Haynes to articulate a very good reason why a dispensary needs a dynamic sign, one that is unique. Mr. Haynes stated that with this display there are no

pictures. Ms. Radney stated that it is not the content, is there a particular need for this sign by this business? Mr. Haynes stated that it is advertising for the customer.

Mr. Haynes stated a hardship is that the building is farther back than the other building on the west side.

Ms. Radney asked Mr. Wilkerson what makes a sign dynamic, is it the frequency of the changeable copy or the type of lighting? Mr. Wilkerson stated when this first started the sign was called an electronic messaging sign and now it is a full-blown video display. The general idea centers around that a copy can be changed with a remote control or modify the presentation without climbing a ladder.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Bond stated that he does not see a hardship for this request.

Mr. Brown stated he does not find the sign to be out of character with the neighborhood. The technicality for the wording of a hardship he wonders if that could be changed to the hardship being the placement of the original sign.

Ms. Blank stated that the Code says that under this provision that the dynamic display is not to be located within 20 feet of the driving surface, and the Code gives a measurement description, measure horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway. Ms. Blank stated she thinks the measurements were done and the information submitted to the Sign Plan reviewer. They would have measured it based on the information the applicant provided. Ms. Blank stated the Board has to presume the sign reviewer measured correctly in accordance with the Code.

Ms. Radney asked Mr. Haynes if he would estimate the sign has been in existence for at least five years. Mr. Haynes answered affirmatively stating that he would assume the sign has been in existence more than 10 years.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Barrientos, Bond, Brown, Radney "aye"; Shelton "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to permit a sign with dynamic display to be located within 20 feet of the driving surface of South 78th East Avenue (Section 60.100-E), subject to conceptual plans 8.7 and 8.8 of the agenda packet. The Board has found the hardship to be that the existing sign was installed at some period of time approaching 10 years prior to this date, and in order to make necessary updates to the sign and in keeping with the type of business being currently operated on the subject property. The sign is legally installed, and it will be the simple modification of the sign for the Variance. The LED section of the sign is to be turned off at 10:00 P.M. and can be turned back on at 7:00 A.M. The LED section of

the sign is to be text only. The LED section of the sign is to meet all City sign standards. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. 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;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. 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;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. 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
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

PRT LTS 1 & 2 BEG NEC LT 1 TH W112 S250.32 SE2.61 E109.56 N251.25 POB BLK 2, TOMMY-LEE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23121—Gaytan Blas

Action Requested:

Variance to reduce the 10-foot side building setbacks from R Districts in an OL District to permit a single-family home (Section 15.030, Table 15-3). **LOCATION:** 1508 North Main Street **(CD 1)**

Presentation:

The applicant was not present.

Mr. Bond moved this item to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time; for the following property:

LT 11 BLK 2, ENGLEWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23122—Ted Larkin

Action Requested:

Special Exception to allow an Accessory Dwelling Unit in an AG District (Section 45.031-D). **LOCATION:** 1650 North 71st West Avenue – **Osage County (CD 1)**

Presentation:

Ted Larkin, 6481 East Keetonville Road, Claremore, OK; stated the subject property is 23 acres and he is the architect for the project, design a new house. His client has lived on the property about 15 years in a metal two-bedroom building. There are other metal buildings on the property; one is a pavilion; one is a grounds maintenance building. His client would now like to build a new house about 7,000 square feet in size. The Special Exception is to allow the second dwelling on the property and the house his client is now living in will become guest quarters.

Mr. Bond asked Mr. Larkin if his client was able to see other houses from the subject property. Mr. Larkin answered no.

Mr. Bond asked Mr. Larkin if he or his client had any discussion about the project with the neighbors. Mr. Larkin answered no.

Mr. Brown asked Mr. Larkin why his request was being submitted as an ADU instead of a second dwelling. Mr. Larkin stated the City of Tulsa told him that is what he had to ask for under the Special Exception request.

Ms. Radney asked Mr. Larkin if the new building is going to 7,100 square feet and for single occupancy. Mr. Larkin answered affirmatively.

Ms. Radney asked Mr. Chapman why the ADU was not limited in size. Mr. Chapman stated the property is zoned AG and the existing house will become the ADU, and the new house will be the principal residence.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow an Accessory Dwelling Unit in an AG District (Section 45.031-D), subject to conceptual plans 10.13 and 10.14 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

30-20-12 BEG AT NW/C GOVT LOT 3(NW SW)-S 1158.10'-S 45 42 26 E 160.79'-S 13 31 35 E 430.86'-S 50 35 10 E 80.39'-N 81 06 34 E 206.31'-N 84 29 08 E 200.89'-N 330.58'-W 332.18'-N 263.43'-N 87 10 30 E 326.74'-N 09 00 40 W 27.91'-N 150'-N 150'-N 413'-N 88 56 24 E 171.62'-N 339.96' TO N LN OF SAID LOT 3-W 846.14' TO POB, City of Tulsa, Tulsa County, State of Oklahoma

23123—Tom Neal

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3). **LOCATION:** 6141 South Quebec Avenue East (**CD 8**)

Presentation:

Tom Neal, 2507 East 11th Place, Tulsa, OK; stated his client is elderly and uses a wheel chair. The house is located just off 61st Street and north is Kirk of the Hills parking lot, so there are no houses for a couple of blocks to the west, and immediately to the east is Double Tree Warren Place. The lot has about 25 feet in grade and the original parking came into the garage with a staircase into the house. More recently his client has added a driveway that is off the original drive that goes to the back of the house to a carport and that had been convenient for the client until this last winter because in the worst part of last winter his client didn't make the curve in the drive and went straight out into the street. He would like to add a circular drive to the front of the house where the grade is more manageable and the homeowner can go directly in and out of the house. The hardship for the request is his client's inability to navigate stairs.

Mr. Bond asked Mr. Neal if he had heard any opposition from any of the neighbors. Mr. Neal answered no.

Ms. Shelton asked Mr. Neal if the homeowner would be able to pull out of the driveway that is farthest away from the intersection. Mr. Neal answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3), subject to conceptual plan 11.7 of the agenda packet. The applicant is to receive a right-of-way permit from the City of Tulsa. The driveway is to be designed and built to meet the City standards. The Board finds that the requested

Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 1 BLK 7, LIVINGSTON PARK SOUTH RESUB PRT LIVINGSTON PARK B1, City of Tulsa, Tulsa County, State of Oklahoma

23124—Ted Sack

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3). **LOCATION:** 2726 East 47th Street South (**CD 9**)

Presentation:

Ted Sack, Sack & Associates, 3530 East 31st Street, Tulsa, OK; stated his son is the owner of the subject property. The City replaced and improved 47th Street eliminating the bar ditches and now having storm sewer and a built-up curb. This eliminated any decent parking on the street. The subject lot is 150 feet wide, and the engineer anticipated a new driveway approach or an additional driveway approach on the east side of the lot and his son would like to have that new approach. The street widening has been completed and there was an area left open for the approach.

Mr. Bond asked Mr. Sack how wide the driveway would be. Mr. Sack stated that it would be 20 feet and the other driveway that line ups with the entrance to the garage is 16 feet.

Mr. Bond asked Mr. Sack if he had heard any opposition from any of the neighbors. Mr. Sack stated that his son spoke with the neighbors and there were no objections.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3), subject to conceptual plan 12.8 of the agenda packet. The driveway is to be built to meet the City standards. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E150 LT 27 BLK 1, VILLA GROVE SUB, City of Tulsa, Tulsa County, State of Oklahoma

23125—John Droz

Action Requested:

Variance of the minimum lot area, lot area per unit, and open space per unit for townhouses in an RM-1 District (Section 5.030-A, Table 5-3); Variance of the 20-foot rear setback in an RM-1 District; Variance of 25-foot street setback and 35-foot arterial street setback (Section 5.030-A, Table 5-3); Variance to reduce the number of required parking spaces for townhouses in an RM-1 District (Section 55.020, Table 55-1); Variance of the required parking stall dimensions (Section 55.090). **LOCATION:** 53 North Gillette Avenue East, 2350 East Admiral Court North, 2351 East Admiral Place North, 52 North Lewis Avenue East (**CD 3**)

Ms. Shelton recused and left the meeting at 3:15 P.M.

Presentation:

John Droz, 810 South Cincinnati, Tulsa, OK; stated this is a unique situation where the property is bound on three sides of the property by public streets, and the rear of the property is being used as a private street and that is where the access comes from. With the access being in the rear it creates a 35-foot setback, but since it will be used as a public area and is to be maintained by Habitat that pushed the property closer to the edge of the units. The units will comply with parking requirements with the average parking space being over 18 feet. One of the hardships and constraints is that Habitat wanted ADA access all the way through the interior of the site and used up five feet of the property. There are some units that have 537 square feet of open space and the average open space is over 900 square feet per unit. The average lot area for the 29 lots is 1,959 square feet. The project came to the Board for the 10-foot setbacks, and it was approved, and the setback request today is only along Gillette to reach a 4-foot encroachment of the porch overhang which will give more room in the rear for the standard parking space plus the additional space inside the garage. This is an important step for development past the highway, and everyone has done an incredible job with development in the Whittier area.

Mr. Brown asked Mr. Droz who will potentially live in this development. Mr. Droz stated it is the same plan that Habitat has for the single-family houses and deferred to Cameron Walker.

Cameron Walker, President and CEO of Habitat for Humanity, 6135 East 13th Street, Tulsa, OK; stated the project will be comprised of both Habitat income sensitive families, families that are making 50% and 80% of the area median income, and end cap units, which will be Boom Town qualified families making 80% up to 120% of the area median income. The development will be bound by a Home Owners Association which will not be managed by Habitat. The intent is to increase the density, clean up a desolate empty lot and protect the development overtime with the Home Owners Association. Habitat is trying to provide access to capital for the families, create

generational wealth, and ultimately give the area an asset that will help each family create that wealth for themselves.

Mr. Brown asked Mr. Walker where the children would play. Mr. Droz stated there are no driveways off the public streets for safety purposes and a wrought iron fence was installed around the units along Admiral and North Lewis. Mr. Brown stated he admires the intent, and he supports Habitat enormously in their effort in the City of Tulsa, but his reservation is that there is a lot of development in a very small space, and this will be very popular meaning there will be a lot of people and that is worrisome.

Mr. Barrientos asked Mr. Droz about the number of units in the project. Mr. Droz stated there are 29 two-bedroom units.

Ms. Radney asked Mr. Droz about the square footage of the units. Mr. Droz deferred to the architect.

Lindsay Reeds, 810 South Cincinnati, Tulsa, OK; stated she is not sure of the exact square footage of a unit, but they are three bedrooms and two baths. The downstairs has a living room, kitchen and a garage and upstairs there is three bedrooms, two baths and a laundry. This design is an urban project, so it is a walking neighborhood. This project was purposely created densely for this area and it is perfect for the Kendall Whittier area.

Interested Parties:

Mary Huckabee, 4100 First Place Tower, 15 East 5th Street, Tulsa, OK; stated her client will be developing Block 1, Lots 1 – 4 and Block 2, Lots 1 – 2. Because of the technical difficulties in the meeting today her client asked her to personally attend the meeting and if the Board is not inclined to grant Habitat the Variance today her client would request a continuance.

Comments and Questions:

Ms. Radney stated that everyone needs to grow accustomed to thinking about what density looks like, but this density does make access to home ownership more accessible in a way that is more equitable. She would like to have seen more common area space, but her concern is offset more by the good opportunity in planning. She is inclined to support this request, but she does have concerns about the common area space, the absence of having programmed outdoor space is a little problematic. She understands the mission and in order to make the economics work you have to build where you can build.

Mr. Brown stated he tends to see this as affordable housing and he agrees with Ms. Radney. He would like to see a common area, but he understands the mission of Habitat and what they are trying to do. He can support this project.

Mr. Barrientos stated he too supports this project. He is happy to see the new developments in North Tulsa area and he would like to see more of these projects.

Mr. Bond stated he is in support of this request. He cannot say enough good things about the Habitat organization, not just in Tulsa but nationwide. He thinks this will be a great development for the area.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-1 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; Shelton "abstaining"; none absent) to **APPROVE** the request for a Variance of the minimum lot area, lot area per unit, and open space per unit for townhouses in an RM-1 District (Section 5.030-A, Table 5-3); Variance of the 20-foot rear setback in an RM-1 District; Variance of 25-foot street setback and 35-foot arterial street setback (Section 5.030-A, Table 5-3); Variance to reduce the number of required parking spaces for townhouses in an RM-1 District (Section 55.020, Table 55-1); Variance of the required parking stall dimensions (Section 55.090), subject to conceptual plans 13.14 of the agenda packet and submitted today. The Board has found the hardship to be that the subject property is bounded on three sides by public roads and that the rear private road on the property acts like an interior courtyard and thus due to the nature of the site plan a rear setback is not necessary in the sense that in order to comply fully with the spirit and intent of the American Disabilities Act that the necessity to adjust the lot sizes and the orientation of the buildings on the site has created a need for this Variance that is not self-imposed. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. 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;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. 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;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. 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
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LOTS 1-4 BLOCK 1, LOTS 1-10 BLOCK 2, LOTS 1-4 BLOCK 3, LOTS 1-11 BLOCK 4, WHITTIER HEIGHTS (RESUB BLK 4 EASTLAND ADDN), City of Tulsa, Tulsa County, State of Oklahoma

Ms. Shelton re-entered the meeting at 3:38 P.M.

23117—Brett Davis

Action Requested:

Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F). **LOCATION:** 6505 West Edison Street North-
Osage County (CD 1)

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F) to the May 25, 2021 Board of Adjustment meeting; for the following property:

31-20-12 BEG SE/C LOT 5-N 377.5' TO NE/C LOT 5-W 457.73'-S 390.10' TO S LN LOT 5-E 460' TO BEG, City of Tulsa, Tulsa County, State of Oklahoma

23121—Gaytan Blas

Action Requested:

Variance to reduce the 10-foot side building setbacks from R Districts in an OL District to permit a single-family home (Section 15.030, Table 15-3). **LOCATION:** 1508 North Main Street **(CD 1)**

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for Variance to reduce the 10-foot side building setbacks from R Districts in an OL District to permit a single-family home (Section 15.030, Table 15-3) to the May 25, 2021 Board of Adjustment meeting; for the following property:

LT 11 BLK 2, ENGLEWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

DRAFT

OTHER BUSINESS

None.

NEW BUSINESS

Mr. Bond stated that in the view of Mr. Van De Wiele's retirement from the Board of Adjustment he is appointing Ms. Burlinda Radney as Vice Chair and Ms. Jessica Shelton as Secretary.

BOARD MEMBER COMMENTS

Ms. Radney welcomed Mr. Tomas Barrientos to the Board of Adjustment and stated that today was his trial by fire.

There being no further business, the meeting adjourned at 3:40 p.m.

Date approved: _____

Chair