

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1276
Tuesday, July 13, 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, Vice Chair Brown, Secretary Barrientos Wallace		Chapman Sparger K. Davis	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on July 8, 2021, at 8:53 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 1:00 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, an online meeting and web conferencing tool. Members of the public were 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://us06web.zoom.us/j/88957334533>

1-312-626-6799 Meeting ID: 889 5733 4533

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

Mr. Austin Bond, Chair
Ms. Burlinda Radney, Vice Chair
Mr. Steve Brown, Secretary
Mr. Tomas Barrientos

Mr. Tyler Wallace
Ms. Audrey Blank, City Legal
Mr. Austin Chapman, Tulsa Planning Office
Mr. Kendal Davis, Tulsa Planning Office
Ms. Janet Sparger, Tulsa Planning Office

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Mr. Bond welcomed Mr. Tyler Wallace to the Board of Adjustment.

Mr. Brown questioned the Board Action in the minutes for case BOA-23114, stating there is not an indication that there will be an agreement with the City of Tulsa and asked if that should be added to the minutes. Mr. Chapman stated the minutes do indicate that the applicant is to obtain a removal agreement with the City of Tulsa. Mr. Brown asked if that statement was sufficient. Mr. Chapman answered affirmatively stating that it is what is required when it is in the planned right-of-way and a Variance is granted.

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MINUTES

On **MOTION** of **BROWN**, the Board voted 4-0-1 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; Wallace "abstaining"; none absent) to **APPROVE** the **Minutes** of the June 22, 2021 Board of Adjustment meeting No. 1275.

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NEW APPLICATIONS

23147—Enrique Vega Baeza

Action Requested:

Special Exception to permit a carport in the street setback and street yard with modifications of the allowable setbacks in an RM-1 District (Section 90.090-C.1).

LOCATION: 1315 East King Place North (**CD 1**)

Presentation:

Enrique Baeza, 1315 East King Place, Tulsa, OK; stated he would like to quit paying for off-site storage and start storing his items at his house in a metal shed with a carport on the front.

Mr. Bond asked Mr. Baeza where on the property would the metal shed be placed. Mr. Baeza stated that it would be on the east side of the property.

Mr. Bond asked if the property was fenced. Mr. Baeza answered affirmatively stating there is a wooden all around the property.

Mr. Bond asked if the fence was eight foot tall. Mr. Baeza answered affirmatively.

Mr. Barrientos asked if there was to be a concrete pad installed. Mr. Baeza stated the concrete pad already exists.

Mr. Barrientos asked Mr. Baeza if he had spoken with the neighbors. Mr. Baeza answered affirmatively and has heard no objections.

Ms. Blank stated the request states there are to be modifications and she does not think the Board has discussed what the modifications would be. Mr. Chapman stated that when an applicant is approved for a Special Exception, in Section 90 when a carport is in the street yard or the street setback it has limitations that are part of the Special Exception. The Board can relieve certain specifications, the two that were outlined by the Permit Center were that the carport must be set back from side lot lines by a minimum distance of five feet or the depth of the principle building setback whichever is the greater distance from the side lot line. Essentially the carport would need to match the building line of the principal house and the side setback. The other is that the carport may project into the required street setback by a maximum distance of 20 feet, the distance must be measured from the required street setback line or the exterior building of the principal building whichever results in the least obstruction in the setback.

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, Wallace "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 modifications of the allowable setbacks in an RM-1 District (Section 90.090-C.1), subject to conceptual plans 2.10 and 2.11 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:

LTS 10 & 11 BLK 5, CAPITOL HILL SECOND ADDN CORR, City of Tulsa, Tulsa County, State of Oklahoma

23150—Donnie & Nelda Criswell

Action Requested:

Special Exception to permit a carport in the street yard in a RS-3 District (Section 90.090-C.1). **LOCATION:** 8254 East 32nd Place South (**CD 5**)

Presentation:

Nelda Criswell, 8254 East 32nd Place, Tulsa, OK; stated she would like to construct a carport in front of the house.

Mr. Bond asked Ms. Criswell to describe the carport. Ms. Criswell stated that it will be a flat top carport. The garage is set back so the carport would extend out only as far as the house. Initially the carport was going to extend out farther, but she decided to shorten the carport to take it back to the line of the house.

Mr. Bond asked Ms. Criswell if she had spoken with any of the neighbors. Ms. Criswell answered affirmatively and stated she has heard no objections.

Mr. Brown asked Ms. Criswell if there were similar carports in the neighborhood. Ms. Criswell stated there are similar carports and there are some that look more temporary in appearance because the poles are setting on the driveway.

Mr. Brown asked Ms. Criswell how tall the carport would be. Ms. Criswell stated that the carport height would be just above the existing garage door, a little over eight feet.

Ms. Radney asked Ms. Criswell if the carport would be attached to or contact the house. Ms. Criswell stated that it would be attached underneath the eaves above the garage door.

Ms. Radney asked Ms. Criswell where the other carports in the neighborhood are located. Ms. Criswell stated they are within two blocks of her house, and there is one just to the west of her house.

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, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a carport in the street yard in a RS-3 District (Section 90.090-C.1), subject to conceptual plans 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13 and 3.14 of the agenda packet. The carport is not to extend beyond the north edge of the existing house. 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 25 BLK 8, LONGVIEW ACRES 2ND, City of Tulsa, Tulsa County, State of Oklahoma

23151—Tom Neal

Action Requested:

Special Exception to allow an accessory dwelling unit in an RS-3 District (Section 45.031-D); Variance to allow a detached accessory dwelling unit and garage to cover more than 30% of the rear setback in an RS-3 District (Section 90.090-C, Table 90-2). **LOCATION:** 1527 South Newport Avenue East **(CD 4)**

Presentation:

Tom Neal, 2507 East 11th Place, Tulsa, OK; stated the house was built in 1915 and like many of the houses in North Maple Ridge there is a very small existing quarters which is about 9'-0" by 17'-0". His client would like to have a small but viable accessory dwelling unit for her mother when the time is appropriate. Currently the existing garage and quarters are already larger than the allowable coverage of the required rear yard and the nonconformity would be increased by a modest amount, about an additional 333 feet. The house is larger enough that the size is allowed as a percentage. In 2016 the Zoning Code was revised to allow accessory dwelling units to be occupied by anyone so his client could rent the ADU out if wanted. The house is located in a historic preservation district, but HP rules do not require that accessory dwelling units be reviewed by the Preservation Commission, however, the ADU is being designed to be compatible with the existing house.

Ms. Radney asked Mr. Neal if the existing building would be removed. Mr. Neal answered no stating that it will be added on to. The existing garage is going to be kept because the garage is large enough to accommodate a car larger than a 1915 automobile. The existing one room and bath will also be kept, it will just be upgraded with a small kitchenette and adding a small bedroom. Mr. Neal stated he did consult with Development Services because there is an existing vacated alleyway that City retains an easement on. With the advice of Michael Skates the ADU has been moved forward so the new addition will not be in the easement.

Mr. Brown asked Mr. Neal if there were utilities in the easement. Mr. Neal answered stating that it is a sewer line and as best that can be determined it is located about the middle of the old alleyway, and there is also a narrow PSO easement that is five feet on his client's property.

Mr. Brown asked Mr. Neal if he had spoken with the neighbors. Mr. Neal stated that his client has spoken with the neighbors, and he knows of no objections.

Ms. Radney asked Mr. Neal if the pitch and the height would be similar to the existing house. Mr. Neal answered affirmatively, though it will be slightly lower because the ADU is smaller.

Mr. Barrientos asked Mr. Neal if the finishes would be similar to the existing house. Mr. Neal answered affirmatively.

Interested Parties:

Joanna Burns, 1531 South Newport Avenue, Tulsa, OK; stated she lives directly south next to the subject property and would be the property directly affected by this project. Where the garage quarters are located is next to her fence and she would like to know the projected start and ending date of the project. Mr. Neal currently the homeowner is obtaining bids for the project but there is no date set to date. Ms. Burns asked if the construction could be confined to the hours of 8:00 A.M. to 5:00 P.M. Mr. Bond stated the Board does not impose that type of limitation on construction. Mr. Neal stated that he would speak with his client about the request. Ms. Burns if the construction would be going upwards that might interfere with the power lines. Mr. Neal answered no stating that the addition will mimic the roofline of the existing house though the electrical service will need to be upgraded and it should not have any impact on the neighbors.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to allow an accessory dwelling unit in an RS-3 District (Section 45.031-D); **Variance** to allow a detached accessory dwelling unit and garage to cover more than 30% of the rear setback in an RS-3 District (Section 90.090-C, Table 90-2), subject to conceptual plans 4.10 and 4.11 of the agenda packet. The Board finds the hardship to be that the existing house and platting predates the existing Zoning Code and that the house already has an existing nonconformity. 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. 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 21 & 22 & W10 VAC ALLEY ADJ ON E BLK 5, MORNINGSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23152-OSAGE – Dennis J. Foegen

Action Requested:

Special Exception to allow an accessory dwelling unit in an AG District (Section 45.031-D). **LOCATION:** 2124 North 33rd West Avenue (**CD 1**)

Presentation:

Dennis Foegen, 2124 North 33rd West Avenue, Tulsa, OK; stated he would like to finish a previously approved structure which is a garage, he would like to have a dwelling unit above the garage. He would use this dwelling unit as a guest room. The garage is 24'-0" x 24'-0" and the unit would match those dimensions.

Mr. Bond asked Mr. Foegen if he had heard from any of the neighbors. Mr. Foegen stated that he has heard no objections from any of the neighbors.

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, Wallace "aye"; no "nays"; 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 5.4 and 5.5 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:

28-20-12 COMM AT NE/C NW-S 1315.32' TO NE/C SE NW &; POB-S 321.41'- S 88 50 08 W 1309.66' TO W LN SE NW-N 286.76' TO NW/C SE NW-E 1307.8' TO POB, City of Tulsa, Osage County, State of Oklahoma

23153—Aaron Wilshire

Action Requested:

Special Exception to allow an accessory dwelling unit in an RS-3 District (Section 45.031-D). **LOCATION:** 3754 East 116th Street South **(CD 8)**

Presentation:

Aaron Wiltshire, 19574 East 74th Place North, Owasso, OK; stated his client would like to construct an outdoor living structure that is attached to the house, and it would have a small guest quarters. The outdoor living structure would include an outdoor kitchen, an outdoor fireplace, a small bathroom that would have access to the pool area, a bedroom with a small closet. Behind the guest quarters there would be a small area enclosed for pool toys and equipment. The design of the structure is cohesive with the house which is a modern ranch style.

Mr. Bond asked Mr. Wiltshire if he has spoken with Mrs. Murray. Mr. Wiltshire answered affirmatively stating that he has shared e-mails with her. Her concerns were that this would become a rental and his client has stated that it would never be rented. It is for the few times a year when relatives or guests come in from out of town.

Mr. Barrientos asked Mr. Wiltshire if there were any other houses in the area that have guest quarters. Mr. Wiltshire stated guest quarters are not uncommon and this is a new neighborhood that is only about a third built out. There are no neighbors to the west because it is a vacant lot and to the east the house is under construction. His client's house is one of the earliest ones built in the subdivision.

Ms. Radney asked Mr. Wiltshire if he could affirm that the affidavit, he has confirmed that the current property owner will limit the use to their guests, relatives, or household staff while they are present on the site. Mr. Wiltshire stated that he has not heard of any household staff, but yes it would be used just by family and friends. The addition is similar to a mother-in-law suite, his client does not need to rent his back yard to a stranger because they are very private people, and they are willing to sign a document stating that.

Mr. Bond asked Mr. Wiltshire if he had said the addition is attached to the existing house. Mr. Wiltshire answered affirmatively. Mr. Bond asked Mr. Wiltshire if it was still being called an accessory dwelling unit. Mr. Wiltshire stated that off the back of the house there is a breezeway that makes the connection, so a person could walk out of the house into the outdoor structure. Mr. Bond asked Mr. Wiltshire if the house and the ADU shared the same roof line. Mr. Wiltshire stated the roofline does connect via the breezeway.

Mr. Bond asked staff if that changed this request. Mr. Chapman stated that he does not think it changes anything, but if Mr. Wiltshire wanted to go to permitting, he could possibly argue that it is not an accessory dwelling unit but all one structure. Mr. Chapman asked Mr. Wiltshire if he had spoke to the Permit Center. Mr. Wiltshire answered affirmatively stating that he showed the breezeway connection to the person that helped him, and that person spoke to someone else in the office confirming that he needed to appear before the Board of Adjustment.

Ms. Radney asked Mr. Wiltshire if there was an existing homeowners association. Mr. Wiltshire stated that it is his understanding that there is not, and it is not uncommon for a new subdivision under development to have the developer controlling the provisional covenants. Mr. Chapman stated that he does not know if the HOA is active but there will be an active HOA after the final build out and it will be very active. Mr. Chapman stated currently there are public streets there, but it may become a private street subdivision in the future because it is being worked on currently.

Ms. Radney stated that in so much that it is anticipated to have an HOA, by granting a Special Exception that could extend in perpetuity and possibly be in violation of what the HOA may ultimately decide, is that a concern? Mr. Bond stated that he does not believe it is an issue for the Board because the rule has not been made as of yet. Mr. Chapman stated there is a development plan on the property which is what the City will regulate with regard to the subdivision, it would not allow an ADU by right, but it would allow the property owner to come before the Board of Adjustment which is the process the applicant is going through now. If the property owners wanted to add additional covenants at a later date it would not be an issue with the City because it would be a private restriction.

Interested Parties:

Tricia Murray, 11607 South Marion Avenue, Tulsa, OK; stated she is on the Board of Directors for Wind River, and Wind River abuts Delaware Park on the south side. The subject property is viewed by several residents in two different areas. The subject house backs into a corner and Wind River is at a much higher elevation, so several people will be able see down on to the subject property. There is also an issue of this being a bed and breakfast, an air bnb or VRBO. Because there is not an established HOA someone could purchase a lot and squeeze an addition onto their lot because it is a wonderful way to have additional income and to be in south Tulsa is concerning. Ms. Murray stated she opposes this request.

Mr. Wiltshire stated the subject property has eight-foot fencing and is very well hidden especially from the south, there may be a muted view from the east.

Randy Willard, 3815 East 116th Place South, Tulsa, OK; stated he lives in the Wind River neighborhood. His back fence line is in close proximity to the proposed structure, and he will easily be able to see into the subject back yard and see the proposed structure, as well as four or five other neighbors. The neighborhood needs more time to

discuss this proposal because a lot of people never received a letter concerning this or they just received the notification in the last ten days, so he would request a postponement. Since the HOA has not been formed in Delaware Park, he does not think it is appropriate to move forward with a decision like this.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to allow an accessory dwelling unit in an RS-3 District (Section 45.031-D), subject to conceptual plans 6.5, 6.6, 6.7, 6.8, 6.9, 6.10 and 6.11 of the agenda packet. The final constructed addition is to strongly adhere to the 3-D presentation and the drawings that are on page 6.11 of the agenda packet explicitly noting that the Board is expecting to see an attached roofline across the proposed breezeway element. The new ADU addition is not to be used for the purposes of short-term or vacation rental. 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:

LOT 7 BLOCK 2, DELAWARE PARK, City of Tulsa, Tulsa County, State of Oklahoma

23154—A-Max Sign Company

Action Requested:

Variance to permit a freestanding sign in an OL District to exceed the permitted 32 square feet of display surface area by 78.37 square feet (Section 60.060-C).

LOCATION: 4538 South Harvard Avenue East (CD 9)

Presentation:

Chris Krohn, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated his client would like to have a larger sign at the subject location. The site is a previous St. John's Clinic, and their sign has been removed. The sign that is being proposed is the same size as the sign that has been removed. There is an existing pedestal that housed the St. John sign and A-Max designed something similar in size.

Mr. Bond asked Mr. Krohn if the new sign would be the exact same dimensions as the St. John's sign? Mr. Krohn stated the current sign that he is attempting to get permitted is about 4" taller than the old sign. Mr. Krohn stated that he did receive an e-mail this morning from a doctor's office across the street that objects to the proposed sign.

Mr. Brown asked Mr. Krohn if the sign would be lighted. Mr. Krohn answered affirmatively stating that it will be internal illumination. There will be LED lighting on the inside of the sign.

Mr. Krohn stated the building will be a mixed use because there are multiple tenants.

Mr. Bond asked Mr. Krohn to state the hardship for the request. Mr. Krohn stated the hardship for this request is that the sign is 50 feet from Harvard and there is not enough area to display a panel that would be visible from the street.

Ms. Radney asked Mr. Krohn if the old St. John's sign was nonconforming. Mr. Krohn stated that he does not know, and he does not know if there had been a permit filed.

Mr. Barrientos asked Mr. Krohn if the sign would have any animation. Mr. Krohn answered no and stated there would be no message center. The sign would be internally lit with static images.

Ms. Radney asked Mr. Krohn if there is an explicit need for the sign to be bigger. Mr. Krohn answered no.

Mr. Bond asked Mr. Krohn if he knew the size of the old St. John's sign. Mr. Krohn stated that he does not have that measurement written down but from memory he thinks it is 9'-0" wide and 11'-0" tall.

Mr. Bond asked Mr. Krohn how long ago the St. John sign was removed. Mr. Krohn stated that it has been about two years.

Mr. Bond stated he has concerns about approving a sign that is larger than what the former sign was.

Ms. Radney stated that she, personally, does not see the sign as being busy and she had heard repeatedly that the sign is busy so she does not understand the concerns, so what is the history of that and what would be the problem setting a precedent? Mr. Bond stated that he thinks this sign falls into a gray area.

Ms. Radney asked if there was a greater predominance of single tenants at the time these structures were put in place? Mr. Krohn stated that St. John's was the only tenant that occupied the building at the time so he would say yes.

Ms. Radney stated that she does not think, since she has been on the Board, anyone has presented a traffic study as an example to talk about any dynamic changes in time and the commercial intensity of what is going on in this segment of Harvard, but it would seem to her that a better more discernable sign on an arterial street where people are moving at quite a clip would actually be a safety benefit. This street is busy to the extent that way finding is difficult, and she understands that in some point in time there is the visual pollution of everybody having a sign that is too big making the street look like Las

Vegas. There has to be some kind of balance between the two. Unfortunately, with multiple tenants moving into the buildings a person cannot find what they are looking for. She is inclined to approve this on the hardship just from the standpoint of needing to be able to safely accommodate signage for multiple tenants in the building.

Mr. Wallace stated that the previous sign was of good size, and he thinks if the applicant could show something that showed more of the scale of that sign, he would be more inclined to approve the request. He thinks the new sign is nicely designed sign and it would improve the corridor, but he is worried if the larger signs are continually allowed it will create the Vegas Strip type corridor.

Ms. Blank stated that in the nonconformity section of the Zoning Code it states that a nonconforming sign is defined as a sign that was lawfully established but no longer complies with the Zoning Code regulations because of a change in the Zoning Code. It would seem that the St. John's sign is not nonconforming and looks like in the Staff Report Mr. Chapman was unable to locate any approval for the St. John's sign. Mr. Chapman stated that Ms. Blank's statement is correct. If it is to be proven that the sign is nonconforming staff must be able to prove that, and he stated that St. John's did have a sign farther down the street at their larger clinic, and they did come to the Board for approval because that sign was in the planned right-of-way, there was no evidence that there was a permit pulled for that sign installation. It is the burden on the property owner to prove the nonconformity. Ms. Blank stated the subject property is zoned OL and it has been so she would presume that the 32 square foot limitation has always applied and has not been increased for the St. John's sign.

Mr. Bond asked what the Code says about the sign being nonconforming. Ms. Blank stated the Zoning Code states that if a nonconforming on premises sign is not used for advertising purposes for a period of 180 consecutive days the sign is deemed abandoned and must be removed. She does not think the sign can be accurately described as nonconforming, but if it was and it was not being used any longer it would have to be removed which it has been.

Ms. Radney asked if a nonconforming sign is in use can it be replaced? Mr. Chapman answered affirmatively but the sign could not be expanded.

Mr. Bond asked Mr. Krohn about the size of the pad for the proposed sign. Mr. Krohn stated he thinks it is 2'-0" x 10'-0". Mr. Bond asked how far up in height could the sign go, and it still remain within the 32 square feet limitation? Mr. Krohn stated that it would be 4'-0" x 8'-0".

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Brown stated that he thinks the sign is too big.

Mr. Bond stated that going from 32 square feet to 110 square feet is a stretch for him, he needs something more.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance to permit a freestanding sign in an OL District to exceed the permitted 32 square feet of display surface area by 78.37 square feet (Section 60.060-C) to the July 27, 2021 Board of Adjustment meeting; for the following property:

LT 1 BLK 1, PROFESSIONAL PARK RESUB S/2 L2 & N/2 L3 B3 VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

23155—A-Max Sign Company

Action Requested:

Variance to allow more than 48 square feet of dynamic display area for sign in a CS District (Section 60.080-E). **LOCATION:** 1541 West 71st Street South (**CD 2**)

Presentation:

Chris Krohn, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated his client would like to have a little larger message unit. The hardship for this request is that the sign has a 70-foot setback and there are multiple utilities and overhead lines on the property. There was an existing sign years ago that was moved when the street was widened.

Mr. Bond asked Mr. Krohn if it was a 70-foot setback. Mr. Krohn answered affirmatively stating that the sign is back 130 feet to keep it away from the utilities placing it closer to the church. The church will be building a new church in the future and this proposed sign will compliment the larger new church.

Mr. Bond asked Mr. Krohn to explain the dynamic display portion of the sign. Mr. Krohn stated he attends this church and if the sign is approved the programming will be tasteful, and the church will be provided with a copy of the Code pertaining the sign restrictions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Barrientos, Bond, Radney, Wallace "aye"; Brown "nay"; no "abstentions"; none absent) to **APPROVE** the request for a

Variance to allow more than 48 square feet of dynamic display area for sign in a CS District (Section 60.080-E), subject to conceptual plans 8.9 and 8.10 of the agenda packet. The Board has found the hardship to be that the church itself is set back from the road and there are utility easements that limit the placement of the sign requiring that the sign be 130 feet back from the centerline of the road thus the size of the dynamic display sign is needed for visibility. The amount of the display area is not to exceed 70 square feet and the dynamic display is not to include moving or animated images. 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:

LOT 1 BLOCK 1, THE LIGHTHOUSE CHURCH, City of Tulsa, Tulsa County, State of Oklahoma

23156—Bell Labs, LLC – Julie Melia

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:** 1526 North 75th East Avenue **(CD 3)**

Presentation:

Alexander King, 20 East 5th Street, Suite 750, Tulsa, OK; stated the building is currently being used for medical marijuana cultivation and his client would like to repurpose two rooms within the facility for medical marijuana processing. The processing would be ice water extraction. There would be no gas, flames or hazardous chemicals involved. The process is freezing the marijuana product for 24 to 48 hours, place the frozen material into an ice water bath, stir and mix it, run the resulting product

from the ice water bath through a mesh bag, freeze dry it for 24 to 48 hours, then place the product into a heat press. The only waste generated will be the plant material which will be composted, and excess water waste will be reused in the cultivation facility. There will be no additional smell should be generated because it is a very low impact process. The building is currently occupied by the labs.

Ms. Radney asked Mr. King how the grow facility had been in place. Mr. King stated that it has been operating a little over a year. Ms. Radney asked Mr. King if there had been any issues during that year. Mr. King stated there has been no complaints from the neighbors.

Mr. Brown asked about the employee parking. Mr. King deferred to his client.

Interested Parties:

James Gilchrist, 1526 North 75th East Avenue, Tulsa, OK; stated the employee parking is either on site enclosed behind the fence or outside the fence on the street.

Ms. Radney asked Mr. Gilchrist if there would be a need for additional staff on site for the processing. Mr. Gilchrist answered no stating that current staff will be able to handle the processing.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** 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), subject to conceptual plan 9.9 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:

S100 OF N299 OF W141.57 OF E166.57 OF SW SW SE SEC 26 20 13, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Ms. Radney, again on behalf of the Board members, welcomed Mr. Tyler Wallace to the Board of Adjustment.

There being no further business, the meeting adjourned at 3:06 p.m.

Date approved: _____

Chair