

**ADJUSTMENT**  
**MINUTES** of Meeting No. 1304  
**Tuesday, October 11, 2022, 1:00 P.M.**  
Tulsa City Council Chambers  
One Technology Center  
175 East 2nd Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS</b>
Bond, Chair Radney, Vice Chair Brown Barrientos	Wallace	D. Wilkerson S. Tauber J. Banes A. Chapman	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on October 5, 2022, at 12:37 p.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 1:04 p.m. Mr. Bond noted that they are a 5-person board, and that Mr. Wallace was absent. Mr. Bond stated that he would have to leave the meeting at 2:45 p.m. for on family business.

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

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**MINUTES**

On **MOTION** of **BROWN**, the Board voted 4-0-1 (Barrientos, Bond, Brown, Radney “ayes”, no “nays”; no “abstentions”, Wallace “absent”) to **APPROVE** the **Minutes** of September 13, 2022 (Meeting No. 1302).

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**UNFINISHED BUSINESS**

**23325 - Ryan Neuhor, Image Builders**

**Action Requested:** Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) **Location:** 1127 S. Columbia Ave. (Mayo Demonstration Academy) **(CD – 4)**

**Presentation:**

Applicant was not present.

**Interested Parties:**

None

**Comments & Questions:**

None

**Board Action:**

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Brown, Radney all “ayes”, no “nays”, no “abstentions”, Bond and Wallace were “absent”) to **CONTINUE** the requested Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c); and Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) until the November 8<sup>th</sup> 2022 Hearing, for the following property:

**NE NE NW SEC 8 19 13, CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.**

**23388 - Nathalie Cornett**

**Action Requested:**

Special Exception to permit a monument sign to be partially located in the right-of-way (Sec 60.020-E) **Location:** 4132 E. 51st St. South (**CD – 9**)

**Presentation:**

**Nathalie Cornett**, 2727, East 21st Street, Tulsa, Oklahoma, stated that we are returning to you from the July 12, 2022, meeting. She asked Mr. Chapman to put up 3.13, just to reorient the board and remind you, where we left off.

We are on the south side of 51st Street and we are requesting a Special Exemption to permit a sign to be partially located in the right-of-way 51st Street, allowing the sign to straddle that North property boundary with four feet or so of the sign and the right-of-way, and four and a half feet of the sign within the property boundary. The last time we were here, the Board requested that the applicant pursue that license agreement with the City of Tulsa, and we have done so. The City of Tulsa have approved that license agreement. She has provided Staff a copy of the email confirming that from engineering services. The document itself is still being drafted, but the application and confirmation of its approval are provided to the Board. So those were our marching orders. It is a Special Exception and with the approval of the license agreement it is, further evidence that we are not injurious to the neighborhood or detrimental to the public welfare, which is one of our standards to meet. We do not interfere with any utilities, we receive no objections from any of the engineering departments, streets right-of-way, or any of the other folks that review that utilities. We comply with all other code requirements, as far as distance from the actual streets. We are twenty feet from the curb and forty-one feet from the centerline of 51<sup>st</sup> Street. As far as size, and we fully comply with the code in that regard. She was happy to answer any questions the board has for me.

Mr. Brown asked what did the size of the sign change. Ms. Cornett answered no.

**Interested Parties:**

No interested parties were present.

**Comments & Questions:**

Mr. Brown stated that he still objected to the size of the sign but felt with the licensing agreement that he would tend to approve.

Mr. Barrientos stated he did not like the size, yet we have the licensee. However, as he sees those signs inside the property lines and if you drive by 51<sup>st</sup> Street, and this feels like it is going to be farther out closer to the streets. He would still support it.

Ms. Radney stated that she thought the applicant has satisfied that request that she made so on those grounds, she would be inclined to support it.

**Board Action:**

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney all “ayes”, no “nays”, no “abstentions”, Wallace “absent”) to **APPROVE** a **Special Exception** to permit a monument sign to be partially located in the right-of-way (Sec 60.020-E) the Conceptual Plans shown on pages 3.9 and 3.11 shown in 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:

**LT 1 BLK 1, YOUNG PLAZA, OIL CAPITAL FEDERAL CREDIT UNION, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

DRAFT

## **23419 - Superior Signs**

### **Action Requested:**

Special Exception to permit signs inside the right-of-way or planned right-of-way of S. Yale Avenue (Sec. 60.020-E); Variance to increase the number of allowed driveway and drive-through signs and to increase the permitted four-square feet of display area for driveway signs (Sec. 60.030-A.1, B.2) **Location:** 4249 S. Yale  
**(CD – 5)**

### **Presentation:**

**Talal Medlej**, 511 East John Carpenter Freeway, Suite 375, Irving, Texas 75062 stated that he was an employee of McDonald's Corporation. We have worked on this site since 2019. When the plans were ready to submit it for building permit, we realized we will be using the city public right-of-way. We have had a license agreement with the city since 1974. But we decided to go ahead and run it by the city one more time to make sure that we follow everything. He personally filled out the application and we sent it to the city. It was approved by the city council on February the ninth. What the license agreement refers to is Exhibit A attached to this. And on Exhibit A is the site plan. On the site plan on the right-hand corner, the size of schedules is listed there, including those directional signs. The reason for directional signs is just for the safety of our customers, nothing to do not big signs, they only eighteen inches wide by twenty-four inches high. We call them directional sign just to direct the traffic in and out the facility for the cars to get in and out and save. That is all but what is to it. We sent those sites plan which is does show all the sign schedules we are going to install, and we got the approval by the City Council on February 9<sup>th</sup>. We asked the Board of Adjustment just for reconsideration because the purpose of these signs is the safety of our customers. Our main sign is way in the back in the middle of the site, way away from the street.

Ms. Radney asked why we have a question here about the additional size of the signs that you are using. You are also asking for additional square footage. Is there something distinctly unique about this site that you need that. Mr. Medlej stated that those just a new standard right now we use it everywhere. They are high enough for customers to see them and wide enough for the customers to see them. They are not overly sized if you look at anywhere else. Our sign companies are the ones who spec them out for us. Based on the studies, they know how big the site should be the directional design, how high for drivers to be able to see it clearly. So, they do not miss it. And those are illuminated signs.

Ms. Radney stated that this site has three points of ingress and egress. Is that pretty typical for site for a restaurant of this size? Is this the size sign that you use as your standard size? Mr. Medlej stated that these are the standard size we install everywhere. And those directional signs are the same size at every restaurant we do. We go through the checklist for all core or essential elements of the site. We make sure we are in compliance with the city, and we get the approval before we spent two and a half million dollars on the site to make sure we are in compliance. We were really surprised with the installer called us and says they could not install this sign for you to the city says nice we already have a license agreement from the city, and we proceed accordingly.

Mr. Bond stated that he did not think the issue so much is the Special Exception with a license agreement at least for him. He thought the issue that he was still trying to get over the hump on is the Special Exception and what the hardship is for this to increase the signs. Do we know how far above on here is four square feet the maximum on the sign budget we are going above that? Mr. Chapman stated it is the maximum size for a driveway sign.

Ms. Radney asked if that was per sign. Mr. Chapman stated that was correct and they are asking for 5.75 square feet. As far as the driveway signs, they are allowed one at each vehicle entrance. At this point you are going to have two at each entrance is what they are asking for 5.75 square feet? They are asking for two at 5.75 square feet and then they are allowed one drive thru sign per vehicle lane and then they also get one secondary sign. These are all a part of the drive thru signs, and he did not think there is an issue on the size of them it is the number for the drive thru signs that would include things like the menu board.

Mr. Medlej stated that is another thing to drive through. That is our normal, we put presell menu boards and menu boards on each lane. He suggested to you if you think two per ingress/egress is too many we can reduce it to one sign per entrance.

Ms. Radney stated that it is one way on those that are out there fronting to Yale. The south entrance is only ingress, and the north entrance is only egress. In that instance, you could just go with one sign and each of those.

Mr. Medlej stated that they can do one sign on each one. The one on 43<sup>rd</sup> St., which is two ways.

Mr. Medlej used the pointer to show the entrance on 43rd Street is two-way entrance. The one on Yale in one way, way in one way out. Normally our standard designed to have the entire traffic around the building. It is one way to minimize the risk of any accidents and the reason for those directional signs to minimize the risk for any accident with our customers. But yes, one on each side that will work on each because they all one way.

Ms. Radney stated that there is a center median across the street or in front of those so people cannot turn left if even if they want it to go south on Yale.

Mr. Barrientos asked what is unique with the property is that the location that shape or how you all structure the building? Mr. Medlej stated that this is how it was the building before. We did not change anything with the direction of the building if that is what you are referring to.

Mr. Barrientos stated that he was trying to produce strong hardship, especially for the Variances.

Ms. Radney stated that our burden is that the hardship cannot be self-imposed, and it cannot be financial, that is really the biggest hurdle. When I look at the size of your directional sign, it is oversized because your logos on it as an example. And I can understand why in a multilingual country. And you certainly have a multilingual client base that you might not necessarily need to have words there that say enter or exit that mean that you are saying where what you are entering, and which way to go without having to have the words typed. But it is making your directional sign oversized.

Mr. Medlej asked what size you recommend. Ms. Radney stated that she thought that our code is limiting you to four square feet, and in this instance, is 5.75. She could understand the potential utility of having the larger directional sign in this case, she thought she could get past that. But you have more, there is more that you are asking for. We need to help you to help us to see what is the necessity for the other aspects of the Variances that you are asking for? Because you are asking for two. One is on the number of allowed driveways and drive thru signs. She did not think he had spoken to that yet. And then the other one is for us to approve that you would be able to have a larger directional sign than our code currently permits, and more of them.

Mr. Bond stated so let me tell you briefly, even if we do not make policy, we are not elected officials were appointed and it is important that we do not make that policy. All we are allowed to do is within a very narrow left to right limit, create exceptions, and only once certain conditions are met. And that condition here is going to be what is the hardship that you need to show. It must be something that has to do with the land, the layout, something you did not cause, and something which is unique here. We just cannot give exception on our own. It is just not what we are here for, and you do not want that either. You can, the people of Tulsa can go vote for the people that are lawmakers that do that. That is not our job. We are trying to figure out, to grant this, what is unique about this for the signs because he knows this is what McDonald's do everywhere. But our zoning code in the Great City of Tulsa is specific. He would say it is not your issue. But we are seeing an increased number of drive thru establishments that are coming through wanting to impose national standards on us. And we are not allowed to abrogate those standards. That is for the City Council. So, what about this is unique because of the hardship about this piece of property that would allow us to give you an exception to this policy to give you a variance?

Mr. Medlej stated that to be honest, he did not see there is nothing unique. This is the standard and the only thing about those directional signs they were specked out by engineers and experts to make sure customers they do not miss them. To minimize the risk of accidents because we all want something we do not want somebody to go enter the site through the wrong entrance or exit outside the wrong entrance or exit or driveway. They make them big enough for people to see. We do not put our logo on those directional signs. They just say welcome, or in, or out.

Ms. Radney stated that she thought the one that we have has a logo on it and showed the plan. Can you see it up on the screen? Mr. Medlej stated that they could take the logo out.

Mr. Chapman stated that then he did not think you need a Variance on the size.

Ms. Radney stated that it would be the number and she thought they went beyond it on the number. She agreed with him that this is a tight corner, you are right up against the residential neighborhood. The residents who are adjacent to this site would prefer that there not be confusion at this corner. So having more signs to direct to direct the flow of customers makes more sense because of the corner that you are located on, that would be unique to this site.

Mr. Bond stated that at this location, you are going to have heavy traffic, especially given what we have approved to go into.

Ms. Radney stated that the other thing about the way that now this parking lot flows you once you miss the entrance off what is it, off 43<sup>rd</sup> Street, you must circle around to come back correct to get to that entrance. That is the only point in which you can get into the McDonald's now correct? To the extent that she knew that the residential neighbors don't want lots of people who missed the turn, wandering around their neighborhood trying to turn around and come back and then make a right turn and because then now you have more congestion, because the left turning traffic is held up by the right turning traffic into your lot. She can personally argue that you need an entrance and an exit arrow there. That makes good sense to me. And it is unique to your site. But you still must address the number of drive thru signs.

Mr. Medlej stated that the sign we were proposing is eighteen inches wide by twenty-four inches high. We can put one of each entrance on Yale because it is a one way and two on 43rd Street. Same size signage without the logo.

Mr. Bond stated with that for the city, would that put them within their allotted budget, Mr. Chapman stated that he did not know. He did not have the plans. He would say that generally if you just deny the variance on the size, it is 1.75 square feet and he thought that they can make that work within their assigned budget size.

Ms. Radney asked if she was reading that there are three Variances correctly. Mr. Chapman stated that in terms of it is a separate Variance for a drive thru driveway sign, yes.

Mr. Brown stated that it was two Variances and a Special Exception.

Ms. Radney stated that she was asking a different question. The way that she was reading this, she thought she understood that we had a Variance to increase the number of allowed driveway signs, and the Variance for the drive thru signs. And the Variance for the size of the signs for the driveway signs, correct? There are three parts in the Variance. That is why she was asking the applicant to speak to why you need extra drive thru signs. She thought that was the only thing they have not addressed.



Mr. Medlej stated that this is our standard, and this is to help our customers make a decision that move out quickly. Mr. Radney asked him to tell us something that is unique to this site that is that is improved or addressed by having more drive through signs. Mr. Medlej stated what do you need to decide as you notice is very the queue lane is noticeably short. That is why you so if you do not have those pre-sale signs, next thing you know there is a traffic backing up to the street. So those help customers to make decisions you know, the quicker than they normally do just to get in to get to place their orders and leave. Otherwise, the queue lane will be back and backing up all the way to the street and we had that experience before unfortunately, in a lot of locations but here on a property size we are limited on the property size. We tried so hard with the mall to lease more property from them. They will not they will not talk to us about this. Without this presell menu board, you have a traffic backing up all the way to their street.

Ms. Radney asked Mr. Chapman if she was remembering correctly that there is a prohibition on having that curb cut closer to the street, it must be a certain distance away from the corner. Mr. Chapman stated that there are access management standards. This is not conforming to those. That is not a part of the zoning code that is held within city engineering. The access to this property would not meet current standards with the second curb cut on Yale.

Mr. Barrientos stated that he thought that based on this shape of the lot we might be to get it with the number of three signs.

Ms. Radney asked if the existing building sit in the same footprint that the previous building did. Mr. Medlej stated that it is smaller, and that is because that distance needed to be able to have at least eight cars, the queue length, but here we cannot. So, we must cut the building a little bit shorter, to make sure we can fit as many cars as possible.

Ms. Radney stated that by making the building smaller, over still basically the same footprint, but making it smaller within that footprint, you can better accommodate the flow. And that is improved by having these extra signs, extra by Tulsa standards. Just to make sure that we are all on board with this. what we all see is a continued use of a preexisting nonconformity. And from that it justifies the need for additional wayfinding signage and additional ordering.

Mr. Bond stated that there was existing, not sold self-imposed heavy traffic.

**Interested Parties:**

No interested parties were present.

**Comments & Questions:**

Ms. Radney asked if the hardship was a pre-existing nonconformity, and it was legal.

**Board Action:**

On **MOTION of RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney all “ayes”, no “nays”, no “abstentions”, Wallace “absent”) to **APPROVE** a Special Exception to permit signs inside the right-of-way or planned right-of-way of S. Yale Avenue (Sec. 60.020-E); Variance to increase the number of allowed driveway and drive-through signs and to increase the permitted 4 square feet of display area for driveway signs (Sec. 60.030-A.1, B.2) per the Conceptual Plan as shown on pages 4.14 and 4.15 of the Agenda packet per the removal agreement that referenced today by the applicant at today’s meeting, subject to the following condition that the applicant secure a Licensed Agreement for all signage that is to it that is granted with this relief within the right-of-way; driveway signs not to exceed 5.75 square feet; relief to allow two driveway signs on 43<sup>rd</sup> Street and two on Yale; two primary drive-through signs and two secondary drive-through signs. Finding the hardship to be continuing use of a pre-existing nonconformity structure.

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 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:*

**TR A BEG 1190 S 90 E OF NW COR NW NW TH E 150 N 150 W 150 S 150 TO PT BEG SEC 27-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

**23429 - Ray Toraby**

**Action Requested:**

Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D) **Location:** 9014 S Yale Ave E (**CD – 8**)

**Presentation:**

Applicant requested a continuance, October 25, 2022.

**Interested Parties:**

None

**Comments & Questions:**

None

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney all “ayes”, no “nays”, no “abstentions”, Wallace “absent”) to **CONTINUE** the requested Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D) until October 25, 2022, for the following property:

**LT 1 LESS BEG NEC THEREOF TH W10 S155.02 NE14.15 N145.02 POB BLK 1,SOUTHERN WOODS PARK, STAR CENTER II , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

**23430 - Amy Wightman**

**Action Requested:**

**Special Exception** to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district (Sec. 15.020, Table 15-2) **Location:** 905 S. Hudson Ave. **(CD- 3)**

**Presentation:**

**Amy Whiteman**, 3705, South Tamarack Avenue, Broken Arrow, Oklahoma, 74011, stated that she was one of the owners of the business. We have two licenses; one is growing, and one is processing. But this building that we are trying to rent does not have the processing zoning. It is a small processing business, just she and her husband. They do not have hazardous material. It is just ice and water that we are using to process. And we did go in front of the planning commission last week, and it was approved. She had to get it approved through them first before she came to this Board. But we had one objection that she was able to explain it was a neighbor. But there will not be any impact to the neighborhood or environmental impact and what we are doing.

Ms. Radney asked if she could elaborate on what she the question was that you took to the planning commission.

Ms. Whiteman asked if Mr. Chapman could help her explain that.

Mr. Chapman stated that the zoning on this property has a development plan on it, which restricted moderate impact uses. The Planning Commission had to approve a minor amendment to that development plan to allow the Board of Adjustment to hear the Special Exception. It turned it into a two-step process to get this approved. And then that item was approved last week at planning commission. The next step would be a Special Exception approved by the Board for her to continue.

Mr. Barrientos asked how much of the building would you all be doing the processing in.

Ms. Whiteman stated just Suite D, which is 1800 square feet. In my little site plan that she has, it just shows that we have it is three hundred square feet for our lab. She did not submit this ahead of time. But, for our processing, it is a small area that we need, and we just use vessels which have ice and water in it. She did not think it if tells me the square footage of the lab but most of the suite is the garage and warehouse. And then our lab is a small room. As she explained to the City Council meeting last week, there is no smell or anything because we do not use chemicals, so everything is self-contained inside the building.

Ms. Radney asked if this will be code located within the Growth Facility.

Ms. Whiteman stated that her grow, and her processing will be in Suite D, but there is existing growing already going on from the owner and Suite C.

Mr. Bond asked if there was any kind of air filtration system. Ms. Whiteman stated yes, and we have just bagged that filtrate everything so just a basic explanation of how it works is we stir manually with just a paddle and that extracts the trichomes off the flower and then the water goes into filtration bags, and it filters it through four bags and then what we are left with is the final product.

Ms. Radney stated that there are not any additional standards for the processing than band would already be in place for the Growth Facility.

Mr. Chapman stated that he thought she was answering a different question. He thought that Mr. Bond was asking about like a filtration system to the outside and keep the smell inside the building is what he is asking.

Ms. Whiteman stated that they just have carbon filters in the air system, but it is like an extra air filter.

Ms. Radney asked if there was communication in terms of the ventilation between suites or do you have a standalone system on your suite.

Ms. Whiteman stated that it is all one system because it is one building. She supposed there are different air conditioning units. In Suite C, he has a build out for his grows so she thought he put in extra power and two other air conditioning systems.

Mr. Bond asked if she could tell him what the east of their building. Ms. Whiteman stated east was just the actual Route 66. The building sits back a little bit on the lot to the east would be the used car lot that they operate as well. In front of that is Route 66.

Mr. Bond asked what the square building with a courtyard is. Is that an apartment or is it offices?

Mr. Chapman stated that they were the Hudson Villas it is a Transitional Living Center.

Mr. Bond asked if she had any communication with the management there. Ms. Whiteman stated that she had not and did not know if the owner had. The owner went in front of the Board a few years for a Special Exception so that they could grow. She did not know if that was addressed at that point, but she understands from him that he did not have any opposition to his situation.

Mr. Bond asked if I am standing outside your shop, what will he smell. Ms. Whitehead stated that he would smell nothing. Mr. Bond asked when you move this but for our notification when you remove the raw crop into your facility, how is that done. Is it sealed?

Ms. Whiteman stated that it is sealed. It is tested first, but that is what we are trying to do is not take other people's material just have our own so we can grow our own and the process around so would not have to leave the building or come in. So that is the

end goal. We will use the owner's flower as well. There would not be any outside coming in. Everything is sealed. If we were to bring something in to be evaluated, it is sealed, and then put in a container that does not have any smell. It must be frozen. It goes from like a freezer into cooler or freezer to us.

**Interested Parties:**

No interested parties were present.

**Comments & Questions:**

Mr. Bond asked the other Board members if we need to put time restrictions on this. Sometimes we put restrictions on these for them to come back and demonstrate that they are doing the right thing. Just because he knows we have had some significant issues with other facilities. He would support this with a look back. He would put two to three years.

Mr. Barrientos stated that the size the processing part was only in Suite D.

Ms. Radney asked Mr. Chapman if that was a correct interpretation, that if we did not limit it to Suite D that it would apply to the entire building. Mr. Chapman stated that it would probably be a good idea to say Suite D, and reference on site plan. Ms. Radney stated that she noticed that it is not addressed as just Suite D. It is just that building.

Mr. Bond stated that it was tied to that suite based on what you said 6.9,

**Board Action:**

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney all "ayes", no "nays", no "abstentions", Wallace "absent") to **APPROVE** a Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district (Sec. 15.020, Table 15-2), per the Conceptional Plans on page 6.9 of the Agenda packet with the following restriction that it will be approved for three years form this date and restricted to Suite D on the conceptual plan.

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:

**BLK 67 & S30.43 VAC ST ADJ ON N THEREOF LESS S200 THEREOF BLK 67, GLENHAVEN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **23432 - Marketta Rowe**

### **Action Requested:**

Special Exception to allow a manufactured housing unit in the AG District (Sec. 25.020-D, Table 25-1.5); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A) **Location:** 1710 E 48th St N (CD – 1)

### **Presentation:**

**Marketta Rowe**, 301 West 63<sup>rd</sup> Street North, Tulsa, Oklahoma, 74126, stated this is for a manufactured house that was placed there ahead of time. She is working backwards in this process. It is on AG land that she would like to stay AG or AG-R possibly. She did not know that she would need permits for AG. When the city informed me of it, she started the permitting process, and this was one of the steps. There was a gravel entrance there back in April, and since it is already October, the grass has grown over it. There is no further construction or anything that needs to be done besides the driveway

Mr. Bond asked if she lived there currently. Have you talked to the neighbors? Ms. Rowe stated yes that she had. It has been there since like March. She has gotten a lot of compliments on it because it is nice like it just needs to be painted. There is no siding on there, but it just needs to be painted but she had not had any complaints or anything of that sort.

Mr. Bond asked if she could tell us a little bit. We see a lot of varieties of manufactured houses. Is there a skirt around it right now? Ms. Rowe stated that instead of a skirt, it has dropped down siding which functions as a skirt but gives it more of the house look with the small footing around it, but it is not like a traditional skirt. It makes the house look like longer and look like a house instead of like a manufactured home.

Mr. Barrientos asked how old it is. Ms. Rowe stated that the title says it was made in 1994.

Mr. Bond asked if the driveway was in place and Ms. Rowe stated that there is no driveway yet. She had stopped everything until she was finished the permitting and this was a part of the permitting was to come the Board of Adjustment for a Special Exception for it to be there.

Ms. Radney asked if she had full city services in that location where you put it. Ms. Rowe stated that she did, and the land can remain unplatted. It does not need to be broken up or anything like that.

Ms. Radney asked if her intention was to subdivide it. Ms. Rowe stated that she would like it to stay unplatted because she still wanted the Ag use out of the land.

### **Interested Parties:**

No interested parties were present.

**Comments & Questions:**

Mr. Bond stated whether it is injury to the neighborhood, or was it warfare, he usually takes the word to the people, and they did not show up. He does not see an issue here. It is on an AG zone, and they want to keep it AG.

Mr. Brown asked if they want to do a timeframe on these or is it a one year.

Mr. Bond stated it was just the code he thought.

Mr. Chapman stated that the zoning code states that it is limited to one year unless the Board of Adjustment extends that. Typically, we always put it as extended permanently. It is not incredibly practical anymore for those to be limited to a year since it is anytime you see a Special Exception for a manufactured home, you will see an extension request as well.

Mr. Bond stated that he would be okay with the permanent.

Ms. Brown stated that she was all right with permanent. She thought that there are a lot of comparable homes, manufactured use units that are on unplatted lots that are in this vicinity. She did not think that is inconsistent with the current use.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney all "ayes", no "nays", no "abstentions", Wallace "absent") to **APPROVE** a Special Exception to allow a manufactured housing unit in the AG District (Sec. 25.020-D, Table 25-1.5); and a Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently per Conceptual Plans on 7.11 shown in 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:

**BEG NWC SW SE TH E TO EL W/2 W/2 SW SE TH S712.11 W304.44 N737.43 POB LESS N25 &E25 FOR ST SEC 7 20 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**



**23437 - Tim Boeckman-CJC Architects, Inc.**

**Action Requested:**

Special Exception to allow a Large (>250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2) **Location:** 5 S. Boston Ave. **(CD – 1)**

**Presentation:**

**Tristan Koch**, 3936 East 54th Street, Tulsa, Oklahoma, 74135 stated that he is the project manager for the Jazz Foundation. He stated that he is standing in for Tim Boeckman today. The Jazz Foundation took over the Oklahoma Jazz Hall of Fame in the summer of 2021. With the consent of the Tulsa County Industrial Authority, we are doing an interior remodel of this facility and a building permit with the City of Tulsa has been applied for to accomplish this work, as a part of the building permit review. The City of Tulsa noted that they are required Special Exception to permit the facility as commercial assembling entertainment use within the central business district does not exist. The Oklahoma Jazz Hall of Fame has been operating as a large commercial assembly space and for entertainment uses such as concerts, since its opening at this facility without the special exception in place for the last 15 years. It was a train station for about one hundred years. And the Jazz Foundation is requesting this Special Exception to be granted to allow the building permit to progress and allow the Oklahoma Jazz Hall of Fame to reopen as was previously operated.

Mr. Brown asked what kinds of large entertainment venues will be there. Mr. Koch stated primarily concerts. The majority of the second floor is a large assembly space with the stage. Previously there were jazz concerts, and benefit concerts that were hosted that at that facility and we would like to continue that.

**Interested Parties:**

No interested parties were present.

**Comments & Questions:**

Mr. Bond stated that he did not have any issues with this at all.

Mr. Brown asked if parking was an issue.

Mr. Bond stated that he would say there is too much parking.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney all “ayes”, no “nays”, no “abstentions”, Wallace “absent”) to **APPROVE** a Special Exception to allow a Large (>250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2) per the Conceptual Plans shown on page 8.10 in the Agenda packet, for the following property:

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.

**A TRACT OF LAND THAT IS PART OF LOTS 1-11, BLOCK 73, AND ALSO A PARCEL OF LAND LYING BETWEEN BLOCK 73 AND BLOCK 58, AND ALSO PART OF SOUTH BOSTON AVENUE, ALL IN THE 'ORIGINAL TOWNSITE OF TULSA', TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: 'BEGINNING AT A POINT' THAT IS THE NORTHWEST CORNER OF SAID BLOCK 73; THENCE S 89°59'10" W ALONG THE PROJECTED NORTHERLY LINE OF BLOCK 72 IN THE 'ORIGINAL TOWNSITE OF TULSA' FOR 80.00 TO A POINT THAT IS THE NORTHEAST CORNER OF SAID BLOCK 72, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH BOSTON AVENUE; THENCE N 00°02'23" W ALONG THE PROJECTED EASTERLY LINE OF BLOCK 72 AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 180.00'; THENCE N 89°59'10" E AND PARALLEL WITH THE NORTHERLY LINE OF BLOCK 73 FOR 380.00' TO A POINT ON THE PROJECTED EASTERLY LINE OF BLOCK 73 AND THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH CINCINNATI AVENUE; THENCE S 00°02'23" E ALONG SAID EASTERLY AND WESTERLY LINES FOR 180.00' TO A POINT THAT IS THE NORTHEAST CORNER OF BLOCK 73; THENCE CONTINUING S 00°02'23" E ALONG THE EASTERLY LINE OF BLOCK 73 AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 20.00'; THENCE S 89°59'10" W AND PARALLEL WITH THE SOUTHERLY LINE OF BLOCK 73 FOR 300.00' TO A POINT ON THE WESTERLY LINE OF BLOCK 73 AND EASTERLY RIGHT-OF-WAY LINE OF SOUTH BOSTON AVENUE; THENCE N 00°02'23" W ALONG SAID WESTERLY AND EASTERLY LINES FOR 20.00' TO THE 'POINT OF BEGINNING' OF SAID TRACT OF LAND. CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.**

\* \* \* \* \*

## NEW APPLICATIONS

### **23441 - Childs, Clinton Ross & Elizabeth Anne**

#### **Action Requested:**

Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]); Special Exception to increase the permitted driveway width (Section 55.090-F.3)

**Location:** 2507 S. Evanston Ave (CD – 4)

#### **Presentation:**

**Beth Anne Childs**, 2507 South Evanston Ave., Tulsa, Oklahoma, 74114 stated that she is the applicant. She asked Staff, to please pull up exhibit number 9.15. First, she wanted to apologize to the Board. She does not like to waste people's time. And should have done a lot more work on the front end of this thing. We have four kids and work, and it really has just a taken more time than she imagined it would. This is her home that is indicated right there. It is on 25th Street between Harvard and Lewis. This area is a little bit of my residence and my neighbors. It is a little bit unusual, because it does, end into this area right here. We really do not have much traffic at all going down this area. This is a typical Midtown residence that has been added on to, she thought. She owned the property with her ex-husband, who lives in the neighborhood. Since she has been here, we have added on to the home several times primarily going up over the garage. As she was reviewing the packet prepared by Staff, she was a little bit surprised to see that Staff was recommending that we turn the garage and put it in in that location over here. My neighbor across the street has a detached garage that is in that location. The problem here is, but she thought that this area, Bryn Mawr, was platted in the twenties. There is a large PSO easement that goes through the rear of her property. It was not platted. She was assuming that it was dedicated by separate instrument. She did not have time to get with land records to see if she could locate that easement. A standard easement is going to be seventeen and a half feet on either side. But the reason that she mentioned that is PSO was going to require her to build any structure a minimum of ten-feet off where that is located. They just came through and cut wires, she has trees here and they cut all the way back. The suggestion by Staff and moving the garage in this area, because of that PSO easement and the wires going through this location really makes it a practical impossibility. One thing that she did request from Staff yesterday was a preexisting packet on a Board of Adjustment action that was taken in 1995. She was wondering if she could trouble them to pull up the site plan that she submitted this morning. She is a lawyer and not an engineer. This is the existing structure right here. This area right here was she believed what was the subject of a prior Board of Adjustment application and approval. In that application, the only differences are the garage was not a detached it was attached to here. But the prior applicant back in ninety-five sought to have this moved, she thought it was thirty-three feet from the centerline and the Board considered and the action taken was to reduce

the setback to thirty-seven and a half feet. That is about seven feet further back, and we would like to do that. So she was in a little bit of a quandary because she never could get verification from Staff on this and she was assuming that's just my fault for not asking the question sooner but she was assuming that we already have a variance, but that the variance is 30 and a half linear feet from the center line, as opposed to the 30-feet that we're actually requesting. Now, when we purchased the property in 1999, what had been identified from her review of the prior BOA action was that this was an enclosed carport. When we bought the house, this had been converted to a garage. There was a storage area located here. They went ahead and enclosed it. She did not know if there was a permit. Based upon my review of this Board and your experience in real estate, she was sure you all have experience in dealing with these types of residences. She was at a loss as to what request. Obviously, my request would be that she could line up my detached garage with the existing structure. She believed that that is unreasonable. First, we do have PSO power lines coming through here. At some point, we may want to curb and gutter it, we must consider sidewalks. as a practical matter based on the location of this residence. There's not enough money in the city budget to curb and gutter it or to put sidewalks, nor would that be an effective use of resources. Secondly, we are good stewards here, we are trying to improve the viability of the property. This road is not very well traveled. The hardship that we were seeking relief from was the 50-foot right-of-way and she thought that Staff takes a little bit of issue with that. She would like to explain her rationale for that. If you look from a modern standard, she thought that there is a push nationally to reduce the roadways slightly. A lot of residential neighborhoods, particularly a more modern areas, you have like the standard street area, and then you might have an easement on either side of it. This is an internal street. It is not going to impact my neighbors in any way whatsoever. It is not going to impede the flow of traffic, there is a natural drainage area that goes through this area right here, we cannot turn the garage because of the existing PSO. Not to mention the fact that if we did that, in turn with this direction, it would take up, which I realized is not anybody's problem that mine, but it does take up a significant amount of my backyard. If we were to do that. She was happy if it is the board's pleasure to continue this to a date certain two weeks from now. She would that would give me a chance to go back to Staff and have some meaningful conversations with them as to whether the variance was in fact is already in place for this. And as a resident at Tulsa, it is frustrating that I have been going through the permitting process for months, and I was told that there is a variance and now two days before the Board of adjustment, or a day before less than 24 hours now I figured out I already have a Variance in place. And she knows more than the average individual about plats, easements, and locations.

She stated that she should have asked for the packet a long time ago, but \$500 later, and lots of effort and time on her part, not the quality and the drawing notwithstanding. But somewhere leave it up to the board's discretion. She appreciates your service to the city. She appreciates Staff and everything that they do. If you want to continue to date certain that will give me a chance to go with Staff and find out if that is or if you want to simply act on this and grant the relief requested. She would not fight you too much on that.

Mr. Brown asked if she had any discussion with neighbors. Ms. Child stated that she had. As I mentioned, this area right here is a vacant lot. They would not be impacted this neighbor right here. She has a close relationship one of the neighbors and we discussed it. She has no problems and neither does the across the street neighbor. In fairness. I have not discussed this with my ex-husband, but if you would like for me to do that she can since his residence is located over here.

Mr. Barrientos asked if they had an ingrown pool. Ms. Childs stated yes, but it is not scale in the drawing.

Mr. Barrientos stated that she had decking and everything around it.

Ms. Childs stated that we have a fence right here, temporarily pending the outcome of the board's action and the permits to be issued by the city of Tulsa. We have a porch, that she did not show here, but a little porch. If she scoots the garage back to even with the existing building lines on the house. it really does make an enormous difference in my backyard, because then I can have a little porch here. She can sit there and watch my grandchildren swim.

Mr. Bond asked if the basis of your hardship the existing non-conforming thirty feet. What is your hardship?

Ms. Childs stated there are a couple of hardships. There are PSO lines located back here, and that does impact what she can do. Because of the location of the street, because this is a corner lot. She does not have the option to bring the garage over. This really the only option based upon the current existing structure. Having a 50-foot right-of-way on an interior street is a problem. But it is the configuration of the law, it is that location of the infrastructure, all those things. We would agree, if it is a side entry garage, here, we would agree not to park vehicles within the right of way. We are going to put a concrete pad here. There will be sufficient parking in front of the residents in there, and we would agree to make that a condition of Board approval.

Mr. Bond asked her how far over do you want to go on for the driveway. Are we going to see thirty feet there? Is there additional, additional concrete between the two structures?

Ms. Childs stated that yes, there will be, but this will be a pathway. She stated that she should have put that this is just going to be a walkway and we will tear out in the concrete here. So, you just have the approach.

Ms. Radney asked if the structure on 9.1 is a three-car garage. Ms. Childs stated that is correct. That is ideally what we would like to do. This is a failure on my part for not putting the work in with the measurements. It is going to be an attractive addition to the house. That area right there is the walkway that I was referring to that the to access the house,

Mr. Bond asked how far it is side setback do you want the front of the garage to go.

Ms. Child stated that she would like to have it thirty feet from the centerline. She thought it is supposed to be forty-five feet, so it is 15-feet.

Ms. Radney stated to your point, you are asking for another seven and a half feet.  
Ms. Childs stated that is correct. Beyond what she believes to be the existing Variance

Ms. Radney stated that we have the action on our in our package showing that it was granted at 37 and a half.

Mr. Chapman stated just to clarify, he did not think that was ever utilized, but never built. The garage was proposed. He thought they just built in an existing carport. He did not think that is valid at this point who is never utilized within three years, which would be required by code.

Ms. Radney stated because you are saying there was no garage that was permitted constructed. But the house was constructed at that same location. Mr. Chapman stated that the house was an existing nonconformity. As far as in the street setback, besides screen setback at 30-feet from the centerline. Mr. Chapman stated yes. And this portion, even would be at-33 feet. It would be 45, that you would meet code for a building and then it is would, it would be forty feet from the center line for a building and then forty-five feet for the garage, a street facing garage door.

Ms. Childs stated not to disagree with Staff. But this right here was the carport. This was not the subject. She did not believe that after looking at the site plans and the previous application, she did not believe that this area right here was the subject of Board approval. She understood what he is saying regarding the fact that because that the Variance would not, the code would not still be viable because it was not constructed within three years, she can only say that they abandon that. And because of the recent thing, just she did not know, that was two homeowners.

Ms. Radney asked Mr. Chapman if the garage is required to be fifty feet and the house is setback forty would or should have been setback forty.

Mr. Chapman stated that ideally, a site plan that is going to be drawn to show the, the setbacks is going to be shown from the property line. Assuming it is from the center 25th, it is twenty-five feet would be the property line. A garage, just any building has a side street setback of 15-feet, and a street facing garage door is a setback of 20-feet. That would be for the garage door, 45 feet from the center, or a building would be 40. Ms. Radney asked if the garage were attached to the house, would they have a valid claim for a non-conforming house

Mr. Chapman stated that they would still be back in front of the board for that. Ms. Radney stated that if it were attached, it would be it would be a simpler argument. If it were attached to the house. Mr. Chapman stated that he thought our code would allow

that to be a Special Exception instead of a variance. And if that were the case, this area per code would be a rear setback and so they would be prohibited from going twenty-five feet at that property line.

Ms. Childs stated that just for your knowledge and information, if I have already got a legally non-conforming use here, which they knew nothing about. There was nothing in the title work about that. There were some actions in 1984 by the board of adjustment just from looking at the prior ninety-five action that address the setbacks.

**Interested Parties:**

No interested parties were present.

**Comments & Questions:**

Mr. Brown stated that he like the idea of meeting with Staff to work out something that is agreeable to both parties. Otherwise, I am not so sure that our favorite dish that I think arrangement can be made to, to make this addition, garage addition work.

Mr. Chapman stated that he was happy then to meet with them. He thought it would be helpful to the Board if Ms. Childs could work with someone to get scaled drawings done, he thought it would be helpful to the Board on what you are requesting.

Ms. Childs stated that would take a while if you were talking about like surveyors,

Mr. Chapman stated that he was not asking for surveyors. He was asking for scale drawings. That is something you can do by hand, or your contractor can do a simple construction drawing would help.

Mr. Bond stated that he understood the articulation here the hardship, it is a wordy and non-conforming land and things like that. How far into that can you go. Because we regularly grant Special Exceptions to places that have older plats that would not conform with a modern-day plat. My question would be what this would look like if they had the whole house in it. He was making a distinction in my mind, and he may be wrong about this but between this and like a lot that was narrowly platted that we would not allow it to be platted today. This is just a little different. It is a large lot. We have a setback issue. What are your thoughts on this, do you want a continuance?

Ms. Radney stated that It looks like we have a majority that is interested in continuing it. She could vote today; she was inclined to support it. She would prefer to have drawings to scale so that we can understand the nuances of what we are approving. Because we do get these sticky wickets in front of us. It is important to understand, and she was a little bit confused, but she does see a nonconformity that is preexisting in the original structure. It is a little bit confusing, because what was approved in the previous Board's Variance is not what is constructed here, right. And it was not approved or was not constructed within the limited time of the for the application of that variance. She was not inclined to, to continue to extend this nonconformity on the very based on something that is not legal, which is not the applicant's fault, which is not their fault, right. There is so there is a nonconformity that is legal, and then there is another nonconformity that is

not. But I also understand that the tightness of this lot, and I would concur that there are not many other places that you could put a garage. We did not ask whether the current two car garage is functioning as a garage. Okay, so since it is not functioning as a garage, I mean, I can understand the desire to want to put a garage on site, and it can only go there. But we do need to at least see it to scale and know where those other easements are. If we knew where the PSO easement was, and that made it, you it would make this decision a lot easier. She is inclined to support it, especially with additional documentation.

Mr. Bond stated that he could see a hardship here. He is inclined to support her. We have two that would be inclined to supported it today to win a continuance, so I suggest a continuance in this matter. He wanted Ms. Childs to collaborate with Staff and get us a better idea of that. We have a motion or further discussion in this matter. We continue.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney all “ayes”, no “nays”, no “abstentions”, Wallace “absent”) to **CONTINUE** the requested Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]); and Special Exception to increase the permitted driveway width (Section 55.090-F.3) until the October 25, 2022 Board of Adjustment Hearing; for the following property:

**LT 1 BLK 10,BRYN-MAW ,CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

Mr. Bond reminded everyone that he had to leave at 2:45 p.m.



## **23442 - Acura Neon**

### **Action Requested:**

Variance to permit more than one freestanding sign per street frontage in an R District for a non-residential use (Sec. 60.050-B.2.b) **Location:** 7777 S. Lewis Ave. **(CD-2)**

### **Presentation:**

**George Prichard**, 24244 South Ridgewood Drive, Claremore, Oklahoma, 74019, stated that he is Director of Campus Design for ORU, and we are asking to be able to install a monument sign in front of our new newly constructed Welcome Center. The sign is approximately 150 feet from the edge of Lewis Avenue. It does not face Lewis Avenue faces towards the praying hands.

Mr. Bond asked if Mr. Prichard would you show us with the pointer show us on page 10.4 where the sign is going to be located. Mr. Prichard stated that there is a new building here and our new welcome centers located here. And the sign is they are facing northeast.

Mr. Bond stated that this is a new one for him to sign this.

Mr. Wilkerson stated that one thing that I would like to bring to the Board's attention is we have asked the representatives of ORU on several occasions to submit a Master Plan, so these do not keep coming back to you. We have an application in our office at this point for that. He has not talked to Mr. Preacher, but he has been in conversation with ORU representatives, and I think it would, we can easily dial this into the Mastermind Development, but that that has a ways to go. So, he would like to hear from our perspective and Staff level what the timeline is, and if it is necessary to make this decision at the Board level.

Mr. Pritchard stated that if you are asking can complete the master plan work and then submitted. I do not I do not know where we are at with process.

Mr. Wilkerson stated that the point he would just be very direct about it. Why do you need a sign now to make this application?

Mr. Pritchard stated because the building exists now, and it is occupied. The future, development expansion are the things on which we are working. There are some projects that are under construction, this one happens to be completed. This was the first phase. So of course, we would like to let people know that this is the Welcome Center, and this is where you go for that. We want this to feel like a university campus and not kind of a retail environment. We did not want anything gaudy on the building. We are looking for a university type sign that guides people where they need to go. Mr. Bond stated you have heard four or five times down today, therefore you are getting some sage advice from Mr. Wilkinson. We when he speaks, we all listen. The question he is asking is what would the hardship be on this? Because he thinks where

Mr. Wilkerson is going is even if you cannot articulate one, having this part of a master plan, every time the university's done anything here in front of us, there is a standard that we apply on this. And when we are asking for hardships and things like that, which is it is tough compared to what you would have in the master plan to be able to without that, so do you have? Do you have a hardship on this that is unique to the land that is not self-imposed?

Mr. Pritchard stated that the only thing I could think of is, it is unique zoning that is not typical for university being in our location. But that the unique nature of having this university and its location, is what he would say is the hardship. We would love to provide the master plan, he thought we do have more information as a relates to that. And we have had in the past, so he knows that we have lots of plans for several new buildings. Some are under construction, some are not. They are working through that. The question would be, what do what would we do in the meantime, as it relates to this? Maybe not have that signage or what? What is the kind of the verdict there?

Mr. Bond stated that it would depend on what, obviously vote to do or not to hear. And if we do not grant relief, or we continue this, that you would not be allowed to put a sign up.

Mr. Wilkerson stated that the application that we have in front of us should be heard, if everything goes as expected it should be heard at the planning commission, November 2, 2022. That would put it in front of the city council a couple of weeks after that so by mid-December, he would expect to have that master plan development done so you would not ever have to come back here so yes. These representatives and he has been working with a finally heard our recommendation that we do this in a more meaningful way that is better for all of us including the Board of Adjustments.

Mr. Bond stated that the composition of this Board or any Board would want to approve, like student housing and the like. No one up here is going to argue that TU, TCC, Tulsa Tech, these are all things that benefit the city. We want to work with you as much as we can. From his perspective, it would be much easier to put this into the master plan, because he is going to have a tough time articulating a hardship. We have stretched it before and some things, but he thinks we are, for him, it is, because it is not zoned properly, or it was zoned a long time ago. And it needs to be rezone to something else, that is not a hardship for me yet, because it is a self-imposed type of deal.

Mr. Wilkerson stated that he thought you have a couple of options. Well, you can always approve it, if you want, you can deny it, or you could continue it to date certain, at the end of December. If just in case something weird happens along the way in the zoning world. And then if it happens, as we hope it will, then we could just withdraw the applications.

Mr. Pritchard stated that from his own personal understanding of this matter because he would like to help make this correct in the future. The thing that we are up against is the

zoning. Is that correctly? The zoning does not allow us to have more than one monument sign, or is that is that what we are up against?

Mr. Bond stated that it is multiple things. Master Plan that is approved through the that is not us. It is for the planning commission and city council that will allow you to do things. When TU does something it is based on their master plan.

Mr. Bond asked Mr. Pritchard if he would you like for us to continue this until December.

Mr. Pritchard stated that you said that was one option. And then that's kind of my other option. He would like to continue it. He did not know how quickly could get all the information in the master plan and have that in front of the City or the whoever that needs to go in front of in that amount of time. Is that kind of how the process would be is that he would need to have that information.

Mr. Wilkerson that he thought that Mr. Pritchard's idea of a master plan is different than a master plan development and zoning. He is happy to meet with you. My suggestion would be just to keep your options open here to continue it to the December 13, 2022. That leaves this active, and then maybe we can meet in my office sometime in the next few days and he can be lengthier in my conversation with him .

Mr. Barrientos asked if that sign were the built or were you guys on this approval to start producing those.

Mr. Pritchard stated that they have poured some concrete. We did not realize that this was an issue until concrete was poured. So now we have concrete setting there and, no sign. That is the issue, honestly. He did not know what they do to remedy that if it as far as to do need to demo it, he did not really know.

Mr. Wilkerson stated that he thought think from my perspective, he would just leave that alone, right now. When we talk, he could give him some ideas.

Mr. Bond stated that he apologized, he had an important family commitment that he needed to go to. So, the vice chair is going to take over here. But the last thing he would say about this is, multitude of issues that we are always happy to deal with any application on this. But he thought from my perspective, it will allow you all to do what you want with your university, much more than having to come out every year and must go through this process.

Mr. Pritchard stated he thought it would be advantageous for all of us them to have that more set and be able to make decisions that way.

Ms. Radney stated on that note, she guessed we will consider a motion to continue this until the December 13 meeting.

**Interested Parties:**

No interested parties were present.

**Comments & Questions:**

None

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 3-0-1 (Barrientos, Brown, Radney all “ayes”, no “nays”, Bond “abstention”, Wallace “absent”) to **CONTINUE** the requested Variance to permit more than one freestanding sign per street frontage in an R District for a non-residential use (Sec. 60.050-B.2.b) until December 13, 2022 Board of Adjustment hearing; for the following property:

**BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY  
HGTS , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

DRAFT

### **23443 - Max McGuirk**

#### **Action Requested:**

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 209 S. Urbana (**CD – 4**)

Ms. Radney stated that in the interest of full disclosure; she just wanted to remind the remaining two applicants in the room that we are typically a board of five. To prevail on for your action, you will need to have to have three members of the Board approve your agenda item. In this case, we have three remaining, which means you would have to have a unanimous vote. If you feel at this time that you would prefer to have your item heard by the full panel. We would be happy to schedule an opportunity for you to continue. Otherwise, we can move forward. She made one other disclosure that she was familiar with Miss Kiana Smith, who is here for Agenda Item Number 12. She did not have any prior knowledge or interest in the item that Ms. Smith is here before, but she did want to disclose that and give you the opportunity if you prefer to continue or if you would like me to remain on the panel and hear your item. But beyond that we will be ready to go forward with number eleven.

#### **Presentation:**

**Max McGuirk**, 5309 East 30<sup>th</sup> Street, Tulsa, Oklahoma, 74114, stated that he is a full time Tulsa resident for 37 years my entire life. For the past 15 years he has been working on purchasing real estate and renovating real estate in the Tulsa area. And that is what I have been doing for the past 15 years, making Tulsa nicer. So last year, he purchased 207 South Urbana and 209, South Urbana both were single-family residences. Both were boarded up and had been empty for quite some time. He renovated 209 South Urbana and then also added on to it another 750 square foot. He added another two bed and one bath additionally, so I want to say around 15 to 1600 square foot. And that has been improved by the city. Recently, he bulldozed 207 South Urbana, because he wanted to have a nicer property, which is both corner lots. He has been in contact with most of the neighbors. The neighbor 220 South Urbana would like to sell his property to me and the property of 43 South Toledo, a block away was a burnout and that neighbor reached out to me because of the improvements that have been doing the 209 South Urbana. He has since bulldozed that house to make the area nicer. He is looking to change the zoning from single-family residential to allow a duplex.

Ms. Radney asked on 11.5 of our agenda packet, she saw the boundary and that is 209. And so, 207 is the property that was just north of that. Mr. McGuirk stated yes, ma'am and that has been bulldozed about two weeks ago.

Ms. Radney stated that she thought that she was familiar with this property. Were they conveyed together at the same time? I knew like under one. Mr. McGuirk stated that no, they were separated.

Ms. Radney stated that she was not sure why you are talking about 207. Mr. McGuirk stated that he was just including just my resume of what I have been doing with properties, guys, two different properties.

Ms. Radney stated that there is no structure and 207, and you have added on to this structure and 209, and you would now like to have this rezoned, or I am sorry, you would like to have a Variance to allow a duplex to be to be constructed here. Mr. McGuirk stated that it currently looks like a duplex. He has already added on to it. He is just asking for the zoning. The reason is that he does not want any legal issues or anything like that. If he put two different tenants in there. He did not want the city to say hey, you cannot do that. He is just trying to do everything by the book.

Ms. Radney stated that it was built in such a way that it could be separated into two separate residential units.

Mr. McGuirk stated that as he has renovated and added on this year. Yes, it was approved by the city but originally it was a 750 square foot, two-bedroom, one bath and now it is 1500 square foot four bed, two bath. And I would like to have it zoned as a duplex.

Ms. Radney asked if he had plans that you had submitted and is there a single driveway for this property. Mr. McGuirk stated that he was waiting for my contractor to get the permit pulled to put it dual driveway on the south end of the property on Third Street.

Mr. Brown asked if there would be no on street parking. Mr. McGuirk stated that there would be no on street parking at all this will be for four cars.

Ms. Radney asked where that would be looking at this diagram here. Mr. McGuirk stated that it would be on the south end of the property where there is more than enough room now. It is on the south end of the property; I believe on Third Street.

Ms. Radney stated that it would not be covered parking, it would just be a driveway Just to separate driveways? Or are you talking about to cook to curb cuts or just one? Mr. McGuirk stated that it would just one curb cut but it is going to be the width of two cars and the depth of two cars.

Ms. Radney stated that it would be tandem parking for each unit. Mr. McGuirk stated that yes and the neighbor to my East has multiple cars and they parked right there on the street, this would eliminate that. And it would give my tenants parking for at least four cars, not in the street.

Mr. Wilkerson stated Madam Chair, on a Special Exception, the request is not for rezoning or any of that it is just a Special Exception. He really believed that there would be as the Board that in your best interest to have a better site plan that illustrates to scale, how this fits on the lot and what the driveways are going to look like the typical things that we just talked about the last one, as a matter of fact, we really need something to scale for the Board to look at, answer some of your questions.

Mr. Barrientos stated that Mr. McGuirk stated that he would like to rezone the property and this specialization department.

Mr. Wilkerson stated that there are no issues with a lot of size and the bulk and area requirements and all that is just the Special Exception and the idea of using it for a duplex may be fine, but he thought that those details of knowing how that driveways going to work in the neighborhood and all that are important for the three of you to understand before you decide.

Mr. McGuirk stated that the driveway should be poured within the next 30 days or less permitted of course.

Mr. Wilkerson stated that not to be argumentative, your schedule is not our issue. He thought we can get it in a couple of weeks, get drawing that shows how this fits.

Ms. Radney stated that she was assuming that there was some sort of drawings that you submitted to the building department when you construct the building and to get the permits for the driveway and all of that. Mr. McGuirk stated yes, and that is what these are. He apologized, most of these are hand drawn. He is no architect, just did the best he could.

Ms. Radney stated that what Staff is asking for and she was inclined to concur, but we will listen to see if there any other comments before we go into discussion. What we are getting at is that we are going to make a decision that goes into the permanent record, potentially, of this property and for this neighborhood. And so, to that extent, it's just very, very helpful to us to be able to know exactly what we're voting on, where it sits on the land, how it's going to be used, where it means to a certain degree, even where the setbacks are, and did you get a survey when you purchased this property?

Mr. McGuirk stated that he did not, but he does have the certain setbacks in the drawings. Would I be able to meet with somebody on a separate day possibly?

Ms. Radney stated that the only thing that she would remind you about is just to make sure that it is to scale so that you have it properly sited, and to scale; everything that you build and everything that you are proposing to build.

Mr. Chapman stated to the board, he realized he neglected to put this drawing that was also included in their permit packet. He thought part of that was because he had discussed with Mr. McGirt the parking on the bottom of this is in the right of way, and he thought we discussed that, but he was going to eliminate that. But that kind of describes the parking on the left side of the screen and where he is going to go that, but it is not scaled and not really showing that full graph. But that is where the parking would go.

Ms. Radney stated that makes sense. Did you have any more you wanted to say to us right now? Okay, let us see if we have any.

**Interested Parties:**

**Mary Beth Mendez**, 4618 East 2<sup>nd</sup> Street, Tulsa, Oklahoma, 74112, stated that this property is an eyesore, a flood problem, and it was not permitted when he built it. If they put a driveway there, it is at the corner of third or a stop sign needs to be, so it is going to cause problem with that. If they put the driveway and it is going to cause a flooding issue. The parking in the street is going to cause an issue, there is a hill that comes down second place, and all the water runs down that hill to those properties. When he puts more cement in there, we are going to have another flooding issue. That house that he is turning into a duplex is a single dwelling family neighborhood. We do not want duplexes in our neighborhood. But that duplex backs up to the backyard of a house. Those people that bought that house do not want four or more people right there on top of them. There is no parking in front of this. It is a street it is a thin street, there is a lot of cars, there is a lot of traffic. The flow from both properties that he purchased comes all the way around the corner and stops right in front of my house. All the leaves and all the trash present nonstop problems.

Ms. Radney asked Mr. Chapman to put 11.5. Would you use the pointer and let us see where were your point of references? Where is your house?

Ms. Mendez stated that her house is around the corner here.

Ms. Radney stated that she could see two red cars in the satellite. Ms. Mendez pointed to where her house was. This is Second Street.. All the runoff comes down second place and around this corner. This is what he is trying to turn into cement driveways. Do you see the house right here? This is their backyard and that duplexes right on top of their backyard. But right here, there should be a stop sign and he is wanting to put a driveway right here. That is just asking for a wreck. That is a hazard. But this area is prone to flood. All the water runs down here and down second to my neighbor's house. With more cement, more driveways he is going to get really flooded. There are no grates for the water to fall in. This street has not been redone in many years. There are no duplexes in this neighborhood. They are single family dwellings. She has owned house for 30 years. The gentleman that lives here. The gentleman that lives here has been there twenty-five yours. This gentleman will speak to tell you how long he has been there. But we all know each other, we all watch out for each other. And the problem that we have in this neighborhood already, is from where they built this thing where Warehouse Market used to be over here on. They built a building, and all the people that are being rehabilitated or whatever they are doing, are homeless, and they come through our neighborhood. This house has been broken into many times while he owned it, and homeless were there. That is why those houses were boarded up. Because we have had break ins, people in my back yard coming into my house, my daughter had to run out of front. We do not want more people and more traffic, and more cement.

Mr. Barrientos asked it the neighbors had talked before this meeting or is this is the first time that you all talked about it.



Ms. Mendez stated that he never came to us and said he was building a duplex. In fact, he never got a permit to start building that. Then they shut him down. And then he resumed, she guessed that he paid his permit fees. But it was never discussed to put a duplex in our neighborhood. And he is just buying this property and trying to make as much money as he can. He does not care about the neighborhood. If you cared about the neighborhood, you would consult the people who are there. And he has.

Ms. Radney stated that we always encourage people to talk with their neighbors, especially when they are looking to do something that is a deviation from the existing code. One of the advantages of being able to see documents that are drawn to scale is that although it is outside of our jurisdiction to deal with anything that relates to run off and the light. And I am very sympathetic with what you are saying about the lack of storm drains. That is outside of our jurisdiction. However, there are standards in the in the city code about the amount of coverage that you can have on a lot. So those are the sorts of things that the city would be that Staff would be able to double check and make sure within the boundaries of what is appropriate, by seeing a better set of drawings that then we can look at before making a decision. In that regard, she thought that what we have asked for will be helpful, at least for us, to be able to consider some of your objections.

Ms. Mendez stated that she did not believe that it could be legal to put a driveway coming in this way at a stop sign. Ms. Radney stated that she would have to defer to city Staff. I know they are that you were here when we were talking about the McDonald's. There are standards for these things. She did not know what those standards are, and I certainly do not enforce them but your comments we will be taken into consideration. Thank you.

**William Douglas Gibbons**, 4631 East 2<sup>nd</sup> Street, Tulsa, Oklahoma, 74112, stated that he was the recipient of all the water that comes down in 2<sup>nd</sup> Place and then over to 2<sup>nd</sup> and then down to my driveway. It has been eight inches above the threshold of my house in the past and he is in threat every year of being flooded. My garages have flooded six times since he has lived there for 38 years. The 100-year rains come every 17 years and he cannot stand any more water so displacing grass, where water can go to and go down out of is just going to add more threat to my flooding situation that is already there.

Ms. Radney asked just for the for her purposes, can you use the pointer and show us where on the map your property's located. It has the reddish toned roof. That is just to the east of the large lot.

Mr. Gibbons stated that the water also comes from fourth, also comes from Darlington over on the other side of the Yale, and it comes from Sandusky, all the way over here somewhere. That water is all downhill towards my house, which happens to have four drains right here at Vandalia yet and it cannot keep up with all the water.

**Kathryn L. Dyson**, 4624 East 2<sup>nd</sup> Street, Tulsa, Oklahoma, 74112 stated that The interesting thing about those drains is that there are two up on the north side of Urbana, which catch nothing, and they all go down. There is nothing on Vandalia, everything goes down. There is nothing in the flat part down there. There used to be a pond that they filled in and put a church on. So, you have some issues. But this house here, we had so much trouble with breaking it entering in those two properties and could not get them to see all those properties off. A boatload of money went down the street and all in front of the church and she had to work hard to get the homeless out of there. The homeless travel the street. Now it looks quiet there on Urbana. That street now has, and you can see all the driveways, and now has a whole lot of parked cars along the street. When she goes out that way. It is hard not to hit a fender. Because you put two people in each side of the duplex. That is not necessarily true, there is a house there that is filled to overflowing. Fortunately, they do have a nice driveway. Most of the time their cars are up in the drive by but usually this one down the street. She had no idea who he was because he was unavailable. She worked hard to get the city to shut down the mess to get them boarded up and it never got done properly. She is not impressed at all, with the fact that he turned what should have been a nice single-family home for that area, that size should have been an asset. You turn it into a duplex, and you have a million people, the traffic, and the congestion. The niceness goes out just like that.

Ms. Radney stated that in our case, we are limited to responding to the concerns that connect directly to the to the code. Some of what she is hearing Ms. Mendez, and you all collectively describing is a concern about parking. One of the requirements for a duplex would be to be able to park those vehicles for those residences on the site. Ms. Mendez asked if the Board is going able to control the number of people in the house look.

Ms. Radney asked Ms. Mendez to pause one second. She just wants to confirm that correct a correct interpretation Mr. Chapman. Mr. Chapman stated that they would be required to have four parking spaces and that could be stacked. My understanding from his proposal is he would add that parking here, and so it would be to accommodate four cars. you could do that. He could do that with an 18-foot-wide driveway, which would be two lanes. There is enough space here, to accommodate the stacking spaces, which would be thirty-six feet. So, the thirty-six by 18-foot driveway, which would align with the two-car garage.

Ms. Radney stated that would be something that we would look at and consider when we get our scale drawing.

Ms. Mendez stated that when you are looking at scale drawings and trying to make your decision, remember, you do not get permission to start that building. He also used the undocumented immigrants to my understanding. Everything got shut down for a season because he did not follow the rules to begin with. So how are you going to guarantee that those two places still end up with twenty people?

**Rebuttal:**

Mr. McGuirk stated that he fully respected their points. He had spoken with Mary Beth when he first purchased the property. She offered her property to me or said that she was going to sell it to somebody who was offering \$100,000.

Ms. Radney stated that in the roof is she was going to challenge both the residents who the public and you as the applicant if you could keep your remarks to what is in front of us. We have heard some concerns about parking. We have heard some concerns about water runoff. You have heard us heard me address the fact that we do not address we cannot address drainage. But can you speak to some of the concerns that you have heard as it relates to your special exemption?

Mr. McGuirk stated that currently the property has no parking. There was a curb cut off Urbana. There is no spot to park. He must put parking in there and from the setbacks from the original structure, there is no place for parking off Urbana, where the curb is currently cut. So then must go in off Third Street. So regardless, if this is a single-family house or a duplex, he is just trying to do things the correct way. She is very right. My guys did work. And they have been doing work for me for quite a while and the construction did get stopped. He did go through the city of Tulsa did everything I was supposed to do got all the work completely permitted like it was supposed to be, and it is 100% finished, it currently right now is set up as a four-bedroom two bath. If it does not get permanent as a duplex, that is fine, he will continue to lease the property or sell the property as a as a single-family home with four car spots.

Ms. Radney stated that all the work that you have done to this point and for the construction that has been completed and signed off by the City except for the fact that you must add a driveway.

Mr. McGuirk stated that all the stickers are in the window, and everything has been approved by the city.

Mr. McGuirk stated that he appreciated the opportunity. This is all brand new to me. I have only done renovations on interiors of homes. I 100% respect and understand the feelings of the others in the neighborhood. Not trying to do anything except provide housing for others. If you all deny it, I am 100% understand that those standards do what I am going to do the property next to Mary Beth, which is 207, which I shoveled in the fact that she was correct. There were homeless people in that property before I bought it. And I am just trying to clear out the array.

Ms. Radney stated that it sounds to me that when we the board is likely to continue this manner. But that having been said. she knew she would be listening carefully to hear about the ways in which you plan to be handling parking.

**Comments & Questions:**

Mr. Barrientos stated that he thought it should be continued for two weeks.

Mr. Radney stated that she agreed, and we would like to have drawings to scale and an idea of where and how the parking is going to be accommodated.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 3-0-0 (Barrientos, Brown, Radney all “ayes”, no “nays”, no “abstentions”, Bond and Wallace absent) to **CONTINUE** the requested Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) until the October 25, 2022 Board of Adjustment Hearing, for the following property:

**LT 24 BLK 2, ENGLEWOOD ADDN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

DRAFT

## **23444 - Kiana Smith**

### **Action Requested:**

Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3) **Location:** 12 W. Queen St. (CD – 1)

### **Presentation:**

**Kiana Smith**, 920 North Main Street, Tulsa, Oklahoma, 74106, stated that the challenge that I have with the property is the irregular form. The house is sitting right on a corner however, it is like an odd formed shaped lot in which they initially placed the home. She purchased the home in January 2022. Prior to her purchasing the home, it was vacant for almost five years. You can see the property line, one West Queen Street really the only house facing north in this lot plat. The traditional yard is this area here. It does make sense to extend this way. However, there is this empty space right here. So right here is the driveway. This here is empty. Prior to me purchasing the home, it was a probably unpermitted shed that turned into a place where the transit community will often have housed themselves or they had animals there it just was not safe for both this home as well as my neighbor who has like a little shed back there but oftentimes it's like you don't know what is right there because there's a fence, and people hide there. It is just it does not it is not a safe area. While I am remodeling the home, my idea is to extend the home not towards the yard space, which is right here the traditional yard but to do this space right here is one expand the home because without that extension, really nothing else could go there. A side porch cannot go there, a little garden really cannot, nothing could go there, but potential insecure area. Being a single woman wanting to make this my primary residence, she wanted to make the most use of this as well as bring up the equity of the house. she spoke to a couple of neighbors. She is in this neighborhood about every single day. All the neighbors that reached out to me because they obviously saw your number and your email addresses on the letter that went out. They are in full support of it, they were simply curious of what the final plans will look like for the home. But she knows it will mention the equity of the home. She is requesting it because it is an irregular formed lot to begin with. And I just want to make sure that she can optimize all aspects of the law to make it a true single-family home for myself.

Mr. Barrientos stated that he had two questions. One is that addition already under construction? Ms. Smith stated that it is not under construction. The addition that you see you see pictures is not what is in question. It is this area right here. This is the driveway. There are three steps going down to the driveway. It is this whole area back here that goes almost sixteen feet back in twenty feet wide. This area right here that is being proposed to be the extension, not this, this was a part of the original home. This is the area that or it was part of the purchase home. She did not know if it was approved or not based upon the previous owner. But this right here from this point over is the part that is being referenced.

Mr. Barrientos stated that she also mentioned the beginning that the shape of the lot is off. What is different from this one to the neighbors. It was only one shaped this way. Everyone's house there is no side yard. She points to a house that has a front yard and

she has a traditional backyard. On another house You have a front yard, and you have additional backyard.

Ms. Radney ask if the neighbor that is immediately to your east, they have a main street address. But you have a Queen Street address. Your front door is your address spaces the park.

Ms. Smith stated that she was the only one on that block that has my house that has the house facing that way. Everyone else has either a traditional front yard, or back yard. My front yard is from here to here. Her side yard, which is I guess you could say like my back yard is facing west, here. And the area that is in question is this gap of land that is East here. And that is the only lot in the neighborhood, in which the house is positioned that way it has that configuration.

Mr. Radney asked Mr. Chapman if the southern edge so I am looking at the action requested, and it says that the applicant is asking for variance on the rear setback. Is that because the southern edge of this lot is the rear.

Mr. Chapman stated that was the determination made in permitting. With a corner lot, there is some leeway given on how you determine that. But he thought just the fact that there is open space here they are calling that the front streets since there is no setback, or it is small.

Ms. Radney stated that for our purposes, what are we calling the rear setback. Mr. Chapman pointed to this area right here.

Ms. Radney stated the eastern side is what we are calling the rear. Is the house currently constructed twenty feet off that rear setback now. The existing structure?

Ms. Smith stated yes. What she was proposing is to follow the variance that the city in my apologies I do not know all the technical terms she tried to do as much research beforehand as possible is the five-foot setback as they have with other boundaries between your property where your physical or the physical structure is in someone else's property. And so that is what she is proposing all the way around for this area. This would have been the 20-foot setback. So here is what she is proposing this addition, right here. She just colored this part in because this is not what is going to be the website for the city of Tulsa. She just added that there. But this part would be blank, in which this is the one that causes the issues. If she were to move in here permanently, it would also be an issue because it is just a driveway, and then this blank spot right here, where it has just been used for various uses outside and has caused some challenges in the neighborhood. What she is proposing is to make it more like a traditional look where this is the yard of the home, because this is where you have most of your land. This would be the front yard, and then just make this like this is the east side of the home opposed to the back side or the backyard or the rear as you all are using the term.

Ms. Radney stated let me ask the same question again, Mr. Chapman. So, the house as it is currently constructed, is five feet away from the southern boundary. And it is currently constructed twenty feet off the eastern boundary? Is that correct?

Mr. Chapman stated that based on this drawing, so if it is thirty feet to the center of Queen, and he believed Queen Street is a fifty foot right away. And so that would be.

Ms. Radney stated that she is asking you is, is this a non-conforming structure already.

Mr. Chapman asked Ms. Smith if she said this is sixteen feet or twenty feet to this eastern property line? She believed that would be it is twenty-one.

Mr. Chapman stated that he thought that it would be at least non-conforming to the side streets back and the distance here is more than required for code.

Ms. Radney stated that was because permitting is considering the front of this house to be Cheyenne as opposed to Queen. If the applicant would need relief in two ways, if she were to appeal based on having a Queen Street Address, because then she would be too close to the rear setback. Is that right?

Mr. Chapman stated that this would add five you are saying this is your rear setback, then this additionally would need still need relief, and this would need relief these portions right here.

Ms. Radney asked would not that be the side setback, and then she would be able to build the five feet?

Mr. Chapman stated that what he is saying is this portion right here. If you are calling Queen Street, the front end up front. He was not talking about this back here, he is talking about just the portion that would be in the front setback.

Ms. Radney stated that she saw what he was saying. It would be helpful if this were drawn to scale, because then we would be able to see where the house is relative to the lot.

The room that is drawn is seven by ten, that is a bathroom. That wall is the existing exterior.

Ms. Smith stated it was the part that you saw Mr. Barrientos asked if that was the extension, or if I built the extension already, this is that area. This is what has been seen as a traditional front. So, I say that because that is the way the mailbox has been planted. This is a facade that faces ignore if this was a front door entry. This is the side there is no side door. Where the city considers it to be the front of the home, it does not have evidence that there was ever a door there, or entryway there or a pathway there to the west side of the home. This was always a traditional bedroom. And this was also a traditional bedroom. This backside here. There was a back door here. There was a shed here initially to the home.

Ms. Radney asked if that exterior wall of the seven by ten room, that exterior wall is twenty-one feet away from the neighbor to the east.

Ms. Smith stated that she could not say with all certainty, but she did believe so. Yes, she believed it was either 20 or 21 feet to the east, because this proposal is sixteen feet to the east. And it still leaves five feet to the neighbor's house. So doing that math, and yes, that would make this twenty-one. It is either 21 or 22. The driveway can fit two cars, so it is not like a single driveway. It is a wide driveway.

Mr. Chapman stated that he wanted to apologize that it took me a second because we had talked about this in our office but these thirty feet for Cheyenne and thirty feet for Queen. It is saying that the right of way to the center from the property line is thirty feet not from here to the center is what that was meant. He believed it was 10 feet to the property line from that front. This 30-foot is denoting from the property line to Queen Street is thirty feet and that ten feet is moving from the existing building to the property line is ten feet.

Ms. Radney asked if that the appropriate setback or it should have been fifteen feet. Mr. Chapman stated that it should be 15-feet per modern code. Mr. Radney stated that regardless of where we call the front door, it is still nonconforming. Mr. Chapman stated that was correct.

Okay, may have seen I think no one else in the room outside of city Staff. We are in discussion.

**Interested Parties:**

No interested parties were present.

**Comments & Questions:**

Mr. Brown stated that he could not make a good decision because he does not what we are being asked to rule on. He would like to see a scale drawing that better shows what the building will look like on the site; otherwise, he was going to say no. He does not want to. He wants this to work in some way. But he could not make a good judgment with what he has seen in front of me.

Ms. Smith ask what needs to be added to the one that is drawn to scale, if you can go to that one. Because the only thing that is not added to that, and she thought she had submitted another one that was within the property line. What she tried to do is to make sure that it was known, what was the actual addition by putting like the grid there, so that it is a little bit easier to understand, like what is being added. What are you proposing that I add five feet?

Mr. Brown stated that he was proposing that you show the site and the footprint of the existing and new, and how far from the property line each part is. So that what we are being asked to for change in the variance. He cannot give you good judgment. If he



says no, because of that, then that means no, because there is only three of us here, you must have three yes votes minimum.

Ms. Radney stated that she thought what Mr. Brown was getting at is that this drawing, which is a scale drawing of the structure, needs to be merged with 12.13. Which she thought it has it been the measurements on it, that look like they are also to scale.

There is a slight difference in orientation. What she thought Mr. Brown was saying, and you correct me if I am wrong, is that we care more about the site than we do the structure. What we need to be able to see is where this problem where these boundaries are these dimensions that you have here are relative to the property line or the site. This is instructive to have this floorplan because it helps us to be able to see some things that she thought we are going to need to understand about the existing structure, but it is really these dimensions that relate to the site that we need to see. Is that a fair description? She has been inclined to support it because the way that your house has been built on this lot, is the way that the setbacks typically work it really does not matter which way your house is oriented. So, you have the rear the front side and the sides. And the sides give you a lot more latitude in terms of ways you can expand, and you want to expand to the side as though you are really what is your rear setback is your side setback. And so that is one of the reasons why we really need to see the lot so that that we understand what we are approving because we are going to need to be able to give you some dimensions on in terms of how much of a reduction if we were to give you the reduction you are asking for.

Mr. Barrientos stated that he was also inclined to support it under with a hardship also with a setbacks. However, like Mr. Brown so you need three votes affirmative. He did not think they were going to get it. So, it was best to continue.

Ms. Radney stated that she was going to reiterate Mr. Chapman, that what we did find about this house for the for the applicants edification is that this house was built at a time, and in a place that predates the current code. And the front, which faces Queen Street is constructed in such a way that it is not conforming to the existing code. The setback is not what it should have been, in today's code will be fifteen feet from the front door. It is already non-conforming, and it predates the code. You have something that is could potentially be what we would call it grandfathered in, but we need to see the dimensions of what we are considering.

Ms. Smith stated that she could redraw it out and represent in two weeks.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 3-0-0 (Barrientos, Brown, Radney all “ayes”, no “nays”, no “abstentions”, Bond and Wallace absent) to **CONTINUE** the requested Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3) until the October 25, 2022 Board of Adjustment Hearing, for the following property:

**LT 24 BLK 2, ENGLEWOOD ADDN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

**23445 - Nathalie Cornett**

**Action Requested:**

Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3) **Location:** 3218 S. 79th Ave (**CD -5**)

**Presentation:**

The applicant requested a **Continuance** until October 25, 2022. The Board moved this case up to vote on before Mr. Bond left the meeting.

**Interested Parties:**

**Comments & Questions:**

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney all "ayes", no "nays", no "abstentions", Wallace "absent") to **CONTINUE** the requested Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3) until October 25, 2022 Board of Adjustment Hearing, for the following property:

**All that part of Lot Three (3), INTERCHANGE CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, as recorded by Plat No. 2336 filed October 28, 1960 with the County Clerk of Tulsa County Oklahoma and the above lying in the NE/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, more particularly described as follows, to-wit:**

**Commencing at the Northeast corner of said Section 23; thence due west a distance of 1463.24 feet and due South a distance of 915.74 feet to a point in the Northwesterly boundary of said Lot 3, Interchange Center (Southeasterly right of way of I-44 - Skelly Drive), the POINT OF BEGINNING; thence S 41°04'30" E a distance of 261.90 feet to a point in the Northwesterly right of way of South 79th East Avenue; thence s 48°55'3" W along the Northwesterly right of way of South 79th East Avenue a distance of 308.88 feet to a point in the South boundary of said Lot 3 (North boundary of Interchange Place, an Addition to the City of Tulsa) 1474.59 feet from the Southeast corner thereof; thence N 89°58'30" W along the common boundary of said Lot 3 and Interchange Place a distance of 118.26 feet to a point 248.48 feet from the s-SW corner. Of said Lot 3; thence N 41°04'30" W a distance of 204.16 feet to a point in the Northwesterly boundary of said Lot 3 (Southeasterly right of way line of I-44 - Skelly Drive) 151.73 feet from the N-SW corner thereof; thence Northeasterly along the common boundary of said Lot 3 and I-44 - Skelly Drive as follows, N 48°55'30" E a distance of 244.00 feet; N 60°14'05" E a distance of 101.8 feet and N 48°55'30" E a distance of 54.00 feet to the POINT OF BEGINNING.**

**AND**

**All that part of Lot Three (3), Block One (1), INTERCHANGE PLACE, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, as recorded by Plat No. 3974,**

filed November 14, 1979, with the County Clerk of-Tulsa, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the North boundary of said Lot 3, Block 1, 307.23 feet from the Northwest corner thereof; thence s 89°58'08" E along the North boundary of said Lot 3 a distance of 118.26 feet to the Northeast corner thereof; thence S 48°55'52" W along the Southeasterly boundary of said Lot 3, a distance of 2.35 feet to a point of tangency with a curve; thence continuing along the Southeasterly boundary of said Lot 3 on a curve to the left having a radius of 380.00 feet a distance of 87.54 feet; thence N 41°04'30" W a distance of 87.77 feet to the Point of Beginning.

AND

A part of Lot Three (3) INTERCHANGE CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and the above lying in the NE/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Section 23; thence due, West a distance of 1364.39 feet; thence due South a distance of 831.72 feet to the Point of Beginning, a point in the Northwesterly boundary of Lot 3, Interchange Center (Southeasterly right of way Interstate Highway 44, Skelly Drive); thence S 41°04'30" E a distance of 261.90 feet to a point in the Northwesterly right of way of South 79th East Avenue; thence S 48°55'30" W along the right of way of South 79th East Avenue a distance of 130.00 feet; thence N 41°04'30" W a distance of 261.90 feet; thence N 48°55'30" E along the Interstate Highway right of way a distance of 130.00 feet to the Point of Beginning.

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

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There being no further business, the meeting adjourned at 3:45 p.m.

Date approved: \_\_\_\_\_

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Chair