

**BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1308
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
January 24, 2023, 1:00 P.M.**

Meeting No. 1309

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

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on January 18, 2023, at 1:10 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Bond called the meeting to order at 1:03 p.m.

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

MINUTES

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace "ayes", no "nays"; no "abstentions", Radney "absent") to **APPROVE** the **Minutes** of December 13, 2022 (Meeting No. 1307).

UNFINISHED BUSINESS

Review and approval, approval with modifications, denial, or deferral of the following:

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:

Applicant withdrew this request.

Interested Parties:

None

Comments and Questions:

None.

Board Action:

None.

NEW APPLICATIONS

23484 - Kurt Barron

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 3709 E. 43rd Pl. **(CD 9)**

Presentation:

Kirby Baron, with Baron Clary General Contractor's, 1424 South Harvard, Tulsa, Oklahoma 74112, and this is John Tipton, the owner John Tipton 3709 East 43rd Place Tulsa, Oklahoma, 74135. Kirby Baron stated that they had submitted information to you to take an existing driveway and enlarge it by two feet on the south side. We are going to stay in the same footprint as the driveway is now and an adjacent parking. The parking area on the north side base stay in the same footprint. The drawings do show up where the north tie it up to the existing stone wall. On this property, there are two stone walls. One is almost like a curved bumper, and then the other one is five foot tall with a fence on top of it. The plat shows the north property line where the easement is. We are staying basically the increase the driveway by two feet. The way that parking lot is configured now is kind of odd. We are going to kind of straighten that up. John Tipton has gone through, and we have a document that you guys would like to see it as the addresses of the houses close to the house with the with the similar conditions like conditions.

Mr. Brown stated that he was a bit confused. You are allowed thirty feet normally for a drive and you are asking for nineteen feet three inches.

Mr. Chapman stated that there are two portions of it. For the sake of our code, the driveway in the parking is the same thing and so it is 19' 3" for what you are calling the driveway plus 20 feet six inches for the new parking is what it is what you are saying, which is that almost 40 feet.

Mr. Baron stated that existing 20 foot six inches is crumbling, and that it needs to be replaced.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Brown stated that he did not the information that we need to approve this.

Mr. Bond stated that if you go to 3.7, they just wanted to bring it straight back from the car. If the relief that we grant is going to be part of the requested feet, he did not have an issue just because there is an existing driveway that can tie off onto. He can understand the drawings. We see a lot of well-drawn and engineered application and some that are not.

Mr. Brown stated that he would rather have the clarification on it.

Mr. Bond stated that it would be nice to nail down the numbers on here which will be the total of what 20 feet six inches for the additional existing brand feet three inches or 19 feet three inches.

Mr. Wilkerson stated that there was a couple of things that need to be included in the motion that you are going to move forward with this. The site plan that we have does not illustrate that the mortgage inspection plat gives us a rough idea. But there is nothing here that shows us if this is inside the easement this property to the west side, or for a matter factor is that even on their lot. If there is some reason to approve this, it needs to be clear to the building permit office, that they need to provide a better site plan and stay off the easement or stay off a lot line.

Mr. Bond stated that was a good point. Unless we otherwise say that they could do something that are otherwise not allowed to do legally, just by giving them relief to have an extra portion of this, even if it is inside the easement. The only thing you get here today is to expand the driveway. If it is otherwise restricted by something else, we cannot grant relief on that. They could come back and say there is an issue with something else, but this is what it is limited to.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-1-0 (Barrientos, Bond, Wallace all "ayes", Brown "nay"; no "abstentions", Radney "absent") to **APPROVE** a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3), per the Conceptual Plans shown on pages 3.10 to 3.13 of the Agenda package. This motion does not grant permission to go over the easement or any other adjacent property boundary and is subject to the following condition not exceeding 19 feet on three inches inside the right-of-way. Also, as the following condition must secure right-of-way permit for work prior to construction.

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 6 BLK 15,PATRICK HENRY B13-23 , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23485 - Tonya Peters

Action Requested:

Special Exception to permit a Day Care Use in the AG zoning district (Sec.25.020-B, Table 25-1) **Location:** 6901 E. 91st St. **(CD 8)**

Presentation:

Tonya Peters, 6625 East 103rd Street, Tulsa, Oklahoma, 74133, stated that they are asking to open a daycare center at an existing church building, Heather Ridge Baptist Church on East 91st Street. We plan to be open between the hours of 7am to 6pm and hoping to serve around 120 students. We have had two emails. One, asking if we would be using the greenbelt behind the church for a playground area which we do not intend to do. The other one was asking about traffic on 91st Street.

Mr. Brown stated that he found this clever and a good reuse an existing building.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Wallace stated that he did not have any issues with this. With the plans and information, we have he would be better at just approving the use not necessarily any of the conceptual plans shown.

Mr. Bond stated that he thought we have a building which is already designed for high capacities like Sunday schools.

Mr. Wallace stated that his main concern the blue areas are being highlighted for outdoor playground. He did not know how that sits with that creek. That is not our department.

Mr. Brown stated that the neighbors issue about traffic increasing is true. He tended to like this project.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace all "ayes", no "nay"; no "abstentions", Radney "absent") to **APPROVE** a Special Exception to permit a Day Care Use in the AG zoning district (Sec.25.020-B, Table 25-1), per the Conceptual Plans shown on 4.7 of the Agenda packet.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following property:

**BEG 50N SECR SW SW TH W310 N260 E310 S260 POB SEC 14 18 13 1.85ACS,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

23486 - Minum Productions , Inc. "Reservation Dogs"

Action Requested:

Special Exception to permit a Temporary Office Use in the RS-3 District. (Sec. 50.020-D) **Location:** 3205 W 39th St **(CD 2)**

Presentation:

Stephen Hanan, 2311 South Indianwood Avenue, Broken Arrow, Oklahoma, 74012, stated the neighbors should expect what we did last year. We will be inside the building. We do have trucks that come and make drop offs and deliveries, but we are exclusively inside the building for office space.

Mr. Wallace stated that we have previously approved at another one last year. It was up for a year.

Mr. Chapman stated that it was 180 days. That is what was approved last year. That is how we look at the term temporary. There are references in the code to other temporary uses that limited 180 days. If you wanted to you could prove that on an annual basis for so many years. But beyond that in a year it is not a temporary use at that point.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that he was in favor of this.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace all "ayes", no "nay"; no "abstentions", Radney "absent") to **APPROVE** a Special Exception to permit a Temporary Office Use in the RS-3 District. (Sec. 50.020-D), per the Conceptual Plan shown on page 5.8 – 5.9 in the Agenda packet subject to the approval not to exceed 180 days.

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:

**ALL BLK 6 & W30 VAC STREET ADJ ON E; LTS 4 THRU 6 & E30 VAC STREET
ADJ ON W BLK 35, YARGEE ADDN, RED FORK , CITY OF TULSA, TULSA
COUNTY, STATE OF OKLAHOMA**

23487 - Robert Bromley

Action Requested:

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 3507/3509 E 27th PI S **(CD 4)**

Presentation:

Robert Bromley, 2009 South Hickory Court, Broken Arrow, Oklahoma, 74012 stated that this is already in use as a duplex. He purchased it last year, did some cosmetic remodeling, and then put tenants in there. When he tried to refinance it and they notice it was not zoned as a duplex, he applied for a non-conforming permit since it had not been used as a duplex there have not been tenants in there for the last three out of four years. They asked me to come here. One of his neighbors was there and he was fine with it. He also owns a house on 29th street, and they do not have any issues with it.

Mr. Bond asked if he had idea how many duplexes were in the neighborhood. He had found a couple, but could you give me any idea how many other duplexes are in this area?

Mr. Bromley stated that there are three one block to the east.

Interested Parties:

Troy Lang, 7501 South Kingston Avenue, Tulsa, Oklahoma, 74136, stated that he owned two rental properties. They are the second and third house from Mr. Bradley's duplex. My daughter and son-in-law own the fourth. My association with the Kirkwood neighborhood, he goes back to 1985, where it was the very first house he purchased. As an investor in these two properties that he bought approximately 10 years ago, he was looking for a long-term gain. He tried to select tenants who are who are going to be there for a long time and try to do what is best for the neighborhood. His concern here is just that we do have the three duplexes that are immediately to the east end of the block. One of those is constantly a problem. An additional problem in the neighborhood, is what he calls bootleg duplexes where, at some point in the last sixty or so years, the in-law has come to live in the converted garage, and then the house has been sold.

Now we have in effect that duplex going on without sufficient parking. There may not be sufficient egress for them in the event of an emergency. He wants to make sure this does not end up like one of those because they harm the long-term value of the property. This is a neighborhood that we all hope continues to escalate in value as proximity to the million-dollar houses just on the other side of Harvard. We are beginning to see some infill development where people are buying houses taking down and putting up very nice structures. Long term, he hopes that he can participate in that with his adjacent properties at some point in the future. He is asking that the development be in harmony with the code and in harmony with the neighborhood.

Mr. Bond stated that for a Special Exception, we are called to strike a balance on these things. Oftentimes, it is tough for us. One of the biggest things that we can use to determine whether this is harmful and injurious to the neighborhood are the neighbors. Oftentimes in additions, we do appreciate that we appreciate concerns.

Jeremy Wilkinson, 4234 South Oswego Avenue, Tulsa, Oklahoma, 74135, stated that he owns the house directly across from them. The house that he is talking about was two houses that were conjoined, already reconfigure, they made the breezeway into like a fireplace that is attached to more than one side than the other. He did not know how long it was like that, but previously to me by the house across the street, which was in disrepair. That house was horrible. People were squatting in it. It is not something that he has developed into a duplex. It was existing that way anyway. It was an eyesore for the neighborhood that area across next to the BA there is all bad. He has bought three properties in that area. They are empty houses and vacant houses. Anybody that has a house in that neighborhood should be ecstatic that somebody is coming in and buying these houses, fixing them, and getting quality tenants in them. Then some of the other things he was saying with their garages, those are not duplexes, but he thought what he is doing is good for the neighborhood, and it is good for my property value. He is trying to do an add value for the neighborhood taking something that was dilapidated and making the best use for it.

Mr. Barrientos asked if the utilities were all combined are they separate.

Mr. Wilkinson stated that they are separate. It was vacant and it was already divided. It was not leased at that time.

Comments and Questions:

Mr. Brown stated that he tended to support this project as a good addition to the neighborhood. There was adequate off-street parking in the area. He thought the project will work.

Mr. Wallace stated that he did not have a problem with it in general. It looks nice and he thought it helped cleanup to the neighborhood. It was a single-family house. According

to the Tulsa County Assessor's website, and the images that they have on their website in 2019, it was a single-family house. There have been significant remodels, which they look great. It is an improvement. From what he was seeing it was a single-family house 2019.

Mr. Barrientos stated that they were asking for forgiveness. He agreed that it was a nice improvement to the neighbor.

Mr. Bond stated that he did not have any issues with it. Sometimes history is important. But he did not know how relevant what it was being used as. What it has been used as is important to me. Someone else brought in one of these bootleg duplexes. He would be more concerned that it was brought up to be nice. Sounds like it would be in keeping with the neighborhood or the intent of the future of that neighborhood. That is what is important is how it looks. We spent a lot of time on some of these.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace all “ayes”, no “nay”; no “abstentions”, Radney “absent”) to **APPROVE** a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) per the Conceptual Plans shown on page 6.7 of the Agenda packet.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following property:

LTS 12 & 13 BLK 7, KIRKMOORE ADDN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

Review and approval of changes to the City of Tulsa Board of Adjustment Policies and Procedure.

The Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace “ayes”, no “nays”; no “abstentions”, Radney “absent”) to **CONTINUE** due to the lengthy meeting until the February 14, 2023, Board of Adjustment hearing.

NEW BUSINESS

Mr. Chapman stated that the Tulsa Planning Office is going to be moving back to the City this summer. If you have any questions, you are welcome to reach out to one of us or Susan Miller. This should not affect the Board, but where the Staff is located.

BOARD MEMBER COMMENTS

Mr. Brown asked if Mr. Chapman would update us about the Day Care changes.

Mr. Chapman stated that the case that brought this to the Board's attention has been withdrawn. He did not anticipate the Board having to make a decision on that case. We are working the City Council to schedule a public meeting regarding the City's Day Care policies. Those meetings have yet not been scheduled.

There being no further business, the meeting adjourned at 1:49 p.m.

Date approved: _____

Chair