

**CITY OF TULSA BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1319
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, August 8, 2023, 1:00 p.m.**

Meeting No. 1321

Members Present
Bond, Chair
Radney, Vice Chair
Wallace

Members Absent
Stauffer
Barrientos

Staff Present
A. Chapman

Others
A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on August 2, 2023, at 2:38 p.m.

Mr. Bond called the meeting to order at 1:02 p.m.

Approval of Minutes

On **MOTION** of **Radney**, the Board voted 3-0-0 (Wallace, Radney, Bond "ayes"; no "nays"; no "abstentions"; Stauffer, Barrientos "absent") to **APPROVE** the **Minutes** of June 13, 2023 (Meeting No. 1318).

Unfinished Business

23548 – Joseph I Hull, IV

Action Requested: Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C) **Location:** 35 E. 18th St. **(CD 4)**

Board Action:

On **MOTION** of **Radney**, the Board voted 3-0-0 (Radney, Wallace, Bond, “ayes”; no “nays”; no “abstentions”; Stauffer, Barrientos “absent”) to **Continue** the request for a Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C) to the August 22nd meeting, for the following property:

LT 7 BK 2, STUTSMAN ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

DRAFT

23549 - Criminal Justice and Mercy Ministries of Oklahoma, Inc.

Action Requested: Special Exception to permit a Residential Treatment Center/ Transitional Living Center Use in an RS-3 District (Table 5.020, Table 5-2) **Location:** 5707 S. Memorial Dr. **(CD 7)**

Presentation:

Mr. Reynolds, 2727 E. 21st St., stated that he has no problem with the board continuing the matter since there is not a five-person board.

Mr. Carter Fox, 1515 E 71st St., stated that he does not have an objection to continue the matter, but he is requesting that the neighbors that have showed up would be allowed to speak.

Mr. Bond entertained the public to speak on the matter.

There were two people that spoke stating that they would like to hear some of the answers to the concerns and the questions brought up in the previous meeting.

Mr. Bond stated that it would be more effective if anyone had any questions to ask the applicant outside of the meeting.

Board Action:

On **MOTION** of **Radney**, the Board voted 3-0-0 (Radney, Wallace, Bond, "ayes"; no "nays"; no "abstentions"; Stauffer, Barrientos "absent") to **Continue** the request for a Special Exception to permit a Residential Treatment Center/ Transitional Living Center Use in an RS-3 District (Table 5.020, Table 5-2) to the August 22nd meeting, for the following property:

BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB SEC 36 19 13 2.65ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23550 - Cyntergy/ Linda Waytula

Action Requested: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2) **Location:** NE/c of S. Braden Ave. and E. 51st St. S. **(CD 5)**

Applicant requested a continuance from City staff.

Board Action:

On **MOTION** of **Radney**, the Board voted 3-0-0 (Radney, Wallace, Bond, “ayes”; no “nays”; no “abstentions”; Stauffer, Barrientos “absent”) to **Continue** the request for a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2) to the August 22nd meeting, for the following property:

PRT LTS 17 & 18 BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB; LTS 17 & 18 LESS PRT BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB, CANFIELD SUB CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23553 – Joe Kesterson

Action Requested: Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080-B.5b)

Location: 505 E. 2nd St. (CD 1)

Presentation

Joe Kesterson, 1225 N. Lansing Ave., stated that he is acting as the agent on behalf of the owner, and that they are requesting an extension of the sign code for a roof sign at the property. He stated that the Santa Fe development is made of three buildings that take up most of the block. He stated that they are allowed a rooftop sign for the property at 500 square feet, but the owner is requesting a 643 square foot sign. Instead of having an individual sign on each property, the request is to have one big sign which would be the best use of the signage square footage that they are allowed.

Mr. Bond asked if the request was given, whether the right to have other signs on the other building would then be removed.

Mr. Kesterson stated that was correct.

Mr. Bond asked if he has heard anything from the neighbors surrounding the property.

Mr. Kesterson stated that he has not.

Ms. Radney asked what would be given by right for having rooftop signage on three different buildings.

Mr. Kesterson stated the sign code allows them to have a 500 square foot sign on each building.

Mr. Wallace asked if building 3 already has a sign on it.

Mr. Kesterson stated that it has channel letters on the top for two of the tenants, which fall under a separate sign code.

Mr. Bond asked city staff if they could explain what is being requested by the applicant.

Mr. Chapman stated that the applicant is not necessarily asking for a variance for the sign budget but there is a hard rule on rooftop signs that regardless of the sign the codes there is a limit to 500 square feet. He stated that there are two different categories regarding the budget: one is for wall signs, and the other is for rooftop signs.

Ms. Radney stated that the applicant is correct in stating that each building could potentially have a 500 square foot sign.

Comments and Questions

Mr. Bond stated that he does not have a problem with giving the relief of the variance. He stated that in the future if other signs are going to be put up around the property, then code enforcement may have to get involved. He stated that even with the budget for the signs, there would still be room to put up a blade sign or any other kind of sign.

Ms. Radney stated that she believes that the sign budget is 1,500 square feet, but not a continued 1,500 square feet.

Mr. Chapman stated that he does not know the exact numbers, but the thought process is correct.

Ms. Radney stated that what the board would be permitting is this sign to be extra large, but the board is not expressly saying that no other signs can go on the roof, even though there is no request for other signs to be on the roof. She stated that within their rights they could still put another sign up.

Mr. Chapman stated that what has been stated is correct. He stated that the board does not have the authority to tell other businesses that they can't put up another sign if they are a separate development.

Ms. Radney asked the applicant what the hardship is.

Mr. Kesterson stated that the reason for the request for the larger sign is because of the setback that building is on. He stated that it is setback 70 foot from the center line. He stated that the owner wants to create a courtyard feel that is a public space in front of the building which will have seating and trees, and an open area for different events. He stated that because of the development the sign is set further back from the street and is blocked on both sides by the other buildings. He stated that beyond that, he feels as though they are adding to the ambience of the area. He stated that even from the highway, the sign is not visible because of another building blocking the view.

Ms. Radney asked if the sign was a two-sided sign.

Mr. Kesterson stated that it only faces west.

Mr. Bond stated that he is still in favor of the sign.

Mr. Wallace stated that he also is in favor of the sign, saying that it is a great looking sign and it would be a great landmark to the skyline. He stated that the only part that he is struggling with is putting any requirements on the other buildings in the decision that will be made.

Mr. Bond asked the city staff if in the motion that they could reference anything about coming back for any additional relief on putting up a different sign.

Mr. Chapman stated that if the board wanted to disallow more roof signs on the subject lot, he said that it should be fine to do so.

Mr. Kesterson stated that the other buildings do not have the structure built into them to even have another building such as the one that is being brought before them. He said that they are building extra steel to attach the sign. He stated that it would be very hard to put a large sign on the other buildings.

Ms. Radney asked what it would do to the dimensions and the style of sign if the sign were to comply with the 500 square foot maximum.

Mr. Kesterson stated that to meet the requirements of the zoning code, the letters would have to be much smaller, which would be visually harder to see. He stated that the letters would have to shrink to five feet tall instead of 6 feet 9 inches.

Ms. Radney asked if there was a rendering showing the sign following the zoning ordinance.

Mr. Kesterson stated that he does not have the rendering with him.

Ms. Radney stated that she does not see what hardship is, and said that she would like to see the sign in compliance with the code. She stated that 100 feet over what the code allows seems over the top.

Mr. Bond stated that it seems in order to see this pass they would need the other board members to be there. He asked if the applicant would be opposed to a continuance.

Ms. Radney stated that she would like to see the sign in proportion to what the zoning code allows, and a clearer hardship.

Mr. Kesterson stated that he is not opposed to a continuance.

Board Action:

On **MOTION** of **Radney**, the Board voted 3-0-0 (Radney, Wallace, Bond, “ayes”; no “nays”; no “abstentions”; Stauffer, Barrientos “absent”) to a **Continue** the request of a Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080-B.5b) to the August 22nd meeting, for the following property:

**ALL BLKS 84 & 85 & ALL VAC ALLEYS THEREIN & ALL ST ROW OF FRANKLIN AVE THEREIN
LESS LTS 6 & 7 & N20 LT 5 & LESS W80 LT 1 & W80 N70 LT 2 BLK 85 & LESS ALL LTS 1 -3 & 8 &
VAC ALLEY THEREIN & PRT LTS 4 - 7 BEG NEC LT 1 TH SE300 SW211.39 NW29.34 NE5.80 N,
TULSA ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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NEW APPLICATIONS

23556 – Farron Hollabaugh

Action Requested: Special Exception to increase the allowed fence height of 8 feet inside a building setback (Sec. 45.080-A) **Location:** 4845 S. 83rd E. Ave. **(CD 7)**

Staff requested a continuance to August 22, 2023.

On **MOTION** of **Radney**, the Board voted 3-0-0 (Radney, Wallace, Bond, “ayes”; no “nays”; no “abstentions”; Stauffer, Barrientos “absent”) to a **Continue** the requested Special Exception to increase the allowed fence height of 8 feet inside a building setback (Sec. 45.080-A) for the following property:

**PRT PRT LT 4 BEG NWC LT 4 TH E277.29 S305 E354.25 S25 W634.55 N330 POB LT 3 BEG SECR
THEREOF TH WLY381.47 NLY280 WLY250 NLY50 ELY631.99 SLY330 POB & PRT LT 4 BEG 277.29E
NWC LT 4 TH E354.18 S305 W354.25 N305 POB BLK 1, SECOND RESEARCH & DEVELOPMENT
CTR RESUB, City of Tulsa, Tulsa County, State of Oklahoma**

23557 – Lou Reynolds

Action Requested: Special Exception to permit a library in an RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in an RS-3 District (Sec. 5.030-A, Table 5-3)

Location: 1110 E. 45th Pl. S. (CD 9)

Presentation

Lou Reynolds, 2727 E. 21st St., stated that there was an unusual continuance request, because someone stated that they did not get noticed but they live outside of the 300 foot radius. He stated that if the board would like to continue the matter, he would be okay with that, or he would be happy to move forward on the matter.

Mr. Chapman stated that he apologized because he assumed that the applicant made the request to continue the matter, but it was an interested party.

Interested Parties

Kelsey Royce, 336 E. 45th Ct., stated that she is requesting a continuance for the case. She stated that the basis for her request to continue the matter was because the notice that was sent was improper. She stated that the notice from Eller & Detrich stated that the meeting was to be held on Wednesday, August 8th. She stated that there are people that would have been at the meeting if it would not have been for the confusion of the notice.

Mr. Bond wanted to confirm that the notice that is being referred to is from Eller & Detrich not from the City of Tulsa.

Ms. Royce stated that was correct. She stated that she had not heard from the neighbors that there was even a notice sent by the City of Tulsa.

Mr. Bond stated asked if the City of Tulsa had knowledge of this. He stated that it is not Eller & Detrich who notices the neighborhood or any other third party, but it is the City that sends out the notices.

Mr. Chapman stated that he did not have any knowledge of the notices not being sent out.

Mr. Reynolds stated that he would rather have the request be for the next meeting just in case there was any error on their part.

Board Action:

On **MOTION** of **Radney**, the Board voted 3-0-0 (Radney, Wallace, Bond, “ayes”; no “nays”; no “abstentions”; Stauffer, Barrientos “absent”) to **Continue** the request for a Special Exception to permit a Library in an RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); and a Variance to reduce the required 25-foot street setback in an RS-3 District (Sec. 5.030-A, Table 5-3 to the August 22nd meeting, for the following property:

A tract of land located in the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit:

The East 995 feet of the South 474 feet of the Annie May Grant Tract "B" of the L.J.F. Rooney Survey of Annie May Grant (nee Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30 T-19-N, R-13- E; and the East 995 feet of the Annie May Grant Tract "C" of the L.J.F. Rooney Survey of Annie May Grant (nee Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30, T-19-N, R-13-E, LESS a tract of ground in the Southwest corner of the Annie May Grant "C" Tract (which is part of the N/2 of NE/4 of SE/4 of 25-19-12) specifically described as: Beginning at a point in the center of Section line on the East side of said Section 25 at the Southeast corner of the Annie May Grant "C" Tract, according to the recorded plat and running thence North in the center of said Section line along the East boundary of said Section 25 a distance of 160 feet, thence due West and parallel with the South boundary line of said Section 25 a distance of 170 feet, thence South and parallel with the East boundary line of said Section 25 a distance of 160 feet, thence East along the South boundary line of said Annie May Grant "C" Tract a distance of 170 feet to the Point of Beginning.

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23558 – Thomas L. Vogt & John W. Cannon

Action Requested: Special Exception to permit a Religious Assembly use in an IL District (Sec. 15.020, Table 15-2) **Location:** NE/c of E. 41st St. S. and S. 79th E. Ave. **(CD 5)**

Presentation

Thomas Vogt, 15 E. 5th St., stated he represents the property owners who have entered a contract to sell the Caravan building to Sheridan Christian Church. He stated that the property has been used as a ballroom but has been closed for the past several years, and that it would be a perfect building for a church, with plenty of parking and all the things that make it favorable to a church.

Mr. Bond asked if he has spoken to any of the neighbors or surrounding stakeholders.

Mr. Vogt stated that no one has contacted them one way or another.

Comments and Questions

Ms. Radney stated that she has no objection to the case.

Mr. Wallace stated that he agreed with Ms. Radney.

Mr. Bond stated that the issues that go with a religious assembly, such as parking and easy access, are all addressed for this property.

Board Action:

On **MOTION** of **Wallace**, the Board voted 3-0-0 (Radney, Wallace, Bond, “ayes”; no “nays”; no “abstentions”; Stauffer, Barrientos “absent”) to **Approve** the request for a Special Exception to permit a Religious Assembly use in an IL District (Sec. 15.020, Table 15-2) per the conceptual plans shown on page 8.8 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:

A tract of land in the SE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: Beginning at a point on the South line of the SE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma, said point being 350 feet West of the Southeast corner of said SE/4 of the SE/4; thence North and parallel to the East line of the said SE/4 of the SE/4 a distance of 400 feet to a point; thence West and parallel to the South line of the SE/4 of the SE/4 a distance of 313.12 feet to a point; thence Southerly 400 feet to a point on the South line of Section 23; thence East a distance of 313.09 feet to the point of beginning, LESS the West 30 feet thereof and the South 50 feet thereof dedicated for street purposes.

Other Business

New Business

Board Member Comments

Ms. Radney stated that there needs to be a standard policy that should be followed concerning when there are citizens at the meeting to speak and the case is going to be continued. She stated that the public should have the right to speak, but she appreciated Mr. Reynolds's observation of not having a full board present.

Mr. Bond stated that he agreed with Ms. Radney.

Mr. Chapman stated that he will consult with Susan Miller to create a work session to address some of their problems and concerns.

Adjournment

There being no further business, the meeting adjourned at 2:12 p.m.

Date approved: _____

Chair: _____